

**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**  
**February 8, 2017**  
**7:00 PM**

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**A. CALL TO ORDER**

**B. ROLL CALL**

**C. MINUTES**

1. January 11, 2017 Minutes

**D. PUBLIC HEARINGS**

1. CBE-17-041 : 212 William Claiborne
2. CBE-17-043 : 178 The Maine

**E. BOARD CONSIDERATIONS**

**F. MATTERS OF SPECIAL PRIVILEGE**

**G. ADJOURNMENT**

**ITEM SUMMARY**

DATE: 2/8/2017  
TO: Chesapeake Bay Board  
FROM: Chesapeake Bay Board Secretary  
SUBJECT: Minutes from January 11, 2017 regular meeting

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**ATTACHMENTS:**

	Description	Type
▣	January 11, 2017 Minutes	Minutes

**REVIEWERS:**

Department	Reviewer	Action	Date
Chesapeake Bay Group	Secretary, ChesBay	Approved	2/2/2017 - 2:11 PM

**MINUTES**  
**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**

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**A. CALL TO ORDER**

The Chesapeake Bay Board meeting for January 11, 2017, 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  
William Apperson  
Charles Roadley  
Roger Schmidt - Alternate

**Absent:**

Larry Waltrip

**Others Present:**

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

**C. MINUTES**

1. November 9, 2016, Regular Meeting Minutes

The minutes were approved as written.

**D. PUBLIC HEARINGS**

1. Chesapeake Bay Board Case No. CBE 17-009: 3 West Circle

Michael Woolson presented the exception request submitted by Matt Roth with Roth Environmental, on behalf of property owners, Raffael and Florina Tusa. Representatives from Stemann Pease Architecture, Vanasse Hangen Brustlin (VHB) and Jeff Clark Custom Homes were also in attendance. The exception request was for encroachment into the RPA buffer for construction of a single-family dwelling, deck and pool on the property known as 3 West Circle in the Greater First Colony subdivision, within the James River watershed and further

identified as James City County Tax Map Parcel No. 4540200080A. The presentation described the current site conditions, previous permits and exceptions granted and completed on this property and the proposed new project. Mr. Woolson also explained the various methods and mitigation that would be incorporated to reduce and/or treat the stormwater runoff and prevent erosion. Staff determined the impacts to be major for the proposed development and recommended approval with the conditions outlined in the Resolution.

Mr. Hughes asked if the trees planted as mitigation for the previous exceptions would remain and if they were included in the mitigation for this proposal.

Mr. Woolson stated the majority of the planted trees would remain and the few that needed to be removed would be replaced at a 2:1 ratio. The mitigation proposed for this plan was in addition to previous mitigation.

Mr. Apperson asked if the applicant or Staff proposed doubling the capacity of the rain gardens.

Mr. Woolson said the County Stormwater Engineer reviewed the initial proposal and after discussing with Mr. Roth, they increased the size of the rain gardens. He commented that all parties were very cooperative and worked with the County in developing this plan.

Mr. Gussman opened the Public Hearing.

**A.** Mr. Matt Roth with Roth Environmental, added to Staff's presentation and further described the consideration of sensitive areas in developing this plan with a goal of zero impact to water quality. In describing the proposed mitigation he pointed out there would be no areas of turf grass on the property. He also told the Board they worked closely with Mr. Darrell Rickmond, the adjacent property owner most affected by this project, to make sure they addressed his concerns.

**B.** Mr. David Stemann with Stemann Pease Architecture also addressed the Board stating the owners, Mr. and Mrs. Tusa, were unable to attend, but wished to thank the Board for its consideration and to acknowledge Mr. Michael Woolson for his knowledge and guidance in developing this plan. He also stated they did not view the extreme mitigation measures as a hardship because from the beginning, their desire was to restore the environmental health of this site.

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

Mr. Roadley expressed his appreciation for the level of thought and effort that went into this project. He considered this a reasonably good design for this area.

Mr. Apperson agreed and stated the project was well engineered.

Mr. Roadley made a motion to adopt the Resolution to Grant the Exception for Chesapeake Bay Board Case No. CBE-17-009 at 3 West Circle.

The motion result was: 5-0

Ayes: Gussman, Hughes, Roadley, Apperson, Schmidt  
Nays: None

**E. BOARD CONSIDERATIONS**

None

**F. MATTERS OF SPECIAL PRIVILEGE**

Mr. Gussman asked Staff if the Chesapeake Bay Board Case No. CBE-14-041 for Kingsmill Riverwalk, which was extended to February 13, 2017, would be presented at next month's meeting on February 8, 2017.

Mr. Woolson said he would contact the applicant again but, the deadline to request a new hearing was Friday January 13, 2017. If the request was not received by that date the permit would expire. He agreed to contact Mr. McGurk with Kingsmill United regarding the status of the case.

**G. ADJOURNMENT**

The meeting adjourned at 7:34 p.m.

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William Apperson  
Chesapeake Bay Board Vice Chair

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Melanie Davis  
Secretary to the Board

**ITEM SUMMARY**

DATE: 2/8/2017

TO: Chesapeake Bay Board

FROM: Michael Woolson, Senior Watershed Planner

SUBJECT: Construction of a single family dwelling and a retaining wall at 212 William Claiborne in the Kingsmill on the James subdivision.

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Harold and Marjorie Starling have applied for an exception for the construction of a single family dwelling and a retaining wall at 212 William Claiborne in the Kingsmill on the James subdivision.

**ATTACHMENTS:**

	Description	Type
▣	Staff Report	Staff Report
▣	Resolution	Resolution
▣	Application	Backup Material
▣	Site Plan	Exhibit
▣	Mitigation Plan	Exhibit
▣	APO Notification and Ad	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	2/2/2017 - 11:37 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	2/2/2017 - 2:14 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBE-17-041. 212 William Claiborne  
Staff Report for the February 8, 2017, Chesapeake Bay Board Public Hearing**

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*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.*

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**EXISTING SITE DATA AND INFORMATION**

Applicants: Harold and Marjorie Starling

Agent: Ron Curtis, Ron Curtis Builder

Location: 212 William Claiborne

Tax Map/Parcel No.: 5030600020

Legal Description: Lot 20, Colston's Crossing, Kingsmill on the James subdivision

Lot Size: 0.91 acres +/-

Area of Lot in Resource Protection Area (RPA): 0.68 acres +/- (75%)

Watershed: College Creek, Halfway Creek (HUC Code JL34)

Floodplain: Panel 0206D  
Zone AE, base flood elevation 7 MSL

Proposed Activity: Construction of a retaining wall associated with a single-family dwelling.

Impervious Cover: Approximately 70 square feet, retaining wall

RPA Encroachment: Impervious cover within the landward 50-foot RPA buffer

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

**BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES**

Mr. Ron Curtis, Ron Curtis Builders, on behalf of Harold and Marjorie Starling, has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of a retaining wall associated with the construction of a new single-family dwelling on property known as 212 William Claiborne, within the College Creek watershed. The property is further identified as James City County Tax Map Parcel No. 5030600020. The parcel was platted prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The development plan locates the retaining wall between 5 and 20 feet from the edge of the proposed driveway to allow for the driveway to be somewhat level at this location, allowing for the turning around of vehicles. The grade between the edge of the driveway and the top of the retaining wall varies from even to 3 feet. Stormwater runoff from the driveway is captured and piped to daylight below the wall with appropriate erosion control stone. The applicant is proposing 3 understory trees and 15 shrubs as mitigation for the entirety of the RPA impacts (administrative and board). The proposed mitigation does not meet County requirements.

## **STAFF EVALUATION**

Staff has evaluated the application and exception request for the construction of the retaining wall and finds that the application does not meet the conditions in Sections 23-11 and 23-14, but should be heard by the Board because the improvement is considered an accessory structures. 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 replanting 15 shrubs and 3 understory trees. The amount of mitigation that is required for both the administrative and Board portions combined are three planting units. This proposal does not meet the required minimums.

## **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-17-041 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 moderate 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. Surety of \$1,500 will be required in a form acceptable to the County Attorney's office; and
3. The applicant must provide a revised mitigation plan that meets County mitigation requirements; and
4. This exception request approval shall become null and void if construction has not begun by February 8, 2018; and
5. 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/nb  
CBE17-041WClairborne

### Attachments:

1. Water Quality Impact Assessment Package
2. Site Plan
3. Mitigation Plan



## RESOLUTION

CASE NO. CBE-17-041. 212 WILLIAM CLAIBORNE

### JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Ron Curtis, Ron Curtis Builders, on behalf of Harold and Marjorie Starling (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on February 8, 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. 5030600020 and further identified as 212 William Claiborne in the Kingsmill on the James subdivision (the “Property”) as set forth in the application CBE-17-041, for the construction of a retaining wall associated with a single-family dwelling; 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. Surety of \$1,500 will be required in a form acceptable to the County Attorney’s office; and
  - c. The applicant must provide a revised mitigation plan that meets County mitigation requirements; and
  - d. This exception request approval shall become null and void if construction has not begun by February 8, 2018; and

- e. 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.

\_\_\_\_\_  
William Apperson  
Vice Chair, Chesapeake Bay Board

\_\_\_\_\_  
Michael Woolson  
Senior Watershed Planner

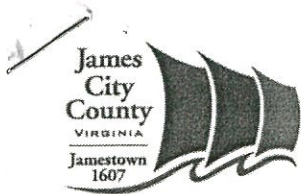
Adopted by the Chesapeake Bay Board of James City County, Virginia, this 8th day of February, 2017

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: \_\_\_\_\_

CBE17-041WClaborne-res



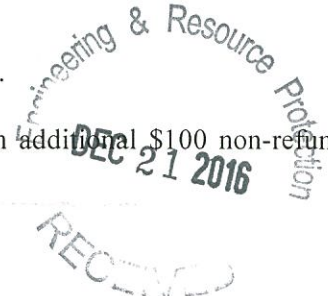
# Chesapeake Bay Preservation Ordinance Sensitive Area Activity Application

For Office Use Only

CB Number CBE-17-041

**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: 12/16/2016

Name: Harold & Marjorie Starling  
 Address: 15418 Martins Hundred Drive Centerville, VA  
 Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

**Contact (if different from above):**

Name: Ron Curtis Phone: 757-880-5223  
 Email: roncurtisbuilder@verizon.net

**Project Information:**

Project Address: 212 William Claiborne Williamsburg VA 23185  
 Subdivision Name, Lot, and Section No.: Colston's Crossing-Kingsmill, Lot 20  
 Parcel Identification No. or Tax Map No.: 5030600020  
 Date Lot was platted: December 9, 1983 Line or Bldg Permit No.: A16-2117

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

- |  |   |
|--|---|
| <input type="checkbox"/> Steep Slopes $\geq$ 25 percent _____ (SF) | <input checked="" type="checkbox"/> RPA - Landward 50' <u>5,889</u> (SF)        |
| <input type="checkbox"/> Conservation Easement _____ (SF)          | <input type="checkbox"/> RPA - Seaward 50' _____ (SF)                           |
| <input type="checkbox"/> Trees to be Removed _____ (#)             | <input checked="" type="checkbox"/> Proposed Impervious Cover <u>1,091</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"/> Accessory (Detached) Structure or Patio | <input type="checkbox"/> Invasive/noxious weed removal            | <input type="checkbox"/> Access path/trail        |
| <input type="checkbox"/> Other: <u>Retaining wall</u>                       | <input type="checkbox"/> Redevelopment: _____                     |   |

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

Engineering & Resource Protection  
DEC 21 2016

RECEIVED

For Office Use Only
CB Number <u>CBG-17-041</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)*

~~Due to the location of the RPA it is not possible to develop the lot without affecting the landward 50' RPA. The deck will be on the first story.~~

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?

~~There is not enough buildable area outside of the RPA~~

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

~~Mitigation planting will be utilized to offset the effects of the impervious cover.~~

**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**

<b>Impervious Area (SF)</b>	<b>Mitigation Required</b>	<b>Surety</b>
<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  
**DEC 21 2016**

For Office Use Only
CB Number <u>CBE17-041</u>

RECEIVED

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

<input checked="" type="checkbox"/>	Number of native canopy trees _____
<input checked="" type="checkbox"/>	Number of native understory trees _____
<input checked="" type="checkbox"/>	Number of native shrubs _____
<input type="checkbox"/>	Square feet of native ground cover _____
<input type="checkbox"/>	Square feet of mulch _____

B. Best Management Practices (BMPs)

<input type="checkbox"/> EC-2 (degradable) erosion control matting <input type="checkbox"/> Dry Swale <input checked="" type="checkbox"/> Silt fence <input type="checkbox"/> Turf (Nutrient) Management Plan <input type="checkbox"/> Gravel under deck (3" of gravel over synthetic filter fabric under entire deck area) <input type="checkbox"/> Other: _____	<input type="checkbox"/> Bioretention or rain garden practice <input type="checkbox"/> Infiltration Area/Trench/Drywell <input type="checkbox"/> Structural BMP (Wet or Dry Pond) <input type="checkbox"/> Rain Barrel
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**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]* Date 12-21-2016  
 Program Administrator \_\_\_\_\_ Date \_\_\_\_\_  
Authorized Signature

For Office Use Only	Surety Amount: _____ Date/Rec No.: _____ Fee Paid? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Amount: <u>25</u> Date/Rec No.: <u>12/21/16 # 3035</u>
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**BUILDING INFORMATION**

PROPOSED BUILDING IS A 1-STORY FRAME WITH BASEMENT  
 PROPOSED GARAGE IS 2 BAY/SIDE LOADING

**SITE INFORMATION**

LOT NUMBER 20,  
 COLSTON'S CROSSING, KINGSMILL  
 TOTAL AREA: 39,560 S.F. / 0.908 AC.  
 IMPERVIOUS AREA: 5,919 S.F. / 0.136 AC.  
 DISTURBED AREA: 15,769 S.F. / 0.362 AC.  
 PARCEL ID: 5030600020  
 ZONING DISTRICT: R4  
 PROPERTY IS LOCATED IN AN RMA & RPA  
 EXISTING SITE IS WOODED AS SHOWN

**BUILDING SETBACK (SBL)**

FRONT: 40'  
 REAR: 30'  
 SIDE: 15.5'/24.5'

**EXISTING ADDRESS:**

212 WILLIAM CLAIBORNE  
 JAMES CITY COUNTY, VIRGINIA

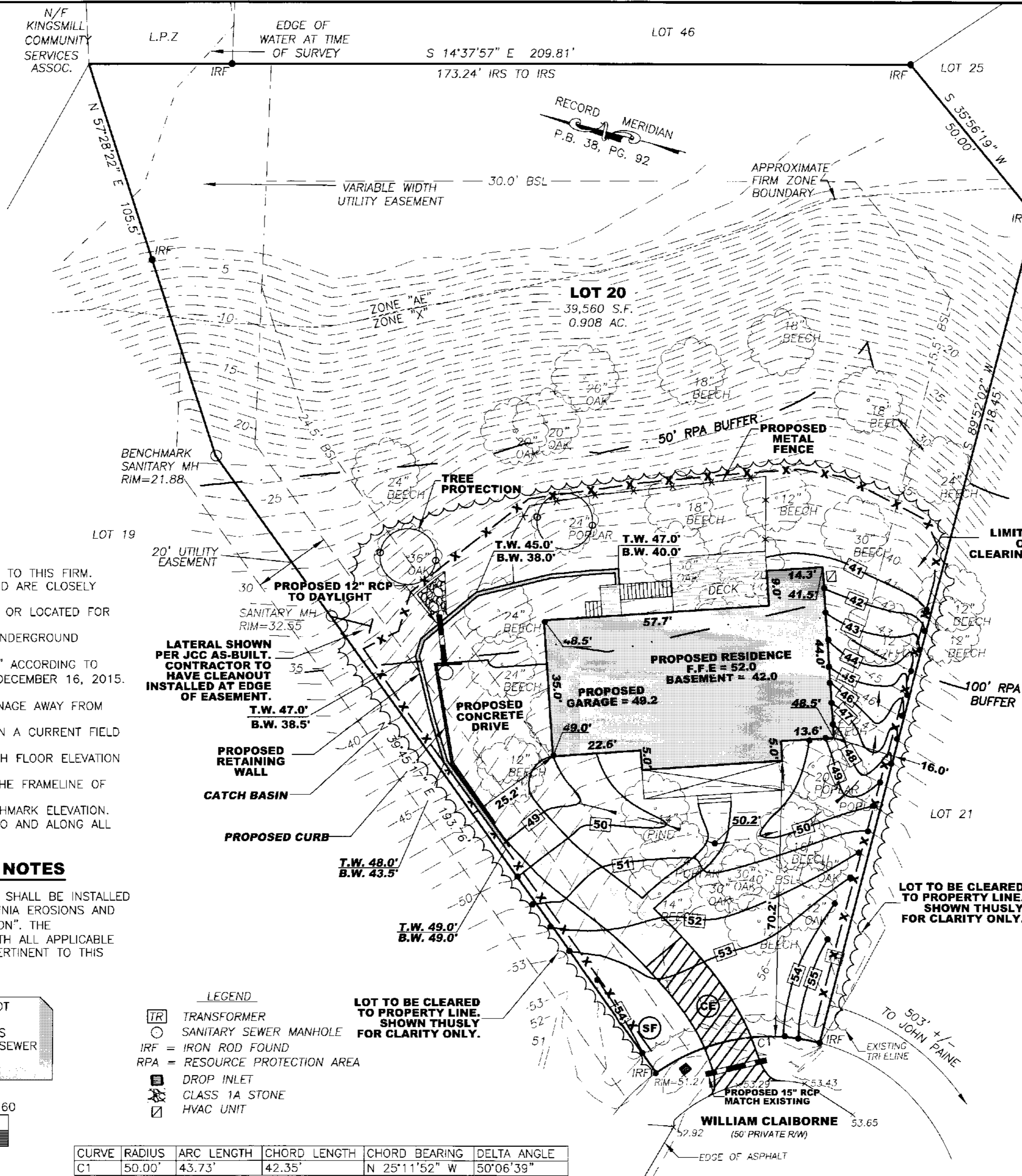
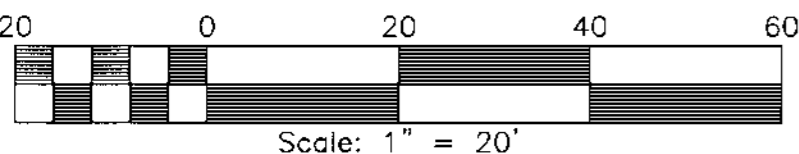
**GENERAL NOTES**

1. A TITLE REPORT HAS NOT BEEN FURNISHED TO THIS FIRM. ELEVATION SHOWN HEREON ARE IN FEET AND ARE CLOSELY RELATED TO JCC GIS.
2. WETLANDS, IF ANY, WERE NOT RESEARCHED OR LOCATED FOR THIS PLAT.
3. THIS FIRM MADE NO ATTEMPT TO LOCATE UNDERGROUND UTILITIES.
4. PARCEL LIES IN F.I.R.M. ZONE "AE" AND "X" ACCORDING TO COMMUNITY PANEL #51095C0206D, DATED DECEMBER 16, 2015. LOT SERVED BY PUBLIC WATER AND SEWER.
5. CONTRACTOR SHALL PROVIDE POSITIVE DRAINAGE AWAY FROM BUILDINGS SHOWN HEREON.
6. TOPOGRAPHIC DATA AS SHOWN IS BASED ON A CURRENT FIELD SURVEY.
7. CONTRACTOR SHALL DETERMINE EXACT FINISH FLOOR ELEVATION AFTER EXCAVATION.
8. ALL DIMENSIONS SHOWN HEREON ARE TO THE FRAMLINE OF THE BUILDING.
9. SANITARY MANHOLE TO BE USED FOR BENCHMARK ELEVATION.
10. 7.5' DRAINAGE EASEMENT EXIST PARALLEL TO AND ALONG ALL PROPERTY LINES (P.B.38/92).

