

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
May 10, 2017
7:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

D. PUBLIC HEARINGS

1. CBE-17-072 : 140 Pebble Beach
2. CBE-17-073 : 2836 Durfey's Mill Road

E. BOARD CONSIDERATIONS

1. Amendment to Bylaws and Calender

F. MATTERS OF SPECIAL PRIVILEGE

G. ADJOURNMENT

ITEM SUMMARY

DATE: 5/10/2017
TO: Chesapeake Bay Board
FROM: Michael Woolson, Senior Watershed Planner
SUBJECT: CBE-17-072 : 140 Pebble Beach

Keith and Shannon Hassan have filed an exception request for encroachment into the RPA buffer for construction of a single family dwelling at 140 Pebble Beach in the Ford's Colony subdivision.

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Resolution	Resolution
▣	Water Quality Impact Assessment	Backup Material
▣	Site Plan	Backup Material
▣	Mitigation Plan	Backup Material
▣	Public Hearing Notice	Backup Material
▣	APO Notification Letter	Backup Material
▣	APO Notification List	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	5/5/2017 - 2:50 PM
Chesapeake Bay Group	Holt, Paul	Approved	5/5/2017 - 3:28 PM
Publication Management	Trautman, Gayle	Approved	5/5/2017 - 3:49 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	5/5/2017 - 3:49 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBE-17-072. 140 Pebble Beach
Staff Report for the May 10, 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

Applicants: Keith and Shannon Hassan

Agent: Matt Roth, Roth Environmental

Location: 140 Pebble Beach

Tax Map/Parcel No.: 3811000027

Legal Description: Lot 27, Section 9A, Ford's Colony

Lot Size: 0.7 acres +/-

Area of Lot in Resource Protection Area (RPA): 0.7 acres +/- (100%)

Watershed: Powhatan Creek (HUC Code JL31)

Floodplain: Panel 0117D
Zone X, outside the 0.2% annual chance floodplain

Proposed Activity: Construction of a new single-family dwelling

Impervious Cover: Approximately 4,950 square feet

RPA Encroachment: 2,325-square-foot impervious cover within the seaward 50-foot RPA buffer
2,625-square-foot impervious cover within the landward 50-foot RPA buffer

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

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Matt Roth, Roth Environmental, on behalf of Keith and Shannon Hassan, has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of a single-family dwelling on property known as 140 Pebble Beach, within the Powhatan Creek watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 3811000027. The parcel was platted in 1994, after the adoption of the Chesapeake Bay Preservation Ordinance in 1990. The RPA was revised in 2004 to meet current Ordinance requirements.

The development plan locates the new dwelling as close to the street as current setbacks will allow. There is a James City Service Authority Sanitary Sewer Easement that bisects the lot as well as a Natural Open Space Easement on the back half of the lot. The required mitigation for the amount of impacts is 12 planting units with one planting unit equating to one canopy tree, two understory trees and three shrubs. The applicant is proposing 12 planting units, an infiltration trench to capture the impervious area and enrollment into a Nutrient Management Program (Turf Love).

STAFF EVALUATION

Staff has evaluated the application and exception request for the construction of a new single-family dwelling 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 within the seaward 50-foot RPA buffer. 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 planting 12 canopy trees (red maple, river birch, bald cypress and willow oak), 24 understory trees (dogwood, redbud, American holly, serviceberry, fringe tree and sweetbay magnolia) and 36 shrubs (beautyberry, inkberry, winterberry, sweetspire, New Jersey tea, red chokeberry, spicebush, fetterbush and button bush).

Additional mitigation measures undertaken include an infiltration trench designed to capture the “first flush” of runoff from the impervious area and enrollment in the Turf Love program.

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-17-072 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 practice proposed shall generally follow micro-scale specifications found in Virginia Department of Environmental Quality Stormwater Design Specification No. 8 (Infiltration); 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 to guarantee the mitigation; and

5. This exception request approval shall become null and void if construction has not begun by May 10, 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/gt
CBE-17-072-140Pebble-Hassan

Attachments:

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

RESOLUTION

CASE NO. CBE-17-072. 140 PEBBLE BEACH

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Matt Roth of Roth Environmental, on behalf of Keith and Shannon Hassan (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on March 29, 2017, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property identified as James City County Real Estate Tax Map Parcel No. 3811000027 and further identified as 140 Pebble Beach in the Ford’s Colony subdivision (the “Property”) as set forth in the application CBE-17-072 for the purpose of constructing a new 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. 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 practice proposed shall generally follow micro-scale specifications found in the Virginia Department of Environmental Quality Stormwater Design Specification No. 8 (Infiltration); or alternatively, an equivalent and acceptable published and agreed upon standard for on-lot residential runoff reduction/best management practices; and
- d. A surety of \$3,000 will be required in a form acceptable to the County Attorney’s Office to guarantee the mitigation; and
- e. This exception request approval shall become null and void if construction has not begun by May 10, 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.

 Davis Gussman
 Chair, Chesapeake Bay Board

 Michael Woolson
 Senior Watershed Planner

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 10th day of May, 2017.

THE FOREGOING 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: _____



Chesapeake Bay Preservation Ordinance Sensitive Area Activity Application

For Office Use Only
CB Number _____

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: 29 March 2017

Name: Keith & Shannon Hassan
 Address: 158 Fords Colony Drive, Williamsburg, VA 23188
 Phone: (757) 871-7617 Fax: _____ Email: keithscotthassan@gmail.com

Contact (if different from above):

Name: SAME Phone: _____
 Email: _____

Project Information:

Project Address: 140 Pebble Beach
 Subdivision Name, Lot, and Section No.: L-27 S-9A Fords Colony
 Parcel Identification No. or Tax Map No.: 3811000027
 Date Lot was platted: 1994 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 checked="" type="checkbox"/> RPA - Landward 50' <u>2,604</u> (SF) |
| <input type="checkbox"/> Conservation Easement _____ (SF) | <input checked="" type="checkbox"/> RPA - Seaward 50' <u>2,317</u> (SF) |
| <input type="checkbox"/> Trees to be Removed _____ (#) | <input checked="" type="checkbox"/> Proposed Impervious Cover <u>4,921</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 type="checkbox"/> Attached Deck |
| <input type="checkbox"/> Permitted buffer modifications: | <input type="checkbox"/> Dead/diseased/dying tree removal | <input type="checkbox"/> Sightline |
| <input 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: _____ | |

<p>For Office Use Only</p> <p>CB Number _____</p>
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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)
 The applicant is proposing to build a new home on this platted lot in Ford's Colony. The entire lot is within the RPA buffer. The proposed house has been designed to avoid the wetlands, centrally located drainage easement, and required setbacks. Development on the parcel cannot be accomplished with out impacts to the RPA buffer.

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?
 The encroachment is necessary as the entire lot is within the RPA buffer. Any development on the lot will encroach in the RPA buffer.

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
 The owner has designed a house that is similar to others in this neighborhood. The house design situates the house on the front of the lot. This avoids additional impervious area created by the driveway if the house was positioned to the rear.

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

For Office Use Only
CB Number _____

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

<input type="checkbox"/>	Number of native canopy trees	12	_____
<input type="checkbox"/>	Number of native understory trees	24	_____
<input type="checkbox"/>	Number of native shrubs	36	_____
<input type="checkbox"/>	Square feet of native ground cover		_____
<input checked="" type="checkbox"/>	Square feet of mulch	3,414	_____

B. Best Management Practices (BMPs)

<input type="checkbox"/>	EC-2 (degradable) erosion control matting	<input type="checkbox"/>	Bioretention or rain garden practice
<input type="checkbox"/>	Dry Swale	<input checked="" type="checkbox"/>	Infiltration Area/Trench/Drywell
<input checked="" type="checkbox"/>	Silt fence	<input type="checkbox"/>	Structural BMP (Wet or Dry Pond)
<input checked="" 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 _____ Date _____

Program Administrator _____ Date _____

Authorized Signature

For Office Use Only	Surety Amount: _____ Date/Rec No.: _____ Fee Paid? <input type="checkbox"/> Yes <input type="checkbox"/> No Amount: _____ Date/Rec No.: _____
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**Chesapeake Bay Preservation Ordinance
Sensitive Area Activity Application**

<p>For Office Use Only</p> <p>CB Number _____</p>
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<input type="checkbox"/>	Other: _____		

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- 4) Surety will be released following the completion and inspection of mitigation plantings.

Property owner signature  Date 3/29/17

Program Administrator _____ Date _____

Authorized Signature

<p>For Office Use Only</p>	<p>Surety Amount: _____</p> <p>Date/Rec No.: _____</p> <p>Fee Paid? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Amount: _____</p> <p>Date/Rec No.: _____</p>
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BUILDING INFORMATION

PROPOSED RESIDENCE IS 2-STORY
PROPOSED GARAGE IS FRONT LOADING

SITE INFORMATION

TOTAL AREA: 30,292 S.F. / 0.70 AC.
DISTURBED AREA: 15,082 S.F. / 0.35 AC.
IMPERVIOUS: 4,921 S.F. / 0.11 AC.
PARCEL ID: 3811000027
ZONING DISTRICT: R4
EXISTING SITE IS WOODED AS SHOWN
EXISTING ADDRESS:
140 PEBBLE BEACH
JAMES CITY COUNTY, VIRGINIA

BUILDING SETBACKS (PER FORD'S COLONY)

FRONT SETBACK: 30'
REAR SETBACK: 25' OR 25% OF LOT DEPTH,
WHICH EVER IS GRATER
SIDE SETBACK: 10'

NOTE TO CONTRACTOR

1. ALL DISTURBED AREAS ARE TO BE SEEDED, SODDED, OR MULCHED WITHIN 7 DAYS OF REACHING FINAL GRADE.
2. THE CONTRACTOR IS RESPONSIBLE FOR CONTACTING "MISS UTILITY" @ 1-800-552-7001 72 HOURS PRIOR TO CONSTRUCTION.
3. THE CONTRACTOR SHALL REPORT ANY ERRORS, OMISSIONS, CONFLICTS, OR DISCREPANCIES TO THE DEVELOPER FOR RESOLUTION BEFORE CONTINUING WITH THE WORK.
4. EROSIONS AND SEDIMENT CONTROL SHALL CONFORM TO THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK, LATEST EDITION.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY AND ALL DAMAGE TO UTILITIES, PUBLIC OR PRIVATE, THAT MAY OCCUR AS A RESULT OF CONSTRUCTION ACTIVITIES.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPLACING WITH MATCHING MATERIALS, ANY PAVEMENT, DRIVEWAYS, SHOULDERS, WALKS, LAWNS, SHRUBS, DITCHES, ETC. THAT MAY BE CUT OR DAMAGED DURING OR AS A RESULT OF CONSTRUCTION ACTIVITIES.
7. CONTRACTOR IS RESPONSIBLE FOR INSTALLING ORANGE SAFETY FENCE AROUND LIMITS OF CONSTRUCTION
8. CONTRACTOR SHALL DETERMINE EXACT FINISH FLOOR ELEVATION AFTER.

NOTES

1. HOUSE DIMENSIONS SHOWN BASE ON INFORMATION PROVIDED BY OWNER. BUILDER SHALL VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION.
2. ALL TREES LARGER THAN 3" IN DIAMETER AND OUTSIDE THE LIMITS OF CLEARING SHOWN MAY NOT BE REMOVED WITHOUT THE CONSENT OF FORD'S COLONY OR ITS ASSIGNS.
3. IN THE EVENT THE ARCHITECTURAL REVIEW COMMITTEE (ARC) SHALL DETERMINE THAT APPLICATION OF THE AFORESAID SETBACKS TO A PARTICULAR LOT WOULD UNREASONABLY LIMIT THE USE THEREOF BY THE OWNER AND EFFECTIVELY DEPRIVE HIM/HER OF AN APPROPRIATE CONSTRUCTION SITE, THE ARC SHALL GRANT A VARIANCE TO THE OWNER OF SAID LOT FROM THE PROVISIONS OF THESE SETBACK REQUIREMENTS.

GENERAL NOTES

1. A TITLE REPORT HAS NOT BEEN FURNISHED TO THIS FIRM.
2. WETLANDS, IF ANY, WERE NOT LOCATED FOR THIS PLAT.
3. THIS FIRM MADE NO ATTEMPT TO LOCATE UNDERGROUND UTILITIES.
4. PARCEL LIES IN F.I.R.M. ZONE "X" ACCORDING TO COMMUNITY PANEL #51095C0117D, DATED DECEMBER 16, 2015.
5. LOT SERVED BY PUBLIC WATER AND SEWER.
6. CONTRACTOR SHALL PROVIDE POSITIVE DRAINAGE AWAY FROM BUILDINGS SHOWN HEREON.
7. ELEVATION AS SHOWN HEREON ARE IN FEET AND ARE CLOSELY RELATED TO JCC GIS.
8. DIMENSIONS SHOWN HEREON ARE TO THE FRAMLINE IF THE BUILDING
9. CONTRACTOR TO DETERMINE LOCATION OF HVAC UNIT.

SURVEYORS CERTIFICATION

THIS DRAWING REPRESENTS AN ACTUAL FIELD SURVEY. ALL THE INFORMATION SHOWN HEREON IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. LANDTECH RESOURCES, INC. HAS BEEN RETAINED AND PAID TO STAKE, AS A MINIMUM, THE BUILDING ENVELOPE & ANY DETACHED ACCESSORY STRUCTURE.

William S. Felts
WILLIAM S. FELTS, L.S. 03/31/2017
DATE

SHEET: 1 OF 3

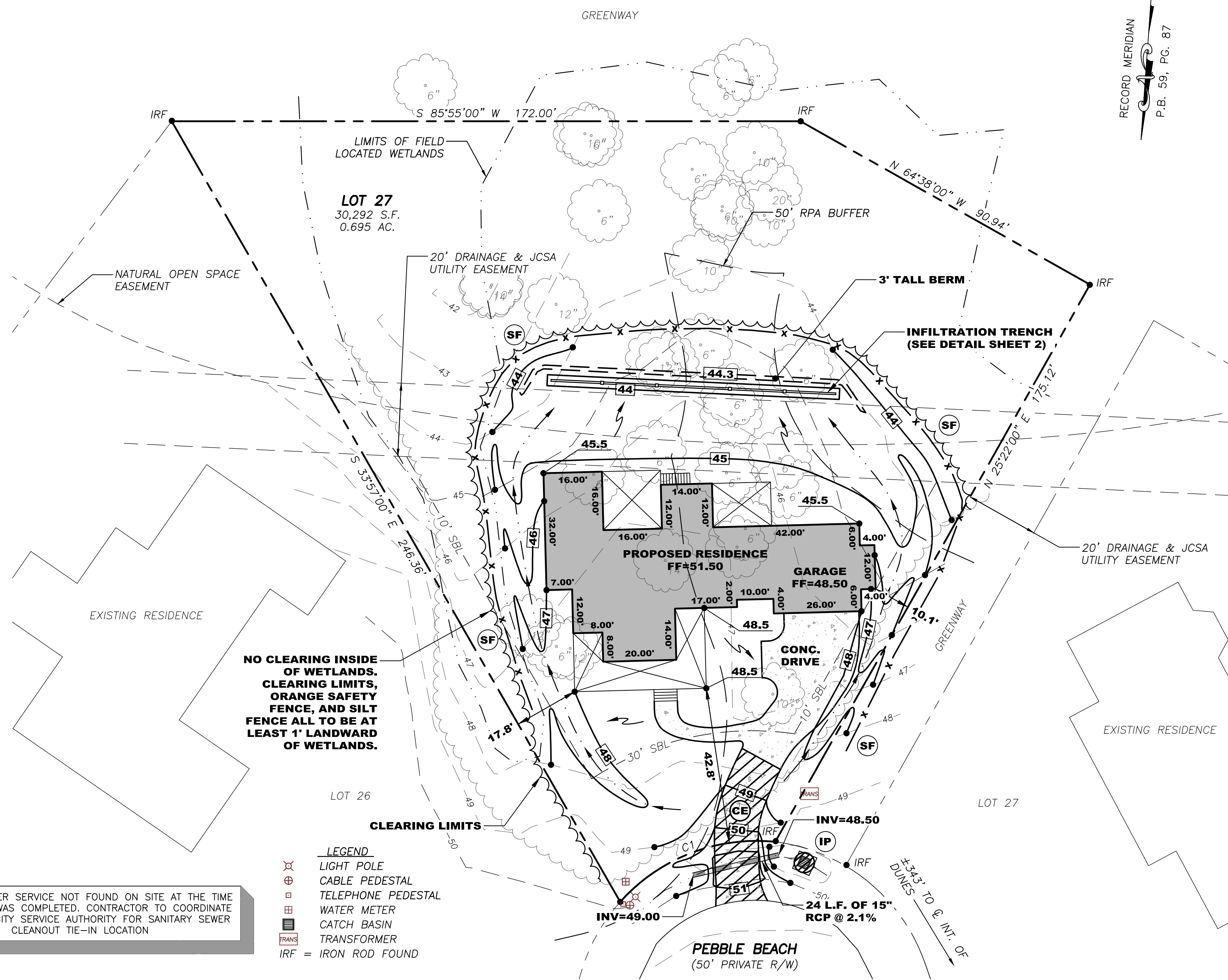


DATE: 03/30/2017
DRAWN BY: CMH
PROJECT No. 15-575
FILE NAME: 15-575 Plot Plan.DWG
REFERENCES:
P.B. 89, PG. 86-87

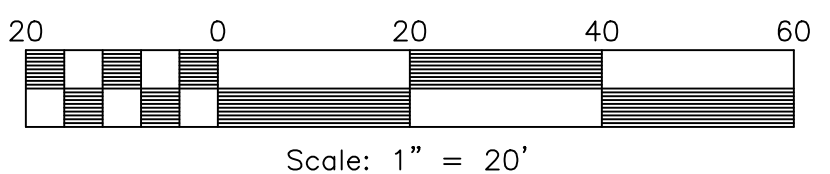
PLOT PLAN OF
LOT 27, SECTION IX-A
FORD'S COLONY
FOR
SHANNON HASSAN

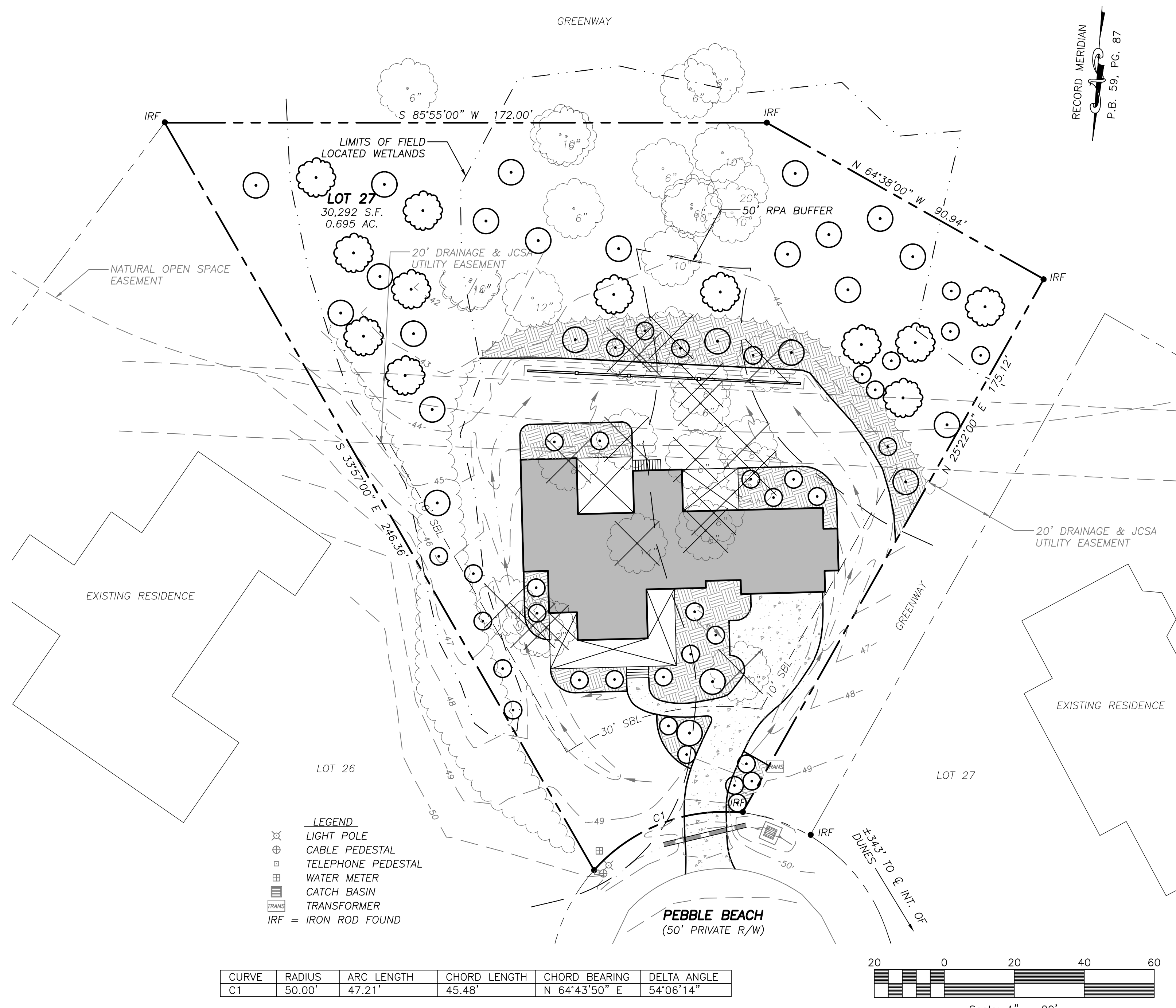
JAMES CITY COUNTY VIRGINIA

NO.	DATE	REVISION / COMMENT / NOTE



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	50.00'	47.21'	45.48'	N 64°43'50" E	54°06'14"





NATURAL OPEN SPACE EASEMENT

LOT 27
30,292 S.F.
0.695 AC.

