

**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**  
**March 14, 2018**  
**5:00 PM**

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**A. CALL TO ORDER**

**B. ROLL CALL**

**C. MINUTES**

1. Minutes from February 14, 2018, regular meeting

**D. PUBLIC HEARINGS**

1. CBE-18-058 : 4447 Pleasant View Drive
2. CBE-18-070 : 6019 Tabiatha Lane
3. CBE-18-063 : 4069 South Riverside Drive
4. CBE-18-071 : 300 River's Edge
5. CBE-18-068 : 5034 River Drive
6. CBE-18-028 : 19 and 20 Mile Course
7. CBE-18-064 : 136 John Wickham
8. CBE-18-065 : 116 Nottinghamshire
9. CBE-18-067 : 120 Nottinghamshire
10. CBE-18-066 : 125 Congressional
11. CBE-18-072 : 7-Eleven at Quarterpath

**E. BOARD CONSIDERATIONS**

1. CBE-17-048 : 7515 Oak Cove Road

**F. MATTERS OF SPECIAL PRIVILEGE**

**G. ADJOURNMENT**

**ITEM SUMMARY**

DATE: 3/14/2018  
TO: Chesapeake Bay Board  
FROM: Michael Woolson, Senior Watershed Planner  
SUBJECT: Minutes from February 14, 2018, regular meeting

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Minutes from February 14, 2018, regular meeting

**ATTACHMENTS:**

	Description	Type
☐	Minutes	Minutes

**REVIEWERS:**

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	3/8/2018 - 9:02 AM
Chesapeake Bay Group	Geissler, Fran	Approved	3/8/2018 - 9:31 AM
Publication Management	Burcham, Nan	Approved	3/8/2018 - 9:41 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	3/8/2018 - 9:49 AM

**MINUTES**  
**JAMES CITY COUNTY CHESAPEAKE BAY BOARD**  
**REGULAR MEETING**  
**County Government Center, Building F**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**February 14, 2018**  
**5:00 PM**

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**A. CALL TO ORDER**

The Chesapeake Bay Board meeting for February 14, 2018, 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  
Larry Waltrip  
Charles Roadley  
John Hughes

**Absent:**

William Apperson

**Others Present:** County Staff (Staff):

Michael Woolson, Secretary to the Board, Senior Watershed Planner  
Trevor Long, Watershed Planner  
Frances Geissler, Director, Stormwater and Resource Protection  
Grace Boone, Director, General Services  
Liz Parman, Assistant County Attorney  
Janice Petty, Stormwater and Resource Protection

**C. MINUTES**

1. Minutes from December 13, 2017, regular meeting

The minutes from the December 13, 2017, regular meeting were approved as written.

**D. PUBLIC HEARINGS**

1. CBE-18-028 : 19 and 20 Mile Course

Deferred from December 13, 2017, meeting. Applicant has requested deferral to the March meeting.

Mr. Gussman stated that the Public Hearing was still open and asked if anyone wished to speak to the matter.

Mr. Gussman made a motion to defer CBE-18-028 at 19 and 20 Mile Course to the March 14, 2018, Chesapeake Bay Board meeting.

The motion was approved: 4-0  
Ayes: Roadley, Hughes, Waltrip, Gussman  
Absent: Apperson

2. CBE-18-060 : 4029 South Riverside Drive

Mr. Michael Woolson presented the exception request submitted by Mr. Kevin Cottingham of Toby Development and Robertson Liebler Development Corporation for the construction of a single-family dwelling with attached deck on property located at 4029 South Riverside Drive in the Chickahominy Haven subdivision within the Chickahominy River Watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 1910300005. The presentation described the current site conditions and the proposed project. Staff determined the impacts associated with the proposal to be moderate and recommended the conditions outlined in the Resolution be required for approval.

The Board deliberated on the pros and cons of this application.

Mr. Gussman opened the Public Hearing.

A. Mr. Kevin Cottingham addressed the Board and answered questions.

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 request for CBE-18-060 at 4029 South Riverside Drive.

The motion was approved: 4-0.  
Ayes: Roadley, Hughes, Waltrip, Gussman  
Absent: Apperson

3. CBE-18-052 : 124 Mathews Grant

Mr. Trevor Long presented the exception request submitted by Mike Burling of TSP Lawn & Landscapes on behalf of Ms. Catherine Hortenstine for encroachments into the Resource Protection Area (RPA) for the construction of a retaining wall, patio and steps. The project is located on property known as 124 Mathews Grant in the Kingsmill subdivision. Mr. Long gave a presentation described the current site conditions and the proposed project. Staff determined the impacts associated with the proposal to be minor and recommended the conditions outlined in the Resolution be required for approval.

The Board deliberated the pros and cons of this request.

Mr. Gussman opened the Public Hearing.

A. Mr. Michael Burling with TSP Lawn & Landscapes addressed the Board and answered questions.

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 request for Chesapeake Bay Board Case No. CBE-18-052 at 124 Mathews Grant.

The motion was approved: 4-0  
Ayes: Roadley, Hughes, Waltrip, Gussman

Absent: Apperson

4. CBE-18-046 : 2405 Sarah Spence

Mr. Michael Woolson presented the exception request submitted by Mr. Matthew Roth with Roth Environmental on behalf of Mrs. Lisa Goodman for encroachment into the RPA for construction of a detached garage and lap pool. The project is located on property known as 2405 Sarah Spence in the Vineyards of Jockeys Neck subdivision. The presentation described the current site conditions and the proposed project. Staff determined the impacts associated with the proposal to be minor and recommended the conditions outlined in the Resolution be required for approval.

The Board deliberated the pros and cons of this request.

Mr. Gussman opened the Public Hearing.

**A.** Mr. Matthew Roth addressed the Board and answered questions associated with the project.

**B.** Mrs. Lisa Goodman spoke explaining the reasoning for the detached garage and lap pool.

**C.** Mrs. Carolyn Eshelman, 2409 Sarah Spence, spoke in favor of the project.

Mr. Waltrip stated that it is a honorable thing to do taking care of parents.

Mr. Gussman stated he could only support the application with the inclusion of the bio-retention basin.

Mr. Woolson answered questions associated with the project.

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 appeal of the Chesapeake Bay Board Case No. CBE-18-046 at 2405 Sarah Spence.

The motion was approved: 4-0.

Ayes: Roadley, Hughes, Waltrip, Gussman

Absent: Apperson

**E. BOARD CONSIDERATIONS**

1. CBV-18-008 : 4069 South Riverside Drive

Mr. Valdimir Arana is appealing a Notice of Violation.

Mr. Michael Woolson presented the evidence that a violation of the Chesapeake Bay Preservation Ordinance has occurred. Mr. Woolson explained that the parcel was platted in 1954 and the house built 1963, prior to the adoption of the Chesapeake Bay Ordinance. Ms. Carla Havens provided an email of her meeting of October 2017 with Mr. Arana stating that she saw a retaining wall in place where the new retaining wall now exists. Mr. Woolson explained that should the Board overturn the Notice of Violation, then staff recommends Mr. Arana submit a Sensitive Area Activity Application for the work for a public hearing and that

the mitigation rates should be doubled.

Mr. Arana explained his reasoning for the work. He apologized for performing the work without the proper authorizations and was willing to compensate anyway possible to make things right.

Mr. Woolson opined that he thought the wall would not need a building permit.

Mr. Roadley asked if the wall would be considered maintenance.

Mr. Woolson said the wall was too far deteriorated to be considered maintenance.

Mr. Gussman made a motion to uphold the appeal for Chesapeake Bay Violation Case No. CBV-18-008 at 4069 South Riverside Drive.

The motion was approved: 4-0.

Ayes: Roadley, Hughes, Waltrip, Gussman

Absent: Apperson

**F. MATTERS OF SPECIAL PRIVILEGE**

1. Resignation of Roger Schmidt

Roger Schmidt has resigned his position as an alternative to the Wetlands Board and the Chesapeake Bay Board, effective immediately.

2. Work Session

A work session has been scheduled for March 26, 2018, 5 p.m. at a location to be determined at a later date.

**G. ADJOURNMENT**

The meeting was adjourned at 6:03 p.m.

**ITEM SUMMARY**

DATE: 3/14/2018  
TO: Chesapeake Bay Board  
FROM: Michael Woolson, Senior Watershed Planner  
SUBJECT: CBE-18-058 : 4447 Pleasant View Drive

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Ms. Renie Andrews has filed an exception request for encroachment into the RPA buffer for construction of a memorial patio at 4447 Pleasant View Drive in the Powhatan Village subdivision.

**ATTACHMENTS:**

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

**REVIEWERS:**

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	3/6/2018 - 6:21 PM
Chesapeake Bay Group	Geissler, Fran	Approved	3/7/2018 - 1:30 PM
Publication Management	Daniel, Martha	Approved	3/7/2018 - 1:55 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	3/7/2018 - 5:00 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBE-18-058. 4447 Pleasant View Drive  
Staff report for the March 14, 2018, Chesapeake Bay Board Public Hearing**

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*This staff report is prepared by James City County Stormwater 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: Ms. Renie Andrews

Agent: Same

Location: 4447 Pleasant View Drive

Tax Map/Parcel No.: 3741400011

Parcel: Lot 11, Phase 2, Powhatan Village

Lot Size: 0.15 acre

Area of Lot in Resource Protection Area (RPA): 0.06 acre +/- (40%)

Watershed: Powhatan Creek (HUC JL31)

Floodplain: Zone X, determined to be outside the 0.2% annual chance floodplain Panel 0119B

Proposed Activity: Construction of a memorial patio

Impervious Cover: 200 square feet

RPA Encroachment: 50-foot seaward RPA buffer

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

**BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES**

Ms. Renie Andrews has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of a memorial patio on property located at 4447 Pleasant View Drive within the Powhatan Village subdivision and the Powhatan Creek watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 3741400011. The parcel was platted in 2002, prior to the revisions to the Chesapeake Bay Preservation Ordinance in 2004.

The existing condition of this property is a moderately sloped turf area from the rear of the house to the woodline. The area was cleared as part of the overall development plan for Powhatan Village. Near a community walking trail located at the woodline and within the existing turf area, Ms. Andrews wishes to install a 200 square foot memorial patio. The required mitigation for this amount of imperious cover would be one canopy tree and three shrubs. The mitigation plan includes one canopy tree, three understory trees and one shrub, exceeding the County requirements.



## **STAFF EVALUATION**

Staff has evaluated the application and exception request for the construction of a memorial patio and finds that the application has met the conditions in Sections 23-11 and 23-14 and that the application should be heard by the Board because the patio is considered an accessory structure. Therefore, this request must be considered by the Board following a public hearing under the formal exception process.

## **WATER QUALITY IMPACT ASSESSMENT (WQIA)**

A WQIA was 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 Sensitive Area Activity Application* and has submitted a mitigation proposal which includes one canopy tree, three understory trees and one shrub, exceeding the County 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 of the County Code. The Chesapeake Bay Board should fully consider Chesapeake Bay Exception CBE-18-058 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 minor for the proposed development. Staff recommends approval of this exception request with the following conditions incorporated into the approval:

1. The applicant must obtain all other necessary federal, state and local permits as required for the project; and
2. Surety of \$250 will be required in a form acceptable to the County Attorney's office to guarantee the mitigation plantings; and
3. This exception request approval shall become null and void if construction has not begun by March 14, 2019; and
4. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than six weeks prior to the expiration date.

MDW/md  
CBE18-058.4447PleasViewDr

### Attachments:

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

## RESOLUTION

CASE NO. CBE-18-058. 4447 PLEASANT VIEW DRIVE

### JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Ms. Renie Andrews (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on March 14, 2018, 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. 3741400011 and further identified as 4447 Pleasant View Drive in the Powhatan Village subdivision (the “Property”) as set forth in the application CBE-18-058 for the purpose of constructing a memorial patio; and

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

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

1. The exception request is the minimum necessary to afford relief.
2. Granting the exception will not confer upon the applicant any special privileges denied by Chapter 23, Chesapeake Bay Preservation, of the James City County Code, to other property owners similarly situated in the vicinity.
3. The exception request will be in harmony with the purpose and intent of Chapter 23 of the James City County Code and is not of substantial detriment to water quality.
4. The exception request is not based on conditions or circumstances that are self-created or self-imposed nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels.
5. Reasonable and appropriate conditions are hereby imposed, as set forth below, which will prevent the exception request from causing a degradation of water quality.
6. In granting this exception, the following conditions are hereby imposed to prevent this exception request from causing degradation of water quality:
  - a. The applicant must obtain all other necessary federal, state and local permits and permissions as required for the project; and
  - b. Surety of \$250 will be required in a form acceptable to the County Attorney’s office to guarantee the mitigation plantings; and
  - c. This exception request approval shall become null and void if construction has not begun by March 14, 2018; and

- d. Written requests for an extension to this exception shall be submitted to the Stormwater 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 March, 2018.

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: \_\_\_\_\_

CBE18-058.4447PleasViewDr-res

**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).

Engineering & Resource Protection  
JAN 23 2018

RECEIVED

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

Date: 1/13/18

**Property Owner Information:**

Name: RENIE Andrews  
 Address: 4447 Pleasant View Drive, Williamsburg, VA 23188  
 Phone: 757-707-7963 Fax: \_\_\_\_\_ Email: RAWmbg1@yahoo.com

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

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

**Project Information:**

Project Address: 4447 Pleasant View Drive, Williamsburg, VA 23188  
 Subdivision Name, Lot, and Section No.: Powhatan Village, L-11, P-2  
 Parcel Identification No. or Tax Map No.: 374140011  
 Date Lot was platted: \_\_\_\_\_ 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 type="checkbox"/> RPA - Seaward 50' <u>200</u> (SF)    |
| <input type="checkbox"/> Trees to be Removed _____ (#)             | <input type="checkbox"/> Proposed Impervious Cover _____ (SF) |

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

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> New principal structure construction               | <input type="checkbox"/> Building addition to principal structure | <input checked="" type="checkbox"/> Attached Deck |
| <input type="checkbox"/> Permitted buffer modifications:                    | <input type="checkbox"/> Dead/diseased/dying tree removal         | <input type="checkbox"/> Sightline                |
| <input checked="" type="checkbox"/> Accessory (Detached) Structure or Patio | <input type="checkbox"/> Invasive/noxious weed removal            | <input type="checkbox"/> Access path/trail        |
| <input type="checkbox"/> Other: _____                                       | <input type="checkbox"/> Redevelopment: _____                     |   |

**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)*

deck extension 6x6, steps from deck to ground 1st floor.

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 N/A

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

**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?  
residential landscaping

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

**5. Proposed mitigation measures:**

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

**Mitigation Rates Table**

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

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

Number of native canopy trees 1

Number of native understory trees 3

Number of native shrubs 1

Square feet of native ground cover \_\_\_\_\_

Square feet of mulch 180

B. Best Management Practices (BMPs)

EC-2 (degradable) erosion control matting

Dry Swale

Silt fence

Turf (Nutrient) Management Plan

Gravel under deck (3" of gravel over synthetic filter fabric under entire deck area)

Other: \_\_\_\_\_

Bioretention or rain garden practice

Infiltration Area/Trench/Drywell

Structural BMP (Wet or Dry Pond)

Rain Barrel

I understand that the following are approval conditions:

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

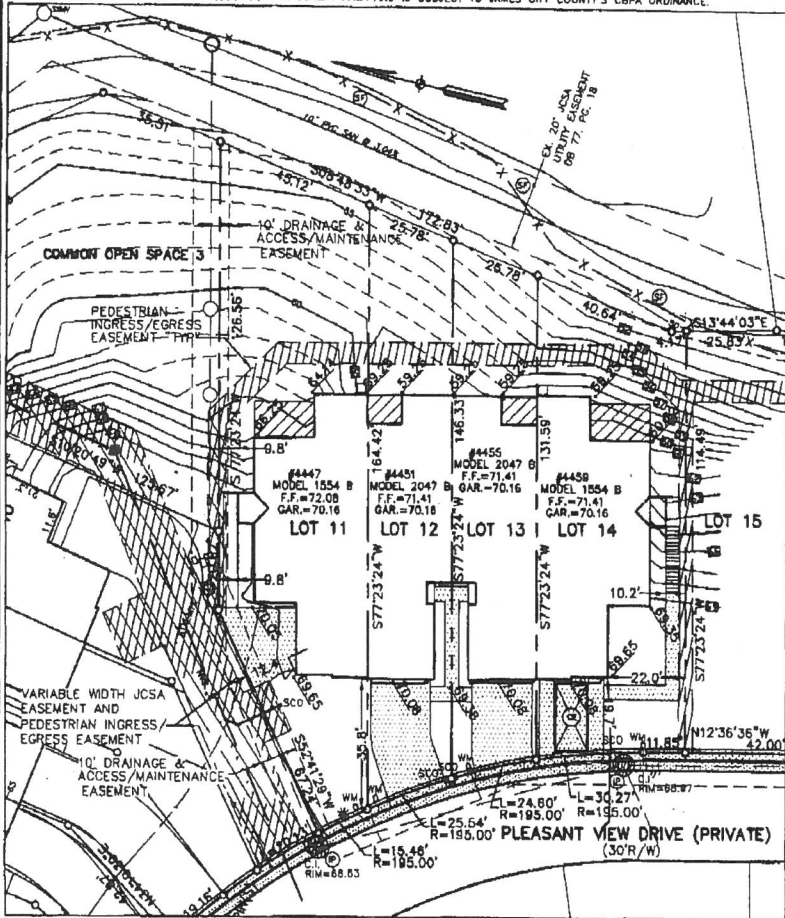
Property owner signature [Signature] Date 6/13/18

Program Administrator \_\_\_\_\_ Date \_\_\_\_\_  
Authorized Signature

For Office Use Only	Surety Amount: _____
	Date/Rec No.: _____
	Fee Paid? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Amount: <u>25</u> Date/Rec No.: <u>1/23/18 #3279</u>

IT IS THE BUILDER'S RESPONSIBILITY TO PROVIDE ALL LEGAL INFORMATION TO PATTON, HARRIS, RUST & ASSOCIATES, PC CONCERNING EASEMENTS, DEED RESTRICTIONS, ETC. THAT MAY AFFECT THE BUILDING LOCATION ON THE LOT. APPROVAL BY THE APPLICABLE ZONING ADMINISTRATORS IS TO BE OBTAINED PRIOR TO CONSTRUCTION. THE PROPERTY APPEARS TO FALL WITHIN ZONE X AS SHOWN ON THE NATIONAL FLOOD INSURANCE RATE MAP, COMMUNITY NO. 113221, PANEL NO. 0038B, JAMES CITY COUNTY, VIRGINIA, DATED FEBRUARY 6, 1993. ELEVATIONS AS SHOWN ARE IN FEET AND ARE BASED ON NATIONAL GEODETIC VERTICAL DATUM OF 1929.

- NOTES:
1. AN EASEMENT FOR JAMES CITY SERVICE AUTHORITY EXISTS OVER AND ACROSS ALL PRIVATE ROAD RIGHT-OF-WAYS FOR INGRESS/EGRESS AND UTILITY PURPOSES.
  2. THIS PROPERTY LIES WITHIN A RESOURCE MANAGEMENT AREA AND IS SUBJECT TO JAMES CITY COUNTY'S CBPA ORDINANCE.



- EROSION CONTROL**
- IP - INLET PROTECTION
  - CE - TEMP. GRAVEL CONSTRUCTION ENTRANCE



**SITE PLAN OF LOTS 11 THRU 14**  
SUBDIVISION OF  
**THE VILLAGES AT POWHATAN**  
PHASE 2

FORMERLY KNOWN AS  
**POWHATAN VILLAGE PHASE 2**  
(INST.# 020006805)  
POWHATAN DISTRICT  
JAMES CITY COUNTY, VIRGINIA

Patton Harris Rust & Associates, pc  
Engineers, Surveyors, Planners, Landscape Architects.

**P.H.R.A.** 195 Rosemont Road, Suite 101  
Virginia Beach, VA 23452  
T 757.497.7472 F 757.497.0250

**AREA CALCULATIONS**

LOT#	SQR(S.F.)	CONC.(S.F.)
11	3,931	498
12	1,386	600
13	1,090	468
14	2,251	550

Drawn: TFF Date: JUNE 29, 2005 Scale: 1"=30' Checked: PDH Zoned: R-4 Proj. No. 11910-1-V

CPE 18-058

paving  
sand & gravel  
base  
concrete or mortar  
only in brick  
center square

community walking path

natural cleaning  
path

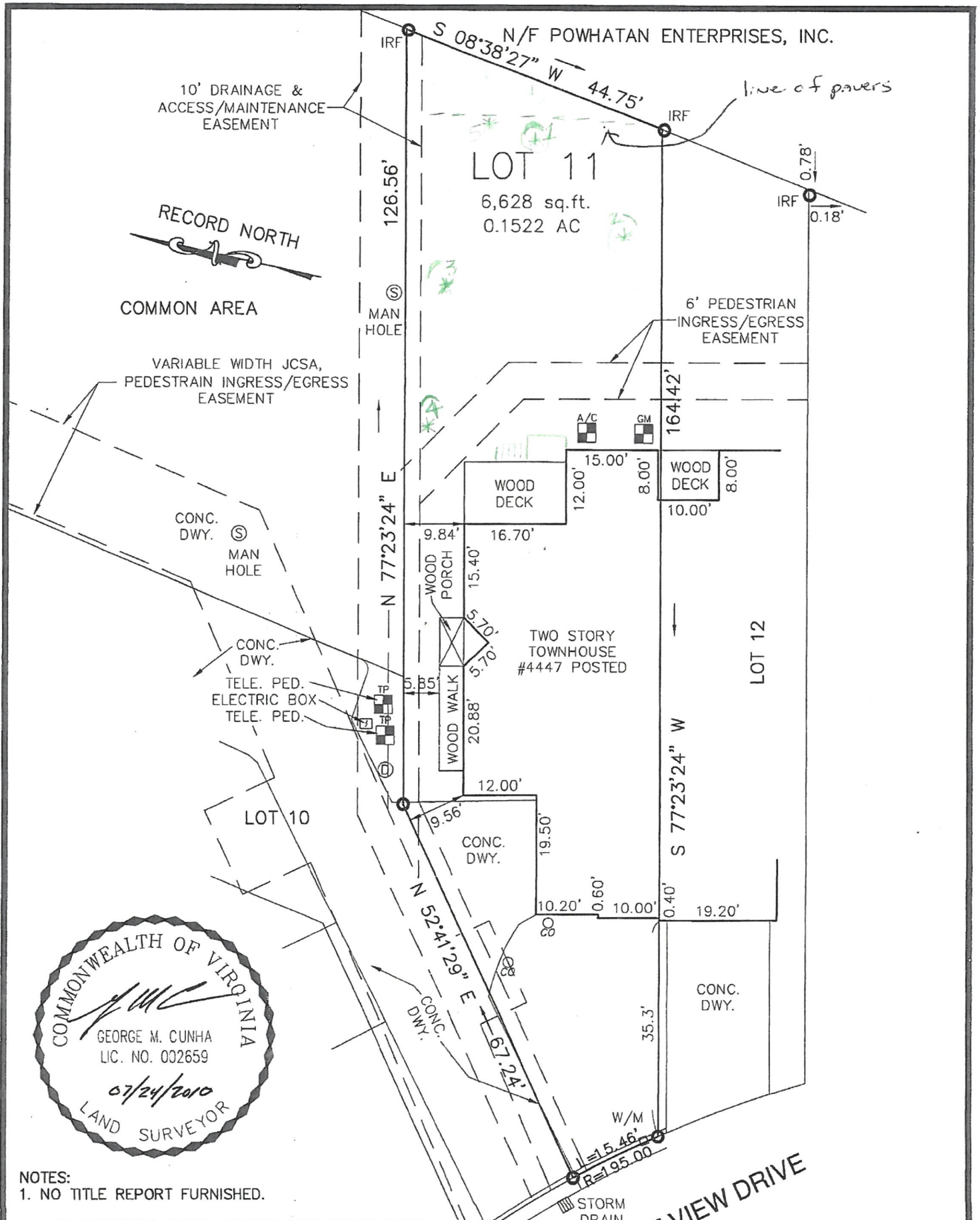
black  
pavers  
↓

brick





CP# 18-058



NOTES:  
1. NO TITLE REPORT FURNISHED.



## **PUBLIC HEARING NOTICE**

THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA WILL HOLD A PUBLIC HEARING ON **WEDNESDAY MARCH 14, 2018 AT 5 P.M.** IN THE BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBE-18-068: The Structures Group, on behalf of Mr. and Mrs. William Roberts, has filed an exception request for encroachment into the RPA buffer for construction of a retaining wall at 5034 River Drive, JCC Parcel No 0930300008.

CBE-18-058: Ms. Renie Andrews has filed an exception request for encroachment into the RPA buffer for construction of a memorial patio at 4447 Pleasant View Drive in the Powhatan Village subdivision, JCC Parcel No 3741400011.

CBE-18-064: Draper Aden and Associates, on behalf of Mr. and Mrs. Scott Kruger, has filed an exception request for encroachment into the RPA buffer for the reconstruction of a single family dwelling after demolition at 136 John Wickham in the Kingsmill subdivision, JCC Parcel No 5130200009.

CBE-18-072: Timmons Group, on behalf of Southland Corporation, has filed an exception request for encroachment into the RPA buffer for construction of a paved access drive at 3000 Battery Boulevard, 7327 Pocahontas Trail and 7341 Pocahontas Trail in the Quarterpath at Williamsburg development, JCC Parcel Nos 5020100075A, 5020100030 and 5020700004B respectively.

CBE-18-067: Walk Wright Construction has applied for an exception request for encroachment into the RPA buffer for construction of a single family dwelling and attached deck at 120 Nottinghamshire in the Ford's Colony subdivision, JCC Parcel No 3233100033.

CBE-18-065: Walk Wright Construction, on behalf of Mr. and Mrs. Joseph Leigh, has filed an exception request for encroachment into the RPA buffer for construction of a single family dwelling and attached deck at 116 Nottinghamshire in the Ford's Colony subdivision, JCC Parcel No 3233100034.

CBE-18-070: Mr. Chris Eckenfels has filed an exception request for encroachment into the RPA buffer for construction of a detached storage shed at 6019 Tabiatha Lane in the Chickahominy Haven subdivision, JCC Parcel No 1910600023.

CBE-18-071: The Structures Group, on behalf of Ms. Patricia Carmichael, has filed an exception

request for encroachment into the RPA buffer for construction of a retaining wall at 300 River's Edge in the Kingsmill subdivision, JCC Parcel No 5130800012A.

CBE-18-063: Mid-Atlantic Resources Consulting, on behalf of Mr. Carlos Arana, has filed an exception request for encroachment into the RPA buffer for construction of a retaining wall and patio at 4069 South Riverside Drive in the Chickahominy Haven subdivision, JCC Parcel No 1910500017.

CBE-18-066: Walk Wright Construction, on behalf of Mr. and Mrs. Eric Gibson, has filed an exception request for encroachment into the RPA buffer for construction of a single family dwelling and attached deck at 125 Congressional in the Ford's Colony subdivision, JCC Parcel No 3720400088.

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 Stormwater and Resource Protection Division, 101 Mounts Bay Road, Building E, James City County, Virginia.

**NOT FOR PUBLICATION**

DISPLAY: WEDNESDAY – February 28, 2018 and March 7, 2018.

ACCOUNT NO.: 0011040200 - VIRGINIA GAZETTE

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



General Services  
Stormwater and Resource  
Protection Division  
101-E Mounts Bay Road  
Williamsburg, VA 23185

Resource.Protection@jamescitycountyva.gov

February 21, 2018

RE: 4447 Pleasant View Drive  
CBE-18-058  
Memorial Patio

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 Ms. Renie Andrews for encroachment into the Resource Protection Area (RPA) buffer associated with a memorial patio. The project is located at 4447 Pleasant View Drive in the Powhatan Village subdivision. The property are further identified by James City County Real Estate as Parcel No. 3741400011.

A complete description, plan, and other information are on file in the Stormwater 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, March 14, 2018 at 5:00 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,

*Janice Petty*

Janice Petty  
Stormwater Assistant

cc: Andrews, Renie J

Mailing List for: CBE-18-058 – 4447 Pleasant View Drive – Andrews– Deck Extension and Steps

Owner: 3741400011 of 4447 Pleasant View Drive, Lanexa, VA 23188-8027

Andrews, Renie J  
4447 Pleasant View Drive  
Williamsburg, VA 23188-8027

3830100021

Powhatan Community Services  
P.O. Box 5004  
Williamsburg, VA 23188-5200

3831400001C

Powhatan Village Homeowners Association  
103 Bulifants Boulevard, Suite A  
Williamsburg, VA 23188-5722

3741400010

Jordan, Catherine & Robert  
4443 Pleasant View Drive  
Williamsburg, VA 23188-8027

3741400012

Fuller, Bruce E II & Fuller Bruce E  
4451 Pleasant View Drive  
Williamsburg, VA 23188-8027

3741400141

Conner, Carol W  
4440 Pleasant View Drive  
Williamsburg, VA 23188-8027

3831600088

Wells, John T Jr & Mary Anne  
3935 West Providence Road  
Williamsburg, VA 23188-2780

**ITEM SUMMARY**

DATE: 3/14/2018  
TO: Chesapeake Bay Board  
FROM: Michael Woolson, Senior Watershed Planner  
SUBJECT: CBE-18-070 : 6019 Tabiatha Lane

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Chris Eckenfels has filed an exception request for encroachment into the RPA buffer for construction of a detached storage shed at 6019 Tabiatha Lane in the Chickahominy Haven subdivision, JCC Parcel No 1910600023.

**ATTACHMENTS:**

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

**REVIEWERS:**

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	3/7/2018 - 4:09 PM
Chesapeake Bay Group	Geissler, Fran	Approved	3/7/2018 - 4:34 PM
Publication Management	Burcham, Nan	Approved	3/7/2018 - 4:36 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	3/7/2018 - 5:02 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBE-18-070. 6019 Tabiatha Lane  
Staff report for the March 14, 2018, Chesapeake Bay Board Public Hearing**

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*This staff report is prepared by James City County Stormwater 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: Mr. Christopher Eckenfels  
Agent: Same  
Location: 6019 Tabiatha Lane  
Tax Map/Parcel No.: 1910600023  
Parcel: Lot 23, Section 5, Chickahominy Haven  
Lot Size: 0.46 acre  
Area of Lot in Resource Protection Area (RPA): 0.26 acre +/- (57%)  
Watershed: Chickahominy River (HUC JL28)  
Floodplain: Zone X, areas subject to the 0.2% annual chance floodplain  
Zone AE, base flood determined to be 7.0 feet Mean Sea Level  
Panel 0082D  
Proposed Activity: Shed, reconstruct and move  
Impervious Cover: -16 square feet (redevelopment, proposed shed smaller)  
RPA Encroachment: 50-foot seaward RPA buffer  
Staff Contact: Michael D. Woolson, Senior Watershed Planner Phone: 253-6823

**BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES**

Mr. Christopher Eckenfels has applied for a Chesapeake Bay Exception for encroachment into the RPA buffer for the construction of a shed located at 6019 Tabiatha Lane within the Chickahominy Haven subdivision and the Chickahominy River watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 1910600023. The parcel was platted in 1967, prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

There is an existing shed foundation that measures 16 feet x 16 feet for a total of 256 square feet of impervious cover. The proposed shed measures 12 feet x 20 feet for a total of 240 square feet of impervious cover. The existing impervious cover is in violation of the setbacks for the property. In order to come into compliance with the setback requirements, Mr. Eckenfels is proposing to rebuild and move the shed. By moving the shed to come into compliance with the applicable zoning regulations, the shed will be moved closer to the water resource. This application does not qualify for an administrative approval through the redevelopment criteria found in the ordinance because there is not a 20% reduction in impervious cover. Mr. Eckenfels is proposing to plant seven shrubs around the shed as mitigation for the impact.

## **STAFF EVALUATION**

Staff has evaluated the application and exception request for the construction of a shed and finds that the application has met the conditions in Sections 23-11 and 23-14 and that the application should be heard by the Board because the shed is an accessory structure in the RPA. Therefore, this request must be considered by the Board following a public hearing under the formal exception process.

## **WATER QUALITY IMPACT ASSESSMENT (WQIA)**

A WQIA was submitted, per Sections 23-11 and 23-14 of the County Ordinance, for the 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 which exceeds County 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-18-070 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 minor for the proposed development. Staff does recommend approval of this exception request. Should the Board wish to approve this exception 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 \$500 is required in a form acceptable to the County Attorney's office to guarantee the mitigation plantings; and
3. All development activities located in the special flood hazard area shall comply with Article VI Division 3 Floodplain Area Regulations of the James City County Zoning Ordinance and receive all required approvals and permits prior to commencement of such activities; and
4. This exception request approval shall become null and void if construction has not begun by March 14, 2019; and
5. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than six weeks prior to the expiration date.



MDW/md  
CBE18-0706019TabiathaLane

Attachments:

1. Resolution
2. Water Quality Impact Assessment Package
3. Existing Site Plan
4. Proposed Site Plan

## RESOLUTION

CASE NO. CBE-18-070. 6019 TABIATHA LANE

### JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Christopher Eckenfels (the “Applicant”) has applied to the Chesapeake Bay Board of James City County (the “Board”) on March 14, 2018, to request an exception to use of the Resource Protection Area (the “RPA”) on a parcel of property identified as James City County Real Estate Tax Parcel No. 1910600023 and further identified as 6019 Tabiatha Lane in the Chickahominy Haven subdivision (the “Property”) as set forth in the application CBE-18-070 for the purpose of constructing a shed; 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 required for the project; and
  - b. Surety of \$500 will be required in a form acceptable to the County Attorney’s office to guarantee the mitigation; and
  - c. All development activities located in the special flood hazard area shall comply with Article VI Division 3 Floodplain Area Regulations of the James City County Zoning

Ordinance and receive all required approvals and permits prior to commencement of such activities; and

- d. This exception request approval shall become null and void if construction has not begun by March 14, 2019; and
- e. Written requests for an extension to an exception shall be submitted to the Stormwater 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 March, 2018.

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: \_\_\_\_\_

CBE18-0706019TabiathaLane-res



# Chesapeake Bay Preservation Ordinance Sensitive Area Activity Application

Engineering & Resource Protection  
FEB '2 2018

For Office Use Only  
CB Number CBE-18-070

**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: 2/2/2018

Name: Christopher J. Eckenfels  
 Address: 6019 Tabiatha Lane, Lanexa, VA 23089  
 Phone: 7575082760 Fax: \_\_\_\_\_ Email: Riverbound757@aol.com

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

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

**Project Information:**

Project Address: 6019 Tabiatha Lane, Lanexa, VA 23089  
 Subdivision Name, Lot, and Section No.: Chickahominy Haven, Lot 23  
 Parcel Identification No. or Tax Map No.: 1910600023  
 Date Lot was platted: June 21, 1967 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 type="checkbox"/> RPA - Seaward 50' _____ (SF)         |
| <input type="checkbox"/> Trees to be Removed _____ (#)             | <input type="checkbox"/> Proposed Impervious Cover _____ (SF) |

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

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> New principal structure construction               | <input type="checkbox"/> Building addition to principal structure                 | <input type="checkbox"/> Attached Deck     |
| <input type="checkbox"/> Permitted buffer modifications:                    | <input type="checkbox"/> Dead/diseased/dying tree removal                         | <input type="checkbox"/> Sightline         |
| <input checked="" type="checkbox"/> Accessory (Detached) Structure or Patio | <input type="checkbox"/> Invasive/noxious weed removal                            | <input type="checkbox"/> Access path/trail |
| <input type="checkbox"/> Other: _____                                       | <input checked="" type="checkbox"/> Redevelopment: <u>Reconstruction of shed.</u> |  |

For Office Use Only <i>CBF # 18-070</i> CB Number <u>18-070</u>
---

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

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

~~Previous shed measuring 16'X16' & located on the property line. Proposal to reconstruct shed to accommodate watercraft/boat w/ overall smaller dimensions of 12'X20' and move shed at least 5' from property line per JCC setback requirements.~~

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?  
~~Shed will be build on 4X4 skids and leveled on blocks and will not affect runoff or disturb the land.~~

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  
N/A

**5. Proposed mitigation measures:**

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

**Mitigation Rates Table**

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

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

For Office Use Only CB Number <u>CBE# 18-070</u>
---

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

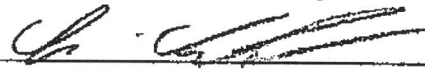
- Number of native canopy trees \_\_\_\_\_
- Number of native understory trees \_\_\_\_\_
- Number of native shrubs 6-7 shrubs around the shed
- Square feet of native ground cover \_\_\_\_\_
- Square feet of mulch \_\_\_\_\_

B. Best Management Practices (BMPs)

- |   |   |
|---|---|
| <input type="checkbox"/> EC-2 (degradable) erosion control matting  | <input type="checkbox"/> Bioretention or rain garden practice |
| <input type="checkbox"/> Dry Swale  | <input type="checkbox"/> Infiltration Area/Trench/Drywell     |
| <input type="checkbox"/> Silt fence   | <input type="checkbox"/> Structural BMP (Wet or Dry Pond)     |
| <input type="checkbox"/> Turf (Nutrient) Management Plan  | <input type="checkbox"/> Rain Barrel                          |
| <input 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 2/2/18

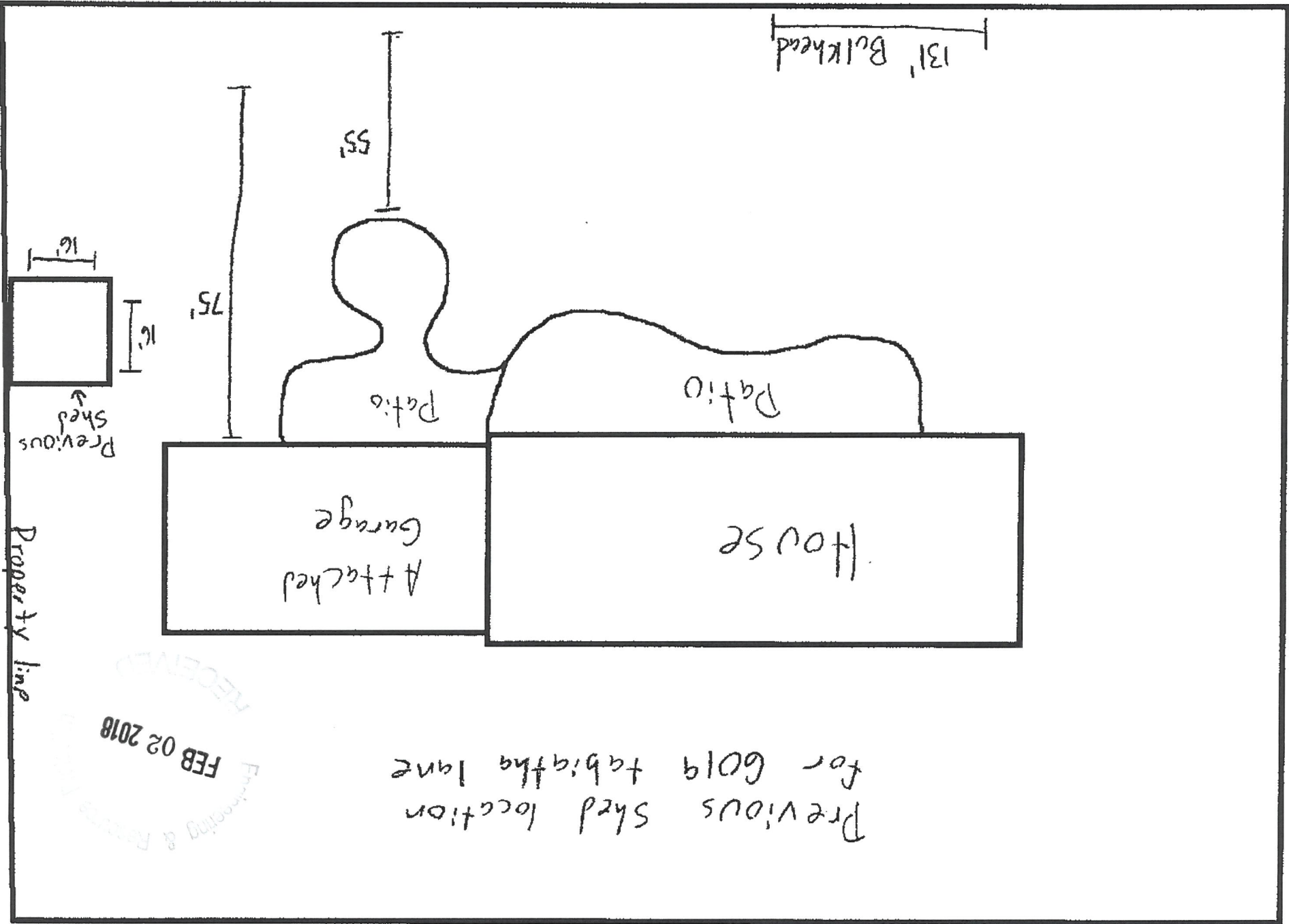
Program Administrator \_\_\_\_\_ Date \_\_\_\_\_

Authorized Signature

For Office Use Only	Surety Amount: _____ Date/Rec No.: _____ Fee Paid? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Amount: <u>125.00</u> Date/Rec No.: <u>2/2/18 # 32911</u>
---------------------	--

020-815147

(Shed ran alongside property line)

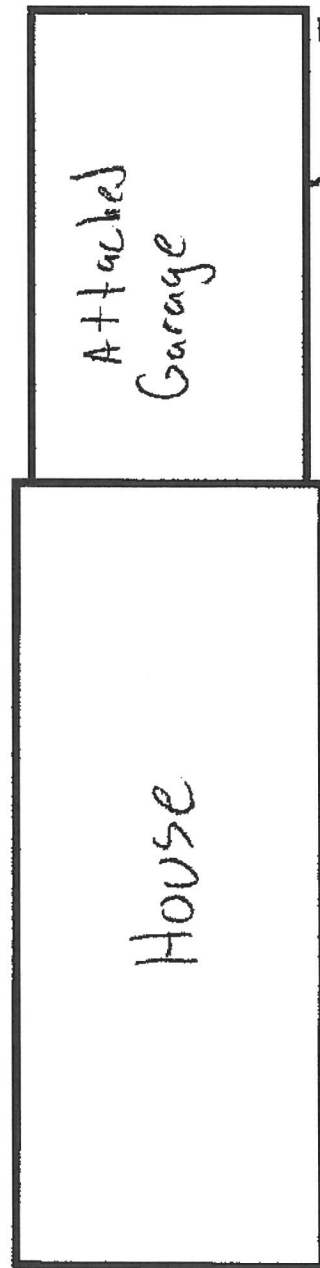


Previous Shed location for G019 tabiqtha lane

RECEIVED  
 FEB 02 2018  
 Engineering & Retention

FEB 02 2018

# Shed Reconstruction Proposal for 6019 Tabitha Lane

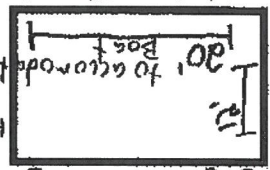


Patio

Attached  
Garage

Patio

131' Bulkhead



10' front porch

10' to eaves

10' to peak

10' to eaves

10' to peak

5' from  
Property  
line  
Per  
JCC set  
backs

mut. proposed  
setbacks

Sheds

Sheds

55'





## **PUBLIC HEARING NOTICE**

THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA WILL HOLD A PUBLIC HEARING ON **WEDNESDAY MARCH 14, 2018 AT 5 P.M.** IN THE BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBE-18-068: The Structures Group, on behalf of Mr. and Mrs. William Roberts, has filed an exception request for encroachment into the RPA buffer for construction of a retaining wall at 5034 River Drive, JCC Parcel No 0930300008.

CBE-18-058: Ms. Renie Andrews has filed an exception request for encroachment into the RPA buffer for construction of a memorial patio at 4447 Pleasant View Drive in the Powhatan Village subdivision, JCC Parcel No 3741400011.

CBE-18-064: Draper Aden and Associates, on behalf of Mr. and Mrs. Scott Kruger, has filed an exception request for encroachment into the RPA buffer for the reconstruction of a single family dwelling after demolition at 136 John Wickham in the Kingsmill subdivision, JCC Parcel No 5130200009.

CBE-18-072: Timmons Group, on behalf of Southland Corporation, has filed an exception request for encroachment into the RPA buffer for construction of a paved access drive at 3000 Battery Boulevard, 7327 Pocahontas Trail and 7341 Pocahontas Trail in the Quarterpath at Williamsburg development, JCC Parcel Nos 5020100075A, 5020100030 and 5020700004B respectively.

CBE-18-067: Walk Wright Construction has applied for an exception request for encroachment into the RPA buffer for construction of a single family dwelling and attached deck at 120 Nottinghamshire in the Ford's Colony subdivision, JCC Parcel No 3233100033.

CBE-18-065: Walk Wright Construction, on behalf of Mr. and Mrs. Joseph Leigh, has filed an exception request for encroachment into the RPA buffer for construction of a single family dwelling and attached deck at 116 Nottinghamshire in the Ford's Colony subdivision, JCC Parcel No 3233100034.

CBE-18-070: Mr. Chris Eckenfels has filed an exception request for encroachment into the RPA buffer for construction of a detached storage shed at 6019 Tabiatha Lane in the Chickahominy Haven subdivision, JCC Parcel No 1910600023.

CBE-18-071: The Structures Group, on behalf of Ms. Patricia Carmichael, has filed an exception

request for encroachment into the RPA buffer for construction of a retaining wall at 300 River's Edge in the Kingsmill subdivision, JCC Parcel No 5130800012A.

CBE-18-063: Mid-Atlantic Resources Consulting, on behalf of Mr. Carlos Arana, has filed an exception request for encroachment into the RPA buffer for construction of a retaining wall and patio at 4069 South Riverside Drive in the Chickahominy Haven subdivision, JCC Parcel No 1910500017.

CBE-18-066: Walk Wright Construction, on behalf of Mr. and Mrs. Eric Gibson, has filed an exception request for encroachment into the RPA buffer for construction of a single family dwelling and attached deck at 125 Congressional in the Ford's Colony subdivision, JCC Parcel No 3720400088.

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 Stormwater and Resource Protection Division, 101 Mounts Bay Road, Building E, James City County, Virginia.

**NOT FOR PUBLICATION**

DISPLAY: WEDNESDAY – February 28, 2018 and March 7, 2018.  
ACCOUNT NO.: 0011040200 - VIRGINIA GAZETTE

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



**General Services  
Stormwater and Resource  
Protection Division**  
101-E Mounts Bay Road  
Williamsburg, VA 23185

Resource.Protection@jamescitycountyva.gov

February 21, 2018

RE: 6019 Tabiatha Lane  
CBE-18-070  
Shed

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 Mr. Christopher Eckenfels for encroachment into the Resource Protection Area (RPA) buffer associated with a shed. The project is located at 6019 Tabiatha Lane. The property is further identified by James City County Real Estate as Parcel No. 1910600023.

A complete description, plan, and other information are on file in the Stormwater 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, March 14, 2018 at 5:00 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,

*Janice Petty*

Janice Petty  
Stormwater Assistant

cc: Eckenfels, Christopher J.

**ITEM SUMMARY**

DATE: 3/14/2018  
TO: Chesapeake Bay Board  
FROM: Michael Woolson, Senior Watershed Planner  
SUBJECT: CBE-18-063 : 4069 South Riverside Drive

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Carlos Arana has filed an exception request for encroachment into the RPA buffer for construction of a patio and retaining wall at 4069 South Riverside Drive in the Chickahominy Haven subdivision, JCC Parcel No 1910500017.

**ATTACHMENTS:**

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

**REVIEWERS:**

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	3/7/2018 - 4:12 PM
Chesapeake Bay Group	Geissler, Fran	Approved	3/7/2018 - 4:32 PM
Publication Management	Burcham, Nan	Approved	3/7/2018 - 4:33 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	3/7/2018 - 5:02 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBE-18-063. 4069 South Riverside Drive  
Staff report for the March 14, 2018, Chesapeake Bay Board Public Hearing**

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*This staff report is prepared by James City County Stormwater 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: Mr. Vladimir Arana

Agent: Karla Havens, Mid-Atlantic Resource Consulting

Location: 4069 South Riverside Drive

Tax Map/Parcel No.: 1910500017

Parcel: Lot 17, Section 4, Chickahominy Haven

Lot Size: 0.3 acre

Area of Lot in Resource Protection Area (RPA): 0.17 acre +/- (57%)

Watershed: Chickahominy River (HUC JL28)

Floodplain: Zone X, areas subject to the 0.2% annual chance floodplain  
Zone AE, base flood determined to be 7.0 feet Mean Sea Level  
Panel 0082C

Proposed Activity: Construction of a retaining wall and patio

Impervious Cover: 300 square feet

RPA Encroachment: 50-foot seaward RPA buffer

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

**BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES**

Ms. Karla Havens, Mid-Atlantic Resources Consulting, has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of a retaining wall and patio located at 4069 South Riverside Drive within the Chickahominy Haven subdivision and the Chickahominy River watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 1910500017. The parcel was platted in 1961, prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The home at 4069 South Riverside Drive was built in 1963. Mr. Arana bought the property in October 2017 and proceeded to make unauthorized improvements to the property. He was issued a Notice of Violation, which was overturned at the February 14, 2017 Chesapeake Bay Board meeting. One of the conditions of the appeal was that the mitigation rates were to be doubled from standard practice. The required mitigation rate is one planting unit, which is doubled to two planting units. The mitigation provided is one planting unit, plus eliminating all turf grass in the rear yard (50-foot seaward buffer) and replanting with switchgrass or another native bunch grass.

## **STAFF EVALUATION**

Staff has evaluated the application and exception request for the construction of a retaining wall and patio and finds that the application has met the conditions in Sections 23-11 and 23-14 and that the application should be heard by the Board because the retaining wall and patio are accessory structures in the RPA. Therefore, this request must be considered by the Board following a public hearing under the formal exception process.

## **WATER QUALITY IMPACT ASSESSMENT (WQIA)**

A WQIA was submitted, per Sections 23-11 and 23-14 of the County Ordinance, for the 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 which meets County requirements, but does not meet the Board's requirements for the appeal.

## **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-18-063 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 does recommend approval of this exception request. Should the Board wish to approve this exception 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 \$2,000 is required in a form acceptable to the County Attorney's office to guarantee the mitigation plantings; and
3. A mitigation plan that meets the required doubling of the mitigation requirements, per the appeal in February 14, 2018 as Case No. CBV-18-008; and
4. All development activities located in the special flood hazard area shall comply with Article VI Division 3 Floodplain Area Regulations of the James City County Zoning Ordinance and receive all required approvals and permits prior to commencement of such activities; and
5. This exception request approval shall become null and void if construction has not begun by March 14, 2019; and
6. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than six weeks prior to the expiration date.

MDW/md  
CBE-18-063Arana

Attachments:

1. Resolution
2. Water Quality Impact Assessment Package
3. Resolution from appeal of case CBV18-008
4. Site Plan

## RESOLUTION

CASE NO. CBE-18-063. 4069 SOUTH RIVERSIDE DRIVE

### JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Vladimir Arana (the “Applicant”) has applied to the Chesapeake Bay Board of James City County (the “Board”) on March 14, 2018, to request an exception to use of the Resource Protection Area (the “RPA”) on a parcel of property identified as James City County Real Estate Tax Parcel No. 1910500017 and further identified as 4069 South Riverside Drive in the Chickahominy Haven subdivision (the “Property”) as set forth in the application CBE-18-063 for the purpose of constructing a retaining wall and patio; 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 required for the project; and
  - b. Surety of \$2,000 will be required in a form acceptable to the County Attorney’s office to guarantee the mitigation; and
  - c. A mitigation plan that meets the required doubling of the mitigation requirements, per the appeal in February 14, 2018, as Case No. CBV-18-008; and



- d. All development activities located in the special flood hazard area shall comply with Article VI Division 3 Floodplain Area Regulations of the James City County Zoning Ordinance and receive all required approvals and permits prior to commencement of such activities; and
- e. This exception request approval shall become null and void if construction has not begun by March 14, 2019; and
- f. Written requests for an extension to an exception shall be submitted to the Stormwater 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 March, 2018.

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: \_\_\_\_\_

CBE18-0634069SRiversideDr-res



# Chesapeake Bay Preservation Ordinance Sensitive Area Activity Application

JAN 30 2018  
RECEIVED

For Office Use Only

CB Number CBE 18-063

### 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: \_\_\_\_\_

Name: Vladimir Arana - Z Brothers Investments, LLC  
 Address: 11351 Brickshire Lane Providence Forge, VA 23140  
 Phone: (804) 248-3387 Fax: \_\_\_\_\_ Email: vladimiracq@hotmail.com

### Contact (if different from above):

Name: Karla S. Havens Phone: (804) 785-2107  
Mid-Atlantic Resource Consulting Email: Karlahavens@gmail.com

### Project Information:

Project Address: 4069 S. Riverside Drive Lanexa  
 Subdivision Name, Lot, and Section No.: Chickahominy Haven, Lot 17, Section 4  
 Parcel Identification No. or Tax Map No.: PIN 1910500017  
 Date Lot was platted: 9-25-06 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>97</u> (SF)         |
| <input checked="" type="checkbox"/> Trees to be Removed <u>2 Dead</u> (#) | <input checked="" type="checkbox"/> Proposed Impervious Cover <u>97</u> (SF) |

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

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> New principal structure construction   | <input type="checkbox"/> Building addition to principal structure    | <input type="checkbox"/> Attached Deck                |
| <input type="checkbox"/> Permitted buffer modifications:  | <input checked="" 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 checked="" type="checkbox"/> Access path/trail |
| <input checked="" type="checkbox"/> Other: <u>Block Retaining Wall (97') &amp; Block Patio (12' x 17')</u><br><u>less the walkway</u> | <input type="checkbox"/> Redevelopment: _____                        |   |

For Office Use Only <i>CE</i> CB Number <u>18-003</u>
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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)*

97 feet of block wall was installed as a replacement of a failing timber retaining wall. Topsoil was brought in to improve soil quality & establish new vegetation. Block patio was installed at patio enclosure doorway.

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?

New block wall is replacing a failing timber retaining wall. Patio is a non-dirt landing for entrance/exit from patio enclosure.

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

Walkway is a replacement. Patio is minimal in size (12'x17 less the 4' walkway to the pier).

**5. Proposed mitigation measures:**

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

**Mitigation Rates Table**

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

For Office Use Only CB Number <u>CPE 18-063</u>
--

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

<input type="checkbox"/>	Number of native canopy trees	<u>1 Red Maple</u>
<input type="checkbox"/>	Number of native understory trees	<u>1 Silky Dogwood</u>
<input type="checkbox"/>	Number of native shrubs	<u>2 Mountain Laurel, 4 Azalea</u>
<input checked="" type="checkbox"/>	Square feet of native ground cover	<u>2,508 SF</u>
<input checked="" type="checkbox"/>	Square feet of mulch	<u>200 SF (10' x 20' Swing set Bed)</u>

**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 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.

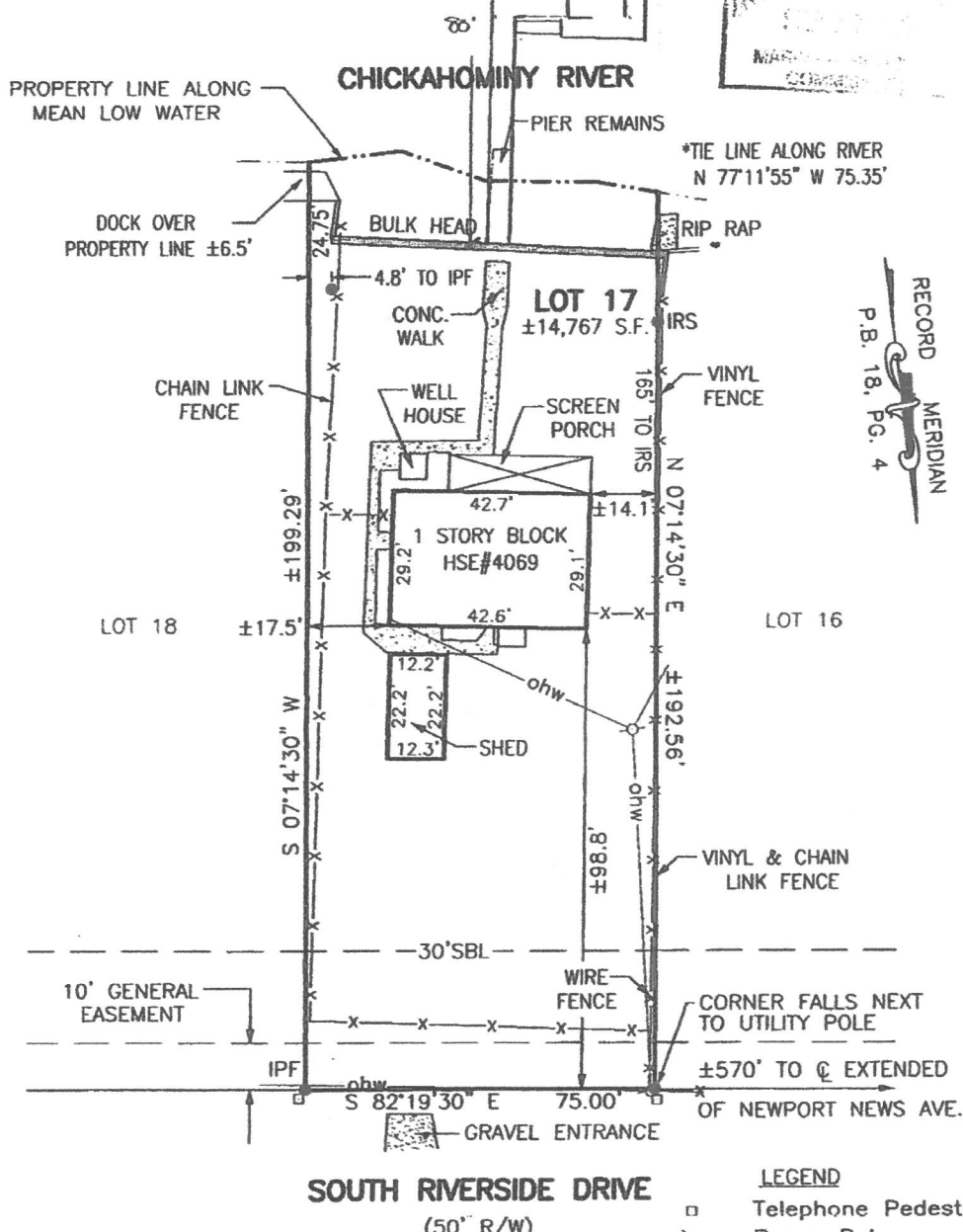
Property owner signature *Madhu M. Arora* Date 01/30/18

Program Administrator \_\_\_\_\_ Date \_\_\_\_\_  
Authorized Signature

For Office Use Only	Surety Amount: _____ Date/Rec No.: _____ Fee Paid? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Amount: <u>25.00</u> Date/Rec No.: <u>1/30/18 # 8283</u>
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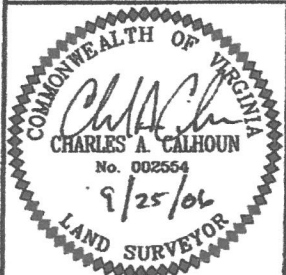
**NOTE:**

1. THIS PLAT WAS PRODUCED WITHOUT THE BENEFIT OF A TITLE REPORT AND REFLECTS ONLY THOSE ENCUMBRANCES, EASEMENTS AND SETBACKS AS SHOWN IN P.B. 18, PG. 4.
2. THIS FIRM IS NOT RESPONSIBLE FOR THE LOCATION OF ANY STRUCTURE, MANHOLE, VALVE, ETC., HIDDEN OR OBSTRUCTED AT THE TIME THE FIELD SURVEY WAS PERFORMED.
3. WETLANDS, IF ANY, WERE NOT LOCATED FOR THIS SURVEY.
4. UNDERGROUND UTILITIES WERE NOT LOCATED.



RECORD  
 MERIDIAN  
 P.B. 18, PG. 4

ADDRESS:  
 4069 S. RIVERSIDE DRIVE  
 JAMES CITY COUNTY, VIRGINIA



REFERENCES:  
 P.B. 18/4

DATE: 9/25/06  
 SCALE: 1"=30'  
 JOB# 06-428  
 CAD File  
 06-428.dwg

PHYSICAL SURVEY OF LOT 17, SECTION 4  
**CHICKAHOMINY HAVEN**  
 For:  
**HENRY S. BRANSCOME**  
 James City County, Virginia

**LandTech Resources, Inc.**  
 Surveying • GPS • Engineering  
 5810-F Mooretown Road, Williamsburg, Virginia 23188  
 Telephone: 757-565-1677 Fax: 757-565-0782  
 Web: landtechresources.com

11-40



## **PUBLIC HEARING NOTICE**

THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA WILL HOLD A PUBLIC HEARING ON **WEDNESDAY MARCH 14, 2018 AT 5 P.M.** IN THE BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBE-18-068: The Structures Group, on behalf of Mr. and Mrs. William Roberts, has filed an exception request for encroachment into the RPA buffer for construction of a retaining wall at 5034 River Drive, JCC Parcel No 0930300008.

CBE-18-058: Ms. Renie Andrews has filed an exception request for encroachment into the RPA buffer for construction of a memorial patio at 4447 Pleasant View Drive in the Powhatan Village subdivision, JCC Parcel No 3741400011.

CBE-18-064: Draper Aden and Associates, on behalf of Mr. and Mrs. Scott Kruger, has filed an exception request for encroachment into the RPA buffer for the reconstruction of a single family dwelling after demolition at 136 John Wickham in the Kingsmill subdivision, JCC Parcel No 5130200009.

CBE-18-072: Timmons Group, on behalf of Southland Corporation, has filed an exception request for encroachment into the RPA buffer for construction of a paved access drive at 3000 Battery Boulevard, 7327 Pocahontas Trail and 7341 Pocahontas Trail in the Quarterpath at Williamsburg development, JCC Parcel Nos 5020100075A, 5020100030 and 5020700004B respectively.

CBE-18-067: Walk Wright Construction has applied for an exception request for encroachment into the RPA buffer for construction of a single family dwelling and attached deck at 120 Nottinghamshire in the Ford's Colony subdivision, JCC Parcel No 3233100033.

CBE-18-065: Walk Wright Construction, on behalf of Mr. and Mrs. Joseph Leigh, has filed an exception request for encroachment into the RPA buffer for construction of a single family dwelling and attached deck at 116 Nottinghamshire in the Ford's Colony subdivision, JCC Parcel No 3233100034.

CBE-18-070: Mr. Chris Eckenfels has filed an exception request for encroachment into the RPA buffer for construction of a detached storage shed at 6019 Tabiatha Lane in the Chickahominy Haven subdivision, JCC Parcel No 1910600023.

CBE-18-071: The Structures Group, on behalf of Ms. Patricia Carmichael, has filed an exception

request for encroachment into the RPA buffer for construction of a retaining wall at 300 River's Edge in the Kingsmill subdivision, JCC Parcel No 5130800012A.

CBE-18-063: Mid-Atlantic Resources Consulting, on behalf of Mr. Carlos Arana, has filed an exception request for encroachment into the RPA buffer for construction of a retaining wall and patio at 4069 South Riverside Drive in the Chickahominy Haven subdivision, JCC Parcel No 1910500017.

CBE-18-066: Walk Wright Construction, on behalf of Mr. and Mrs. Eric Gibson, has filed an exception request for encroachment into the RPA buffer for construction of a single family dwelling and attached deck at 125 Congressional in the Ford's Colony subdivision, JCC Parcel No 3720400088.

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 Stormwater and Resource Protection Division, 101 Mounts Bay Road, Building E, James City County, Virginia.

**NOT FOR PUBLICATION**

DISPLAY: WEDNESDAY – February 28, 2018 and March 7, 2018.  
ACCOUNT NO.: 0011040200 - VIRGINIA GAZETTE

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



**General Services  
Stormwater and Resource  
Protection Division**  
101-E Mounts Bay Road  
Williamsburg, VA 23185

Resource.Protection@jamescitycountyva.gov

February 21, 2018

RE: 6019 Tabiatha Lane  
CBE-18-070  
Shed

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 Mr. Christopher Eckenfels for encroachment into the Resource Protection Area (RPA) buffer associated with a shed. The project is located at 6019 Tabiatha Lane. The property is further identified by James City County Real Estate as Parcel No. 1910600023.

A complete description, plan, and other information are on file in the Stormwater 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, March 14, 2018 at 5:00 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,

*Janice Petty*

Janice Petty  
Stormwater Assistant

cc: Eckenfels, Christopher J.



Mailing List for: CBE-18-071 – 300 River’s Edge – Carmichael – Retaining Wall and Patio

Owner: 5130800012A

Carmichael, John L, Trustee & Patricia  
300 River’s Edge  
Williamsburg, VA 23185-8936

1910600022

Crist, Gilbert L  
6021 Tabiatha Lane  
Lanexa, VA 23089-9402

1910600024

Purdy, Thomas H & Valerie T  
6017 Tabiatha Lane  
Lanexa, VA 23089-9402

1910600016

Keener, James Arthur II & Vischansky, Rosemarie  
6010 Tabiatha Lane  
Lanexa, VA 23089-9401

1910600017

Sander, Clifford E, Trustee  
6012 Tabiatha Lane  
Lanexa, VA 23089-9401

1910800005

Caviston, Michael W & Abigail G  
7268 Osprey Drive  
Lanexa, VA 23089-9409

1910800006

Desantis, John I & Holly M  
7270 Osprey Drive  
Lanexa, VA 23089-9409

**ITEM SUMMARY**

DATE: 3/14/2018  
TO: Chesapeake Bay Board  
FROM: Michael Woolson, Senior Watershed Planner  
SUBJECT: CBE-18-071 : 300 River's Edge

---

Patricia Carmichael has filed an exception request for encroachment into the RPA buffer for construction of a retaining wall at 300 River's Edge in the Kingsmill subdivision, JCC Parcel No 5130800012A.

**ATTACHMENTS:**

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution	Resolution
☐	Site and Mitigation Plan	Backup Material
☐	Public Hearing Notice	Backup Material
☐	APO Notification Letter	Backup Material
☐	APO Notification List	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	3/7/2018 - 2:56 PM
Chesapeake Bay Group	Geissler, Fran	Approved	3/7/2018 - 4:35 PM
Publication Management	Burcham, Nan	Approved	3/7/2018 - 4:36 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	3/7/2018 - 5:03 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBE-18-071. 300 River's Edge  
Staff report for the March 14, 2018, Chesapeake Bay Board Public Hearing**

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*This staff report is prepared by James City County Stormwater 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: Ms. Patricia Carmichael

Agent: Mr. Michael Matthews, The Structures Group

Location: 300 River's Edge

Tax Map/Parcel No.: 5130800012A

Parcel: Lot 12A, Phase 3, River's Edge, Kingsmill

Lot Size: 0.17 acre

Area of Lot in Resource Protection Area (RPA): 0.03 acre +/- (18%)

Watershed: Skiffes Creek (HUC JL35)

Floodplain: Zone X, areas determined to be outside the 0.2% annual chance flood. Panel 0206D

Proposed Activity: Construction of a retaining wall

Impervious Cover: 140 square feet

RPA Encroachment: 50-foot landward RPA buffer

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

**BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES**

Mr. Michael Matthews, The Structures Group, on behalf of Ms. Patricia Carmichael, has applied for a Chesapeake Bay Exception for encroachment into the RPA buffer for the construction of a retaining wall located at 300 River's Edge within the Kingsmill subdivision and the James River watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 5130800012A. The parcel was platted in 2001, prior to the revisions to the Chesapeake Bay Preservation Ordinance in 2004.

The proposed retaining wall will help stabilize the slope in the rear of the property and stop the existing erosion. The wall is proposed to be a modular style which has an internal drainage system. This will help to promote infiltration and filter runoff. To compensate for the impervious cover, the proposed mitigation is one understory tree and three shrubs. This meets the County requirements for mitigation.

**STAFF EVALUATION**

Staff has evaluated the application and exception request for the construction of a retaining wall and finds that the application has met the conditions in Sections 23-11 and 23-14 and that the application should be heard by

the Board because the retaining wall is an accessory structure in the RPA. Therefore, this request must be considered by the Board following a public hearing under the formal exception process.

### **WATER QUALITY IMPACT ASSESSMENT (WQIA)**

A WQIA was submitted, per Sections 23-11 and 23-14 of the County Ordinance, for the 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 which meets County 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-18-071 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 minor for the proposed development. Staff does recommend approval of this exception request. Should the Board wish to approve this exception 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 \$500 is required in a form acceptable to the County Attorney's office to guarantee the mitigation plantings; and
3. This exception request approval shall become null and void if construction has not begun by March 14, 2019; and
4. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than six weeks prior to the expiration date.

MDW/md  
CBE18-071-300Rvr'sEdge

#### Attachments:

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

## RESOLUTION

CASE NO. CBE-18-071. 300 RIVER'S EDGE

### JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Ms. Patricia Carmichael (the "Applicant") has applied to the Chesapeake Bay Board of James City County (the "Board") on March 14, 2018, to request an exception to use of the Resource Protection Area (the "RPA") on a parcel of property identified as James City County Real Estate Tax Parcel No. 5130800012A and further identified as 300 River's Edge in the Kingsmill subdivision (the "Property") as set forth in the application CBE-18-071 for the purpose of constructing a retaining wall; 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 required for the project; and
  - b. Surety of \$500 will be required in a form acceptable to the County Attorney's office to guarantee the mitigation; and
  - c. This exception request approval shall become null and void if construction has not begun by March 14, 2019; and

- d. Written requests for an extension to an exception shall be submitted to the Stormwater 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 March, 2018.

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: \_\_\_\_\_

CBE18-071-300Rvr'sEdge-res

# EROSION & SEDIMENT CONTROL NOTES

## GENERAL:

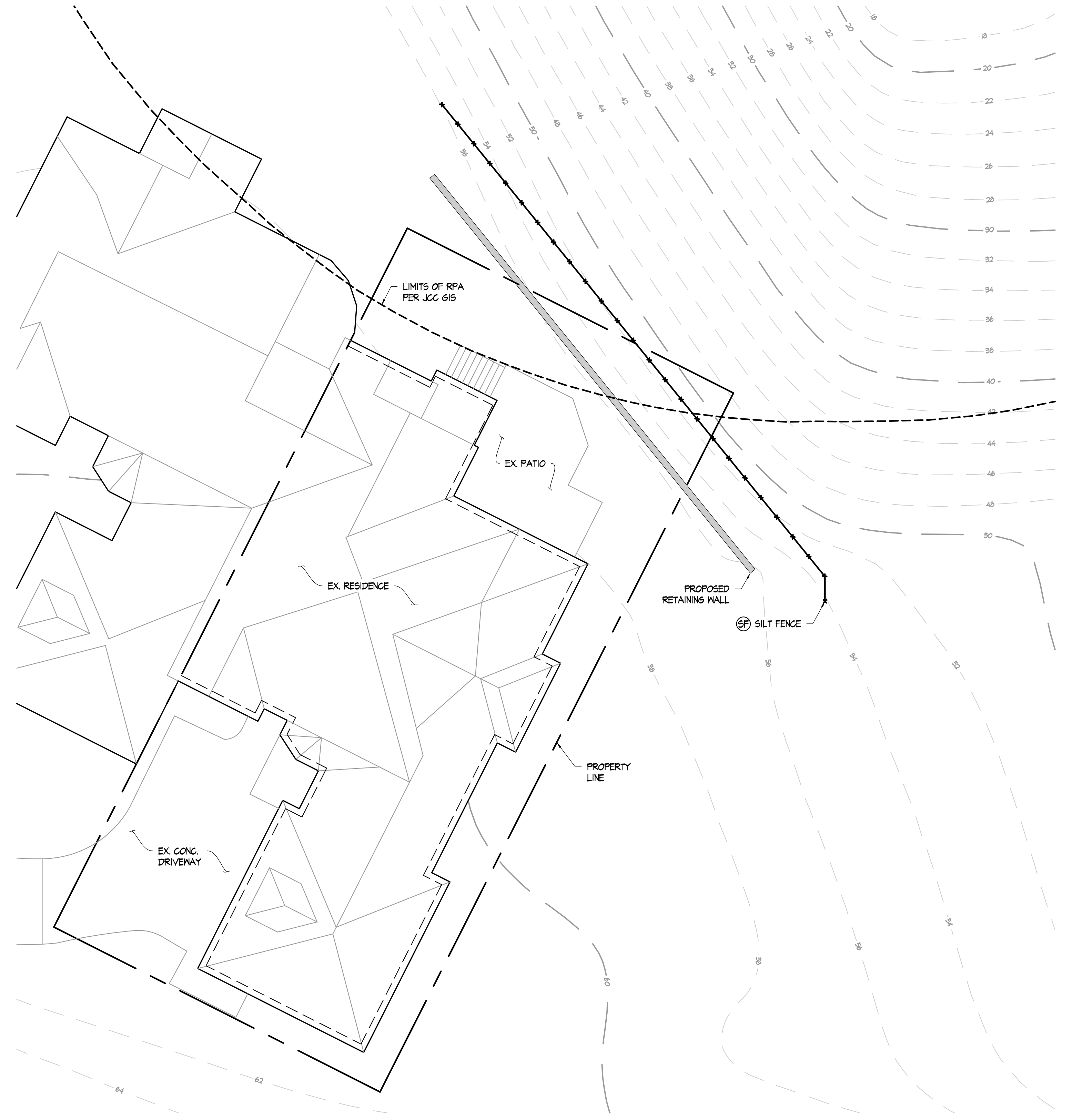
1. THE PROFESSIONAL ENGINEER WHOSE SEAL IS AFFIXED HEREON SHALL ACT AS THE "RESPONSIBLE LAND DISTURBER" FOR THE PLAN REVIEW. FOR THE PLAN REVIEW, THE PLANS ARE APPROVED. THE OWNER/GENERAL CONTRACTOR SHALL DESIGNATE THE "RESPONSIBLE LAND DISTURBER" AND PROVIDE THE COUNTY WITH THE NAME AND CERTIFICATION NO. OF THE "RESPONSIBLE LAND DISTURBER" FOR THE CONSTRUCTION PHASE OF THE PROJECT.
2. THIS SITE IS LOCATED WITHIN THE CHESAPEAKE BAY WATERSHED. THE PROJECT AREA IS LOCATED WITHIN THE LIMITS OF THE CHESAPEAKE BAY PRESERVATION ACT RPA/RMA AREAS.
3. ELEVATIONS SHOWN ARE APPROXIMATE, AND ARE BASED ON TOPOGRAPHIC MAP PROVIDED BY THE JAMES CITY COUNTY GEOGRAPHICAL INFORMATION SYSTEM (GIS).
4. THE EXISTENCE AND LOCATION (HORIZONTAL AND VERTICAL) OF EXISTING UTILITIES ARE NOT GUARANTEED AND SHALL BE FIELD VERIFIED BY THE CONTRACTOR.
5. THERE ARE NO ANTICIPATED OFFSITE LAND DISTURBING AREAS ASSOCIATED WITH THE DEVELOPMENT OF THIS SITE.
6. A LAND DISTURBING PERMIT IS NOT REQUIRED FOR SINGLE-FAMILY RESIDENCE PROJECTS INCLUDING ALL AREAS SUBJECT TO THE CHESAPEAKE BAY PRESERVATION ACT.
7. ALL OBJECTIONABLE AND DELETERIOUS MATERIAL IS TO BE REMOVED FROM THE SITE AND DISPOSED OF IN AN APPROVED FACILITY MEETING ALL REQUIREMENTS OF ALL LOCAL, STATE, AND FEDERAL REGULATIONS.
8. DURING CONSTRUCTION OF THE PROJECT, SOIL STOCKPILES AND BORROW AREAS SHALL BE STABILIZED OR PROTECTED WITH SEDIMENT TRAPPING MEASURES. THE CONTRACTOR IS RESPONSIBLE FOR THE TEMPORARY PROTECTION AND PERMANENT STABILIZATION OF ALL SOIL STOCKPILES ON SITE AS WELL AS BORROW AREAS AND SOIL INTENTIONALLY TRANSPORTED FROM THE SITE.
9. ALL AREAS DISTURBED BY CONSTRUCTION SHALL BE STABILIZED WITH PERMANENT SEEDING IMMEDIATELY FOLLOWING FINISH GRADING. SEEDING SHALL BE DONE WITH THE MINIMUM CARE LAWN BLEND ACCORDING TO TABLE 3.32-2 OF STANDARD AND SPECIFICATION 3.32. "PERMANENT SEEDINGS" OF THE VESCH. EROSION BLANKETS WILL BE INSTALLED OVER FILL SLOPES WHICH HAVE BEEN BROUGHT TO FINAL GRADE AND HAVE BEEN SEED TO PROTECT THE SLOPES FROM RILL AND GULLY EROSION TO ALLOW THE SEED TO GERMINATE PROPERLY. MULCH (STRAW OR FIBER) WILL BE USED ON RELATIVELY FLAT AREAS. IN ALL SEEDING OPERATIONS, SEED, FERTILIZER, AND LIME WILL BE APPLIED PRIOR TO MULCHING. SOIL STABILIZATION MATTING TO BE VESCH TYPICAL TREATMENT T-1 (JUTE MESH).

## JAMES CITY COUNTY STANDARD STORMWATER POLLUTION PREVENTION PLAN NOTES:

THE FOLLOWING STANDARD COUNTY NOTES SHALL BECOME PART OF ANY APPROVED STORMWATER POLLUTION PREVENTION PLAN (SWPPP) FOR PLAN OF DEVELOPMENT PROJECTS IN JAMES CITY COUNTY, VIRGINIA. COMPONENTS OF A SWPPP MAY INCLUDE, AS APPLICABLE, A SITE EROSION AND SEDIMENT CONTROL (EASC) PLAN, A SITE STORMWATER MANAGEMENT (SWM) PLAN, AND A SITE POLLUTION PREVENTION PLAN (PPP). THE COUNTY'S DIVISION OF ENGINEERING AND RESOURCE PROTECTION IS DESIGNATED BY CHAPTER 8 OF THE COUNTY CODE AS THE LOCAL VIRGINIA EROSION AND SEDIMENT CONTROL PROGRAM (VESCP) AUTHORITY AND VIRGINIA STORMWATER MANAGEMENT PROGRAM (VSMP) AUTHORITY.

1. ALL THE PROVISIONS OF VIRGINIA EROSION AND SEDIMENT CONTROL (EASC) LAW AND REGULATIONS, THE VIRGINIA STORMWATER MANAGEMENT ACT AND REGULATIONS (VSMP), THE VIRGINIA BMP CLEARINGHOUSE WEBSITE, STATE EROSION AND SEDIMENT CONTROL, AND STORMWATER MANAGEMENT HANDBOOKS, AND ANY ASSOCIATED TECHNICAL BULLETINS AND GUIDANCE DOCUMENTS AS PUBLISHED BY THE STATE WATER CONTROL BOARD, THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ), AND THE LOCAL VESCP AND VSMP AUTHORITY SHALL APPLY TO THE PROJECT.
2. MINIMUM STANDARDS NO. 1 THROUGH NO. 14 OF THE VIRGINIA EROSION AND SEDIMENT CONTROL REGULATIONS 9VAC25-84-0 ET SEQ. SHALL APPLY TO THE PROJECT.
3. THE OWNER, APPLICANT, OPERATOR, OR PERMITEE SHALL BE RESPONSIBLE TO REGISTER FOR CONSTRUCTION GENERAL PERMIT (CGP) COVERAGE, AS APPLICABLE, IN ACCORDANCE WITH THE GENERAL VPDES PERMIT FOR DISCHARGE OF STORMWATER FROM CONSTRUCTION ACTIVITIES (VARIO) CHAPTER 880, THE VIRGINIA STORMWATER MANAGEMENT PROGRAM REGULATIONS CHAPTER 870; AND IN ACCORDANCE WITH CURRENT REQUIREMENTS OF THE VIRGINIA STORMWATER MANAGEMENT PROGRAM (VSMP), THE STATE WATER CONTROL BOARD, THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY, CHAPTER 8 OF THE COUNTY CODE AND THE LOCAL VESCP/VSMPT AUTHORITY.
4. THE OWNER, APPLICANT, OPERATOR OR PERMITEE SHALL PROVIDE THE NAME OF AN INDIVIDUAL HOLDING A VALID RESPONSIBLE LAND DISTURBER (RLD) CERTIFICATE OF COMPETENCE WHO WILL BE RESPONSIBLE FOR THE LAND DISTURBING ACTIVITY PRIOR TO ENGAGING IN THE LAND DISTURBING ACTIVITY. THIS WILL BE NECESSARY PRIOR TO ISSUANCE OF A LOCAL LAND DISTURBING AND/OR STORMWATER CONSTRUCTION PERMIT FOR THE PROJECT. THE RLD IS REQUIRED TO ATTEND THE PRECONSTRUCTION CONFERENCE FOR THE PROJECT.
5. THE CONTRACTOR IS RESPONSIBLE TO CONTACT MISS UTILITY (DIAL 811 IN VA OR 1-800-552-7001) PRIOR TO ANY UTILITY OR SITE WORK EXCAVATIONS.
6. ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE PLANNED, DESIGNED, IMPLEMENTED, INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE PROVISIONS OF THE LATEST EDITION OF THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK (VESCH). THE CONTRACTOR SHALL MAINTAIN, INSPECT, AND REPAIR ALL EROSION AND SEDIMENT CONTROL MEASURES AS NEEDED THROUGHOUT THE LIFE OF THE PROJECT TO ENSURE CONTINUED ACCEPTABLE PERFORMANCE.
7. A PRECONSTRUCTION CONFERENCE (MEETING) SHALL BE HELD ON SITE AND INCLUDE REPRESENTATIVES FROM THE LOCAL VESCP/VSMPT AUTHORITY, THE OWNER/APPLICANT/OPERATOR/PERMITEE, THE RESPONSIBLE LAND-DISTURBER (RLD), AND THE CONTRACTOR, ENGINEER, AND OTHER RESPONSIBLE AGENCIES, AS APPLICABLE, PRIOR TO AUTHORIZATION AND ISSUANCE OF A LOCAL LAND DISTURBING OR STORMWATER CONSTRUCTION PERMIT. THE OWNER, APPLICANT, OPERATOR OR PERMITEE IS REQUIRED TO COORDINATE SCHEDULING OF THE PRECONSTRUCTION CONFERENCE BETWEEN ALL APPLICABLE PARTIES. THE CONTRACTOR SHALL SUBMIT A SEQUENCE OF CONSTRUCTION AND A REVISED POLLUTION PREVENTION PLAN (P2 PLAN OR PPP), IF APPLICABLE, TO THE LOCAL VESCP/VSMPT AUTHORITY FOR REVIEW AND APPROVAL PRIOR TO THE PRECONSTRUCTION MEETING.
8. A POLLUTION PREVENTION PLAN (P2 PLAN OR PPP), IF REQUIRED, SHALL BE DEVELOPED, IMPLEMENTED AND UPDATED AS NECESSARY AND MUST DETAIL THE DESIGN, INSTALLATION, IMPLEMENTATION, AND MAINTENANCE OF EFFECTIVE POLLUTION PREVENTION MEASURES TO: MINIMIZE THE DISCHARGE OF POLLUTANTS FROM EQUIPMENT AND VEHICLE WASHING, WHEEL WASH WATER AND OTHER WASH WATERS; MINIMIZE THE EXPOSURE OF ALL MATERIALS ON THE SITE (SUCH AS BUILDING MATERIALS AND PRODUCTS, CONSTRUCTION WASTE, TRASH, LANDSCAPE MATERIALS, FERTILIZERS, PESTICIDES, HERBICIDES, DETERGENTS, SANITARY WASTE, ETC.) TO PRECIPITATION AND STORMWATER; MINIMIZE THE DISCHARGE OF POLLUTANTS FROM SPILLS AND LEAKS; IMPLEMENT CHEMICAL SPILL AND LEAK PREVENTION AND RESPONSE PROCEDURES; AND INCLUDE EFFECTIVE BEST MANAGEMENT PRACTICES TO PROHIBIT THE DISCHARGE OF WASTEWATER FROM CONCRETE WASHOUT AREAS, DISCHARGE OF WASTEWATER FROM WASHOUT AND CLEANOUT OF STUCCO, PAINT, FORM RELEASE OILS, CURING COMPOUNDS AND OTHER CONSTRUCTION MATERIALS; DISCHARGE OF FUELS, OILS, OTHER POLLUTANTS USED IN VEHICLE AND EQUIPMENT OPERATION AND MAINTENANCE ACTIVITIES; AND THE DISCHARGE OF SOAPS AND SOLVENTS USED FOR VEHICLE AND EQUIPMENT WASHING. THIS PLAN SHALL BE AVAILABLE ONSITE FOR REVIEW AT REASONABLE TIMES BY THE LOCAL VESCP/VSMPT AUTHORITY WHEN REQUESTED.
9. THE OWNER, APPLICANT, OPERATOR, OR PERMITEE IS RESPONSIBLE FOR ALL OPERATOR SELF-INSPECTIONS AS REQUIRED IN THE POLLUTION PREVENTION PLAN (P2 PLAN OR PPP) OR AS REQUIRED AS PART OF A DEVELOPED STORMWATER POLLUTION PREVENTION PLAN (SWPPP). THESE INSPECTIONS SHALL BE MADE AVAILABLE, UPON REQUEST, BY THE LOCAL VESCP/VSMPT AUTHORITY.
10. ALL PERIMETER EROSION AND SEDIMENT CONTROL (EASC) MEASURES SHALL BE CONSTRUCTED AS A FIRST STEP IN ANY LAND-DISTURBING ACTIVITY AND SHALL BE MADE FUNCTIONAL BEFORE UPSLOPE LAND DISTURBANCE ACTIVITY TAKES PLACE.

ADDITIONAL SAFETY FENCE OR DUST CONTROL MEASURES, IN ACCORDANCE WITH THE PROVISIONS OF MINIMUM STANDARDS & SPECS. 3.01 AND 3.03 OF THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK (VESCH), MAY BE REQUIRED TO BE IMPLEMENTED ON THE SITE IN ADDITION TO THAT SHOWN ON THE APPROVED PLAN AND SPECIFICATIONS IN ORDER TO ENSURE ADEQUATE PROTECTION OF THE HEALTH, SAFETY AND WELFARE OF THE PUBLIC OR IF SITE CONDITIONS CHANGE, BECOME APPARENT OR ALTER SIGNIFICANTLY FOLLOWING THE DATE OF PLAN APPROVAL.



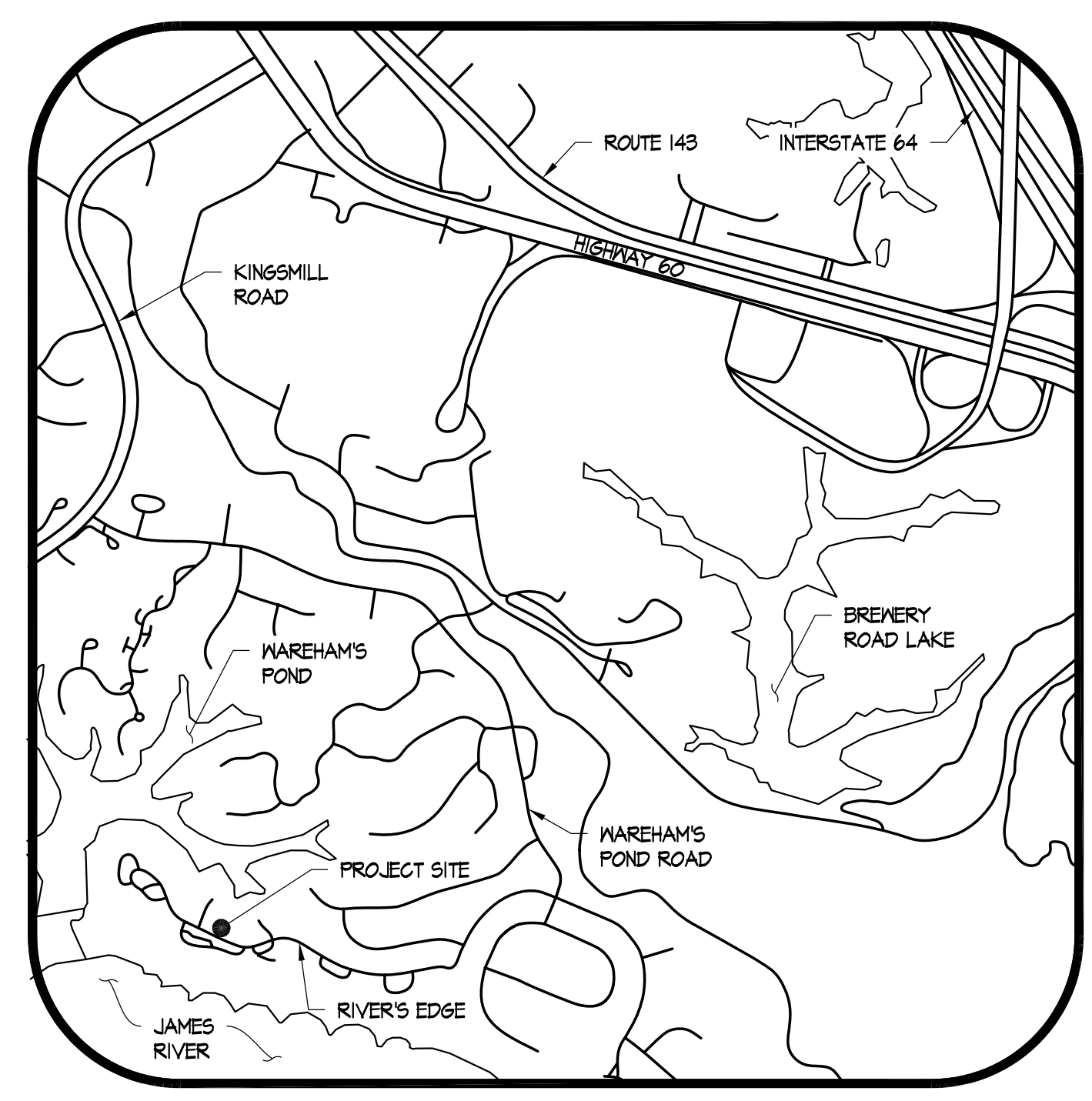
**SITE PLAN**  
SCALE: 3/32" = 1'-0"

## STATISTICAL INFORMATION

ZONE:	R4 - RESIDENTIAL PLANNED COMMUNITY		
PARCEL ID NO.:	25681		
TAX MAP NO.:	5130800012A		
OWNER:	CARMICHAEL, JOHN L. & PATRICIA L.		
SITE DESCRIPTION:	RIVER'S EDGE LOT 12A		
PROJECT AREA:	1,075 SQ. FT. (0.025 ACRES)		
IMPERVIOUS COVER FOR PROJECT AREA:			
	PRE-CONSTRUCTION	POST-CONSTRUCTION	NET CHANGE
GREEN AREA	1,075 SQ. FT (100%)	943 SQ. FT (87%)	-82 SQ. FT (8%)
IMPERVIOUS AREA	0 SQ. FT (0%)	82 SQ. FT (8%)	+82 SQ. FT (8%)
TOTAL AREA	1,075 SQ. FT (100%)	1,075 SQ. FT (100%)	0 SQ. FT (0%)
LIMITS OF DISTURBANCE:			
	RETAINING WALLS	82 SQ. FT	
	PLANTING/GRADING AREA	943 SQ. FT	
	TOTAL AREA	1,075 SQ. FT	

LEGEND			
MARK	SYMBOL	CODE	DESCRIPTION
---	⊗	3.01	SILT FENCE

- ### JAMES CITY COUNTY STANDARD STORMWATER POLLUTION PREVENTION PLAN NOTES (CONT.):
12. EROSION AND SEDIMENT CONTROL MEASURES MAY REQUIRE MINOR FIELD ADJUSTMENTS AT OR FOLLOWING TIME OF CONSTRUCTION TO ENSURE THEIR INTENDED PURPOSE IS ACCOMPLISHED. TO ENSURE ADEQUATE PROTECTION OF THE HEALTH, SAFETY, AND WELFARE OF THE PUBLIC, OR IF SITE CONDITIONS CHANGE, BECOME APPARENT OR ALTER SIGNIFICANTLY FOLLOWING THE DATE OF PLAN APPROVAL, LOCAL VESCP/VSMPT AUTHORITY APPROVAL SHALL BE REQUIRED FOR ANY DEVIATION OF EROSION AND SEDIMENT CONTROL MEASURES FROM THE APPROVED PLAN.
  13. OFF-SITE WASTE OR BORROW AREAS SHALL BE APPROVED BY THE LOCAL VESCP/VSMPT AUTHORITY PRIOR TO THE IMPORT OF ANY BORROW OR EXPORT OF ANY WASTE TO OR FROM THE PROJECT SITE.
  14. TEMPORARY SOIL STOCKPILES SHALL COMPLY WITH THE PROVISIONS OF SECTION 24-46 OF THE COUNTY CODE.
  15. CULVERT AND STORM DRAIN INLET PROTECTIONS, IN ACCORDANCE WITH THE PROVISIONS OF MINIMUM STANDARDS & SPECS. 3.01 AND 3.03 OF THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK (VESCH), MAY BE REMOVED AT THE DISCRETION OF THE ASSIGNED LOCAL VESCP/VSMPT AUTHORITY COMPLIANCE INSPECTOR, SHOULD PLACEMENT OF THE MEASURE RESULT IN EXCESSIVE ROAD FLOODING, TRAFFIC OR SAFETY HAZARD, OR RESULT IN THE REDIRECTION OF DRAINAGE ONTO OR TOWARD EXISTING LOTS, HOMES, DRIVEWAYS, GARAGES OR OTHER STRUCTURES. DECISIONS SHALL BE MADE BY THE VESCP/VSMPT AUTHORITY ON A CASE-BY-CASE BASIS BASED ON FIELD SITUATIONS ENCOUNTERED.
  16. DRAINAGE FACILITIES SHALL BE INSTALLED AND FUNCTIONAL WITHIN 30 DAYS FOLLOWING COMPLETION OF ROUGH GRADING AT ANY POINT WITHIN THE PROJECT.
  17. NO MORE THAN 300 FEET OF TRENCH MAY BE OPEN AT ONE TIME FOR UNDERGROUND UTILITY LINES, INCLUDING STORM WATER CONVEYANCES, ALL OTHER PROVISIONS OF MINIMUM STANDARD NO. 16 OF THE VIRGINIA EROSION AND SEDIMENT CONTROL REGULATIONS APPLY.
  18. PERMANENT OR TEMPORARY STABILIZATION OF DISTURBED SOIL AREAS SHALL COMPLY WITH MINIMUM STANDARD # 1 AND # 3 OF THE VIRGINIA EROSION AND SEDIMENT CONTROL REGULATIONS.
  19. THE TERM SEEDING, FINAL VEGETATIVE COVER OR STABILIZATION ON THE APPROVED PLAN SHALL MEAN THE SUCCESSFUL GERMINATION AND ESTABLISHMENT OF A STABLE GRASS COVER FROM A PROPERLY PREPARED SEEDBED, IN ACCORDANCE WITH MINIMUM STANDARD # 1 AND # 3 FROM THE VIRGINIA EROSION AND SEDIMENT CONTROL REGULATIONS, MINIMUM STANDARDS & SPECS. 3.24 THROUGH 3.31 OF THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK (VESCH), AND ANY TECHNICAL BULLETINS ISSUED BY THE STATE WATER CONTROL BOARD OR VIRGINIA DEQ, AS APPLICABLE. IRRIGATION, IF NECESSARY, SHALL COMPLY WITH ALL APPLICABLE SEASONAL OUTDOOR WATER USE RESTRICTIONS OF THE JAMES CITY SERVICE AUTHORITY.
  20. IF DISTURBED AREA STABILIZATION IS TO BE ACCOMPLISHED DURING THE MONTHS OF DECEMBER, JANUARY OR FEBRUARY, STABILIZATION SHALL CONSIST OF MULCHING IN ACCORDANCE WITH MINIMUM STANDARD & SPEC. 3.35 OF THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK (VESCH). SEEDING WILL THEN TAKE PLACE AS SOON AS THE SEASON PERMITS.
  21. TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES SHALL NOT BE REMOVED UNTIL ALL DISTURBED AREAS ARE STABILIZED. REMOVAL SHALL NOT OCCUR WITHOUT AUTHORIZATION BY THE LOCAL VESCP/VSMPT AUTHORITY. DISTURBANCES ASSOCIATED WITH THE REMOVAL OF TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES SHALL BE PROPERLY STABILIZED.
  22. NO SEDIMENT TRAP OR SEDIMENT BASIN SHALL BE REMOVED UNTIL A) AT LEAST 75 PERCENT OF THE SINGLE-FAMILY LOTS WITHIN THE DRAINAGE AREA TO THE TRAP OR BASIN HAVE BEEN SOLD TO A THIRD PARTY FOR THE CONSTRUCTION OF HOMES (UNRELATED TO THE DEVELOPER); AND/OR B) 60 PERCENT OF THE SINGLE-FAMILY LOTS WITHIN THE DRAINAGE AREA TO THE TRAP OR BASIN ARE COMPLETED AND STABILIZED. A BULK SALE OF THE LOTS TO ANOTHER BUILDER DOES NOT SATISFY THIS PROVISION. SEDIMENT TRAPS AND SEDIMENT BASINS SHALL NOT BE REMOVED WITHOUT AUTHORIZATION OF THE LOCAL VESCP/VSMPT AUTHORITY.
  23. DESIGN AND CONSTRUCTION OF PRIVATE-TYPE STORM DRAINAGE SYSTEMS, OUTSIDE VDOT RIGHT-OF-WAY, SHALL BE PERFORMED IN ACCORDANCE WITH THE CURRENT VERSION OF THE JAMES CITY COUNTY, ENGINEERING AND RESOURCE PROTECTION DIVISION, STORMWATER DRAINAGE CONVEYANCE SYSTEMS (NON-BMP RELATED), GENERAL DESIGN AND CONSTRUCTION GUIDELINES (IE. COUNTY DRAINAGE STANDARDS).
  24. RECORD DRAWINGS (ASBUILTS) AND CONSTRUCTION CERTIFICATIONS ARE REQUIRED FOR ALL STORMWATER FACILITIES INCLUDING STORMWATER MANAGEMENT/BMP FACILITIES AND STORM DRAINAGE CONVEYANCE SYSTEMS. THE CERTIFICATION PROCESS SHALL INCLUDE AN INTERNAL CLOSED-CIRCUIT TELEVISION CAMERA (CCTV) POST INSTALLATION INSPECTION PERFORMED BY THE OWNER IN ACCORDANCE WITH STANDARDS AND SPECIFICATIONS DEVELOPED BY THE VSMP AUTHORITY. RECORD DRAWINGS AND CONSTRUCTION CERTIFICATIONS MUST MEET ESTABLISHED PROGRAM REQUIREMENTS OF THE COUNTY'S CHAPTER 8 EROSION AND SEDIMENT CONTROL AND VSMP ORDINANCE AND THE LOCAL VESCP/VSMPT AUTHORITY.
  25. ALL STORMWATER FACILITIES INCLUDING BMPs, STORM DRAINAGE PIPES, STORMWATER CONVEYANCES, INLETS, MANHOLES, OUTFALLS AND ROADSIDE AND OTHER OPEN CHANNELS SHALL BE INSPECTED BY THE LOCAL VESCP/VSMPT AUTHORITY, THE OWNER, AND THE APPLICANT/OPERATOR/PERMITEE DESIGNATED GEOTECHNICAL ENGINEER FOR THE PROJECT IN ACCORDANCE WITH ESTABLISHED COUNTY STORMWATER FACILITY INSPECTION PROGRAM REQUIREMENTS.



**VICINITY MAP**  
SCALE: NONE

Reviewed by: MAM

Drawn by: KJP

Project #: VAIT220DES

Date: 1/31/18

# PRELIMINARY FOR

## JCC RPA SUBMITTAL

Date

Revisions

VA No.

### RETAINING WALL

### CARMICHAEL RESIDENCE

### 300 RIVER'S EDGE

Sheet

EROSION & SEDIMENT CONTROL NOTES, SITE PLAN, VICINITY MAP, & STATISTICAL INFORMATION

JAMES CITY COUNTY

1 of 2

The Structures Group, Inc.  
1200 Old Colony Lane • Williamsburg, VA 23185  
(757) 220-0465 • Fax (757) 220-1546  
www.thestructuresgroup.com

# GENERAL NOTES

- WORK PERFORMED SHALL COMPLY WITH THE FOLLOWING:
  - THE VIRGINIA UNIFORM STATEWIDE BUILDING CODE (VUBC); 2012 EDITION
  - THE INTERNATIONAL RESIDENTIAL CODE (IRC); 2012 EDITION AS AMENDED BY THE VUBC.
  - ALL APPLICABLE STATE AND LOCAL CODES, ORDINANCES AND REGULATIONS.
- DESIGN LOADS:
  - BUILDING CLASSIFICATION CATEGORY \_\_\_\_\_
  - GROUND SNOW P<sub>g</sub> \_\_\_\_\_ 20 PSF
  - ULTIMATE WIND SPEED \_\_\_\_\_ 105 MPH
  - EXPOSURE \_\_\_\_\_ B
  - SOIL UNIT WEIGHT \_\_\_\_\_ 120 PCF
  - LIVE LOADS:
 

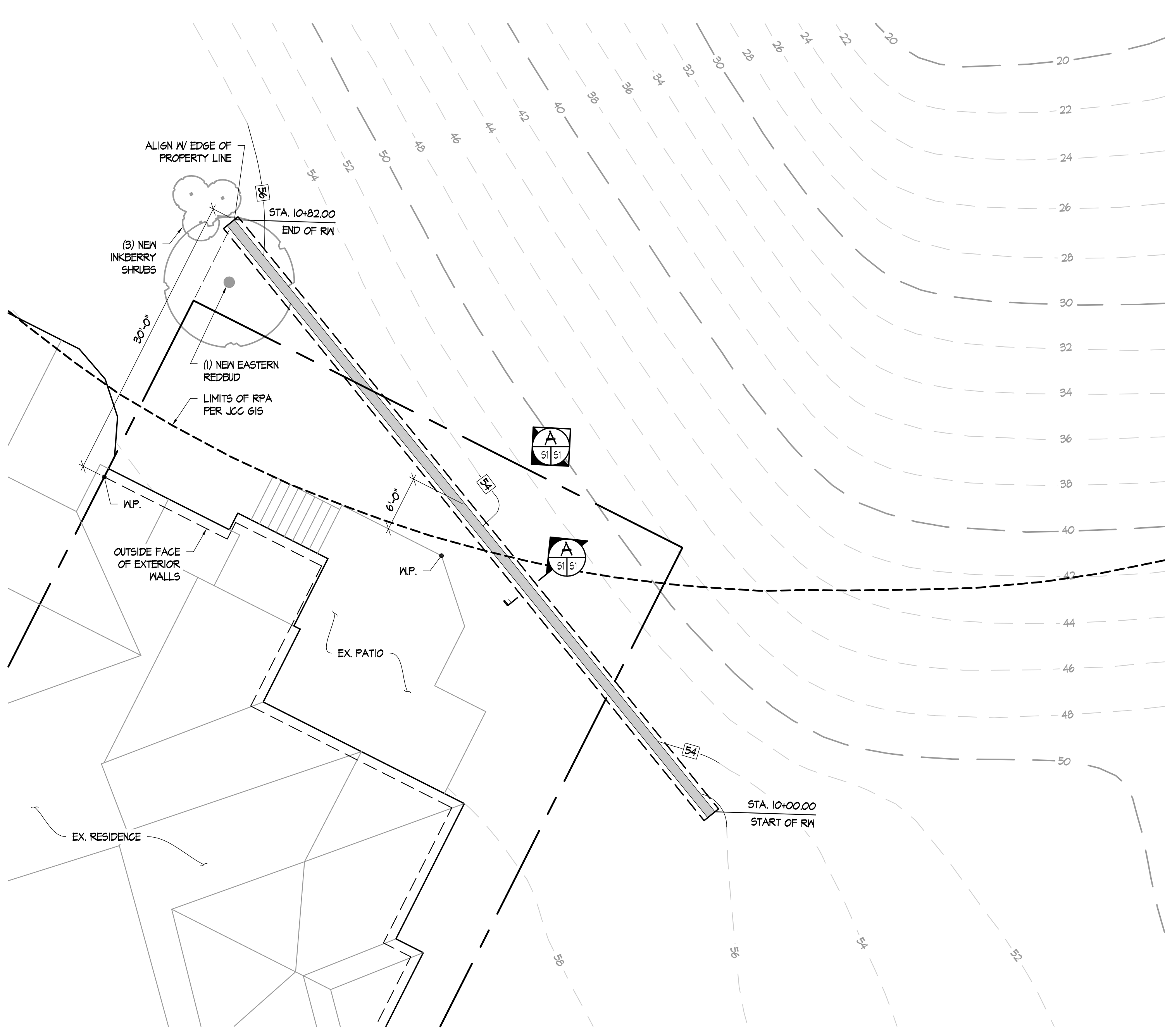
LANDSCAPE & MAINTENANCE	UNIFORM
	50 PSF
  - SEISMIC DESIGN:
 

SEISMIC IMPORTANCE FACTOR I	1.0
MAPPED SPECTRAL RESPONSE ACCELERATION S <sub>s</sub>	0.12
MAPPED SPECTRAL RESPONSE ACCELERATION S <sub>1</sub>	0.051
SITE SOIL CLASS	D
SPECTRAL COEFFICIENT, S <sub>ds</sub>	0.120
SPECTRAL COEFFICIENT, S <sub>d1</sub>	0.082
SEISMIC DESIGN CATEGORY	B
BASIC STRUCTURAL SYSTEM	SEGMENTAL BLOCK RETAINING WALL
- THE CONTRACTOR SHALL VERIFY DIMENSIONS IN FIELD PRIOR TO FABRICATION OF MEMBERS AND COMMENCING WORK.
- CONTRACTOR SHALL NOTIFY "MISS UTILITY OF VIRGINIA" PRIOR TO BEGINNING EXCAVATION FOR LOCATION OF UNDERGROUND UTILITIES. THE CONTRACTOR SHALL BEAR SOLE RESPONSIBILITY FOR COSTS ASSOCIATED WITH DAMAGE AND REPAIR OF ANY LINES MARKED BY MISS UTILITY OF VIRGINIA.
- PROVIDE TEMPORARY BRACING AS REQUIRED TO RESIST SOIL PRESSURE AND OTHER LOADS DURING CONSTRUCTION.
- THE CONTRACTOR SHALL PROTECT EXISTING STRUCTURES, EQUIPMENT, ADJACENT GROUNDS, SPRINKLERS, TREES AND PLANTS DURING ALL PHASES OF CONSTRUCTION. THE CONTRACTOR SHALL REPAIR AND/OR REPLACE, AT NO ADDITIONAL COSTS TO THE OWNER, ANY ITEMS DAMAGED DURING THE CONSTRUCTION.

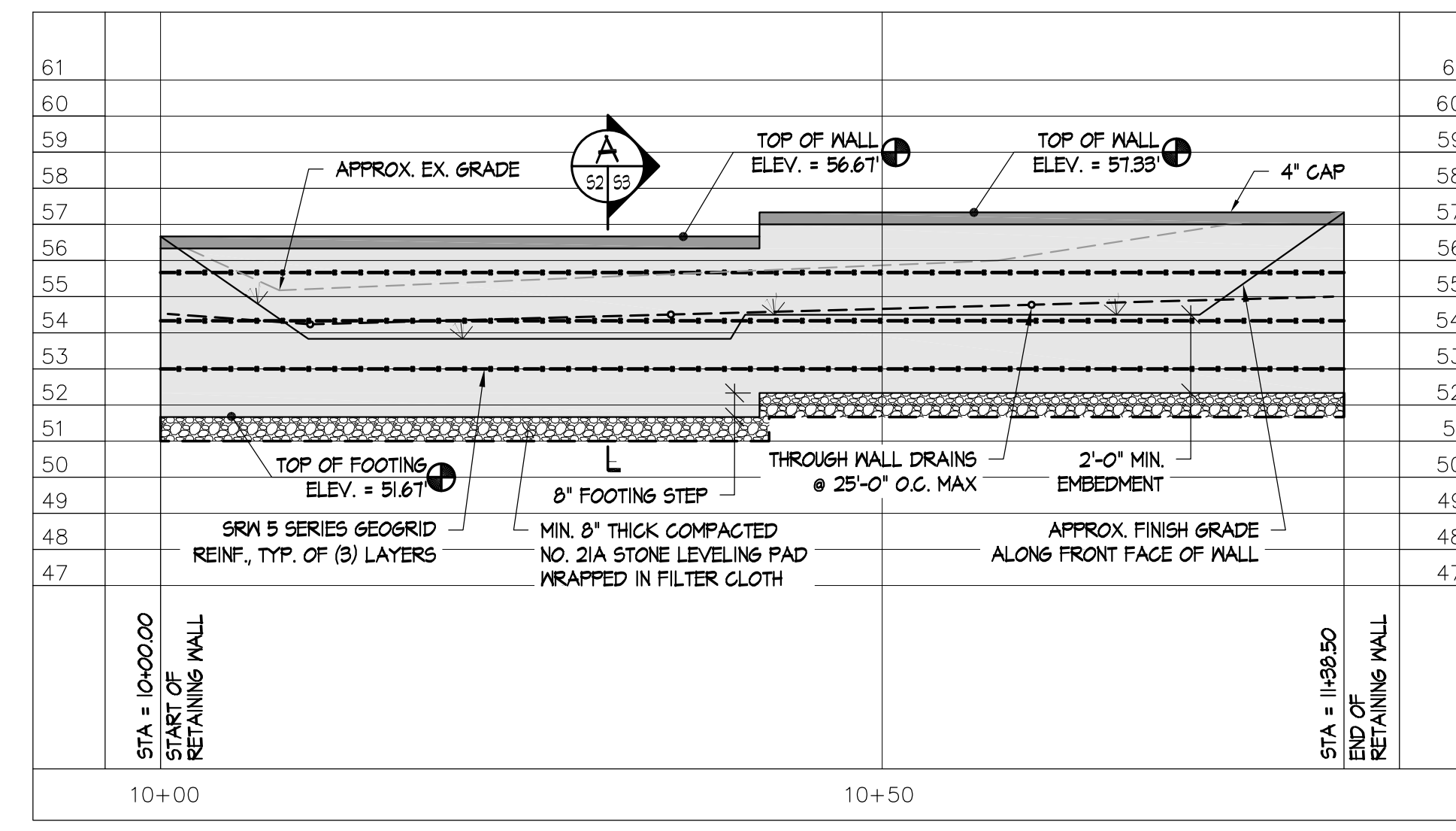
- LEVELING PAD:**
- LEVELING PAD FOR SEGMENTAL BLOCK RETAINING WALLS SHALL BE A MINIMUM OF 8" THICK COMPACTED NO. 21A CRUSHED STONE WRAPPED IN FILTER CLOTH. ALTERNATELY, 350 PSI FLOWABLE FILL MAY BE UTILIZED FOR THE LEVELING PAD.
  - ALL FLOWABLE FILL SHALL BE MIXED, PLACED AND TESTED IN ACCORDANCE WITH THE LATEST EDITION OF ACI 318.
  - ALL FLOWABLE FILL SHALL HAVE A SLUMP OF 7" ± 1" UNLESS NOTED OTHERWISE.
  - ALL FLOWABLE FILL TO BE POURED IN COLD WEATHER, AS DEFINED IN SECTION 11 OF ACI 306R, COLD WEATHER CONCRETING, SHALL FULLY COMPLY WITH ACI 306.1, STANDARD SPECIFICATIONS FOR COLD WEATHER CONCRETING, AND 306R.
  - ALL FLOWABLE FILL TO BE POURED IN HOT WEATHER, AS DEFINED IN SECTION 12 OF ACI 305R, HOT WEATHER CONCRETING, SHALL FULLY COMPLY WITH ACI 305.1, STANDARD SPECIFICATIONS FOR HOT WEATHER CONCRETING, AND ACI 305R.

- RETAINING WALL:**
- ELEVATIONS SHOWN ARE APPROXIMATE, AND ARE BASED ON TOPOGRAPHIC MAP PROVIDED BY THE JAMES CITY COUNTY GEOGRAPHICAL INFORMATION SYSTEM (GIS).
  - EXISTING SITE SOILS ARE EMPORIA COMPLEX AND GRAVEN-HICKEE COMPLEX WITH MODERATE TO MODERATELY HIGH SHRINK-SWELL POTENTIAL BASED ON THE USDA SOIL SURVEY.
  - LEVELING PAD WAS DESIGNED TO BEAR ON UNDISTURBED SOIL BELOW THE FROST LINE AND A MINIMUM OF 2'-0" BELOW THE EXISTING GRADE UNLESS NOTED OTHERWISE WITH A MINIMUM SOIL BEARING PRESSURE OF 2,000 PSF UNLESS NOTED OTHERWISE.
  - BACKFILL MATERIAL MUST BE COMPACTED TO 95% STANDARD PROCTOR DENSITY IN MAXIMUM 8' LIFTS USING A VIBRATORY PLATE COMPACTOR. ALL BACKFILL SHALL BE TREE-DRAINING, NON-FROST SUSCEPTIBLE GRANULAR MATERIAL SM OR BETTER, UNLESS NOTED TO BE STONE. RETAINED BACKFILL MATERIAL SHALL HAVE A MINIMUM FRICTION ANGLE OF 25 DEGREES EXCEPT IN THE REINFORCED ZONE. BACKFILL MATERIAL TO BE USED IN THE REINFORCED ZONE SHALL BE SM OR BETTER WITH MINIMUM FRICTION ANGLE OF 30 DEGREES.
  - CHIMNEY DRAIN ADJACENT TO MODULAR WALL UNITS AND MATERIAL USED TO FILL MODULAR WALL UNITS SHALL BE VIBRATORY PLATE COMPACTED NO. 51 STONE, OR A WELL GRADED COMPACTIBLE NO. 21A STONE, 1/4" TO 1 1/2" DIAMETER WITH NO MORE THAN 10% PASSING THE #200 SIEVE.
  - PLACE A 4" DIAMETER PERFORATED PVC DRAIN PIPE WRAPPED IN FILTER CLOTH ADJACENT TO INSIDE FACE OF THE MODULAR CONCRETE UNIT RETAINING WALL. PROVIDE DRAINAGE TO DAYLIGHT.
  - ANY VARIATION IN LOCATION OR ELEVATION OF RETAINING WALL, ELEVATION IN THE GRADE EITHER ABOVE OR BELOW THE WALL, OR THE RECOMMENDED INSTALLATION DETAILS, REQUIRE REVIEW BY THE ENGINEER OF RECORD.
  - ALL GEOGRID REINFORCEMENT TO BE SRM 5 SERIES MANUFACTURED BY SRM PRODUCTS. LENGTH OF GEOGRID SHOWN ON DRAWINGS IS TAKEN FROM OUTSIDE FACE OF RETAINING WALL. GEOGRID SHALL BE PULLED TAUGHT PRIOR TO INFILLING BACKFILL.
  - SEGMENTAL RETAINING WALL UNITS SHALL BE CORNERSTONE 100 STRAIGHT FACE MANUFACTURED BY CORNERSTONE WALL SOLUTIONS, INC.
  - CONTRACTOR SHALL FOLLOW INSTRUCTIONS PROVIDED BY BLOCK MANUFACTURER REGARDING THE CONSTRUCTION OF THE MODULAR CONCRETE UNIT WALLS. ANY INSTRUCTIONS THAT DIFFER FROM THOSE INDICATED ON THE CONSTRUCTION DRAWINGS SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER OF RECORD PRIOR TO CONSTRUCTION.
  - PEDESTRIAN PROTECTION IS REQUIRED WHEN WALL HEIGHT EXCEEDS 30" ABOVE FINISH GRADE. GUARD RAILINGS, FENCINGS, AND/OR LANDSCAPE SHRUBBERY SHALL BE PROVIDED WHERE WALL HEIGHT EXCEEDS 30" ABOVE FINISH GRADE.
  - RETAINING WALL MINIMUM DESIGN SAFETY FACTORS:
    - OVERTURNING - 2.0
    - SLIDING - 1.5

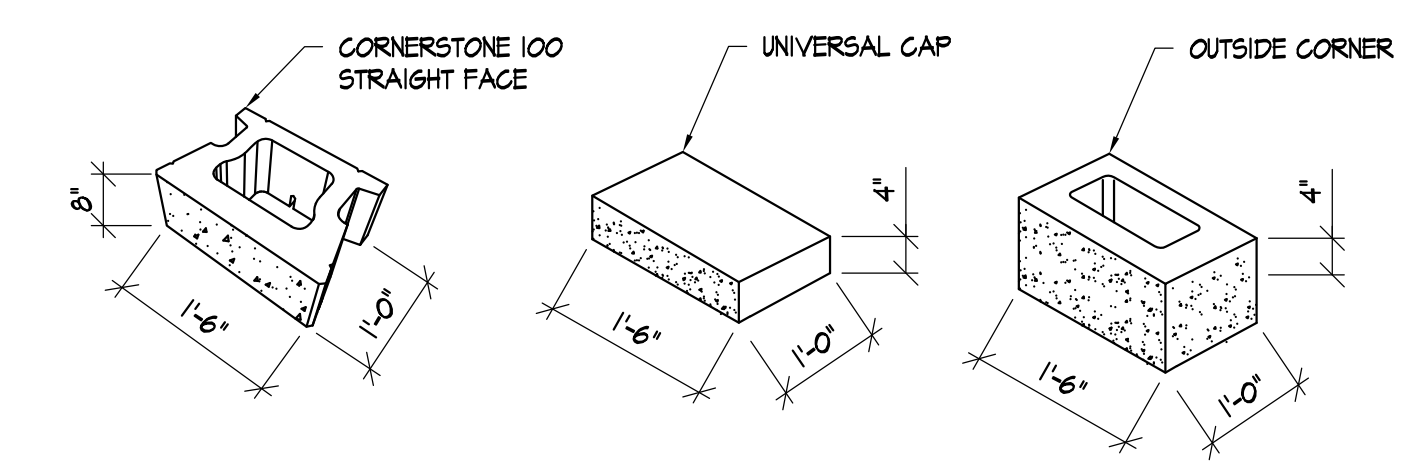
ABBREVIATIONS			
C	CENTERLINE	O.C.	ON CENTER
DIA.	DIAMETER	REIN.	REINFORCEMENT
ELEV.	ELEVATION	STA.	STATION
EX.	EXISTING	TYP.	TYPICAL
MAX.	MAXIMUM	W/	WITH
MIN.	MINIMUM	M.P.	WORKING POINT



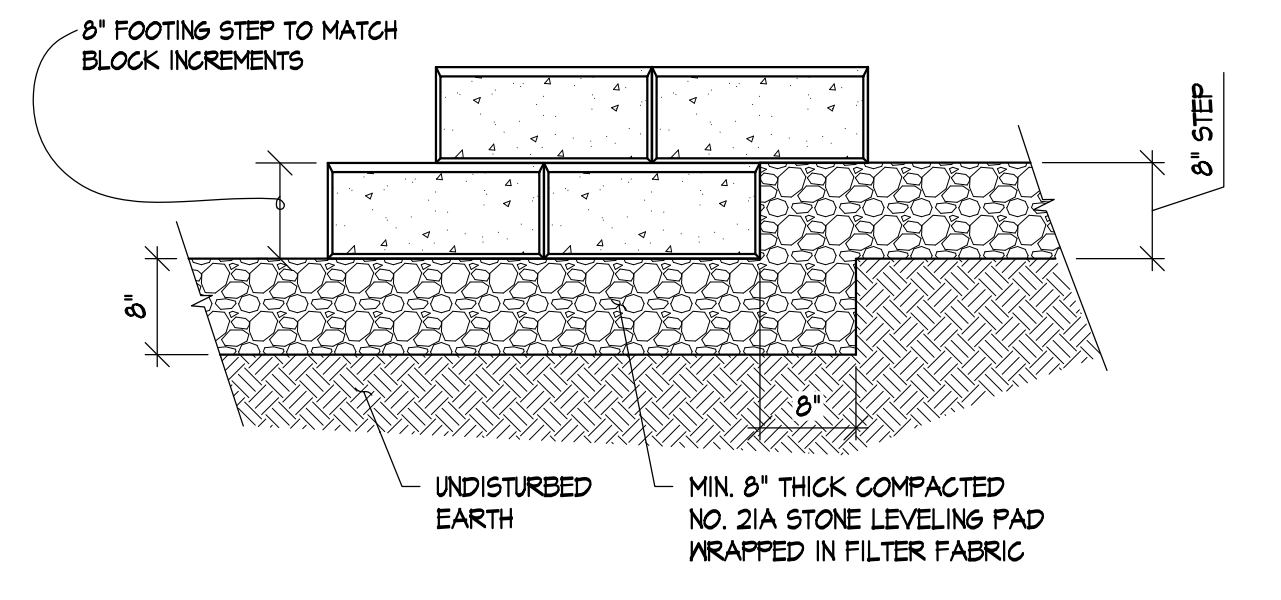
**RETAINING WALL PLAN**  
SCALE: 1/8" = 1'-0"



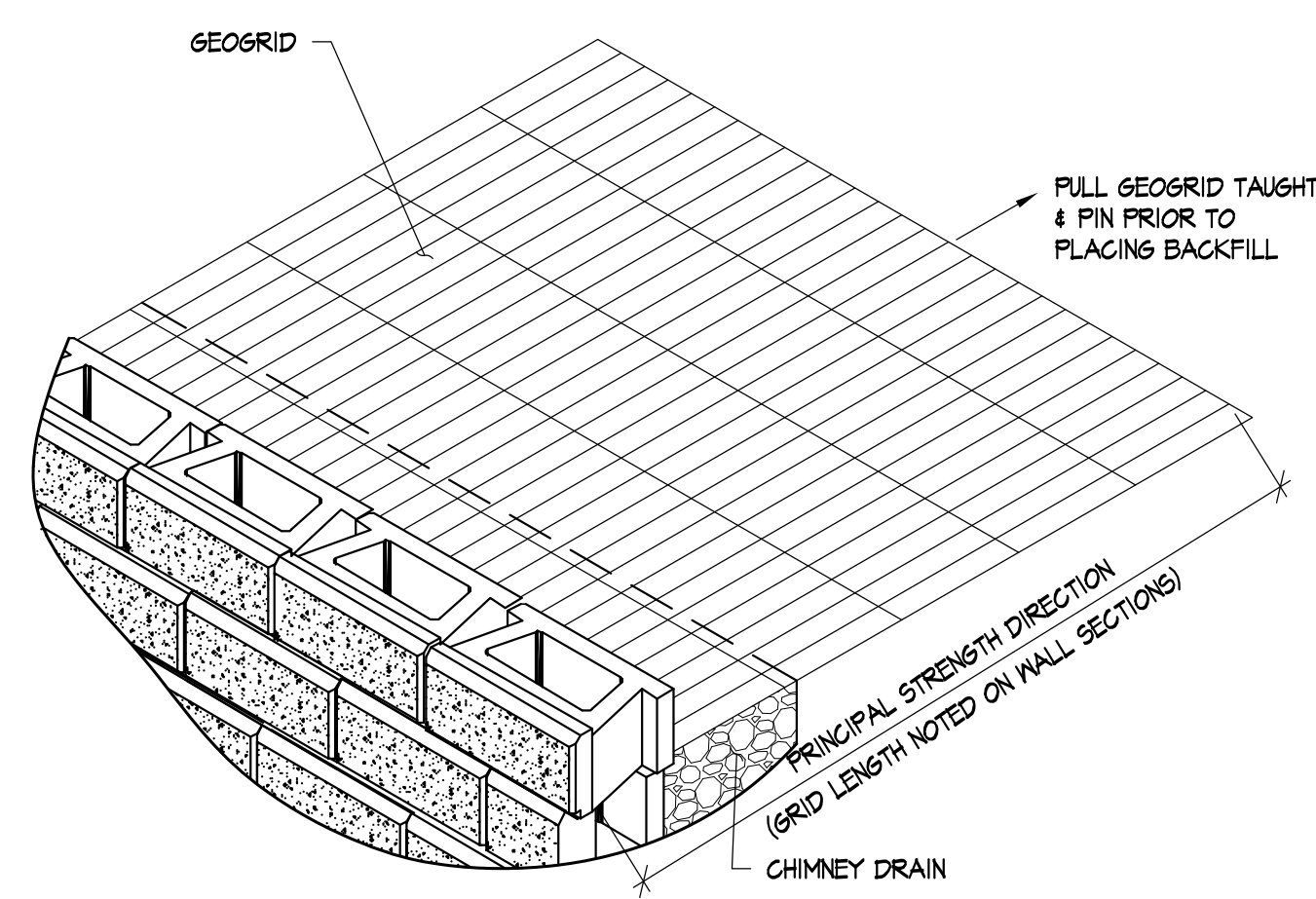
**WALL PROFILE**  
HORIZ. SCALE: 1"=10'-0", VERT. SCALE: 1"=4'-0"



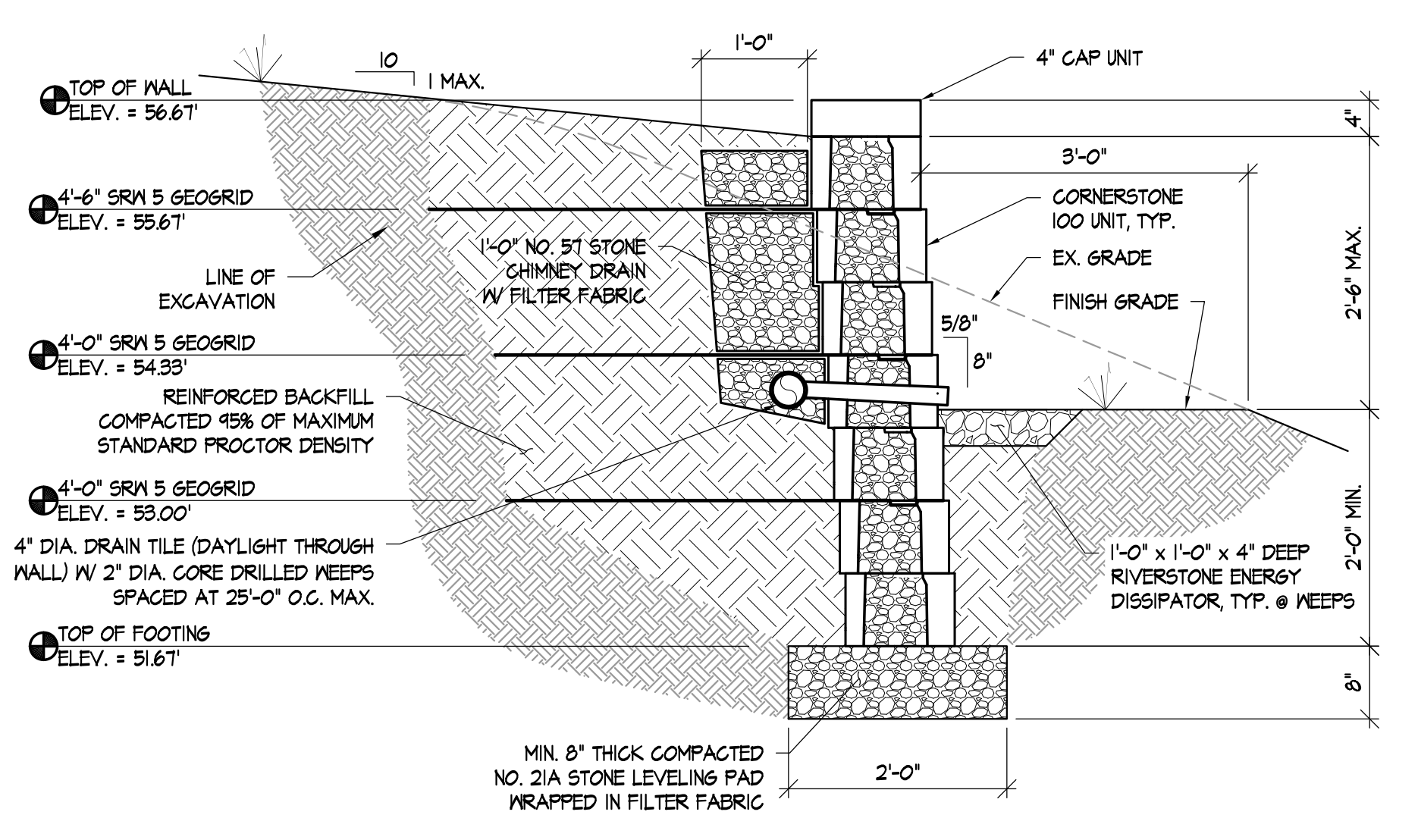
**DETAIL**  
TYPICAL CORNERSTONE UNITS  
SCALE: NONE



**DETAIL**  
FOOTING STEP  
SCALE: 3/4" = 1'-0"



**DETAIL**  
GEOSYNTHETIC REINFORCEMENT  
SCALE: 1 1/2" = 1'-0"



**SECTION**  
SCALE: 3/4"=1'-0"

Reviewed by: MAM  
Drawn by: KJP  
Project #: VAIT220DES  
Date: 1/31/18

**PRELIMINARY FOR JCC RPA SUBMITTAL**

REVISIONS

No.	Revisions	Date

GENERAL NOTES, RETAINING WALL PLAN, PROFILE, SECTION, & DETAILS

**RETAINING WALL CARMICHAEL RESIDENCE 300 RIVER'S EDGE**

VIRGINIA  
JAMES CITY COUNTY

Sheet 2 of 2

The Structures Group, Inc.  
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## **PUBLIC HEARING NOTICE**

THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA WILL HOLD A PUBLIC HEARING ON **WEDNESDAY MARCH 14, 2018 AT 5 P.M.** IN THE BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBE-18-068: The Structures Group, on behalf of Mr. and Mrs. William Roberts, has filed an exception request for encroachment into the RPA buffer for construction of a retaining wall at 5034 River Drive, JCC Parcel No 0930300008.

CBE-18-058: Ms. Renie Andrews has filed an exception request for encroachment into the RPA buffer for construction of a memorial patio at 4447 Pleasant View Drive in the Powhatan Village subdivision, JCC Parcel No 3741400011.

CBE-18-064: Draper Aden and Associates, on behalf of Mr. and Mrs. Scott Kruger, has filed an exception request for encroachment into the RPA buffer for the reconstruction of a single family dwelling after demolition at 136 John Wickham in the Kingsmill subdivision, JCC Parcel No 5130200009.

CBE-18-072: Timmons Group, on behalf of Southland Corporation, has filed an exception request for encroachment into the RPA buffer for construction of a paved access drive at 3000 Battery Boulevard, 7327 Pocahontas Trail and 7341 Pocahontas Trail in the Quarterpath at Williamsburg development, JCC Parcel Nos 5020100075A, 5020100030 and 5020700004B respectively.

CBE-18-067: Walk Wright Construction has applied for an exception request for encroachment into the RPA buffer for construction of a single family dwelling and attached deck at 120 Nottinghamshire in the Ford's Colony subdivision, JCC Parcel No 3233100033.

CBE-18-065: Walk Wright Construction, on behalf of Mr. and Mrs. Joseph Leigh, has filed an exception request for encroachment into the RPA buffer for construction of a single family dwelling and attached deck at 116 Nottinghamshire in the Ford's Colony subdivision, JCC Parcel No 3233100034.

CBE-18-070: Mr. Chris Eckenfels has filed an exception request for encroachment into the RPA buffer for construction of a detached storage shed at 6019 Tabiatha Lane in the Chickahominy Haven subdivision, JCC Parcel No 1910600023.

CBE-18-071: The Structures Group, on behalf of Ms. Patricia Carmichael, has filed an exception

request for encroachment into the RPA buffer for construction of a retaining wall at 300 River's Edge in the Kingsmill subdivision, JCC Parcel No 5130800012A.

CBE-18-063: Mid-Atlantic Resources Consulting, on behalf of Mr. Carlos Arana, has filed an exception request for encroachment into the RPA buffer for construction of a retaining wall and patio at 4069 South Riverside Drive in the Chickahominy Haven subdivision, JCC Parcel No 1910500017.

CBE-18-066: Walk Wright Construction, on behalf of Mr. and Mrs. Eric Gibson, has filed an exception request for encroachment into the RPA buffer for construction of a single family dwelling and attached deck at 125 Congressional in the Ford's Colony subdivision, JCC Parcel No 3720400088.

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 Stormwater and Resource Protection Division, 101 Mounts Bay Road, Building E, James City County, Virginia.

**NOT FOR PUBLICATION**

DISPLAY: WEDNESDAY – February 28, 2018 and March 7, 2018.  
ACCOUNT NO.: 0011040200 - VIRGINIA GAZETTE

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



**General Services  
Stormwater and Resource  
Protection Division**  
101-E Mounts Bay Road  
Williamsburg, VA 23185

Resource.Protection@jamescitycountyva.gov

February 21, 2018

RE: 300 River's Edge  
CBE-18-071  
Retaining Wall and Patio

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 Mr. Michael A. Matthews of The Structures Group on behalf of Ms. Patricia Carmichael for encroachment into the Resource Protection Area (RPA) buffer associated with installation of a retaining wall and patio. The project is located at 300 River's Edge in the Kingsmill subdivision. The properties are further identified by James City County Real Estate as Parcel Nos 5130800012A.

A complete description, plan, and other information are on file in the Stormwater 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, March 14, 2018 at 5:00 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,

*Janice Petty*

Janice Petty  
Stormwater Assistant

cc: Carmichael, Patricia  
The Structures Group  
Attn: Mr. Michael Matthews

Mailing List for: CBE-18-071 – 300 River's Edge – Carmichael –Matthews- The Structures Group- Retaining Wall and Patio

Owner: 5130800012A

Carmichael, John L, Trustee & Patricia  
300 River's Edge  
Williamsburg, VA 23185-8936

The Structures Group, Inc.  
Attn: Mr. Michael Matthews  
1200 Old Colony Lane  
Williamsburg, VA 23185

5130800012C

Gilkison, Joan L  
302 River's Edge  
Williamsburg, VA 23185-8936

5130800001B

Beale, Robert S, Trustee & Mary Ellen, Trustee  
226 River's Edge  
Williamsburg, VA 23185-8933

5130800001C

Kingsmill Community Service Association  
P.O. Box 348  
Williamsburg, VA 23187-0348

**ITEM SUMMARY**

DATE: 3/14/2018

TO: Chesapeake Bay Board

FROM: Michael Woolson, Senior Watershed Planner

SUBJECT: CBE-18-068 : 5034 River Drive

William and Vada Roberts have filed an exception request for encroachment into the RPA buffer for construction of a retaining wall at 5034 River Drive, JCC Parcel No 0930300008.

**ATTACHMENTS:**

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution	Resolution
☐	Water Quality Impact Assessment	Backup Material
☐	Site and Mitigation Plan	Backup Material
☐	The Structures Group Forensic Report - 2000 Part A	Backup Material
☐	The Structures Group Forensic Report - 2000 Part B	Backup Material
☐	The Structures Group Forensic Report - 2000 Part C	Backup Material
☐	The Structures Group Forensic Report - 2018	Backup Material
☐	Soil Survey Information	Backup Material
☐	ECS Report 2001	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	3/6/2018 - 6:22 PM
Chesapeake Bay Group	Geissler, Fran	Approved	3/7/2018 - 11:07 AM
Publication Management	Daniel, Martha	Approved	3/7/2018 - 11:30 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	3/7/2018 - 5:02 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBE-18-068. 5034 River Drive  
Staff report for the March 14, 2018, Chesapeake Bay Board Public Hearing**

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*This staff report is prepared by James City County Stormwater 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: Mr. William Roberts

Agent: Mr. Michael Matthews, The Structures Group

Location: 5034 River Drive

Tax Map/Parcel No.: 0930300008

Parcel: Lot 8, Section 3, Cypress Point

Lot Size: 0.72 acre

Area of Lot in Resource Protection Area (RPA): 0.38 acre +/- (53%)

Watershed: Diascund Creek (HUC JL27)

Floodplain: Zone X, areas determined to be outside the 0.2% annual chance flood Zone AE, base flood determined to be 7.0 feet Mean Sea Level Panel 0019D

Proposed Activity: Construction of a retaining wall

Impervious Cover: 260 square feet

RPA Encroachment: 50-foot seaward RPA buffer

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

**BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES**

Mr. Michael Matthews, The Structures Group, on behalf of Mr. William Roberts, has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of two retaining walls located at 5034 River Drive within the Cypress Point subdivision and the Diascund River watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 0930300008. The parcel was platted prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The house has experienced some foundation and slope failures in the past. The two proposed retaining walls will stabilize the slope and provide a stable foundation for a portion of the house to be reconstructed. Each wall is 130 linear feet long. The first wall will have a top elevation of nine feet and the second wall will have a top elevation of 14 feet. The mitigation required for this amount of impervious cover is one planting unit. This equates to 11 shrubs. The proposed mitigation includes 47 shrubs, which exceeds the County requirements by over 400%.

## **STAFF EVALUATION**

Staff has evaluated the application and exception request for the construction of retaining walls and finds that the application has met the conditions in Sections 23-11 and 23-14 and that the application should be heard by the Board because the retaining walls are accessory structures in the RPA. Therefore, this request must be considered by the Board following a public hearing under the formal exception process.

## **WATER QUALITY IMPACT ASSESSMENT (WQIA)**

A WQIA was submitted, per Sections 23-11 and 23-14 of the County Ordinance, for the 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 which exceeds County 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-18-068 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 minor for the proposed development. Staff does recommend approval of this exception request. Should the Board wish to approve this exception 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 \$1,000 is required in a form acceptable to the County Attorney's office to guarantee the mitigation plantings; and
3. This exception request approval shall become null and void if construction has not begun by March 14, 2019; and
4. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than six weeks prior to the expiration date.

MDW/md  
CBE18-068-5034RiverDr

### Attachments:

1. Resolution
2. Water Quality Impact Assessment Package
3. Site Plan
4. The Structures Group Forensic Report – 2000
5. The Structures Group Forensic Report – 2018
6. Soils Survey Information
7. ECS Report – 2001

## RESOLUTION

CASE NO. CBE-18-068. 5034 RIVER DRIVE

### JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. William Roberts (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on March 14, 2018, 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. 0930300008 and further identified as 5034 River Drive in the Cypress Point subdivision (the “Property”) as set forth in the application CBE-18-068 for the purpose of constructing a memorial patio; and

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

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

1. The exception request is the minimum necessary to afford relief.
2. Granting the exception will not confer upon the applicant any special privileges denied by Chapter 23, Chesapeake Bay Preservation, of the James City County Code, to other property owners similarly situated in the vicinity.
3. The exception request will be in harmony with the purpose and intent of Chapter 23 of the James City County Code and is not of substantial detriment to water quality.
4. The exception request is not based on conditions or circumstances that are self-created or self-imposed nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels.
5. Reasonable and appropriate conditions are hereby imposed, as set forth below, which will prevent the exception request from causing a degradation of water quality.
6. In granting this exception, the following conditions are hereby imposed to prevent this exception request from causing degradation of water quality:
  - a. The applicant must obtain all other necessary federal, state and local permits and permissions as required for the project; and
  - b. Surety of \$1,000 will be required in a form acceptable to the County Attorney’s office to guarantee the mitigation plantings; and
  - c. This exception request approval shall become null and void if construction has not begun by March 14, 2019; and



- d. Written requests for an extension to this exception shall be submitted to the Stormwater 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 March, 2018.

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: \_\_\_\_\_

CBE18-068-5034RiverDr-res



JAN 31 2018

# Chesapeake Bay Preservation Ordinance Sensitive Area Activity Application

For Office Use Only

CB Number

CBE-18-067

**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: 1/31/18

Name: William H. Roberts

Address: 5034 River Drive, Lanexa, VA 23089

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: billhrob@gmail.com

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

Name: Michael A. Matthews

Phone: 757-220-0465

Email: mmatthews@thestructuresgroup.com

**Project Information:**

Project Address: 5034 River Drive, Lanexa, VA 23089

Subdivision Name, Lot, and Section No.: Cyprus Point Subdivision

Parcel Identification No. or Tax Map No.: 0930300008

Date Lot was platted: 10/20/17 Line or Bldg Permit No.: \_\_\_\_\_

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

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Steep Slopes $\geq$ 25 percent <u>4,000</u> (SF) | <input type="checkbox"/> RPA - Landward 50' _____ (SF)                         |
| <input type="checkbox"/> Conservation Easement _____ (SF)                            | <input checked="" type="checkbox"/> RPA - Seaward 50' <u>4,000</u> (SF)        |
| <input type="checkbox"/> Trees to be Removed _____ (#)                               | <input checked="" type="checkbox"/> Proposed Impervious Cover <u>+260</u> (SF) |

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

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> New principal structure construction   | <input type="checkbox"/> Building addition to principal structure | <input type="checkbox"/> Attached Deck     |
| <input type="checkbox"/> Permitted buffer modifications:  | <input type="checkbox"/> Dead/diseased/dying tree removal         | <input type="checkbox"/> Sightline         |
| <input checked="" type="checkbox"/> Accessory (Detached) Structure or Patio                                 | <input type="checkbox"/> Invasive/noxious weed removal            | <input type="checkbox"/> Access path/trail |
| <input checked="" type="checkbox"/> Other: <u>Removal &amp; reconstruction of rear portion of residence</u> | <input type="checkbox"/> Redevelopment: _____                     |  |

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

For Office Use Only

CB Number 18-068

**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)*

A terraced modular concrete retaining wall is proposed to be installed along the rear portion of the property to prevent further erosion and distress to the residence. The two (2) terraced retaining walls are proposed to be 130' long and 5' tall. The foundation of the 12.25' x 27' rear left portion of the residence has been undermined and damaged due to erosion.

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) James City County Building Permit

**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 existing slope has eroded and failed. The entire residence and rear portion of the property is completely within the RPA boundary.

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 proposed retaining wall will utilize a chimney drain system to filter stormwater runoff as well as native shrubs as a pedestrian barrier. Further, existing impervious timber walls shall be removed.

**5. Proposed mitigation measures:**

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

**Mitigation Rates Table**

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

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

For Office Use Only CB Number <u>CBE 19-069</u>
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A. Vegetation/ground cover enhancement of buffer (see Mitigation Rates Table on previous page).

Number of native canopy trees \_\_\_\_\_  
 Number of native understory trees \_\_\_\_\_  
 Number of native shrubs Approximately 47 shrubs to be planted as pedestrian barriers  
 Square feet of native ground cover \_\_\_\_\_  
 Square feet of mulch \_\_\_\_\_

B. Best Management Practices (BMPs)

<input type="checkbox"/> EC-2 (degradable) erosion control matting	<input type="checkbox"/> Bioretention or rain garden practice
<input type="checkbox"/> Dry Swale	<input type="checkbox"/> Infiltration Area/Trench/Drywell
<input checked="" 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] Ben Williams Date 1/31/18

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>125.00</u> Date/Rec No.: <u>1/31/18 # 2289</u>
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# EROSION & SEDIMENT CONTROL NOTES

## GENERAL:

- THE PROFESSIONAL ENGINEER WHOSE SEAL IS AFFIXED HEREON SHALL ACT AS THE "RESPONSIBLE LAND DISTURBER" FOR THE PLAN REVIEW PHASE OF THIS PROJECT. ONCE THE PLANS ARE APPROVED, THE OWNER/GENERAL CONTRACTOR SHALL DESIGNATE THE "RESPONSIBLE LAND DISTURBER" AND PROVIDE THE COUNTY WITH THE NAME AND CERTIFICATION NO. OF THE "RESPONSIBLE LAND DISTURBER" FOR THE CONSTRUCTION PHASE OF THE PROJECT.
- THIS SITE IS LOCATED WITHIN THE CHESAPEAKE BAY WATERSHED. THE PROJECT AREA IS LOCATED WITHIN THE LIMITS OF THE CHESAPEAKE BAY PRESERVATION ACT RPA/RMA AREAS.
- ELEVATIONS SHOWN ARE APPROXIMATE, AND ARE BASED ON TOPOGRAPHIC MAP PROVIDED BY THE JAMES CITY COUNTY GEOGRAPHICAL INFORMATION SYSTEM (GIS).
- THE EXISTENCE AND LOCATION (HORIZONTAL AND VERTICAL) OF EXISTING UTILITIES ARE NOT GUARANTEED AND SHALL BE FIELD VERIFIED BY THE CONTRACTOR.
- THERE ARE NO ANTICIPATED OFFSITE LAND DISTURBING AREAS ASSOCIATED WITH THE DEVELOPMENT OF THIS SITE.
- A LAND DISTURBING PERMIT IS NOT REQUIRED FOR SINGLE-FAMILY RESIDENCE PROJECTS INCLUDING ALL AREAS SUBJECT TO THE CHESAPEAKE BAY PRESERVATION ACT.
- ALL OBJECTIONABLE AND DELETERIOUS MATERIAL IS TO BE REMOVED FROM THE SITE AND DISPOSED OF IN A STATE APPROVED FACILITY MEETING ALL REQUIREMENTS OF ALL LOCAL, STATE, AND FEDERAL REGULATIONS.
- DURING CONSTRUCTION OF THE PROJECT, SOIL STOCKPILES AND BORROW AREAS SHALL BE STABILIZED OR PROTECTED WITH SEDIMENT TRAPPING MEASURES. THE CONTRACTOR IS RESPONSIBLE FOR THE TEMPORARY PROTECTION AND PERMANENT STABILIZATION OF ALL SOIL STOCKPILES ON SITE AS WELL AS BORROW AREAS AND SOIL INTENTIONALLY TRANSPORTED FROM THE SITE.
- ALL AREAS DISTURBED BY CONSTRUCTION SHALL BE STABILIZED WITH PERMANENT SEEDING IMMEDIATELY FOLLOWING FINISH GRADING. SEEDING SHALL BE DONE WITH THE MINIMUM CARE LAWN BLEND ACCORDING TO TABLE 3.32-2 OF STANDARD AND SPECIFICATION 3.32, "PERMANENT SEEDINGS", OF THE VESCH. EROSION BLANKETS WILL BE INSTALLED OVER FILL SLOPES WHICH HAVE BEEN BROUGHT TO FINAL GRADE AND HAVE BEEN SEEDDED TO PROTECT THE SLOPES FROM RILL AND GULLY EROSION TO ALLOW THE SEED TO GERMINATE PROPERLY. MULCH (STRAW OR FIBER) WILL BE USED ON RELATIVELY FLAT AREAS. IN ALL SEEDING OPERATIONS, SEED, FERTILIZER, AND LIME WILL BE APPLIED PRIOR TO MULCHING. SOIL STABILIZATION MATTING ON STEEP SLOPES TO BE EC-2 DEGRADABLE EROSION CONTROL MATTING.

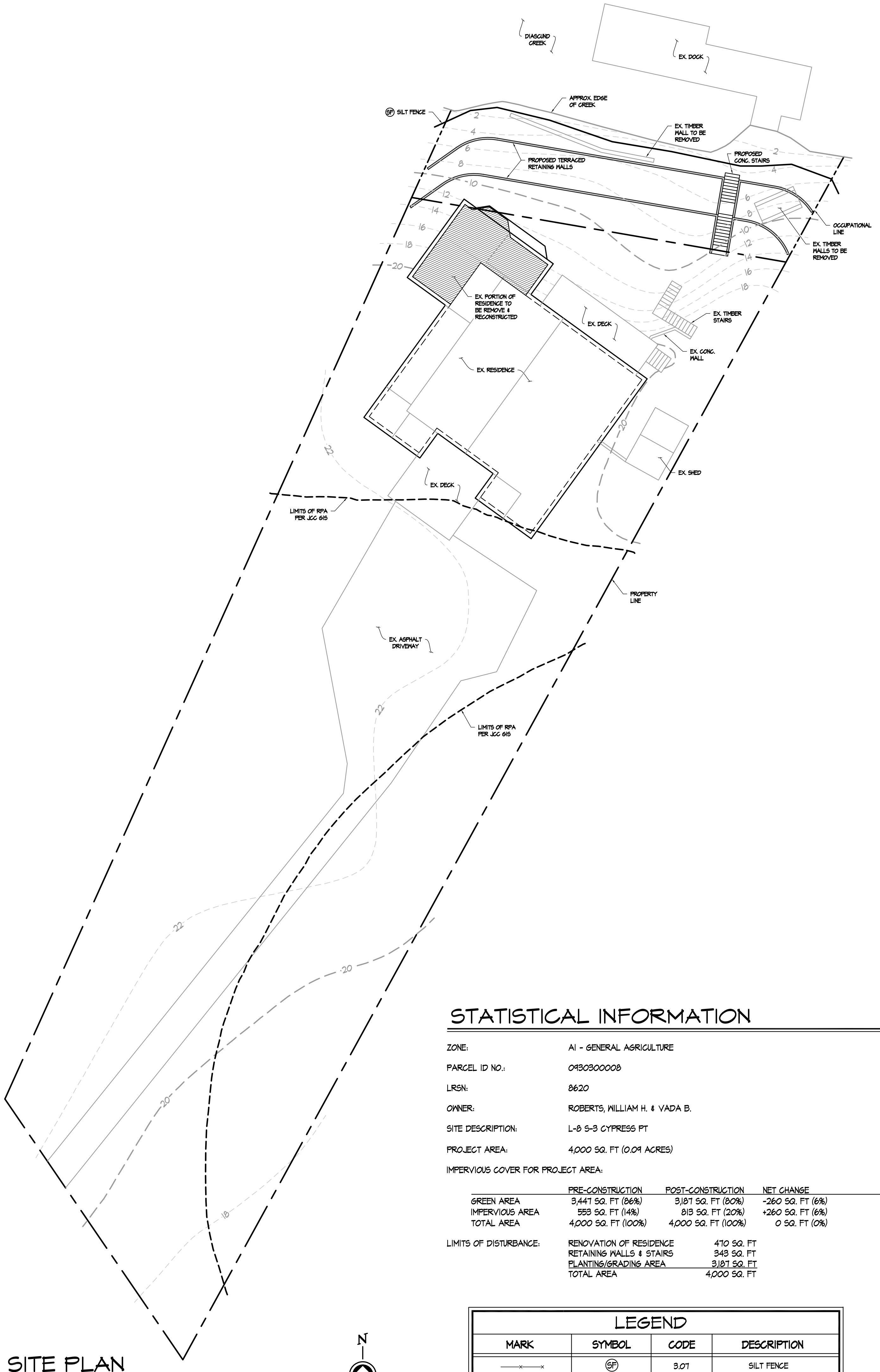
## JAMES CITY COUNTY STANDARD STORMWATER POLLUTION PREVENTION PLAN NOTES:

THE FOLLOWING STANDARD COUNTY NOTES SHALL BECOME PART OF ANY APPROVED STORMWATER POLLUTION PREVENTION PLAN (SWPPP) FOR PLAN OF DEVELOPMENT PROJECTS IN JAMES CITY COUNTY, VIRGINIA. COMPONENTS OF A SWPPP MAY INCLUDE, AS APPLICABLE, A SITE EROSION AND SEDIMENT CONTROL (EASC) PLAN, A SITE STORMWATER MANAGEMENT (SWM) PLAN, AND A SITE POLLUTION PREVENTION PLAN (PPP). THE COUNTY'S DIVISION OF ENGINEERING AND RESOURCE PROTECTION IS DESIGNATED BY CHAPTER 8 OF THE COUNTY CODE AS THE LOCAL VIRGINIA EROSION AND SEDIMENT CONTROL PROGRAM (VESCO) AUTHORITY AND VIRGINIA STORMWATER MANAGEMENT PROGRAM (VSMP) AUTHORITY.

- ALL THE PROVISIONS OF VIRGINIA EROSION AND SEDIMENT CONTROL (EASC) LAW AND REGULATIONS, THE VIRGINIA STORMWATER MANAGEMENT ACT AND REGULATIONS (VSMP), THE VIRGINIA BMP CLEARINGHOUSE WEBSITE, STATE EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT HANDBOOKS, AND ANY ASSOCIATED TECHNICAL BULLETINS AND GUIDANCE DOCUMENTS AS PUBLISHED BY THE STATE WATER CONTROL BOARD, THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ), AND THE LOCAL VESCO AND VSMP AUTHORITY SHALL APPLY TO THE PROJECT.
- MINIMUM STANDARDS NO. 1 THROUGH NO. 19 OF THE VIRGINIA EROSION AND SEDIMENT CONTROL REGULATIONS 9VAC25-840 ET SEQ. SHALL APPLY TO THE PROJECT.
- THE OWNER, APPLICANT, OPERATOR, OR PERMITTEE SHALL BE RESPONSIBLE TO REGISTER FOR CONSTRUCTION GENERAL PERMIT (CGP) COVERAGE, AS APPLICABLE, IN ACCORDANCE WITH THE GENERAL VPDES PERMIT FOR DISCHARGE OF STORMWATER FROM CONSTRUCTION ACTIVITIES (VARIO) CHAPTER 800, THE VIRGINIA STORMWATER MANAGEMENT PROGRAM REGULATIONS CHAPTER 810; AND IN ACCORDANCE WITH CURRENT REQUIREMENTS OF THE VIRGINIA STORMWATER MANAGEMENT PROGRAM (VSMP), THE STATE WATER CONTROL BOARD, THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY, CHAPTER 8 OF THE COUNTY CODE AND THE LOCAL VESCO/VSMPT AUTHORITY.
- THE OWNER, APPLICANT, OPERATOR OR PERMITTEE SHALL PROVIDE THE NAME OF AN INDIVIDUAL HOLDING A VALID RESPONSIBLE LAND DISTURBER (RLD) CERTIFICATE OF COMPETENCE WHO WILL BE RESPONSIBLE FOR THE LAND DISTURBING ACTIVITY PRIOR TO ENGAGING IN THE LAND DISTURBING ACTIVITY. THIS WILL BE NECESSARY PRIOR TO ISSUANCE OF A LOCAL LAND DISTURBING AND/OR STORMWATER CONSTRUCTION PERMIT FOR THE PROJECT. THE RLD IS REQUIRED TO ATTEND THE PRECONSTRUCTION CONFERENCE FOR THE PROJECT.
- THE CONTRACTOR IS RESPONSIBLE TO CONTACT MISS UTILITY (DIAL 811 IN VA OR 1-800-552-7001) PRIOR TO ANY UTILITY OR SITE WORK EXCAVATIONS.
- ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE PLANNED, DESIGNED, IMPLEMENTED, INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE PROVISIONS OF THE LATEST EDITION OF THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK (VESCH). THE CONTRACTOR SHALL MAINTAIN, INSPECT, AND REPAIR ALL EROSION AND SEDIMENT CONTROL MEASURES AS NEEDED THROUGHOUT THE LIFE OF THE PROJECT TO ENSURE CONTINUED ACCEPTABLE PERFORMANCE.
- A PRECONSTRUCTION CONFERENCE (MEETING) SHALL BE HELD ON SITE AND INCLUDE REPRESENTATIVES FROM THE LOCAL VESCO/VSMPT AUTHORITY, THE OWNER/APPLICANT/OPERATOR/PERMITTEE, THE RESPONSIBLE LAND-DISTURBER (RLD), AND THE CONTRACTOR, ENGINEER, AND OTHER RESPONSIBLE AGENCIES, AS APPLICABLE, PRIOR TO AUTHORIZATION AND ISSUANCE OF A LOCAL LAND DISTURBING OR STORMWATER CONSTRUCTION PERMIT. THE OWNER, APPLICANT, OPERATOR OR PERMITTEE IS REQUIRED TO COORDINATE SCHEDULING OF THE PRECONSTRUCTION CONFERENCE BETWEEN ALL APPLICABLE PARTIES. THE CONTRACTOR SHALL SUBMIT A SEQUENCE OF CONSTRUCTION AND A REVISED POLLUTION PREVENTION PLAN (P2 PLAN OR PPP), IF APPLICABLE, TO THE LOCAL VESCO/VSMPT AUTHORITY FOR REVIEW AND APPROVAL PRIOR TO THE PRECONSTRUCTION MEETING.
- A POLLUTION PREVENTION PLAN (P2 PLAN OR PPP), IF REQUIRED, SHALL BE DEVELOPED, IMPLEMENTED AND UPDATED AS NECESSARY AND MUST DETAIL THE DESIGN, INSTALLATION, IMPLEMENTATION, AND MAINTENANCE OF EFFECTIVE POLLUTION PREVENTION MEASURES TO: MINIMIZE THE DISCHARGE OF POLLUTANTS FROM EQUIPMENT AND VEHICLE WASHING, WHEEL WASH WATER AND OTHER WASH WATERS; MINIMIZE THE EXPOSURE OF ALL MATERIALS ON THE SITE (SUCH AS BUILDING MATERIALS AND PRODUCTS, CONSTRUCTION WASTE, TRASH, LANDSCAPE MATERIALS, FERTILIZERS, PESTICIDES, HERBICIDES, DETERGENTS, SANITARY WASTE, ETC.) TO PRECIPITATION AND STORMWATER; MINIMIZE THE DISCHARGE OF POLLUTANTS FROM SPILLS AND LEAKS; IMPLEMENT CHEMICAL SPILL AND LEAK PREVENTION AND RESPONSE PROCEDURES; AND INCLUDE EFFECTIVE BEST MANAGEMENT PRACTICES TO PROHIBIT THE DISCHARGE OF WASTEWATER FROM CONCRETE WASHOUT AREAS, DISCHARGE OF WASTEWATER FROM WASHOUT AND CLEANOUT OF STUCCO, PAINT, FORM RELEASE OILS, CURING COMPOUNDS AND OTHER CONSTRUCTION MATERIALS; DISCHARGE OF FUELS, OILS, OTHER POLLUTANTS USED IN VEHICLE AND EQUIPMENT OPERATION AND MAINTENANCE ACTIVITIES; AND THE DISCHARGE OF SOAPS AND SOLVENTS USED FOR VEHICLE AND EQUIPMENT WASHING. THIS PLAN SHALL BE AVAILABLE ONSITE FOR REVIEW AT REASONABLE TIMES BY THE LOCAL VESCO/VSMPT AUTHORITY WHEN REQUESTED.
- THE OWNER, APPLICANT, OPERATOR, OR PERMITTEE IS RESPONSIBLE FOR ALL OPERATOR SELF-INSPECTIONS AS REQUIRED IN THE POLLUTION PREVENTION PLAN (P2 PLAN OR PPP) OR AS REQUIRED AS PART OF A DEVELOPED STORMWATER POLLUTION PREVENTION PLAN (SWPPP). THESE INSPECTIONS SHALL BE MADE AVAILABLE, UPON REQUEST, BY THE LOCAL VESCO/VSMPT AUTHORITY.
- ALL PERIMETER EROSION AND SEDIMENT CONTROL (EASC) MEASURES SHALL BE CONSTRUCTED AS A FIRST STEP IN ANY LAND-DISTURBING ACTIVITY AND SHALL BE MADE FUNCTIONAL BEFORE UPSLOPE LAND DISTURBANCE ACTIVITY TAKES PLACE.
- ADDITIONAL SAFETY FENCE OR DUST CONTROL MEASURES, IN ACCORDANCE WITH THE PROVISIONS OF MINIMUM STANDARDS & SPECS. 3.01 AND 3.31 OF THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK (VESCH), MAY BE REQUIRED TO BE IMPLEMENTED ON THE SITE IN ADDITION TO THAT SHOWN ON THE APPROVED PLAN AND SPECIFICATIONS IN ORDER TO ENSURE ADEQUATE PROTECTION OF THE HEALTH, SAFETY AND WELFARE OF THE PUBLIC OR IF SITE CONDITIONS CHANGE, BECOME APPARENT OR ALTER SIGNIFICANTLY FOLLOWING THE DATE OF PLAN APPROVAL.

