

YORK COUNTY CHESAPEAKE BAY BOARD

Minutes of June 23, 2021

A meeting of the York County Chesapeake Bay Board was held on Wednesday, June 23, 2021, at 6:00 p.m. in the Multi-Purpose Room in the Public Works Administration Building, located at 105 Service Drive, Yorktown, Virginia. This meeting was done with staff, Michael Woolson, Chair, five Board members present, and one attending via Zoom.

Board Members Present:

Michael Woolson, Chair
Paul Brindza
Jerry Patterson
Richard Wheat
Brad Berrane
Julius Johnson- Alternate appointed to the Board for 6-23-21 meeting

Staff Present:

Kent Henkel, Environmental Specialist II
Jennifer Wilson, Administrative Assistant III
James Barnett, County Attorney
Richard Hill, Assistant County Attorney

Board Members Participating Remotely

Ricky Edgerton- 186 Northern Cove Dr., Littleton, NC

The meeting was called to order at 6:00 p.m. by the Chair, Michael Woolson

PUBLIC COMMENT PERIOD

The Chair opened the Chesapeake Bay Board's public comment period; no one came forward; the public comment period was closed.

APPROVAL OF THE MINUTES

A motion to approve the May 26, 2021 minutes was made by Mr. Patterson and they were approved by consensus.

Note: PowerPoint slides were shown throughout the public hearing.

CHESAPEAKE BAY EXCEPTIONS/APPEALS

- **Exception 2021-115 for Mike Velez at 3019 Hampton Highway:** Request to construct a pool and decking in the RPA buffer along wetlands connected to a perennial stream that drains into Brick Kiln Creek.

Kent Henkel, presented the application, the project history, photographs of the site and described what vegetative mitigation would be required should the Board approve the application.

Board inquired about mitigation and suggested it be planted by the existing swale.

The Chair opened the public hearing.

Mike Velez of 3019 Hampton Highway came forward and stated it was a 54" above ground pool with a ladder that's access will be locked. It will be an ionic water pool with no chemicals. Board inquired if it will meet zoning setbacks and Staff replied they have already been approved.

The public hearing was closed.

The Board deliberated and stated pool size was reasonable and they would have no problem supporting this project. No excavation will be occurring and property will be able to be easily restored in the future. The Board recommends the applicant place stone in the swale and plant mitigation around it. Mr. Velez can consult with staff for assistance in this matter.

A motion was made by Mr. Brindza to adopt Resolution 21-115 as submitted.

The motion was approved on the following roll call:

Jerry Patterson	Yes
Julius Johnson	Yes
Richard Wheat	Yes
Bradley Berrane	Yes
Paul Brindza	Yes
Ricky Edgerton	Yes
Michael Woolson, Chair	Yes

Mr. Woolson declared the Exception has been granted.

- **Exception 2021-116 for Kam-Pui & Angela Lee at 102 Larkin Run:** Request to construct a portion of a deck and a shed in the RPA Buffer along a perennial stream that drains into Quarter March Creek.

Kent Henkel, presented the application, the project history, photographs of the site and described what vegetative mitigation would be required should the Board approve the application.

Board inquired if the new deck was wider and deeper would the shrubs be removed. They will be, however that portion is not in the RPA so there is no mitigation for that section. Board asked what kind of construction would be used for shed. Shed is being constructed after the proposed stream restoration is completed by the County.

The Chair opened the public hearing.

Kam-Pui of 102 Larkin Run came forward attending via Zoom. Shed is for ease of access for his wife to do her gardening. It will probably be built like the neighbor's shed. HOA is requiring them to put the shed as far back as possible on the lot.

Board would like the shed moved forward so the vegetation would not be disturbed. Mr. Woolson pointed out that after the stream restoration project it is possible that the area could no longer be in an RPA. Mr. Henkel believes that it will remain in the RPA.

James Barnett, County Attorney came forward and advised the Board that they have ability to approve or deny the application as submitted or apply conditions to the approval. The Board does not have the authority to override the HOA requirements.

The public hearing was closed.

The Board discussed that they would like it farther forward than the HOA wants. Trees may be removed and replanted in the stream restoration process. The Board would like the shed to be placed forward of any vegetation.

A motion was made by Mr. Wheat to adopt Resolution 21-116 as submitted.

The motion was approved on the following roll call:

Jerry Patterson	Yes
Julius Johnson	Yes
Richard Wheat	Yes
Bradley Berrane	Yes
Paul Brindza	Yes
Ricky Edgerton	Yes
Michael Woolson, Chair	Yes

Mr. Woolson declared the Exception has been granted.

- **Exception 2021-117 for Timothy & Sarah Larkin at 217 Raymond Drive:** Request to construct a pool and decking in the RPA Buffer along a canal off of Chisman Creek.

Kent Henkel, presented the application, the project history, photographs of the site and described what vegetative mitigation would be required should the Board approve the application.

Board inquired about the distance from the pool to the side of the concrete. It will be 15-feet on one side and 7 feet 9 inches on the other. The asphalt being removed offsets approximately half of the impervious cover. They would like to know if the orientation of the pool had been discussed to keep more of it out of the RPA. They also asked about the greenhouse and pergolas on the plan.

The Chair opened the public hearing.

Timothy Larkin of 217 Raymond Dr. came forward and stated the orientation of the pool is for the safety of the children. There are not a lot of windows in the back of the house and the current orientation of the pool allows the children to be seen at all times with no blind spots from inside the home. There are also water and electric lines extending to the dock that do not allow for

changing the orientation of the pool. The greenhouse existed on a previous survey of the home and no longer exist. The pergolas are existing, but could be removed. Pavers will be used for pool decking. There is a concrete drainage ditch running down the right side of the property. That is where he was planning on placing the majority of the mitigation, however some of the mitigation was moved due to staff recommendations. The foot print has also been moved 1-foot closer to the house. The pool is to be salt water and fiberglass. Board asked what the walkway to dock was and applicant informed them it was gravel. Board asked if he was open to permeable pavers. Pavers have not been decided upon yet. The only stipulation the owner has is the pavers need to be good to walk on with bare feet. Staff and Board explained that the impervious nature of the portion was the installation not the top. There would be gravel and sand underneath with a solid paver on top.

The public hearing was closed.

The Board deliberated and stated it was a nice layout and the removal of asphalt was agreeable. The pergolas do not need to be removed since they are a basic structure without flooring. The Board would like the permeable pavers used for a net positive result on the impervious cover. They will not make it a condition of the permit just a preference.

A motion was made by Mr. Berrane to adopt Resolution 21-117 as submitted.

The motion was approved on the following roll call:

Jerry Patterson	Yes
Julius Johnson	Yes
Richard Wheat	Yes
Bradley Berrane	Yes
Paul Brindza	Yes
Ricky Edgerton	Yes
Michael Woolson, Chair	Yes

Mr. Woolson declared the Exception has been granted.

NEW BUSINESS

There will probably be a July meeting. Mr. Henkel is currently working with a violation to get an application submitted.

OLD BUSINESS

None

ADJOURNMENT

There being no further business to come before the Board, the meeting adjourned at 7:16 pm.



Michael Woolson, Chair

7/28/21

Date