LOT 26

LOT 27

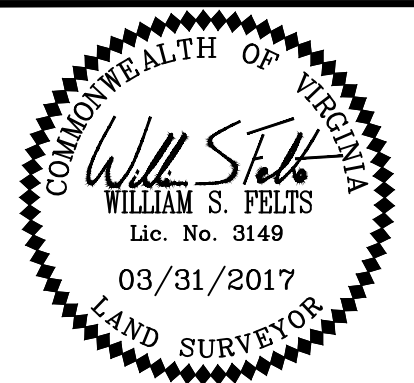
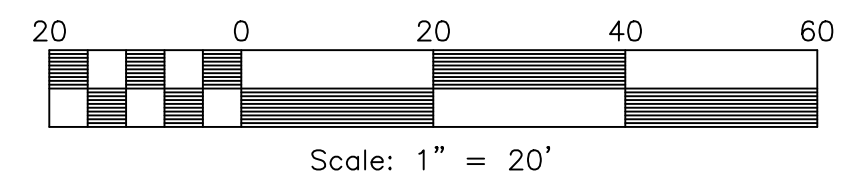
EXISTING RESIDENCE

EXISTING RESIDENCE

- LEGEND**
- ⊗ LIGHT POLE
 - ⊕ CABLE PEDESTAL
 - ⊖ TELEPHONE PEDESTAL
 - ⊙ WATER METER
 - ⊞ CATCH BASIN
 - TRANS TRANSFORMER
 - IRF = IRON ROD FOUND

- MITIGATION LEGEND**
- ▨ AREAS TO BE MULCHED
 - ⊙ NATIVE SHRUB (36)
 - ⊙ NATIVE UNDERSTORY TREE (24)
 - ⊙ NATIVE CANOPY TREE (12)
 - ⊗ TREES TO BE REMOVED (18)

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	50.00'	47.21'	45.48'	N 64°43'50" E	54°06'14"



DATE: 03/30/2017
DRAWN BY: CMH
PROJECT No. 15-575
FILE NAME: 15-575 Plot Plan.DWG
REFERENCES:
P.B. 89, PG. 86-87

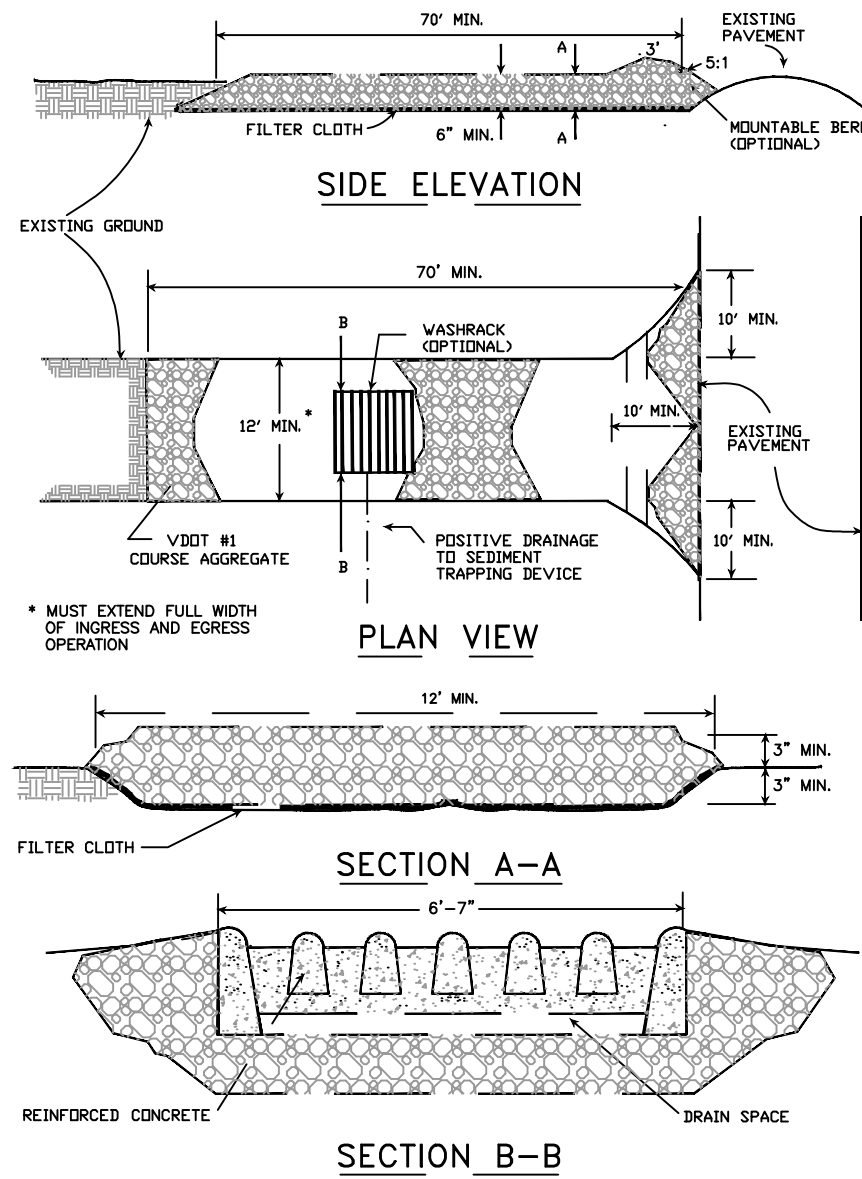
MITIGATION PLAN OF
**LOT 27, SECTION IX-A
FORD'S COLONY
FOR
SHANNON HASSAN**

JAMES CITY COUNTY VIRGINIA

NO.	DATE	REVISION / COMMENT / NOTE

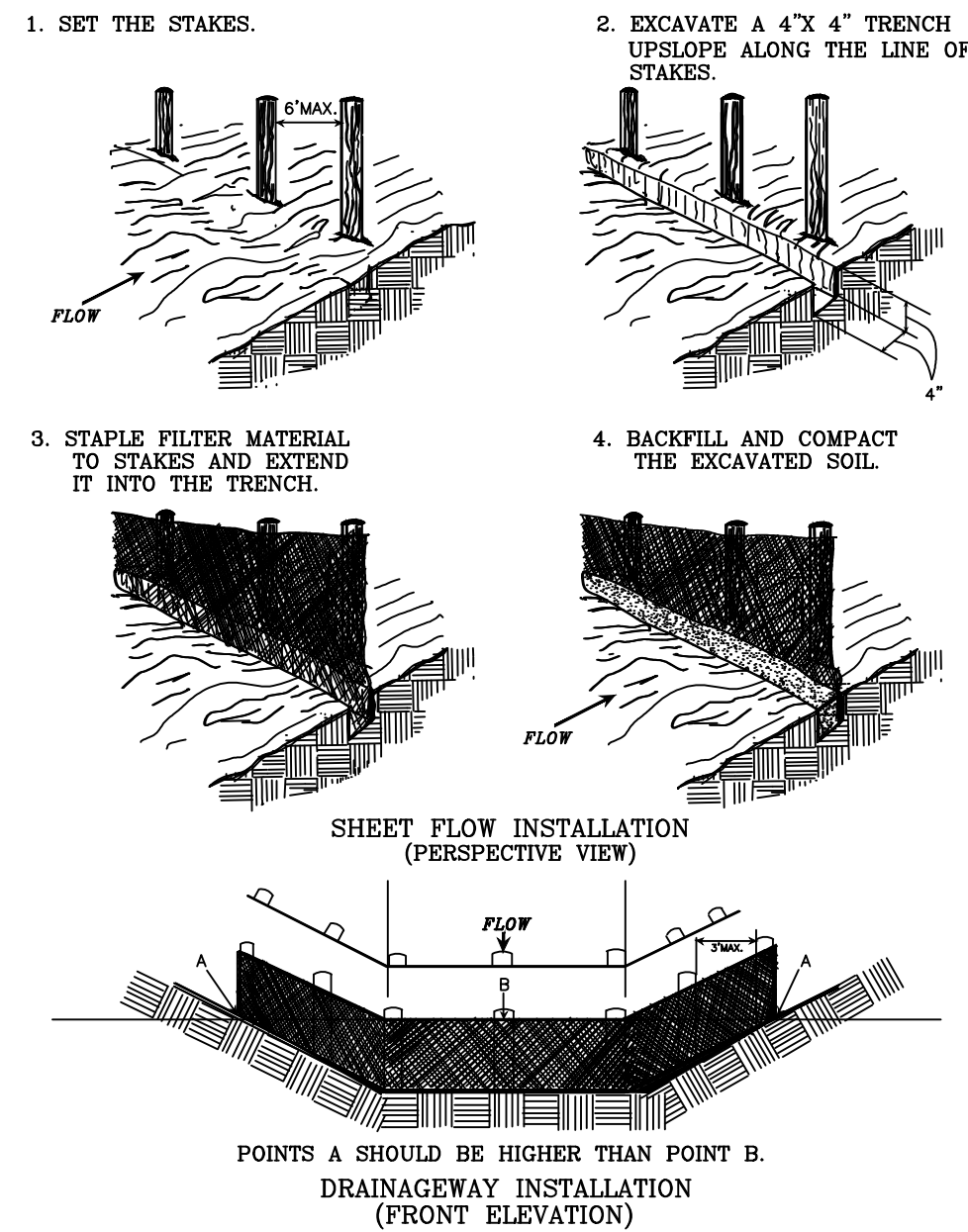


STONE CONSTRUCTION ENTRANCE



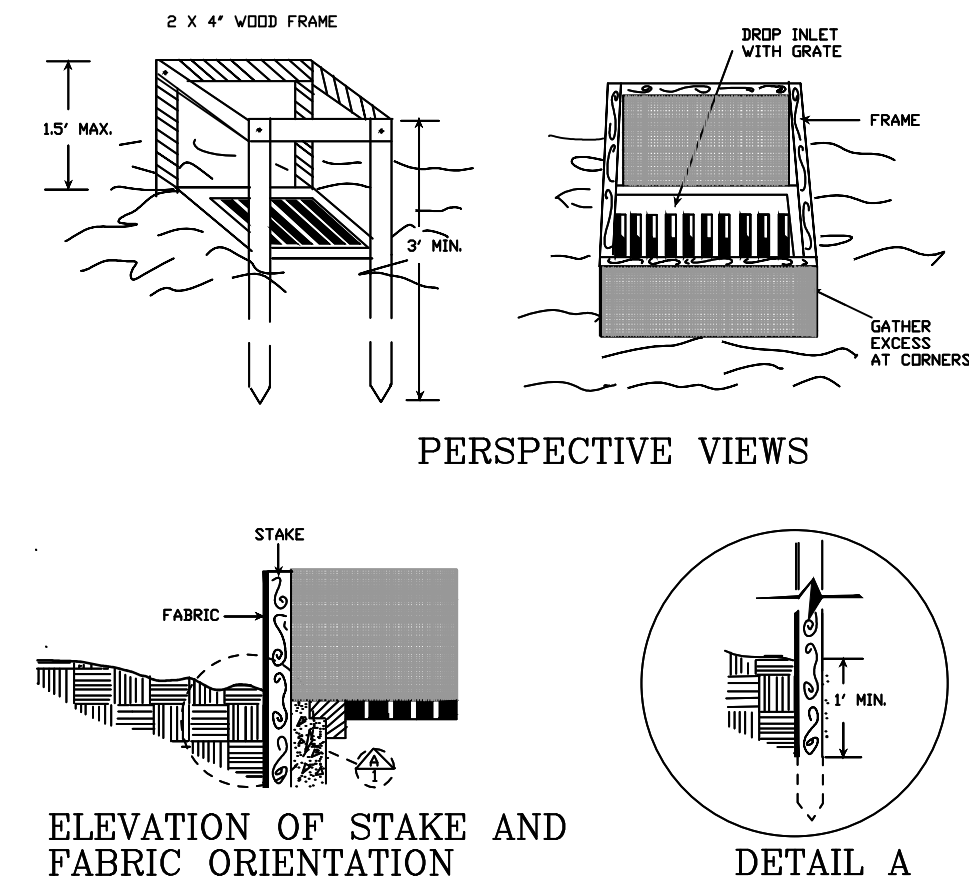
SOURCE: ADAPTED FROM 1983 Maryland Standards for Soil Erosion and Sediment Control, and Va. DSWC Plate 3.02-1

CONSTRUCTION OF A SILT FENCE (WITHOUT WIRE SUPPORT)



SOURCE: Adapted from Installation of Straw and Fabric Filter Barriers for Sediment Control, VA. DSWC Sherwood and Wyan PLATE 3.05-2

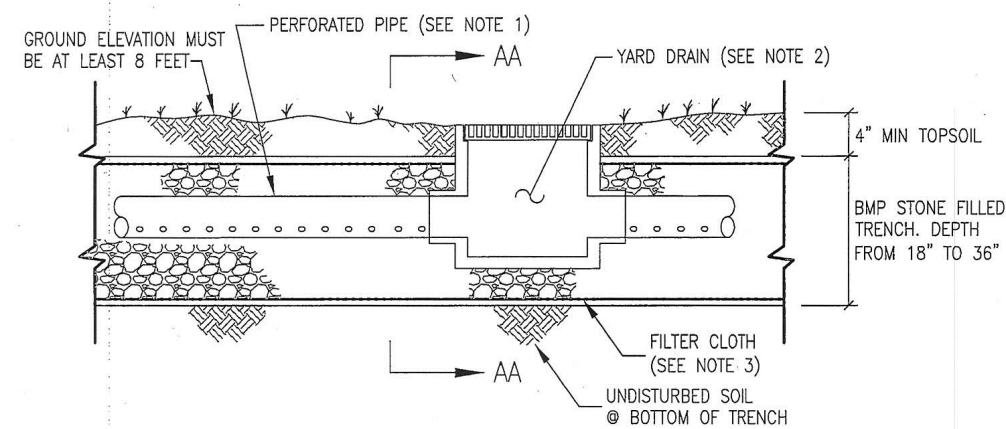
SILT FENCE DROP INLET PROTECTION



SPECIFIC APPLICATION

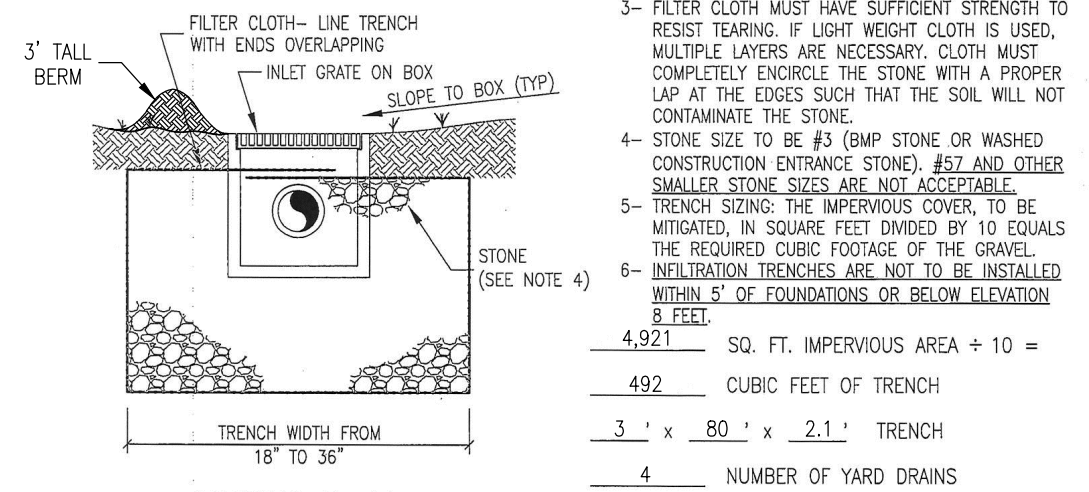
THIS METHOD OF INLET PROTECTION IS APPLICABLE WHERE THE INLET DRAINS A RELATIVELY FLAT AREA (SLOPE NO GREATER THAN 5%) WHERE THE INLET SHEET OR OVERLAND FLOWS (NOT EXCEEDING 1 C.F.S.) ARE TYPICAL. THE METHOD SHALL NOT APPLY TO INLETS RECEIVING CONCENTRATED FLOWS, SUCH AS IN STREET OR HIGHWAY MEDIANS.

SOURCE: N.C. Erosion and Sediment Control Planning and Design Manual, 1988 PLATE 3.07-1



NOTES:

- 1- PIPE SHALL BE PLASTIC, 4" OR 6" SIZE, PERFORATED (WITH HOLES DOWN) OR SLOTTED, ENDS MUST BE CAPPED.
- 2- PLASTIC YARD DRAIN WITH INLET GRATE, MINIMUM SIZE 10"x10"x10", TRENCHES 15' AND LESS IN LENGTH REQUIRE A MINIMUM OF ONE YARD DRAIN, GREATER THAN 15' REQUIRES A MINIMUM OF 2 YARD DRAINS WITH MAXIMUM 20' SPACING IN BETWEEN YARD DRAINS AND A YARD DRAIN MUST BE INSTALLED WITHIN 8' OF TRENCH ENDS.
- 3- FILTER CLOTH MUST HAVE SUFFICIENT STRENGTH TO RESIST TEARING. IF LIGHT WEIGHT CLOTH IS USED, MULTIPLE LAYERS ARE NECESSARY. CLOTH MUST COMPLETELY ENCIROLE THE STONE WITH A PROPER LAP AT THE EDGES SUCH THAT THE SOIL WILL NOT CONTAMINATE THE STONE.
- 4- STONE SIZE TO BE #3 (BMP STONE OR WASHED CONSTRUCTION ENTRANCE STONE). #57 AND OTHER SMALLER STONE SIZES ARE NOT ACCEPTABLE.
- 5- TRENCH SIZING: THE IMPERVIOUS COVER, TO BE MITIGATED, IN SQUARE FEET DIVIDED BY 10 EQUALS THE REQUIRED CUBIC FOOTAGE OF THE GRAVEL.
- 6- INFILTRATION TRENCHES ARE NOT TO BE INSTALLED WITHIN 5' OF FOUNDATIONS OR BELOW ELEVATION 8 FEET.



SECTION AA-AA 140 PEBBLE BEACH, WILLIAMSBURG, VA PROPERTY ADDRESS

INFILTRATION TRENCH DETAIL

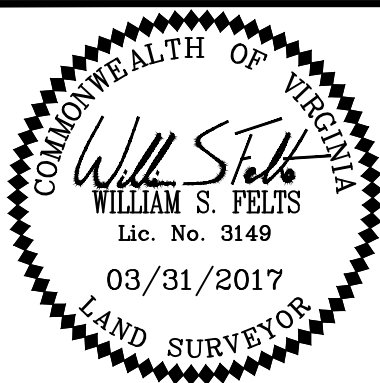
CURB & GUTTER SECTIONS WILL REQUIRE (2) SCHEDULE 40-4" CONDUITS PLACED 3' BELOW GRADE, OR AS LOW AS POSSIBLE TO NOT CONFLICT WITH OTHER UTILITIES, DIRECTLY BEHIND THE CURB FOR FUTURE WIRES.

SECTIONS: 3B, 8A, 8B, 10, 12, 13A, 13B, 14A, 14B, 15, 17, 18, 30, 31 & 32

DATE: _____ SIGNED: _____

DRAINAGE CONTROL/IMPROVEMENTS SHALL BE INSTALLED IMMEDIATELY AFTER CLEARING. SUCH THAT NO DISTURBED AREA DRAINAGE FLOWS ONTO ADJACENT PROPERTIES. ()

BEFORE CLEARING MARK TREES TO BE PRESERVED WITH PLASTIC TAPE TO BE REVIEWED AND APPROVED WITH THE ARC INSPECTOR. ()



DATE: 03/30/2017
DRAWN BY: CMH
PROJECT No. 15-575
FILE NAME: 15-575 Plot Plan.DWG
REFERENCES:
P.B. 89, PG. 86-87

NOTES & DETAILS FOR
LOT 27, SECTION IX-A
FORD'S COLONY
FOR
SHANNON HASSAN

JAMES CITY COUNTY

VIRGINIA

NO.	DATE	REVISION / COMMENT / NOTE





ROTH ENVIRONMENTAL, LLC

140 PEBBLE BEACH – FORD’S COLONY
KEITH & SHANNON HASSAN
PROJECT SUMMARY
AND
MITIGATION PLAN
March 29, 2017

The property located at 140 Pebble Beach is situated in the southeastern section of the Ford’s Colony subdivision. The 0.7 acre wooded lot is located at the southern terminus of Pebble Beach. Developed residential lots border the property to the north, east, and west. A Greenway/Drainage Easement that is part of an unnamed tributary drainage of Powhatan Creek borders the site to the south. The nontidal wetlands associated with the unnamed tributary of Powhatan Creek are found along the southern and eastern edges of the site. These wetlands were survey located and shown on the attached site plan.

In general, the topography on the lot is at its highest on the northern portion of the property. In this area the property is at elevation 51’. The overall regional slope of the site is to the south. Along the southern edge of the property elevations are as low as 40’. The majority of the uplands on the property are situated in the central portion of the lot. Wetlands extend across the southern portion of the property. They also extend to the north, along the eastern side of the site.

The wetlands on the eastern side of the site receive stormwater flow from the properties to the east and northeast. In these areas, houses have been constructed on the hillside. In developing these lots, the owners have created typical impervious areas associated with houses along with maintained turf grass lawns. The slope of the land directs stormwater flow into the swale on 140 Pebble Beach. The shallow swale in the landscape allows the stormwater to slowly drain to the south to the main tributary stream system. This type of stormwater routing (through an undeveloped lot) is not uncommon in Ford’s Colony. The applicant will have to continue to allow stormwater discharges to flow through this area to the downstream wetlands and streams.

The RPA features from which the RPA buffer is extended are the nontidal wetlands. These wetlands are contiguous and connected to a perennial stream that flows to the south to Powhatan Creek. As such, 100’ RPA buffers are extended from the landward limit of the wetlands. Due to the location of the wetlands on the property, the entire lot is within the RPA buffer.

The proposed site plan shows the delineated wetland limit. These wetlands were delineated using the methodology outlined in the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region (TR-10-20)*.

The proposed plan for the development on the lot includes the construction of a house, driveway, and deck. All of these features will encroach into the RPA buffer. As with many of the other lots in this section of Ford’s Colony, development of the lot cannot be accomplished without encroachment into the RPA buffer.

The location of the proposed house on this lot is dictated by setbacks and easements. Specifically, the two most limiting requirements on the lot are the front building setback and the JCSA Drainage and Utility Easement. Construction of the house in the easement is not permitted. The utility easement runs

in an east/west direction, bisecting the lot. All development for a home on this lot will be required to be north of this easement.

If the house were to be shifted to the south of the easement, the driveway would be required to be extended. This would increase the impervious area caused by the development.

Impervious Encroachment in the RPA Buffer

The total impervious area within the RPA buffer for the proposed plan is 4,921 square feet. The impervious area of the house footprint is approximately 3,634 square feet. This accounts for the house, garage, covered rear porches, and the front porch (there are no open decks or patios on the house). The remainder of the impact (1,287 s.f.) is due to the driveway, sidewalk, and steps.

Based on the site plans, this is divided as followed:

Impervious Area within the Seaward 50' RPA Buffer – 2,317

Impervious Area within the Landward 50' RPA Buffer – 2,604

The house and driveway were oriented to have the larger portion of the impervious area in the landward 50' RPA buffer.

The applicant has worked closely with Roth Environmental and LandTech Resources to delineate the features and minimize the planned encroachment into the buffers. Following the results of the wetland delineation and resultant RPA buffers, the applicant worked to reduce the impervious footprint on the lot by modifying the garage from a side loading garage to a front loading garage. This avoided the need for wetland impacts associated with the project. Orange safety fence will be installed (in the uplands) between the wetland and the side of the house to ensure the wetland is not impacted by equipment during construction.

As a comparison to other nearby single family development in Ford's Colony, the proposed impervious area on the subject site is similar to the impervious areas within the RPA buffers on three nearby lots at 177 Southport (+5,200 s.f.), 181 Southport (4,166 s.f.), and 184 Southport (+6,800 s.f.).

The impervious area of the subject site is not out of line with these properties that have been approved for their impervious areas in the RPA.

The proposed residence at 140 Pebble Beach has been designed to be as far north on the lot as possible while allowing approximately ten feet between the house and the wetlands. This position on the site locates the house in the center of the upland area and north of the drainage easement.

Mitigation

Mitigation for the impervious surface created by the proposed plan will include three elements. These are mitigative plantings, creation of an infiltration trench, and enrollment in the "Turf Love" program.

The first mitigation element is plantings. The applicant is offering the required mitigation to offset the proposed encroachments into the RPA buffer.

The proposed mitigation plantings will consist of 12 mitigation units. This accounts for 12 canopy trees, 24 understory trees, and 36 shrubs.

The total amount of plantings are listed in the table below:

Plant Type	Standard Mitigation Plantings for the Impervious Area of the Development (12 Units Required)	Proposed Mitigation Units to be Planted (12 Units Required)
Canopy Tree	12	12
Understory Tree	24	24
Shrub	36	36
Total	72	72

All plantings will be located within the RPA buffer and will be incorporated into the landscape plan required by Ford’s Colony. As such, some plantings will be located around the foundation of the house and along the edges of the clearing limits. Others will be located downslope of the infiltration trench. We specifically added the plants around the clearing limits and infiltration trench so that they would have a greater opportunity to absorb nutrients and stabilize the soils around the lawn areas.

Mitigative plantings have also been incorporated into the wetlands on-site. These areas only contained scattered vegetation. Increasing the density of the plantings in these areas will increase the wetlands’ ability to absorb nutrients and toxicants. The added vegetation will also aid in treating stormwater that flows into the wetlands from the adjacent lot that does not have any stormwater treatment of their runoff.

Canopy trees will be a minimum of 1.5” caliper or six feet tall. Shrubs will be a minimum of 3 gallons in size or 18” tall. The goal of the landscape plan is to achieve a minimum of 75% native species planted for the mitigation effort. The remainder of the species may be non-native ornamental species.

Native trees and shrubs have been selected from the Native Plant List found on the James City County website. They will include the following:

Canopy Trees:

Uplands and Wetlands – red maple (*Acer rubrum*), river birch (*Betula nigra*), bald cypress (*Taxodium distichum*), and willow oak (*Quercus phellos*).

Understory Trees:

Uplands – flowering dogwood (*Cornus florida*), eastern redbud (*Cercis canadensis*), American holly (*Ilex opaca*), and Canada serviceberry (*Amelanchier canadensis*).

Wetlands – white fringe tree (*Chionanthus virginicus*) and sweetbay magnolia (*Magnolia virginiana*).

Shrubs:

Uplands – American beautyberry (*Callicarpa americana*), inkberry holly (*Ilex glabra*), winterberry (*Ilex verticillata*), sweetspire (*Itea virginica*), New Jersey tea (*Ceanothus americanus*), and red chokeberry (*Aronia arbutifolia*).

Wetlands – spicebush (*Lindera benzoin*), fetterbush (*Leucothoe racemosa*), and button bush (*Cephalantus occidentalis*).

The Mitigation Plan included with the submission package shows the approximate location of these plantings. Once the applicants have selected the specific species for these locations, they will

coordinate the final landscape plan with the CBPA Board's Staff Liaison, Mike Woolson, for review and approval.

As part of the typical CBPA encroachment requirements, the applicant will post a surety for the proposed plantings. This surety will be determined by county staff and be returned to the applicant once the mitigative plantings are installed and the county verifies their installation. Additionally, the applicant will enter into the standard county agreement to maintain the mitigative plantings.

The second part of the mitigation plan for this project is the construction of an infiltration trench. The infiltration trench will be situated immediately south of the drainage easement. As the drainage easement is twenty feet in width, the trench will be positioned twenty feet from the rear of the house.

As shown on the site plan, the entire developed portions of the lot will be graded to provide positive drainage away from the house. In doing this, the engineer was able to create shallow swales that will direct surface runoff from the northern portion of the house, around the house, and direct it to the infiltration trench. The rear yard of the house will also slope to the infiltration trench. This design allows the majority of the sheet flow from the development to be captured and directed to the infiltration trench for treatment. A shallow berm will be created along the southern edge of the infiltration trench to direct water into the trench.

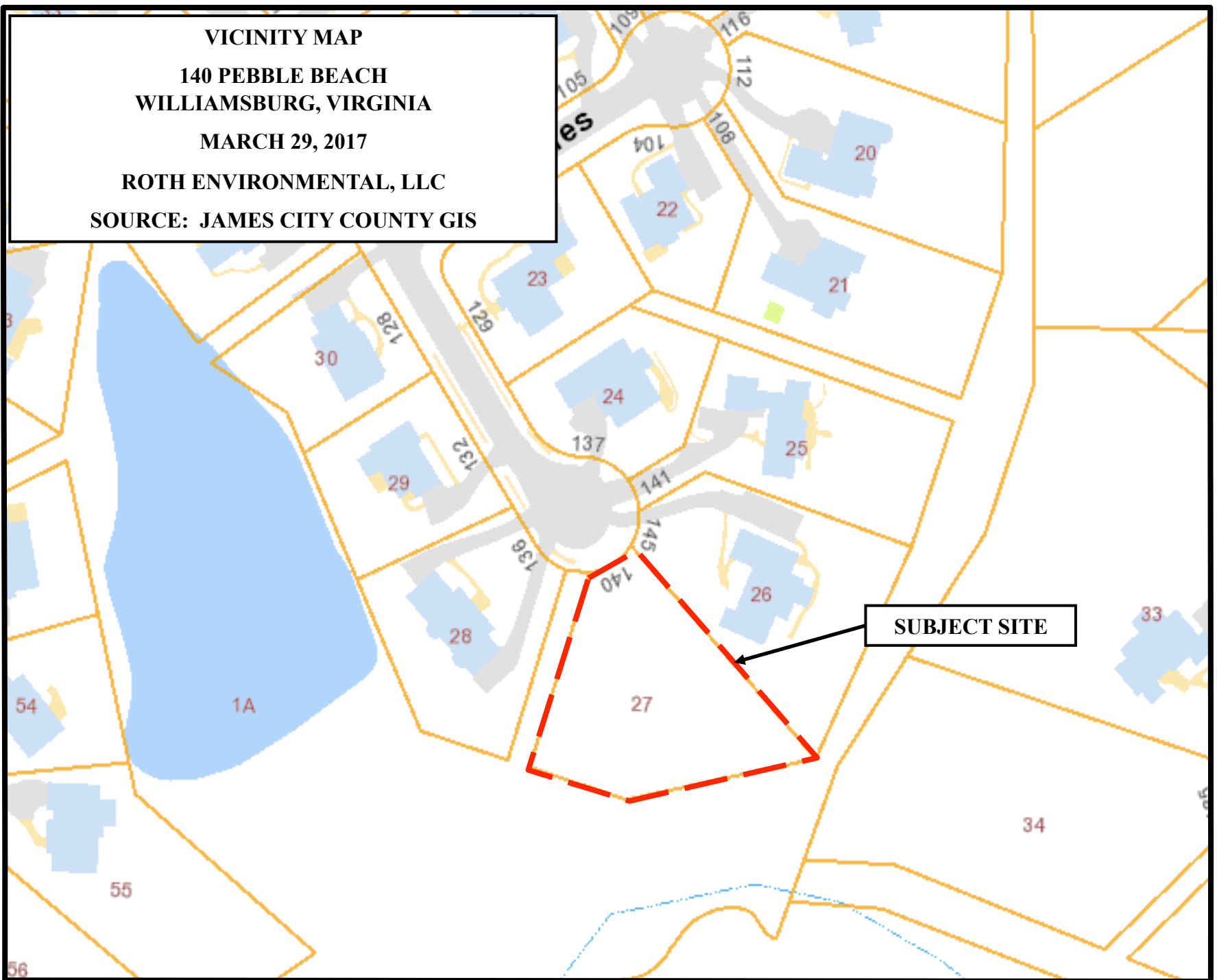
Typical runoff producing events will be directed to the infiltration trench. This contains and allows the first flush of stormwater to infiltrate the ground. The first flush of stormwater contains the majority of the nutrients, sediments, and toxicants found in runoff. It is the most important portion of the stormwater volume to contain and treat. The proposed design accomplishes this.

Should a storm event occur that creates runoff volumes that exceed the capacity of the infiltration trench, the infiltration trench will catch the first flush of water created by the storm. The surface flow that exceeds the volume of the infiltration trench will flow over the berm and through the wooded uplands on the southern portion of the site before it reaches the nontidal wetland areas.

With the site design that directs stormwater flows to the infiltration trench via surface flow, turf grass was used to stabilize the ground surface. The site plans show that the side yards and rear yard are not entirely mulched. As with grassed swales, the turf grass will better stabilize the ground surface and slow the flow of stormwater over it. If the applicant was to mulch these areas, the mulch would be washed downslope and onto the infiltration trench. For this reason, turf grass was recommended for this application.

With the use of turf grass in the site design, the applicants will also enroll in the "Turf Love" program administered by the Virginia Cooperative Extension for all areas within the buffer that are proposed for turf grass. As part of this program, a cooperative extension agent will perform an on-site lawn/site analysis and teach the residents how to produce healthy turf while reducing the use of fertilizers, pesticides, and insecticides.

VICINITY MAP
140 PEBBLE BEACH
WILLIAMSBURG, VIRGINIA
MARCH 29, 2017
ROTH ENVIRONMENTAL, LLC
SOURCE: JAMES CITY COUNTY GIS





**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

April 19, 2017

RE: CBE-17-072 – 140 Pebble Beach
Single Family Dwelling

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 Keith and Shannon Hassan, for encroachment into the Resource Protection Area (RPA) associated with construction of a single family dwelling, on their property at 140 Pebble Beach in the Ford's Colony subdivision. The property is further identified by James City County Real Estate as Parcel No. 3811000027.

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, May 10, 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: Keith and Shannon Hassan
Roth Environmental

Mailing List for: CBE-17-072 – 140 Pebble Beach - SFD

3811000027 - Owner 140 Pebble Beach

Keith and Shannon Hassan
158 Fords Colony Drive
Williamsburg, VA 231886320

Roth Environmental

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

3811000026

Carl and Karen Beale
145 Pebble Beach
Williamsburg, VA 231888904

3811000025

James and Carolyn Smith
141 Pebble Beach
Williamsburg, VA 231888904

3811000024

Jeffrey and Nany Harrell
137 Pebble Beach
Williamsburg, VA 231888904

3811000023

Donald and Pamela Alms
129 Pebble Beach
Williamsburg, VA 231888904

3811000028

Douglas and Caroline Shaffer
136 Pebble Beach
Williamsburg, VA 231888904

3811000029

James and Mary Campbell Trustees
132 Pebble Beach
Williamsburg, VA 231888904

3811000030

Susan Krancer
128 Pebble Beach
Williamsburg, VA 231888904

3811000001A - Common Area

Ford's Colony at Williamsburg Homeowners
Association
100 Manchester Drive
Williamsburg, VA 231887404

ITEM SUMMARY

DATE: 5/10/2017
TO: Chesapeake Bay Board
FROM: Michael Woolson, Senior Watershed Planner
SUBJECT: CBE-17-073 : 2836 Durfey's Mill Road

James Duguay has filed an exception request for encroachment in the RPA buffer for construction of a single family dwelling at 2836 Durfey's Mill Road in the Lake Powell Pointe subdivision.

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Resolution	Resolution
▣	Water Quality Impact Assessment	Backup Material
▣	Site Plan	Backup Material
▣	Public Hearing Notice	Backup Material
▣	APO Notification Letter	Backup Material
▣	APO Notification List	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	5/5/2017 - 2:50 PM
Chesapeake Bay Group	Holt, Paul	Approved	5/5/2017 - 3:29 PM
Publication Management	Trautman, Gayle	Approved	5/5/2017 - 3:47 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	5/5/2017 - 3:49 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBE-17-073. 2836 Durfeys Mill Road
Staff Report for the May 10, 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: Jim Duguay, Performance Contracting

Owner: James Duguay, Jr., Inc.

Location: 2836 Durfeys Mill Road

Tax Map/Parcel No.: 4741200055

Legal Description: Lot 55, Phase 3, Lake Powell Pointe

Lot Size/Zoning: 0.853 acres +/-; R1, Limited Residential

Area of Lot in Resource Protection Area (RPA): 0.685 acres +/- (80%)

Watershed: Mill Creek (HUC Code JL33)

Proposed Activity: Construction of a new single-family dwelling

Impervious Cover: 800 square feet

RPA Encroachment: 800 square feet within landward 50 feet

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

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Jim Duguay, Performance Contracting, has applied for an exception to the Chesapeake Bay Preservation Ordinance (Ordinance) for an 800-square-foot impervious cover encroachment into the RPA buffer for the construction of a single-family dwelling and attached deck at 2836 Durfeys Mill Road within the Lake Powell Pointe subdivision. The lot was platted in October 1999, after adoption of the 1990 Ordinance, but prior to re-adoption of the Ordinance in 2004. Mr. Duguay previously applied for and was granted an exception for this house in 2015 under CBE-15-106, which has subsequently expired.

This subdivision was planned and developed around Lake Powell. Several times in the past 16 years the Lake Powell Dam was breached, the last time in October 2006. The owners of the lake have decided not to rebuild the embankment, turning the lake bed into a tidally-influenced, vegetated wetland system adjacent to Lake Powell Pointe. A former owner of this lot requested from the Corps of Engineers in 2012 to have the wetlands on this lot re-delineated, as it was his contention that the lack of a normal pool from the former Lake Powell would migrate the wetlands further away from the property towards the center of the old lake bed.

Wetland systems are not static and do respond to various input variables. The revised 2004 Ordinance recognizes this by stating that the RPA shall be based upon a “reliable, site specific evaluation” through any development or redevelopment exceeding 2,500 square feet of land disturbance. Mr. Duguay had this wetland

line reevaluated by a professional wetland scientist, who arrived at the same conclusion as the Corps of Engineers.

The required mitigation for this amount of impervious cover would be two canopy trees, four understory trees and six shrubs as well as three inches of gravel under the deck to prevent soil erosion. Mr. Duguay has proposed three inches of gravel under the deck and two canopy trees, four understory trees and six shrubs in his application. This amount of mitigation meets the standard county requirements. However, no actual planting plan was submitted with the application.

STAFF EVALUATION

Staff has evaluated the application and exception request for the single-family dwelling and deck described above. Staff finds that the application has met the conditions for submittal requirements consistent with Sections 23-11 and 23-14 of the Ordinance. Unless there are impacts to the seaward 50-foot RPA, of which there are none in this application, this exception request would be administratively processed because of the date of platting. However, because the County has received a significant amount of public comments on the now expired original application case from citizens and the Lake Powell Pointe Architectural Review Board, and as it could not be determined by the manager if granting the exception would confer to this applicant special privileges denied to other property owners similarly situated in the vicinity, per Section 23-14(c)(2), the decision was made to process this exception request through the County's Chesapeake Bay Board through the formal exception process in order to allow for public advertisement and comment of the subject case.

WATER QUALITY IMPACT ASSESSMENT (WQIA)

Under Sections 23-11 and 23-14 of the County Ordinance, a WQIA must be submitted for any proposed land disturbing activity resulting from development or redevelopment within RPAs.

The applicant has submitted the required information as outlined in the *James City County Water Quality Impact Assessment Guidelines*. The applicant has submitted a County Sensitive Area Activity application. The required mitigation for this project is two canopy trees, four understory trees and six shrubs. The application provides for the standard mitigation of three understory trees and is considered acceptable by staff.

CONSIDERATION BY THE CHESAPEAKE BAY BOARD

The exception granting body is permitted to require reasonable and appropriate conditions in granting the exception request in accordance with Section 23-14 of the County Ordinance. The Chesapeake Bay Board is to fully consider Chesapeake Bay Exception CBE-17-073 as outlined and presented above and review the request for exception and the WQIA. The Board may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of the Ordinance.

STAFF RECOMMENDATIONS

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

1. The applicant must obtain all other necessary federal, state and local permits as required for the project; and
2. The applicant must submit a mitigation planting plan, encompassing two canopy trees, four understory trees and six shrubs as outlined in the application; and

3. A \$2,000 surety in a form acceptable to the County Attorney's office to guarantee the mitigation plantings; and
4. This exception request approval shall become null and void if construction has not begun by May 10, 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/gt
CBE-17-073-2836DurfeysMill

Attachments:

1. Resolution
2. Water Quality Impact Assessment Package

RESOLUTION

CASE NO. CBE-17-073. 2836 DURFEYS MILL ROAD

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Jim Duguay of Performance Contracting (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on March 29, 2017, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property identified as James City County Real Estate Tax Map Parcel No. 4741200055 and further identified as 2836 Durfeys Mill Road in the Lake Powell Pointe subdivision (the “Property”) as set forth in the application CBE-17-073 for the purpose of constructing a new 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. The applicant must submit a mitigation planting plan, encompassing two canopy trees, four understory trees and six shrubs as outlined in the application; and
 - c. A surety of \$2,000 will be required in a form acceptable to the County Attorney’s office to guarantee the mitigation plantings; and

- d. This exception request approval shall become null and void if construction has not begun by May 10, 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.

Davis Gussman
Chair, Chesapeake Bay Board

Michael Woolson
Senior Watershed Planner

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 10th day of May, 2017.

THE FOREGOING 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-17-073-2836DurfeysMill-res



Erning section MAR 29 2017

Chesapeake Bay Preservation Ordinance Sensitive Area Activity Application

For Office Use Only CBE# 17-073 CB Number

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 >= 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:

Name: JAMES T. DUGUAY JR. INC /JA PERFORMANCE CONTRACTING Address: 334 REEDUST RD, YORKTOWN, VA 23692 Phone: 757-988-1300 Fax: Email: PERFORMANCECONTRACTING@GMAIL.COM

Contact (if different from above):

Name: Phone: Email:

Project Information:

Project Address: 2836 DUFFEY'S MILL RD. Subdivision Name, Lot, and Section No.: LOT 55 LANE POND POINT Parcel Identification No. or Tax Map No.: 4741200055 Date Lot was platted: OCTOBER 1999 Line or Bldg Permit No.:

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

- Steep Slopes >= 25 percent (SF) RPA - Landward 50' (SF) Conservation Easement (SF) RPA - Seaward 50' (SF) Trees to be Removed 7 (#) Proposed Impervious Cover 783 (SF)

Activity involves: (check all that apply)

- New principal structure construction Building addition to principal structure Attached Deck Permitted buffer modifications Dead/diseased/dying tree removal Sightline Accessory (Detached) Structure or Patio Invasive/noxious weed removal Access path/trail Other: Redevelopment:

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

For Office Use Only CBE # 17-073 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)

NEW SFD 783 sq OF IMPERVIOUS AREA IN 100' RPA.

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?
MINIMUM RELIEF FOR NEW SFD.
No

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
GRAVEL UNDER DECK.

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

For Office Use Only CBE# CB Number <u>17-073</u>
--

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


Number of native canopy trees 2
 Number of native understory trees 4
 Number of native shrubs 6
 Square feet of native ground cover _____
 Square feet of mulch _____

B. Best Management Practices (BMPs)

<input type="checkbox"/> EC-2 (degradable) erosion control matting	<input type="checkbox"/> Bioretention or rain garden practice
<input type="checkbox"/> Dry Swale	<input 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 checked="" 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  Date 3/29/17
 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>25.00</u> Date/Rec No.: <u>3/29/17 #3085</u>
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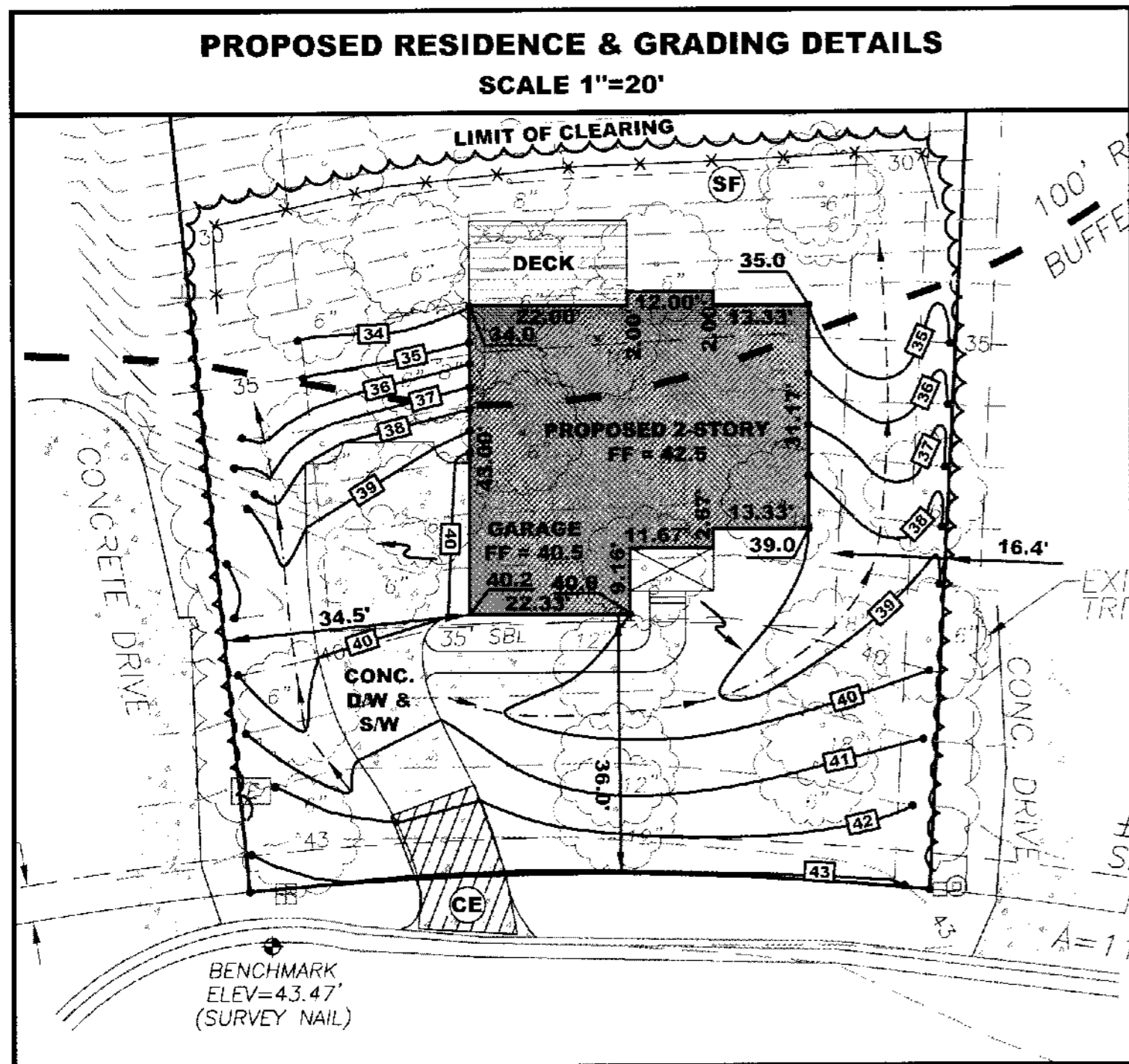
GENERAL NOTES

- 1) A TITLE REPORT HAS NOT BEEN FURNISHED TO THIS FIRM.
- 2) WETLANDS, IF ANY, WERE NOT RESEARCHED OR LOCATED FOR THIS PLAT.
- 3) THIS FIRM MADE NO ATTEMPT TO LOCATE UNDERGROUND UTILITIES.
- 4) PARCELS LIE IN F.I.R.M. ZONE "X" ACCORDING TO F.I.R.M. MAP #51095C0201D DATED DECEMBER 16, 2015.
- 5) LOT SERVED BY PUBLIC WATER AND SEWER
- 6) CONTRACTOR SHALL PROVIDE POSITIVE DRAINAGE AWAY FROM BUILDINGS SHOWN HEREON.
- 7) ELEVATIONS AS SHOWN HEREON ARE IN FEET AND ARE RELATED TO THE JCC GIS.
- 8) THE LOCATION OF THE HVAC SHALL BE DETERMINED BY THE CONTRACTOR.
- 9) DIMENSIONS ARE TO FRAMING LINE OF HOUSE.
- 10) CONTRACTOR SHALL DETERMINE EXACT FINISH FLOOR ELEVATION AND ADJACENT FINISHED GRADES AFTER EXCAVATION.
- 11) MITIGATION PLAN TO BE PROVIDED BY CONTRACTOR.

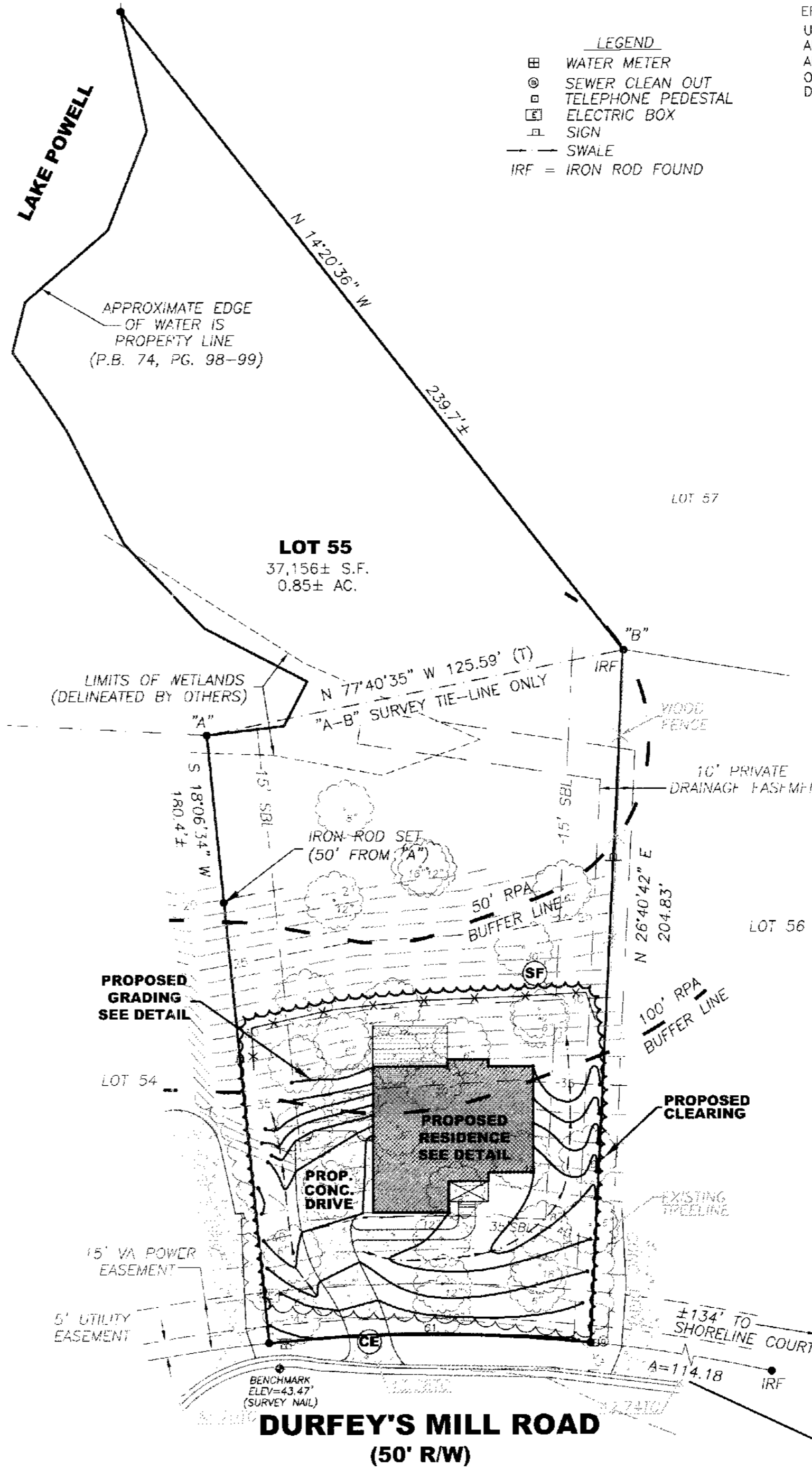
SITE INFORMATION

TOTAL AREA: 37,156± S.F. / 0.85± AC.
 DISTURBED AREA: 10,346 S.F. / 0.238 AC.
 IMPERVIOUS AREA: 3,311 S.F. / 0.076 AC.
 IMPERVIOUS AREA IN RPA: 78.3 S.F. / 0.018 AC. (SEE NOTE 11)
 PARCEL ID: 4740200055
 EXISTING SITE IS WOODED.
 ZONING DISTRICT: R1 (LIMITED RESIDENTIAL)

EXISTING ADDRESS:
 2836 DURFEY'S MILL ROAD
 JAMES CITY COUNTY, VA

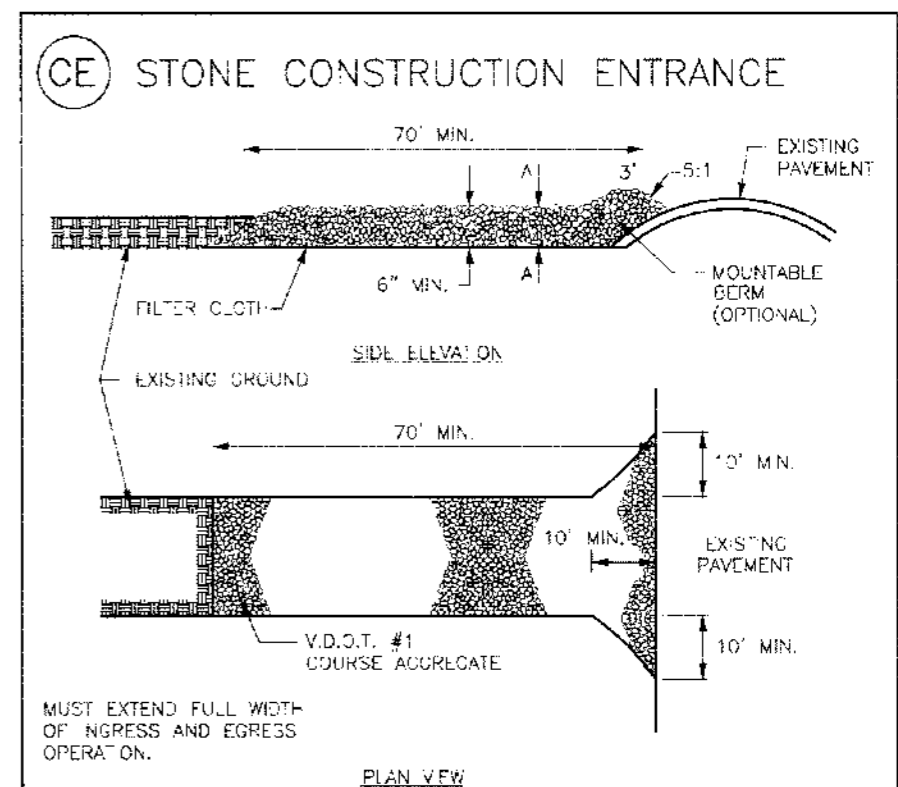


CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	475.00'	95.07'	94.91'	S 66°09'25" E	11°28'03"

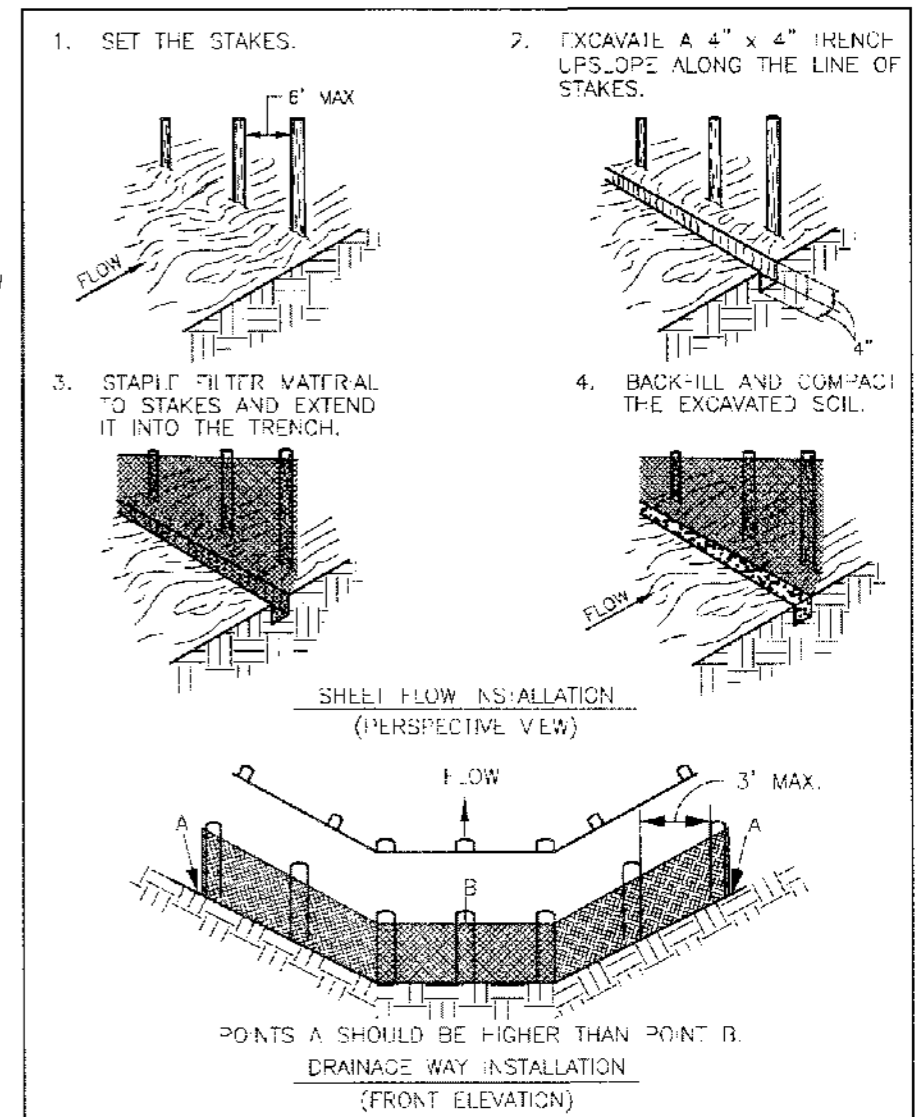


- LEGEND**
- ⊕ WATER METER
 - ⊙ SEWER CLEAN OUT
 - ⊠ TELEPHONE PEDESTAL
 - ⊞ ELECTRIC BOX
 - ⊟ SIGN
 - SWALE
 - IRF = IRON ROD FOUND

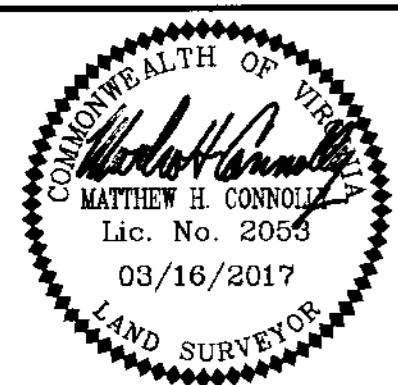
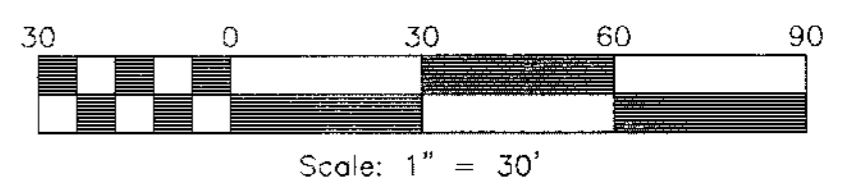
EROSION CONTROL NOTE:
 UPON REMOVAL OF ALL EROSION AND SEDIMENT CONTROL ITEMS, ALL TRAPPED/CONTAINED SEDIMENT SHALL BE REMOVED FROM LOT AND PROPERLY DISPOSED OF. ROADSIDE DITCH AND, IF APPLICABLE, OUTFALL DITCHES, SHALL BE CLEANED OF SEDIMENT/OR CONSTRUCTION DEBRIS ON A REGULAR BASIS DURING CONSTRUCTION.



