

MINUTES
JAMES CITY COUNTY CHESAPEAKE BAY BOARD
REGULAR MEETING
COUNTY GOVERNMENT CENTER BOARD ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185
April 9, 2025
5:00 PM

A. CALL TO ORDER

The Chesapeake Bay Board meeting for April 9, 2025, was called to order.

The responsibility of this Board is to carry out locally the Commonwealth policy to protect against and minimize pollution and deposition of sediment in wetlands, streams, and lakes in James City County, which are tributaries of the Chesapeake Bay.

B. ROLL CALL

Board Members Present:

Charles Roadley, Chair
Leslie Bowie, Vice Chair
Mark McElroy
Michael O'Brien
Scott Maye

Board Members Absent:

None.

Other Staff Present:

Toni Small, Director, Stormwater and Resource Protection
Michael Woolson, Resource Protection Section Chief, Stormwater and Resource Protection
Emily Grojean, Watershed Planner, Stormwater and Resource Protection
Amanda Frazier, Watershed Planner, Stormwater and Resource Protection
Andrew Dean, Assistant County Attorney, County Attorney's Office

C. MINUTES

1. Minutes from the March 12, 2025, Regular Meeting

A motion to Approve the minutes was made by Mr. O'Brien

The minutes were approved on a voice vote.

D. PUBLIC COMMENT

None.

E. PUBLIC HEARING(S)

1. CBPA-25-0022 : 240 Jefferson's Hundred

A motion to Approve w/ Conditions was made by Mr. Maye, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Aye: McElroy, O'Brien, Maye, Bowie, Roadley

Ms. Emily Grojean, Watershed Planner, presented the exception request submitted by Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. Gerald and Ms. Petra Lynch, III, for encroachments into the Resource Protection Area (RPA) for the construction of a building addition and gravel landscaping. The property is further identified as James City County Real Estate Tax Map Parcel No. 5130300028. The presentation described the current and proposed site conditions. If the Board approved the request, staff asked that the suggested conditions be incorporated into the approval.

Mr. Roadley opened the Public Hearing.

A. Mr. Chase Grogg, LandTech Resources, Inc., 2025 Bulifant Boulevard, Suite E, detailed the previous and current work done to mitigate erosion.

The Board discussed the pros and cons of the plan.

Mr. Roadley closed the Public Hearing.

2. CBPA-25-0021 : 7260 Osprey Drive

A motion to Approve w/ Conditions was made by Mr. O'Brien, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Aye: McElroy, O'Brien, Maye, Bowie, Roadley

Mr. Michael Woolson, Section Chief, Stormwater and Resource Protection, presented the exception request submitted by Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. Kevin and Ms. Susan Cameron, for encroachments into the RPA for the construction of an accessory building and driveway extension. The property is further identified as James City County Real Estate Tax Map Parcel No. 1910800001. The presentation described the current and proposed site conditions. If the Board approved the request, staff asked that the suggested conditions be incorporated into the approval. The accessory building and driveway were constructed without submission to the Board. The applicant requested after-the-fact approval for the construction. Additional information regarding construction on the property was presented to the Board.

Mr. Roadley opened the Public Hearing.

A. Mr. Chase Grogg, LandTech Resources, Inc., 2025 Bulifant Boulevard, Suite E, was contacted by the applicants to assist in resolving the many compliance issues. He detailed the surveys and documents they would provide. Mr. Grogg listed the measures the applicant did and would take to bring the property into compliance. The applicants relayed to Mr. Grogg that they anticipate being fully compliant in 45 to 90 days.

Mr. Roadly questioned whether the timeline recommended by staff would be reasonable to bring the property into compliance.

Mr. Michael Woolson, Section Chief, Stormwater and Resource Protection, stated a 30-day extension was requested, making July 9, 2025, as the deadline for compliance.

A. Mr. Grogg stated confidence that the contractor would be able to complete the project within the 90-day timeframe and, as there are existing building permits submitted, the process of

review and approval would be expedited.

Mr. Maye questioned whether there was sufficient acreage to plant the canopy trees recommended as mitigation.

A. Mr. Grogg emphasized the need to provide enough mitigation methods to bring the property into compliance.

Mr. Woolson confirmed that the applicants were removing accessory building #4 within the RPA; therefore, reducing the mitigation accordingly.

The Board discussed the pros and cons of the plan.

Mr. Roadley closed the Public Hearing.

3. CBPA-25-0020 : 104 Powie Circle

A motion to Approve w/ Conditions was made by Ms. Bowie, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Aye: McElroy, O'Brien, Maye, Bowie, Roadley

Ms. Amanda Frazier, Watershed Planner, presented the exception request submitted by Mr. Brian Kemp, Hertzler and George Landscape, on behalf of Mr. James D. and Ms. Nancy Kennedy, for encroachments into the RPA for the construction of retaining walls. The property is further identified as James City County Real Estate Tax Map Parcel No. 4540200113. The presentation described the current and proposed site conditions. If the Board approved the request, staff asked that the suggested conditions be incorporated into the approval.

Mr. Roadley opened the Public Hearing.

The Board discussed the pros and cons of the plan.

Mr. Roadley closed the Public Hearing.

4. CBPA-25-0025 : 5 Tay River

A motion to Approve w/ Conditions was made by Maye, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Aye: McElroy, O'Brien, Maye, Bowie, Roadley

Ms. Emily Grojean, Watershed Planner, presented the exception request submitted by Mr. Corey Bell, Williams Landscape and Design, Inc., on behalf of Mr. Scott and Ms. Doenene Lockwood, for encroachments into the RPA for the installation of a walkway, patio, and firepit. The property is further identified as James City County Real Estate Tax Map Parcel No. 3720200044. The presentation described the current and proposed site conditions. If the Board approved the request, staff asked that the suggested conditions be incorporated into the approval.

Mr. Roadley opened the Public Hearing.

A. Mr. Ryan Linnekin, Williams Landscaping and Design, Inc., 1554 Penniman Road, detailed the project and efforts to mitigate runoff.

The Board discussed the pros and cons of the plan.

Mr. Roadley closed the Public Hearing.

5. CBPA-24-0069 : 108 Colonel Philip Johnson

A motion to Approve w/ Conditions was made by Maye the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Aye: McElroy, O'Brien, Maye, Bowie, Roadley

Ms. Amanda Frazier, Watershed Planner, presented the exception request submitted by Ms. Jennifer Bliss, Marquee Homes, Inc., on behalf of Mr. Bruce and Ms. Robin Phillips, for encroachments into the RPA for the construction of a single-family dwelling. The property is further identified as James City County Real Estate Tax Map Parcel No. 5030300023. The presentation described the current and proposed site conditions. If the Board approved the request, staff asked that the suggested conditions be incorporated into the approval.

Mr. Roadley opened the Public Hearing.

A. Mr. Donald Davis, Davis and Associates, 3630 George Washington Memorial Highway, Yorktown, represented Marquee Homes, Inc. and Mr. Bruce and Ms. Robin Phillips. Mr. Davis stated that his company has been designing rock gardens for many years. He stated that the amount of mitigation required is in compliance with the Department of Environmental Quality (DEQ) and Department of Conservation and Recreation (DCR) buffer restoration manual and the plan met those requirements. Mr. Davis suggested that rock gardens be incorporated around the mitigation site or mulch. He proposed that each rock garden be 30 square feet.

Mr. Roadley emphasized that every means possible are used to allow building in protected areas, but also mitigate issues encountered in previous projects.

A. Mr. Davis agreed with Mr. O'Brien that the waiver allowing the building to be away from the seaward side was beneficial.

A. Mr. Davis suggested that the driveway be constructed of pervious pavers instead of asphalt.

B. Mr. Bruce Phillips, 7216 Dutton Road, Gloucester, corrected the square footage of the property as being 2,000 square feet; therefore, the percentage of square feet over the minimum is not as serious as previously explained.

A. Mr. Davis answered Mr. Maye's question regarding the effectiveness of using the rock gardens. The gravel that would be used has a void ratio of 0.29 to 0.49 below the gravel is an additional 8 inches of sand. He stated that approximately 40 to 50 percent of the runoff from the roof would drain to the rock gardens.

The Board discussed the pros and cons of the plan.

Mr. Roadley closed the Public Hearing.

F. BOARD CONSIDERATION(S)

Mr. Woolson stated that there would not be a May meeting of the Board.

G. MATTERS OF SPECIAL PRIVILEGE

None.

H. ADJOURNMENT

A motion to Adjourn was made by Mr. O'Brien and approved on a voice vote.

The meeting adjourned at 6:34 p.m.



Charles Roadley
Chair, Chesapeake Bay Board



Michael Woolson
Secretary to the Board