**EROSION & SEDIMENT CONTROL NOTES**

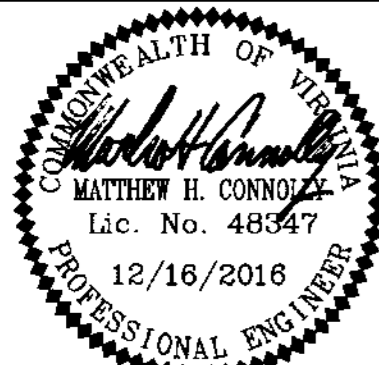
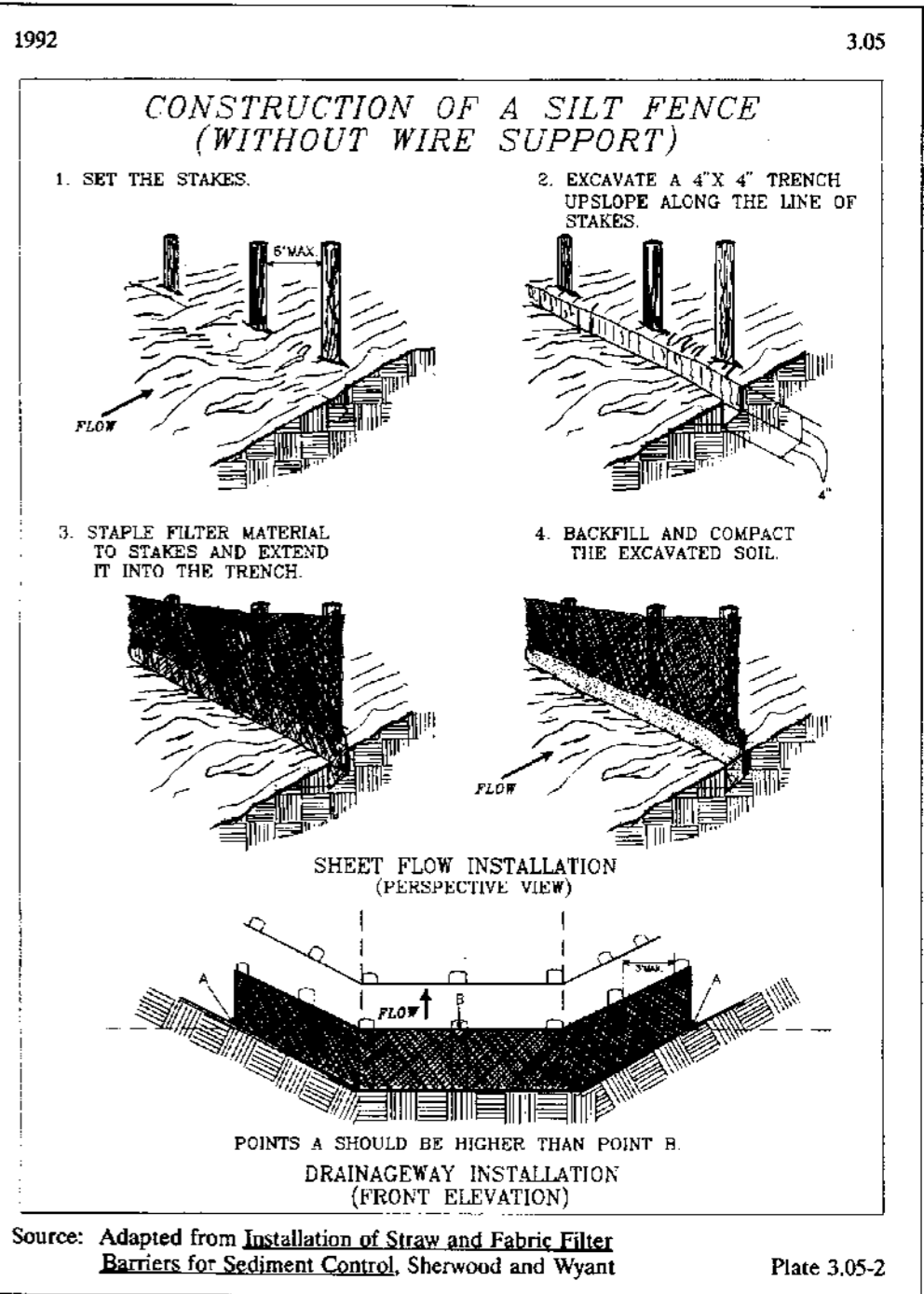
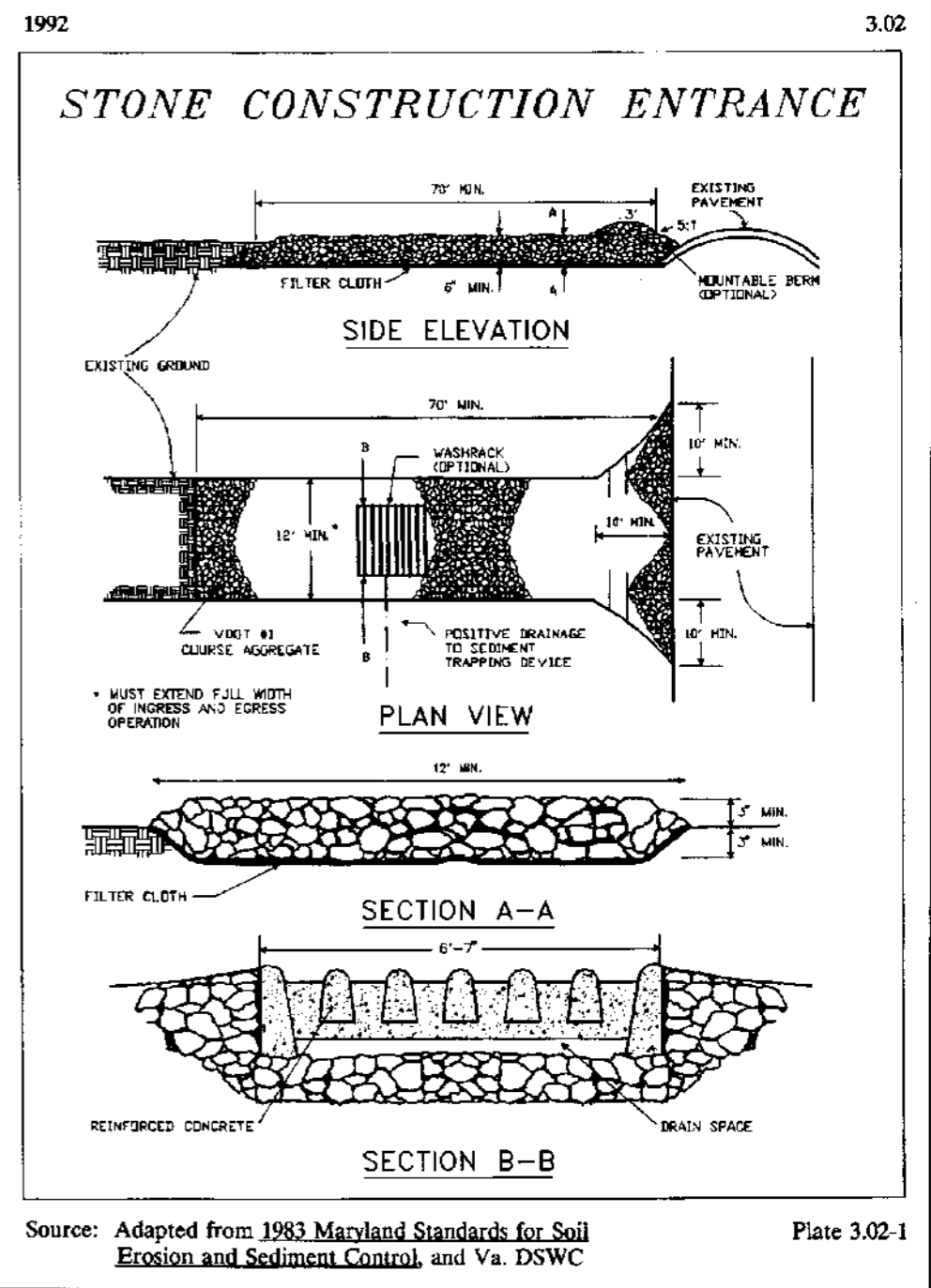
ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE "VIRGINIA EROSIONS AND SEDIMENT CONTROL HANDBOOK 1992 THIRD EDITION". THE CONTRACTOR SHALL BE THOROUGHLY FAMILIAR WITH ALL APPLICABLE MEASURES CONTAINED THEREIN WHICH MAY BE PERTINENT TO THIS PROJECT.

WATER SERVICE AND SANITARY SEWER SERVICE NOT FOUND ON SITE AT THE TIME OF THE SURVEY. CONTRACTOR TO COORDINATE WITH NEWPORT NEWS WATER WORKS FOR WATER METER AND SANITARY SEWER CLEANOUT TIE-INS.



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	50.00'	43.73'	42.35'	N 25°11'52" W	50°06'39"

- LEGEND**
- TRANSFORMER
  - SANITARY SEWER MANHOLE
  - IRF = IRON ROD FOUND
  - RPA = RESOURCE PROTECTION AREA
  - DROP INLET
  - CLASS 1A STONE
  - HVAC UNIT
- LOT TO BE CLEARED TO PROPERTY LINE. SHOWN THUSLY FOR CLARITY ONLY.



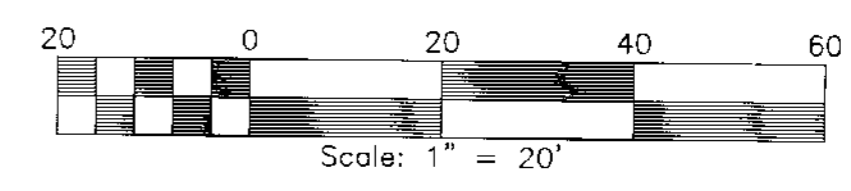
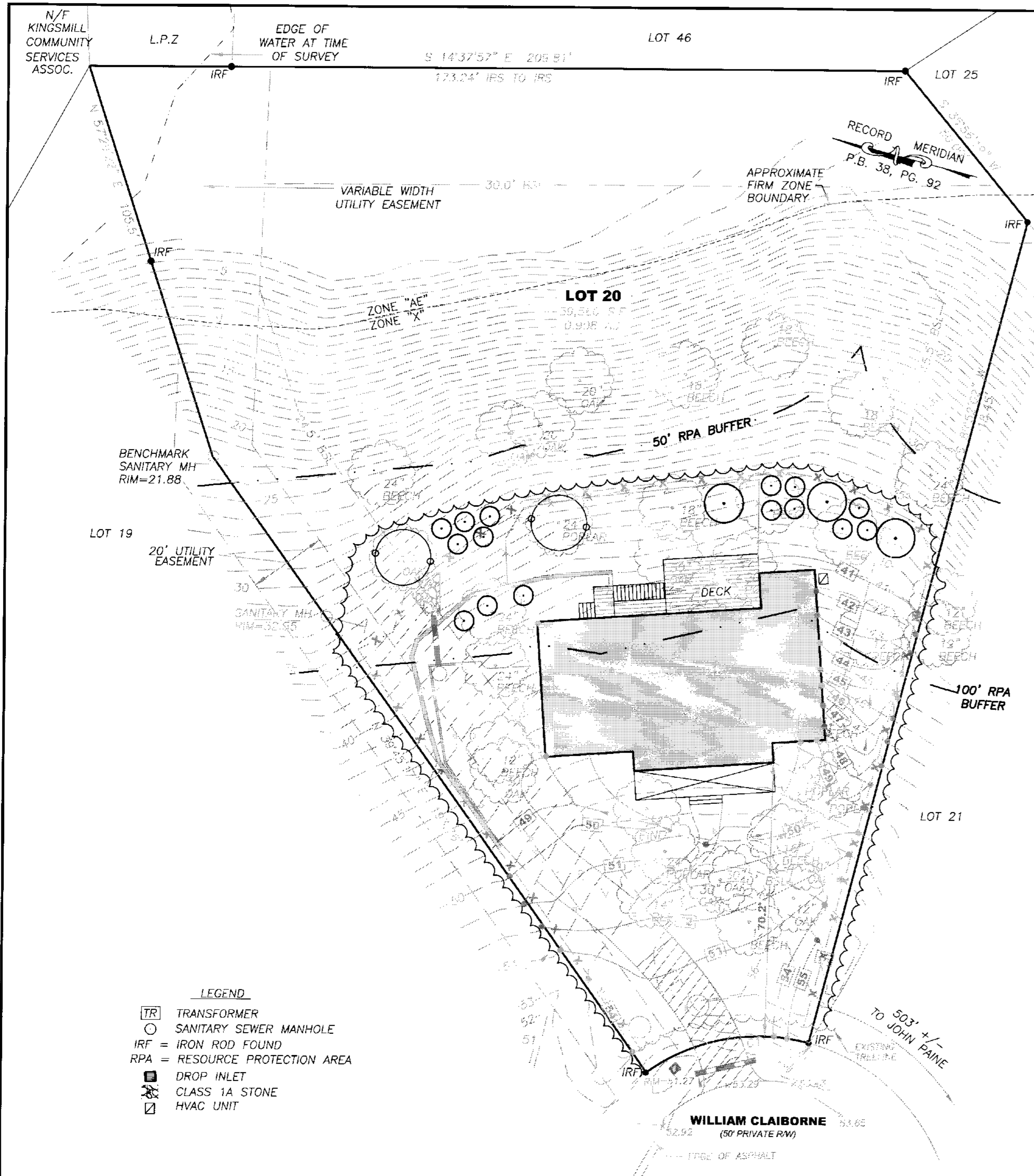
DATE: 11/10/2016  
 DRAWN BY: LRI  
 PROJECT No. 16-035  
 FILE NAME: 16-035.DWG  
 REFERENCES:  
 P.B. 38, PG. 92

PLOT PLAN OF  
 LOT 20,  
 COLSTON'S CROSSING - KINGSMILL  
 FOR  
 RON CURTIS  
 JAMES CITY COUNTY SHEET 1 OF 2 VIRGINIA

NO.	DATE	REVISION / COMMENT / NOTE
1	12/16/2016	REVISED HOUSE

DEC 21 2016

**LRI LANDTECH RESOURCES, INC.**  
 ENGINEERING • SURVEYING • GPS  
 3925 Midlands Road Williamsburg, VA 23188  
 Ph: (757) 565-1677 Fax: (757) 565-0782  
 web: landtechresources.com



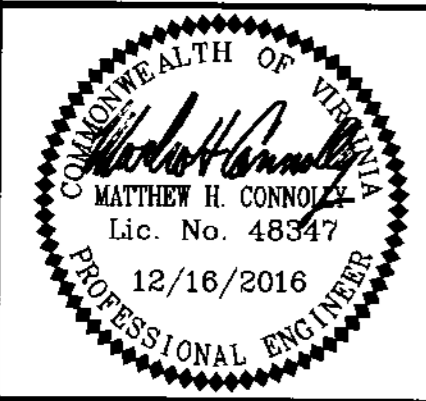
- LEGEND**
- TRANSFORMER
  - SANITARY SEWER MANHOLE
  - IRF = IRON ROD FOUND
  - RPA = RESOURCE PROTECTION AREA
  - DROP INLET
  - CLASS 1A STONE
  - HVAC UNIT

MITIGATION TABLE

MITIGATION MEASURE	QTY.(NEEDED)	QTY. (PROPOSED)
NATIVE CANOPY TREES	3	0
NATIVE UNDERSTORY TREES	6	3
NATIVE SHRUBS	9	15

2 SHRUBS PER UNDERSTORY TREE AND 4 SHRUBS PER CANOPY TREE  
 LOCATION OF PLANTINGS SHOWN HEREON ARE ROUGH. CONTRACTOR TO DETERMINE EXACT LOCATION WITHIN RPA LIMITS.

- LEGEND**
- NATIVE SHRUB
  - NATIVE UNDERSTORY TREE



DATE: 11/10/2016  
 DRAWN BY: LRI  
 PROJECT No. 16-035  
 FILE NAME: 16-035.DWG  
 REFERENCES:  
 P.B. 38, PG. 92

MITIGATION PLAN OF  
 LOT 20,  
 COLSTON'S CROSSING - KINGSMILL  
 FOR  
 RON CURTIS

JAMES CITY COUNTY **SHEET 2 OF 2** VIRGINIA

NO.	DATE	REVISION / COMMENT / NOTE
1	12/16/2016	REVISED HOUSE

**LRI**  
**LANDTECH**  
 RESOURCES, INC.  
 ENGINEERING • SURVEYING • GPS

3925 Midlands Road, Williamsburg, VA 23188  
 Ph: (757) 565-1577 Fax: (757) 565-0782  
 web: landtechresources.com



**Community Development  
Engineering and Resource  
Protection Division**

P O Box 8784  
Williamsburg, VA 23187  
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

January 18, 2017

RE: CBE-17-041 – 212 William Claiborne  
Single Family Dwelling and Retaining Walls

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 Harold and Marjorie Starling, for encroachment into the Resource Protection Area (RPA) associated with construction of a single family dwelling and retaining walls, on their property at 212 William Claiborne in the Kingsmill subdivision. The property is further identified by James City County Real Estate as Parcel No. 5030600020.

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 on **Wednesday, February 8, 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: Harold & Marjorie Starling  
Ronald Curtis Builder, LLC  
Landtech Resources, Inc



Mailing List for: CBE-17-041 – 212 William Claiborne - SFD and Retaining Wall

Owner - 5030600020

Harold and Marjorie Starling  
48748 Martins Hundred Drive  
Centerville, VA 20120-1197

5140100008 - 199 Mount Bay Rd

5030600057 - Common Area  
Kingsmill Community Services Association  
P O Box 348  
Williamsburg, VA 23187-0348

Ron Curtis Builder LLC  
22 Whittakers Mill  
Williamsburg, VA 23185

Landtech Resources, Inc  
3925 Midlands Road  
Williamsburg, VA 23188

5030600046

F Eileen Burklow  
241 Richard Brewster  
Williamsburg, VA 23185-6533

5030600025 - 109 John Paine

Garry and Erin Sloan, Trustees  
1593 Surridge Court  
Mundelein, IL 60060-3374

5030600021

Susan Shepard  
208 William Claiborne  
Williamsburg, VA 23185-6527

5030600019

Robt and CK Richardson  
233 William Claiborne  
Williamsburg, VA 23185-6528

5030600018

Michael and Ikuko Laccheo  
229 William Claiborne  
Williamsburg, VA 23185-5141

5030600017

Richard and Charlene Phillips  
225 William Claiborne  
Williamsburg, VA 23185-6528

5030600016

David and Linda Graham  
221 William Claiborne  
Williamsburg, VA 23185-6528



## **PUBLIC HEARING NOTICE**

THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA WILL HOLD PUBLIC HEARINGS **WEDNESDAY FEBRUARY 8, 2017 AT 7 p.m.** IN THE BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA TO CONSIDER THE FOLLOWING CASES:

CBE-17-041: Harold and Marjorie Starling have filed an exception request to encroach into the RPA buffer for construction of a single-family dwelling and retaining walls at 212 William Claiborne, in the Kingsmill subdivision, JCC Parcel No 5030600020.

CBE-17-043: Robert and Jill Swain have filed an exception request to encroach into the RPA buffer for a patio expansion, retaining walls and a pool at 178 The Maine, in the Greater First Colony subdivision, JCC Parcel No 4540200062.

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 –January 25 and February 1, 2017.  
ACCOUNT NO.: 0011040200 - VIRGINIA GAZETTE

COPIES: PLANNING  
ASSISTANT COUNTY ATTORNEY  
CHESAPEAKE BAY BOARD MEMBERS

**ITEM SUMMARY**

DATE: 2/8/2017  
TO: Chesapeake Bay Board  
FROM: Michael Woolson, Senior Watershed Planner  
SUBJECT: Construction of a patio and pool at 178 The Maine in the First Colony subdivision.

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Robert and Jill Swain have applied for an exception for the construction of a patio and pool at 178 The Maine in the First Colony subdivision.

**ATTACHMENTS:**

	Description	Type
▣	Staff Report	Staff Report
▣	Resolution	Resolution
▣	Application	Backup Material
▣	Site Plan	Exhibit
▣	Details	Exhibit
▣	APO Notification and Ad	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	2/2/2017 - 11:37 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	2/2/2017 - 2:14 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBE-17-043. 178 The Maine  
Staff Report for the February 8, 2017, Chesapeake Bay Board Public Hearing**

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*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.*

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**EXISTING SITE DATA AND INFORMATION**

Applicants: Robert and Jill Swain

Agent: David Chewey, Custom Gardens

Location: 178 The Maine

Tax Map/Parcel No.: 4540200062

Legal Description: Lot 62, Section 3, First Colony subdivision

Lot Size: 0.71 acres +/-

Area of Lot in Resource Protection Area (RPA): 0.35 acres +/- (50%)

Watershed: James River (HUC Code JL30)

Floodplain: Panel 0181D  
Zone VE, coast flood zone with wave action, base flood elevation 14 MSL

Proposed Activity: Expansion of an existing patio and the construction of a pool and retaining walls.

Impervious Cover: Approximately 1,500 square feet

RPA Encroachment: Impervious cover within the landward 50-foot RPA buffer

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

**BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES**

Mr. David Chewey, Custom Gardens, on behalf of Ron and Jill Swain, has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the expansion of an existing patio and the construction of retaining walls and a pool on property known as 178 The Maine, within the James River watershed. The property is further identified as James City County Tax Map Parcel No. 4540200062. The parcel was platted prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The development plan locates the expanded patio, retaining walls and pool within the rear yard of the existing residence. The existing patio encroaches approximately 25 feet into the landward portion of the RPA. This proposal extends this encroachment an additional 15 feet, for a total encroachment of approximately 40 feet. All stormwater runoff from the patio is directed into the rain gardens to provide for water quality treatment of the runoff. The applicant is proposing to eliminate the majority of the existing lawn within the RPA by restoring approximately 5,500 square feet of buffer in native perennials and shrubs. In addition, 24 shrubs, 4 understory trees and 2 canopy trees are proposed.

## **STAFF EVALUATION**

Staff has evaluated the application and exception request for the construction of the patio, retaining walls 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 improvements are considered accessory structures. 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 restoring approximately 5,500 square feet of buffer in native plant material (perennials and shrubs), 3 bioretention (rain garden) areas that intercept all runoff from impervious areas within the buffer and 24 shrubs, 4 understory trees and 2 canopy trees. The amount of mitigation that is required is two planting units for the additional impervious cover. This proposal exceeds the required minimums.

## **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-17-043 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. 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) 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
4. Surety of \$3,000 will be required in a form acceptable to the County Attorney's office; and
5. This exception request approval shall become null and void if construction has not begun by February 8, 2018; and

6. 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/nb  
CBE17-043TheMaine

Attachments:

1. Water Quality Impact Assessment Package
2. Site Plan
3. Details

## RESOLUTION

CASE NO. CBE-17-043. 178 THE MAINE

### JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. David Chewey, Custom Gardens, on behalf of Ron and Jill Swain (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on February 8, 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. 4540200062 and further identified as 178 The Maine in the Greater First Colony subdivision (the “Property”) as set forth in the application CBE-17-043, for expansion of an existing patio and construction of a pool and retaining walls; 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. 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. 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), 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

- d. Surety of \$3,000 will be required in a form acceptable to the County Attorney's office; and
- e. This exception request approval shall become null and void if construction has not begun by February 8, 2018; and
- f. 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.

\_\_\_\_\_  
 William Apperson  
 Vice 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: \_\_\_\_\_

\_\_\_\_\_  
 NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_





# Chesapeake Bay Preservation Ordinance Sensitive Area Activity Application

Engineering & Resource Protection  
DEC 28 2016

RECEIVED

For Office Use Only  
CB Number CBF17-043

### 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: 12/28/16

Name: ROB JILL SWAIN  
 Address: 178 THE MAIN  
 Phone: 291-3868 Fax: \_\_\_\_\_ Email: JILLSWAIN@COX.NET

### Contact (if different from above):

Name: DAVID CHEWEY Phone: 757-272-7515  
 Email: DAVID@CUSTOMGARDENS.COM

### Project Information:

Project Address: 178 THE MAIN  
 Subdivision Name, Lot, and Section No.: LOT 62 SECT 3 First Colony  
 Parcel Identification No. or Tax Map No.: 454020062  
 Date Lot was platted: 5/20/16 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' _____ (SF)                |
| <input type="checkbox"/> Conservation Easement _____ (SF)          | <input checked="" type="checkbox"/> RPA - Seaward 50' <u>747</u> (SF) |
| <input type="checkbox"/> Trees to be Removed _____ (#)             | <input type="checkbox"/> Proposed Impervious Cover _____ (SF)         |

### Activity involves: (check all that apply)

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> New principal structure construction               | <input type="checkbox"/> Building addition to principal structure | <input 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"/> Accessory (Detached) Structure or Patio | <input type="checkbox"/> Invasive/noxious weed removal            | <input type="checkbox"/> Access path/trail |
| <input type="checkbox"/> Other: _____                                       | <input type="checkbox"/> Redevelopment: _____                     |  |

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

For Office Use Only CPE 17-043 CB Number
--

**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)*

**SEE ATTACHED SHEET**

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?

**RPA IS WITHIN AN AVERAGE OF 13' FROM BACK OF RESIDENCES. HOMEOWNER WOULD LIKE TO EXPAND PATIO + PUT A 680' POOL IN W/ A SPA**

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.

**ALL PRR-NONIMPERVIOUS AREAS WILL BE DRAINED INTO RAIN GARDENS INZ ALL ROOF LEADERS FROM BACK OF HOUSE. BACK SLOPE LAWN AREA WILL BE TURNED INTO A 5500' BIO FILTER**

**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**

Impervious Area (SF)	Mitigation Required	Surety
<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**

For Office Use Only CB Number <u>CE 17-043</u>
---

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

<input checked="" type="checkbox"/>	Number of native canopy trees	<u>2</u>
<input checked="" type="checkbox"/>	Number of native understory trees	<u>4</u>
<input checked="" type="checkbox"/>	Number of native shrubs	<u>24</u>
<input checked="" type="checkbox"/>	Square feet of native ground cover	<u>HERBACIOUS PLANTS 2400 # 2" PWG</u>
<input checked="" type="checkbox"/>	Square feet of mulch	<u>5000 #</u>

B. Best Management Practices (BMPs)

<input type="checkbox"/>	EC-2 (degradable) erosion control matting	<input checked="" type="checkbox"/>	Bioretention or rain garden practice
<input type="checkbox"/>	Dry Swale	<input checked="" type="checkbox"/>	Infiltration Area/Trench/Drywell
<input type="checkbox"/>	Silt fence	<input type="checkbox"/>	Structural BMP (Wet or Dry Pond)
<input type="checkbox"/>	Turf (Nutrient) Management Plan	<input type="checkbox"/>	Rain Barrel
<input type="checkbox"/>	Gravel under deck (3" of gravel over synthetic filter fabric under entire deck area)		
<input type="checkbox"/>	Other: _____		

**I understand that the following are approval conditions:**

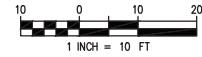
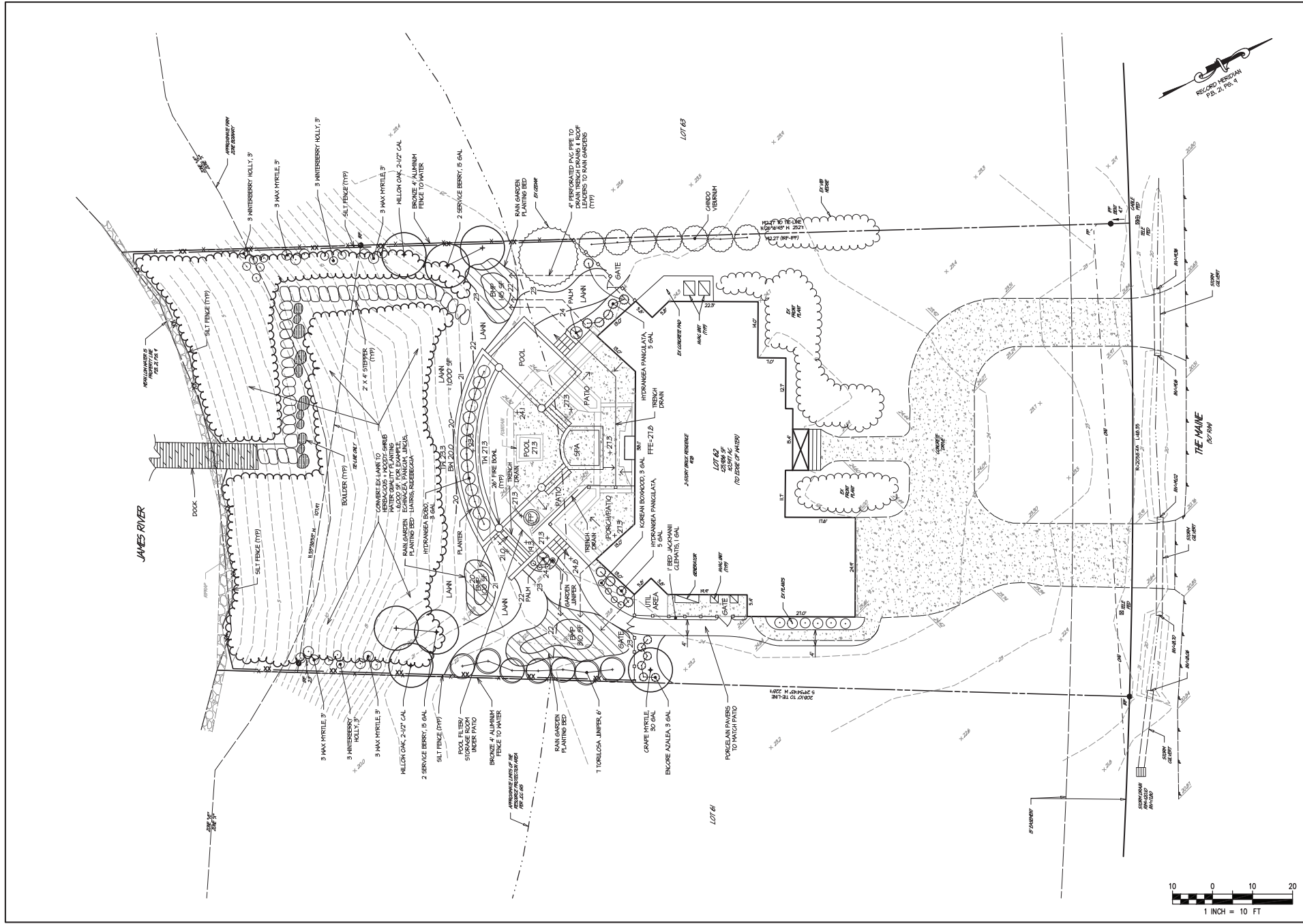
- 1) Mitigation for the above activity shall follow the approved mitigation plan and be guaranteed with a form of surety acceptable to the County Attorney.
- 2) Limits of disturbance as shown on the approved plan shall not be exceeded.
- 3) This approval shall become null and void if construction has 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 Phil L. Swan Date 12/28/16

Program Administrator \_\_\_\_\_ Date \_\_\_\_\_

Authorized Signature

For Office Use Only	Surety Amount: <u>1000.00</u> Date/Rec No.: <u>12/28/16 # 3038</u> Fee Paid? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Amount: <u>125.00</u> Date/Rec No.: <u>12/29/16 # 3038</u>
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Job No: MB16-204  
 Date: DECEMBER, 2016  
 Scale: 1"=10'  
 1/2

Plan: Landscape  
 Revisions

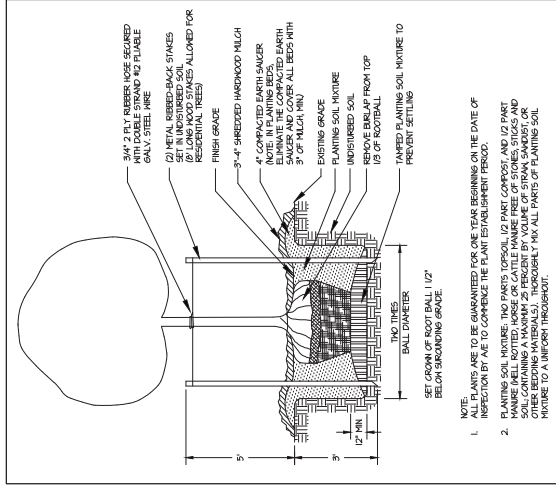
Drawn By: KJ  
 Checked By: DMC

# SWAIN RESIDENCE LANDSCAPE RENOVATION

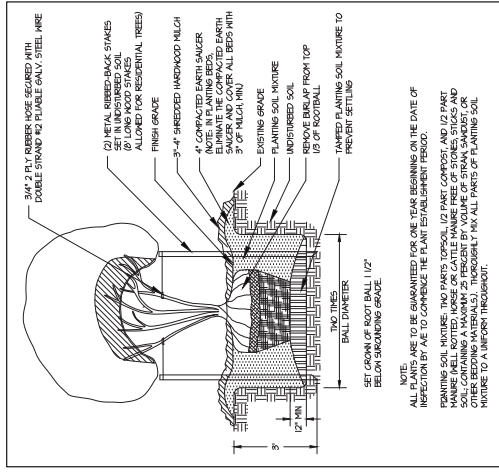
178 THE MAINE  
 JAMES CITY COUNTY, VIRGINIA

**Custom Gardens**  
 David M. Chewey  
 C.I.A. # AS00748

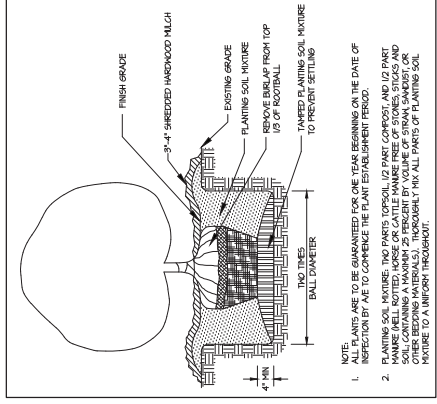
337 Remont Pass  
 Yorktown, Virginia 23692  
 PHONE (757) 833-8110  
 FAX (757) 282-5911  
 www.customgardens.com



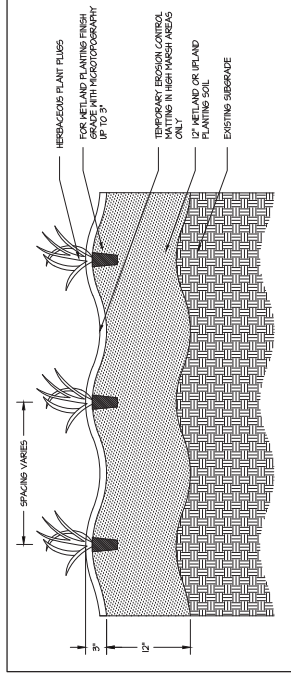
**(a) MAJOR TREE PLANTING DETAIL**  
SCALE: NONE



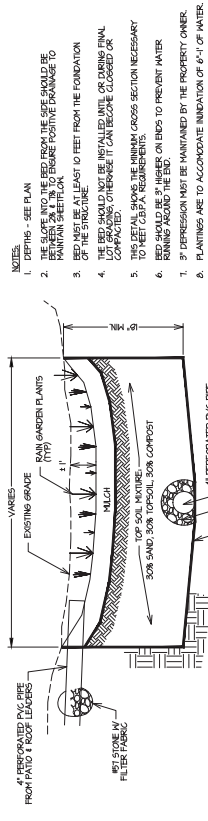
**(b) PLANTING OF MULTI-STEM TREES**  
SCALE: NONE



**(c) SHRUB PLANTING DETAIL**  
SCALE: NONE



**(e) AQUATIC PLANT PLANTING DETAIL**  
SCALE: NONE



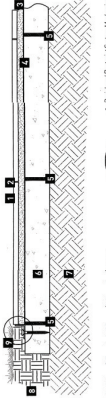
**RAIN GARDEN DETAIL**  
SCALE: NONE

**INSTALLATION OPTIONS**

**2. SAND SET OVER CONCRETE OVERLAY INSTALLATION (PEDESTRIAN FOOT TRAFFIC)**

**INSTALLATION NOTES:**  
 Follow the detail drawing below.

- The required edge restraint system for this installation has a vertical height of 4 cm (1 5/8") as shown in the detail drawing.
- Maximum allowable slope restraint on top of the concrete to contain the walking sand.
- Ensure that pavement is constructed with a 1.3 to 2 degree pitch and that it is pitched away from any building.
- Install the plastic 4 mm (3/16") separators as installed at all corners of the installed pavers.



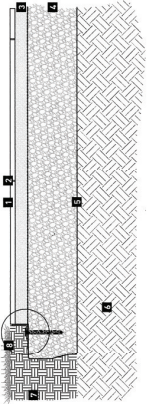
1. 4 mm (3/16") separators (See detail drawing for separator placement).
  2. 2 mm (1/8") sand (See detail drawing for sand placement).
  3. 2 mm (1/8") sand (See detail drawing for sand placement).
  4. Concrete base (See detail drawing for concrete base placement).
  5. 2 cm (3/4") drainage hole (See detail drawing for drainage hole placement).
  6. 4 cm (1 1/2") sand (See detail drawing for sand placement).
  7. 4 cm (1 1/2") sand (See detail drawing for sand placement).
  8. 4 cm (1 1/2") sand (See detail drawing for sand placement).
- IMPORTANT:** The required edge restraint system for this installation has a vertical height of 4 cm (1 5/8") as shown in the detail drawing.
- CAUTION:** Maximum allowable slope restraint on top of the concrete to contain the walking sand.
- NOTE:** Ensure that pavement is constructed with a 1.3 to 2 degree pitch and that it is pitched away from any building.

**INSTALLATION OPTIONS**

**4. PERMEABLE OVER OPEN GRADED AGGREGATE INSTALLATION (PEDESTRIAN FOOT TRAFFIC)**

**INSTALLATION NOTES:**  
 Follow the detail drawing below.

- The required edge restraint system for this installation has a vertical height of 4 cm (1 5/8") as shown in the detail drawing.
- Maximum allowable slope restraint on top of the aggregate to contain the walking sand.
- Ensure that pavement is constructed with a 2 degree pitch and that it is pitched away from any building.
- Install the plastic 4 mm (3/16") separators as installed between all pavers.



1. 4 mm (3/16") separators (See detail drawing for separator placement).
  2. 2 mm (1/8") sand (See detail drawing for sand placement).
  3. 2 mm (1/8") sand (See detail drawing for sand placement).
  4. 2 cm (3/4") drainage hole (See detail drawing for drainage hole placement).
  5. 2 cm (3/4") drainage hole (See detail drawing for drainage hole placement).
  6. 4 cm (1 1/2") sand (See detail drawing for sand placement).
  7. 4 cm (1 1/2") sand (See detail drawing for sand placement).
  8. 4 cm (1 1/2") sand (See detail drawing for sand placement).
- IMPORTANT:** The required edge restraint system for this installation has a vertical height of 4 cm (1 5/8") as shown in the detail drawing.
- CAUTION:** Maximum allowable slope restraint on top of the aggregate to contain the walking sand.
- NOTE:** Ensure that pavement is constructed with a 2 degree pitch and that it is pitched away from any building.

**PORCELAIN PAVER DETAIL**

**PORCELAIN PAVER DETAIL**

Job No: MP16-204

Date: DECEMBER 2016

Scale: AS NOTED

Drawn By: KJ

Checked By: DMC

Revisions

Landscap

**SWAIN RESIDENCE LANDSCAPE RENOVATION**

178 THE MAINE  
JAMES CITY COUNTY, VIRGINIA



337 Browne Road  
Yorktown, Virginia 23692  
PHONE (757) 833-8110  
FAX (757) 282-5911  
www.customgardens.com  
David M. Chewey  
CLA # AS0748



**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

January 18, 2017

RE: CBE-17-043 – 178 The Maine – Patio expansion, retaining walls 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 Robert and Jill Swain, for encroachment into the Resource Protection Area (RPA) associated with a patio expansion, retaining walls and a pool, at 178 The Maine in the Greater First Colony subdivision. The property is further identified by James City County Real Estate as Parcel No. 4540200062.

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, February 8, 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: Robert and Jill Swain  
David Chewey, Custom Gardens  
Roth Environmental

Mailing List for: CBE-17-043 – 178 The Maine – SFD with attached deck and pool

4540200062 - Owners

Robert and Jill Swain  
178 The Maine  
Williamsburg, VA 23185-1423

4540200060

David and Diane Lee  
176 The Maine  
Williamsburg, VA 23185-1423

Agents

Custom Gardens  
Attn: David Chewey  
337 Redoubt Road  
Yorktown, VA 23692

4540200119 - 177 The Maine

Hartimus Snyder  
510 Carters Neck Road  
Williamsburg, VA 23188-2263

Roth Environmental, LLC

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

4540200120

Mark Hofmeister  
175 The Maine  
Williamsburg, VA 23185-1439

45402000763

Stuart and Sandra Oglesby  
180 The Maine  
Williamsburg, VA 23185-1423

4540200121

Thomas and Patricia Coll  
173 The Maine  
Williamsburg, VA 23185-1439

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



## **PUBLIC HEARING NOTICE**

THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA WILL HOLD PUBLIC HEARINGS **WEDNESDAY FEBRUARY 8, 2017 AT 7 p.m.** IN THE BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA TO CONSIDER THE FOLLOWING CASES:

CBE-17-041: Harold and Marjorie Starling have filed an exception request to encroach into the RPA buffer for construction of a single-family dwelling and retaining walls at 212 William Claiborne, in the Kingsmill subdivision, JCC Parcel No 5030600020.

CBE-17-043: Robert and Jill Swain have filed an exception request to encroach into the RPA buffer for a patio expansion, retaining walls and a pool at 178 The Maine, in the Greater First Colony subdivision, JCC Parcel No 4540200062.

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 –January 25 and February 1, 2017.  
ACCOUNT NO.: 0011040200 - VIRGINIA GAZETTE

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ASSISTANT COUNTY ATTORNEY  
CHESAPEAKE BAY BOARD MEMBERS