

Chesapeake Bay Board

Building F

July 12, 2012, 7 p.m.

A. Roll Call

B. Minutes

From June 13, 2012 – Board Meeting

C. Public Hearings

1. CBE-12-111 – AES/Monticello Woods Active Adult – Settlement at Powhatan Creek Phase III project – sanitary sewer extension Continued from 6/13/12
2. CBE-12-122 – AES/Stonehill – Westport subdivision – waterline installation

D. Board Considerations

E. Matters of Special Privilege

F. Adjournment

Chesapeake Bay Exception CBE-12-111: The Settlement at Powhatan Creek Phase III BMP Outfall and Sanitary Sewer Installation

Staff report for the July 12, 2012 Chesapeake Bay Board Public Hearing

This staff report is prepared by James City County Engineering and Resource Protection to provide information to the Chesapeake Bay Board to assist 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: AES Consulting Engineers – Ryan Stephenson

Project Developer: Monticello Woods Active Adult, LLC.

Impact Location: 4101 Monticello Avenue Williamsburg, VA 23188
PIN: 3740100010: Monticello Woods Active Adult, LLC, Owner

Project Size/Zoning: 62.22 ac +/- (Phase III)/R-1

Area of Project in RPA: 7.9 ac +/-

BMP Impacts: BMP 3-1 Outfall; 106 Square Feet (CBE-12-110)
BMP 3-2 Outfall; 28 Square Feet (CBE-12-110)

Sanitary Sewer Connection Impacts: 0.08 Acres +/- (3,659 Square Feet; CBE-12-111)

Watershed: Powhatan Creek, Subwatershed 206 (HUC Code JL31)

Proposed Activity: Sanitary sewer connection

County Plan No: Subdivision plan S-15-12

Proposed RPA Impacts

Chesapeake Bay Board action (Board Approval CBE-12-111)

Sanitary sewer encroachments: 3,659 square feet (0.08 ac)

Chesapeake Bay Preservation Ordinance Administrator Action (Administrative Approval CBE-12-110)

BMP Outfalls and Steep Slope Encroachments: 12,006 square feet (0.27 ac)

Brief Summary and Description of Activities

Mr. Ryan Stephenson of AES Consulting Engineers, on behalf of the Monticello Woods Active Adult LLC, has applied for an exception to the Chesapeake Bay Preservation Ordinance (Ordinance) for encroachments into the RPA buffer for the construction of two BMP outfalls and a sanitary sewer

connection related to the Phase III construction of the Settlement at Powhatan Creek Subdivision within James City County.

The proposed project falls under the regulations set forth within the Chesapeake Bay Preservation Ordinance adopted in 1990 as well as the subsequent 2004 revisions to the Ordinance. The submitted Water Quality Impact Assessment (WQIA) contains information pertaining to both administrative and Board actions. Impacts associated with construction related items for the newly proposed BMP outfalls require only administrative approval as they are considered water dependent. The sanitary sewer connection requires Board approval through the formal exception process.

Staff Evaluation

Staff has evaluated the application and exception request for all work as described above. The proposal is for a sanitary sewer line connection that will provide service to Phase III of the Settlement at Powhatan subdivision. Staff finds that the application has met the conditions in the Chesapeake Bay Preservation Ordinance, Sections 23-11 and 23-14, and that the application should be heard by the Board.

Water Quality Impact Assessment (WQIA)

In accordance with Bay Act requirements and the Ordinance, any development or redevelopment exceeding 2,500 square feet of land disturbance in the Chesapeake Bay Preservation Area (CBPA) requires a plan of development and stormwater management plan, if applicable. All land disturbance, development or redevelopment within the RPA also requires a water quality impact assessment (WQIA). Water quality impact assessments shall identify impacts of proposed development on water quality and land in RPAs and recommended measures for mitigation of these impacts. Localities must review a WQIA prior to action on the exception request. James City County has established guidelines for submission of minor/major WQIAs.

