

MINUTES
JAMES CITY COUNTY DEVELOPMENT REVIEW COMMITTEE
REGULAR MEETING
BUILDING A LARGE CONFERENCE ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185
August 20, 2025
4:00 P.M.

A. CALL TO ORDER

Mr. Polster called the meeting to order at approximately 4:05 p.m.

B. ROLL CALL

Committee Members Present:

Frank Polster, Chair
Steve Rodgers
Scott Maye
Jack Haldeman

Staff Present:

Morgan Risinger, Senior Planner
Hannah Hunnicutt, Administrative Coordinator

C. MINUTES

1. Minutes of the July 23, 2025, Regular Meeting

Mr. Rodgers made a motion to Approve the Minutes.

On a voice vote, the Committee approved the Minutes of the July 23, 2025, Regular Meeting.
(4-0)

D. OLD BUSINESS

1. C-25-0002. Solara Woods Water and Sewer Subdivision Exception Request

Ms. Morgan Risinger, Senior Planner, addressed the committee. Ms. Risinger stated that since the May 21 Development Review Committee (DRC) meeting, staff and applicants met on July 17, 2025. Ms. Risinger noted that they discussed the installation, usage of the in-home sprinkler systems, and potential form of enforcement to ensure it is in place for the long-term life of the development. Ms. Risinger explained that the applicant did provide additional documentation with a proposed condition. Ms. Risinger stated the condition would require that the HOA have a third-party property management company to manage those inspections and maintain the systems. Ms. Risinger continued to note that the condition would also require the HOA to have a surety in place with the County in the amount of \$50,000, subject to an inflation escalator, so that should an in-home sprinkler not be inspected or maintained properly, the County could complete necessary inspections or maintenance and that any amount of the surety used would be replenished by the HOA. Ms. Risinger stated that staff continued to find that the county is not able to enforce such measures through the Subdivision Ordinance and the surety mechanism is not suited for the ongoing inspection and maintenance process for the perpetuity of the development. Ms. Risinger noted that a surety is traditionally put in place for a project under construction and after the construction is finalized, the surety is released or otherwise the County would use that surety to stabilize the site or complete the project as may be applicable. Ms. Risinger stated that staff finds that it was an appropriate solution and does not recommend approval for that condition from the applicant for that surety.

Ms. Risinger noted that staff continued to find that the request for the exception does not meet the criteria from Section 19-18 of the Subdivision Ordinance and recommend that the DRC

deny the request. Ms. Risinger noted that should the DRC determine to recommend approval, staff provided draft conditions for consideration. Ms. Risinger stated that the first proposed condition was to require the development to adhere to the submitted conceptual plan layout. Ms. Risinger further stated that the second condition would be to require the installation of the home fire sprinkler system through the HOA documents and the building permit process, however, staff does not recommend the inclusion of this condition due to the fact that the county cannot enforce the use of the in-home sprinkler systems for the long term life of the development. Ms. Risinger explained that there would be a credit situation where the approval would not be following the conditions of approval, which the Subdivision Ordinance is not set up to address that kind of situation, staff would not recommend that condition be applied.

Mr. Polster invited members of the public to speak.

Janice Jackson, 140 Bush Springs Road Williamsburg VA, addressed the committee in opposition of the proposed development.

Mr. Polster asked if there were any other members of the public who wished to speak.

There were none.

Mr. Polster asked the committee if they had any questions.

Mr. Rodgers asked about item three of the letter submitted by the public regarding whether adding 38 additional wells would impact the waterflow or quantity of water to the existing wells.

Ms. Risinger responded that she did not have a full answer to the question, however, the well permits are reviewed by the Virginia Department of Health (VDH), and they have some regulations as far as specific spacing of wells and the siding of wells would have to be able to support water for those wells. Ms. Risinger noted that she did not have any more extensive information as far as other situations within the county where new, individual wells have impacted wells on other properties.

Mr. Polster stated that he knew individuals whose wells were impacted by a drought.

Mr. Scott Maye, asked if public water was extended to them, would all the residents on Bush Springs Road have to connect and pay tap fees or if there would be a window of time for the residents to connect.

Ms. Risinger responded that they would be required to connect when their well or drain-field failed instead of replacing their existing well or drain-field. Ms. Risinger stated that until that time, the residents could keep their existing well and drain-field

Mr. Haldeman stated that VDH had opined on this stating that they had no objection to the exception request. Mr. Haldeman continued, stating that VDH confirmed that the applicants could dig wells for the project, but asked if VDH addressed the existing residents of Bush Springs Road as part of their review.

Ms. Risinger stated that she was not sure whether it was apart of VDH's process for reviewing the exception request. Ms. Risinger stated that most of their review would come at the point that soil evaluators and the well contractors would figure out where to place the well and drain-fields and submit that documentation to VDH.

Mr. Polster asked if there would be liability on the County be if the in-home sprinkler system failed and there was a fire?

Mr. Joesph Davis, Fire Marshal, stated that the liability question was better suited for the County Attorney's Office. Mr. Davis noted that there would be little maintenance that would be

required for the in-home sprinkler systems, however, the Fire Department would want to ensure that the sprinklers are maintained as it is a novel approach, and there would be an absence of fire hydrants. Mr. Davis reiterated that fire hydrants were the Fire Department's preferred method for reliable water supply to be able to control fires and protect the homes, however, the sprinklers would be an acceptable alternative version of the Fire Department if they could be maintained.

Mr. Polster asked the applicant to present to the DRC.

The applicant's representative, Mr. Tim Trant, Kaufman and Canoles P.C., gave a presentation that detailed the applicant's request and asked if the committee would want to view a presentation regarding the sprinkler system.

