

Chesapeake Bay Board

May 14, 2008

A. Roll Call

B. Minutes

April 1, 2008 - Special Meeting

April 9, 2008 - Board Meeting

C. Public Hearings

1. CBE-08-14 – Wayne Warren – 4107 S. Riverside Drive

2. CBE-08-025 – Loran Ambs - 1666 John Tyler Highway

D. Board Considerations

E. Matters of Special Privilege

F. Adjournment

WQIA for CBE-08-014 – 4107 South Riverside Drive

Staff report for the May 14, 2008, Chesapeake Bay Board public hearing.

This staff report is prepared by the James City County Environmental Division to provide information to the Chesapeake Bay Board to assist them in making a recommendation on this assessment. It may be useful to members of the general public interested in this assessment.

Summary Facts

Applicant	Wayne S. Warren	
Land Owner	(same)	
Location	4107 South Riverside Drive, Lanexa, Chickahominy Haven	
Parcel Identification	1910900003A	
Staff Contact	Patrick Menichino	Phone: 253-6675

Project Summary and Description

Wayne S. Warren, of 112 Discovery Lane, Williamsburg, VA, has applied for an exception to the Chesapeake Bay Preservation Ordinance (Ordinance) for Resource Protection Area (RPA) impacts associated with an existing concrete block and brick retaining wall 76 linear feet in length. Only 48 linear feet of this wall is within the RPA buffer. This wall has created approximately 63 square feet of impervious area. The lot is 0.89 acres in size and the RPA buffer encompasses approximately 60% of the lot or 0.53 acres.

There is no RPA mitigation plan proposed by the applicant for the 63 square feet of impervious area. The County’s standard mitigation requirements would require mitigation for the proposed 63 square feet of impervious area..

This exception request is for an existing retaining wall (accessory structure) within the RPA buffer. Staff has not administratively approved the installation of accessory structures within the RPA in the past. However, the Board has in the past granted exceptions for similar accessory structures within the RPA buffer.

Staff offers the following information as guidance to the Board concerning this application.

1. Staff believes that any adverse impacts caused by this wall are negligible and removing the wall may cause significant environmental impacts within the RPA.
2. The Board can impose additional mitigation requirements to offset potential water quality impacts.
3. Staff recommends RPA mitigation be required to offset the 63 square feet of impervious area.

Brief History

The lot was recorded prior to the adoption of the Ordinance. In 1990, the Chesapeake Bay Ordinance was adopted and established a 100 foot RPA buffer on the lot. This 100 foot RPA buffer encompasses about 60% of the lot.

This exception request is for an accessory structure encroachment within the 100 foot buffer and therefore must be processed by the Chesapeake Bay Board after a public hearing.

Water Quality Impact Assessment

Under Section 23-14 of the amended Ordinance, a water quality impact assessment (WQIA) must be submitted for any proposed land disturbing activity resulting from development or redevelopment within RPAs.

The applicant has submitted the required information as outlined in the *James City County Water Quality Impact Assessment Guidelines*. The applicant has submitted a WQIA for this project but does not propose mitigation for the impacts to the RPA.

Staff recommends that mitigation of, (3) native shrubs, within the RPA buffer to help filter nonpoint source pollution.

The issue before the Board is the 63 square feet of impervious cover in the RPA associated with the existing retaining wall. The Board is to determine whether or not this is consistent with the spirit and intent of the Ordinance and make a finding based upon the criteria outlined in Section 23-14(c) of the Chesapeake Bay Ordinance.

Recommendations

Staff is not opposed to a Board action that would allow the retaining wall to remain in place.

If the Board votes to approve the exception request, then staff recommends that the following conditions be incorporated into the approval:

1. The applicant must submit a RPA Mitigation Plan showing the locations of (3) native shrubs to be installed within the buffer.
2. The size of the shrubs shall be 3-5 gallon size. All vegetation shall be native species approved by the Environmental Division.
3. This exception shall become null and void, if the required RPA Mitigation Plan is not submitted to the Environmental Division, and if the (3) required shrubs are not installed within 60 days following Board action.

All recommendations adopted by the Board must be incorporated into the site plans for the project, which then must be approved by the Environmental Division before construction can begin. If the Board grants the exception, the recommended RPA Mitigation Plan is in accordance with the standard mitigation requirements for impervious surfaces.

Staff Report prepared by: _____
Patrick T. Menichino
Compliance Specialist

CONCUR:

Scott J. Thomas,
Secretary to the Board

Attachments:

WQIA for CBE-08-025 – 1666 John Tyler Hgwy

Staff report for the May 14, 2008, Chesapeake Bay Board public hearing.

This staff report is prepared by the James City County Environmental Division to provide information to the Chesapeake Bay Board to assist them in making a recommendation on this assessment. It may be useful to members of the general public interested in this assessment.

Summary Facts

Applicant	Loran D. Ambs
Land Owner	(same)
Location	1666 John Tyler Highway, Williamsburg, Va.
Parcel Identification	3440100005
Staff Contact	Patrick Menichino Phone: 253-6675

Project Summary and Description

Loran D. Ambs, of 5103 Firethorne Court, Fairfax, VA, has applied for an exception to the Chesapeake Bay Preservation Ordinance (Ordinance) for Resource Protection Area (RPA) impacts associated with the installation of a 5’ wide gravel trail, 130 linear feet of segmented block retaining wall and a 30 ‘ long timber bridge to allow access to an existing pier. The proposed trail, retaining wall, and timber bridge would create approximately 1200 square feet of impervious area within the buffer. The lot is 3.9 acres in size and the RPA buffer encompasses approximately 15% of the lot or 0.50 acres.

An RPA Mitigation Plan has been provided along with the exception request for your review. The RPA Mitigation Plan proposes to mitigate for the 1200 square feet of impervious area by planting (4) native canopy trees, (8) native understory trees and (12) native shrubs within the buffer to filter runoff from the proposed impervious areas. This plan meets the standard mitigation requirements of the County.

Part of this exception request involves a proposed retaining wall (accessory structure) within the RPA buffer. Staff has not administratively approved the installation of accessory structures within the RPA in the past. However, the Board has in the past granted exceptions for similar accessory structures within the RPA buffer.

Staff offers the following information as guidance to the Board concerning this application.

1. Staff believes that any adverse impacts caused by this trail, retaining wall and timber bride are negligible because the site was previously disturbed during a permitted shoreline stabilization project.
2. The existing slope is very steep and therefore the pier not easily accessed.

Brief History

The lot was recorded after the adoption of the Ordinance. A 100 foot RPA buffer has been established on the lot. This 100 foot RPA buffer encompasses about 15% of the lot.

Part of this exception request is for accessory structures encroaching within the 100 foot buffer and therefore must be processed by the Chesapeake Bay Board after a public hearing.

Water Quality Impact Assessment

Under Section 23-14 of the amended Ordinance, a water quality impact assessment (WQIA) must be submitted for any proposed land disturbing activity resulting from development or redevelopment within RPAs.

The applicant has submitted the required information as outlined in the *James City County Water Quality Impact Assessment Guidelines*. The applicant has submitted a WQIA for this project and proposes to mitigate for the impacts to the RPA by planting, (4) native canopy trees, (8) native understory trees and (12) native shrubs within the RPA on the lot to help filter nonpoint source pollution.

The issue before the Board is the addition of 1200 square feet of impervious cover in the RPA associated with the trail, retaining wall, and timber bridge.

Recommendations

Staff is not opposed to a Board action that would allow the proposed trail, retaining wall and timber bridge.

If the Board votes to approve the exception request, then staff recommends that the following conditions be incorporated into the approval:

If the Board votes to approve the exception request, then staff recommends that the following conditions be incorporated into the approval:

1. Full implementation of the RPA Mitigation Plan submitted with the WQIA and any additional Board mitigation requirements.
2. The size of the trees shall be 1 -1 ½ “caliper and the shrubs shall be 3-5 gallon container size. All vegetation shall be native species approved by the Environmental Division.
3. Surety for the implementation of the RPA Mitigation Plan if required, shall be provided in a form satisfactory to the County Attorney, pursuant to sections 23-10(3)(d) and 23-17(c) of the James City County Code.
4. This exception request approval shall become null and void if construction has not begun by May 14, 2009.

All recommendations adopted by the Board must be incorporated into the site plans for the project, which then must be approved by the Environmental Division before construction can

begin. If the Board grants the exception, the proposed RPA Mitigation Plan is in accordance with the standard mitigation requirements for impervious surfaces.

Staff Report prepared by: _____
Patrick T. Menichino
Compliance Specialist

CONCUR:

Scott J. Thomas,
Secretary to the Board

Attachments: