

**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**  
**June 14, 2017**  
**7:00 PM**

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**A. CALL TO ORDER**

**B. ROLL CALL**

**C. MINUTES**

1. May 10, 2017 Regular Meeting Minutes

**D. PUBLIC HEARINGS**

1. CBE-17-084 : 102 Walton Heath
2. CBE-17-080 : 200 Riverview Plantation Road
3. CBE-17-087 : Stonehouse Tract 3
4. CBE-17-065 : Colonial Heritage Phase 3, Section 2

**E. BOARD CONSIDERATIONS**

1. CBE-15-105 : 108 Seven Oaks

**F. MATTERS OF SPECIAL PRIVILEGE**

**G. ADJOURNMENT**

**ITEM SUMMARY**

DATE: 6/14/2017  
TO: Chesapeake Bay Board  
FROM: Chesapeake Bay Board Secretary  
SUBJECT: May 10, 2017 Regular Meeting Minutes

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**ATTACHMENTS:**

	Description	Type
▣	May 10, 2017 Regular Meeting Minutes	Minutes

**REVIEWERS:**

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	6/7/2017 - 3:45 PM
Chesapeake Bay Group	Holt, Paul	Approved	6/7/2017 - 3:49 PM
Publication Management	Burcham, Nan	Approved	6/7/2017 - 3:57 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	6/7/2017 - 4:01 PM

**MINUTES**  
**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**

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**A. CALL TO ORDER**

The Chesapeake Bay Board meeting for May 10, 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 Members Present:**

David Gussman - Chair  
William Apperson  
Charles Roadley  
John Hughes  
Larry Waltrip

**Absent:**

**Others Present:**

County Staff (Staff):

Michael Woolson, Senior Watershed Planner  
Fran Geissler, Acting Director, Engineering and Resource Protection  
Ashley Tatge, Inspector, Engineering and Resource Protection  
Liz Parman, Assistant County Attorney  
Melanie Davis, Secretary to the Board

**C. MINUTES**

The minutes from the April 12, 2017 regular meeting were approved as written.

**D. PUBLIC HEARINGS**

1. CBE-17-072 : 140 Pebble Beach

Michael Woolson presented the exception request submitted by Mr. Matt Roth, Roth Environmental, on behalf of Keith and Shannon Hassan, for encroachment into the Resource Protection Area buffer, to construct a single-family dwelling at 140 Pebble Beach, within the Powhatan Creek watershed and further identified as James City County Real Estate Tax Map Parcel No. 3811000027. The presentation described the current site conditions, the proposed structure and the proposed mitigation which included an infiltration trench and enrollment in the Turf Love program. Staff reviewed the application, determined the associated impacts to be major but recommended

approval with the conditions outlined in the Resolution.

Mr. Waltrip asked if the standing water shown in the photograph indicated a drainage problem and if the water in the neighboring stormwater pond (BMP) was at a higher elevation.

Mr. Gussman asked if the lot was wetlands when it was originally platted.

Mr. Woolson believed the wetlands on the lot may have increased over the years with drainage from the road and development. The elevation of the BMP was higher; however, he did not see any hydrologic impacts to this lot from the BMP.

Mr. Roadley added that the methods of wetlands delineation used when the lot was platted were not as accurate as current delineation methods.

Mr. Gussman opened the Public Hearing.

A. Mr. Matt Roth, Roth Environmental, explained that the wetlands and easements on the property posed a challenge for design and location of the house. He explained some alternative designs and the issues they posed resulting in the submitted proposal representing the best solution.

Mr. Roadley asked if the infiltration trench would have an under drain.

A. Mr. Roth said it would although the design was not yet complete.

B. Mr. Keith Hassan, the property owner, explained his desire to develop this property and thanked the Board for its consideration.

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

Gussman felt this was the best solution given the challenges on the lot. Mr.

Hughes said the use of bald cypress in the mitigation was a good choice. Mr.

Apperson felt 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-17-072 at 140 Pebble Beach.

The motion was Approved: 5-0

Ayes: Roadley, Waltrip, Hughes, Apperson, Gussman

2. CBE-17-073 : 2836 Durfey's Mill Road

Michael Woolson presented the exception request submitted by Mr. Jim Duguay, Performance Contracting, for encroachment into the Resource Protection Area (RPA) buffer to construct a single-family dwelling at 2836 Durfeys Mill Road, within the Lake Powell Point subdivision and further identified as James City County James City County Real Estate Tax Map Parcel No. 4741200055. The presentation described the current site conditions and the proposed impacts. Mr. Woolson explained a previous



exception for this house was granted but had subsequently expired. The proposed mitigation met the requirements however a planting plan had not yet been submitted. Staff determined the associated impacts to be minor and recommended approval with the conditions outlined in the Resolution.

Mr. Gussman opened the Public Hearing.

A. Mr. Jim Duguay with Performance Contracting explained the previous approval expired because of some issues the Home Owners Association (HOA) had with the type of structure. He also agreed to supply the required planting plan.

Mr. Roadley asked if the deck included access to a landing area. He was concerned with a future request for additional encroachment.

A. Mr. Duguay explained this house was being constructed without a customer. There was no plan for outdoor living and information on the RPA would be given to the agents.

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

Mr. Hughes made a motion to adopt the Resolution to Grant the Exception for Chesapeake Bay Board Case No. CBE-17-073 at 2836 Durfeys Mill Road.

The motion was Approved: 5-0

Ayes: Roadley, Waltrip, Hughes, Apperson, Gussman

## **E. BOARD CONSIDERATIONS**

### **1. Amendment to Bylaws and Calender**

Mr. Gussman stated the proposed amendment was to change the meeting time from 7 p.m. to 5 p.m. or immediately following the Wetlands Board meeting which would begin at 5 p.m. effective July 2017.

Mr. Roadley made a motion to adopt the amended Bylaws.

The motion was approved: 4-1

Ayes: Apperson, Gussman, Roadley, Waltrip  
Nays: Hughes

## **F. MATTERS OF SPECIAL PRIVILEGE**

### **1. PRESENTATION**

A Resolution of Appreciation was presented to Mr. Scott J. Thomas for service to the James City County Wetlands Board and Chesapeake Bay Board from July 2007 to March 2017.

## **G. ADJOURNMENT**

The meeting adjourned at 8:10 p.m.

**ITEM SUMMARY**

DATE: 6/14/2017  
TO: Chesapeake Bay Board  
FROM: Michael Woolson, Senior Watershed Planner  
SUBJECT: CBE-17-084 : 102 Walton Heath

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**ATTACHMENTS:**

	Description	Type
▣	Staff Report	Staff Report
▣	Resolution	Resolution
▣	Water Quality Impact Assessment	Backup Material
▣	Project Summary	Backup Material
▣	Site Plan	Backup Material
▣	Mitigation Plan	Backup Material
▣	Affadavit Example	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	6/7/2017 - 5:37 PM
Chesapeake Bay Group	Holt, Paul	Approved	6/7/2017 - 5:41 PM
Publication Management	Burcham, Nan	Approved	6/8/2017 - 7:20 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	6/8/2017 - 8:09 AM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBE-17-084. 102 Walton Heath  
Staff Report for the June 14, 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**

Applicant: Martin Mather, Omega Development, LLC

Agent: Matt Roth, Roth Environmental

Location: 102 Walton Heath

Tax Map/Parcel No.: 3810300019

Legal Description: Lot 19, Section 6, Ford's Colony

Parcel Size: 0.4 acres +/-

Area of Parcel in Resource  
Protection Area (RPA): 3,320 square feet

Watershed: Powhatan Creek (HUC Code JL31)

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

Proposed Activity: To construct a single-family dwelling and deck

Impervious Cover: Approximately 3,320 square feet

RPA Encroachment: Impervious cover for a single-family dwelling and associated deck within the seaward 50-foot RPA buffer

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

**BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES**

Mr. Matt Roth of Roth Environmental, on behalf of Mr. Martin Mather, has applied for a Chesapeake Bay Board Exception for encroachments into the RPA buffer for the construction of a single-family dwelling and associated deck on property known as 102 Walton Heath in the Ford's Colony subdivision within the Powhatan Creek Watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 3810300019. The lot was platted in 1981 prior to the adoption of the 1990 Chesapeake Bay Preservation Ordinance.

The applicant is proposing to build a new home with deck. The entire lot is within the RPA buffer. The proposed house and deck have been designed to avoid the wetlands to the maximum extent practicable. However, there will be approximately 2,641 square feet of non-tidal wetlands impacts that will need some action from the United States Army Corps of Engineers. It is possible to flip the house so that the garage is on the left side (north) of the lot. However, in discussing this with Mr. Roth, he stated that the wetland impacts would generally be the same. There is no way to position any house on this lot in the landward 50-foot RPA.

The impervious cover for this application is approximately 3,320 square feet. The required mitigation is eight planting units, which equates to eight canopy trees, 16 understory trees and 24 shrubs. The proposed mitigation plan has eight canopy trees, six understory trees and 40 shrubs, which would not meet County mitigation requirements. After discussing this with Mr. Roth, it was decided that one additional canopy tree would be proposed for a total of nine canopy trees, six understory trees and 40 shrubs. In addition, they are proposing a nutrient management plan for any lawn areas. Due to the environmental sensitivity of this lot, an Affidavit expressing this will be required to be recorded at the courthouse.

### **STAFF EVALUATION**

Staff has evaluated the application and exception request for the construction of a new single-family dwelling and deck and finds that the application meets the conditions in Sections 23-11 and 23-14. The application should be heard by the Board because the improvements are within the seaward 50-foot RPA buffer.

### **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 nine canopy trees, six understory trees and 40 shrubs and meets the County mitigation requirements.

### **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 Board Exception CBE-17-084 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. Should the Board wish to approve, staff recommends that the following conditions be 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. The applicant must execute an Affidavit at the Williamsburg/James City County courthouse and provide evidence of such to the County; and
3. Surety of \$4,000 will be required in a form acceptable to the County Attorney's office to guarantee the planting mitigation and a nutrient management plan program; and
4. The mitigation plantings shall have a survivability of at least 90% at one year post planting prior to final surety release. Up to 50% of the surety may be released once mitigation has been planted; and

5. This exception request approval shall become null and void if construction has not begun by June 14, 2018. Written requests for an extension to this exception shall be submitted to the Engineering and Resource Protection Division no later than six weeks prior to the expiration date.

MDW/gt  
CBE-17-084WaltonHeath

Attachments:

1. Resolution
2. Water Quality Impact Assessment
3. Consultant Write-Up
4. Site Plan
5. Mitigation Plan

## RESOLUTION

CASE NO. CBE-17-084. 102 WALTON HEATH

### JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Matt Roth of Roth Environmental, on behalf of Mr. Martin Mather, Omega Development, LLC (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) 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. 3810300019 and further identified as 102 Walton Heath in the Ford’s Colony subdivision (the “Property”) as set forth in the application CBE-17-084 for the purpose of constructing a single-family dwelling and deck; and

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

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

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

- c. Surety of \$4,000 will be required in a form acceptable to the County Attorney's office to guarantee the planting mitigation and a nutrient management plan program; and
- d. The mitigation plantings shall have a survivability of at least 90% at one year post planting prior to final surety release. Up to 50% of the surety may be released once mitigation has been planted; and
- e. This exception request approval shall become null and void if construction has not begun by June 14, 2018. 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 14th day of June, 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-17-084WaltonHeath-res





# Chesapeake Bay Preservation Ordinance Sensitive Area Activity Application

<b>For Office Use Only</b> CB Number _____
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**Submission Requirements:** (Check all applicable)

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

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

**Property Owner Information:**

Date: 3 May 2017

Name: Omega Development, LLC - Attn: Martin Mather  
 Address: 1012 Estates Court, Portsmouth, VA 23703  
 Phone: (757) 438-7080 Fax: \_\_\_\_\_ Email: marty@omegaccorp.com

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

Name: Matthew Roth - Roth Environmental, LLC Phone: (757) 814-1048  
 Email: rothenv@cox.net

**Project Information:**

Project Address: 102 Walton Heath  
 Subdivision Name, Lot, and Section No.: L-19 S-6 Ford's Colony  
 Parcel Identification No. or Tax Map No.: 3810300019  
 Date Lot was platted: May 8, 1981 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>3,320</u> (SF)         |
| <input type="checkbox"/> Trees to be Removed _____ (#)             | <input checked="" type="checkbox"/> Proposed Impervious Cover <u>3,320</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 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><b>For Office Use Only</b></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 to the maximum extent practicable. Development on the parcel cannot be accomplished with out impacts to the RPA feature and 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 either an RPA feature or is within the RPA buffer. Any development on the lot will encroach in the RPA feature and 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 situated as far forward on the lot as JCC Zoning will allow. A reduction to the front building setback was requested and denied.

**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><u>Impervious Area (SF)</u></b>	<b><u>Mitigation Required</u></b>	<b><u>Surety</u></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

<b>For Office Use Only</b> CB Number _____
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A. Vegetation/ground cover enhancement of buffer (see Mitigation Rates Table on previous page).

<input checked="" type="checkbox"/>	Number of native canopy trees	8	_____
<input checked="" type="checkbox"/>	Number of native understory trees	6	_____
<input checked="" type="checkbox"/>	Number of native shrubs	40	_____
<input type="checkbox"/>	Square feet of native ground cover		_____
<input checked="" type="checkbox"/>	Square feet of mulch	2,215	_____

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 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 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 \_\_\_\_\_

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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CBE-17-084



**ROTH ENVIRONMENTAL, LLC**

**102 WALTON HEATH – FORD’S COLONY**  
**MARTIN MATHER**  
**PROJECT SUMMARY AND MITIGATION PLAN**  
**May 3, 2017**



The property located at 102 Walton Heath is situated in the central section of the Ford’s Colony subdivision. The 0.4 acre wooded lot is located northeast of the intersection of Walton Heath and Edinburgh.

In general, the topography on the lot is at its highest on the western portion of the property adjacent to the road. In this area the property is at elevation 56’. The property slopes from west to east. Along the eastern portions of the site, the property elevations are as low as 45’. An intermittent stream is found in these lower elevations. This stream is an unnamed tributary of Long Hill Swamp.

Roth Environmental performed a wetland delineation on the site. Fieldwork for the wetland delineation was performed using the *Routine Determination Method outlined in the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region (TR-10-30)*. This manual uses three parameters (vegetation, soils, and hydrology) in determining and delineating wetlands. The limits of the wetlands and Waters of the U.S. were delineated in the field using numbered pink and black flagging. These areas have been confirmed by the U.S. Army Corps of Engineers.

Nontidal wetlands associated with an intermittent stream are found along the central and eastern edges of the site. These wetlands have been survey located and are shown on the attached site plan. The uplands on the property are situated in the central and western portions of the lot. This is mainly adjacent to Walton Heath.

The nontidal wetlands on the far eastern portion of the site are associated with the intermittent stream (along the eastern property limit). The central wetland areas are hillside seep wetlands. This is the reason that the wetlands begin midway up the hill on the site. These hillside seep wetlands form when the groundwater in an area encounters a sand lens in the soil. The sand lens and hydrostatic pressure allows the groundwater to discharge much higher on the hill than would typically be expected. With the hillside seep wetlands, the groundwater is at or very near the surface in the wetland area for an extended period of the year. During the site visits that Roth Environmental has performed, the groundwater table was within six inches of the soil surface in the higher elevations of the wetland.

The wetlands on the site are connected and contiguous to downstream perennial streams. A break in this system was not found during Roth Environmental’s delineation of the wetlands. Pursuant to the DCR guidance document, “Resource Protection Areas: Nontidal Wetlands” revised dated December 10, 2007, nontidal wetlands that are connected and contiguous to downstream perennial streams are RPA features. Roth Environmental coordinated with the

CBE-77-0874

Engineering & Resource Protection  
MAY 3 2007  
RECEIVED

James City County Engineering and Resource Protection Division and confirmed this assessment.

A site plan is attached to this submission package. This plan shows the locations of the nontidal wetlands and the limits of the 50 foot RPA buffer. For 102 Walton Heath, the majority of the site is either RPA feature (nontidal wetland) or is within the seaward 50 foot portion of the RPA buffer. The only area in the landward 50 foot RPA buffer is a small triangular area on the southwestern corner of the site (adjacent to Walton Heath).

As shown on the site plans, the site cannot be developed without permits from the JCC CBPA Board and the Corps of Engineers. An application has been submitted to the regulatory agencies for the permitting of the encroachment into the nontidal wetlands.

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 feature or RPA buffer. As with many of the other lots in Ford's Colony, development of the lot cannot be accomplished without encroachment into the RPA buffer.

**Development Alternatives**

The location of the proposed house on this lot is dictated by the front building setback. In an attempt to minimize the impact to the wetlands and RPA buffer caused by the development on the lot, the applicant submitted a request to the Ford's Colony Architecture Review Committee for a reduction in the front building setback. By moving the structure to the west, some of the wetland and RPA buffer encroachment could have been reduced.

The setback reduction request was denied. Therefore the applicant positioned the house on the front setback limit. They cannot move the house any farther to the west.

A narrow house design was used to reduce the impacts to the wetlands and RPA buffer. An earlier plan called for a more-square footprint that encroached deeper into the lot. By narrowing the house, the impacts are kept to the western half of the lot. The applicant also reduced the impervious cover on the lot by modifying the garage from a side loading garage to a front loading garage. This avoided the need for additional impervious area within the RPA buffer.

**Impervious Encroachment in the RPA Buffer**

Based on the site plans, the impervious area is divided as followed:

House – 2,203 square feet

Deck – 200 square feet

Driveway, sidewalk, & steps – 917 square feet

Total Impervious Area within the RPA Feature and Buffer – 3,320 square feet

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.

**Mitigation**

Mitigation for the impervious surface created by the proposed plan will include three elements. These are mitigative plantings, installation of gravel under the deck, 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.

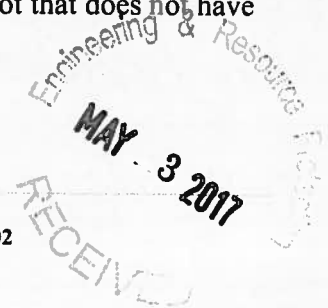
The proposed mitigation plantings will consist of 8 mitigation units. Traditional vegetative mitigation accounts for 8 canopy trees, 16 understory trees, and 24 shrubs. Due to the limited clearing on the lot and number of tree species that can be installed, we are asking for a modification to this ratio by substituting two shrubs for each understory tree that cannot be incorporated into the plan.

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

Plant Type	Standard Mitigation Plantings for the Impervious Area of the Development (8 Units Required)	Proposed Mitigation Units to be Planted (8 Units Required)
Canopy Tree	8	8
Understory Tree	16	6
Shrub	24	40
Total	48	53

All plantings will be located within the RPA buffer (and feature) 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. We specifically added the plants around the clearing limits so that they would have a greater opportunity to absorb nutrients and stabilize the soils around the rear portion of the slope.

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



UBE-17-084

Canopy trees will be a minimum of 1.5" caliper or six feet tall. Understory trees will be a minimum of 0.75" caliper or five 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. It is recommended that all plantings be installed in the fall or early winter.

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*), waxmyrtle (*Morella cerifera*), and red chokeberry (*Aronia arbutifolia*).

Wetlands – spicebush (*Lindera benzoin*), sweet pepperbush (*Clethra alnifolia*), fetterbush (*Leucothoe racemosa*), and button bush (*Cephalanthus 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, Michael Woolson, for review and approval.

Should specified native species not be available from local nursery stock or the applicant chooses to incorporate ornamentals into the non-native portion of the mitigation plan, they will coordinate with Mr. Woolson prior to purchase of the plant materials.

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 applicant will incorporate gravel under the proposed deck in order to provide the opportunity for some limited infiltration from this feature. For the installation of the gravel bed, three inches of soil will be removed, filter fabric will be used to line the excavated area.

ROTH ENVIRONMENTAL, LLC  
700 PRESCOTT CIRCLE • NEWPORT NEWS, VIRGINIA 23602  
PHONE (757) 814-1048 • FAX (757) 249-2257  
EMAIL: rothenv@cox.net

Environment & Resource Protection  
MAY 3 2017  
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CBE-17-084

Three inches of gravel will be used to fill the area under the deck. This will potentially allow for the infiltration of stormwater that drains through the deck. It will also slow any erosive flows that are released down the hillside.

With the use of turf grass in the site design, the applicants will 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 will teach the residents how to produce healthy turf while reducing the use of fertilizers, pesticides, and insecticides.

#### Mitigation Alternatives Investigated

Infiltration was looked into as a possible way to mitigate water quality from the new impervious area. Unfortunately, the nontidal wetlands to the east of the upland area on-site keep the groundwater table near the surface for extended periods. These wetland areas have groundwater at or just above the soil surface for a good portion of the year, while the uplands have groundwater in the 12"-24" range during this same period.

An infiltration feature would traditionally be constructed in the lower elevations of a property or in an area that slopes away from the house or other impervious area. The engineer did not recommend constructing an infiltration trench to the east of the proposed house. In this area the groundwater is very high and will fill the void spaces that are supposed to collect the runoff. In this instance, the stormwater would flow over the infiltration trench and not into it. All potential to treat stormwater using this type of BMP would be ineffective in this situation. There would also be the potential for the infiltration feature to intercept the shallow groundwater table. This could allow the groundwater to directly discharge heavier flows to the ground surface and potentially cause erosion to downslope areas. For these reasons, a more traditional infiltration trench/basin or bioretention area was not incorporated into the design.