The committee elected not to listen to the sprinkler system presentation.

Mr. Trant continued the exception request presentation.

Ms. Megan Epstein-Wojciechowski, applicant, stated that they had created some homeowner disclosures to inform potential buyers of their responsibility to maintain the in-home fire suppression system. Ms. Epstein-Wojciechowski further stated that they had been in contact with Hooper Loscomb, President of the Virginia Fire Sprinkler Association and salesman for Eagle Fire, would be installing the systems. Ms. Epstein-Wojciechowski noted that the systems were designed to suppress fire long enough to allow the homeowners to escape, however, the systems are not designed to save the home.

Mr. Trant continued the presentation.

Mr. Polster asked if the committee had any questions.

Mr. Haldeman asked if staff's primary objection to the request was the enforcement of the systems.

Ms. Risinger responded that staff objected to the request finding that the application did not fully meet the five criteria listed in Section 19-18. Ms. Risinger stated that the proposed condition for the installation of the in-home fire suppression system, would require County staff to annually review the inspection list and follow up as needed, including use of the proposed surety, to ensure that the systems remain operational. Ms. Risinger stated that staff finds that enforcing the condition would represent a substantial burden on County resources, since the County does not have staff that currently review inspections for residential sprinkler systems and that the County would need to review the inspection list and maintain the surety in perpetuity.

Mr. Polster asked for confirmation that if the applicants proposed well type would utilize the same aquifer that is used by the County's wells. Mr. Polster noted that he was pleased that the applicants would have to test to see if the wells would be suitable, as the County placed a limit on the amount of water withdraw. Mr. Polster asked if the homeowners would be responsible for installing their wells.

Mr. Trant responded that the developer would install the proposed wells.

Mr. Polster asked a question regarding the life of the NFPA sprinkler system. Mr. Polster stated from his understanding they would last 40 to 50 years.

Mr. Epstein noted that he did not know how long they would last.

Mr. Polster further asked what the cost of the annual inspection for the in-home sprinkler systems would be.

Mr. Trant responded that the HOA would be responsible for budgeting for the annual cost.

Mr. Polster asked how much the systems would cost.

Mr. Epstein stated that the cost for the in-home sprinkler systems would be \$18,000 per house, and the cost for the annual inspection would be \$425.

Mr. Polster asked what the amount of the surety was.

Mr. Trant responded that the surety would be \$50,000.

Mr. Polster stated that the \$50,000 would not cover the cost of replacing the in-home sprinkler systems for all 38 homes.

Mr. Trant responded that it would be the applicant's expectation that the surety bond would cover the replacement systems as needed and the HOA would replenish the surety.

Mr. Polster asked if the systems would operate if there was a power outage.

Mr. Epstein responded that the houses would include solar panels as a standard package.

Mr. Maye asked how often has the County needed to address situations where an HOA did not enforce their regulations.

Ms. Risinger stated that most measures within the homeowner's association documents for a typical subdivision are not subject to a condition of approval from the County. Ms. Risinger stated that if a condition requiring the installation of the systems was put in place, the County would need to review the inspections and maintenance list annually to ensure the condition was enforced. Ms. Risinger reiterated that staff would find it a substantial burden for the County to review the inspection list annually and maintain the surety.

Mr. Haldeman stated that his issue lied with the contradiction between the R-1, Limited Residential, zoning of the properties and the Rural Lands Comprehensive Plan designation of the properties. Mr. Haldeman further stated that the Comprehensive Plan is very explicit in discouraging homebuilding outside of the PSA.

Mr. Rodgers noted that his concern was not of the in-home sprinkler systems, rather his concern was putting the responsibility for maintenance on the homeowners.

Discussion between the committee members ensued.

Mr. Polster asked for a motion.

Mr. Trant reiterated the unique nature of the project, as the property is zoned R-1, and read the Statement of Intent. Mr. Trant stated the proposal is by-right and is proposed to comply completely with that R-1 Zoning District and Statement of Intent, and noted that the Comprehensive Plan protects the rural character of the properties outside of the Primary Service Area (PSA) but it doesn't prohibit residential development that meet all requirements that apply for the rural development standards.

Mr. Epstein stated that this was not the first subdivision to construct a right-of-way through the Primary Service Area as noted within the staff report, the Liberty Ridge and Westport both created rights-of-way through property inside the PSA to create lots outside the PSA that were not connected to public water and sewer.

Mr. Rodgers asked about Liberty Ridge and Westport's fire prevention systems or requirements.

Ms. Risinger stated that both have independent central well systems and are in the process of being connected to the public water system. Ms. Risinger stated that fire hydrants were installed when the subdivisions were created.

Mr. Polster noted that the independent central well systems are no longer permitted by the Subdivision Ordinance.

Mr. Polster asked for a motion.

Mr. Haldeman made the motion to recommend denial of the exception request to the Planning Commission.

On a voice vote, the Committee voted to recommend denial of the exception request. (4-0)

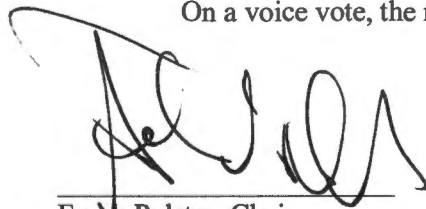
E. NEW BUSINESS

There was no new business.

F. ADJOURNMENT

Mr. Haldeman made a motion to Adjourn the meeting.

On a voice vote, the meeting was adjourned at approximately 5:35 p.m.



Frank Polster, Chair


Susan Istenes, Secretary