

# YORK COUNTY CHESAPEAKE BAY BOARD

## Minutes of August 24, 2022

A meeting of the York County Chesapeake Bay Board was held on Wednesday, August 24, 2022, 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, Richard Wheat, acting Chair, and six Board members present.

### Board Members Present:

Richard Wheat-Acting Chair  
Jerry Patterson  
Bradley Berrane  
Ricky Edgerton  
Joseph Colvin  
Jack Jordan  
Julius Johnson

### Staff Present:

Kent Henkel, Engineering Specialist II  
Barrett Nicks, Engineering Specialist I  
Brenda Farmer, Administrative Technician  
Richard Hill, Assistant County Attorney

The meeting was called to order at 6:00 p.m. by the Acting Chair, Richard Wheat

### 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 July 27, 2022 minutes was made by Mr. Edgerton and they were approved by consensus.

*Note: PowerPoint slides were shown throughout the public hearing.*

### CHESAPEAKE BAY EXCEPTIONS/APPEALS

**Exception 22-126 for Paul & Caroline Bauer at 106 Fisher Court:** Request to install an inground swimming pool and pool decking in 100-foot RPA buffer along 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. Kent explains the proposed encroachment for the pool is 512 square feet, and the pool decking is 258 square feet, for a total of 770 square feet. There is 512 square feet for the water of the pool proposed in the RPA and the concrete is 3 feet around which is 258 square feet, which totals 770 square feet proposed in the RPA. Kent explains that there really isn't room to put a pool on this property without most or all of it being in the RPA. Kent states that the first drawing for the proposed pool was for 1092 square feet of impervious area in the RPA. Staff met and talked with the applicants about trying to reduce the impact on the RPA. The drawing was changed to proposing 770 square feet in the RPA, a 322 square foot reduction of impervious area in the RPA.

Kent explained that the mitigation is required for the proposed 770 square feet in the impervious area in the RPA. The applicants have proposed to meet the mitigation requirements using the Restoration / Table A which is the State Mitigation Guidance Manual. Kent explains to meet the state requirements, and their plan does meet the requirements, they are proposing two canopy trees, four understory trees, and six shrubs. The Board inquires if the two crepe myrtles that are going to be relocated can to be part of the mitigation. Kent stated that they can. The Board inquired if any credits were given for the patio that is going to be removed from the RPA. Kent states no; the reason is the house was built in 2003 and the Chesapeake Bay Act changed the regulations in 2004 which required localities to go out and do site visits and field verify RPA's. When this house was built, there was not a field verification of the RPA; the survey at the time showed that the patio was out of the RPA, but when staff actually went out and measured, the patio was in the RPA, and considered to have been put in without approval.

The Chair opened the public hearing.

Paul Bauer of 106 Fisher Court came forward. Mr. Bauer thanked the Board for their time. The Board inquired if it was going to be a salt water pool. It is. Board asked if the decking is going to be wood or concrete. It is going to be a concrete.

The public hearing was closed.

A motion was made by Mr. Edgerton to adopt Resolution 22-126B as shown on the plan received August 19, 2022 for 106 Fisher Court.

The motion was approved on the following roll call:

Jerry Patterson	Yes
Julius Johnson	Yes
Joseph Colvin	Yes
Bradley Berrane	Yes
Jack Jordan	Yes
Ricky Edgerton	Yes
Richard Wheat, Acting Chair	Yes

Mr. Wheat declared the Exception has been granted.

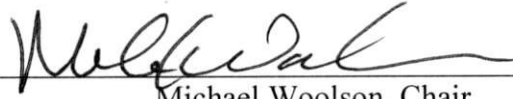
### **NEW BUSINESS**

- There will be a September meeting.

### **OLD BUSINESS**

### **ADJOURNMENT**

There being no further business to come before the Board, the meeting adjourned at 6:30 pm.



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Michael Woolson, Chair

9/28/2022

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Date