⊙ PROVIDE STONE CONSTRUCTION ENTRANCE DURING CONSTRUCTION. CONTRACTOR RESPONSIBLE FOR KEEPING STREET FREE OF MUD AND DEBRIS ADJACENT TO PROPOSED DRIVEWAY



⊙ CONSTRUCTION OF A SILT FENCE (WITHOUT WIRE SUPPORT)



DATE: 05/15/2015
 DRAWN BY: CG
 PROJECT No. 15-235
 FILE NAME: 15-235.dwg
 REFERENCES:
 P.B. 74, PG. 98-99

**PLOT PLAN OF
 LOT 55, PHASE THREE
 LAKE POWELL POINTE
 FOR
 PERFORMANCE CONTRACTING**
 JAMES CITY COUNTY, VIRGINIA

NO.	DATE	REVISION / COMMENT / NOTE
1	07/28/2015	REV. FRONT-LOADING GARAGE TO SIDE-LOADING PER CLIENT
2	03/16/2017	REVISED HOUSE AND GRADING

LandTech Resources, Inc.
 Surveying • GPS • Engineering
 3925 Midlands Road, Williamsburg, Virginia 23188
 Telephone: 757-565-1677 Fax: 757-565-0782
 Web: landtechresources.com



Community Development
Engineering and
Resource
Protection Division
P O Box 8784
Williamsburg, VA 23187
Resource.Protection@james
citycountyva.gov

Building Safety and Permits
757-253-6620

Engineering and Resource Protection
757-253-6670

Planning

Zoning Enforcement
757-253-6685

757-253-6671

April 19, 2017

RE: CBE-17-073 – 2836 Durfey's Mill Rd
Single Family Dwelling

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 James T Duguay Jr, Inc T/A Performance Contracting, for encroachment into the Resource Protection Area (RPA) associated with construction of a single family dwelling, at 2836 Durfey's Mill Road in the Lake Powell Pointe subdivision. The property is further identified by James City County Real Estate as Parcel No. 4741200055.

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, May 10, 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: James T. Duguay Jr, Inc

Mailing List for: CBE-17-073 – 2836 Durfey's Mill Rd - SFD

4741200055 - Owner 2836 Durfey's Mill Rd

James T Duguay Jr, Inc
Performance Contracting
334 Redoubt Road
Yorktown, VA 236924874

4741200054

Frederick Lepolean Alson &
Scott Chevette
2840 Durfey's Mill Road
Williamsburg, VA 231853272

4741200053

Ronald and Teresa Magee
2841 Durfey's Mill Road
Williamsburg, VA 231853243

4741200056

Anne Bowman
2832 Durfey's Mill Road
Williamsburg, VA 231853272

4741200057-5109 Shoreline Court

Boyd Corporation
P O Box 62209
Virginia Beach, VA 234662209

4741200046

Fox-Whitby, ADA
5200 Pierside Reach
Williamsburg, VA 231853268

4741200052 - 2837 Durfey's Mill Rd

Distinguished Homes, Inc
P O Box 65181
Virginia Beach, VA 234675181

4740100031 - Lake Powell

Stanley H Powell ET A
2245 Lake Powell Rd
Williamsburg, VA 231853116

Lake Powell Pointe Home Owners Association

Attn: Paul Rich
5332 Hillside Way
Williamsburg, VA 23185-3221

ITEM SUMMARY

DATE: 5/10/2017
TO: Chesapeake Bay Board
FROM: Chesapeake Bay Board Secretary
SUBJECT: Amendment to Bylaws and Calendar

Resolution to amend the Chesapeake Bay Board Bylaws and Calendar to change the meeting time to 5 p.m. if there is no Wetlands Board meeting.

ATTACHMENTS:

	Description	Type
▣	Chesapeake Bay Board Bylaws - Amended	Backup Material
▣	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	5/5/2017 - 3:19 PM
Chesapeake Bay Group	Holt, Paul	Approved	5/5/2017 - 3:26 PM
Publication Management	Trautman, Gayle	Approved	5/5/2017 - 3:50 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	5/5/2017 - 3:59 PM

**JAMES CITY COUNTY CHESAPEAKE BAY BOARD
BYLAWS**

ARTICLE I. LEGAL AUTHORITY

The objectives and procedures of the James City County Chesapeake Bay Board are those set forth in Title 4, Chapter 50 of the Virginia Administrative Regulations and Chapter 23 of the Code of James City County, Virginia

ARTICLE II. MEMBERSHIP

Membership of the Board shall consist of members and alternate member(s) as appointed pursuant to Section 28.2-1303 of the Code of Virginia, 1950 as amended. In the event of the absence of any member, the alternate member(s) selected to serve at the concurrent Wetlands Board meeting shall also serve as the alternate member(s) for the Board.

ARTICLE III. OFFICERS AND THEIR DUTIES

Section 1. The officers of the Chesapeake Bay Board shall consist of a Chairman, Vice-Chairman and a Secretary. Other than Secretary, all officers shall be appointed members.

Section 2. The Chairman shall preside at all meetings and hearings, serve as spokesman for the Board, and carry out any other duties as necessary. For the convenience of the Board and citizens, the Chairman may make procedural decisions as needed when circumstances are clear or of a minor nature. The Chairman or his designee shall notify the Board of Supervisors at least 30 days prior to the expiration of any member's term and notify the Board of Supervisors if any vacancy occurs. In the event a member is absent from a board meeting, the Chairman shall select an alternate member to serve in place of the absent member.

Section 3. The Vice-Chairman shall perform the duties of the Chairman in his/her absence.

Section 4. The Secretary shall be provided by the County government and shall be responsible for keeping the minutes and other records of the Board, arranging site inspections, maintaining a file of all site inspections, preparing the annual report, preparing agendas, providing notice of meetings to members, arranging legal notice of hearings, attending to correspondence, providing staff assistance, and such other duties as needed.

Section 5. Special committees may be appointed by the Chairman for the purposes and terms which the Board approves.

ARTICLE IV.

ELECTION OF OFFICERS

Section 1. Nominations and elections shall be at the November meeting of each year. If the November meeting is not held, nominations and elections shall be at the December meeting. The positions shall be effective January 1st of the following year.

Section 2. A candidate shall be elected by a quorum and shall serve for one (1) full year or until his/her successor is elected.

Section 3. Vacancies in offices shall be filled by normal election procedure at the next meeting.

Section 4. Officers may succeed themselves.

ARTICLE V.

MEETINGS AND HEARINGS

Section 1. Regular meetings of the Board shall be held on the second Wednesday of each month either immediately following the adjournment of the Wetlands Board meeting or if there is no Wetlands Board meeting at 5:00 P.M., in the Board room of the County Government Center Complex. When the second Wednesday falls on a legal holiday, the Board shall meet as determined by the Chairman in consultation with the Secretary. Upon the Chairman's decision or vote of a majority, a regular or special meeting may be canceled or rescheduled. Special meetings may be called by the Chairman, in consultation with the Secretary.

Section 2. A majority of the members of the Board shall constitute a quorum. A quorum is necessary to conduct a meeting.

Section 3. All meetings at which official action is taken shall be open to the general public and to any governmental agency.

Section 4. The filing deadline for public hearing items to appear on the agenda shall be forty-two (42) days prior to the meeting.

Section 5. Upon receipt of a written request for appeal, the Secretary shall place the appeal on the agenda for the next regularly scheduled meeting occurring at least 14 days from the date of receipt of the written appeal. An appeal may be scheduled for a later meeting at the request of the appellant.

Section 6. The order of business at regular meetings shall be:

- A. Call to Order and Roll Call
- B. Statement of Board Purposes: "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.”

- C. Approval of Minutes
- D. Unfinished Business
- E. Public Hearings
- F. Board Considerations
- G. Matters of Special Privilege
- H. Adjournment

Section 7. In addition to those required by law, the Board may hold other public hearings.

Section 8. Public hearings shall be conducted in the following order: opening, staff report (with comments from state and/or federal agencies as appropriate), applicant, and other interested parties.

Section 9. Applicants and other interested parties shall give their full name and address, after being recognized by the Chairman. A record shall be kept of those speaking before the Board by the Secretary. Physical evidence submitted to the Board becomes the property of the Board and is retained as part of the case record.

Section 10. For each public hearing item, presentations by staff, applicants, individuals or groups shall be limited as follows:

- a. Presentations by staff and applicants are limited to 15 minutes each;
- b. Comments by individuals are limited to 5 minutes each;
- c. Comments by citizen groups are limited to 10 minutes each; and
- d. At a meeting, the time limits set forth in a, b and/or c above may be extended at the discretion of the Chair.

Section 11. Appeals shall also be heard by the Board at regular meetings under Board Considerations. Appeals shall be conducted in the following order: opening, staff report, and appellant statement.

Section 12. For each appeal, presentations by staff and appellant shall be limited to 15 minutes each but such limits may be extended at the discretion of the Chair.

Section 13. Extension requests submitted in writing, in accordance with the Board's resolution granting the waiver or exception, shall be heard by the Board at regular meetings under Board Considerations.

ARTICLE VI. MOTIONS AND VOTING

Section 1. Business will be conducted according to Robert's Rules of Order Newly Revised, 10th Edition, as adopted for small bodies; provided, however, the Board may amend by Resolution the Rules as it deems appropriate. The following rules shall apply:

- a. Members are not required to obtain floor before making motions or speaking, which they can do while seated.
- b. Motions need not be seconded.
- c. There is no limit to the number of times a member can speak to a question, and motions to close or limit debate generally should not be entertained.
- d. Informal discussion of a subject is permitted while no motion is pending.
- e. The Chairman can speak in discussion without leaving the chair; and can make motions and votes on all questions.
- f. A motion to reconsider may be made at (i) the next succeeding regular meeting; or (ii) at the next regular meeting following the discovery of additional information or a changed situation that has developed since the taking of the vote.

Section 2. A member not voting on a case must cite "conflict of interest" or any legal prohibition which precludes voting.

Section 3. If the application receives less than four affirmative votes from a seven-member board or less than three affirmative votes from a five-member board, the permit shall be denied.

Section 4. Permits shall have a time limit and conditions, or "no conditions" specified.

Section 5. The Secretary shall record motions and voting in the minutes.

ARTICLE VII. VIOLATIONS

Section 1. In cases of violations, restoration will be the primary goal of legal action.

Section 2. In cases of after-the-fact applications, the option of restoration must be considered before evaluating the project on its merits.

Section 3. Violations must be corrected prior to issuing a permit on the same piece of property for another project.

ARTICLE VIII.

AMENDMENTS

Section 1. These bylaws may be amended or suspended by a majority vote of the appointed members of the Board.

ADOPTED: September 12, 2007

AMENDED: October 8, 2008

AMENDED: October 12, 2011

AMENDED: October 9, 2013

AMENDED: March 12, 2014

AMENDED: May 10, 2017

RESOLUTION

BYLAWS AMENDMENT AND 2017 BOARD CALENDAR AMENDMENT

WHEREAS, the James City County Chesapeake Bay Board (the "Board") currently holds its regular meetings the second Wednesday of each month at 7 p.m.; and

WHEREAS, the Board wishes to amend the Board calendar such that regular Board meetings occur the second Wednesday of each month and begin at 5 p.m. starting July 1, 2017.

NOW, THEREFORE, BE IT RESOLVED that the Chesapeake Bay Board of James City County, Virginia, does hereby authorize and direct the Board Secretary to amend the Board Bylaws and the 2017 Board calendar such that regular meetings begin at 5 p.m. the second Wednesday of each month starting July 1, 2017.

Davis Gussman
Chair, Chesapeake Bay Board

Michael Woolson
Senior Watershed Planner

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 10th day of May, 2017.

THE FOREGOING 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: _____

CalendarAmend-res