

Chesapeake Bay Board

February 10, 2010

A. Roll Call

B. Minutes

From January 14, 2010 – Board Meeting

C. Public Hearings

1. CBE-10-038. Cooke's Gardens – Continued from 11/18/2009
2. CBE-10-056. McQuillan – 4347 Sprucemont

D. Board Considerations - None

E. Matters of Special Privilege

1. Housing Redevelopment Project – Mike Woolson

F. Adjournment

MEMORANDUM

DATE: February 10, 2010
TO: The Chesapeake Bay Board
FROM: Michael D. Woolson, Senior Watershed Planner
SUBJECT: CBE-10-038 – Cooke’s Garden Center Continuance

Mr. Charlie Martino of Cooke’s Garden Center has respectfully requested a continuance of Chesapeake Bay Board Case CBE-10-038 until the June 9, 2010 meeting of the Chesapeake Bay Board to allow him the time to finalize the requested site plans.

Staff concurs with this request.

Chesapeake Bay Exception CBE-10-056: 4347 Sprucemont

Staff report for the February 10, 2010, 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.

Existing Site Data & Information

Applicant: Richard and Ila Jean McQuillan

Land Owner: Richard and Ila Jean McQuillan

Location: 4347 Sprucemont, Colonial Heritage, Williamsburg, Virginia

Parcel Identification: 2340800010

Lot Size: .12 acres

RPA Area on Lot: .12 acres or 100 % of the lot.

Watershed: Yarmouth Creek, Sub-watershed 104 (HUC JL-28)

Proposed Activity: Installation of a 16 linear feet of 6" x 6" timber retaining wall & approximately 70 linear feet of 36" wide exposed aggregate walkway.

Proposed Impacts

Impervious Area: 218 square feet

RPA Encroachment: In both the landward and seaward 50 foot RPA Buffers.

Brief Description and Summary

Richard and Ila Jean McQuillan, of 4347 Sprucemont, Williamsburg, Va. have applied for an exception to the Chesapeake Bay Preservation Ordinance (Ordinance) for an encroachment into the RPA buffer, for the construction of 16 linear ft of 6 "x 6" timber retaining wall & approximately 70 linear feet of exposed aggregate walkway within the landward and seaward 50 foot RPA buffers. The wall and walkway will create 218 square feet of impervious area within the RPA Buffer.

A detailed RPA Mitigation Planting Plan (Plan) has been provided along with the exception request for your review. The plan proposes to mitigate for the RPA impacts by planting (1) tree and (3) native shrubs, in mulch planting beds to help filter runoff. The amount of plantings proposed meets the standard mitigation planting requirements of the County for impervious impacts.

Background

The lot was recorded prior to the 2004 Ordinance revisions and no RPA existed on the lot at that time. In 2004 the Ordinance requirements related to the determination of perennial flow were changed requiring that perennial water bodies be identified based on a field evaluation. A perennial feature adjacent to the side of the lot was identified requiring that a 100 foot RPA buffer be established on the lot.

In this case, the exception request is for a timber retaining wall and exposed aggregate walkway within the landward and seaward 50 foot buffers. This request does not qualify for an administrative waiver because it is for an accessory structure. Therefore in accordance with section 23-14 of the Ordinance, an exception must be processed by the Chesapeake Bay Board after a public hearing.

Water Quality Impact Assessment (WQIA)

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 (1) tree and (3) native shrubs, in mulch planting beds on the lot to help filter nonpoint source pollution.

Staff Recommendations

The issue before the Board is the addition of the 218 square feet of impervious area within the RPA buffer. 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 Ordinance.

Staff evaluated the potential adverse impacts of this proposal and determined them to be minimal. Any impacts will be offset by the proposed mitigation plan.

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 obtain all other permits required from agencies that may have regulatory authority over the proposed activities, including a James City County building permit if required.
2. Full implementation of the RPA Mitigation Plan submitted with the WQIA and any additional Board mitigation requirements shall be guaranteed through the provisions of the

Ordinance contained in Sections 23-10(3) d. and 23-17(c), a form of surety satisfactory to the County Attorney.

3. This exception request approval shall become null and void if construction has not begun by February 10, 2011, or all required mitigation plantings are not completed by that expiration date.
4. Written requests for an extension to an exception shall be submitted to the Environmental Division no later than 2 weeks prior to the expiration date.

Staff Report prepared by: _____

Patrick T. Menichino
Compliance Specialist

CONCUR:

Scott J. Thomas
Secretary to the Board

Attachments: