

A G E N D A
JAMES CITY COUNTY CHESAPEAKE BAY BOARD
REGULAR MEETING
County Government Center, Building F
101 Mounts Bay Road, Williamsburg, VA 23185
January 11, 2017
7:00 PM

- A. CALL TO ORDER**
- B. ROLL CALL**
- C. MINUTES**
 - 1. November 9, 2016 Minutes
- D. PUBLIC HEARINGS**
 - 1. CBE-17-009 : 3 West Circle
- E. BOARD CONSIDERATIONS**
- F. MATTERS OF SPECIAL PRIVILEGE**
- G. ADJOURNMENT**

ITEM SUMMARY

DATE: 1/11/2017
TO: Chesapeake Bay Board
FROM: Chesapeake Bay Board Secretary
SUBJECT: Minutes from November 9, 2016 regular meeting

ATTACHMENTS:

	Description	Type
▣	November 9, 2016 Minutes	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Secretary, ChesBay	Approved	1/4/2017 - 3:18 PM

MINUTES
JAMES CITY COUNTY CHESAPEAKE BAY BOARD
REGULAR MEETING
County Government Center, Building F
101 Mounts Bay Road, Williamsburg, VA 23185
November 9, 2016
7:00 PM

A. CALL TO ORDER

The Chesapeake Bay Board meeting for November 9, 2016, was called to order. The responsibility of this Board is to carry out locally the Commonwealth policy to protect against and minimize pollution and deposition of sediment in wetlands, streams and lakes in James City County which are tributaries of the Chesapeake Bay.

B. ROLL CALL

Board Member Present:

David Gussman - Chair
John Hughes
Larry Waltrip
Charles Roadley

Absent:

William Apperson

Others Present:

County Staff (Staff):
Michael Woolson, Senior Watershed Planner
Melissa MacIntyre, Inspector II
Maxwell Hlavin, Assistant County Attorney
Melanie Davis, Secretary to the Board

C. MINUTES

1. August 10, 2016, Regular Meeting Minutes

Minutes Approved as written.

2. October 12, 2016, Work Session

Minutes Approved as written.

D. PUBLIC HEARINGS

1. Chesapeake Bay Board Case No. CBE 17-020. 124 Colonels Way

Melissa McIntyre presented the exception request submitted by Matt Roth with Roth Environmental, on behalf of property owners, Chris and Lynn Faiferlick. The exception request was for encroachment into the RPA buffer for installation of a retaining wall and associated grading, on the property known as 124 Colonels Way in the Kingsmill on the James subdivision, within the College Creek watershed and further identified as James City County Tax Map Parcel No. 5030300028. Ms.

MacIntyre's presentation described the current site conditions and the proposed project. Staff determined the impacts to be minor for the proposed development and recommended approval with the conditions outlined in the Resolution.

Mr. Gussman opened the public hearing.

Mr. Roadley asked if the current runoff from the driveway would be directed to the bio-retention basin. He also asked if the applicant had considered placing the basin landward of the wall to reduce encroachment.

A. Brian Gillespie with Ultimate Hardscapes, the contractor, explained that all of the runoff from the driveway would be directed to the basin, which was placed beyond the wall because of the severe slope and the amount of water to be collected. He also stated that the area beyond the basin would be allowed to re-vegetate.

Mr. Gussman closed the Public Hearing as no one else wished to speak.

Mr. Roadley made a motion to adopt the resolution granting the exception for Chesapeake Bay Board Case No. CBE-17-020 at 124 Colonels Way.

The motion result was:

Ayes: Gussman, Hughes, Roadley, Waltrip

Absent: Apperson

E. BOARD CONSIDERATIONS

1. Chesapeake Bay Board Case No. CBE-14-041. Kingsmill Riverwalk

Mr. Woolson presented the extension requested by Mr. Kevin Kolda of Kingsmill Resort, on behalf of the property owner, Xanterra Kingsmill. The exception was originally granted after a public hearing on November 13, 2013. A two-year extension was previously granted on November 13, 2014. The exception is for a concrete and asphalt multi-use path, timber steps, stone retaining walls, gravel golf cart parking spaces and a wooden pier and boardwalk. The applicant was requesting another two-year extension to November 13, 2018, as the project has been delayed due to logistical problems associated with funding.

Mr. Gussman asked for further information on the project.

Mr. Woolson explained that the project was originally considered by both the Wetlands and Chesapeake Bay Board as the impact was in both jurisdictions. At that time the Wetlands Board and VMRC approved the Joint Permit Application (JPA). The Chesapeake Bay Board case was for a 6-foot-wide path and included infiltration basins for the storm water runoff and extensive mitigation for planting shrubs to replace the existing Johnsongrass in the area. It is staff's understanding that the project is being redesigned to move the impacts out of the wetlands and when the revised plan is submitted, any additional encroachment into the RPA will require approval from this Board.

Mr. Gussman reopened the Public Hearing for public comment and asked if the applicant wished to address the Board.

The applicant was not available as staff had not requested their presence for this extension request.

A. Mr. Michael McGurk with Kingsmill United, stated the original proposal was for a path wide enough for golf carts to drive from the Burwell's Bluff area to the Kingsmill Marina. After some dissension, this Board approved the proposal with a 3-2 vote. The project was then denied by the VMRC by an 8-0 vote based on the Virginia Institute of Marine Science (VIMS) report and this is why it must be redesigned. He felt the applicant already had three years to move forward on this project and requested that the Board deny this extension request.

Mr. Hughes asked if it was a consensus of the Kingsmill Untied group that the extension not be granted.

A. Mr. McGurk stated that it was.

Mr. Gussman closed the Public Hearing as no one else wished to speak.

Mr. Roadley stated that any modifications to the site plan for this project, that had additional RPA encroachments, would need to be reviewed by this Board.

Mr. Woolson stated that was correct and any revised plan would go through the complete site plan process with the County.

Mr. Hughes suggested a deferral of the Boards decision to give the applicant an opportunity to comment on their extension request.

Mr. Roadley commented that the current permit was due to expire.

Mr. Woolson and Assistant County Attorney Mr. Hlavin, suggested the Board reopen the public hearing, and then grant a 1- or 2-month extension to allow the applicant and any new speakers to comment at the next extension request.

Mr. Hughes made a motion to grant a 3-month extension of the exception for Chesapeake Bay Board Case No. CBE-14-041 to February 8, 2017, for the Kingsmill Riverwalk project.

The motion result was:

Ayes: Gussman, Hughes, Roadley, Waltrip

Absent: Apperson

Mr. Hughes advised Mr. McGurk that because he had already commented, he would not be able to address the Board again but, someone else from Kingsmill United could make comments.

Mr. Hlavin, Assistant County Attorney, clarified that this extension case was granted. If the applicant requests an additional extension beyond February 2017, it will be considered a new request and in this case would be advertised as a public hearing and all parties could comment at that time.

2. Chesapeake Bay Board Case No. CBE-14-051. Stonehouse Landbay 3

Mr. Woolson presented the extension requested by Mr. Curtis Hickman with Kerr Environmental, on behalf of Greenfield Partners, LLC. The exception was originally granted after a public hearing on December 11, 2013. A two-year extension was previously granted on November 13, 2014, that extended the permit to December 11, 2016. The exception is for a gravity sanitary sewer trunk line and permanent maintenance associated with the Stonehouse Landbay 3 subdivision. The applicant was requesting another two-year extension to December 11, 2018, as the project has been delayed, due to logistical problems associated with funding.

Mr. Gussman asked and no one wished to comment on this case.

Mr. Roadley made a motion to adopt the Resolution granting a two-year extension of the exception for Chesapeake Bay Board Case No. CBE-14-051 for the Stonehouse Landbay 3 subdivision.

The motion result was:

Ayes: Gussman, Hughes, Roadley, Waltrip

Absent: Apperson

3. 2017 Calendar

All Board members agreed to adopt the 2017 Wetlands Board meeting schedule as presented.

4. Election of Officers for 2017

David Gussman was reappointed as Chair. All members were in favor.
William Apperson was reappointed as Vice-Chair. All members were in favor.
Melanie Davis was reappointed as Secretary. All members were in favor.

F. MATTERS OF SPECIAL PRIVILEGE

None

G. ADJOURNMENT

The meeting adjourned at 7:36 p.m.

David Gussman
Chesapeake Bay Board Chair

Melanie Davis
Secretary to the Board

ITEM SUMMARY

DATE: 10/12/2016

TO: Chesapeake Bay Board

FROM: Michael Woolson, Senior Watershed Planner

SUBJECT: Construction of a single-family dwelling at 3 West Circle in the First Colony subdivision.

Raffael and Florina Tusa have applied for the construction of a single-family dwelling at 3 West Circle in the First Colony subdivision.

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Site Plan	Exhibit
▣	Grading Plan	Exhibit
▣	Mitigation Plan	Exhibit
▣	Drainage Area Map	Exhibit
▣	Data sheet for manufactured treatment device	Backup Material
▣	EcoRaster data sheet	Backup Material
▣	Declaration of Covenants	Backup Material
▣	Affadavit	Backup Material
▣	Case History - CBE-06-061	Backup Material
▣	Chesapeake Bay Restoration Agreement - 2007	Backup Material
▣	Chesapeake Bay Restoration Agreement - 2007 map	Backup Material
▣	CBE Application	Backup Material
▣	APOs and Ad	Backup Material
▣	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	1/4/2017 - 8:57 AM
Chesapeake Bay Group	Thomas, Scott	Approved	1/4/2017 - 10:06 AM
Publication Management	Babbitt, Katterina	Approved	1/4/2017 - 10:26 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	1/4/2017 - 11:21 AM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBE-17-009. 3 West Circle
Staff Report for the January 11, 2017, 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 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 AND INFORMATION

Applicant: Raffael and Florina Tusa

Agent: Matthew Roth, Roth Environmental

Location: 3 West Circle

Tax Map/Parcel Nos.: 4540200080A

Legal Description: Lot 80A Rev Pt Section 3, First Colony subdivision

Lot Size: 1.71 acres +/-

Area of Lot in Resource Protection Area (RPA): 1.71 acres +/- (100%)

Watershed: James River (HUC Code JL35)

Floodplain: Panel 0181D
Zone VE, coast flood zone with wave action, base flood elevation 10 MSL
Zone AE, base flood elevation 9.0 MSL
Zone AE, base flood elevation 8.0 MSL

Proposed Activity: Construction of a single-family dwelling, deck and pool

Impervious Cover: Approximately 8,750 square feet

RPA Encroachment: Approximately 11,600 square feet (0.26 ac.)

Staff Contact: Michael Woolson, Senior Watershed Planner Phone: 253-6823

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Matthew Roth, Roth Environmental, on behalf of Raffael and Florina Tusa, has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of a single-family dwelling, deck and pool on property known as 3 West Circle, within the James River watershed. The property is further identified as James City County Tax Map Parcel No. 45402000080A. The parcel was platted prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The 1.71-acre parcel, located in the First Colony subdivision, consists of a narrow upland area to the southwest of West Circle and an upland island that is situated between the cul-de-sac and the First Colony Marina. A previous owner prepared plans and received permits for the installation of a bridge to provide vehicle access to the island. The previous owner also designed and submitted for permits for shoreline improvements, a pier, beach nourishment and upland fill through Virginia Marine Resources Commission, the James City County Wetlands Board (JCC WB) and the James City County Chesapeake Bay Board (JCC CBB). Further, a single-family dwelling and Mitigation Plan were approved by the JCC CBB and while the mitigation plantings were

installed, the dwelling was never built and approvals have expired.

In July 2015, the Tusa family purchased the property with the goal of developing a permanent residence on the site. Due to the environmental sensitivity nature of the property, they have contracted a team of architects, engineers and environmental consultants to assist them with preparing the house design and site plans with the goal of remaining in the original landward 50-foot portion of the RPA buffer, no further impact to water quality, and establishing native plantings between the structure and the tidal waters surrounding it.

The development plan locates the residence in the original landward 50-foot portion of the RPA buffer, dictating that the residential structure will be kept to the north of the steep slopes associated with the shoreline armoring. The residence, decking and pool have been designed specifically to fit in this building envelope. The driveway extends from the bridge to the entry plaza of the house. The entry plaza is 1,839 square feet in size to accommodate vehicle parking and turnaround area due to the single-lane bridge which is the only access to the house. The applicant is proposing to use a managed permeable paver system in the entry plaza area to reduce and treat stormwater runoff from impervious cover associated with the proposed development.

Onlot bioretention (rain garden) areas will be created along the northern and eastern portions of the development envelope to capture and treat stormwater runoff generated by site development. The rain garden areas flow to small outfalls near the base of the slopes, upslope of the wetlands. These outfalls will be formed into energy dissipation stilling basins to prevent erosion at each location. Any water that flows out of the rain garden areas will be released through these stilling basins to the tidal marsh areas.

STAFF EVALUATION

Staff has evaluated the application and exception request for the construction of the single-family dwelling, deck and pool and finds that the application has met the conditions in Sections 23-11 and 23-14 and should be heard by the Board because the pool is considered an accessory structure and the nature of the project is not the minimum necessary to afford relief. Therefore, this request must be considered by the Board, following a public hearing under the formal exception process.

WATER QUALITY IMPACT ASSESSMENT (WQIA)

A WQIA must be submitted, per Sections 23-11 and 23-14 of the County Ordinance, 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* and has submitted a mitigation proposal.

The mitigation proposal consists of an underground gravel vault with underdrains to promote infiltration under the entry plaza. This vault is networked to the rain garden areas as a bypass mechanism due to expected limited infiltration rates in the entry plaza area. The proposal also captures all of the proposed impervious cover runoff and directs it into one of five rain garden areas. The rain garden areas will utilize a proprietary type Manufactured Treatment Device (MTD) identified as FocalPoint Biofiltration Systems® which are very versatile and require relatively little space. The size of the rain garden areas have been calculated using the latest stormwater methods approved by VaDEQ, the Virginia Runoff Reduction Method (VRRM), and then doubled in size.

To further stabilize the area and replace trees removed as part of the site development, a significant number of plantings are proposed. As depicted on the Mitigation Plan, these plantings will be incorporated on each side of the driveway and around the structure and entry plaza. All the disturbed areas will be mulched. There will be no areas of turf grass proposed as part of the project.

There are 17 units of native vegetative mitigation required (1 Mitigation Unit = 1 canopy tree, 2 understory trees and 3 shrubs) to offset the proposed impervious areas and 56 new canopy trees to offset the 28 trees needed to be removed as part of the development. In developing the proposal, 23 trees are required to be

removed, with an additional 5 trees to be removed in order to install the rain garden areas and the outfalls. All trees will be replaced at a 2:1 ratio (total of 56 replacement trees).

The number of shrubs necessary to accomplish the vegetative mitigation requirement was calculated by converting each mitigation unit to 11 shrubs/bunch grasses/perennials. For the 28 trees removed, the applicant will substitute four shrubs/bunch grasses/perennials for each replacement tree. This equates to 224 shrubs/bunch grasses/perennials. The total mitigation required for the proposed development using the conversion to shrubs/bunch grasses/perennials is 411 individual plants. The proposed plan provides 4 canopy trees, 6 understory trees, 60 shrubs, 345 native grasses and 186 perennials, which exceeds County requirements for the required mitigation.

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. The Chesapeake Bay Board should fully consider Chesapeake Bay Exception CBE-17-009 as outlined and presented above and review the request for exception along with the WQIA. The Board may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of the County's Chesapeake Bay Preservation Ordinance.

STAFF RECOMMENDATIONS

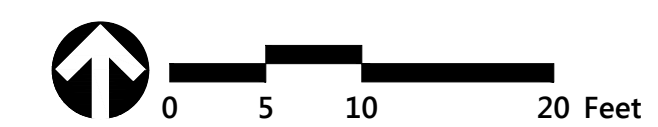
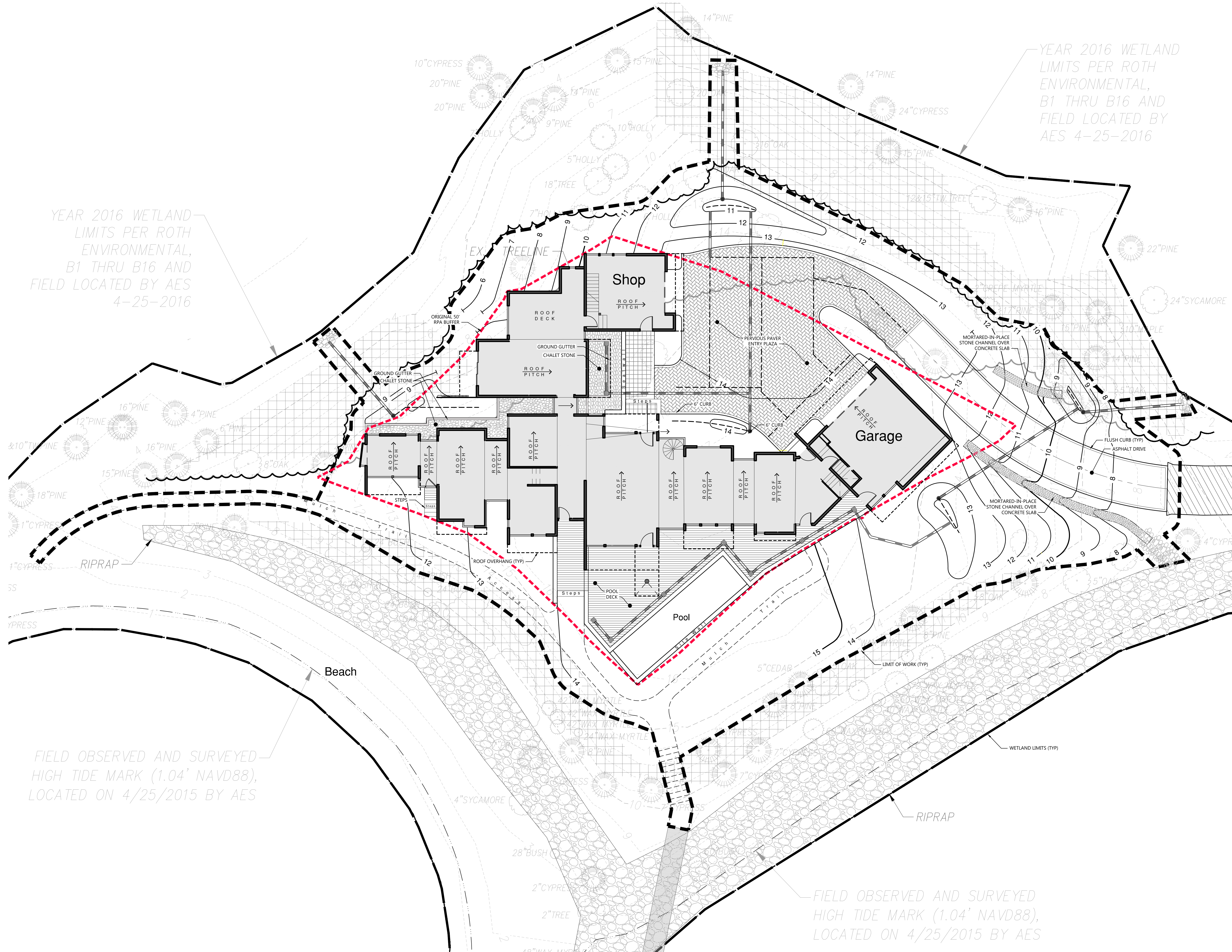
Staff has reviewed the application and exception request and has determined impacts associated with the proposal to be major for the proposed development. Staff recommends approval of this exception request with the following conditions incorporated into the approval:

1. The applicant must obtain all other necessary federal, state and local permits and permissions as required for the project; and
2. Execute a Declaration of Covenants, Inspection/Maintenance of Drainage Systems with James City County and record said document at the Williamsburg/James City County Courthouse and provide evidence to the County; and
3. Execute the Affidavit at the Williamsburg/James City County Courthouse and provide evidence of such to the County; and
4. Design and construction of the on-lot runoff reduction/pollutant removal practices proposed shall generally follow micro-scale specifications found in Virginia DEQ Stormwater Design Specifications No. 1 (Rooftop Disconnection), No. 8 (Infiltration), No. 7 (permeable pavement) and/or No. 9 (Bioretention) as applicable; or alternatively, an equivalent and acceptable published and agreed upon standard for on-lot residential runoff reduction/best management practices; and
5. Surety of \$10,000 will be required in a form acceptable to the County Attorney's office; and
6. This exception request approval shall become null and void if construction has not begun by January 11, 2018; and
7. Written requests for an extension to an exception shall be submitted to the Engineering and Resource Protection Division no later than six weeks prior to the expiration date.

MW/kb
CBE-17-009WestCircle-mem

Attachments:

1. Water Quality Impact Assessment Package
2. Site Plan
3. Grading Plan
4. Mitigation Plan
5. Drainage Area Map
6. FoacIPoint datasheet
7. Ecoraster Bloxx datasheet
8. Declaration of Covenants
9. Affidavit
10. Case History
11. Chesapeake Bay Restoration Agreement – 2007
12. Chesapeake Bay Restoration Agreement – Map



Tortuga
3 West Circle
James City County, VA

No.	Revision	Date	Aspd.

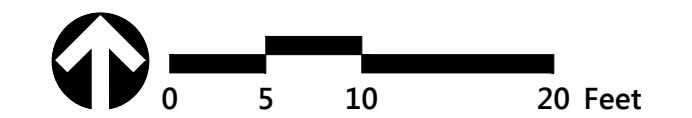
Designed by: _____ Checked by: _____
Issued for: _____ Date: _____

Review Dec. 16, 2016

Not Approved for Construction
Drawing Title
Site Plan

Drawing Number
L1.00

Sheet of



Tortuga
3 West Circle
James City County, VA

No.	Revision	Date	Aspd.

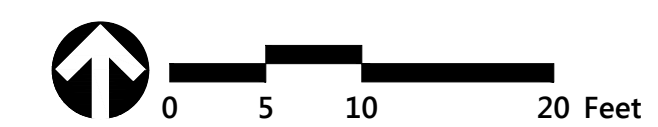
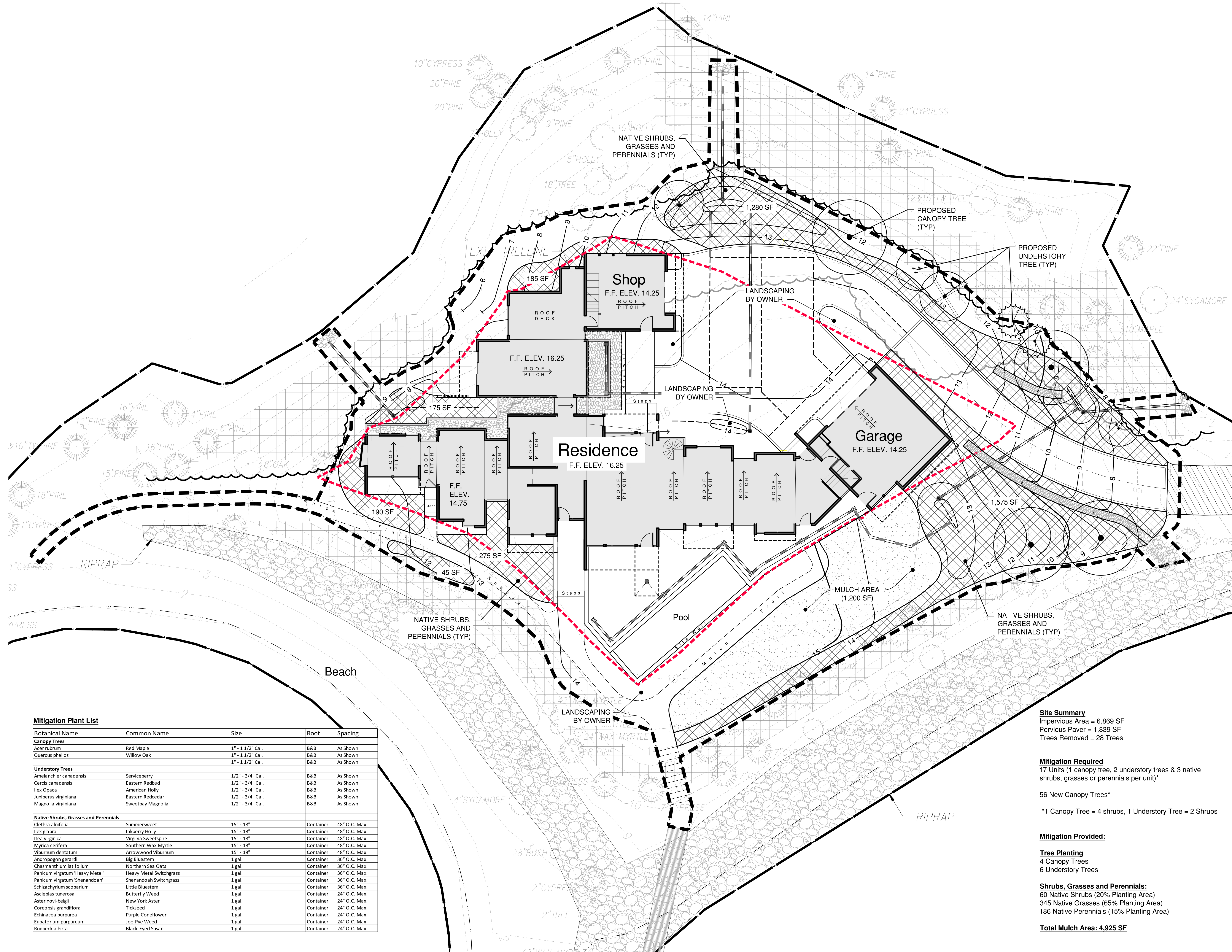
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Issued for: _____ Date: _____

Review Dec. 21, 2016

Not Approved for Construction
Drawing Title: **Grading Plan**

Sheet **L2.00** of _____

Saved Wednesday, December 21, 2016 9:09:58 AM STALLEY Plotted Wednesday, December 21, 2016 9:11:37 AM Tolley, Stephen



Tortuga
3 West Circle
James City County, VA

No.	Revision	Date	Aspd.

Not Approved for Construction
Drawing Title
Mitigation Plan

Mitigation Plant List

Botanical Name	Common Name	Size	Root	Spacing
Canopy Trees				
Acer rubrum	Red Maple	1" - 1 1/2" Cal.	B&B	As Shown
Quercus phellos	Willow Oak	1" - 1 1/2" Cal.	B&B	As Shown
Understory Trees				
Amelanchier canadensis	Serviceberry	1/2" - 3/4" Cal.	B&B	As Shown
Cercis canadensis	Eastern Redbud	1/2" - 3/4" Cal.	B&B	As Shown
Ilex Opaca	American Holly	1/2" - 3/4" Cal.	B&B	As Shown
Juniperus virginiana	Eastern Redcedar	1/2" - 3/4" Cal.	B&B	As Shown
Magnolia virginiana	Sweetbay Magnolia	1/2" - 3/4" Cal.	B&B	As Shown
Native Shrubs, Grasses and Perennials				
Clethra alnifolia	Summersweet	15" - 18"	Container	48" O.C. Max.
Ilex glabra	Inkberry Holly	15" - 18"	Container	48" O.C. Max.
Itea virginica	Virginia Sweetpire	15" - 18"	Container	48" O.C. Max.
Myrica cerifera	Southern Wax Myrtle	15" - 18"	Container	48" O.C. Max.
Viburnum dentatum	Arrowwood Viburnum	15" - 18"	Container	48" O.C. Max.
Andropogon gerardi	Big Bluestem	1 gal.	Container	36" O.C. Max.
Chasmanthium latifolium	Northern Sea Oats	1 gal.	Container	36" O.C. Max.
Panicum virgatum "Heavy Metal"	Heavy Metal Switchgrass	1 gal.	Container	36" O.C. Max.
Panicum virgatum "Shenandoah"	Shenandoah Switchgrass	1 gal.	Container	36" O.C. Max.
Schizanthus scoparium	Little Bluestem	1 gal.	Container	36" O.C. Max.
Asclepias tuberosa	Butterfly Weed	1 gal.	Container	24" O.C. Max.
Aster novi-belgii	New York Aster	1 gal.	Container	24" O.C. Max.
Coreopsis grandiflora	Tickseed	1 gal.	Container	24" O.C. Max.
Echinacea purpurea	Purple Coneflower	1 gal.	Container	24" O.C. Max.
Eupatorium purpureum	Joe-Pye Weed	1 gal.	Container	24" O.C. Max.
Rudbeckia hirta	Black-Eyed Susan	1 gal.	Container	24" O.C. Max.

Site Summary
Impervious Area = 6,869 SF
Pervious Paver = 1,839 SF
Trees Removed = 28 Trees

Mitigation Required
17 Units (1 canopy tree, 2 understory trees & 3 native shrubs, grasses or perennials per unit*)

56 New Canopy Trees*
*1 Canopy Tree = 4 shrubs, 1 Understory Tree = 2 Shrubs

Mitigation Provided:

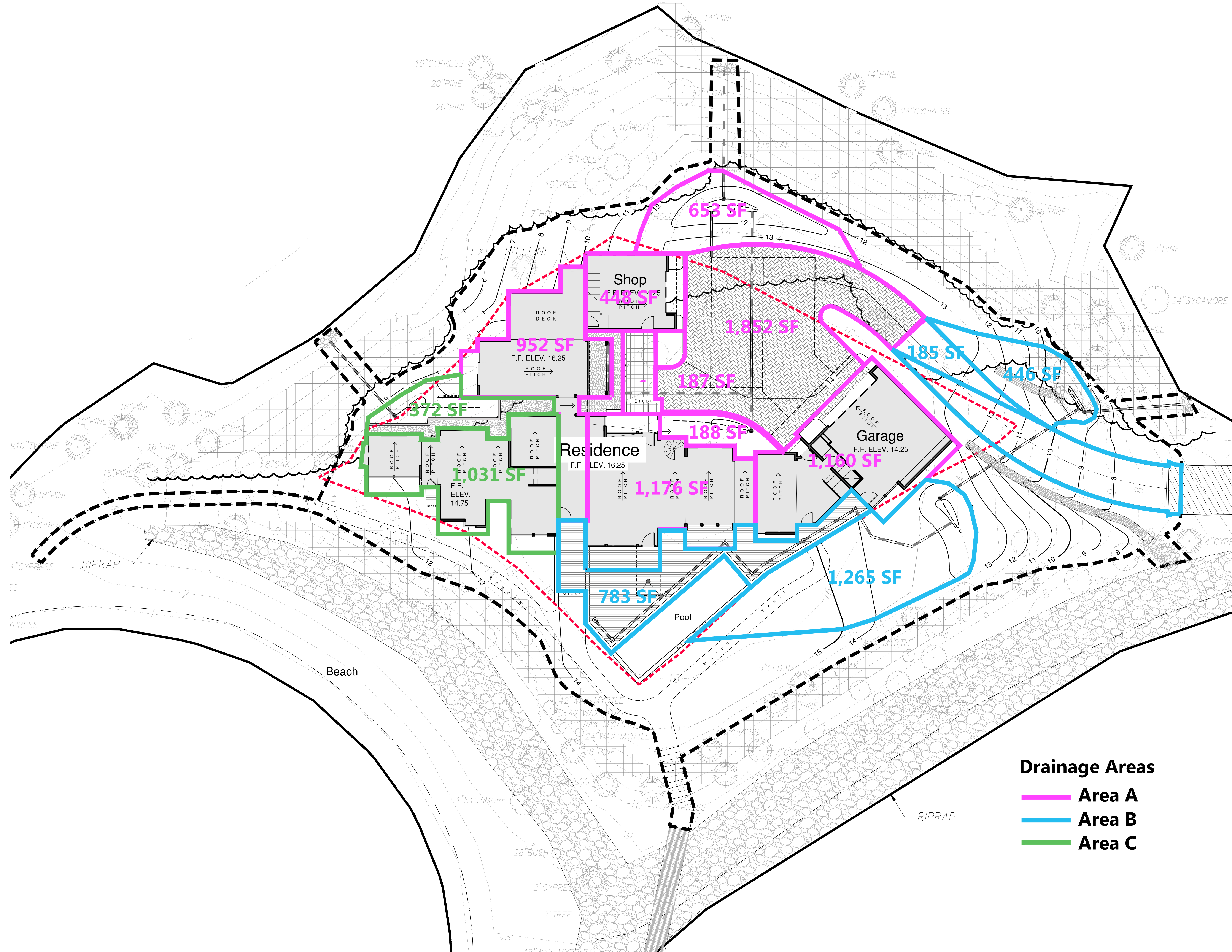
Tree Planting
4 Canopy Trees
6 Understory Trees

Shrubs, Grasses and Perennials:
60 Native Shrubs (20% Planting Area)
345 Native Grasses (65% Planting Area)
186 Native Perennials (15% Planting Area)

Total Mulch Area: 4,925 SF

L3.00

Sheet of



Drainage Areas

- Area A
- Area B
- Area C

Tortuga

3 West Circle
James City County, VA

No.	Revision	Date	App'd.

Designed by _____ Checked by _____
 Issued for _____ Date _____

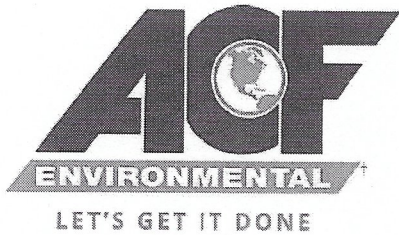
Review Dec. 16, 2016

Not Approved for Construction
 Drawing Title
Drainage Area Map

Drawing Number

L4.00

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Engineering & Resource Protection
DEC 16 2016

TECHNICAL
STORMWATER MANAGEMENT

RECEIVED

VA BMP CLEARINGHOUSE APPROVES FOCALPOINT AT 50% TP REMOVAL

On June 24, 2016, the Virginia BMP Clearinghouse approved the use of FocalPoint in Virginia, assigning it the maximum allowable removal rate for Phosphorus (50%).

FocalPoint is a high flow biofiltration system. Like bioretention, it is built in place with no precast concrete components. As a result, costs for materials and shipping are typically a fraction of other manufactured treatment devices (MTDs) listed on the Clearinghouse.

SYSTEM PROFILE

The system consists of a ponding area (6" depth), mulch (3"), soil media (18"), bridging stone (6") and an underdrain (9.5"). This means that typical systems will have 42.5" of fall from flow line (typically a gutter pan) to outlet invert. However, in areas with shallow groundwater or hardpan issues, this depth can be easily reduced to under 30".

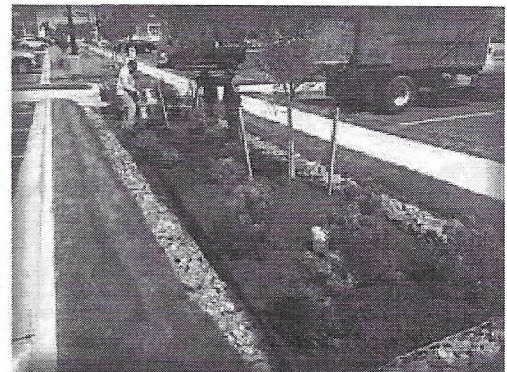
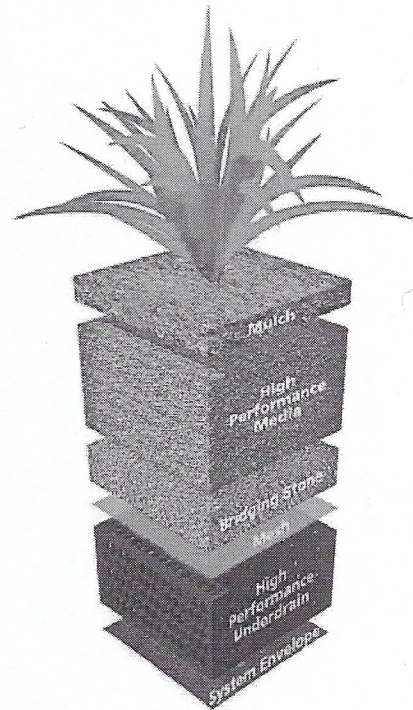
SIZING

FocalPoint Systems are typically sized at 0.4% of the Impervious Drainage Area (175 sf per impervious acre). However, there are some modifications that can be made specific to your project.

SYSTEM COSTS

By scaling the system to perfectly fit your site and constructing it in-place with no precast components, FocalPoint Systems will typically be the lowest cost MTD available. In fact, the installed cost of the FocalPoint System is often less than the purchase cost of competing systems.

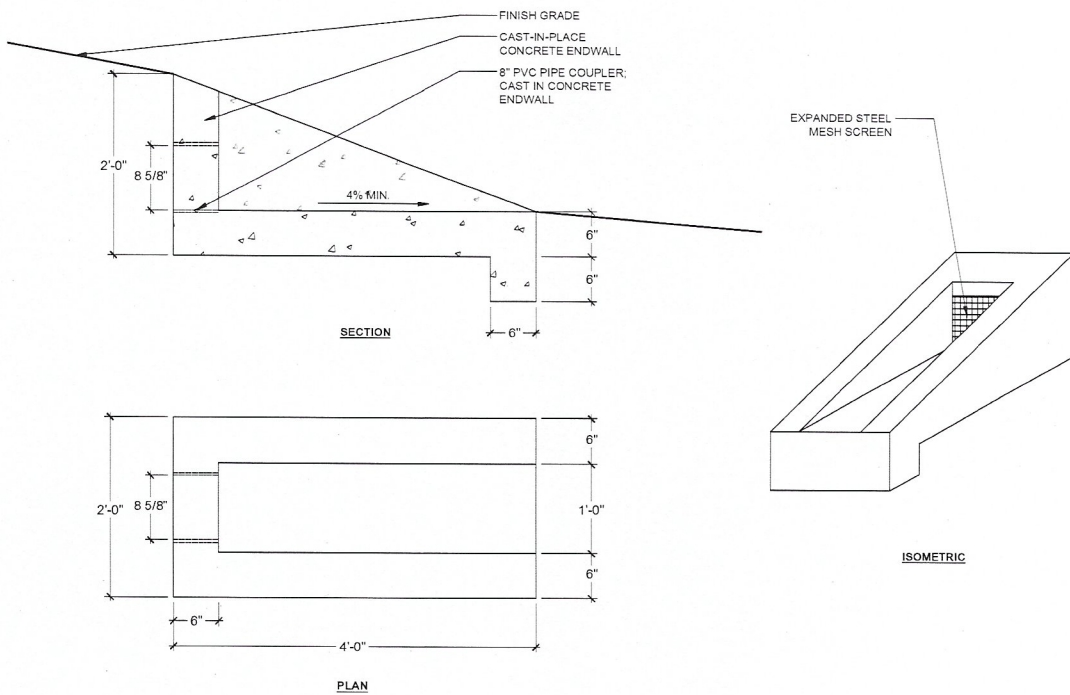
While FocalPoint may be the most cost-effective MTD available when considering initial capital costs, it shines even brighter when considering life-cycle costs. With no expensive filters to change and an open top for easy access, maintenance involves simply removing and replacing mulch. But don't believe us. Ask any manufacturer for a 5-year maintenance contract and compare the numbers. We'll be happy to provide one!



For more information about Stormwater Management, contact Inside Sales at 800.448.3636 email at info@acfenv.com



RECEIVED



① **DRAIN OUTFALL**
SCALE: 1" = 1'-0"

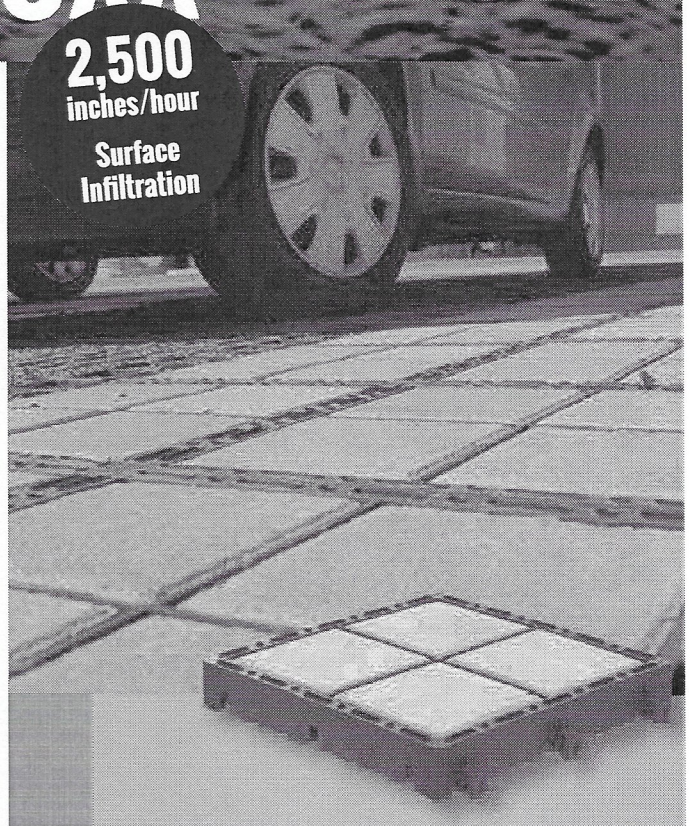
ECORASTER® BLOXX

A New Class of Pervious Pavers

Ecoraster Bloxx reinvents the way pervious pavements function by replacing the choker stone between pavers with a high-strength LDPE mold. The mold holds the pavers in place and incorporates a micro-channel drain, creating an incredibly strong pavement that provides massive surface infiltration rates of over 2,500 inches per hour. Greater flow helps extend maintenance cycles, and less maintenance means reduced lifecycle costs and reduced frustration from clients.

Advantages

- Highest Surface Infiltration Rate Available (2,500"/hr – ASTM C1781)
- Integrated Micro-Channel Drain Eliminates Problematic Choker Stone Reducing Maintenance Requirements
- Load Bearing & Long Lasting – 20 Year Warranty
- LDPE Frame Secures Blocks and Reinforces Subgrade
- Connects with Ecoraster Grass Systems for Combining Drivable Grass and Paver Surfaces
- Several Colors Available, or Make Your Own Custom Color
- 100% Recycled Content
- Sub-Structure Snaps together for Fast Installation
- Resistant to UV and Aggressive Solvents



BASE RECOMMENDATIONS:

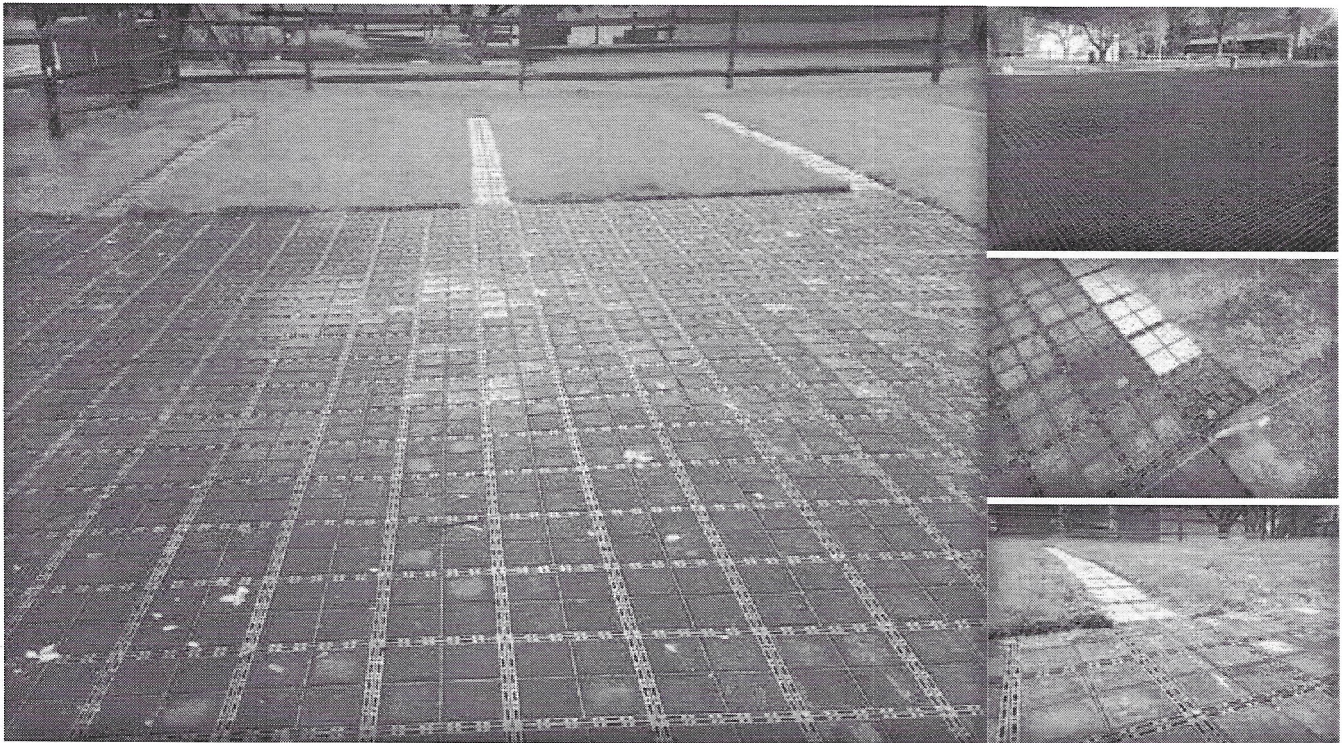
Load Description	Minimum Depth of Engineered Base: CBR 2-4	Minimum Depth of Engineered Base: CBR>4
Heavy Fire Truck Access & H/HS-20 loading	6 in (150 mm)	4 in (100 mm)
Light Fire Truck Access & H/HS-15 loading	4 in (100 mm)	2 in (50 mm)
Utility & Delivery Truck Access & H/HS-10 loading	2 in (50 mm)	2 in (50 mm)
Cars & Pick-up Truck Access	none	none
Trail Use. Loading for pedestrian, wheelchair, equestrian, bicycle, motorcycle and ATV traffic	none	none

The Ecoraster® Bloxx system can be installed in areas where loading is greater than those listed above. Please consult with ACF Environmental for specific recommendations.

7 2016

For more information about Stormwater Management products, contact ACF Environmental at 800.448.3636 email at info@acfenv.com





The Bloxx modules connect with Ecoraster Grass Pavers for multi-functional, hybrid designs.

SPECIFICATIONS:			
Flow Rate	2,500 inches per hour (ASTM C1781)	Available colors:	red, white, dark gray, and light gray
Dimensions:	12.99" x 12.99" x 1.97" 30mm x 330mm 50mm	Locking System:	6T-elements/sq ft 36T-elements/m ²
Block Dimensions:	5.51 x 5.51 x 1.77 inches 140 x 140 x 45mm (each)	Weight per block:	4.67 lbs / approx. 2.12 kg
Recycled Content:	100%	Dimensional Stability (Temperature):	-58°F to +194°F -50° to +90°C

Engineering & Resource Protection
DEC 16 2016

RECEIVED



LET'S GET IT DONE
 800.448.3636
 acfenvironmental.com



COUNTY OF JAMES CITY, VIRGINIA

Engineering and Resource Protection Division
101-E Mounts Bay Road
Williamsburg, VA 23185
757-253-6670
jamescitycountyva.gov

DECLARATION OF COVENANTS
INSPECTION/MAINTENANCE OF DRAINAGE SYSTEM

Please type or print legibly in black ink. Covenantor(s) should submit this form to the JCC Engineering and Resource Protection Division, 101-E Mounts Bay Road, Williamsburg, VA 23185.

THIS DECLARATION OF COVENANTS, made this ___ day of ___, 20___, between ___, and all successors in interest, ("COVENANTOR(S)"), owner(s) of the following property:

Parcel Identification Number(s): _____

Legal Description(s): _____

Project or Subdivision Name: _____

Document/Instrument No(s): _____

or Deed Book _____, Page No. _____,

and the County of James City, Virginia ("COUNTY.")

WITNESSETH:

I (We), the COVENANTOR(S), with full authority to execute deeds, mortgages, other covenants, and all rights, titles and interests in the property described above, do hereby covenant with the COUNTY as follows:

1. The COVENANTOR(S) shall provide maintenance for the drainage system including any runoff control facilities, conveyance systems and associated easements, hereinafter referred to as the "SYSTEM," located on and serving the above-described property to ensure that the SYSTEM is and remains in proper working condition in accordance with approved design standards, and with the law and applicable executive regulations. The SYSTEM shall not include any elements located within any Virginia Department of Transportation rights-of-way.

2. If necessary, the COVENANTOR(S) shall levy regular or special assessments against all present or subsequent owners of property served by the SYSTEM to ensure that the SYSTEM is properly maintained.

3. The COVENANTOR(S) shall provide and maintain perpetual access from public right-of-ways to the SYSTEM for the COUNTY, its agent and its contractor.

4. The COVENANTOR(S) shall grant the COUNTY, its agent and its contractor a right of entry to the SYSTEM for the purpose of inspecting, monitoring, operating, installing, constructing, reconstructing, maintaining or repairing the SYSTEM.

5. If, after reasonable notice by the COUNTY, the COVENANTOR(S) shall fail to maintain the SYSTEM in accordance with the approved design standards and with the law and applicable executive regulations, the COUNTY may perform all necessary repair or maintenance work, and the COUNTY may assess the COVENANTOR(S) and/or all property served by the SYSTEM for the cost of the work and any applicable penalties.

Prepared by (Name, Address & Phone):

Four horizontal lines for signature and address information.

Return to:

JCC Attorney's Office
101-D Mount's Bay Road
Williamsburg, VA 23185
(757) 253-6612

6. The COVENANTOR(S) shall indemnify and save the COUNTY harmless from any and all claims for damages to persons or property arising from the installation, construction, maintenance, repair, operation or use of the SYSTEM.

7. The COVENANTOR(s) shall promptly notify the COUNTY when the COVENANTOR(S) legally transfers any of the COVENANTOR(S) responsibilities for the SYSTEM. The COVENANTOR(S) shall supply the COUNTY with a copy of any document of transfer, executed by both parties.

8. The covenants contained herein shall run with the land and shall bind the COVENANTOR(S) and the COVENANTOR(S)' heirs, executors, administrators, successors and assignees, and shall bind all present and subsequent owners of property served by the SYSTEM.

9. This COVENANT shall be recorded in the County Land Records.

IN WITNESS WHEREOF, the COVENANTOR(S) has executed this DECLARATION OF COVENANTS as of the date first above written.

COVENANTOR(S)

Signature

Print Name and Title

ACKNOWLEDGMENT

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF _____, to wit:

I hereby certify that on this _____ day of _____, 20_____, before the subscribed, a Notary Public for the Commonwealth of Virginia, personally appeared _____ and did acknowledge the foregoing instrument to be his/her Act.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this _____ day of _____, 20_____.

[SEAL]

Notary Public

Notary Registration Number: _____

My Commission expires: _____

Approved as to form:

County Attorney

AFFIDAVIT

We, RAFFAEL TUSA, and FLORINA TUSA-WYSS, husband and wife, do hereby attest and affirm our sole ownership of that parcel of property at 3 West Circle, located in James City County, Virginia and further identified as James City County Real Estate Tax Parcel Number 4540200080A (the “Property”).

We do further attest and affirm the following:

1. The entirety of the Property is located within the Resource Protection Area of the James City County Chesapeake Bay Preservation Ordinance (the “Ordinance”).
2. By resolution of the James City County Chesapeake Bay Board (the “Board”), which is attached as Exhibit 1, we received an exception from the Ordinance to impact the Property.
3. The exception granted by the Board is conditioned on satisfying the limits of impact and mitigation plan as proposed in the Water Quality Impact Analysis, which is attached as Exhibit 2.
4. We hereby acknowledge, and put subsequent purchasers on notice, that any impact to the resources protected by the Ordinance outside of those identified in Exhibit 2 is in violation of the Ordinance.

(SIGNATURE PAGE FOLLOWS)

Raffael Tusa

COMMONWEALTH OF VIRGINIA,
County/City of _____, to wit:

The foregoing Affidavit was acknowledged before me this ____ day of _____, 2016 by RAFFAEL TUSA.

(SEAL)

Notary Public

Notary No. _____

My Commission expires: _____

Florina Tusa-Wyss

COMMONWEALTH OF VIRGINIA,
County/City of _____, to wit:

The foregoing Affidavit was acknowledged before me this ____ day of _____, 2016 by FLORINA TUSA-WYSS.

(SEAL)

Notary Public

Notary No. _____

My Commission expires: _____

Memo

To: James City County's Chesapeake Bay Board
From: Patrick T. Menichino, Environmental Compliance Specialist
Date: June 13, 2007
Re: CBE-06-071 – 3 West Circle

Case History

November 8, 2006 - James City County Wetlands Board Meeting

Shoreline stabilization project identified as W-19-06 – 3 West Circle, was presented to the Wetlands Board. This shoreline project proposed the installation of a rip rap revetment along the existing shoreline to eliminate the erosion caused by wave attack and storm events on the James River.

The JPA submitted for this project included reports from VIMS, VMRC, COE, along with the plans submitted by the applicant's consultant. Staff recommendation was for the approval of this project with certain conditions required.

Based on the information provided, the Wetlands Board unanimously approved the issuance of a Wetlands Permit for this project.

November 8, 2006 - James City County Chesapeake Bay Board Meeting

Following the Wetlands Board meeting the Chesapeake Bay Board convened and was presented a Chesapeake Bay Board Exception (CBE-06-071 – West Circle) to request a CBPO exception to allow for the installation of a retaining wall and fill on the property located at 3 West Circle. The work proposed in this application was originally a part of the overall plan for 3 West Circle but was separated out at the request of staff to delineate the jurisdiction of each Board.

Staff recommendation was for the approval of this project with certain conditions required.

Following the public hearing the Board voted to deny the applicants exception request by a vote of 4-1.

Although both cases involving 3 West Circle were presented to each Board the same evening by staff. The two separate staff presentations along with two phases of construction may have lead to confusion resulting in one phase approved and one denied, by the Boards.

February 2, 2007

In an effort to clarify the shoreline stabilization phase, staff reviewed the Wetlands permit (W-19-06), specifications and project plans and issued a memo to the Wetlands Board Chairman. That staff memo provided the Board with information and a determination on the scope of the work that was already approved within the Wetlands permit.

Over a period of months following the Chesapeake Bay Boards denial of (CBE-06-071) the second phase, the applicant and consultant have met with staff numerous times and they revised their proposal in a way to minimize impacts and to increase the mitigation/restoration to the RPA buffer.

March 14, 2007 - James City County Chesapeake Bay Board meeting

The applicant presented a revised exception request of CBE-06-71 to the Chesapeake Bay Board for consideration.

During the public hearing, the Board also heard from two adjacent property owners who voiced concern.

Mr. Noel Hume stated that his concern was for the impact to the Wetlands and to his home caused by the installation of the proposed bridge.

Mr. Darryl Rickman submitted information to the Board that stated that: "A reasonable size house, compatible with the neighboring homes can be placed on the mainland side and meet the required setbacks".

Following the closing of the public hearing Board member Mr. David Gussman made a motion to deny the applicants request in part because of Mr. Darryl Rickmond's statement, Mr. Gussman stated: "if there is a buildable area outside of the RPA, then the exception request is not the minimum necessary to afford relief"

The motion to deny the revised exception request was approved by a 4-0 vote.

March 28, 2007

Subsequent to the Chesapeake Bay Board's second denial of CBE-06-071 staff requested verification from the County's Zoning section that the Zoning Ordinance would allow for a residence to be built on the mainland side as was asserted at the hearing by Mr. Darryl Rickmond.

April 3, 2007

Staff meets with the County's Zoning office to discuss setback requirements for 3 West Circle. Zoning provides documentation that the current setback requirements for 3 West Circle would not allow for a residence, regardless of the proposed size, to be constructed in the area on the mainland side and out of the RPA as stated by Mr. Rickman at the March 14, 2007 Board meeting.

April 11, 2007 - Chesapeake Bay Board meeting

The Board appoints a special committee to review the information and facts concerning CBE-06-071, and to present a report of its findings at the next Chesapeake Bay Board meeting.

April 13, 2007

The County's Zoning office responds to staffs request and issues a memo concerning the setback requirements for 3 West Circle.

May 9, 2007 - Chesapeake Bay Board meeting

The Board receives the special committee report along with a recommendation for the Board to rescind its denial of CBE-06-071.

Following a discussion, a motion to rescind the previous vote to deny CBE-06-071 was made by Mr. Larry Waltrip and approved by the Board by a 5-0 vote.

Staff Report and Recommendation:

Staff believes that all members of the Board have now been provided the factual information necessary to render a fair decision on this case.

In an attempt to be fair and transparent the Board has in the past allowed discussions of issues during the public hearing that were actually not part of the exception request and are outside of the Boards purview.

One of these unrelated issues was a proposed open pile bridge providing access to the property. This proposed bridge has now been granted an administrative exception by the Environmental Director.

6/13/07

The application before you is an exception request to allow for 110 linear feet of retaining wall and the filling and grading of approximately 10,890 sqft. within the buffer located on the upper portion of the lot. This can be considered as the second phase of this project.

The first phase of this project was the shoreline stabilization phase already permitted under W-19-06. That phase of the project includes the installation of an armor stone revetment along the James River including filling and grading to elevation 90 where the fill will be tied into the existing high ground on the island. The area to be filled is the lower portion of the island along with the small pond. The filling of the small pond area received approval from the COE. The placement of fill and the creation of a fill slope are necessary to install and support the armor stone. As you know this island is subjected to wave attack as well storms producing significant storm surges. This phase of the project also requires the removal of the existing earthen causeway that currently provides access to the island. That area will then be planted with wetlands plants to restore the wetlands.

The Chesapeake Bay Preservation Ordinance permits the removal of vegetation and the filling and grading of RPA buffer for the purpose of shoreline stabilization projects. In fact the Wetlands Board has in the past routinely approved the grading and filling of RPA buffer for shoreline stabilization projects. Staff believes that the majority of impact to the RPA buffer at 3 west circle will occur during the shoreline stabilization phase (first phase). With only approximately ¼ acre of impact proposed during the Chesapeake Bay Exception phase before you tonight.

The retaining wall and the ¼ acre of grading and fill that are proposed in this phase will be installed after the armor stone revetment has been installed. To minimize the potential for any offsite discharge an erosion and sediment control plan along with a land disturbing permit will be required by the County prior to any work in the second phase. The project site will be monitored for environmental compliance by County staff until completion.

Staff believes that the Board now recognizes that the majority of impacts associated with the two phases of this project will actually occur during the first phase which is already permitted under the Wetlands permit.

6/13/07

In conclusion staff offers the following information and findings to the Chesapeake Bay Board for its consideration.

1. Staff finds that the exception request is the minimum necessary to afford relief because:
 - A. The lot was recorded prior to the adoption of the ordinance.
 - B. A buildable area outside of the RPA does not exist on the lot.
 - C. The proposed disturbance within the buffer is relatively small and is consistent with other single family exception requests granted by the Board.
 - D. The installation of the retaining wall will actually reduce the impacts within the RPA buffer.
 - E. The applicant has revised, minimized, and reduced the proposed impacts to the buffer.
2. Staff finds that granting this exception will not confer any special privileges to the applicant because:
 - A. The lot was recorded prior to the adoption of the ordinance.
 - B. Other similar single family exceptions have been granted by the Board.
 - C. Adjacent properties have RPA encroachments that are similar.
3. Staff believes that the exception request will be in harmony with the intent of the ordinance because:
 - A. It is clearly the intent of the ordinance to allow encroachments within the RPA buffer for single family residences on lots recorded prior to the adoption of the ordinance.
4. Staff believes that this exception request is not based on conditions or circumstances that are self imposed because:
 - A. There is not a buildable area outside of the RPA buffer on this lot.

6/13/07

5. Staff believes that reasonable and appropriate conditions can be imposed that will prevent the exception request from degrading water quality. Staff contends that the RPA mitigation plan proposed for this project far exceeds the standard mitigation requirements approved by the Board for similar projects.

Staff recommends that the Board approve this project with all of the conditions previously submitted within staff reports along with any additional and reasonable conditions the Board may apply.

6/13/07

CBE-06-071

COUNTY OF JAMES CITY, VIRGINIA
CHESAPEAKE BAY RESTORATION and WETLANDS MITIGATION AGREEMENT

THIS AGREEMENT, made this 10th day of October 2007, by and between PALMER AND PALMER CO. LLC, a Virginia limited liability company, having a mailing address is 108 John Wickham, Williamsburg, Virginia ("OWNER"), and the COUNTY OF JAMES CITY, VIRGINIA, a political subdivision of the Commonwealth of Virginia ("County").

WHEREAS, Owner is the owner of a certain tract of land located at 3 West Circle, Williamsburg, Virginia, and designated by Parcel Identification Number 4540200080A within the James City County Real Estate System, hereinafter referred to as "Property" and located in the County of James City, Virginia; and

WHEREAS, restoration of the Resource Protection Area (the "RPA") and implementation of Wetlands Mitigation plantings within portions of the Property is the responsibility of the Owner pursuant to a Wetlands Permit granted by the County's Wetlands Board on November 8, 2006, and a Chesapeake Bay Exception granted by the County's Chesapeake Bay Board on June 13, 2007, and is required by the County to be shown on a plan designated as: Resource Protection Area Restoration and Wetlands Mitigation Planting Plan for 3 West Circle (the "Plan"); and

WHEREAS, the Owner has posted sufficient letter of credit, bond, certified or cashier's check, pursuant to existing ordinances, approved as to form by the County Attorney, and with surety satisfactory to the County in the amount of \$55,000.00 guaranteeing the installation of the aforementioned improvements as shown on the Plan before November 30, 2008. The required surety for the Plan, may be divided into two surety components. The RPA planting component shall require \$24,000.00, and the Wetlands Mitigation Planting shall require \$31,000.00, equaling \$55,000.00 total surety.

NOW, THEREFORE, THIS AGREEMENT WITNESSETH: That for and in consideration of the premises and the covenants and agreements herein contained, the parties hereto agree as follows:

1. The Owner does covenant and agree that they will, without cost to the County of James City, before October 11, 2007, submit for County review and approval the Plan entitled "Resource Protection Area Restoration and Wetlands Mitigation Planting Plan for 3 West Circle"; the Plan shall clearly show the locations and species of the fifty three (53) trees, one hundred six (106) understory trees, and one hundred fifty nine (159) shrubs to be installed within the RPA buffer, and the twenty four hundred (2400) square feet of Wetlands Mitigation plantings and twenty (20) Salt Bush plantings required to be installed within the Wetlands by this Agreement, to be installed by or on behalf of the Owner as shown on the above referenced plan.

2. The Owner covenants and agrees it will, without cost to the County of James City, before November 30, 2008, construct to the approval of the County all physical improvements as required by the Chesapeake Bay Preservation Ordinance of the County, or shown on the development plans approved by the County. If, in the sole judgment of the County, circumstances beyond the control of the Owners prevent the Owners from completing the improvements in the time set forth herein, then the County may, at its sole discretion, grant an extension of time for completion of said improvements and in such instance the County shall require an amended letter of credit, bond, certified or cashier's check, approved as to form by the County Attorney, and with surety satisfactory to the County in an amount to guarantee the installation of the aforementioned improvements. All vegetation shall be alive and thriving, as determined by an inspection performed by the County between November 15, 2009 and November 30, 2009. In the event the County determines that any vegetation is not alive and thriving, the Owners shall replace such vegetation within 10 days of receiving notice from the County.


3. It is mutually understood and agreed that in the event the Owner fail to properly complete the physical improvements provided hereinabove, the County may complete, or cause to have completed, the same and render a bill therefore to the Owner who shall be liable to the County for all proper costs so incurred by the County or the County may draw the amount necessary from the surety to complete or cause to have completed the same. Owner hereby grants the County, its agents and contractor, access onto the Owners' Property to install and inspect any improvements required under this Agreement.

4. In the event the County calls, collects, or otherwise draws on the Security Instrument pledged under this Agreement, Owners agree to either pay, or have the County use the proceeds of the draw to pay a reasonable administrative fee of \$35.00, plus any costs actually incurred by the County, in drawing on the Security Instrument. The charge for an administrative fee, plus costs, shall apply regardless of whether the County later accepts a renewal or amendment of the Security Instrument. The County shall provide the Owner a written notice three (3) days prior to calling, collecting, or otherwise drawing on the surety hereunder.

5. It is mutually understood and agreed that the Owner shall faithfully execute each and all requirements of the said Chesapeake Bay Preservation Ordinance and the provisions of this Agreement, and shall indemnify, protect, and save harmless, the County of James City from all loss, damage, expense, or cost by reason of any claim, suit, or action instituted against the County of James City or its agents or employees thereof.

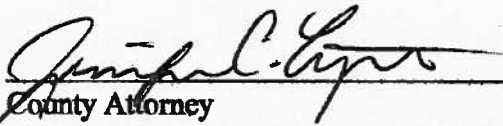
IN WITNESS WHEREOF, the parties hereto have affixed their signatures and seals as of the date first written above.

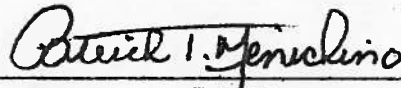
ATTEST: _____

Owner: 
Title: owner/maker

Approved as to form:

COUNTY OF JAMES CITY, VIRGINIA


1557. County Attorney

By: 
County Agent

WEST VIRGINIA
LANDSCAPE ARCHITECTURE

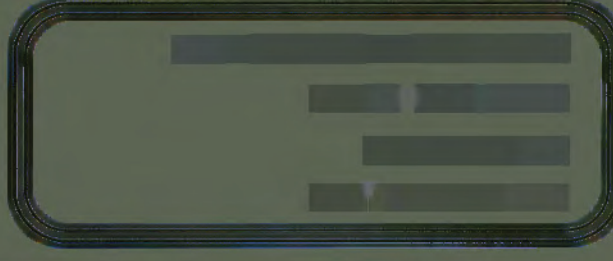
1414 UNIVERSITY AVENUE
SUITE 200
CHARLESTON, WEST VIRGINIA 25302
PHONE: 304.786.4444
WWW.WESTVILANDSCAPEARCHITECTURE.COM

LANDSCAPE ARCHITECT
DANIEL J. WILSON
REGISTERED PROFESSIONAL LANDSCAPE ARCHITECT
NO. 20023

DATE: 05/13/2024

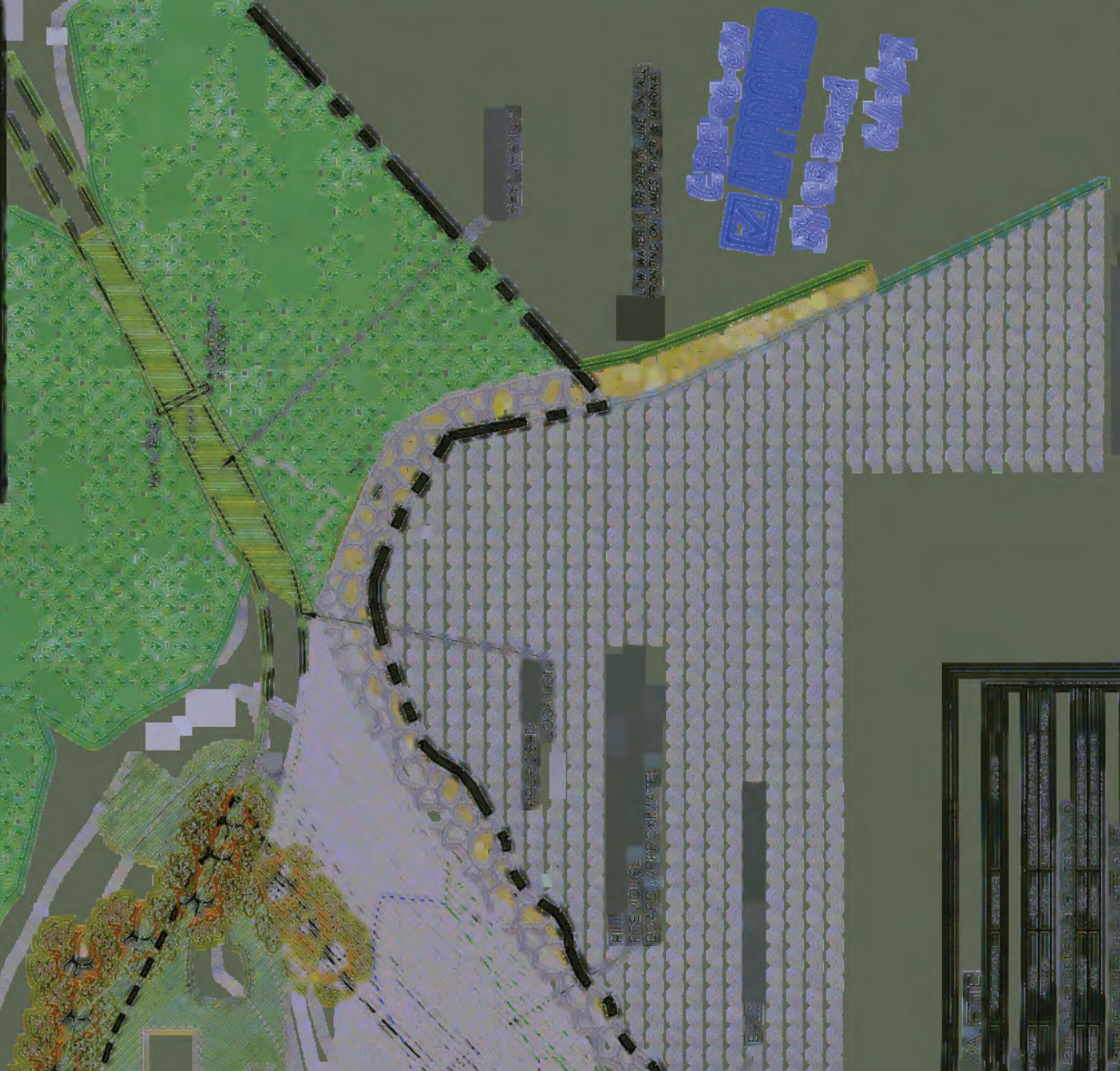
PROJECT: RESTORATION AND WETLANDS MITIGATION PLANTING PLAN FOR WEST ROLE

RESTORATION AND WETLANDS MITIGATION PLANTING PLAN FOR WEST ROLE
JAMES COUNTY, VIRGINIA



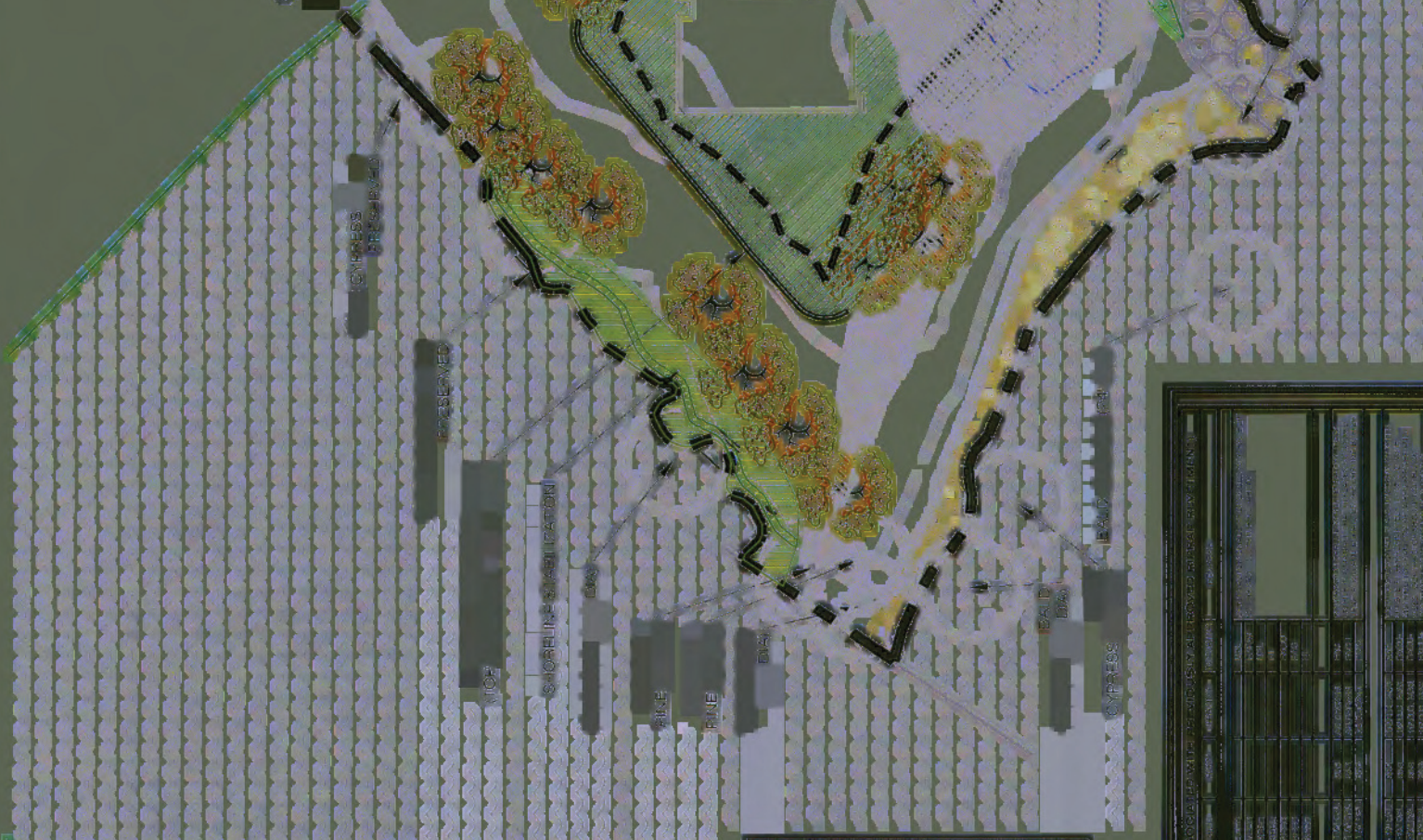
LEGEND

- APPROXIMATE
- APPROXIMATE
- PROPOSED LANDSCAPE PLANTINGS (APPROXIMATE)
- PROPOSED LANDSCAPE PLANTINGS (APPROXIMATE)
- APPROXIMATE
- APPROXIMATE
- NOT SHOWN



NO.	DESCRIPTION	DATE	BY
1	ISSUED FOR PERMITTING	05/13/2024	DJW
2	ISSUED FOR PERMITTING	05/13/2024	DJW
3	ISSUED FOR PERMITTING	05/13/2024	DJW
4	ISSUED FOR PERMITTING	05/13/2024	DJW
5	ISSUED FOR PERMITTING	05/13/2024	DJW
6	ISSUED FOR PERMITTING	05/13/2024	DJW
7	ISSUED FOR PERMITTING	05/13/2024	DJW
8	ISSUED FOR PERMITTING	05/13/2024	DJW
9	ISSUED FOR PERMITTING	05/13/2024	DJW
10	ISSUED FOR PERMITTING	05/13/2024	DJW

JAMES RIVER



TYPICAL RIPARIANIZATION 20 FEET X 20 FEET UNIT



TYPICAL RIPARIANIZATION AND BUFFER ENHANCEMENT PLANT PALETTE (PROPOSED ENHANCEMENT)

Plant Species	Plant Species	Plant Species	Plant Species
1. ...	2. ...	3. ...	4. ...
5. ...	6. ...	7. ...	8. ...
9. ...	10. ...	11. ...	12. ...
13. ...	14. ...	15. ...	16. ...
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93. ...	94. ...	95. ...	96. ...
97. ...	98. ...	99. ...	100. ...

VEGETATION RESTORATION

Plant Species	Plant Species	Plant Species	Plant Species
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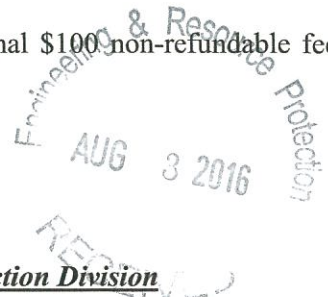
Chesapeake Bay Preservation Ordinance Sensitive Area Activity Application

For Office Use Only

CB Number 17-009

Submission Requirements: (Check all applicable)

- A \$25 non-refundable processing fee payable to Treasurer, James City County.
- RPA - landward 50' - Complete Items 1 - 5, and sign on Page 3.
- RPA - seaward 50' - Complete Items 1 - 5, sign on Page 3 and submit an additional \$100 non-refundable fee payable to Treasurer, James City County, for the Chesapeake Bay Board.
- Conservation Easement - Complete Items 1, 2, 3, and 5, and sign on Page 3.
- Steep Slopes \geq 25 percent - Complete Items 1, 2, 3, and 5, and sign on Page 3.
- Attach plans as required (see instruction on Page 4, Item 4).
- Applicable surety as required for mitigation (see **Mitigation Rates Table** on Page 2).



Upon completion, please return pages 1-3 to the JCC Engineering and Resource Protection Division

Property Owner Information:

Date: 3 August 2016

Name: Raffael & Florina Tusa
 Address: 113 Rivers Edge, Williamsburg, VA 23185
 Phone: (914) 334 3399 Fax: _____ Email: turaff@gmail.com

Contact (if different from above):

Name: David Stemann/ Ed Pease (Stemann Pease Architecture) Phone: 757 220 2244
 Email: DMS@stemann-pease-architecture.com

Project Information:

Project Address: 3 West Circle
 Subdivision Name, Lot, and Section No.: First Colony, LT *)A REV PT SC III
 Parcel Identification No. or Tax Map No.: 4540200080A
 Date Lot was platted: August 1963 Line or Bldg Permit No.: _____

Activity Location and Impacts (Square Feet - SF): (check all that apply)

- | | |
|--|---|
| <input type="checkbox"/> Steep Slopes \geq 25 percent _____ (SF) | <input type="checkbox"/> RPA - Landward 50' <u>4433</u> _____ (SF) |
| <input type="checkbox"/> Conservation Easement _____ (SF) | <input type="checkbox"/> RPA - Seaward 50' <u>2226</u> _____ (SF) |
| <input checked="" type="checkbox"/> Trees to be Removed <u>Appx. 10- scrub/volunteer</u> (#) | <input type="checkbox"/> Proposed Impervious Cover <u>6659</u> _____ (SF) |

Activity involves: (check all that apply)

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> New principal structure construction | <input type="checkbox"/> Building addition to principal structure | <input checked="" type="checkbox"/> Attached Deck |
| <input type="checkbox"/> Permitted buffer modifications: | <input type="checkbox"/> Dead/diseased/dying tree removal | <input type="checkbox"/> Sightline |
| | <input checked="" type="checkbox"/> Invasive/noxious weed removal | <input type="checkbox"/> Access path/trail |
| <input type="checkbox"/> Accessory (Detached) Structure or Patio | <input type="checkbox"/> Redevelopment: _____ | |
| <input type="checkbox"/> Other: <u>Tree Removal is volunteer & scrub trees, 4-6" caliper</u> | | |

**Chesapeake Bay Preservation Ordinance
Sensitive Area Activity Application**

Engineering & Resource Protection
AUG 3 2016

RECEIVED

For Office Use Only CB Number <u>17-009</u>

1. Description of requested sensitive area activity and reason for request:

(In the description, please indicate the reason for the proposed structure or activity, the location, sizes and dimensions of feature. For decks or expansions, indicate if ground floor, first floor or other levels)

Construct single-family dwelling. The building placement is per attached site plan and placed to avoid mature buffer at marsh-side lands and to occupy man-made plateau toward the River, avoiding steep slopes. The entire site is RPA and the placement of the improvements is 50ft landside, except where existng buffer and slopes suggest using southeast site.

2. As per Section 23-9 of the Chesapeake Bay Preservation Ordinance, if there is an on-site sewage disposal system on this property, has it been inspected and/or pumped out in the past five years? Yes No

3. Are permits from other local, State or Federal agencies required for any portion of this project? Yes No
(If yes, please explain) _____

4. Water Quality Impact Assessment

The purpose of a water quality impact assessment is to demonstrate that the project will result in the removal of no less than 75 percent of sediments and 40 percent of nutrients from post-development stormwater run-off and that it will retard runoff, prevent accelerated erosion, promote infiltration, and filter non-point source pollution equivalent to the full undisturbed 100-foot buffer.

A. Why is this encroachment necessary? Can it be relocated to avoid RPA impacts?

Encroachment will be required to develop the site in any way. Re-location is not possible to avoid RPA, but placement has been carefully considered to minimize impacts.

B. What measures will be used to minimize impervious area? Examples: pervious pavers, removal of existing impervious surfaces (concrete, pavement, etc.) in the RPA not needed for the project

To reduce impervious areas, pervious pavements will be used on driveway where slopes allow.

5. Proposed mitigation measures:

Note: All mitigation measures must be shown in detail on a mitigation plan. Show both location of mitigation measures and plant species if applicable. All mitigation plants must be native species and be located in the sensitive area (RPA or Conservation Easement).

Mitigation Rates Table

<u>Impervious Area (SF)</u>	<u>Mitigation Required</u>	<u>Surety</u>
<400	1 tree and 3 shrubs	\$250
400-1,000	1 canopy tree, 2 understory trees and 3 shrubs per 400 SF (or fraction thereof)	\$1,000
>1,000	Plant at same rate as 400 – 1,000; or may be determined by Director of Engineering and Resource Protection Division	To be determined

**Chesapeake Bay Preservation Ordinance
Sensitive Area Activity Application**

Engineering & Resource Protection
AUG 3 2016

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A. Vegetation/ground cover enhancement of buffer (see Mitigation Rates Table on previous page).

- Number of native canopy trees 17
- Number of native understory trees 34
- Number of native shrubs 50
- Square feet of native ground cover 3600 river-side slopes (black-eyed susan, etc.) buffer plantings
- Square feet of mulch 3600 concurrent with above

B. Best Management Practices (BMPs)

- EC-2 (degradable) erosion control matting
- Dry Swale
- Silt fence
- Turf (Nutrient) Management Plan
- Gravel under deck (3" of gravel over synthetic filter fabric under entire deck area)
- Other: Conduct rianwater/runoff to north, marsh-side mature buffer, not river-side slopes
- Bioretention or rain garden practice
- Infiltration Area/Trench/Drywell
- Structural BMP (Wet or Dry Pond)
- Rain Barrel

I understand that the following are approval conditions:

- 1) Mitigation for the above activity shall follow the approved mitigation plan and be guaranteed with a form of surety acceptable to the County Attorney.
- 2) Limits of disturbance as shown on the approved plan shall not be exceeded.
- 3) This approval shall become null and void if construction has not begun within 12 months of the approval date.
- 4) Surety will be released following the completion and inspection of mitigation plantings.

Property owner signature [Signature] for RAPHAEL TIEA Date 8-3-16

Program Administrator _____ Date _____
Authorized Signature

<p style="text-align: center;">For Office Use Only</p> <p><u>9/14/16 CB Board.</u></p>	<p>Surety Amount: _____</p> <p>Date/Rec No.: _____</p> <p>Fee Paid? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Amount: <u>125⁰⁰</u></p> <p>Date/Rec No.: <u>8/31/16 #2970</u></p>
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**Community Development
Engineering and Resource
Protection Division**
101 Mounts Bay Road, Bldg E
Williamsburg, VA 23185
Resource.Protection@jamescitycountyva.gov

Building Safety and Permits
757-253-6620

Engineering and Resource Protection
757-253-6670

Planning
757-253-6685

Zoning Enforcement
757-253-6671

December 20, 2016

RE: CBE-17-009 – 3 West Circle – SFD with attached deck and pool

Dear Adjacent Property Owner:

In accordance with State and County Codes, this letter is to notify you that a request has been filed with the James City County Chesapeake Bay Board by Raffael and Florina Tusa, for encroachment into the Resource Protection Area (RPA) associated with construction of a single family dwelling with patio and pool, at 3 West Circle in the Greater First Colony subdivision. The property is further identified by James City County Real Estate as Parcel No. 4540200080A.

A complete description, plan, and other information are on file in the Engineering and Resource Protection Division and are available for inspection during normal business hours, should anyone desire to review them.

The Chesapeake Bay Board will hold an advertised public hearing **Wednesday, January 11, 2017 at 7 p.m.** in the Board Room of Building F, 101 Mounts Bay Road, James City County, Virginia, at which time you may request to speak on the above referenced project.

Sincerely,

Melanie Davis

Melanie Davis
Chesapeake Bay Board Secretary
757-253-6866

cc: Raffael & Florina Tusa
Stemann Pease Architecture
VHB
Roth Environmental

Mailing List for: CBE-17-009 – 3 West Circle – SFD with attached deck and pool

4540200080A - Owner 3 West Circle

Raffael & Florina Tusa
113 Rivers Edge
Williamsburg, VA 23185-8930

Agent

Stemann Pease Architecture
Attn: David Stemann and Ed Pease
209 N Boundary Street
Williamsburg, VA

Roth Environmental, LLC

Attn: Matt Roth
700 Prescott Circle
Newport News, VA 23602

Vanasse Hangen Brustlin (VHB)

Attn: Doug Mettler
351 McLaws Circle, Suite 3
Williamsburg, VA 23185

4540200079

Beverly and Noel Hume
2 West Circle
Williamsburg, VA 23185

4540200080

Darrell and Mary Rickmond
4 West Circle
Williamsburg, VA 23185

4540200081

Michael and Hazel Mann
5 West Circle
Williamsburg, VA 23185

4540200078

Eric and Mary Ann Carlson
210 The Maine
Williamsburg, VA 23185

4540200087

Percy Garrington
211 The Maine
Williamsburg, VA 23185

4530400001 - 94 Shellbank Dr

Greater First Colony Area Civic Association
PO Box 5123
Williamsburg, VA 23188-5202

4540200083

Hunter Vermillion
220 The Maine
Williamsburg, VA 23185

4510300270

Linda Scherer
222 The Maine
Williamsburg, VA 23185

4540200082 - 218 The Maine

John and Kathleen Kane
5803 College Creek Place
Williamsburg, VA 23185

4540200077

Rollin and Marlene Collins
208 The Maine
Williamsburg, VA 23185



PUBLIC HEARING NOTICE

THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA WILL HOLD PUBLIC HEARINGS **WEDNESDAY JANUARY 11, 2017 AT 7 p.m.** IN THE BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA TO CONSIDER THE FOLLOWING CASE:

CBE-17-009: Raffael & Florina Tusa have filed an exception request to encroach into the RPA buffer for construction of a single family dwelling with a patio and pool at 3 West Circle, in the Greater First Colony subdivision, JCC Parcel No 4540200080A.

Appeals from decisions under the Chesapeake Bay Preservation Ordinance may also be heard.

All interested parties are invited to attend the meetings. The applications and plans are on file and may be viewed during normal office hours in the Engineering and Resource Protection Division, 101-E Mounts Bay Road, James City County, Virginia.

NOT FOR PUBLICATION

DISPLAY: WEDNESDAY –December 28, 2016, and January 4, 2017.
ACCOUNT NO.: 0011040200 - VIRGINIA GAZETTE

COPIES: PLANNING
 ASSISTANT COUNTY ATTORNEY
 CHESAPEAKE BAY BOARD MEMBERS

RESOLUTION

CASE NO. CBE-17-009. 3 WEST CIRCLE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Matthew Roth, Roth Environmental, on behalf of Raffael and Florina Tusa, has applied to the Chesapeake Bay Board of James City County (the “Board”) on January 11, 2017, to request an exception to use of the Resource Protection Area (the “RPA”) on a parcel of property identified as James City County Real Estate Tax Parcel No. 45402000080A and further identified as 3 West Circle in the First Colony subdivision (the “Property”) as set forth in the application CBE-17-009, for the construction of a single-family dwelling, deck and pool; and

WHEREAS, the Board has listened to the arguments presented and has carefully considered all evidence entered into the record.

NOW, THEREFORE, BE IT RESOLVED that the Chesapeake Bay Board of James City County, Virginia, following a public hearing, by a majority vote of its members FINDS that:

1. The exception request is the minimum necessary to afford relief.
2. Granting the exception will not confer upon the Applicant any special privileges denied by Chapter 23, Chesapeake Bay Preservation, of the James City County Code, to other property owners similarly situated in the vicinity.
3. The exception request will be in harmony with the purpose and intent of Chapter 23 of the James City County Code, and is not of substantial detriment to water quality.
4. The exception request is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels.
5. Reasonable and appropriate conditions are hereby imposed, as set forth below, which will prevent the exception request from causing a degradation of water quality.
6. In granting this exception, the following conditions are hereby imposed to prevent this exception request from causing degradation of water quality:
 - a. The applicant must obtain all other necessary federal, state and local permits and permissions as required for the project; and
 - b. The applicant must execute a Declaration of Covenants, Inspection/Maintenance of Drainage Systems with James City County and record said document at the Williamsburg/James City County courthouse and provide evidence to the County; and
 - c. The applicant must execute the Affidavit at the Williamsburg/James City County courthouse and provide evidence of such to the County; and

- d. Design and construction of the on-lot runoff reduction/pollutant removal practices proposed shall generally follow micro-scale specifications found in Virginia DEQ Stormwater Design Specifications No. 1 (Rooftop Disconnection), No. 8 (Infiltration), No. 7 (permeable pavement) and/or No. 9 (Bioretention) as applicable; or alternatively, an equivalent and acceptable published and agreed upon standard for on-lot residential runoff reduction/best management practices; and
- e. Surety of \$10,000 will be required in a form acceptable to the County Attorney's office; and
- f. This exception request approval shall become null and void if construction has not begun by January 11, 2018; and
- g. Written requests for an extension to an exception shall be submitted to the Engineering and Resource Protection Division no later than six weeks prior to the expiration date.

 David Gussman
 Chair, Chesapeake Bay Board

 Michael Woolson
 Senior Watershed Planner

Adopted by the Chesapeake Bay Board of James City County, Virginia, this ____ day of _____, 20__

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 20__ IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF JAMES CITY.

 NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

CBE-17-009-3WestCircle-res