A WQIA was submitted with this application (County subdivision plan No. S-37-12). The WQIA was provided on April 18, 2012. Based on staff review, the WQIA proposes to mitigate for RPA impacts by:

- Removal of the existing access road following construction; and
- Restoration of the RPA buffer through re-planting and stabilization measures utilizing native species plants and a RPA appropriate conservation seed mix. The re-planting plan consists of fifteen (15) canopy trees, fifty (50) understory/evergreen trees, twenty-one (21) large shrubs, and seventy-five (75) small shrubs; and
- Enhanced outlet protection in the form of rip-rap stilling basins at the outfalls of the proposed BMP's; and
- Use of wire reinforced silt fence and ECSC-3 erosion control matting in and along disturbed areas within the RPA.

Staff Recommendations


Staff has fully reviewed the application and exception request and has determined impacts associated with the proposal to be **minor** for the proposed development and that the proposed mitigation measures meet standard mitigation requirements. Staff recommends the Chesapeake Bay Board approve this Chesapeake Bay Exception with the following conditions:

1. The applicant must obtain all other necessary federal, state and local permits as required for the project; and
2. Use of super silt fence for areas to be disturbed within the RPA; and
3. All proposed mitigation plantings shall meet James City County standards of 1" caliper for the canopy and understory trees and proposed shrubs shall be minimum three gallon size.
4. Full implementation of the approved RPA Mitigation Plan and any additional Board mitigation requirements shall be guaranteed through a form of surety satisfactory to the County Attorney and the provisions of the Ordinance contained in Sections 23-10(3) (d) and 23-17(c).
5. Use of ECS-3 matting for slope stabilization on disturbed slopes that are 3H:1V or greater; and
6. Construction shall be in accordance with the provisions of approved County subdivision plan no. S-15-12; and
7. This exception request approval shall become null and void if construction has not begun by July 12, 2013; and
8. Written requests for an extension to an exception shall be submitted to the Engineering and Resource Protection Division no later than 2 weeks prior to the expiration date.

Consideration by the Chesapeake Bay Board

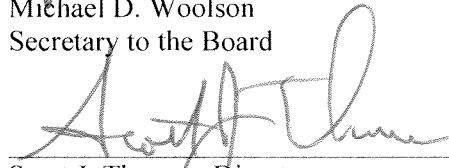
The exception granting body is permitted to require reasonable and appropriate conditions in granting the exception request in accordance with Section 23-14 of the County's Chesapeake Bay Preservation ordinance. The Chesapeake Bay Board is to fully consider Chesapeake Bay Exception CBE-12-111 as outlined and presented above and review the request for exception and the water quality impact assessment. The Board may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of the County's Chapter 23 Chesapeake Bay Preservation Ordinance. Resolutions for granting approval or granting denial of Chesapeake Bay Exception CBE-12-111 are included for the Board's use and decision.

Staff Report prepared by:


 Michael P. Majdeski
 Senior Resource Protection Inspector

CONCUR:


 Michael D. Woolson
 Secretary to the Board


 Scott J. Thomas, Director
 Engineering and Resource Protection

Attachments: Water Quality Impact Assessment Package

Chesapeake Bay Exception CBE-12-122:

**Westport Subdivision Section A –
Waterline Installation**

Staff report for the July 12, 2012 Chesapeake Bay Board Public Hearing

This staff report is prepared by James City County Engineering and Resource Protection to provide information to the Chesapeake Bay Board to assist 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: AES Consulting Engineers – Jason Grimes

Project Developer: Stonehill Company

Impact Location: 4901 Centerville Road PIN: 3040100007
Realtec Inc, Owner

4708 Locklomond PIN: 3620500045
Realtec, Inc, Owner

4712 Locklomond PIN: 3620500044
Alfred and Patricia Knox , Owners

Project Size/Zoning: 20.30 ac +/- (Section A)/A-1 Zoning

Area of Project in RPA: 0.18 ac +/- (apprx. 7,920 square feet)

Waterline Installation Impacts: 0.18 ac +/- (apprx. 7,920 square feet)

Watershed: Gordon Creek, Subwatersheds 202 and 204 (HUC Code JL29)

Proposed Activity: Waterline Connection

County Plan No: Subdivision plan S-37-07

Proposed RPA Impacts

Chesapeake Bay Board action (Board Approval)

Waterline installation encroachments: 7,920 square feet (0.18 ac)

Brief Summary and Description of Activities

Mr. Jason Grimes of AES Consulting Engineers, on behalf of the Stonehill Company, has applied for an exception to the Chesapeake Bay Preservation Ordinance (Ordinance) for encroachments into the RPA

buffer for the installation of a waterline related to the Section A construction of the Westport Subdivision within James City County.

The proposed project falls under the regulations set forth within the Chesapeake Bay Preservation Ordinance adopted in 1990 as well as the subsequent 2004 revisions to the Ordinance. The submitted Water Quality Impact Assessment (WQIA) contains information pertaining to the Board actions. Impacts associated with construction related items for the newly proposed waterline requires Board approval through the formal exception process.

Staff Evaluation

Staff has evaluated the application and exception request for all work as described above. The proposal is for installation of a waterline that will provide service to Section A of the Westport Subdivision. Staff finds that the application has met the conditions in the Chesapeake Bay Preservation Ordinance, Sections 23-11 and 23-14, and that the application should be heard by the Board.

Water Quality Impact Assessment (WQIA)

In accordance with Bay Act requirements and the Ordinance, any development or redevelopment exceeding 2,500 square feet of land disturbance in the Chesapeake Bay Preservation Area (CBPA) requires a plan of development and stormwater management plan, if applicable. All land disturbance, development or redevelopment within the RPA also requires a water quality impact assessment (WQIA). Water quality impact assessments shall identify impacts of proposed development on water quality and land in RPAs and recommended measures for mitigation of these impacts. Localities must review a WQIA prior to action on the exception request. James City County has established guidelines for submission of minor/major WQIAs.

A WQIA was submitted with the plan of development for the project (County subdivision plan No. S-37-07). The WQIA was provided on June 12, 2012. Based on staff review, the WQIA proposes to mitigate for RPA impacts by:

- Establishment of 0.40 acres of natural open space of currently wooded area directly adjacent to the existing RPA buffer where the waterline will be installed. This natural open space represents more than a 2:1 mitigation ratio for the buffer that will be impacted; and
- Use of erosion control matting on all cut and fill slopes within the RPA buffer; and
- Stabilization of disturbed areas within the RPA buffer with an appropriate conservation seed mixture upon completion of construction.

Staff Recommendations

Staff has fully reviewed the application and exception request and has determined impacts associated with the proposal to be **moderate** for the proposed development and that the proposed mitigation measures exceed standard mitigation requirements. Staff recommends the Chesapeake Bay Board approve this Chesapeake Bay Exception with the following conditions:

1. The applicant must obtain all other necessary federal, state and local permits as required for the project; and

2. Use of super silt fence for areas to be disturbed within the RPA; and
3. Use of EC-2 matting for slope stabilization on disturbed slopes that are 3H:1V or greater; and
4. Construction shall be in accordance with the provisions of approved County subdivision plan no. S-37-07; and
5. Recordation of Natural Open Space easement for area labeled "Natural Open Space Easement" in exhibit one of WQIA, dedicated to James City County as conservation easement; and
6. This exception request approval shall become null and void if construction has not begun by July 12, 2013; and
7. Written requests for an extension to an exception shall be submitted to the Engineering and Resource Protection Division no later than 2 weeks prior to the expiration date.

Consideration by the Chesapeake Bay Board

The exception granting body is permitted to require reasonable and appropriate conditions in granting the exception request in accordance with Section 23-14 of the County's Chesapeake Bay Preservation ordinance. The Chesapeake Bay Board is to fully consider Chesapeake Bay Exception CBE-12-055 as outlined and presented above and review the request for exception and the water quality impact assessment. The Board may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of the County's Chapter 23 Chesapeake Bay Preservation Ordinance. Resolutions for granting approval or granting denial of Chesapeake Bay Exception CBE-12-055 are included for the Board's use and decision.

Staff Report prepared by:




Michael P. Majdeski
Senior Resource Protection Inspector

CONCUR:



Michael D. Woolson
Secretary to the Board



Scott J. Thomas, Director
Engineering and Resource Protection

Attachments: Water Quality Impact Assessment Package