

A G E N D A
JAMES CITY COUNTY WETLANDS BOARD
REGULAR MEETING
County Government Center, Building F
101 Mounts Bay Road, Williamsburg, Virginia 23185
February 12, 2020
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

1. Minutes from January 15, 2020, Regular Meeting

D. PUBLIC HEARINGS

1. Case No. WJPA 19-0010 / VMRC 19-0182 : 5232 Ivey Lane

E. BOARD CONSIDERATIONS

F. MATTERS OF SPECIAL PRIVILEGE

G. ADJOURNMENT

ITEM SUMMARY

DATE: 2/12/2020
TO: Wetlands Board
FROM: Michael Woolson, Wetlands Board Secretary
SUBJECT: Minutes from January 15, 2020, Regular Meeting

ATTACHMENTS:

	Description	Type
📎	Minutes	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Wetlands Group	Woolson, Michael	Approved	2/11/2020 - 9:56 AM
Wetlands Group	Small, Toni	Approved	2/11/2020 - 4:18 PM
Publication Management	Daniel, Martha	Approved	2/11/2020 - 4:24 PM
Wetlands Group	Secretary, Wetland	Approved	2/11/2020 - 4:37 PM

MINUTES
JAMES CITY COUNTY CHESAPEAKE BAY BOARD
REGULAR MEETING
County Government Center, Building F
101 Mounts Bay Road, Williamsburg, Virginia 23185
January 15, 2020
5:00 PM

A. CALL TO ORDER

The Chesapeake Bay Board meeting for January 15, 2020, 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:

David Gussman, Chair
Charles Roadley
Larry Waltrip
John Hughes
Robert Lukens

Board Members Absent:

William Apperson

Other Staff Present:

Michael Woolson, Senior Watershed Planner, Stormwater and Resource Protection
Toni Small, Director, Stormwater and Resource Protection
Liz Parman, Assistant County Attorney
Trevor Long, Watershed Planner, Stormwater and Resource Protection

C. MINUTES

1. Minutes from December 11, 2019, Regular Meeting

A motion to Approve the minutes was made by Mr. Apperson. The minutes were approved on a voice vote.

D. PUBLIC HEARINGS

1. Case No. CBPA 19-0160 : 10010 Sycamore Landing Road

Mr. Michael Woolson, Senior Watershed Planner, presented the exception request submitted by Mr. Jeff Watkins, Shoreline Structures, LLC on behalf of Mr. Deric and Mrs. Andrea Amason for encroachments into the Resource Protection Area (RPA) buffer for the grading of the bank on the property located at 10010 Sycamore Landing Road, within Stephens Tract

No. 2 subdivision and the York River watershed. The property is further identified as James City County Tax Map Parcel No. 0720400001. The presentation described the current and proposed site conditions. If the Board approved the request, staff asked that the attached conditions be incorporated into the approval. The Board deliberated on the pros and cons of this application.

Mr. Luken asked if *Panicum virgatum* was used as a mitigation planting by the neighbor on the upstream side?

Mr. Woolson replied that it was Switch Grass, native, stays 3 to 4 feet tall. Good success at Uncles Neck area and thought it would be appropriate here and why staff recommended that. If the homeowner chooses to go with a different route, as long as the bank is revegetated, staff would be agreeable to that.

Mr. Gussman opened the Public Hearing.

A. Mr. Jeff Watkins, Shoreline Structures, LLC, applicant and contractor, outlined the project to the Board.

Mr. Roadley voiced concern about putting mulch on the bench. Mr. Woolson had shown mulch in comments.

A. Mr. Watkins answered that they would do what is best as Board requests. They were going to do temporary seeding and a straw blanket down with Bermuda and rye for a quick cover. Rather not mulch any more than he has to mulch.

Mr. Roadley asked if the 3:1 slope flat enough to get his equipment down that bank?

A. Mr. Watkins replied that they could track 3:1 if the soil was good with a dozier with the big cleats on it. No steeper and explained the slope at another nearby residence.

Mr. Roadley asked if a bench would be installed for future access?

A. Mr. Watkins confirmed that he would leave a bench at the top of the revetment along with a switchback walking path up and down this hill. No steps to be built.

Mr. Gussman closed the Public Hearing, as no one else wished to speak.

Mr. Roadley asked to give staff the latitude for the revegetation plan to be implemented so that he does not have to come back before the Board.

Mr. Roadley made a motion to Adopt the resolution for Chesapeake Bay Board Case No. CBPA 19 0160 at 10010 Sycamore Landing Road.

A motion to Approve with Conditions was made by Mr. Roadley.

The motion result was: YES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1

Ayes: Gussman, Hughes, Roadley, Waltrip, Lukens

Absent: Apperson

2. Case No. CBPA 19-0141 : 2552 William Tankard Drive

Mr. Trevor Long, Watershed Planner, presented the exception request submitted by Mr. Robert Fetter for encroachments into the RPA buffer and Conservation Easement for the

construction of a shed on property located at 2552 William Tankard Drive, within the Landfall Village subdivision and the Powhatan Creek watershed. The property is further identified as James City County Tax Map Parcel No. 4640800009. The presentation described the current and proposed site conditions. The Case had been deferred from December 11, 2019 meeting to allow several Board members to inspect the proposed location. If the Board approved the request, staff asked that the attached conditions be incorporated into the approval. The Board deliberated on the pros and cons of this application.

Mr. Hughes asked to see the Site Plan slide showing the retaining wall in reference to the proposed location of the shed.

Mr. Gussman inquired about the outline of the Conservation Easement area.

Mr. Woolson answered that the Conservation Easement overlies the RPA area.

Mr. Long pointed that the Conservation Easement is the green area shown on the Site Plan.

Mr. Hughes asked about the flood plain area in relation to the proposed project.

Mr. Long pointed out the approximate location of the shed potentially within the flood plain. A survey could be performed to find out if it is not.

Mr. Lukens stated during the site visit he had mild concern about access to the shed and the kind of equipment might be stored in the shed, like a riding lawn mower. Potentially this could cause a well-worn path. Do you further information on the kind of equipment to be stored?

Mr. Long replied that he would defer the answer to the applicant. Mr. Gussman stated that the Public Hearing was still open and asked if anyone would like to speak on this matter?

A. Mr. Henry Singleton, 2557 William Tankard Drive, pointed out other options to the shed location that do not involve installing something in the RPA and potentially creating a well-worn path. He also expressed appreciation over the Board members on-site visit along with their time and consideration.

B. Mr. Robert Fetter, applicant, provided a handout to the Board. He further outlined the project to the Board. Shed would be for wheel barrow, small chipper, small saws, ladder, kayak storage, and fishing gear. He will be out in the woods walking his dog. He will put in whatever screening the Board wants installed.

Mr. Gussman closed the Public Hearing, as no one else wished to speak.

Mr. Roadley stated that he did visit the site with staff. Not an ideal location for a structure but is outside the flood plain. Does have a fairly minimal footprint at 10x10'. He is considering the concerns of the adjacent property owners as well.

Mr. Hughes has issues with the esthetics. He appreciates the best use of the property.

Mr. Hughes made a motion to Adopt the resolution for Chesapeake Bay Board Case No. CBPA 19 0141 at 2552 William Tankard Drive Drive.

A motion to Approve with Conditions was made by Mr. Hughes.

The motion result was: YES: 4 NAYS: 1 ABSTAIN: 0 ABSENT: 1
Ayes: Gussman, Hughes, Waltrip, Lukens
Nays: Roadley

Absent: Apperson

3. Case No. CBPA 19-0159 : 3471 Westport

Mr. Michael Woolson, Watershed Planner, presented the exception request submitted by Mr. Jim Duguay, Performance Contracting on behalf of Mr. Craig and Mrs. Cynthia Irwin for encroachments into the RPA buffer and 15' building setback for the construction of a single family dwelling on the property located at 3471 Westport, within the Westport at Ford's Colony subdivision and within the Gordon Creek watershed. The property is further identified as James City County Tax Map Parcel No. 3610200022. The presentation described the current and proposed site conditions and the proposed mitigation. In addition to the plantings, they are proposing a bio-retention and BMP between the structure and the remaining undisturbed RPA. The RPA line differs from a portion of the plat. If the Board approved the request, staff asked that the attached conditions be incorporated into the approval. The Board deliberated on the pros and cons of this application.

Mr. Hughes inquired about the site plan as approved by the County that showed the Resource Protection Area (RPA). He also inquired when staff found out about an inaccuracy on the site plan.

Mr. Woolson answered that the company that Mr. Duguay is using for the site plan for the client, LandTech Resources gave me a call and said we have a problem. In discussion with LandTech, and the Director, there is no administrative relief staff could provide Mr. Duguay in this case, because the plat was filed in 2008. The ordinance is clear, after 2004, any lots platted after 2004, there is no administrative relief. Staff tries when plans are under review to make sure that lots that are platted are buildable, so these issues do not come before the Board.

Mr. Hughes. Had the applicant or his agent not told you about it.. Had they not provided the extra information to you, you would not have known. They would have built it and you might not ever have known.

Mr. Woolson replied that is one scenario. It is a likely scenario because it would not have matched the rest of the records, except the County's GIS. It would have undergone Building, Permits and Safety building permit review process. I would like to think that it would have been caught at that time but since the plat was off, it is hard to say for sure that would have occurred. Mr. Duguay and his engineer did bring it to my attention.

Mr. Lukens asked could he be told how the clearing limits are established.

Mr. Woolson elected to defer to the applicant for answer.

Mr. Lukens asked if it was Ford's Colony Homeowners Association.

Mr. Woolson negatively replied. It is from their proposed plan and the grading limits and what they need to do for the septic drainfield.

Mr. Lukens asked if septic fields are permitted at this point.

Mr. Woolson replied that was a question that he could not answer and elected to defer to the applicant for answer. They would need to be permitted by the Health Department at some point in time. I do not know if Mr. Duguay has obtained those permits yet or not.

Mr. Gussman replied, confirming it was outside the Primary Service Area.

Mr. Woolson additionally confirmed.

Mr. Roadley asked if this could be reconfigured so that it does not encroach into the RPA?

Mr. Woolson replied that it is staff's opinion, that the house could be reconfigured, garage potentially moved to the side and the house slid over to the left, if you are looking at it from the street or from the right in this view of the site plan. Potentially they could go through a process and violate the front setback through Ford's Colony HOA process and Board of Zoning Appeals process. I did clarify that earlier today with the Zoning Administrator. Ford's Colony itself is Zoned R4, they have their own setbacks and modify those setbacks as necessary. Westport is Zoned A1. In order to violate the front set back, they would have to go before the Ford's Colony HOA but also the County Board of Zoning Appeals. Yes, in staff's opinion, the house could be reconfigured. I do not know the minimum size requirements are for Ford's Colony Westport. We have run into that issue in another Ford's Colony sections.

Mr. Roadley asked in it's current configuration here, without moving the house physically, it appears that it would fit within that grey area that you identified without encroaching into the RPA.

Mr. Woolson affirmatively answered.

Mr. Roadley asked if the proximity to the drain fields was a potential issue. Discussion also ensued concerning the soils being conducive for a drainfield.

Mr. Gussman opened the Public Hearing:

A. Mr. Jim Duguay, Performance Contracting, applicant and contractor, outlined the project to the Board.

Mr. Roadley asked the comments and what they will and will not approve, in respect to the location of the house and the lot, is there a distance that is specified, a rule or policy?

A. Mr. Duguay explained the set back on this plat that they have approved a location for the house and they have approved a location for the septic. I am sure you can vary from those, but that is the information that we went off of at the time. They give us the designs, original septic, drainfield and the reserve.

Mr. Roadley asked that the design on the AES approved plan with the location perhaps serves two purposes, shows that a structure can be built outside the RPA and the approximate location of the structure.

A Mr. Duguay answered the issue concerning moving the house and explained his reasoning. He further explained that they're not trying to do anything but what is right for the customer and what is right for the County and what is right for Ford's Colony. To move a structure to the other side, besides getting it out of the RPA, which we did not know existed something that is not accurate in this situation. We'll do our mitigation and our BMP's accordingly.

Mr. Waltrip asked if Ford's Colony is OK with the way that it is laid out?

A. Mr. Duguay replied that they like the way that is laid out. They do not want the house, elevation wise any lower because they have a rule on driveways sloping from the street to the house. If you get into the middle of this lot, the lot is actually 15' below the road. It is a very intrusive area in the middle of the lot and does not get me out of the RPA either.

B. Mr. Tom Hitchens, 350 Thompson Lane, shares a property line with his property and expressed his concern with building on the lot and the runoff into Gordon's Creek.

A. Mr. Duguay commented about the lot. If restrictions need to be added, adding a pond and a berm in the back to make sure the silt does not go down into Gordons Creek. To get a variance from Ford's Colony would be very tough.

Board discussion ensued about the layout of the architecture, size and footprint of the house and minimum size standards in Westport.

Mr. Gussman closed the Public Hearing, as no one else wished to speak. Mr. Roadley asked if the comments that Mr. Hitchens read from the County subdivision plat, did he correctly interpret it Mr. Woolson.

Mr. Woolson replied that he did not have enough information to accurately answer yes or no. I would need to see the recorded plat. I do know any variance to the front setback would also need to go to the County's Board of Zoning Appeals, regardless of the Ford's Colony HOA outcome.

Mr. Lukens asked if there was a precedent for requiring extraordinary silt management and construction management.

Mr. Woolson answered that we could add a condition what is considered super silt fence, wire reinforced silt fence. Mr. Duguay was also referring to a small sediment trap design that we have used on some steeper lots, especially in the Stonehouse area. There are additional Erosion and Sediment control measures that could be implemented on this particular plan which would be above and beyond what is necessary.

There was discussion concerning the lot on the west with a Stormwater Management BMP for the subdivision on it.

Mr. Hughes asked about the mud and silt now showing in Gordons Creek, where is it coming from?

Mr. Woolson replied that it was coming from residential development, lot construction within the Ford's Colony Westport Subdivision to the best of our knowledge.

Mr. Hughes asked if the BMP doing what it is supposed to do.

Mr. Woolson answered that the single family drainage does not go to that BMP, for each of these lots. Westport had a condition where the pervious cover for the single family house had to be covered by an individual lot by a retention BMP. That installed after the lot is stabilized. The issues arises when they break ground that they get final stabilization. When we get an extraordinary rainfall events which have occurred mostly in the summertime then they overwhelm the sediment and control that is on the sites. I believe what Mr. Hitchens is asking for is above and beyond control measures. He is correct when he states that silt fence is only certified or rated for 60% removal of sediments. To have an additional erosion control measure, another filtering devise would help remove some more of the fines out of the water before it left the site. I don't know the extent of or the depth of the sedimentation that has occurred within Gordons Creek. It is a tidal creek in that area. Tides come in and tides go out. What Mr. Hitchens is seeing in the normal water column are a lot of fines that muddy up the water. I do believe the heavier sands and clays are further up within the Westport Subdivision and are below the erosion control measures. The heavier particles settle out early. It is the real small, fine silt clays that stay suspended in the water column is what I believe Mr. Hitchens is seeing. Doesn't make it right. That is the nature of the beast.

Mr. Roadley asked Mr. Woolson for his opinion with an apology for putting him on the spot. The proposed BMP, do you believe that will do a better job than simply moving the house and not having a BMP?

Mr. Woolson replied that a BMP in this case is going to be required whether the house is in the RPA or outside the RPA. It is required by the Westport covenants, the way the property was developed and subdivided. Mr. Roadley asked that it would be difficult to move all of the encroachment out of the RPA regardless.

Mr. Woolson replied, correct. I would suggest to you that the infiltration BMP itself would have to encroach into the RPA. We do not have design calculations on that BMP, but it could be oversized if water quality coming from the property is a concern. Again, that BMP will not be installed until the site is almost stabilized. Ready for final grading has occurred when house is up, final driveways are installed and topsoil is put down.

Discussion ensued about the location of the sediment trap type facility.

Mr. Hughes asked referring to the silt fence, 60%. There is another type of structure that does better than that?

Mr. Woolson replied that it is a combination of structures. What we have experienced out there is normal silt fence would be overrun in a heavy storm and get overtopped. The weight of the water against it, installation techniques, they can fail. The super silt fence that I had mentioned, is wire reinforced backed. It is sturdier. The fabric itself is against the wire. It can hold a lot more pressure and actually filter better. I believe the issues that Mr. Hitchens has seen is not necessarily the small rain events that are treated accurately, it is the big rain events that overtop and overwhelm the facility. Then we have basically uncontrolled runoff going into Gordons Creek.

Mr. Hughes asked as a cost measure for the extra fencing. He also asked if this has been used in the County.

Mr. Woolson replied, yes sir. I think from a bonding standpoint, we double the cost from what we see from normal silt fencing.

Mr. Waltrip asked is it up to the house as far as covenants could not be moved forward out of the RPA as far as Ford's Colony is concerned?

Mr. Woolson replied that he cannot speak for Ford's Colony. That it would have to go before the Board of Zoning Appeals, as well if that were to be entertained by Mr. Duguay. Whether he got Ford's Colony's approval, let's say he got Ford's Colony approval to go in front of the front building setback, he'd still have to get County approval from the Board of Zoning Appeals. My understanding of that process, they have to show a hardship in order for the Board of Zoning Appeals to say yes.

Mr. Hughes stated the property bought the property that had been platted out. Property owners lets us know that we made a mistake but they want to fix it. The neighbor's owner other side of Gordon's Creek has a legitimate concern. Mr. Hughes presented potential scenarios, one of which is to accept the applicant's drawings and add additional sediment control be put in as Mr. Woolson described.

Mr. Roadley asked to expand the comment only to confer that we cannot totally remove encroachment into the RPA buffer even if we went through that process. It does not appear that we would completely eliminate the encroachment into the RPA buffer. The BMP would

still be required. I am questioning how much we would gain by subjecting him to that process.

Mr. Gussman commented that the homeowner is acting in good faith. I like Mr. Hughes' suggestion if we can modify this and have some added protection so there is no impact or additional impacts from this.

Mr. Roadley made a motion to Adopt the resolution for Chesapeake Bay Board Case No. CBPA 19 0159 at 3471 Westport with the stipulation for an additional super silt fence be added to the erosion and sediment control plan and that the maintenance schedule for maintaining the sediment basin be clearly stated in our permit adhered to.

A motion to Approve with Conditions was made by Mr. Roadley.

The motion result was: YES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1

Ayes: Gussman, Hughes, Roadley, Waltrip, Lukens

Absent: Apperson

4. Case No. CBPA 19-0150 : 128 Four Mile Tree

Mr. Trevor Long, Watershed Planner, presented the exception request submitted by Mr. Brian and Mrs. Stacy Solano for encroachments into the RPA buffer for the construction of a single family dwelling, detached garage and retaining wall on property located at 128 Four Mile Tree, within the Riverview Plantation subdivision and within the Skimino Creek watershed. The property is further identified as James City County Tax Map Parcel No. 1640500013. The presentation described the current and proposed site conditions and the proposed mitigation. If the Board approved the request, staff asked that the attached conditions be incorporated into the approval. The Board deliberated on the pros and cons of this application.

Mr. Gussman opened the Public Hearing:

A. Mr. Brian Solano, applicant, outlined the project to the Board.

Mr. Roadley inquired if there would be a living space above the garage?

A. Mr. Solano replied, negative, sir.

Mr. Roadley asked if this house would be for Mr. Solano or his parents.

A. Mr. Solano answered, for his parents.

Mr. Roadley asked if the drain field as depicted, the minimum size that is necessary or by Health Department?

Mr. Solano replied that it was no permitted with the Health Department. This is via by the septic system engineer that has laid that out and worked with LandTech.

B. Mr. Gene Griffin, 12 Buford Road, Windsor Forest subdivision, here on behalf of daughter and son-in-law who own lot 14, 129 Four Mile Tree, voiced their concerns and objections for construction on this lot because of active wildlife habitat of bald eagles and other wildlife.

C. Mr. Bill Jaissle, 126 Four Mile Tree, expressed his concerns with disrupting the bald eagles that roost in the trees at the back of the proposed construction lot and drainage from

roof to the back of the lot.

A. Mr. Solano answered questions as to the wildlife, trees, septic system and drainage.

Mr. Gussman closed the Public Hearing, as no one else wished to speak.

Mr. Hughes made a motion to Adopt the resolution for Chesapeake Bay Board Case No. CBPA 19 0150 at 148 Four Mile Tree and added the condition that the lower trees be maintained if at all possible and the runoff from the house be diverted from the culvert ravine.

A motion to Approve with Conditions was made by Mr. Hughes.

The motion result was: YES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1

Ayes: Gussman, Hughes, Roadley, Waltrip, Lukens

Absent: Apperson

5. Case No. CBPA 19-0148 : 1552 Harbor Road

Mr. Michael Woolson, Senior Watershed Planner, presented the exception request from submitted by Mr. Ronald Mason, Davis Mason Builders, Inc, applicant on behalf of Mr. Thomas and Mrs. Jennifer Eccles for encroachments into the RPA buffer for the construction of a retaining wall and removing the existing structure from the VE Flood Zone on property located at 1552 Harbor Road, within The Governor's Land subdivision and James River watershed. The property is further identified as James City County Tax Map Parcel No. 4310200012. The presentation described the past, the current, and proposed site conditions and the proposed mitigation. If the Board approved the request, staff asked that the attached conditions be incorporated into the approval. The Board deliberated on the pros and cons of this application.

Mr. Roadley asked how they were accessing this area.

Mr. Long replied by the side of the house but deferred to the applicant for answer.

Mr. Gussman opened the Public Hearing.

A. Mr. Ronald Mason, Davis Mason Builders, Inc., applicant, on behalf of Mr. Thomas and Mrs. Jennifer Eccles, applicant, outlined the project to the Board.

Mr. Waltrip inquired about wave action wall.

A. Mr. Mason answered, explaining the dynamics of the retaining wall.

Mr. Roadley asked if a letter for a map revision was required.

A. Mr. Mason affirmatively replied.

B. Ms. Kimberly Smith, 1548 Harbor Road, expressed her concerns about their lot being lower, wave action and changes in the VE Flood Zone.

C. Ms. Laura Schultz, 1556 Harbor Road, voiced her concerns with water, wave action and the retaining wall.

Mr. Waltrip asked about the elevations.

Mr. Roadley stated that we are not talking about finished floor elevation changes but the elevation of the ground surrounding the house.

C. Ms. Schultz asked if the shrubbery would all come off?

A. Mr. Mason replied about the shrubbery and other potential mitigation needing to be done as it is in the Resource Protection Area (RPA). If other potential remediation could be done. The retaining wall will be located between the existing shrubs and the house.

Mr. Waltrip asked about the location of retaining wall and the neighboring properties.

A. Mr. Mason answered about the VE Zone, not the grade level across all of the homes.

Mr. Roadley asked about the likelihood of a wave event. You're 100 feet back from the VEMA water or thereabouts. The concern is what happens when a wave hits a wall like that because it runs along the wall. That is why we do not like bulkheads anymore because they run along the wall and create problems on adjoining properties. That might be able to address where a physical structure, a rock structure at the toe of the retaining wall or potentially through sturdy vegetation. The likelihood that you would get wave energy up there but it is on a coastal property. Imagine a rock structure at the toe of the retaining wall. That tends to absorb the wave energy, instead of causing it to refract. Vegetation would have the same effect as long as it was strong enough the unlikely event of a wave event. The comment was expressed so trying to address a potential future event is appropriate.

A. Mr. Mason replied that a wave would hit the retaining wall and disperse. We are trying to put that wall four feet away from the house so we can raise the level and bring the house into compliance. They would want to know that the elevation at the corner is out of the VE Zone. It is currently categorized as being in the VE Zone. The only way to take it out of the VE Zone is to take the letter of map revisions and take that corner of the house off the map, we have to have an elevation that says it is compliance and not in the VE Zone. The only way to raise the soil like that is to have a retaining wall that can withstand the wave action so we can raise the soil. We'd come back and re-survey the elevation on the house and send the letter to FEMA. Then we would wait for FEMA to respond and say Ok. Then get a permit to finish repairing.

Mr. Waltrip asked how this would affect the neighbor's.

A. Mr. Mason replied that he did not know. He has not spoke with anyone at FEMA. He has only spoke with the engineers, structural engineers and site surveyors that would send the letter to FEMA.

Mr. Roadley asked if Mike Mathews designing this wall?

Mr. Lukens asked about the guttering systems on the roof. Whether the provision for some additional drainage in the middle of the retaining wall to prevent something like 60% storms we get every summer.

A. Mr. Mason replied that the houses have ground gutters for immediate runoff. The section that is facing the river is a gabled end of the house, not running off the roof. The left hand side as you look at your screen. The retaining wall would address that as it filters through and comes out at the bottom.

Mr. Roadley asked looking at the typography, if a wave hits that wall, you will have other problems to worry about than the wave being deflected onto your property. That you could probably address by whatever you use behind the wall for drainage to allow to filter through

the wall instead of cascading.

A. Mr. Mason replied that is correct, there will not be any more water coming off the roof and going anywhere additional than it already does. No other roofline. This is only impacting the corner of the house.

Mr. Roadley suggested if you backfill it with appropriately sized gravel, might create a French drain scenario so the water infiltrates. Mr. Waltrip stated there are two issues here. A major wave issue hitting the wall and then dispersing and the second, the normal rainfall.

A. Mr. Mason had a question about the surrounding hedgerow vegetation.

Mr. Woolson replied that would be answered administratively through another exception request for vegetation management.

D. Mr. Tom Numbers, 1544 Harbor Road, first house under construction in the VE Zone since the new regulations were applied. Different elevations do exist on the first floor. FEMA has to do the acronym, a LOMA letter. They have to redesign. If the ground is elevated, FEMA has to say that it is no longer in the flood plain. It then achieves the ability to build his house and not raise the house that currently exists. That is a second step. Tom Coghill will not issue a building permit unless he has the Chesapeake Bay Board approval and FEMA approval. FEMA approval, the biggest thing is not only RPA 100', then 10 to 15' for this VE Zone. VE Zone is associated with the surge. Those are the regulatory issues confronting this. It is not the storm surge but the runoff. What they are experiencing is current runoff. Stormwater things could be done possible BMP's to ensure Stormwater flow. Post construction does not exceed preconstruction conditions.

Mr. Gussman closed the Public Hearing, as no one else wished to speak.

Mr. Lukens made a motion to Adopt the resolution for Chesapeake Bay Board Case No. CBPA 19 0148 at 1552 Harbor Road.

A motion to Approve with Conditions was made by Mr. Lukens.

The motion result was: YES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1

Ayes: Gussman, Hughes, Roadley, Waltrip, Lukens

Absent: Apperson

6. Case No. CBPA 19-0149 : 4106 South Riverside Drive

Mr. Trevor Long, Watershed Planner, presented the exception request submitted by Mr. Benjamin Hamilton, T & B Homes, LLC, for encroachments into the RPA buffer for an after the fact exception request and permit for the construction of rear deck and front steps on property located at 4106 South Riverside Drive, within the Chickahominy Haven subdivision and within the Yarmouth Creek watershed. The property is further identified as James City County Tax Map Parcel No. 1910900020. The presentation described the current and proposed site conditions and the proposed mitigation. If the Board approved the request, staff asked that the attached conditions be incorporated into the approval. The Board deliberated on the pros and cons of this application.

Mr. Gussman opened the Public Hearing:

A. Mr. Benjamin Hamilton, T & B Homes, LLC, outlined the project to the Board.

Mr. Gussman closed the Public Hearing, as no one else wished to speak.

Mr. Roadley made a motion to Adopt the resolution for Chesapeake Bay Board Case No. CBPA 19 0149 at 4106 South Riverside Drive.

A motion to Approve with Conditions was made by Mr. Roadley.

The motion result was: YES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1

Ayes: Gussman, Hughes, Roadley, Waltrip, Lukens

Absent: Apperson

7. Case No. CBPA 19-0153 : 3009 Willow Spring Court

Mr. Michael Woolson, Senior Watershed Planner, presented the exception request submitted by Mr. Carl Story, Williamsburg Landing, Inc., for encroachments into the RPA buffer for the construction of a deck on property located at 3009 Willow Spring Court, within the Williamsburg Landing subdivision and within the College Creek watershed. The property is further identified as James City County Tax Map Parcel No. 4820100002. The presentation described the current and proposed site conditions and the proposed mitigation. If the Board approved the request, staff asked that the attached conditions be incorporated into the approval. The Board deliberated on the pros and cons of this application.

Mr. Roadley inquired if the gravel would be extended from the existing gravel base layer under existing deck to the area under the proposed new deck.

Mr. Woolson replied that we would recommend that, yes.

Mr. Gussman opened the Public Hearing:

A. Mr. Carl Story, Williamsburg Landing, Inc., outlined the project to the Board.

Mr. Roadley inquired if the existing gravel under the deck was to be extended.

A. Mr. Story replied, yes sir, absolutely.

Mr. Lukens asked if they were going to leave the crepe myrtle tree.

A. Mr. Story affirmatively replied that the crepe myrtle tree would remain.

Mr. Gussman closed the Public Hearing, as no one else wished to speak.

Mr. Roadley made a motion to Adopt the resolution for Chesapeake Bay Board Case No. CBPA 19 0153 at 3009 Willow Spring Court.

A motion to Approve with Conditions was made by Mr. Roadley.

The motion result was: YES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1

Ayes: Gussman, Hughes, Roadley, Waltrip, Lukens

Absent: Apperson

8. Case No. CBPA 19-0157 : 4809 Canvas Back Run

Mr. Trevor Long, Watershed Planner, presented the exception request submitted by Mr. Don Newsom, Delightful Gardens Landscape., on behalf of Mr. Eric and Mrs. Dina Smith for

encroachments into the RPA buffer for the rebuilding of a retaining wall on the property located at 4809 Canvas Back Run, within the formerly known as Warhill subdivision, now known as Mallard Hill subdivision and within the Powhatan Creek watershed. The property is further identified as James City County Tax Map Parcel No. 3140600018. The presentation described the current and proposed site conditions and the proposed mitigation. If the Board approved the request, staff asked that the attached conditions be incorporated into the approval. The Board deliberated on the pros and cons of this application.

Mr. Gussman opened the Public Hearing:

A. Mr. Brian Newsom, Delightful Gardens Landscape., outlined the project to the Board.

Mr. Roadley inquired if a structural engineer had evaluated the proposed replacement wall.

A. Mr. Newsom responded, no sir.

Mr. Roadley asked if Mr. Newsom was designing it.

A. Mr. Newsom affirmatively replied that they would follow County requirements and pull a permit.

Mr. Roadley asked that after the fact and getting it permitted. Given the fact that this wall is failing, I assume you are using a different method of construction.

A. Mr. Newsom answered, absolutely.

Mr. Roadley replied that he would leave it up to Mr. Newsom.

Mr. Woolson stated that he believed the existing wall was not built with any GEO textile tie back system and the new wall will be. I don't know if that address all of your concerns.

Mr. Gussman closed the Public Hearing, as no one else wished to speak.

Mr. Hughes made a motion to Adopt the resolution for Chesapeake Bay Board Case No. CBPA 19 0157 at 4809 Canvas Back Run.

A motion to Approve with Conditions was made by Mr. Hughes.

The motion result was: YES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1

Ayes: Gussman, Hughes, Roadley, Waltrip, Lukens

Absent: Apperson

E. BOARD CONSIDERATIONS

None

F. MATTERS OF SPECIAL PRIVILEGE

None

G. ADJOURNMENT

A motion to Adjourn was made by Mr. Apperson and approved on a voice vote.

The meeting adjourned at 6:52 p.m.

ITEM SUMMARY

DATE: 2/12/2020

TO: Wetlands Board

FROM: Michael Woolson, Senior Watershed Planner

SUBJECT: Case No. WJPA 19-0010 / VMRC 19-0182 : 5232 Ivey Lane continuation

ATTACHMENTS:

	Description	Type
☐	Withdrawal Notification	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Wetlands Group	Woolson, Michael	Approved	2/10/2020 - 4:45 PM
Wetlands Group	Small, Toni	Approved	2/11/2020 - 4:18 PM
Publication Management	Daniel, Martha	Approved	2/11/2020 - 4:34 PM
Wetlands Group	Secretary, Wetland	Approved	2/11/2020 - 4:37 PM

Michael Woolson

From: Trevor Long
Sent: Friday, February 7, 2020 1:33 PM
To: Michael Woolson
Subject: FW: [External] RE: [External] Harrell

From: Alicia Randall <alicia@deltamarineconstruction.com>
Sent: Friday, February 7, 2020 1:31 PM
To: Trevor Long <Trevor.Long@jamescitycountyva.gov>
Subject: [External] RE: [External] Harrell

We would like to formally request to withdraw the break water project from the James City County Wetlands Board so that it is not heard at next weeks meeting. We will be revising the drawings to reflect a marsh toe sill.

Sincerely,
Alicia
Delta Marine Construction

From: Trevor Long [<mailto:Trevor.Long@jamescitycountyva.gov>]
Sent: Monday, February 03, 2020 3:58 PM
To: 'alicia@deltamarineconstruction.com'
Subject: RE: [External] Harrell

Alicia,

Thanks for letting me know. From here you will need to formally request to withdraw the project from the James City County Wetlands Board, otherwise it will be heard next Wednesday at the meeting. Then, submit the new application including the Marsh Toe Sill to VMRC and we will move to get it to the Board from there.

Trevor

From: Alicia Randall <alicia@deltamarineconstruction.com>
Sent: Monday, February 3, 2020 3:18 PM
To: Trevor Long <Trevor.Long@jamescitycountyva.gov>
Subject: [External] Harrell

I have written VMRC asking for guidance on how to proceed with the Harrell project. At this time he has now decided to remove the breakwaters and propose a marsh toe sill instead. How should we proceed with this change?

Thanks in advance for your assistance with this project.

Sincerely,

Alicia Randall

Alicia Randall

Delta Marine Construction
Triple Crown Marine Construction
804-776-7110 office
804-776-0221 fax