Macintosh HD Users:Roth Documents:Roth Environmental, LLC Projects:2016:16-202 102 Walton Heath CBPA Submission.2017 05 03 Project Description and Mitigation Plan 102  
Walton Heath.docx

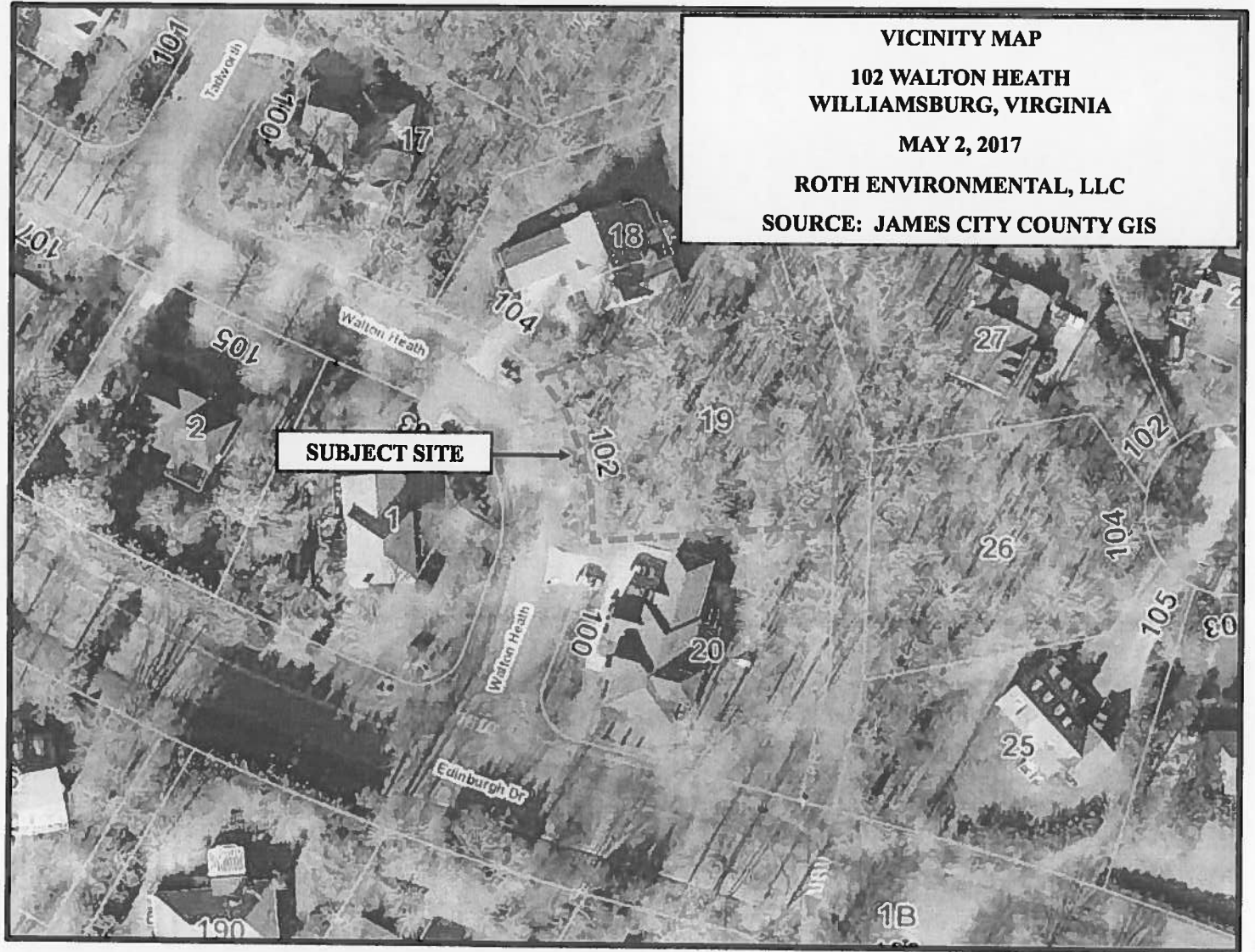


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**ROTH ENVIRONMENTAL, LLC**  
700 PRESCOTT CIRCLE • NEWPORT NEWS, VIRGINIA 23602  
PHONE (757) 814-1048 • FAX (757) 249-2257  
EMAIL: rothenv@cox.net



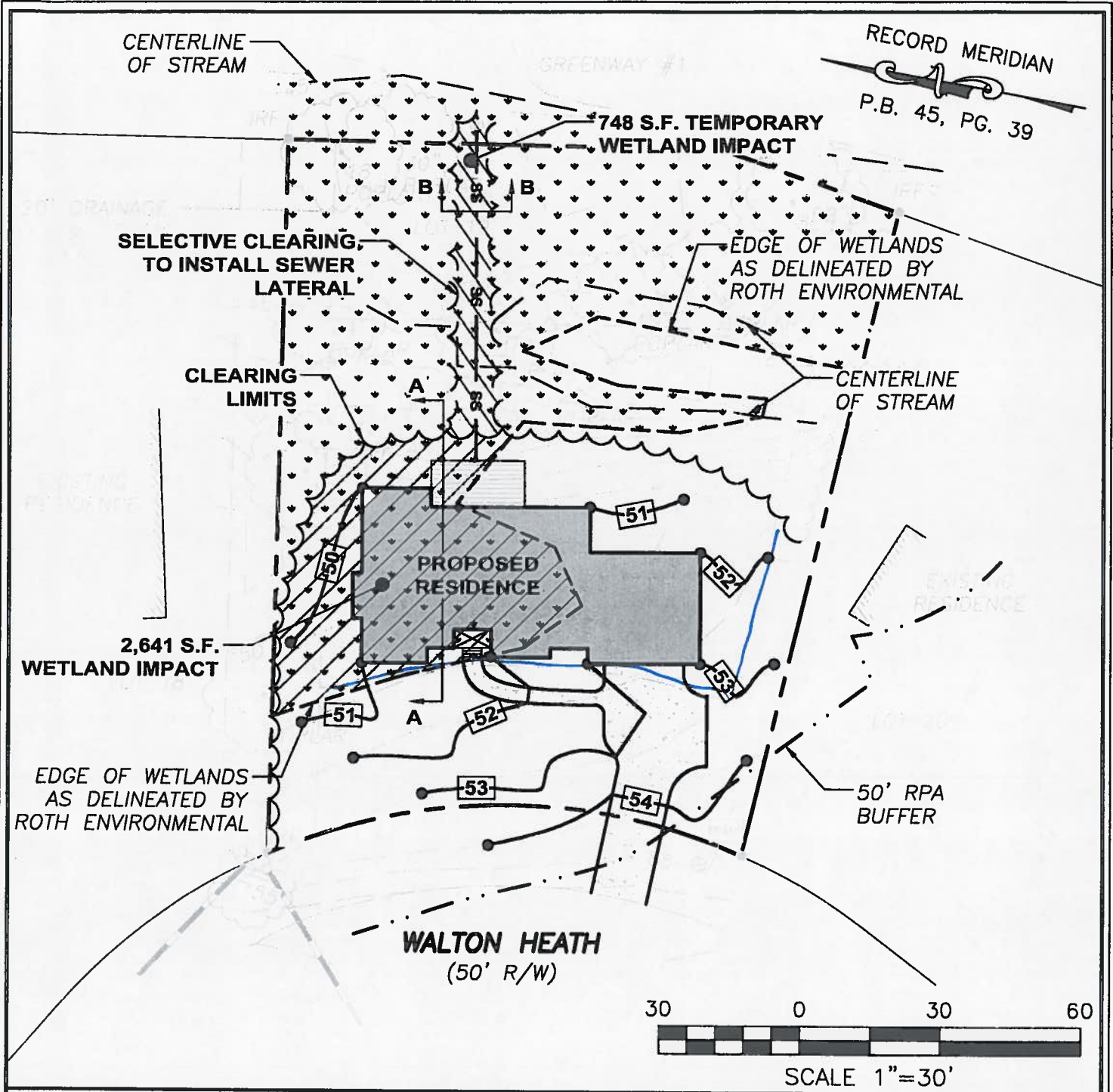
CBE-17-084



**VICINITY MAP**  
**102 WALTON HEATH**  
**WILLIAMSBURG, VIRGINIA**  
**MAY 2, 2017**  
**ROTH ENVIRONMENTAL, LLC**  
**SOURCE: JAMES CITY COUNTY GIS**

Engineering & Resource Protection  
MAY 3 2017  
RECEIVED

CBE-17-084



DESIGNED BY: MAR  
DRAWN BY: CMH

SHEET:  
2 OF 6

WETLAND PERMIT DRAWINGS FOR  
LOT 19, SECTION VI, FORD'S COLONY  
OVERALL SITE (PROPOSED)

JAMES CITY COUNTY

VIRGINIA

Environmental & Resource Protection  
MAY 3 2017  
RECEIVED

DATE: 04/20/17  
JOB# 16-550  
CAD File:  
16-550 Permit  
Drawings.dwg

**ROTH ENVIRONMENTAL, LLC**  
700 Prescott Circle, Newport News, Virginia 23602  
Telephone: 757-814-1048 Fax: 757-249-2257  
rothenv@cox.net

CBE-17-084

**BUILDING INFORMATION**  
 PROPOSED RESIDENCE IS 2-STORY  
 PROPOSED GARAGE IS 1 BAY / FRONT LOADING

**SITE INFORMATION**  
 TOTAL AREA: 16,944 S.F. / 0.389 AC  
 DISTURBED AREA: 9,754 S.F. / 0.224 AC  
 IMPERVIOUS: 3,320 S.F. / 0.076 AC  
 PARCEL ID: 3810300019  
 ZONING DISTRICT: R4  
 EXISTING SITE IS WOODED AS SHOWN  
 EXISTING ADDRESS  
 102 WALTON HEATH  
 JAMES CITY COUNTY, VIRGINIA

**GENERAL NOTES**  
 1. A TITLE REPORT HAS NOT BEEN FURNISHED TO THIS FIRM.  
 2. WETLANDS WERE DELINEATED BY ROTH ENVIRONMENTAL AND LOCATED IN THE FIELD BY THIS FIRM.  
 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 JCI-05.  
 8. DIMENSIONS SHOWN HEREON ARE TO THE FRAMELINE OF THE BUILDING.

**LANDSCAPING NOTES**  
 1. CONTRACTOR TO PROVIDE 3" OF GRAVEL UNDER THE DECK.  
 2. SPECIES OF PLANTS TO BE COORDINATED WITH THE JAMES CITY COUNTY ENGINEERING AND RESOURCE PROTECTION DIVISION.

**MITIGATION LEGEND**

- ◻ AREAS TO BE MUCHED
- NATIVE SHRUB
- NATIVE UNDERSTORY TREE
- NATIVE CANOPY TREE

MITIGATION TABLE	
MITIGATION MEASURE	QTY
MUCHE AREAS	2,210 S.F.
NATIVE SHRUBS	40
NATIVE UNDERSTORY TREES	8
NATIVE CANOPY TREES	8

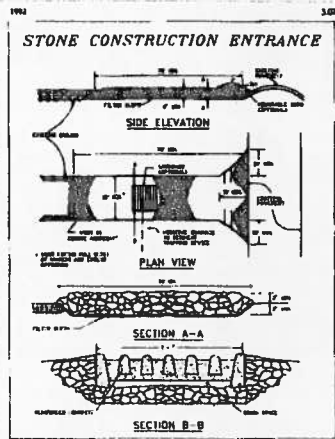
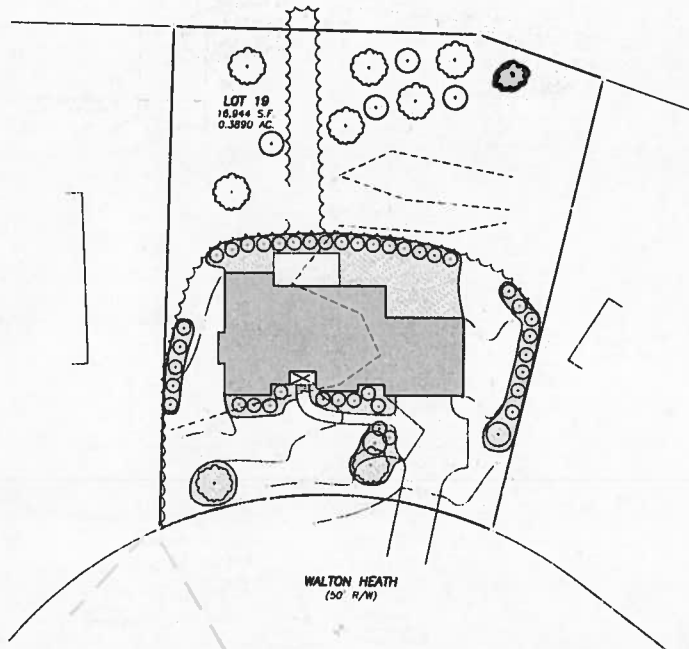
**SURVEYORS CERTIFICATION**  
 THIS DRAWING REPRESENTS AN ACTUAL FIELD SURVEY. ALL THE INFORMATION SHOWN HEREON IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. LANDTECH RESOURCES, INC. HAS BEEN RETAINED AND PAID TO STAKE, AS A MINIMUM, THE BUILDING ENVELOPE & ANY DETACHED ACCESSORY STRUCTURES.

*Matthew H. Connolly*  
 MATTHEW H. CONNOLLY, L.S.      05-03-2017  
 DATE

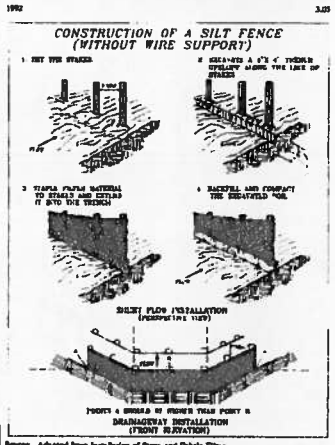


CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	125.00'	103.99'	101.02'	N 10°37'19" W	47°39'52"

- LEGEND**
- CABLE PEDESTAL
  - SANITARY SEWER CLEANOUT
  - TRANSFORMER
  - IRF = IRON ROD FOUND



Source: Adapted from 1983 Modified Standards for Soil Banks and Sediment Control, and Vts. D-150C. Page 3-105-1



Source: Adapted from Instructions of Stone and Fabric Filter Systems for Sediment Control, Shurwood and Wynn. Page 3-105-2



DATE: 05/03/2017  
 DRAWN BY: LRI  
 PROJECT No. 16-550  
 FILE NAME: 16-550.DWG  
 REFERENCES:  
 P.B. 45, PG. 39

MITIGATION PLAN OF  
 LOT 19 SECTION VI, FORD'S COLONY  
 FOR  
 OMEGA CONCRETE & CONSTRUCTION  
 JAMES CITY COUNTY      VIRGINIA

NO.	DATE	REVISION / COMMENT / NOTE



**AFFIDAVIT**

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

We do further attest and affirm the following:

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

**(SIGNATURE PAGE FOLLOWS)**

\_\_\_\_\_  
Raffael Tusa

COMMONWEALTH OF VIRGINIA,  
County/City of \_\_\_\_\_, to wit:

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

(SEAL)

\_\_\_\_\_  
Notary Public

Notary No. \_\_\_\_\_

My Commission expires: \_\_\_\_\_

\_\_\_\_\_  
Florina Tusa-Wyss

COMMONWEALTH OF VIRGINIA,  
County/City of \_\_\_\_\_, to wit:

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

(SEAL)

\_\_\_\_\_  
Notary Public

Notary No. \_\_\_\_\_

My Commission expires: \_\_\_\_\_



## **PUBLIC HEARING NOTICE**

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA WILL HOLD PUBLIC HEARINGS **WEDNESDAY JUNE 14, 2017 AT 7 p.m.** IN THE BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE WETLANDS BOARD WILL CONSIDER THE FOLLOWING CASES:

W-26-17/VMRC 17-0748: Jeffrey Moore has applied for a wetlands permit for extension of an existing breakwater and installation of a timber wall and beach sand fill at 164 The Maine in the Greater First Colony subdivision, JCC Parcel No 4540200055.

W-27-17/VMRC 17-0769: Michael and Maureen O'Brien have applied for a wetlands permit to install a quarry stone revetment at 7588 Uncles Neck in the Rivers Bend at Uncles Neck subdivision, JCC Parcel No 2010200022.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBE-17-080: Richard Pinard has filed an exception request for encroachment into the RPA buffer for construction of a single family dwelling at 200 Riverview Plantation Dr in the Riverview Plantation subdivision, JCC Parcel No 1640600031.

CBE-17-084: Martin Mather with Omega Development LLC has filed an exception request for encroachment into the RPA buffer for construction of a single family dwelling at 102 Walton Heath in the Fords Colony subdivision, JCC Parcel No 3810300019.

CBE-17-065: Colonial Heritage LLC has filed an exception request for encroachment into the RPA buffer associated with the proposed sanitary sewer connections for the Colonial Heritage Phase III, Section 2 subdivision at 6799 Richmond Rd, JCC Parcel No 2430100032.

CBE-17-087: SCP-JTL Stonehouse Owner 2, LLC has filed an exception request for encroachment into the RPA buffer associated with the proposed sanitary sewer connections for the Stonehouse Tract 3 subdivision at 9351 Six Mt Zion Rd, JCC Parcel No 0540100015.

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 Mounts Bay Road, Bldg E, James City County, Virginia.

## **NOT FOR PUBLICATION**

DISPLAY: WEDNESDAY – May 31, and June 7, 2017.

ACCOUNT NO.: 0011040200 - VIRGINIA GAZETTE

COPIES: PLANNING  
ASSISTANT COUNTY ATTORNEY  
WETLAND/CHESAPEAKE BAY BOARD MEMBERS



**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

May 24, 2017

RE: CBE-17-084 – 102 Walton Heath  
Single Family Dwelling with deck

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 Martin Mather with Omega Development LLC, for encroachment into the Resource Protection Area (RPA) associated with construction of a single family dwelling and deck, on his property at 102 Walton Heath in the Ford's Colony subdivision. The property is further identified by James City County Real Estate as Parcel No. 3810300019.

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, June 14, 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: Martin Mather, Omega Development LLC  
Roth Environmental

Mailing List for: CBE-17-084 – 102 Walton Heath - SFD with deck

3810300019 - Owner 102 Walton Heath

Omega Development, LLC  
Attn: Martin Mather  
1012 Estates Court  
Portsmouth, VA 23703

Roth Environmental

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

3810300020

Patrice Perry-Rivers and Keith Rivers  
100 Walton Heath  
Williamsburg, VA 231889164

3810300001

Maria and Norma Imbrogno  
103 Walton Heath  
Williamsburg, VA 231889166

3810300018

Ted and Carol Drake  
104 Walton Heath  
Williamsburg, VA 23188

3810300026

David Fastabend and Karen Maculley  
104 Royal West Norfolk  
Williamsburg, VA 231889180

3810300027 - 102 Royal West Norfolk

Bernard Enterprises, Inc  
116 Royal North Devon  
Williamsburg, VA 231887423

3810300030

James and Beverly Whitley  
103 Brancaster  
Williamsburg, VA 231889179

38110300001A - Common Area

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



**ITEM SUMMARY**

DATE: 6/14/2017  
TO: Chesapeake Bay Board  
FROM: Michael Woolson, Senior Watershed Planner  
SUBJECT: CBE-17-080 : 200 Riverview Plantation Road

---

**ATTACHMENTS:**

	Description	Type
▣	Resolution	Resolution
▣	staff rep	Cover Memo
▣	Water Quality Impact Assessment	Backup Material
▣	Site Plan	Backup Material
▣	Mitigation Plan	Backup Material
▣	Mitigation Planting List	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	6/7/2017 - 9:46 AM
Chesapeake Bay Group	Holt, Paul	Approved	6/7/2017 - 1:57 PM
Publication Management	Burcham, Nan	Approved	6/7/2017 - 2:05 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	6/7/2017 - 2:18 PM

## RESOLUTION

CASE NO. CBE-17-080. 200 RIVERVIEW PLANTATION DRIVE

### JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Richard Pinard (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) 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 Parcel No. 1640600031 and further identified as 200 Riverview Plantation Drive in the Riverview Plantation subdivision (the “Property”) as set forth in the application CBE-17-080 for the purpose of constructing a single family dwelling and deck; 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 as required for the project; and
  - b. Surety of \$4,000 will be required in a form acceptable to the County Attorney’s office to guarantee the planting mitigation and a nutrient management plan program; and
  - c. The mitigation plantings shall have a survivability of at least 90% at one year post planting prior to final surety release. Up to fifty percent of the surety may be released once mitigation has been planted; and
  - d. This exception request approval shall become null and void if construction has

not begun by June 14, 2018. If an extension is required, a written request shall be submitted to the Engineering and Resource Protection Division no later than six-weeks prior to the expiration date.

\_\_\_\_\_  
David Gussman  
Chair, Chesapeake Bay Board

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

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 14th day of June, 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 BOARD EXCEPTION No. CBE-17-080. 200 Riverview Plantation Drive  
Staff Report for the June 14, 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: Richard Pinard

Agent: Same

Location: 200 Riverview Plantation Drive

Tax Map/Parcel No.: 1640600031

Legal Description: Lot 31, Section 3, Block D, Riverview Plantation

Parcel Size: 0.92 acres

Area of parcel in Resource Protection Area (RPA): 0.59 acres (64%)

Watershed: York River (HUC YO 65)

Floodplain: Panel 0068D  
Zone X, outside the 0.2% annual chance floodplain

Proposed Activity: To construct a single-family dwelling and deck

Impervious Cover: Approximately 3,320 square feet

RPA Encroachment: Proposed impervious cover of 600 square feet within the seaward 50-foot RPA buffer for a single-family dwelling.

Staff Contact: Ashley E Tatge Phone: 253-6683

**BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES**

Mr. Richard Pinard has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of a single-family house with deck at 200 Riverview Plantation Drive in the Riverview Plantation subdivision and within the York River watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 1640600031.

The proposed single-family house itself is outside of the 50-foot seaward RPA buffer, but 50 square feet of the deck is not. The builder has tried several times to design the house with associated deck outside of the seaward 50-foot RPA buffer but has not been successful. The plan includes two separate garages, one accessing the basement and the other accessing the first floor. The required mitigation is eight planting units, which equates to eight canopy trees, 16 understory trees and 24 shrubs and must be native plant material. The proposed mitigation is three canopy trees, two understory trees and six shrubs that are native and does not meet the minimum standards. In addition, due to the additional lawn in the seaward 50-foot RPA buffer, staff is requesting that a nutrient management plan be developed and implemented for this property.

## **STAFF EVALUATION**

Staff has evaluated the application and exception request for the construction of the single-family dwelling with associated deck and finds that the application meets the conditions in Sections 23-11 and 23-14. The application should be heard by the Board because the improvements are within the seaward 50-foot RPA buffer.

## **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 three canopy trees, two understory trees and six shrubs that are native and does not meet County minimum standards.

## **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-17-080 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. Should the Board wish to approve this request, staff recommends that the following conditions be incorporated into the approval:

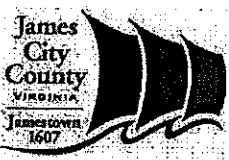
1. The applicant must obtain all other necessary federal, state and local permits as required for the project; and
2. Surety of \$4,000 will be required in a form acceptable to the County Attorney's office to guarantee the planting mitigation and a nutrient management plan program; and
3. The mitigation plantings shall have a survivability of at least 90% at one year post planting prior to final surety release. Up to 50% of the surety may be released once mitigation has been planted; and
4. This exception request approval shall become null and void if construction has not begun by June 14, 2018. If an extension is required, a written request shall be submitted to the Engineering and Resource Protection Division no later than six weeks prior to the expiration date.

AET/gt  
CBE-17-080RvrPlnt

### Attachments:

1. Resolution
2. Site Plan
3. Mitigation Plan
4. Mitigation Planting List

Engineer  
APR 27 2017  
Section



# Chesapeake Bay Preservation Ordinance Sensitive Area Activity Application

For Office Use Only  
CB Number CBE# 17-090

**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: 4-27-17

Name: Richard Pinard  
 Address: 129 Blackheath, Williamsburg VA 23188  
 Phone: 757 342 7318 Fax: none Email: Pinardbuilders@yahoo.com

↑ small lower case p

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

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Email: \_\_\_\_\_

**Project Information:**

Project Address: 200 Riverview Plantation Drive  
 Subdivision Name, Lot, and Section No.: Riverview Plantation Lot 31 Sec 3 Blk 1  
 Parcel Identification No. or Tax Map No.: 1640600031  
 Date Lot was platted: ~~3/1/07~~ 11/2/63 Line or Bldg Permit No.: A17-0667

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

- |   |  |
|---|--|
| <input type="checkbox"/> Steep Slopes $\geq$ 25 percent _____ (SF)    | <input type="checkbox"/> RPA - Landward 50' <u>8,400</u> (SF)        |
| <input type="checkbox"/> Conservation Easement _____ (SF)             | <input type="checkbox"/> RPA - Seaward 50' <u>600</u> (SF)           |
| <input checked="" type="checkbox"/> Trees to be Removed <u>12</u> (#) | <input type="checkbox"/> Proposed Impervious Cover <u>3,074</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: _____                     |  |

1105 115 890A  
**Chesapeake Bay Preservation Ordinance**  
**Sensitive Area Activity Application**

For Office Use Only 610E 17-080 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)

I would like to build a deck within the first 50' RPA  
I have moved the house and deck around many time  
to fit within, but a small portion sticks into the RPS

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) Building permit from JCC

**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 house and deck has been moved many time and the setbacks now  
touch the house / deck in 5 areas. The house has been moved to the  
right to make room for a driveway and give privacy for the neighbor

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

pervious pavers 4' x 4' at bottom of stair landing, grass to be  
installed towards pond in front of porch 50' wide x 16' out

**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 CBE 17-0810 CB Number
---

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

<input type="checkbox"/>	Number of native canopy trees	3 trees
<input type="checkbox"/>	Number of native understory trees	2 trees
<input type="checkbox"/>	Number of native shrubs	6 shrubs
<input type="checkbox"/>	Square feet of native ground cover	
<input type="checkbox"/>	Square feet of mulch	50 sq feet

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 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 [Signature] Date 4-27-17

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>129.00</u> Date/Rec No.: <u>4/27/17 3104</u>
---------------------	--



- 4. GENERAL NOTES:**
1. THIS DRAWING REPRESENTS AN ACTUAL FIELD SURVEY AND ALL THE INFORMATION SHOWN HEREON IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. HAS BEEN FIELD VERIFIED BY AES BASED UPON INFORMATION AS SUPPLIED BY THE OWNER.
  2. PROPERTY AS SHOWN HAS BEEN FIELD VERIFIED BY AES BASED UPON INFORMATION AS SUPPLIED BY THE OWNER.
  3. HOUSE DIMENSIONS BASED ON INFORMATION AS SUPPLIED BY THE OWNER AND/OR DEVELOPER. CONTRACTOR SHALL VERIFY ALL DIMENSIONS, ALIGNMENTS AND PROVISIONS PRIOR TO BEGINNING CONSTRUCTION. ANY DISCREPANCIES SHALL BE REPORTED TO AES CONSULTING ENGINEERS FOR CORRECTION AND/OR ABSTENTION PRIOR TO PROCEEDING WITH CONSTRUCTION. CONTRACTOR SHALL ASSUME RESPONSIBILITY FOR ERRORS THAT ARE NOT REPORTED.

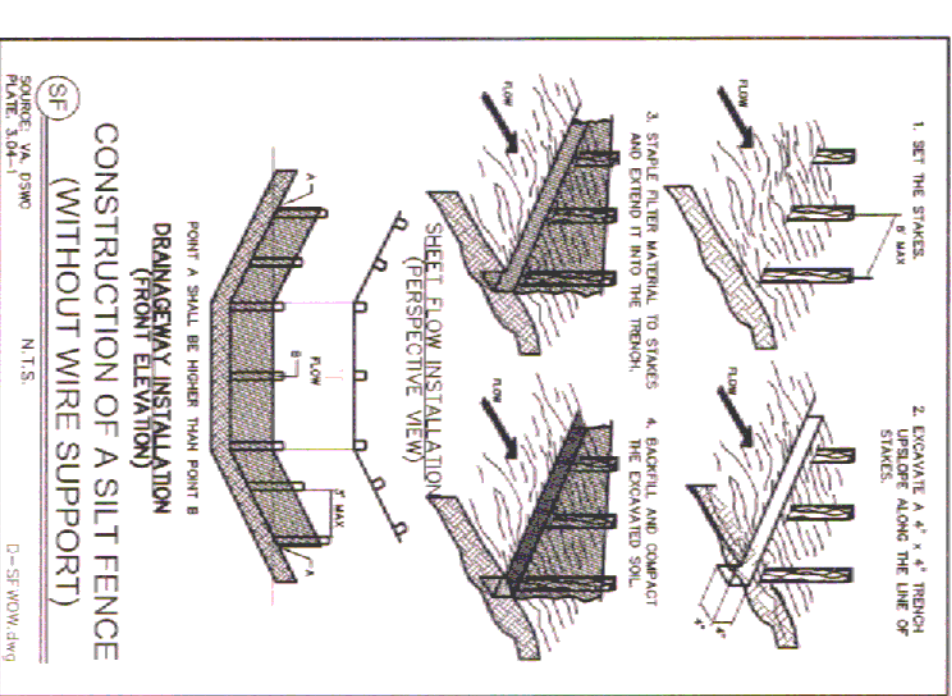
**NOTE:**  
ADDITIONAL PERMITS, VARIANCES, OR AUTHORIZATIONS MAY BE REQUIRED FROM JAMES CITY COUNTY AND THE LOCAL CHESAPEAKE BAY PRESERVATION BOARD FOR LANDWARD AND SEAWARD DISTURBANCE IN THE RPA. CLIENT TO ASSUME COORDINATION & RESPONSIBILITIES.

**NOTE:**  
DRAINAGE CONTROL / IMPROVEMENTS SHALL BE INSTALLED IMMEDIATELY AFTER CLEARING, SUCH THAT NO DISTURBED AREA DRAINAGE FLOWS ONTO ADJACENT PROPERTIES.

**NOTE:**  
CONTRACTOR TO VERIFY ALL BUILDING DIMENSIONS PRIOR TO BEGINNING CONSTRUCTION. (DWELLING DIMENSIONS AND PROPERTY LINE TIES SHOWN ARE COMPUTED TO CONTRACTOR PROVIDED DIMENSIONS.)

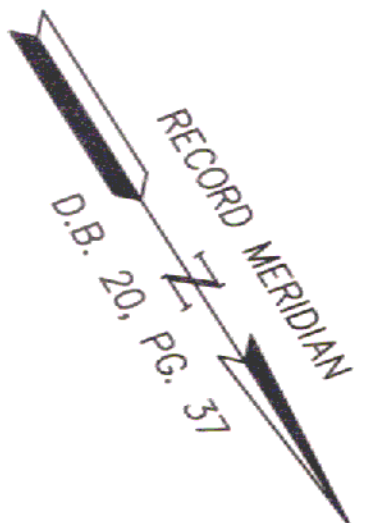
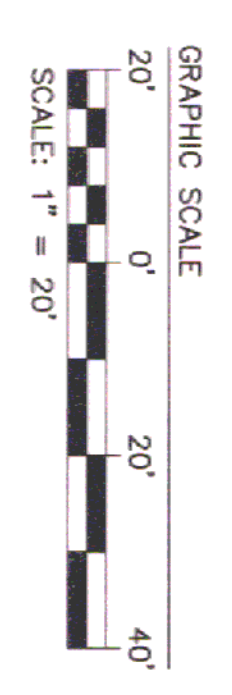
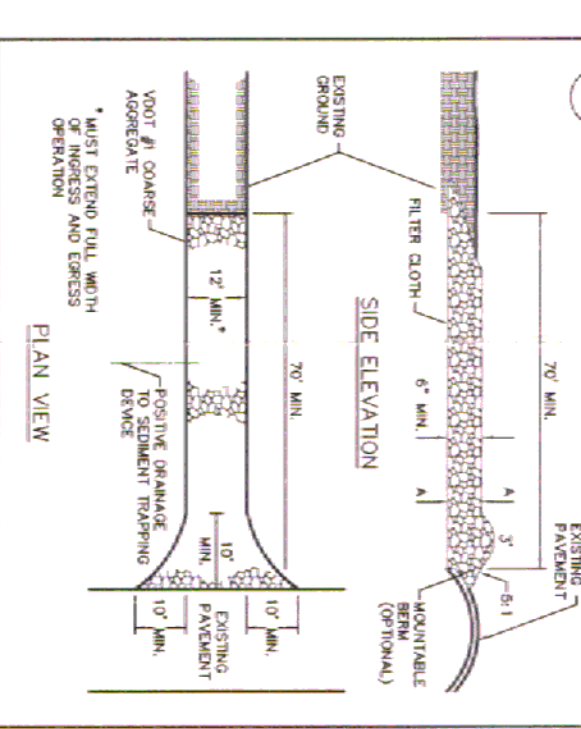
- NOTES:**
1. ALL DISTURBED AREAS ARE TO BE SEED, SOAKED, OR MULCHED WITHIN 7 DAYS OF REACHING FINAL GRADE.
  2. METAL AND PLASTIC DEBRIS TO BE REMOVED FROM PROPERTY SURFACE AND DEPOSITED IN THE TRUCKS BY BOTH DEVELOPER AND L.C. TILGNER, LOCATED BY AES CONSULTING ENGINEERS.
  3. BEYOND ORANGE SAFETY FENCING TO BE INSTALLED ALONG THE PERIMETER OF THE CONSTRUCTION SITE FOR THE CONTROL OF UNDESIRABLE DEBRIS.
  4. THIS PROPERTY LIES IN ZONE X. (AREAS DETERMINED TO BE OUTSIDE THE 50' R/W SHALL BE DETERMINED BY THE LOCAL GOVERNMENT. MAY BE RECALLED 12/10/2015)

**EROSION CONTROL NOTE:**  
UPON REMOVAL OF ALL EROSION AND SEDIMENT CONTROL TRENCHES, ALL PROPOSED/COMPLETED SEDIMENT SHALL BE REMOVED FROM LOT AND PROPERLY DEPOSITED IN THE TRUCKS BY BOTH DEVELOPER AND L.C. TILGNER, LOCATED BY AES CONSULTING ENGINEERS. ALL OUTFALL DITCHES SHALL BE CLEANED OF SEDIMENT/DEBRIS/CONSTRUCTION DEBRIS ON A REGULAR BASIS DURING CONSTRUCTION.

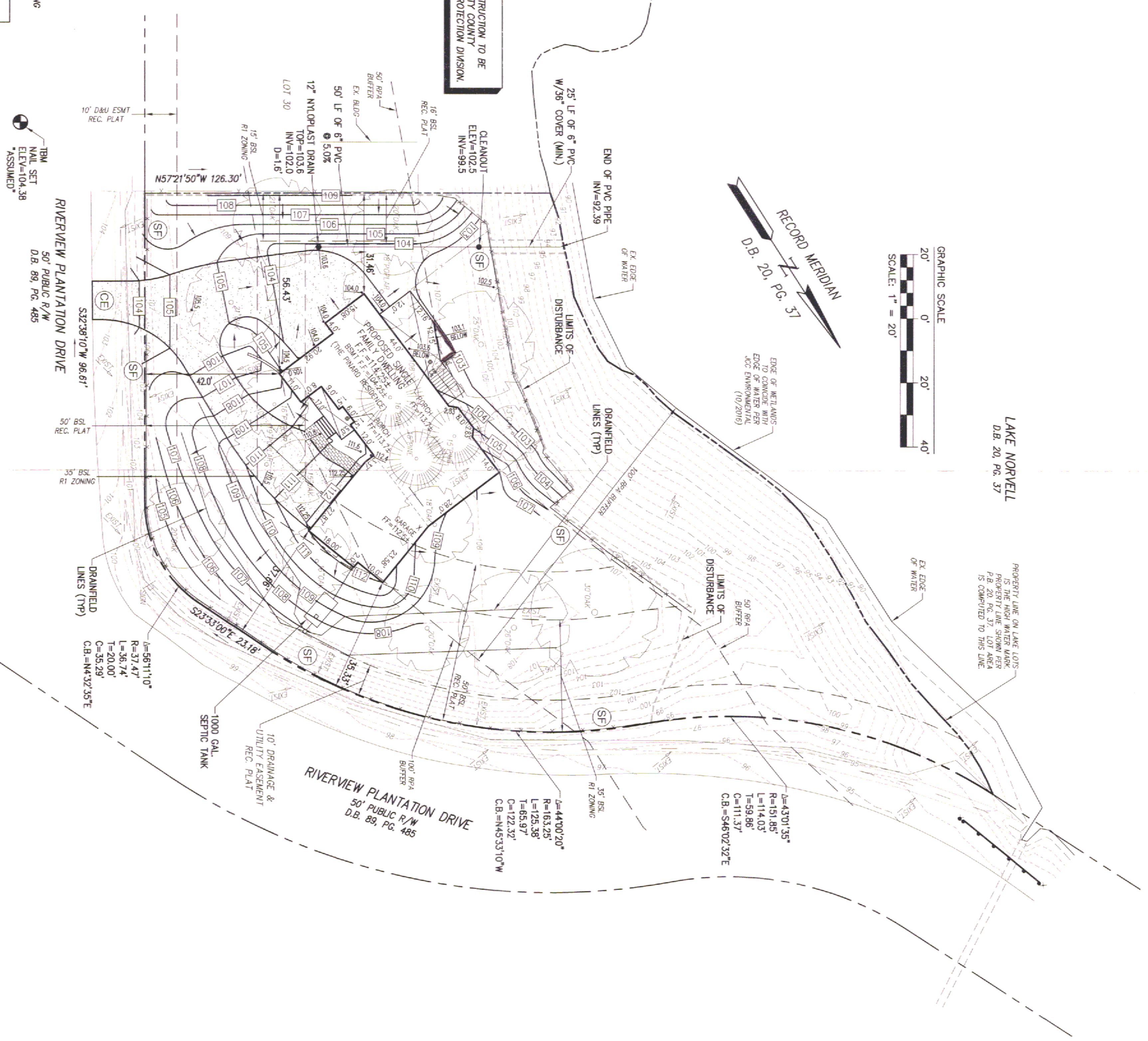


**NOTE:**  
METHOD/SEQUENCE OF CONSTRUCTION TO BE COORDINATED WITH JAMES CITY COUNTY ENGINEERING & RESOURCE PROTECTION DIVISION.

**NOTE:**  
PROVIDE STONE CONSTRUCTION ENTRANCE DURING CONSTRUCTION. CONTRACTOR RESPONSIBLE FOR KEEPING CONSTRUCTION FREE OF MUD AND DEBRIS ADJACENT TO PROPOSED DRIVEWAY.



LAKE NORVELL  
D.B. 20, PG. 37



SHERWOOD FORREST  
50' PUBLIC R/W  
D.B. 89, PG. 485

RIVERVIEW PLANTATION DRIVE  
50' PUBLIC R/W  
D.B. 89, PG. 485

RIVERVIEW PLANTATION DRIVE  
50' PUBLIC R/W  
D.B. 89, PG. 485

AREA OF LOT 31  
28,594 S.F.  
0.6564 ACRES

**NOTE:**  
CONTRACTOR SHALL INSTALL EC-2 EROSION CONTROL BLANKET (OR APPROVED MATERIAL) TO PREVENT EROSION ON DISTURBED SLOPES OF 25% OR GREATER.

**LEGEND**  
BR - IRON ROD FOUND  
BS - IRON PIPE FOUND  
R/W - RIGHT-OF-WAY

RECEIVED  
APR 27 2017  
Engineering & Resource Protection

Rev.	Date	Description	Revised By



**AES**  
CONSULTING ENGINEERS  
3248 Old Towne Road, Suite 1  
Williamsburg, Virginia 23186  
Phone: (757) 253-0040  
Fax: (757) 220-8964  
www.aesva.com

LOT 31, SECTION THREE  
**RIVERVIEW PLANTATION**  
PREPARED FOR PINARD BUILDERS  
STONEHOUSE DISTRICT JAMES CITY COUNTY VIRGINIA

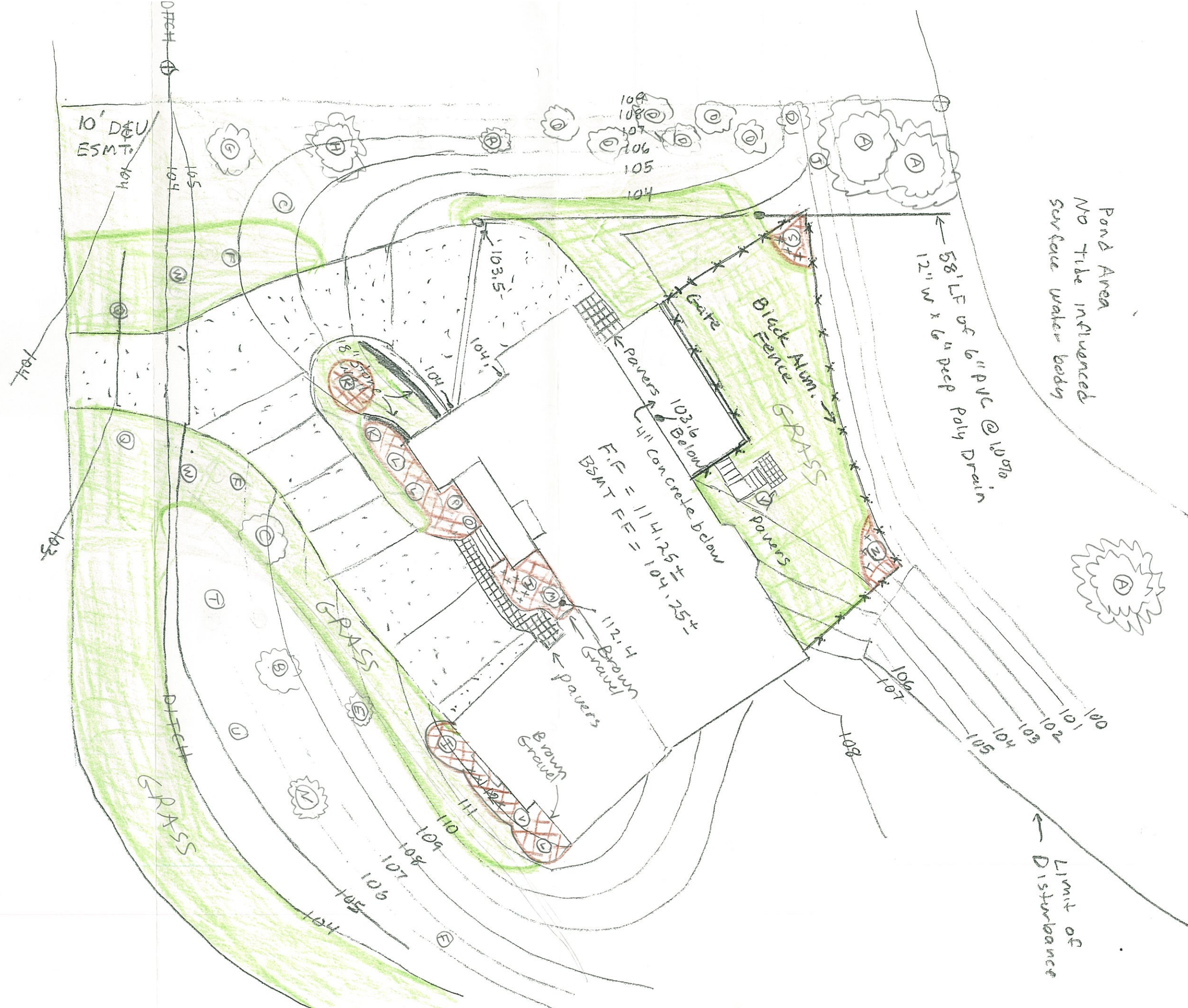
Project: FCI / CDC  
Project Number: W282718-00  
Scale: 1"=20'  
Date: 03-10-2016  
Sheet Title: DEVELOPMENT PLAN  
Sheet Number: 1 OF 1

PARCEL ID #1640600031  
STREET ADDRESS: #200 RIVERVIEW PLANTATION DRIVE

RECEIVED  
APR 27 2017  
Engineering & Resource Protection



PLANT & GRASS PLAN



200 River View  
Plantation Dr

1-2017

U - need to buy

	How Many	What	How Tall Now	Flower ?	Pot Size	Grow size
A	3	Taxodium Bald cypress	8'		15 g.	100x40
	1	Yoshino Cherry	7'	white	5 g	30x20
	2	Krauter vesunus flowering Plum	8'	purple	7 g	10x15
)	7	Viburnum Chindo fast evergreen hedge	5'		5 g	20x10
"	1	Red Dogwood	5'	Red	5 g	15x10
"	2	Pecos crepe myrtle Dwarf	3	white	1 g	8x6
"	1	Curley willow	8'		15 g	30x15
"	1	Red sunset Maple	6'		7 g	40x20
"	1	Sugar tip rose of Sharon		pink	2 g	10x5
"		Black Diamond crepe myrtle	2'	purple	2 g	8x6
"		Evergreen Christmas tree	2'		2 g	8x5
"		Dwarf Burning Bush	1	Red	1 qt	6x4
"	1	Mini Japanese Maple in pot with ivy	8'		20 g	
"	1	Magnolia Little Gem	7'		15 g	20x10
"	1	Rose of Sharon	1'	white	1 qt	5x3
"	1	Camellia	3'	white	2 g	6x6
"	2	ever red fringe (Bush)	2'	purple	2 g	6x6
"	1	Rubis Althea	6'	pink	2 g	10x6
"	2	Sapphire Sunf	2'	Lt Purple	1 g	2x3
"	1	Red heart Althea	2'	white	1 g	7x4
"	1	Snow panda	2'	white	2 g	8x6
"	1	Golden euonymous bush	2'		1 g	10x5
"	2	" " "	3'		2 g	10x15
"		verigated Larailap (grass)	1'	purple	1 g	1'x1'
"		Camellia	1'	white	1 qt	6x6
"		Japanica Betty sheffield supreme	3	white	2 g	8x4





## **PUBLIC HEARING NOTICE**

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA WILL HOLD PUBLIC HEARINGS **WEDNESDAY JUNE 14, 2017 AT 7 p.m.** IN THE BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE WETLANDS BOARD WILL CONSIDER THE FOLLOWING CASES:

W-26-17/VMRC 17-0748: Jeffrey Moore has applied for a wetlands permit for extension of an existing breakwater and installation of a timber wall and beach sand fill at 164 The Maine in the Greater First Colony subdivision, JCC Parcel No 4540200055.

W-27-17/VMRC 17-0769: Michael and Maureen O'Brien have applied for a wetlands permit to install a quarry stone revetment at 7588 Uncles Neck in the Rivers Bend at Uncles Neck subdivision, JCC Parcel No 2010200022.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBE-17-080: Richard Pinard has filed an exception request for encroachment into the RPA buffer for construction of a single family dwelling at 200 Riverview Plantation Dr in the Riverview Plantation subdivision, JCC Parcel No 1640600031.

CBE-17-084: Martin Mather with Omega Development LLC has filed an exception request for encroachment into the RPA buffer for construction of a single family dwelling at 102 Walton Heath in the Fords Colony subdivision, JCC Parcel No 3810300019.

CBE-17-065: Colonial Heritage LLC has filed an exception request for encroachment into the RPA buffer associated with the proposed sanitary sewer connections for the Colonial Heritage Phase III, Section 2 subdivision at 6799 Richmond Rd, JCC Parcel No 2430100032.

CBE-17-087: SCP-JTL Stonehouse Owner 2, LLC has filed an exception request for encroachment into the RPA buffer associated with the proposed sanitary sewer connections for the Stonehouse Tract 3 subdivision at 9351 Six Mt Zion Rd, JCC Parcel No 0540100015.

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 Mounts Bay Road, Bldg E, James City County, Virginia.

## **NOT FOR PUBLICATION**

DISPLAY: WEDNESDAY – May 31, and June 7, 2017.

ACCOUNT NO.: 0011040200 - VIRGINIA GAZETTE

COPIES: PLANNING  
ASSISTANT COUNTY ATTORNEY  
WETLAND/CHESAPEAKE BAY BOARD MEMBERS



**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

May 24, 2017

RE: CBE-17-080 – 200 Riverview Plantation Drive  
Single Family Dwelling with deck

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 Richard Pinard, for encroachment into the Resource Protection Area (RPA) associated with construction of a single family dwelling and deck, at 200 Riverview Plantation Drive in the Riverview Plantation subdivision. The property is further identified by James City County Real Estate as Parcel No. 1640600031.

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, June 14, 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: Richard Pinard

Mailing List for: CBE-17-080 – 200 Riverview Plantation Drive - SFD w/deck

1640600031 - Owner 200 Riverview Plant Dr

Richard Pinard  
129 Blackheath  
Williamsburg, VA 23188

1640600030

Rolf Kramer  
202 Riverview Plantation Dr  
Williamsburg, VA 231886820

1640800006

Robert and Julia Houston  
201 Riverview Plantation Dr  
Williamsburg, VA 231886822

1730200004

Edward Steven and Linda Anne Lucas  
201 Sherwood Forest  
Williamsburg, VA 231886827

1730200003

S Wallace and Jacqueline Stieffen  
167 Riverview Plantation Dr  
Williamsburg, VA 231886819

1730200002

John and Jennie McCray  
165 Riverview Plantation Dr  
Williamsburg, VA 231886819

1730200001- 163 Riverview Plant Dr

John Vaughan and Susan Scheld  
P O Box 3101  
Williamsburg, VA 231873101

1640100009 - 153 Riverview Plant Dr

1640100008 - 154 Riverview Plant Dr

The Plantation Club LTD  
86 Four Mile Tree Road  
Williamsburg, VA 231886830

1640600001 - 142 Riverview Plant Dr

William G Casto  
103 Anthony Wayne Road  
Williamsburg, VA 231853201

1640600006

Stephen and Sharonne Needre  
100 Four Mile Tree  
Williamsburg, VA 231886832

1640600007

Lisa Kelly  
98 Four Mile Tree  
Williamsburg, VA 231886830

1640600023

Michael and Elizabeth Haas  
106 Shirley Drive  
Williamsburg, VA 231886840

1640600025

John H Gorman  
104 Shirley Drive  
Williamsburg, VA 231886840

1640600028

Roger and Esta Anderson  
206 Riverview Plantation Dr  
Williamsburg, VA 231886820

**ITEM SUMMARY**

DATE: 6/14/2017  
TO: Chesapeake Bay Board  
FROM: Michael Woolson, Senior Watershed Planner  
SUBJECT: CBE-17-087 : Stonehouse Tract 3

---

SCP-JTL Stonehouse Owner 2, LLC has filed an exception request for encroachment into the RPA buffer associated with the proposed sanitary sewer connections for the Stonehouse Tract 3 subdivision at 9351 Six Mount Zion Road.

**ATTACHMENTS:**

	Description	Type
▣	Staff Report	Staff Report
▣	Resolution	Resolution
▣	Water Quality Impact Assessment	Backup Material
▣	Figure 1	Backup Material
▣	Figure 2	Backup Material
▣	Figure 3	Backup Material
▣	Figure 4	Backup Material
▣	Figure 5	Backup Material
▣	Alternative Sanitary Layout	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	6/7/2017 - 3:40 PM
Chesapeake Bay Group	Holt, Paul	Approved	6/7/2017 - 3:48 PM
Publication Management	Burcham, Nan	Approved	6/7/2017 - 3:57 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	6/7/2017 - 4:01 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBE-17-087. Stonehouse Tract 3  
Staff Report for the June 14, 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**

Applicant: SCP-JTL Stonehouse Owner 2, LLC

Agent: Curtis Hickman, Kerr Environmental Services Corp.

Location: 9351 Six Mount Zion Road

Tax Map/Parcel No.: 0540100015

Legal Description: Tract 1 GS Stonehouse Green Land Sub, LLC

Parcel Size: Parcel = 262.39 acres +/-; Project limits = 180 acres +/-

Area of Parcel in Resource Protection Area (RPA): Parcel unknown; Project = 70.2 acres

Watershed: Ware Creek (HUC YO 62)

Floodplain: Panel 0041D  
Zone AE, base flood elevation 7.0 feet mean sea level  
Zone X, outside the 0.2% annual chance floodplain

Proposed Activity: To construct sanitary sewer connections associated with the development of the Stonehouse Tract 3 project

Impervious Cover: Approximately 550 square feet from aerial crossings

RPA Encroachment: Impervious cover within the seaward 50-foot RPA buffer and 22,550 square feet of RPA conversion for permanent sanitary sewer easements

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

**BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES**

Mr. Curtis Hickman of Kerr Environmental Services Corp., on behalf of SCP-JTL Stonehouse Owner 2, LLC, has applied for a Chesapeake Bay Board Exception for encroachments into the RPA buffer for the construction of sanitary sewer connections and permanent easements associated with the development of the Stonehouse Tract 3 project on property known as 9351 Six Mount Zion Road in the Stonehouse subdivision and within the Ware Creek watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 0540100015. The parcel is part of the overall Stonehouse development that was rezoned by the Board of Supervisors in 2007.

This exception request is intended to address RPA impacts associated with the development of Stonehouse Tract 3 Parcels A and B, Parcel C and the Sanitary Sewer Pump Station development plans, James City County Plan Nos. S-0004-2017/SP-0011-2017, S-0009-2017 and SP-0004-2017 respectively.



The total sanitary sewer impacts associated with these projects is 22,550 square feet and includes the permanent easements that will be dedicated to the James City Service Authority for operation and maintenance. There are three aerial crossings of wetland systems in this proposal, which adds approximately 550 square feet of impervious cover within the RPA.

A previous sanitary sewer layout had the gravity lines placed through the wetland system along the northern border of the property. Although the wetland and RPA impacts are unknown in their totality, a rough estimate is approximately five acres of RPA and wetland impacts.

For large scale utility impacts such as those proposed, standard County practice is to require an area that is equal to two times the impact area of forested land to be placed into a Natural Open Space easement. This area should be adjacent to the RPA for maximum water quality benefit. The total RPA impact for both sanitary and storm sewer impacts is 60,984 square feet, which requires a total area of 2.8 acres. The proposed mitigation for these project impacts is a Natural Open Space easement of 3.95 acres. In addition, all unimpacted wetlands and RPA will also be placed into a Natural Open Space easement. These easements and the Deeds will be recorded concurrent with any plats for the adjacent building lots.

### **STAFF EVALUATION**

Staff has evaluated the application and exception request for the construction of the sanitary sewer connections and finds that the application meets the conditions in Sections 23-11 and 23-14. The application should be heard by the Board because sanitary sewer impacts are not water dependent.

### **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 a dedicated Natural Open Space easement of 3.95 acres adjacent to RPA. This proposal exceeds the County mitigation requirements.

### **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-17-087 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. Should the Board wish to approve, staff recommends that the following conditions be 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 \$5,000 will be required in a form acceptable to the County Attorney's office to guarantee the dedication of the Natural Open Space deed and easement. Once all 3.95 acres has been dedicated, the surety will be returned; and

3. This exception request approval shall become null and void if construction has not begun by June 14, 2018; and
4. 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.

MDW/gt  
CBE-17-087StoneTract3

Attachments:

1. Resolution
2. Water Quality Impact Assessment Package
3. Figures 1 through 5
4. Alternative Sanitary Layout

## RESOLUTION

CASE NO. CBE-17-087. STONEHOUSE TRACT 3

### JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Curtis Hickman of Kerr Environmental Services Corp., on behalf of SCP-JTL Stonehouse Owner 2, LLC (the "Applicant"), has applied to the Chesapeake Bay Board of James City County (the "Board") 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. 0540100015 and further identified as 9351 Six Mount Zion Road in the Stonehouse subdivision (the "Property") as set forth in the application CBE-17-087 for the purpose of installing sanitary sewer connections for the Stonehouse Tract 3 subdivision; 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. A surety of \$5,000 will be required in a form acceptable to the County Attorney's office to guarantee the dedication of the Natural Open Space deed and easement. Once all 3.95 acres have been dedicated, the surety will be returned; and

- c. This exception request approval shall become null and void if construction has not begun by June 14, 2018; and
- d. Written requests for an extension to an exception shall be submitted to the Engineering and Resource Protection Division no later than six weeks prior to the expiration date.

\_\_\_\_\_  
David Gussman  
Chair, Chesapeake Bay Board

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

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 14th day of June, 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

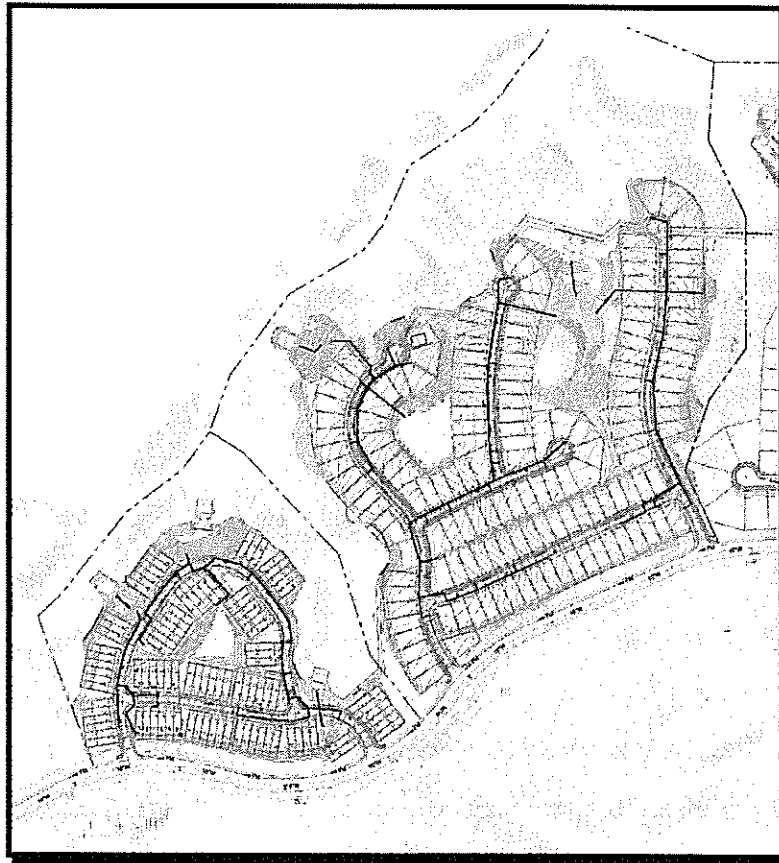
MY COMMISSION EXPIRES: \_\_\_\_\_

CBE-17-087StoneTract3-res

Engineering & Resource Protection  
MAY 3 2017  
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# Major Water Quality Impact Assessment

Stonehouse - Tract 3  
for  
SCP-JTL Stonehouse Owner 2, LLC  
James City County, Virginia



May 2017



**Kerr Environmental  
Services Corp.**

Sustainable Ecological Restoration  
and Environmental Consulting

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Proposed RPA Impact Map ..... Figure 3

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# Major Water Quality Impact Assessment

## Tract 3

### 1.0 INTRODUCTION

#### 1.1 Purpose

JTL Stonehouse, LLC requests the James City County authorize an exception to disturb 60,984 square feet (1.4 acres) of the Resource Protection Area (RPA) buffer in association with the proposed residential development of Stonehouse Tract 3, which includes Parcels "A", "B", "C" and a Sanitary Sewer Pump Station for the Stonehouse Development in James City County, Virginia (Appendix A, Figure 1). This development will include approximately 97 townhouse lots in Parcel "A", 151 Single-Family Lots on Parcel "B", and 81 Single-Family Lots on Parcel "C".

This WQIA is being provided in support of the request for exception for the following Construction Plans:

- Stonehouse Tract 3 – "Parcel A" and "B", Subdivision Plan
- Stonehouse Tract 3 – "Parcel C", Subdivision Plan
- Stonehouse Sanitary Sewer Pump Station, Civil Plans

Section 23-14(c) of the ordinance states that the James City County Chesapeake Bay Board may grant an exception for a non-water dependent component within an RPA buffer provided 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 this chapter to other property owners similarly situated in the vicinity;
- 3) The exception request will be in harmony with the purpose and intent of this chapter, 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 that are self-created or self-conforming that are related to adjacent parcels; and
- 5) Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality.

It is our understanding that this request is consistent with the provisions listed above.



Under Section 23-11 of the Ordinance, a Water Quality Assessment (WQIA) must be submitted for any proposed land disturbing activity resulting from development or redevelopment within the Resource Protection Area. This document has been prepared to satisfy this requirement pursuant to the *James City County WQIA Guidelines* and the *James City County's Chesapeake Bay Preservation Ordinance*.

### 1.2 Site Description and RPA Components

Stonehouse Tract 3 (Site) is located within the Stonehouse Development, east of Six Mount Zion Road between Fieldstone Parkway and Ware Creek Road, in James City County, Virginia. The Site consists of approximately 179.7 acres of undeveloped land (Appendix A, Figure 1) and is zoned 'Planned Use Development-Residential' (PUD-R).

The existing site topography, limits of wetlands, and RPA buffers are shown on Figure 3 (RPA Impacts Map) in Appendix A. A perennial stream, which flows through Bird Swamp, is located along the western property boundary. Multiple drainage features within the Site are connected to this stream through minor tributaries, and non-tidal wetlands. It is understood that these features and their contiguous wetlands are subject to 100-foot RPA buffers as designated by Section 23-3 of *James City County Chesapeake Bay Preservation Ordinance*. Specific limits of the RPA were confirmed by the County in a letter dated March 9, 2017.

Approximately 70.2 acres of the Site is located within the 100-foot RPA buffer. Approximately 50.6 acres of this area is considered to have steep slopes (greater than 25% slope) (Appendix A, Figure 3).

### 1.3 Proposed Encroachments

Land disturbing activities associated with the proposed development total 97.7 acres and have been principally located outside of the RPA buffer. However, unavoidable encroachments are proposed in association with the construction of:

- Three (3) crossings of a gravity sanitary sewer line, and
- Seven (7) stormwater BMP outfalls and level spreaders.

Details of the proposed RPA encroachments are shown in Appendix A, Figure 3 and are discussed in Section 3 of this document.

## 2.0 SITE CONDITIONS

### 2.1 Existing Topography and Vegetation

As shown on the RPA Impacts Map (Appendix A, Figure 3), the Site varies in elevation between approximately 20 feet and 120 feet above mean sea level. Steep sloping banks (greater than 25%) within the RPA buffer are located primarily along the western side of the property and along two ravines which roughly divide 1) Parcel "A" from Parcel "B" and 2) Parcel "B" from Parcel "C". Approximately 50.6 acres of the RPA buffer is considered steep slopes.

The vegetation within the site primarily consists of an extensive hardwood forest consisting of a canopy of various oaks (*Quercus* spp.), hickories (*Carya* spp.) and an understory of mountain laurel (*Kalmia latifolia*) and American holly (*Ilex opaca*). Wetlands within the site are also forested with a canopy of various oaks, red maple (*Acer rubrum*), and sweetgum (*Liquidambar styraciflua*), an understory of pawpaw (*Asimina triloba*), American hornbeam (*Carpinus caroliniana*) and highbush blueberry (*Vaccinium corymbosum*), with herbaceous species such as lizard's tail (*Saururus cernuus*) and sedges (*Carex* spp.).

### 2.2 Existing Soils

Existing soil types are mapped on Soils Map (Appendix A, Figure 2). According to the James City County soils survey, the Site and adjacent areas consists mainly of Emporia complex with 25 to 50 percent slopes and Craven-Uchee Complex soils with 6% to 10% slopes. These soils are very deep, moderately well drained, with moderate to high erodibility potential, and a seasonal high water table between 24 to 36 inches.

The majority of the RPA buffer consists of the Emporia Complex soils along the slopes and minor components of Johnston soils within the wetland areas. Emporia Complex soils are well drained, classified as hydrologic soil group "B, and have a K Factor of 0.24-0.32.

### 2.3 Existing Hydrology

The Site is largely located outside of the 100-year floodplain, as shown on the Federal Emergency Management Agency Flood Insurance Rate Map (FIRM No. 51095C0041D, dated December 16, 2015). The only portion of the property in the 100-year floodplain is located immediately adjacent to Bird Swamp along the extreme northwest property line.

Stormwater on the Site drains primarily to the perennial tributary forming the western property boundary. This stream converges near the northwest corner of the property with another unnamed tributary and drains into Bird Swamp. This area flows into Richardson Millpond, then Ware Creek, and ultimately to the York River (Appendix A, Figure 1).

### 3.0 PROPOSED IMPACTS

#### 3.1 Proposed Conditions

##### *3.1.1 Gravity Sewer Line and Easement*

The sanitary sewer utility has been designed to minimize impacts to RPAs and wetlands by keeping the sewer alignment on the upper slopes of the Site. Previous development plans proposed to place sewer lines throughout the bottom of the ravines within wetland floodplains which would have required significant impacts to wetlands and RPAs. Placing sewer lines outside of the stream channel was intended to minimize impacts to wetlands and RPAs and was done at great expense to the developer. As a result of keeping this utility on the upper slopes, the gravity sewer line will have to connect to the proposed Sanitary Sewer Pump Station located on Parcel 'C'.

Topographic characteristics of the Site require the proposed utility corridor to cross three RPA features to connect to the Sanitary Sewer Pump Station. These crossings have been aligned perpendicular to the RPAs to minimize impact areas. In addition, the sanitary sewer line will transverse the RPAs as aerial crossings of ravines supported on pile driven timber bridges. These measures will minimize impacts to steep slopes, RPAs, and associated wetlands.

The sanitary sewer line will be constructed along the centerline of a 30-foot wide utility easement. The Developer will dedicate the easement to the James City County Service Authority for maintenance of the sewer line as stipulated in *James City Service Authority Design and Acceptance Criteria for Water Distribution and Sanitary Sewer Systems*. As indicated in Table 1, the plans include a total of 22,550 square-feet of RPA buffer encroachment associated with the construction and permanent maintenance easement of the gravity sewer line.

##### *3.1.2 Stormwater BMP Outfalls and Level Spreaders*

The project proposes Seven (7) stormwater dry ponds to comply with all applicable stormwater regulations and meet the project needs. Each of these facilities are designed to incorporate level spreaders as a means of preventing concentrated stormwater flow at outfalls. The level spreaders have been located as far down slope as practicable to reduce the possibility of erosion while minimizing impacts to existing wetlands. Due to the water depended nature of these facilities and the topographic constraints of the Site, encroachment into RPAs was unavoidable. Encroachments are shown in Appendix A, Figure 3.

The encroachments associated with these facilities has been reduced to the greatest extent practicable to afford relief. The footprint of each level spreader is the minimum

necessary to comply with stormwater design requirements and provide construction and maintenance access. Construction will consist of tree clearing, grading, and instillation of the outfall and associated level spreader structures. The vegetated filter strips associated with these structures will be vegetated with a grass seed mix and will be maintained at 90% vegetative cover or greater. Design details and specifications are shown in the Construction Plans. As stated in Table 1, approximately 38,434 square feet of RPA buffer will be encroached upon for the construction and maintenance of the Stormwater Management Facilities and associated structures.

### 3.1.3 RPA Buffer Encroachments Summary

A total of 60,984 square feet of RPA buffer will be encroached. These activities will allow for: (1) the installation and maintenance of the gravity sewer line and (2) the maintenance and proper construction of level spreaders associated with the outfalls of Stormwater Management Facilities (Table 1).

Table 1. Table of Encroachments to the Resource Protected Area

RPA Encroachment	Proposed Activities	Permanent RPA Buffer Encroachment (Ft <sup>2</sup> )
Gravity Sanitary Sewer Line (30-foot wide Easement)	Tree Clearing, Aerial bridge crossing construction, & Maintenance	22,550
Stormwater Level Spreaders (7) and associated BMP pond outfalls	Tree clearing, Grading, Construction of facilities, Maintenance	38,434
<b>TOTAL (FT<sup>2</sup>)</b>		<b>60,984</b>

### 3.2 Impacts of Proposed Development to Topography

Limits of clearing and grading are denoted on the *Erosion and Sediment Control Plans* within each Construction Plan. All construction areas will have final contours and grades consistent with all applicable stabilization and erosion and sediment control regulations. This will ensure minimal potential impacts to topography outside the limits of disturbance and ensure integrity of the Site.

### 3.3 Impacts of Proposed Development on Soils

The proposed development will strive to minimize deleterious impacts to soils. Erosion and sediment control measures will be employed throughout all phases of the project, consistent with *Virginia Erosion and Sediment Control Regulations* and the *Virginia Erosion and Sediment Control Handbook*. Following land disturbance, soils will be stabilized and stockpile will be maintained to prevent impacts to off-site areas.

### 3.4 Impacts of Proposed Development on Hydrology

Geotechnical testing was performed on the Site and groundwater was encountered in borings at depths between 17.5 and 32 feet below existing grades, at approximately elevation 415. Groundwater is not expected to be encountered during construction and should not be impacted.

Stormwater hydrology for the Site is intended to mimic the existing hydrology through the construction of seven (7) new stormwater BMP's. The *Stormwater Management Plans* and *Erosion and Sediment Control Plans* for the Site are currently being reviewed by the James City County Planning Department. The stormwater management facilities, including the incorporation of level spreaders, have been designed to promote infiltration, and attenuate water velocities in order to minimize erosion and impacts to receiving waters. After construction is completed within the RPA buffer it will remain pervious and vegetated. Therefore, the development of the Site will have minimal effect on hydrology.

### 3.5 Impacts of Proposed Development to Ecology and Vegetation

The construction of the development should have negligible impacts to ecology of the adjacent lands, unnamed tributaries, and Richardson Millpond. Impacts to water quality will be minimized by following the *Erosion and Sediment Control Plans*. In addition, undisturbed natural open space will be preserved on the Site (Appendix B – Figure 5). These preserved opened spaces will be managed to minimize degradation and will include the entirety of the undisturbed RPA on the Site along with other adjacent areas. This preservation will help to ensure ecological integrity within the undeveloped portions of the Site.

Impacts associated with stream crossings have been minimized by aligning utilities perpendicular to the stream, and thus as short as possible, and using aerial crossing to avoid permeant impacts. While existing vegetation will be cleared within portions of the utility easement (construction and maintenance easement), these impacts will be minimal and vegetation will be allowed to regenerate and be maintained as a shrub-scrub community. Therefore, any stream encroachments associated with the utility crossings will be temporary and will have minimal effect on the ecosystem.

Existing vegetative cover will also be removed for construction of the Stormwater BMP outfalls and level spreaders to the minimal amount necessary for construction and maintenance. The vegetated filter strips associated with these structures will be vegetated with a grass mix and will be maintained at 90% vegetative cover or greater as required by Stormwater Management Regulations. Overall, these impacts should have minimal effect of the ecosystem and associated vegetation.

### 3.7 Proposed Wetland Encroachments

There is a total of 11,299 square feet (0.26 acres) of wetland and 246 l.f. of unavoidable stream encroachments associated with the project.

The Developer is currently preparing a Joint Permit Application (JPA) for the U.S. Army Corps of Engineers (Corps) and Virginia Department of Environmental Quality (VDEQ) for authorization to: 1) permanently convert forested wetlands to emergent wetlands for the installation and maintenance of seven (7) level spreaders 2) permanently convert forested wetlands to emergent wetlands for the gravity sewer easements, and 3) permanently impact non-RPA forested wetlands for the construction of one Stormwater Management Facility. The Developer will notify James City County of permit coverage, once authorized by the regulatory agencies.

### 3.7 Construction Sequence

The following represents the anticipated sequence for Erosion & Sediment Control and Construction for Parcels A, B, and C:

#### ***Phase 1:***

1. Hold a preconstruction conference and secure all necessary demolition permits (if applicable). Ensure that all necessary waivers, exemptions, and permits as required on a local, state, and federal level have been obtained.
2. Install construction entrance and silt fence. Clearing should be limited to only what is necessary to gain construction access to temporary sediment traps. Adequate erosion and sediment controls are to be installed to control the mitigation of sediment at this time. Trees outside of the clearing limits shall be protected by installing and maintaining tree protection fencing and other appropriate markings.
3. Install temporary sediment traps 1-6 (Parcel A), install temporary sediment traps 7-12 and sediment basins 1-2 (Parcel B), and install temporary sediment traps 7-12 and sediment basins 1-2 (Parcel C).
4. Install all associated temporary diversion dikes with the temporary sediment traps. All perimeter erosion and sediment control items are installed and operational.

5. Once all erosion and sediment control measures are installed and operational, begin mass clearing as depicted on the plans and direct runoff towards sediment trapping features with diversions.
6. Establish temporary soil stockpile. Establish rough grades on site, ensuring runoff is directed towards traps and basins.

**Phase 2:**

1. Prior to commencing on Phase 2, contractor shall receive written authorization from JCC Environmental Inspector.
2. Begin installation of final stormwater configuration starting with the road inlets, with the ultimate outfall to sediment traps 2 & 3 (Parcel A), sediment basins 1 & 2 (Parcel B) and sediment basins 1& 2 (Parcel C).
3. Install final outfall pipe and riser on sediment trap 6, blocking the low flow orifice (Parcel A).
4. While grading the roads, install diversion dikes as necessary to divert water towards the sediment basins, sediment traps, and stormwater inlets (Parcel A) and towards the sediment basins (Parcel B & C).
5. Contractor shall receive written authorization from the JCC environmental inspector before the dewatering and filling of sediment traps 1, 4, and 5 (Parcel A) and sediment traps 7-12 (Parcel B). Contractor shall divert water from sediment traps 1, 4, and 5 towards sediment traps 2, 3, and 6 (Parcel A), divert water from sediment traps 7-12 towards sediment basins 1 and 2 (Parcel B), and divert water from sediment traps 1-7 towards sediment basins 1 and 2 (Parcel C). Sediment traps 1, 4 and 5 (Parcel A), Sediment Traps 7-12 (Parcel B) and Sediment Traps 1, 3, 5 & 6 are to be dewatered in accordance with Minimum Standard & Spec. 3.26 of the VESCH.ps.19.
6. Install inlet protection on all storm sewer inlets and outlet protection on storm sewer outfalls.
7. Install all proposed water and sewer utilities.

**Phase 3:**

1. Prior to commencing on the final Phase, contractor shall receive written authorization from JCC Environmental Inspector.
2. Continue installation of final stormwater configuration with the ultimate outfall to Stormwater Basins 1, 2, and 3 (Parcel A) and Sediment Basin 1 and 2 (Parcel B).

3. Install inlet protection on all storm sewer inlets and outlet protection on storm sewer outfalls.
4. Install concrete curbing, sub-base, and road base.
5. Establish final drainage patterns, directing runoff toward the roadways or to the sediment traps (by means of swales or diversions).
6. At no point during construction shall any erosion and sediment control measure be removed without authorization to do so by the JCC Engineering and Resource Protection Division.
7. Seed and permanently stabilize any remaining disturbed areas. See erosion and sediment control details sheet for seed specifications.
8. Once the site is stabilized, all storm pipes shall be cleaned in a manner to capture and remove sediment without discharging to downstream ponds/channels.
9. Convert sediment traps 2, 3, and 6 to stormwater basins (Parcel A), convert Sediment Basins 1 and 2 to stormwater basins (Parcel B), and convert sediment basins 1 & 2 and sediment traps 2, 4, and 7 to stormwater basins (Parcel C).
10. Basins traps, and wetlands should be monitored throughout construction for any evidence of siltation. If warranted, BMPs shall be drained and sediment impacts of wetlands areas shall be corrected immediately at the direction of Timmons Group, JCC Engineering and Resource Protection Division, USACE, DEQ, and DCR.
11. After the completion of construction and with the written approval of the JCC Environmental Inspector, after flushing the stormwater conveyance system, remove all remaining sediment control measures and convert sediment traps 2, 3, and 6 to final stormwater basin functions (Parcel A), convert Sediment Trap 9 and Sediment Basin 2 to final stormwater basin functions (Parcel B) and convert Sediment Traps 2, 4 & 7 and Sediment Basin 1& 2 to final stormwater basin functions (Parcel C). Dewater basins as necessary in accordance with Minimum Standard & Spec. 3.26 of the VESCH.ps.19.
12. Apply final road surface asphalt at the direction of the owner.

The following represents the anticipated sequence for Erosion & Sediment Control and Construction for the Sanitary Sewer Pump Station:

**Phase 1:**

1. Hold a preconstruction conference and secure all necessary demolition permits (if applicable). Ensure that all necessary waivers, exemptions, and permits as required on a local, state, and federal level have been obtained.



2. Install construction entrance and silt fence. High-visibility silt fence and other appropriate markings shall be installed to indicate the limits of clearing and protect trees outside said limits.
3. Conduct limited clearing and demolition as required for the installation of perimeter erosion control measures. Initial erosion control sediment barriers (silt fence) shall be installed along the clearing limits.
4. Install inlet protection devices as shown on Phase 1 Erosion and Sediment Control Plan.
5. Install diversion dikes as shown on the Phase 1 Erosion and Sediment Control Plan. Ensure all perimeter erosion and sediment control items are installed and operational.
6. Once all erosion and sediment control measures are installed and operational, begin mass clearing as depicted on the plans and direct runoff towards silt fence via diversion dikes.
7. Immediately apply temporary seeding to all disturbed areas not to be brought to final grade for a period longer than 7 calendar days.

**Phase 2:**

1. Prior to commencing on Phase 2, contractor shall receive written authorization from the James City County Environmental Inspector.
2. Establish rough grades across newly cleared portion of the site and install new storm sewer infrastructure, drainage ditches, and culverts. Install inlet and outlet protection and check dams as shown on the plans. Ensure drainage towards ditches, silt fence, and inlets.
3. Install proposed water and sewer utilities.
4. Prepare subgrade and place base stone for access road and concrete pavement. Ensure that base stone is placed on the prepared subgrade to ensure that the underlying subgrade is not exposed at the end of each day of excavating operations.
5. Install asphalt paving and remaining pavement items.
6. Establish finished grade and final drainage patterns.
7. Seed and stabilize all surrounding slopes and other disturbed areas. Install VDOT EC-3 soil stabilization matting on all cut-and-fill slopes exceeding 6' in height as shown on the plans. Install VDOT EC-2 matting on all slopes steeper than 4:1 (H:V). Refer to Phase 2

Erosion and Sediment Control Plan and typical roadway sections for additional matting requirements.

8. At no point during construction shall any erosion and sediment control measure be removed without authorization to do so by the JCC Engineering and Resource Protection Division.
9. Seed and permanently stabilize any remaining disturbed areas; see E&S Notes for seed specifications.
10. Once the site is stabilized, all storm pipes shall be cleaned in a manner to capture and remove sediment without discharging to downstream ponds/channels.
11. Wetlands should be monitored throughout construction for any evidence of siltation. Any sediment impacts to wetlands areas shall be corrected immediately at the direction of the JCC Engineering and Resource Protection Division, USACOE, DEQ, and DCR.
12. After the completion of construction and with the written approval of the JCC Environmental Inspector, after flushing the stormwater conveyance system, remove all remaining sediment control measures.
13. File notice of termination.

3.8 Required Permits

The Developer will submit applications for all permits listed below. All permits will be secured before construction.

*Table 2. Required Permits for Development of Landbay 3.*

1.	Exception for Disturbance of Steep Slopes
2.	U.S. Corps of Engineers - State Programmatic General Permit
3.	DEQ - Water Protection General Permit (WP1)
4.	JCSA Construction Permit
5.	JCC Land Disturbing Permit
6.	JCC Certification to Construction and Standard Inspection/Maintenance Agreement for Stormwater
7.	General VSMP permit
8.	JCC Siltation Agreement with surety

## 4.0 PROPOSED MITIGATION MEASURES FOR PROPOSED IMPACTS

Land disturbance has been limited to the minimum area necessary for encroachments to the RPA buffer. The following section describes the proposed mitigation measures for these encroachments:

### 4.1 Erosion and Sediment Control Plan

Erosion and sediment controls are shown on the Construction Plans and are designed in accordance with *Virginia Erosion and Sediment Control Handbook, Third Edition, 1992*. Controls will be installed and maintained as to protect down-slope and downstream areas from sedimentation as much as practicable. Methods employed include: minimizing the disturbed area, installing perimeter silt fence around areas of disturbance, minimizing the length of time of disturbance, installing tree protection prior to land disturbing activities, and installing and maintaining a stabilized construction entrance.

Inspections of the erosion control measures will be conducted by the contractor, in accordance with *Virginia Stormwater Management Program (VSMP) Stormwater Construction Permit*, including after significant rainfall events, to ensure that erosion control measures are functioning properly. Seeding, fertilizing, mulching, and watering shall achieve permanent stabilization. The contractor will strictly adhere to the previously described, detailed 'Sequences of Construction' to minimize erosion and promote rapid stabilization.

### 4.2 Stormwater Management Plan

In evaluating stormwater management solutions for the Site, unique characteristics were considered, such as avoidance of Chesapeake Bay Preservation Area (CBPA) RPA and other environmentally sensitive areas.

The residential development will include construction of seven (7) dry stormwater ponds for storage and treatment of stormwater on-site prior to discharge into unnamed tributaries along the western property boundary of the site. These stormwater will discharge to various locations. Level spreaders have been incorporated into the outfall design of these BMPs to prevent concentrated stormwater flow and reduce erosion. These level spreaders have been placed as far down-slope as practicable to help convey water to the bottom of slopes to minimize the potential for erosion while minimizing impacts to existing wetlands.

All of the proposed BMPs have been designed in compliance with *the JCC's Guidelines for Design and Construction of Stormwater Management BMPs* (October 1999) and *Virginia Stormwater Management Handbook* (February 1999 edition). A stormwater management plan for all BMP's associated with the Site has been submitted to James City County for review.

### 4.3 Mitigation

Mitigation will be provided in accordance with *James City County Water Quality Impact Assessment (WQIA) Guidelines* D.2.3 which states that a Major Water Quality Assessment must include proposed mitigation measures. The proposed RPA buffer mitigation plan satisfies Options 3 of the *County Guidelines*.

Option #3 Demonstration that the design of the plan will preserve to the greatest extent possible, any significant trees and vegetation on site and will provide maximum erosion control and overload flow benefits from such vegetation;

The development of the Site will require the following RPA Impacts:

- 22,550 sqft for the sanitary sewer aerial crossings and
- 38,434 sqft for the construction and maintenance of level spreader structures.

Mitigation for these permanent RPA encroachments will be provided by on-site preservation of forested lands adjacent to the RPA at a ratio of 2:1.

Therefore, a total of 121,968 sqft (2.8 acres) of forested areas adjacent to the RPA buffer will be preserved as compensation for these unavoidable impacts to RPA's (Appendix B, Figure 5).

Some individual home sites contain RPA resources within the boundaries of their property. Concern was expressed by the James City County Engineering and Resource Protection Division that over time these homeowners may impact these resources unknowingly. To address this concern, an additional 50,298 square feet (1.15 acres) of on-site preservation is being provided at a 2:1 ratio to proactively compensate for any potential unauthorized RPA impacts that may occur in the future by individual homeowners.

In total the developer will place a conservation easement on 172,266 square feet (3.95 acres) of forested land on the Site for Undisturbed Natural Open Space.

*Table 3. Table of Mitigation Offered.*

<b>ON-SITE PRESERVATION</b>		
<b>Description</b>	<b>Type Mitigation Offered</b>	<b>Compensation Area (Square feet)</b>
Adjacent to RPA buffer	Conservation Easement	172,266

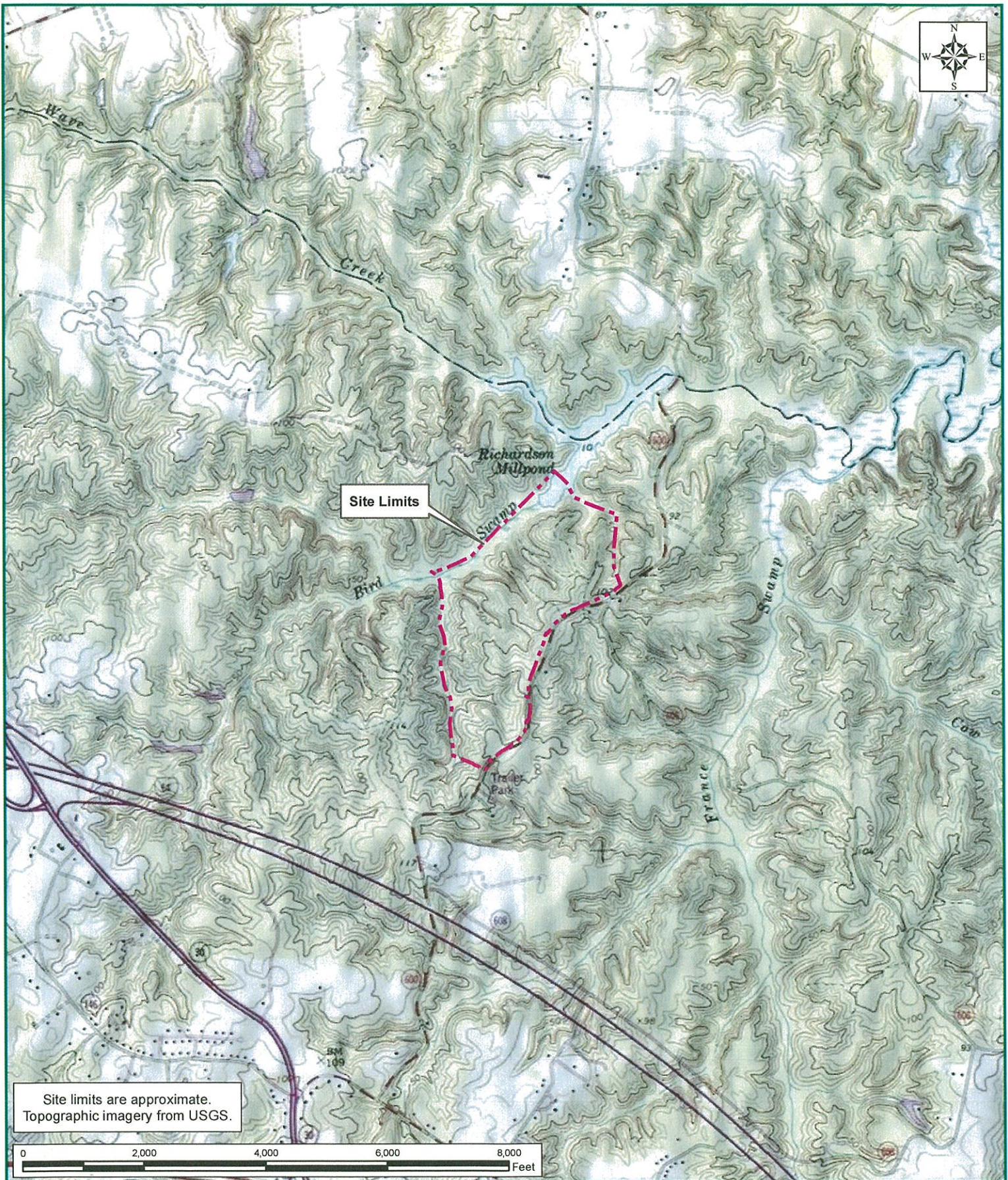
## 5.0 CONCLUSION

In summary, the findings of this WQIA indicate that:

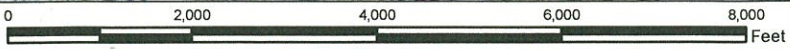
- The disturbance to existing wetlands and RPA features represents the minimum disturbance necessary to install the gravity sewer lines and Stormwater BMPs.
- The development will not result in significant disruption of the hydrology of the site;
- The development will not result in unnecessary destruction of plant materials on site;
- Proposed erosion and sediment control plans are adequate to achieve the reduction in runoff and prevent off-site sedimentation;
- Proposed on-site preservation will provide mitigation will preserve to the greatest extent possible, significant trees and vegetation on site and will provide maximum erosion control and overload flow benefits from such vegetation.
- Proposed on-site riparian buffer preservation will provide adequate mitigation for impacts to RPAs







Site limits are approximate.  
Topographic imagery from USGS.



**STONEHOUSE - TRACT 3, PARCEL "A", "B" & "C"**  
JAMES CITY COUNTY, VIRGINIA  
**FIGURE 1: VICINITY MAP**

**TIMMONS GROUP**  
YOUR VISION ACHIEVED THROUGH OURS.

TIMMONS GROUP JOB NUMBER: 34549  
PROJECT STUDY LIMITS: 179.7 ACRES  
LATITUDE: 37°25'39.48"N  
LONGITUDE: 76°47'46.86"W









U.S.G.S. QUADRANGLE(S): TOANO  
DATE(S): 1986  
WATERSHED(S): YORK  
HYDROLOGIC UNIT CODE(S): 02080107





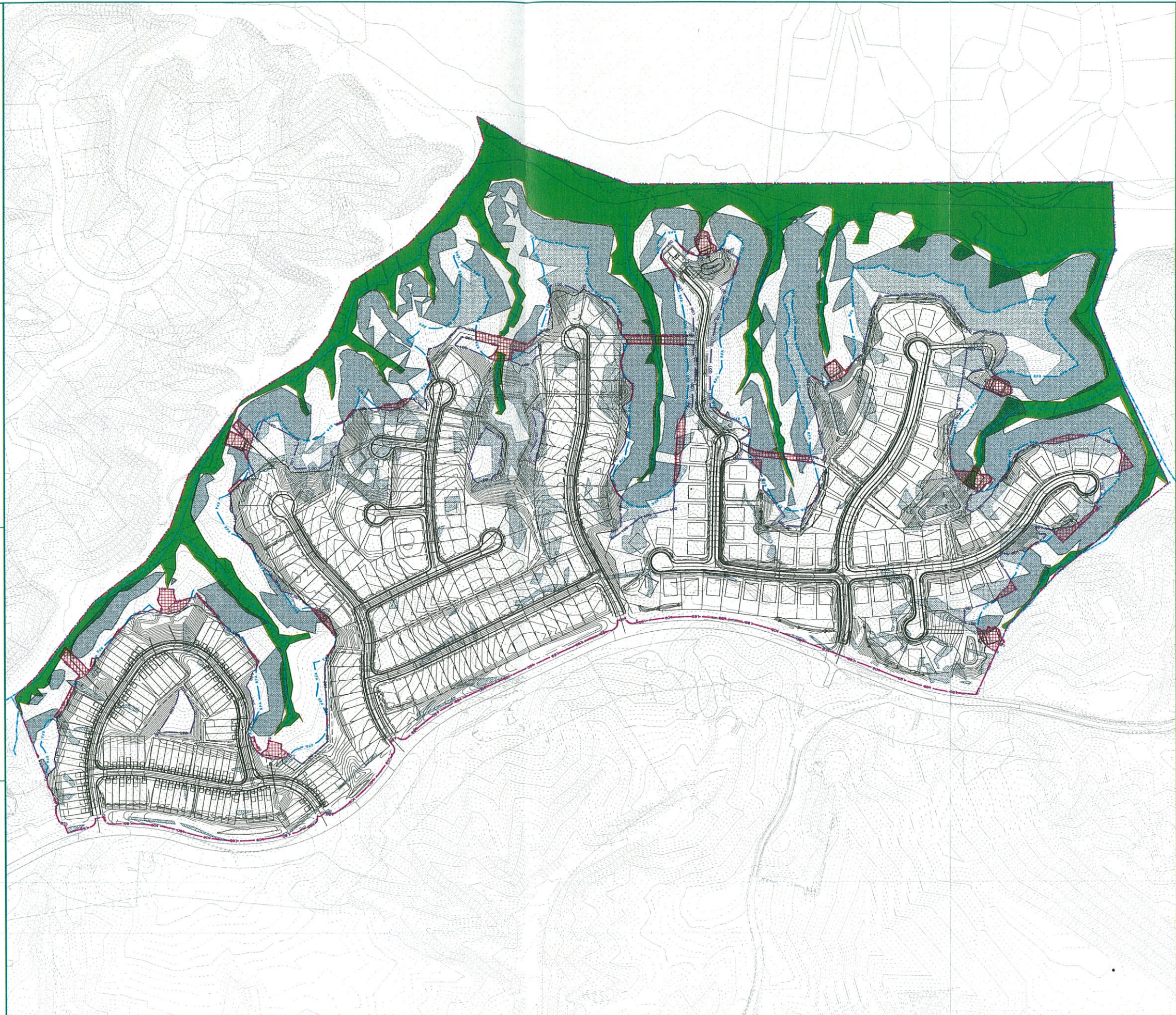


**Legend**

-  Project Study Limits - 179.7 Acres
-  Limits of Disturbance - 100.8 Acres
-  Resource Protection Area (RPA) - 70.2 Acres
-  Steep Slope - 50.6 Acres
-  RPA Impacts
-  RPA with Steep Slope
-  Streams
-  Wetlands

**NOTES:**

1. WATERS OF THE U.S. WITHIN THE PROJECT STUDY LIMITS HAVE BEEN GPS LOCATED BY TIMMONS GROUP.
2. WATERS OF THE U.S. HAVE NOT BEEN CONFIRMED BY THE U.S. ARMY CORPS OF ENGINEERS.
3. PROJECT STUDY LIMITS ARE APPROXIMATE.
4. TOPOGRAPHY BASED ON USGS LIDAR DATA.
5. COWARDIN STREAM CLASSIFICATIONS ARE BASED SOLELY ON FIELD OBSERVATIONS. NO FORMAL STREAM ASSESSMENT METHODOLOGY WAS COMPLETED TO DETERMINE THESE COWARDIN CLASSIFICATIONS.
6. RPA IMPACTS WITHIN THE PROJECT STUDY LIMITS ARE 2.8 ACRES. RPA WITH STEEP SLOPE AREAS WITHIN THE STUDY LIMITS ARE 29.6 ACRES. IMPERVIOUS SURFACES WITHIN THE RPA IN THE STUDY LIMITS ARE 0.0 ACRES.



Path: Y:\1804\34549\000-Stonehouse\_Env\_Eval\GIS\Wetland\_Impacts\WPA\Impacts\34549-WTIM\_RPA\_Slopes.mxd

THIS DRAWING PREPARED AT THE  
 CORPORATE OFFICE  
 1001 Builders Parkway, Suite 3001, Richmond, VA 23225  
 TEL 804.200.6500 FAX 804.560.1016 www.timmons.com

YOUR VISION ACHIEVED THROUGH OURS  
 Site Development | Residential | Infrastructure | Technology | Environmental

**TIMMONS GROUP**  
**STONEHOUSE - TRACT 3, PARCEL "A", "B" & "C"**  
 JAMES CITY COUNTY, VIRGINIA  
 RESOURCE PROTECTION AREA IMPACTS MAP

	REVISION DESCRIPTION		
DATE	4/27/17	DATE	4/27/2017
DRAWN BY	L. MAJOR	DESIGNED BY	-----
CHECKED BY	B. SEARCEY	SCALE	1" = 180'
JOB NO.	34549	SHEET NO.	1 of 1



Path: Y:\B04\34549\_000-Stonehouse\_Env\_Eval\GIS\Wetland\_Impacts\RP\Impacts\34549-WT\TM\_SteepSlopes.mxd

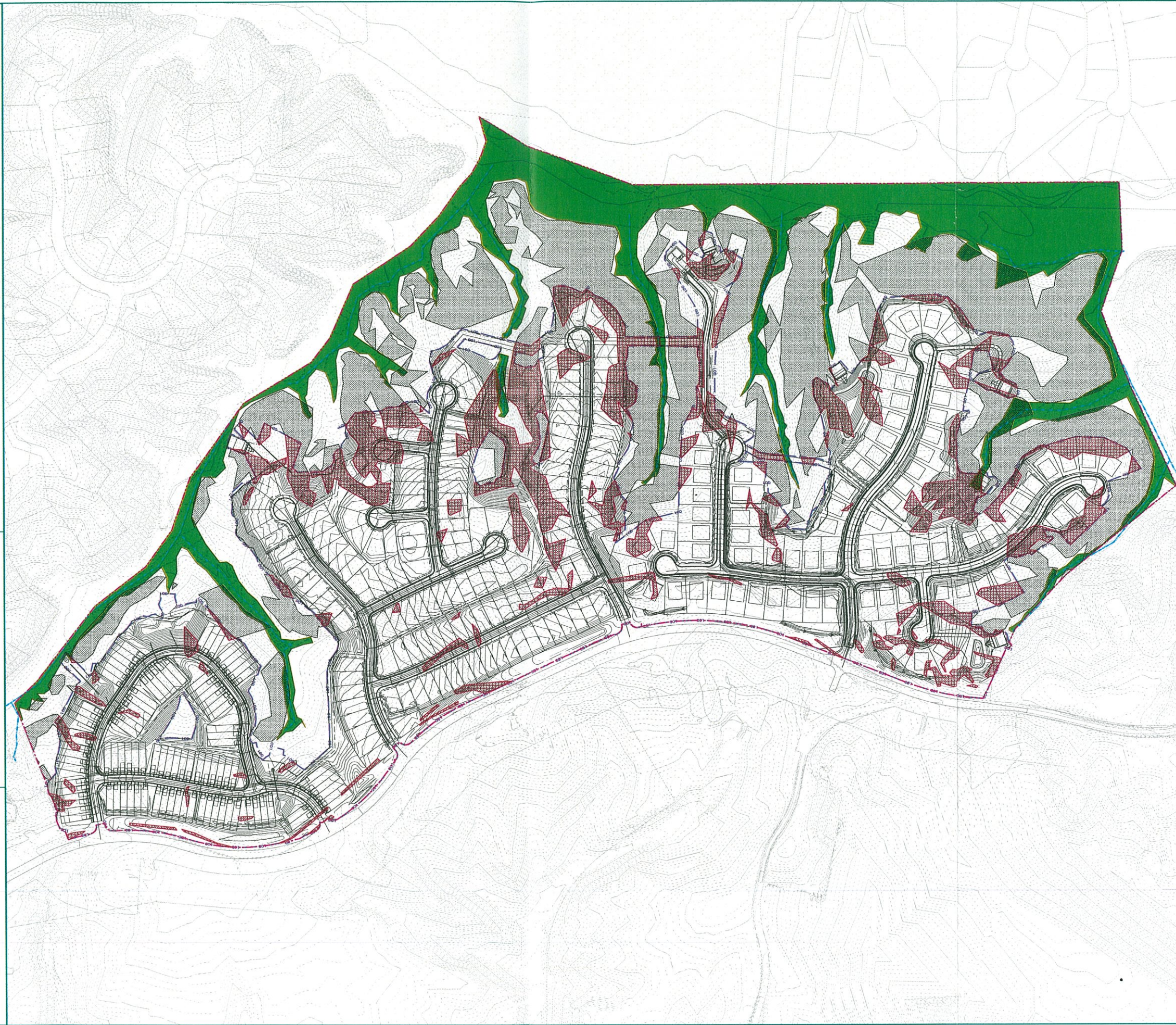
**NOTES:**

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2. WATERS OF THE U.S. HAVE NOT BEEN CONFIRMED BY THE U.S. ARMY CORPS OF ENGINEERS.
3. PROJECT STUDY LIMITS ARE APPROXIMATE.
4. TOPOGRAPHY BASED ON USGS LIDAR DATA.
5. COWARDIN STREAM CLASSIFICATIONS ARE BASED SOLELY ON FIELD OBSERVATIONS. NO FORMAL STREAM ASSESSMENT METHODOLOGY WAS COMPLETED TO DETERMINE THESE COWARDIN CLASSIFICATIONS.
6. STEEP SLOPE IMPACTS WITHIN THE PROJECT STUDY LIMITS ARE 15.5 ACRES.



**Legend**

- Project Study Limits - 179.7 Acres
- Limits of Disturbance - 100.8 Acres
- Steep Slope - 50.6 Acres
- Steep Slope Impacts
- Streams
- Wetlands



**TIMMONS GROUP**

**STONEHOUSE - TRACT 3, PARCEL "A", "B" & "C"**  
 JAMES CITY COUNTY, VIRGINIA  
 STEEP SLOPE IMPACTS MAP

YOUR VISION ACHIEVED THROUGH OUR  
 CORPORAATE OFFICE  
 1001 Builders Parkway, Suite 300 | Richmond, VA 23229  
 TEL 804.200.6500 FAX 804.550.1016 www.timmons.com

Site Development	Residential	Infrastructure	Technology	Environmental
DATE	4/27/17	REVISION DESCRIPTION		
		Additional impacts added at utility crossings		

DESIGNED BY  
 L. MAJOR

CHECKED BY  
 B. SEARCEY

SCALE  
 1" = 180'

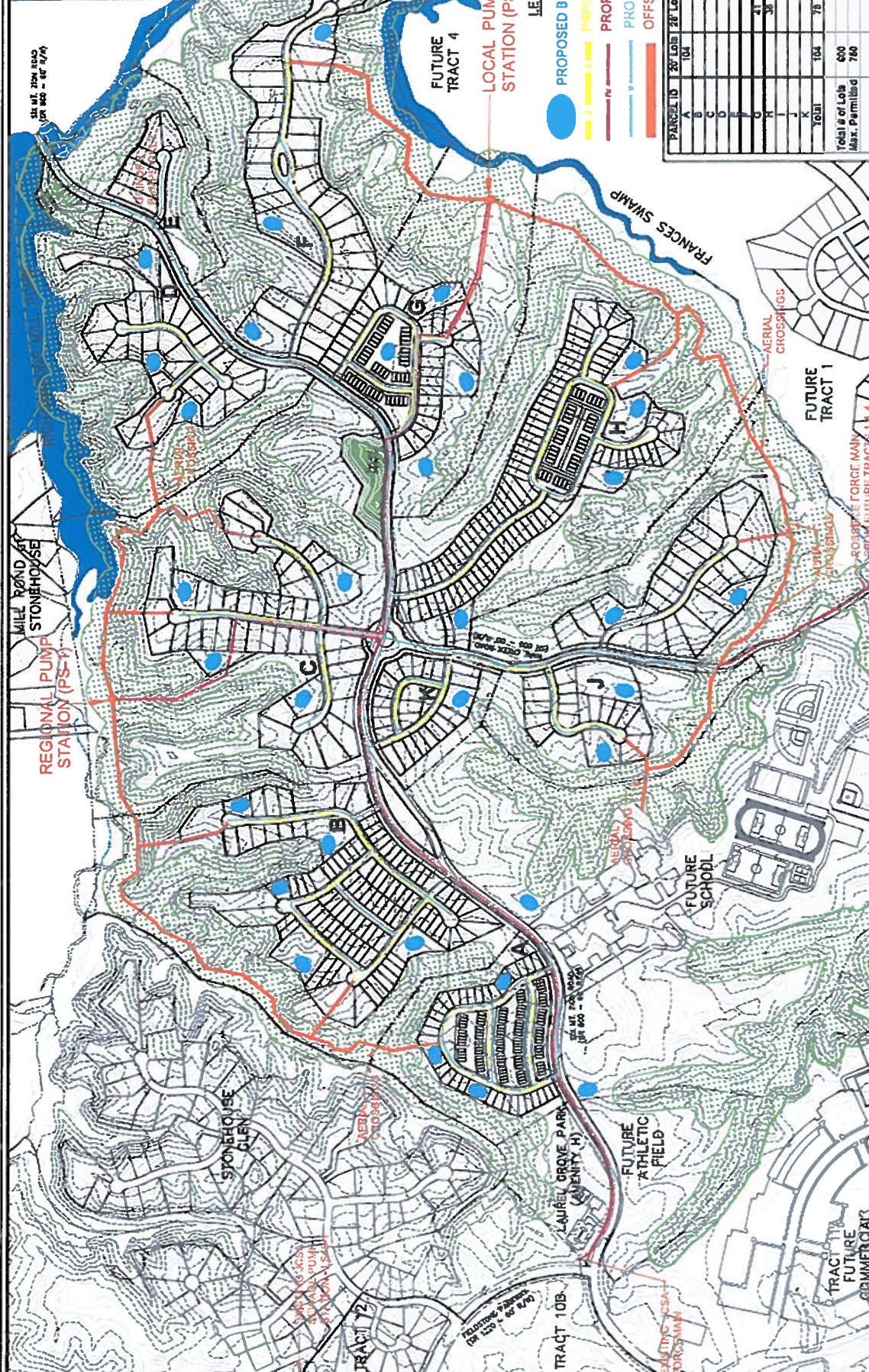
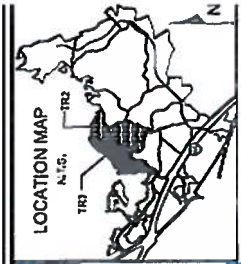
JOB NO.  
 34549

SHEET NO.  
 1 of 1









FUTURE TRACT 4  
LOCAL PUMP STATION (PS-2)

LEGEND

- PROPOSED BMP
- PROPOSED ON-SITE GRAVITY SEWER
- PROPOSED SEWER FORCEMAIN
- PROPOSED WATER MAIN
- OFFSITE GRAVITY SEWER OUTFALL

PARCEL ID	20' LOTS	28' LOTS	50' LOTS	60' LOTS	80' LOTS	100' LOTS	100' LOTS
A	104	30	30	12			
B		66		41			
C				27			
D				6			
E			41		29		
F			35	86			
G					18	21	
H					24		
I					71	107	35
J							
K							
TOTAL	104	76	204	211	107	35	
Total # of Lots	600	268	502	350			
Max. Permitted	760	400	350				

DE W/1 25th 1945  
LOT 600 - 60' x 70'

MILL ROAD AT  
STONEHOUSE  
REGIONAL PUMP STATION (PS-1)

STONEHOUSE GLEN

LAUREL GROVE PARK  
(AVENUE H)

TRACTION 10B

FUTURE ATHLETIC FIELD

FUTURE SCHOOL

TRACTION 10C

TRACTION 10D

TRACTION 10E

TRACTION 10F

TRACTION 10G

WARE CREEK

FRANCES SWAMP

AERIAL CROSSING 1

AERIAL CROSSING 2

AERIAL CROSSING 3

AERIAL CROSSING 4

AERIAL CROSSING 5

ROBBIE FORCE MAIN FROM FUTURE TRAC 2, 1 & 4

TRACTION 10A

TRACTION 10B

TRACTION 10C

TRACTION 10D

TRACTION 10E

TRACTION 10F

TRACTION 10G

TRACTION 10H

TRACTION 10I

TRACTION 10J

TRACTION 10K

TRACTION 10L

WSP - SELLS

STONEHOUSE

JAMES CITY COUNTY, VIRGINIA

PRELIMINARY MASTER PLAN

TRACTS 2 & 3

DATE: 09/08/2010

PROJECT: 10-4027

WSP - SELLS

STONEHOUSE

JAMES CITY COUNTY, VIRGINIA

PRELIMINARY MASTER PLAN

TRACTS 2 & 3

DATE: 09/08/2010

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WSP - SELLS

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JAMES CITY COUNTY, VIRGINIA

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STONEHOUSE

JAMES CITY COUNTY, VIRGINIA

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JAMES CITY COUNTY, VIRGINIA

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TRACTS 2 & 3

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STONEHOUSE

JAMES CITY COUNTY, VIRGINIA

PRELIMINARY MASTER PLAN

TRACTS 2 & 3

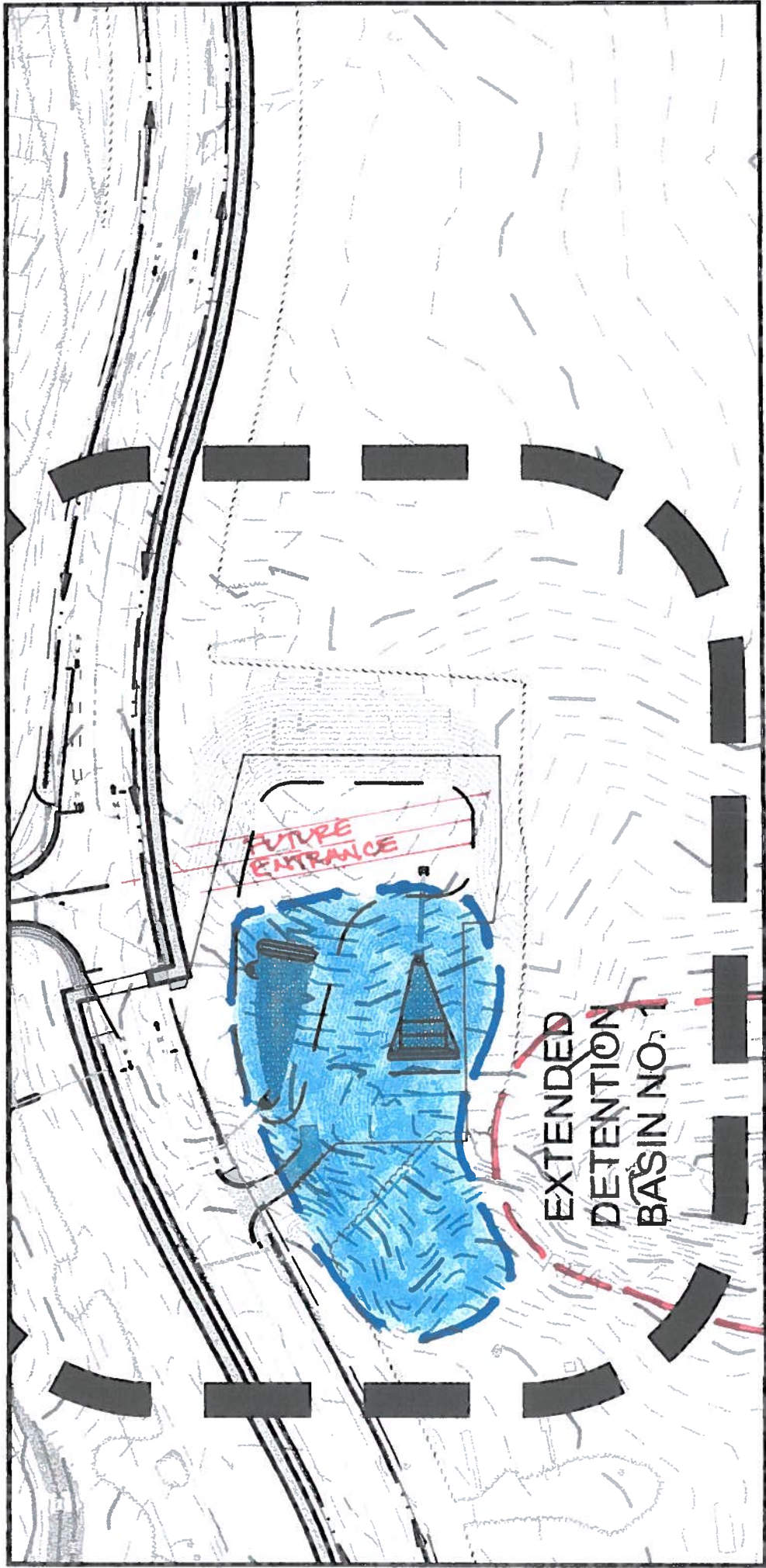
DATE: 09/08/2010

PROJECT: 10-4027





**EXTENDED  
DETENTION  
BASIN NO. 2**



APPROXIMATELY 950' BETWEEN  
ENTRANCES INTO PARCEL A



## **PUBLIC HEARING NOTICE**

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA WILL HOLD PUBLIC HEARINGS **WEDNESDAY JUNE 14, 2017 AT 7 p.m.** IN THE BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE WETLANDS BOARD WILL CONSIDER THE FOLLOWING CASES:

W-26-17/VMRC 17-0748: Jeffrey Moore has applied for a wetlands permit for extension of an existing breakwater and installation of a timber wall and beach sand fill at 164 The Maine in the Greater First Colony subdivision, JCC Parcel No 4540200055.

W-27-17/VMRC 17-0769: Michael and Maureen O'Brien have applied for a wetlands permit to install a quarry stone revetment at 7588 Uncles Neck in the Rivers Bend at Uncles Neck subdivision, JCC Parcel No 2010200022.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBE-17-080: Richard Pinard has filed an exception request for encroachment into the RPA buffer for construction of a single family dwelling at 200 Riverview Plantation Dr in the Riverview Plantation subdivision, JCC Parcel No 1640600031.

CBE-17-084: Martin Mather with Omega Development LLC has filed an exception request for encroachment into the RPA buffer for construction of a single family dwelling at 102 Walton Heath in the Fords Colony subdivision, JCC Parcel No 3810300019.

CBE-17-065: Colonial Heritage LLC has filed an exception request for encroachment into the RPA buffer associated with the proposed sanitary sewer connections for the Colonial Heritage Phase III, Section 2 subdivision at 6799 Richmond Rd, JCC Parcel No 2430100032.

CBE-17-087: SCP-JTL Stonehouse Owner 2, LLC has filed an exception request for encroachment into the RPA buffer associated with the proposed sanitary sewer connections for the Stonehouse Tract 3 subdivision at 9351 Six Mt Zion Rd, JCC Parcel No 0540100015.

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 Mounts Bay Road, Bldg E, James City County, Virginia.

## **NOT FOR PUBLICATION**

DISPLAY: WEDNESDAY – May 31, and June 7, 2017.

ACCOUNT NO.: 0011040200 - VIRGINIA GAZETTE

COPIES: PLANNING  
ASSISTANT COUNTY ATTORNEY  
WETLAND/CHESAPEAKE BAY BOARD MEMBERS





**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

May 24, 2017

RE: CBE-17-087 – 9351 Six Mt Zion Rd  
Stonehouse Tract 3  
Sanitary sewer connections

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 SCP-JTL Stonehouse Owner 2, LLC for encroachment into the Resource Protection Area (RPA) associated with proposed sanitary sewer connections for the Stonehouse Tract 3 subdivision located at 9351 Six Mt Zion Rd. The property is further identified by James City County Real Estate as Parcel No. 0540100015.

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, June 14, 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: SCP-JTL Stonehouse Owner 2, LLC  
Kerr Environmental Services



Mailing List for: CBE-17-087 – Stonehouse Tract 3 - 9351 Six Mt Zion Rd - sanitary sewer impacts

Owner - 0540100015 - 9351 Six Mt Zion Rd

0630100005 - 9800 Six Mt Zion Rd

0630100006 - 9550 Six Mt Zion Rd

0540100011 - 9250 Six Mt Zion Rd

SCP-JTL Stonehouse Owner 2 LLC

4807 W Lovers Lane Fl 2

Dallas, TX 75209-3137

Kerr Environmental Services

Attn: Curtis Hickman

1008 Old Virginia Beach Rd, Suite 200

Virginia Beach, VA 23451

0540100017 - 9205 Six Mt Zion Rd

0540400001B - Common Area Natural Open

Space 2 Stonehouse Glen

Stonehouse Owners Foundation

603 Pilot House Drive

Newport News, VA 23606-1904

0520600001B & 0520700001A - Common

Areas S-1 & S2 Richardson's Mill

0520600001A - 9701 Mill Pond Run

0520400001A - Common Area S-3 Bent Tree

The Association at Stonehouse Inc

9701 Mill Pond Run

Toano, VA 23168-9606

0540100001 - 9958 Mill Pond Run

Alvis Golden

709 Teach Street

Hampton, VA 23661-2025

0540300007 - 3320 Plank Road

Timothy and Carrol Hyatt

202 Corrotoman Run

Yorktown, VA 23693-2771

0540300008

Ross Cooper & Ann Holt Haines

3323 plank Road

Toano, VA 23168-9631

0540300009 - 3319 Plank Rd

Roy Carrithers

c/o Cozy Homes Management LLC

707 Mobjack Place

Newport News, VA 23606-1929

0520600021 - 3328 Yarding Way

William III and Connie Ludtke

4677 Westhampton

Williamsburg, VA 23188-7274

0520600032 - 9990 Mill Pond Run

Richard & Mary Hawley

415 Ashway Cove

Newport News, VA 23606-1267

0520600033

Rene Leeds and Richard Montieth II

9992 Mill Pond Run

Toano, VA 23168-9637

0520600034 - 9994 Mill Pond Run

Stanley and Susan Curtis

272 Mar Street

St Pete Beach, FL 33706-2810

0520600035 - 9996 Mill Pond Run

Steven and Renee Christensen

202 Camden Yard Court

Guyton, GA 31312-4534

0520600036 - 9991 Mill Pond Run

Timothy and Candace Cleary

103 Lands End Drive

Williamsburg, VA 23185-3125

0520600037 - 9989 Mill Pond Run

David and Jane Wills

3700 S Square

Williamsburg, VA 23188

0520600038 - 9987 Mill Pond Run

Rita Hyatt

13 Corbin Dr

Newport News, VA 23606-2901

0520700006 - 3328 Sawyer Way

Clarence and Nancy Brown

24718 Tribe Square, Apt 406

Sterling, VA 20166-2661

0520700007 - 3332 Sawyer Way

Fred and Starla Phelps

1519 North Chambliss St

Alexandria, VA 22312-3025

0520700008

John Streiff and Karen Young  
3331 Sawyer Way  
Toano, VA 23168-9640

0520700009 - 3323 Sawyer Way

John and Helen Lenahan  
6718 Amherst Dr  
Hoschton, GA 30548

0520700027 - 3348 Morning Mist Lane

Kevin and Christine Brown  
41 Reflection Drive  
Sandwich, MA 02563

0520700028 - 3352 Morning Mist Lane

Jerry and Janet Moore  
2273 West Island Road  
Williamsburg, VA 23185-7684

Holly Fork Rd - New Kent County

Jonathan Kinney and Ralph Johnson  
PO Box 7139  
Arlington, VA 22207

**ITEM SUMMARY**

DATE: 6/14/2017  
TO: Chesapeake Bay Board  
FROM: Michael Woolson, Senior Watershed Planner  
SUBJECT: CBE-17-065 : Colonial Heritage Phase 3, Section 2

---

Colonial Heritage LLC has filed an exception request for encroachment into the RPA buffer associated with the proposed sanitary sewer connections for the Colonial Heritage Phase 3, Section 2 subdivision.

**ATTACHMENTS:**

	Description	Type
▣	Staff Report	Staff Report
▣	Resolution	Resolution
▣	Water Quality Impact Assessment	Backup Material
▣	Exhibit A	Backup Material
▣	Exhibit B	Backup Material
▣	Exhibit C	Backup Material
▣	Exhibit D	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	6/8/2017 - 9:37 AM
Chesapeake Bay Group	Holt, Paul	Approved	6/8/2017 - 10:00 AM
Publication Management	Burcham, Nan	Approved	6/8/2017 - 10:02 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	6/8/2017 - 10:39 AM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBE-17-065. Colonial Heritage Phase 3, Section 2  
Staff Report for the June 14, 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: Colonial Heritage LLC

Agent: Ryan Stevenson, AES Consulting Engineers

Location: 6799 Richmond Road

Tax Map/Parcel No.: 2430100032

Legal Description: Colonial Heritage

Parcel Size: 133.19 acres +/-

Area of parcel in Resource Protection Area (RPA): 37 acres +/- (28%)

Watershed: Yarmouth Creek (HUC JL28)

Floodplain: Panel 0106D  
Zone AE, base flood elevation 7.0 feet Mean Sea Level  
Zone X, areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood

Proposed Activity: To construct sanitary sewer connections associated with the development of the Stonehouse Tract 3 project

Impervious Cover: Approximately 402 square feet

RPA Encroachment: Impervious cover within the seaward 50-foot Resource Protection Area (RPA) buffer and 25,210-square-feet of RPA conversion for permanent sanitary sewer easements

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

**BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES**

Mr. Ryan Stevenson of AES Consulting Engineers, on behalf of Colonial Heritage LLC, has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of sanitary sewer connections on property known as 6799 Richmond Road, in the Colonial Heritage subdivision and within the Yarmouth Creek watershed. The property is further identified as James City County Tax Map Parcel No. 2430100032. The parcel is part of the overall Colonial Heritage development that was rezoned in by the Board of Supervisors in 2000.

This exception request is intended to address RPA impacts associated with the development of Colonial Heritage Phase 3, Section 2, James City County Plan No. S-0010-2017. The total sanitary sewer impacts associated with these projects is 25,210-square-feet and includes the permanent easements that will be dedicated to the James City Service Authority for operation and maintenance. There are two aerial crossings of wetland systems in this proposal, which adds approximately 402-square-feet of impervious cover within the RPA.

For large scale utility impacts such as those proposed, standard County practice is to require an area that is equal to two times the impact area of forested land to be placed into a Natural Open Space easement. This area should be adjacent to RPA for maximum water quality benefit. The total RPA impact for both sanitary and storm sewer impacts is 25,210 square feet, which requires a total area of 1.19 acres. The proposed mitigation for these project impacts is a Natural Open Space easement of 1.19 acres. In addition, all unimpacted wetlands and RPA will also be placed into a Natural Open Space easement. These easements and the Deeds will be recorded concurrent with any plats for the adjacent building lots.

### **STAFF EVALUATION**

Staff has evaluated the application and exception request for the construction of the retaining walls and sidewalk and finds that the application meets the conditions in Sections 23-11 and 23-14. The application should be heard by the Board, because sanitary sewer impacts are not water dependent.

### **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 a dedicated Natural Open Space easement of 1.19 acres adjacent to RPA. This proposal exceeds the County mitigation requirements.

### **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-17-065 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. Should the Board wish to approve, staff recommends that the following conditions be 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 \$5,000 will be required in a form acceptable to the County Attorney's office to guarantee the dedication of the Natural Open Space deed and easement. Once all 1.19 acres has been dedicated, the surety will be returned; and

3. This exception request approval shall become null and void if construction has not begun by June 14, 2018. 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.

MDW/nb  
CBE17-065CHeritagePh3

Attachments:

1. Resolution
2. Water Quality Impact Assessment
3. Exhibit A
4. Exhibit B
5. Exhibit C
6. Exhibit D

## RESOLUTION

CASE NO. CBE-17-065. COLONIAL HERITAGE PHASE 3, SECTION 2.

### JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Ryan Stevenson of AES Consulting Engineers, on behalf of Colonial Heritage LLC (the "Applicant"), has applied to the Chesapeake Bay Board of James City County (the "Board") 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 Parcel No. 2430100032 and further identified as 6799 Richmond Road in the Colonial Heritage subdivision (the "Property") as set forth in the application CBE-17-065 for the purpose of installing sanitary sewer connections for the Colonial Heritage Phase 3, Section 2 subdivision; 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. A \$5,000 will be required in a form acceptable to the County Attorney's office to guarantee the dedication of the Natural Open Space deed and easement. Once all 1.19 acres has been dedicated, the surety will be returned; and

- c. This exception request approval shall become null and void if construction has not begun by April 12, 2018. Written requests for an extension to an exception shall be submitted to the Engineering and Resource Protection Division no later than six-weeks prior to the expiration date.

\_\_\_\_\_  
David Gussman  
Chair, Chesapeake Bay Board

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

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 14th day of June, 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: \_\_\_\_\_

CBE17-065CHeritagePh3-res



# Water Quality Impact Assessment

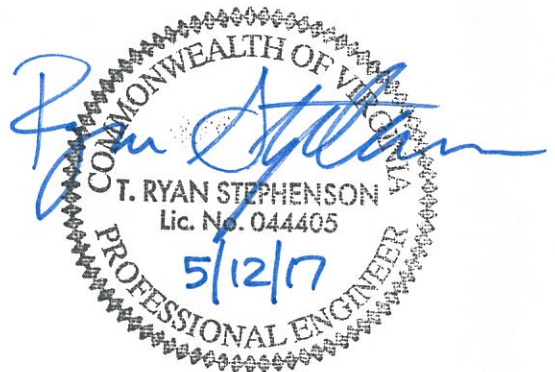
## Phase III, Section 2

For



**COLONIAL HERITAGE**

*Williamsburg, Virginia*



Original: January 16, 2017  
Revised: May 12, 2017



CONSULTING ENGINEERS

Prepared by:

**AES Consulting Engineers**

5248 Olde Towne Road, Suite 1

Williamsburg, VA 23188

(757) 253-0040 Fax: (757) 220-8994

<http://www.aesva.com>

## Table of Contents

### **I. INTRODUCTION**

### **II. MAJOR WATER QUALITY IMPACT ASSESSEMENT**

A. Identification of the impact and the required information for review

B. Proposed mitigation

### **III. CONCLUSION**

### **IV. APPENDIX**

- Exhibit A

## **I. INTRODUCTION**

Colonial Heritage, LLC is proposing the residential subdivision of 171.74 acres into the 156-lot Phase III – Section 2 within the Colonial Heritage subdivision. The site is located south of the approved Phase III – Section 1 and north of Yarmouth Creek.

The purpose of this assessment is to summarize and organize information about the proposed impacts to the Chesapeake Bay Preservation Area(s) (CBPAs), which are reasonably necessary for the development of this property, and to identify proposed mitigation that addresses such impacts.

For the purposes of this report, there are twelve (12) specific areas of CBPA impacts in the project area; Section 23-7 of the James City County Chesapeake Bay Ordinance generally categorizes these impacts. Exhibit A, submitted with this report, identifies the relative location of the impacts. Upon approval of the formal exception, the proposed mitigation described in this assessment will be incorporated into the submitted subdivision plans, which are required as part of the development review process.

The total CBPA impacted approximately amounts to 25,207 square feet, in which case this assessment shall be considered a Major Water Quality Impact.

## **II. MAJOR WATER QUALITY IMPACT ASSESSMENT**

### **A. Identification of Impacts and Required Information for Review**

A majority of the site, within the limits of construction, is moderately sloped, averaging 2-10%, with smaller areas exceeding 10%. A majority of lands sloped 10-25% are located in RPA buffers and (with the exceptions listed below) shall not be disturbed. The hydrologic soil groups found to be located on this site are primarily hydrologic group C that generally indicates a low infiltration rate, with a majority of these soils being located in RPA buffers and wetlands. Exhibit A more clearly delineates the various soils and their relative hydrological classification, erosive characteristics and typical slopes.

#### Non-Tidal Wetlands in RPA Impact No. 1

Impact No. 1 is for the construction of the sanitary sewer connection from proposed sanitary manhole 32-45 to existing sanitary manhole 14-19. The area of this impact is 1,012 square feet or 0.02 acres. Refer to WQIA Exhibit C for sanitary sewer profile within Impact No. 1.

#### RPA Buffer Impact No. 2

Impact No. 2 is for the construction of the sanitary sewer connection from proposed sanitary manhole 32-45 to existing sanitary manhole 14-19. The area of this impact is 3,487 square feet or 0.08 acres. Refer to WQIA Exhibit C for sanitary sewer profile within Impact No. 2.

#### Non-Tidal Wetlands in RPA Impact No. 3

Impact No. 3 is for the construction of the sanitary sewer connection from proposed sanitary manhole 32-29 to existing sanitary manhole 14-17. The area of this impact is 1,234 square feet or 0.03 acres. Refer to WQIA Exhibit C for sanitary sewer profile within Impact No. 3.

#### RPA Buffer Impact No. 4

Impact No. 4 is for the construction of the sanitary sewer connection from proposed sanitary manhole 32-29 to existing sanitary manhole 14-17. The area of this impact is 3,973 square feet or 0.09 acres. Refer to WQIA Exhibit C for sanitary sewer profile within Impact No. 4.

#### RPA Buffer Impact No. 5

Impact No. 5 is for the construction of the sanitary sewer connection from proposed sanitary manhole 32-20 to existing sanitary manhole 1-56. The area of this impact is 2,769 square feet or 0.06 acres. Refer to WQIA Exhibit B for sanitary sewer profile within Impact No. 5.

Non-Tidal Wetlands in RPA Impact No. 6

Impact No. 6 is for the construction of the sanitary sewer connection from proposed sanitary manhole 32-20 to existing sanitary manhole 1-56. The area of this impact is 2,697 square feet or 0.06 acres. Refer to WQIA Exhibit B for sanitary sewer profile within Impact No. 6.

RPA Buffer Impact No. 7

Impact No. 7 is for the construction of the sanitary sewer connection from proposed sanitary manhole 32-20 to existing sanitary manhole 1-56. The area of this impact is 1,087 square feet or 0.02 acres. Refer to WQIA Exhibit B for sanitary sewer profile within Impact No. 7.

RPA Buffer Impact No. 8

Impact No. 8 is for the construction of the BMP #17 outfall. The area of this impact is 792 square feet or 0.02 acres.

RPA Buffer Impact No. 9

Impact No. 9 is for the construction of the sanitary sewer connection from proposed sanitary manhole 32-0 to existing sanitary manhole 1-80B. The area of this impact is 5,148 square feet or 0.12 acres. Refer to WQIA Exhibit D for sanitary sewer profile within Impact No. 9.

Non-Tidal Wetlands in RPA Impact No. 10

Impact No. 10 is for the construction of the sanitary sewer connection from proposed sanitary manhole 32-0 to existing sanitary manhole 1-80B. The area of this impact is 2,491 square feet or 0.06 acres. Refer to WQIA Exhibit D for sanitary sewer profile within Impact No. 10.

RPA Buffer Impact No. 11

Impact No. 11 is for the construction of the sanitary sewer connection from proposed sanitary manhole 32-0 to existing sanitary manhole 1-80B. The area of this impact is 365 square feet or 0.01 acres. Refer to WQIA Exhibit D for sanitary sewer profile within Impact No. 11.

RPA Buffer Impact No. 12

Impact No. 12 is for the removal of six (6) existing trees and the construction of proposed additional riprap channel lining of storm system 32-2-1 outfall. The area of this impact is 152 square feet or 0.003 acres.

Careful consideration has been taken to minimize the impacts for the proposed development. Exhibit A, submitted with this report, identifies the location of this impact. Exhibits B, C, and D submitted with this report show the profiles of the proposed sanitary sewer, which includes the pipe material, pipe size, and pipe slope. The proposed mitigation described in this assessment has been incorporated into the construction plans for the subdivision, which are required as part of the development review process.

Although not dependent on the review and approval of this assessment, required permits necessary to develop this project include: General Virginia Stormwater Management Program (VSMP) Permit, Corps of Engineers Wetland Disturbance Permit, Virginia Department of Environmental Quality's Virginia Water Protection General Permit, Land-Disturbing Permit and Siltation Agreement, and JCSA Construction Permit. These and any other permits that may be required shall be (if not already) applied for at the appropriate time.

## **B. Proposed Mitigation**

Mitigation to the grading shall include minimal disturbance to existing vegetation. Initial mitigation efforts for these impacts shall include E&S measures as described in the Virginia Erosion & Sediment Control Handbook, such as permanent seeding that will incorporate a conservation seed mix applicable to the special requirements of the RPA, super silt fencing, and ECSC-3 straw/coconut turf reinforcement matting (manufactured by East Coast Erosion Control or equal). These elements have been designed such that the preservation of existing vegetation will be preserved to the greatest extent possible. These stabilization measures are located in the construction plans for Colonial Heritage Phase III – Section 2 plans submitted on November 5, 2016. Further mitigation shall include a Natural Open Space Easement dedicated to James City County that totals twice the acreage of the RPA/Non-tidal wetlands in RPA impacts provided with this report. The total area of dedication shall be 51,998 S.F. or 1.19 acres.

## **III. CONCLUSION**

In summary, the findings of this Major Water Quality Impact Analysis indicate that:

- All measures or methods have been explored to avoid any impact to the CBPA. When unavoidable, the impacted area has been minimized to the greatest extent possible.
- Extensive measures were also employed to minimize the effects of the subsequent discharge of stormwater to the receiving channel and wetlands.
- E&S measures, conservation seeding and additional natural open space have been provided in order to mitigate for the impacts noted.

## **IV. APPENDIX**

(Please refer to attached Exhibit A, B, C, and D)



SOIL No.	SOIL NAME	HYDROLOGIC SOIL GROUP	TYPICAL SLOPES	EROSION FACTOR (K)	EROSION FACTOR (T)
11C	GRAVEN - UCHEE COMPLEX	C	6-10%	0.32-0.37	3
14C	EMPORIA FINE SANDY LOAM	C	6-10%	0.20-0.28	4
15D	EMPORIA COMPLEX	C	10-15%	0.20-0.28	4
15E	EMPORIA COMPLEX	C	15-25%	0.20-0.28	4
15F	EMPORIA COMPLEX	C	25-50%	0.20-0.28	4
17	JOHNSTON COMPLEX	D	0-2%	0.17-0.20	5
18B	KEMPSVILLE FINE SANDY LOAM	B	2-6%	0.24-0.32	3
34B	UCHEE LOAMY FINE SAND	A	2-6%	0.20-0.28	5
34C	UCHEE LOAMY FINE SAND	A	6-10%	0.20-0.28	5

INFORMATION TAKEN FROM "SOIL SURVEY OF JAMES CITY AND YORK COUNTIES AND THE CITY OF WILLIAMSBURG, VIRGINIA" ISSUED IN APRIL, 1985, BY THE UNITED STATES DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE IN COOPERATION WITH VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY.

SOIL SUSCEPTIBILITY TO EROSION CLASSIFICATION (K)  
 0.23 AND LOWER - LOW ERODIBILITY  
 0.23 TO 0.36 - MODERATE ERODIBILITY  
 0.36 AND UP - HIGH ERODIBILITY

THE MAP SHOWN IS A "BEST FIT MODEL" OF THE SCS MAPS WITH EXISTING BASE INFORMATION.

LEGEND:

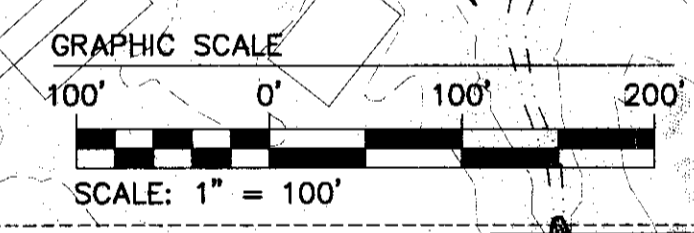
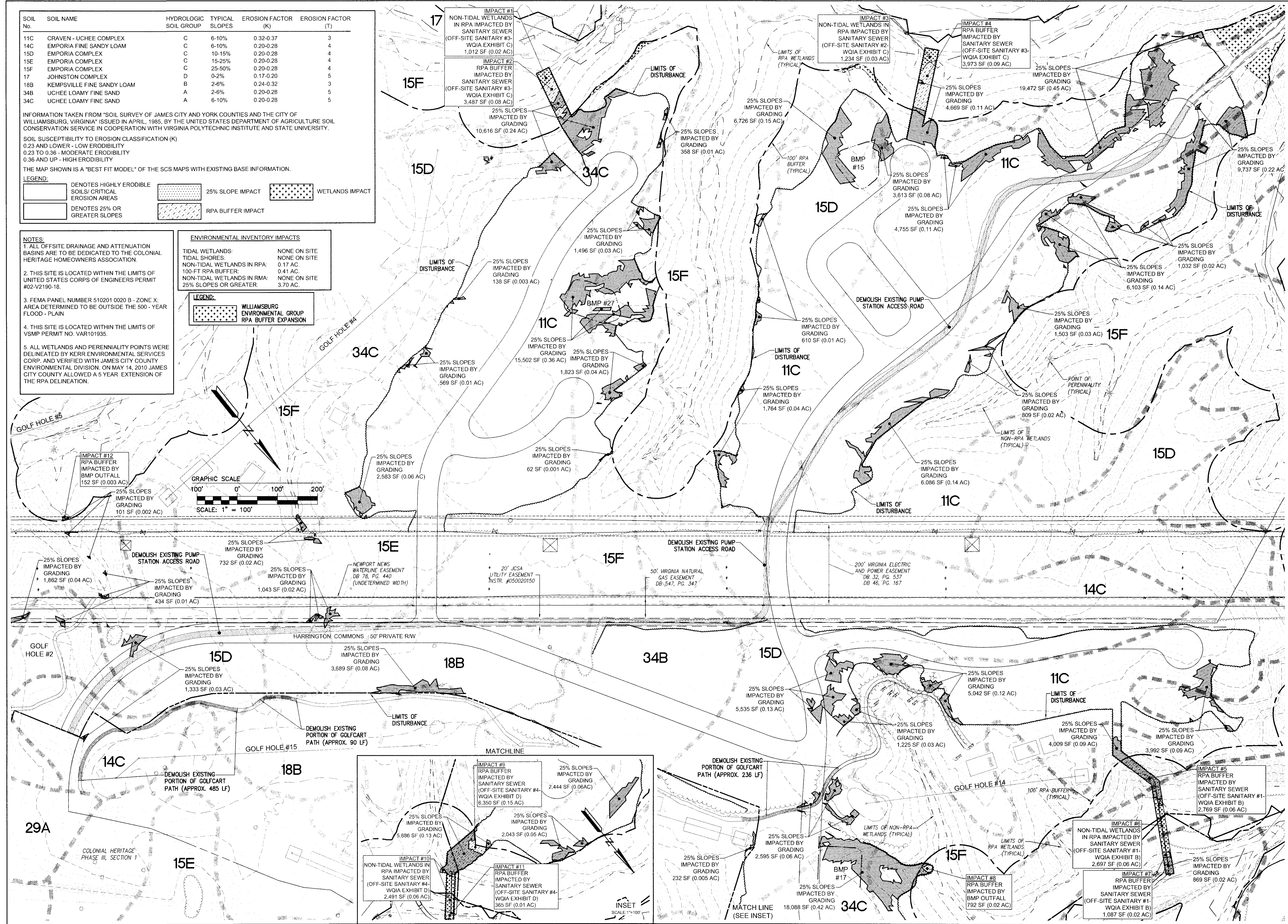
	DENOTES HIGHLY ERODIBLE SOILS/ CRITICAL EROSION AREAS		25% SLOPE IMPACT		WETLANDS IMPACT
	DENOTES 25% OR GREATER SLOPES		RPA BUFFER IMPACT		

NOTES:  
 1. ALL OFFSITE DRAINAGE AND ATTENUATION BASINS ARE TO BE DEDICATED TO THE COLONIAL HERITAGE HOMEOWNERS ASSOCIATION.  
 2. THIS SITE IS LOCATED WITHIN THE LIMITS OF UNITED STATES CORPS OF ENGINEERS PERMIT #02-V2190-18.  
 3. FEMA PANEL NUMBER 510201 0020 B - ZONE X. AREA DETERMINED TO BE OUTSIDE THE 500 - YEAR FLOOD - PLAIN  
 4. THIS SITE IS LOCATED WITHIN THE LIMITS OF VSPM PERMIT NO. VAR101935.  
 5. ALL WETLANDS AND PERENNIALITY POINTS WERE DELINEATED BY KERR ENVIRONMENTAL SERVICES CORP. AND VERIFIED WITH JAMES CITY COUNTY ENVIRONMENTAL DIVISION. ON MAY 14, 2010 JAMES CITY COUNTY ALLOWED A 5 YEAR EXTENSION OF THE RPA DELINEATION.

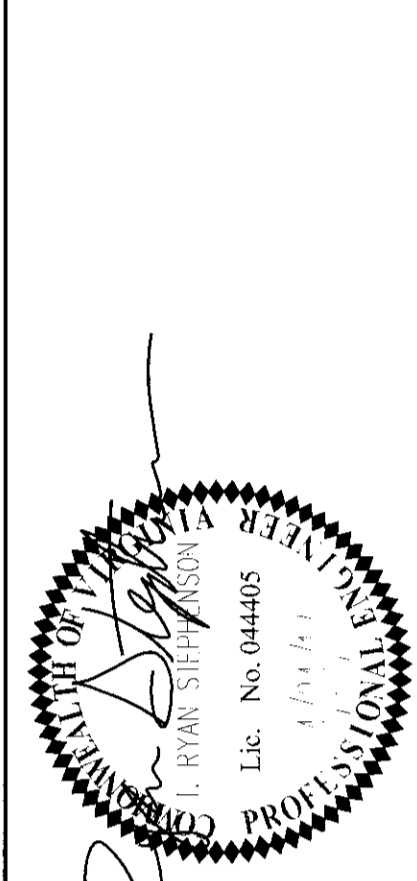
ENVIRONMENTAL INVENTORY IMPACTS

TIDAL WETLANDS:	NONE ON SITE
TIDAL SHORES:	NONE ON SITE
NON-TIDAL WETLANDS IN RPA:	0.17 AC.
100-FT RPA BUFFER:	0.41 AC.
NON-TIDAL WETLANDS IN RMA:	NONE ON SITE
25% SLOPES OR GREATER:	3.70 AC.

LEGEND:  
 WILLIAMSBURG ENVIRONMENTAL GROUP RPA BUFFER EXPANSION



DATE	04/24/17
PROJECT	REVISED REP COUNTY COMMENTS
SCALE	1" = 100'



Project Contacts: TR1  
 Project Number: 8881-02  
 Scale: 1"=100'  
 Date: 2/22/17  
 Sheet Title: WATER QUALITY IMPACT ASSESSMENT EXHIBIT A  
 Sheet Number: 1

Subdivision Plan  
**COLONIAL HERITAGE**  
 PHASE III - SECTION 2  
 156 SINGLE-FAMILY DETACHED  
 STONEHOUSE DISTRICT, JAMES CITY COUNTY, VIRGINIA

Project: 5248 Old Towne Road, Suite 1  
 Williamsburg, Virginia 23188  
 Phone: (757) 220-8900  
 Fax: (757) 220-8904  
 www.aesva.com

**AES**  
 CONSULTING ENGINEERS  
 Hampton Roads | Central Virginia | Middle Peninsula

S:\UCS\888103-D Phase III - Sec 2\Admin\Report\Eng\8881-02D WOIA Exhibit A.dwg, 5/9/2017 3:42:28 PM, System 1 Series.pc3













## **PUBLIC HEARING NOTICE**

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA WILL HOLD PUBLIC HEARINGS **WEDNESDAY JUNE 14, 2017 AT 7 p.m.** IN THE BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE WETLANDS BOARD WILL CONSIDER THE FOLLOWING CASES:

W-26-17/VMRC 17-0748: Jeffrey Moore has applied for a wetlands permit for extension of an existing breakwater and installation of a timber wall and beach sand fill at 164 The Maine in the Greater First Colony subdivision, JCC Parcel No 4540200055.

W-27-17/VMRC 17-0769: Michael and Maureen O'Brien have applied for a wetlands permit to install a quarry stone revetment at 7588 Uncles Neck in the Rivers Bend at Uncles Neck subdivision, JCC Parcel No 2010200022.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBE-17-080: Richard Pinard has filed an exception request for encroachment into the RPA buffer for construction of a single family dwelling at 200 Riverview Plantation Dr in the Riverview Plantation subdivision, JCC Parcel No 1640600031.

CBE-17-084: Martin Mather with Omega Development LLC has filed an exception request for encroachment into the RPA buffer for construction of a single family dwelling at 102 Walton Heath in the Fords Colony subdivision, JCC Parcel No 3810300019.

CBE-17-065: Colonial Heritage LLC has filed an exception request for encroachment into the RPA buffer associated with the proposed sanitary sewer connections for the Colonial Heritage Phase III, Section 2 subdivision at 6799 Richmond Rd, JCC Parcel No 2430100032.

CBE-17-087: SCP-JTL Stonehouse Owner 2, LLC has filed an exception request for encroachment into the RPA buffer associated with the proposed sanitary sewer connections for the Stonehouse Tract 3 subdivision at 9351 Six Mt Zion Rd, JCC Parcel No 0540100015.

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 Mounts Bay Road, Bldg E, James City County, Virginia.

## **NOT FOR PUBLICATION**

DISPLAY: WEDNESDAY – May 31, and June 7, 2017.

ACCOUNT NO.: 0011040200 - VIRGINIA GAZETTE

COPIES: PLANNING  
ASSISTANT COUNTY ATTORNEY  
WETLAND/CHESAPEAKE BAY BOARD MEMBERS



**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

May 24, 2017

RE: CBE-17-065 – 6799 Richmond Road  
Colonial Heritage Phase III Section 2  
Sanitary sewer connections

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 Colonial Heritage, LLC for encroachment into the Resource Protection Area (RPA) associated with proposed sanitary sewer connections for the Colonial Heritage Phase III, Section 2 subdivision located at 6799 Richmond Road. The property is further identified by James City County Real Estate as Parcel No. 2430100032.

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, June 14, 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: Colonial Heritage, LLC  
AES Consulting Engineers

Mailing List for: CBE-17-065 – Colonial Heritage III-2 - 6799 Richmond Rd - sanitary sewer impacts

Owner - 2430100032 - 6799 Richmond Rd

Colonial Heritage, LLC  
7591 Coppermine Drive  
Manassas, VA 20109-2671

AES Consulting Engineers  
Attn: Ryan Stephenson, P.E.  
5248 Olde Towne Rd, Suite 1  
Williamsburg, VA 23188

Lennar

Attn: Joseph Roque  
7015 Statesman  
Williamsburg, VA 23188

2341800002 - 6525 Arthur Hills Dr  
2240100007 - 499 Jolly Pond Rd  
2330500004 - 4200 Colonial Heritage Blvd  
2341800003 - 4300 Colonial Heritage Blvd  
Colonial Heritage Homeowners Association  
c/o The Colonial Heritage Club  
6500 Arthur Hills Dr  
Williamsburg, VA 23188-7247

2330400001A - 3803 Woodruff Rd  
2330300001A - Common Area COS P-5 S-2A,  
1B & S1C  
Colonial Heritage Homeowners Association, Inc  
6895 Richmond Rd  
Williamsburg, VA 23188-7210

2330100001 - 343 Farmville Lane  
Hidden Acres Farm, Inc  
c/o Wayne S Nunn  
P O Box 835  
Norge, VA 23127-0835

2341600102  
Harry and Rita Hundley  
4287 Harrington Commons  
Williamsburg, VA 23188-7299

2341000034  
Robert Kane  
4386 King James  
Williamsburg, VA 231887270

2341000033  
Kenneth and Jan Dunn  
4390 King James  
Williamsburg, VA 23188-7271

2341000030  
Frank and Dianne Sonsini  
4401 King James  
Williamsburg, VA 23188-7271

2341000029  
Robert & Patricia Stoegbauer  
4409 King James  
Williamsburg, VA 23188-7270

2341000028  
Edmund and Karen Chaffee  
4415 King James  
Williamsburg, VA 23188-7270

2341000027  
Melinda Snow  
4419 King James  
Williamsburg, VA 23188-7270

2341000026  
William and Miriam Collins  
4423 King James  
Williamsburg, VA 23188-7270

2341000025  
Dianna Lindsay  
4427 King James  
Williamsburg, VA 23188-7270

2330100002 6800 Colonial Heritage Blvd  
James City Service Authority  
119 Tewning Road  
Williamsburg, VA 23188-2639

**ITEM SUMMARY**

DATE: 6/14/2017  
TO: Chesapeake Bay Board  
FROM: Michael Woolson, Senior Watershed Planner  
SUBJECT: CBE-15-105 : 108 Seven Oaks

---

Mr. Ronald Nervitt has requested an extension to the approved Chesapeake Bay Board exception, which expires on July 13, 2017.

**ATTACHMENTS:**

	Description	Type
▣	Staff Memo	Cover Memo
▣	Extension Request 2017	Backup Material
▣	Resolution	Resolution
▣	Approved Resolution August 12, 2015	Backup Material
▣	Approved Extension July 13, 2016	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	6/5/2017 - 2:13 PM
Chesapeake Bay Group	Holt, Paul	Approved	6/6/2017 - 9:49 AM
Publication Management	Trautman, Gayle	Approved	6/6/2017 - 9:55 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	6/7/2017 - 12:53 PM

## MEMORANDUM

DATE: June 14, 2017

TO: The Chesapeake Bay Board

FROM: Michael D. Woolson, Senior Watershed Planner

SUBJECT: Case No. CBE-15-105. 108 Seven Oaks - James City County Chesapeake Bay Preservation Ordinance Extension of an Exception

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Mr. Ronald Nervitt is requesting a two-year extension of this exception request. The exception request was originally granted on August 12, 2015, and an extension was granted on July 13, 2016. The exception is for the construction of a single-family dwelling and terrace pool on property located at 108 Seven Oaks in Section 17 of the Ford's Colony at Williamsburg subdivision.

Staff concurs with this request with the stipulation that previous Condition Nos. 6a-6e be continued and that Condition No. 6f have a new expiration date of June 14, 2019.

MDW/nb  
CBE15-105-108SevnOaks-mem

Attachment



**From:** ronaldnervitt [<mailto:rnermitt@cox.net>]  
**Sent:** Monday, May 08, 2017 12:56 PM  
**To:** Michael Woolson <[Michael.Woolson@jamescitycountyva.gov](mailto:Michael.Woolson@jamescitycountyva.gov)>  
**Subject:** RE: 108 Seven Oaks Ches Bay case

Michael, Thanks for your email. We should be pragmatic and go for another extension. At least a year or longer if you can pull it off. We will be placing our home on the market for the fall of 2017 and hopefully the market will improve by then. It's been very slow for homes in our price range. We apologize for putting you and your staff through this but the market is driving our considerations. Thank you again. Ron Nervitt

**From:** Michael Woolson [<mailto:Michael.Woolson@jamescitycountyva.gov>]  
**Sent:** Wednesday, April 12, 2017 12:41 PM  
**To:** 'ronaldnervitt' <[rnermitt@cox.net](mailto:rnermitt@cox.net)>  
**Cc:** Melanie Davis <[Melanie.Davis@jamescitycountyva.gov](mailto:Melanie.Davis@jamescitycountyva.gov)>  
**Subject:** 108 Seven Oaks Ches Bay case

Ron,

Your approval for case CBE-15-105 is set to expire on 7/13/17. One condition of that approval was to ask for an extension at least 6 weeks prior to expiration if needed. If you wish to keep this approval valid beyond the expiration date, we need a request no later than June 1.

Mike

**Michael Woolson**  
**Senior Watershed Planner**

## RESOLUTION

CASE NO. CBE-15-105. 108 SEVEN OAKS

### JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE

#### EXTENSION OF AN EXCEPTION

WHEREAS, Ronald A. and Lois S. Nervitt, (the “Applicant”) has requested an extension of the exception granted by the Chesapeake Bay Board of James City County (the “Board”) on July 13, 2016. The exception request is for encroachment into the Resource Protection Area (the “RPA”) on a parcel of property identified as James City County Real Estate Tax Parcel No. 3130900038 and further identified as 108 Seven Oaks in the Ford’s Colony subdivision (the “Property”) as set forth in the application CBE-16-074 for the purpose of constructing a single-family dwelling with a terrace pool; and

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

NOW, THEREFORE, BE IT RESOLVED that the Chesapeake Bay Board of James City County, Virginia, following a public hearing on August 12, 2015, 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. 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 Specifications No. 1 (Rooftop Disconnection), No. 8 (Infiltration), or No. 9 (Bioretention); or alternatively, an equivalent and acceptable published and agreed upon standard for on-lot residential practices. Final design/construction information for the practice as labeled on the mitigation plan as “Proposed Rain Garden Area (To Be Designed)” shall be submitted to the Engineering and Resource Protection Division for review and approval prior to installation; and

- c. At the time of building permit application for the single-family residence dwelling, if there is any encroachment into the 25-foot-pond buffer/setback, defined as the zone 25 feet landward from the 100-year design high water elevation of the lake (Dam No. 1; County Best Management Practice ID Code: PC083; Normal Pool Elevation 48.0; Design High Water Elevation 50.45), a Pond Buffer/Setback Waiver request will need to be submitted, reviewed, and approved by the County in accordance with those specific County program guidelines and procedures; and
- d. Surety of \$4,000 will be required in a form acceptable to the County Attorney’s office to guarantee the mitigation plan including canopy tree, understory trees and shrub/ground cover plantings and the on-lot rain garden practice; 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; and
- f. This exception request approval shall become null and void if construction has not begun by June 14, 2019.

\_\_\_\_\_  
David Gussman  
Chair, Chesapeake Bay Board

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

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 14th day of June, 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: \_\_\_\_\_

## RESOLUTION

### GRANTING AN EXCEPTION ON JCC RE TAX PARCEL 3130900038

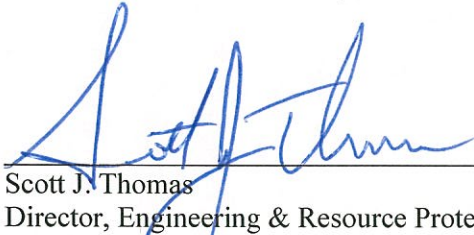
WHEREAS, Ronald A. and Lois S. Nervitt, 101 Stone Bridge Drive Williamsburg, VA (the "Applicant") has applied to the Chesapeake Bay Board of James City County (the "Board") to request an exception to the use of the Resource Protection Area (the "RPA") on a parcel of property identified as JCC RE Tax Parcel 3130900038 and further identified as 108 Seven Oaks in the Ford's Colony subdivision (the "Property") as set forth in the application CBE-15-105 for the purpose of constructing a single family dwelling with a terrace pool; and

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

NOW, THEREFORE, following a public hearing on August 12, 2015, the Chesapeake Bay Board of James City County 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:
  - 1) The applicant must obtain all other necessary federal, state, and local permits as required for the project.
  - 2) Design and construction of the onlot runoff reduction/pollutant removal practice proposed shall generally follow micro-scale specifications found in Virginia DEQ Stormwater Design Specifications No. 1 (Rooftop Disconnection), No. 8 (Infiltration), or No. 9 (Bioretention); or alternatively, an equivalent and acceptable published and agreed upon standard for onlot residential practices. Final design/construction information for the practice as labeled on the mitigation plan as "Proposed Rain Garden Area (To Be Designed)" shall be submitted to the Engineering and Resource Protection Division for review and approval prior to installation.

- 3) At the time of building permit application for the single-family residence dwelling, if there is any encroachment into the 25 foot pond buffer/setback, defined as the zone 25 feet landward from the 100-year design high water elevation of the lake (Dam No. 1; County BMP ID Code: PC083; Normal Pool Elevation 48.0; DHW Elevation 50.45), a Pond Buffer/Setback waiver request will need to be submitted, reviewed, and approved by the County in accordance with those specific County program guidelines and procedures.
- 4) A surety of \$4,000 will be required in a form acceptable to the County Attorney's office to guarantee the mitigation plan including canopy tree, understory trees and shrub/ground cover plantings and the onlot rain garden practice.
- 5) This exception request approval shall become null and void if construction has not begun by August 12, 2016.
- 6) Written requests for an extension to an exception shall be submitted to the Engineering and Resource Protection Division no later than 6 weeks prior to the expiration date.

  
 Scott J. Thomas  
 Director, Engineering & Resource Protection

  
 David Gussman  
 Chair, Chesapeake Bay Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 12<sup>th</sup> day of August 2015.

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 12<sup>th</sup> DAY OF August 2015 IN THE COMMONWEALTH OF VIRGINIA IN THE COUNTY OF JAMES CITY.

  
 NOTARY PUBLIC

7014335  
 REGISTRATION

MY COMMISSION EXPIRES 12/31/18

MELANIE J. DAVIS  
 NOTARY PUBLIC  
 REG. #7014335  
 COMMONWEALTH OF VIRGINIA  
 MY COMMISSION EXPIRES DECEMBER 31, 2018

## RESOLUTION

CASE NO. CBE-15-105. 108 SEVEN OAKS

### JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE

#### EXTENSION OF AN EXCEPTION

WHEREAS, Ronald A. and Lois S. Nervitt, (the "Applicant") has requested an extension of the exception granted by the Chesapeake Bay Board of James City County (the "Board") on August 12, 2015. The exception request is for encroachment into the Resource Protection Area (the "RPA") on a parcel of property identified as James City County Real Estate Tax Parcel No. 3130900038 and further identified as 108 Seven Oaks in the Ford's Colony subdivision (the "Property") as set forth in the application CBE-16-074 for the purpose of constructing a single-family dwelling with a terrace pool; and

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

NOW, THEREFORE, BE IT RESOLVED that the Chesapeake Bay Board of James City County, Virginia, following a public hearing on August 12, 2015, and pursuant to this request for an extension, 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 required for the project; and

- b. 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 Specifications No. 1 (Rooftop Disconnection), No. 8 (Infiltration), or No. 9 (Bioretention); or alternatively, an equivalent and acceptable published and agreed upon standard for on-lot residential practices. Final design/construction information for the practice as labeled on the mitigation plan as "Proposed Rain Garden Area (To Be Designed)" shall be submitted to the Engineering and Resource Protection Division for review and approval prior to installation.
- c. At the time of building permit application for the single-family residence dwelling, if there is any encroachment into the 25-foot-pond buffer/setback, defined as the zone 25 feet landward from the 100-year design high water elevation of the lake (Dam No. 1; County Best Management Practice ID Code: PC083; Normal Pool Elevation 48.0; Design High Water Elevation 50.45), a Pond Buffer/Setback waiver request will need to be submitted, reviewed, and approved by the County in accordance with those specific County program guidelines and procedures.
- d. Surety of \$4,000 will be required in a form acceptable to the County Attorney's office to guarantee the mitigation plan including canopy tree, understory trees and shrub/ground cover plantings and the on-lot rain garden practice.
- e. This exception request approval shall become null and void if construction has not begun by July 13, 2017; 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.

*David Gussman*

David Gussman  
Chair, Chesapeake Bay Board

*Michael Woolson*

Michael Woolson  
Senior Watershed Planner

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 13 day of July, 2016

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 13<sup>th</sup> DAY OF July, 2016 IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF JAMES CITY.

*Melanie J. Davis*  
NOTARY PUBLIC

MELANIE J. DAVIS  
NOTARY PUBLIC  
REG. #7014335  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES DECEMBER 31, 2018

MY COMMISSION EXPIRES: 12/31/18