## SITE PLAN

SCALE: 1/16" = 1'-0"



## STATISTICAL INFORMATION

ZONE:	A1 - GENERAL AGRICULTURE		
PARCEL ID NO.:	0430300008		
LRSN:	8620		
OWNER:	ROBERTS, WILLIAM H. & VADA B.		
SITE DESCRIPTION:	L-9 S-3 CYPRESS PT		
PROJECT AREA:	4,000 SQ. FT (0.09 ACRES)		
IMPERVIOUS COVER FOR PROJECT AREA:			
	PRE-CONSTRUCTION	POST-CONSTRUCTION	NET CHANGE
GREEN AREA	3,441 SQ. FT (86%)	3,181 SQ. FT (80%)	-260 SQ. FT (6%)
IMPERVIOUS AREA	559 SQ. FT (14%)	819 SQ. FT (20%)	+260 SQ. FT (6%)
TOTAL AREA	4,000 SQ. FT (100%)	4,000 SQ. FT (100%)	0 SQ. FT (0%)
LIMITS OF DISTURBANCE:			
RENOVATION OF RESIDENCE	410 SQ. FT		
RETAINING WALLS & STAIRS	345 SQ. FT		
PLANTING/GRADING AREA	3,181 SQ. FT		
TOTAL AREA	4,000 SQ. FT		

LEGEND			
MARK	SYMBOL	CODE	DESCRIPTION
—x—x—	⊕	3.01	SILT FENCE

## JAMES CITY COUNTY STANDARD STORMWATER POLLUTION PREVENTION PLAN NOTES (CONT.):

- EROSION AND SEDIMENT CONTROL MEASURES MAY REQUIRE MINOR FIELD ADJUSTMENTS AT OR FOLLOWING TIME OF CONSTRUCTION TO ENSURE THEIR INTENDED PURPOSE IS ACCOMPLISHED. TO ENSURE ADEQUATE PROTECTION OF THE HEALTH, SAFETY, AND WELFARE OF THE PUBLIC, OR IF SITE CONDITIONS CHANGE, BECOME APPARENT OR ALTER SIGNIFICANTLY FOLLOWING THE DATE OF PLAN APPROVAL, LOCAL VESCO/VSMPT AUTHORITY APPROVAL SHALL BE REQUIRED FOR ANY DEVIATION OF EROSION AND SEDIMENT CONTROL MEASURES FROM THE APPROVED PLAN.
- OFF-SITE WASTE OR BORROW AREAS SHALL BE APPROVED BY THE LOCAL VESCO/VSMPT AUTHORITY PRIOR TO THE IMPORT OF ANY BORROW OR EXPORT OF ANY WASTE TO OR FROM THE PROJECT SITE.
- TEMPORARY SOIL STOCKPILES SHALL COMPLY WITH THE PROVISIONS OF SECTION 24-46 OF THE COUNTY CODE.
- CULVERT AND STORM DRAIN INLET PROTECTIONS, IN ACCORDANCE WITH THE PROVISIONS OF MINIMUM STANDARDS & SPECS. 3.01 AND 3.08 OF THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK (VESCH), MAY BE REMOVED AT THE DISCRETION OF THE ASSIGNED LOCAL VESCO/VSMPT AUTHORITY COMPLIANCE INSPECTOR, SHOULD PLACEMENT OF THE MEASURE RESULT IN EXCESSIVE ROAD FLOODING, TRAFFIC OR SAFETY HAZARD, OR RESULT IN THE REDIRECTION OF DRAINAGE ONTO OR TOWARD EXISTING LOTS, HOMES, DRIVEWAYS, GARAGES OR OTHER STRUCTURES. DECISIONS SHALL BE MADE BY THE VESCO/VSMPT AUTHORITY ON A CASE-BY-CASE BASIS BASED ON FIELD SITUATIONS ENCOUNTERED.
- DRAINAGE FACILITIES SHALL BE INSTALLED AND FUNCTIONAL WITHIN 30 DAYS FOLLOWING COMPLETION OF ROUGH GRADING AT ANY POINT WITHIN THE PROJECT.
- NO MORE THAN 300 FEET OF TRENCH MAY BE OPEN AT ONE TIME FOR UNDERGROUND UTILITY LINES, INCLUDING STORM WATER CONVEYANCES. ALL OTHER PROVISIONS OF MINIMUM STANDARD NO. 16 OF THE VIRGINIA EROSION AND SEDIMENT CONTROL REGULATIONS APPLY.
- PERMANENT OR TEMPORARY STABILIZATION OF DISTURBED SOIL AREAS SHALL COMPLY WITH MINIMUM STANDARD # 1 AND # 3 OF THE VIRGINIA EROSION AND SEDIMENT CONTROL REGULATIONS.
- THE TERM SEEDING, FINAL VEGETATIVE COVER OR STABILIZATION ON THE APPROVED PLAN SHALL MEAN THE SUCCESSFUL GERMINATION AND ESTABLISHMENT OF A STABLE GRASS COVER FROM A PROPERLY PREPARED SEEDBED, IN ACCORDANCE WITH MINIMUM STANDARD # 1 AND # 3 FROM THE VIRGINIA EROSION AND SEDIMENT CONTROL REGULATIONS, MINIMUM STANDARDS & SPECS. 3.24 THROUGH 3.31 OF THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK (VESCH), AND ANY TECHNICAL BULLETINS ISSUED BY THE STATE WATER CONTROL BOARD OR VIRGINIA DEQ, AS APPLICABLE. IRRIGATION, IF NECESSARY, SHALL COMPLY WITH ALL APPLICABLE SEASONAL OUTDOOR WATER USE RESTRICTIONS OF THE JAMES CITY SERVICE AUTHORITY.
- IF DISTURBED AREA STABILIZATION IS TO BE ACCOMPLISHED DURING THE MONTHS OF DECEMBER, JANUARY OR FEBRUARY, STABILIZATION SHALL CONSIST OF MULCHING IN ACCORDANCE WITH MINIMUM STANDARD & SPEC. 3.35 OF THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK (VESCH). SEEDING WILL THEN TAKE PLACE AS SOON AS THE SEASON PERMITS.
- TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES SHALL NOT BE REMOVED UNTIL ALL DISTURBED AREAS ARE STABILIZED. REMOVAL SHALL NOT OCCUR WITHOUT AUTHORIZATION BY THE LOCAL VESCO/VSMPT AUTHORITY. DISTURBANCES ASSOCIATED WITH THE REMOVAL OF TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES SHALL BE PROPERLY STABILIZED.
- NO SEDIMENT TRAP OR SEDIMENT BASIN SHALL BE REMOVED UNTIL A) AT LEAST 75 PERCENT OF THE SINGLE-FAMILY LOTS WITHIN THE DRAINAGE AREA TO THE TRAP OR BASIN HAVE BEEN SOLD TO A THIRD PARTY FOR THE CONSTRUCTION OF HOMES (UNRELATED TO THE DEVELOPER); AND/OR B) 60 PERCENT OF THE SINGLE-FAMILY LOTS WITHIN THE DRAINAGE AREA TO THE TRAP OR BASIN ARE COMPLETED AND STABILIZED. A BULK SALE OF THE LOTS TO ANOTHER BUILDER DOES NOT SATISFY THIS PROVISION. SEDIMENT TRAPS AND SEDIMENT BASINS SHALL NOT BE REMOVED WITHOUT AUTHORIZATION OF THE LOCAL VESCO/VSMPT AUTHORITY.
- DESIGN AND CONSTRUCTION OF PRIVATE-TYPE STORM DRAINAGE SYSTEMS, OUTSIDE VDOT RIGHT-OF-WAY, SHALL BE PERFORMED IN ACCORDANCE WITH THE CURRENT VERSION OF THE JAMES CITY COUNTY, ENGINEERING AND RESOURCE PROTECTION DIVISION, STORMWATER DRAINAGE CONVEYANCE SYSTEMS (NON-BMP RELATED), GENERAL DESIGN AND CONSTRUCTION GUIDELINES (IE. COUNTY DRAINAGE STANDARDS).
- RECORD DRAWINGS (ASBUILTS) AND CONSTRUCTION CERTIFICATIONS ARE REQUIRED FOR ALL STORMWATER FACILITIES INCLUDING STORMWATER MANAGEMENT/BMP FACILITIES AND STORM DRAINAGE CONVEYANCE SYSTEMS. THE CERTIFICATION PROCESS SHALL INCLUDE AN INTERNAL CLOSED-CIRCUIT TELEVISION CAMERA (CCTV) POST INSTALLATION INSPECTION PERFORMED BY THE OWNER IN ACCORDANCE WITH STANDARDS AND SPECIFICATIONS DEVELOPED BY THE VSMP AUTHORITY. RECORD DRAWINGS AND CONSTRUCTION CERTIFICATIONS MUST MEET ESTABLISHED PROGRAM REQUIREMENTS OF THE COUNTY'S CHAPTER 8 EROSION AND SEDIMENT CONTROL AND VSMP ORDINANCE AND THE LOCAL VESCO/VSMPT AUTHORITY.
- ALL STORMWATER FACILITIES INCLUDING BMPs, STORM DRAINAGE PIPES, STORMWATER CONVEYANCES, INLETS, MANHOLES, OUTFALLS AND ROADSIDE AND OTHER OPEN CHANNELS SHALL BE INSPECTED BY THE LOCAL VESCO/VSMPT AUTHORITY, THE OWNER, AND THE APPLICANT/OPERATOR/PERMITTEE DESIGNATED GEOTECHNICAL ENGINEER FOR THE PROJECT IN ACCORDANCE WITH ESTABLISHED COUNTY STORMWATER FACILITY INSPECTION PROGRAM REQUIREMENTS.



## VICINITY MAP

SCALE: NONE

Sheet: **61** | Date: **1/31/18** | Project #: **VAT21A05** | Drawn by: **KJP** | Reviewed by: **MAM**

**PRELIMINARY FOR JCC RPA SUBMITTAL**

**ROBERTS RESIDENCE 5034 RIVER DRIVE**

**JAMES CITY COUNTY**

The Structures Group, Inc.  
1200 Old Colony Lane • Williamsburg, VA 23185  
(757) 220-0465 • Fax: (757) 220-1546  
www.thestructuresgroup.com

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**GENERAL NOTES**

- 1. WORK PERFORMED SHALL COMPLY WITH THE FOLLOWING:
  - A. THE VIRGINIA UNIFORM STATEWIDE BUILDING CODE (VUBC); 2012 EDITION
  - B. THE INTERNATIONAL RESIDENTIAL CODE (IRC); 2012 EDITION AS AMENDED BY THE VUBC.
  - C. ALL APPLICABLE STATE AND LOCAL CODES, ORDINANCES AND REGULATIONS.

2. DESIGN LOADS:

A. BUILDING CLASSIFICATION CATEGORY	_____
B. GROUND SNOW P <sub>g</sub>	20 PSF
C. DESIGN WIND SPEED	100 MPH
D. SOIL UNIT WEIGHT	120 PCF
E. LIVE LOADS:	

ROOF	UNIFORM
ATTIC W/ STORAGE	20 PSF
ATTIC W/OIT STORAGE	10 PSF
RESIDENTIAL DWELLING AREA	40 PSF
RESIDENTIAL SLEEPING AREA	30 PSF
LANDSCAPE & MAINTENANCE	50 PSF
STAIRS	100 PSF

\* MINIMUM CONCENTRATED LOAD OF 300 POUNDS ON STAIR TREADS (ON AREA OF 4 SQUARE INCHES)

- 3. THE CONTRACTOR SHALL VERIFY DIMENSIONS IN FIELD PRIOR TO FABRICATION OF MEMBERS AND COMMENCING WORK.
- 4. PROVIDE TEMPORARY BRACING AS REQUIRED TO RESIST WIND AND OTHER LOADS DURING CONSTRUCTION.
- 5. FOR SHOP DRAWING SUBMITTALS, CONTRACTOR SHALL SUBMIT ONE (1) ELECTRONIC (PDF) SET OF SHOP DRAWINGS & PRODUCT SUBMITTALS. REPRODUCTIONS OF CONTRACT DRAWINGS ARE NOT TO BE SUBMITTED AS SHOP DRAWINGS.
- 6. THE CONTRACTOR SHALL PROTECT EXISTING STRUCTURES, EQUIPMENT, ADJACENT GROUNDS AND PLANTS DURING ALL PHASES OF CONSTRUCTION. THE CONTRACTOR SHALL REPAIR AND/OR REPLACE, AT NO ADDITIONAL COSTS TO THE OWNER, ANY ITEMS DAMAGED DURING THE CONSTRUCTION.

**DEMOLITION**

- 1. PROVIDE ADEQUATE SHORING, BRACING, AND OTHER TEMPORARY SUPPORT DURING DEMOLITION.
- 2. UNTIL PROPERLY SHORED, DO NOT CUT EXISTING STRUCTURAL MEMBERS IN A MANNER RESULTING IN A REDUCTION OF LOAD-CARRYING CAPACITY. DO NOT EXCEED THE CAPACITY OF THE EXISTING STRUCTURE WITH SUPERIMPOSED LOADS.
- 3. IN GENERAL, SELECTIVE STRUCTURAL DEMOLITION IS TO BE PERFORMED WITH PHYSICAL CUTTING ACTION (SAWING AND GRINDING INSTEAD OF HAMMERING AND CHOPPING). DO NOT USE JACKHAMMERS ON STRUCTURALLY SUPPORTED MEMBERS.
- 4. CONTRACTOR SHALL VERIFY THAT EXISTING CONSTRUCTION CORRESPONDS TO THAT SHOWN ON THE DRAWINGS. DISCREPANCIES SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE ARCHITECT/ENGINEER.

**FOUNDATIONS:**

- 1. CONTRACTOR SHALL NOTIFY "MISS UTILITY OF VIRGINIA" PRIOR TO BEGINNING EXCAVATION FOR LOCATIONS OF UNDERGROUND UTILITIES. THE CONTRACTOR SHALL BEAR SOLE RESPONSIBILITY FOR COSTS ASSOCIATED WITH DAMAGE AND REPAIR OF ANY LINES MARKED BY MISS UTILITY OF VIRGINIA.
- 2. EXTERIOR FOOTINGS AND COLUMN FOOTINGS WERE DESIGNED TO BEAR ON UNDISTURBED SOIL BELOW THE FROST AND LINE A MINIMUM OF 2'-0" BELOW EXISTING GRADE WITH A MINIMUM SOIL BEARING PRESSURE OF 1500 PSF. THE OWNER SHALL EMPLOY A GEOTECHNICAL ENGINEER TO VERIFY THAT THIS ALLOWABLE SOIL BEARING PRESSURE IS ATTAINABLE. IF THIS IS NOT ATTAINABLE, OWNER TO VERIFY THE OWNER/CONTRACTOR SHALL CONTACT ENGINEER FOR REDESIGN.
- 3. TIMBER PILES SHALL BE SOUTHERN PINE ROUND TIMBER PILES GRADED PER ASTM D25 OR POLES GRADED PER ASTM D3200 (AIR OR KILN DRIED). PILES SHALL BE DRIVEN A MINIMUM DEPTH OF 20'-0".
- 4. WHERE REQUIRED, SOIL UNDER FOOTINGS SHALL BE COMPACTED TO AT LEAST 95% OF MAXIMUM DENSITY AS DETERMINED BY ASTM METHOD D-698 (STANDARD PROCTOR).

**CONCRETE:**

- 1. CONCRETE FOR FOOTINGS SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 3,000 PSI AT 28 DAYS AND A MAXIMUM WATER/CEMENT RATIO OF 0.55.
- 2. ALL CONCRETE SHALL BE MIXED, PLACED, AND TESTED IN ACCORDANCE WITH THE LATEST EDITION OF ACI 318.
- 3. ALL CONCRETE SHALL HAVE A SLUMP OF 4" ± 1" UNLESS NOTED OTHERWISE.
- 4. ALL CONCRETE TO BE POURED IN COLD WEATHER, AS DEFINED IN SECTION 11 OF ACI 308R, COLD WEATHER CONCRETING, SHALL FULLY COMPLY WITH ACI 308.1, STANDARD SPECIFICATIONS FOR HOT WEATHER CONCRETING, AND ACI 308R.
- 5. ALL CONCRETE TO BE POURED IN HOT WEATHER, AS DEFINED IN SECTION 12 OF ACI 308R, HOT WEATHER CONCRETING, SHALL FULLY COMPLY WITH ACI 308.1, STANDARD SPECIFICATIONS FOR HOT WEATHER CONCRETING, AND ACI 308R.
- 6. REINFORCING BARS SHALL BE ASTM A-615, GRADE 60.
- 7. ALL CONCRETE REINFORCING SHALL BE DETAILED AND CONSTRUCTED PER ACI 318.
- 8. ALL CONCRETE REINFORCING STEEL SHALL HAVE CORNER OR "Z" BARS OF THE SAME DIAMETER AT ALL CORNERS AND CHANGES IN DIRECTION. CORNER AND "Z" BARS SHALL LAP CONTINUOUS BARS A MINIMUM OF 48 TIMES THE NOMINAL BAR DIAMETER ON BOTH ENDS.
- 9. ANCHOR BOLTS SHALL BE ASTM A-307. ANCHOR BOLTS IN TIMBER SILL PLATES SHALL BE HOT DIPPED ZINC COATED GALVANIZED STEEL, STAINLESS STEEL, SILICON BRONZE OR COPPER AND SHALL BE MINIMUM 1/2" DIAMETER WITH A 1" MINIMUM EMBEDMENT IN CONCRETE OR MASONRY, 6'-0" ON CENTER MINIMUM AND 6" FROM ALL PLATE ENDS UNLESS NOTED OTHERWISE. A MINIMUM OF TWO (2) ANCHOR BOLTS ARE REQUIRED FOR EACH SECTION OF PLATE AND EACH ANCHOR BOLT MUST HAVE A PROPERLY SIZED AND TIGHTENED NUT AND WASHER.
- 10. ALL CONCRETE EXPOSED TO THE EXTERIOR ENVIRONMENT OR TO DEICING CHEMICALS SHALL BE AIR-ENTRAINED 6% BY VOLUME ± 1% UNLESS SHOWN OTHERWISE ON DRAWING.

**MASONRY:**

- 1. CONCRETE MASONRY UNITS SHALL BE IN ACCORDANCE WITH ASTM C-40. MORTAR TO CONFORM TO ASTM C-270, TYPE "S" BELOW GRADE AND TYPE "N" ABOVE GRADE. COLOR TO BE SELECTED BY OWNER. MASONRY GROUT TO CONFORM TO ASTM C416.
- 2. ALL CMU REINFORCING SHALL BE DETAILED AND CONSTRUCTED PER ACI 318.
- 3. ALL CONCRETE MASONRY CONSTRUCTION SHALL BE CONSTRUCTED TO HAVE A MINIMUM DESIGN COMPRESSIVE STRENGTH (F'm) OF 1,500 PSI. ALL MASONRY GROUT SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 3,000 PSI.
- 4. HORIZONTAL REINFORCING FOR SINGLE WYTHE AND MULTI-WYTHE COMPOSITE MASONRY WALLS SHALL BE DUR-O-WAL TRUSS TYPE WALL REINFORCING WITH #4 DEFORMED SIDE BARS AND #4 CROSS BARS. MINIMUM VERTICAL SPACING 16" O.C. ABOVE GRADE AND 8" O.C. BELOW GRADE.

**WOOD:**

- 1. WOOD FRAMING IS BASED ON DESIGN VALUES NOTED IN THE NATIONAL DESIGN SPECIFICATION FOR WOOD CONSTRUCTION, 2012 EDITION.
- 2. ALL STRUCTURAL LUMBER, UNLESS OTHERWISE NOTED, SHALL BE NO. 2 SOUTHERN YELLOW PINE (KILN DRIED), SURFACED, WITH A MAXIMUM 19% MOISTURE CONTENT, WITH THE FOLLOWING MINIMUM NON-FACTORED ALLOWABLE STRESSES:

A. EXTREME FIBER STRESS	F <sub>b</sub> =	2 x 8	2 x 10	2 x 12
B. HORIZONTAL SHEAR STRESS	F <sub>v</sub> =	925 PSI	800 PSI	750 PSI
C. COMP. PERP. TO GRAIN	F <sub>c⊥</sub> =	175 PSI	175 PSI	175 PSI
D. COMP. PARALLEL TO GRAIN	F <sub>c</sub> =	565 PSI	565 PSI	565 PSI
E. MODULES OF ELASTICITY	E =	1,350 PSI	1,300 PSI	1,250 PSI
		1,400,000 PSI	1,400,000 PSI	1,400,000 PSI

**WOOD: (cont.)**

- 3. EXTERIOR AND INTERIOR WALL STUDS SHALL BE CONSTRUCTED WITH NO. 2 SPRUCE PINE FIR (SPF) WITH MINIMUM F<sub>b</sub> = 875 PSI & E = 1,400,000 PSI ALLOWABLE STRESSES. ALL TOP AND BOTTOM PLATES SHALL BE NO. 2 SPF.
- 4. WOOD MEMBERS LABELED AS "LVL" SHALL BE 2.0E MICROLLAM LVL MATERIAL MANUFACTURED BY TRUSJOIST OR AN APPROVED EQUAL WITH THE FOLLOWING PROPERTIES:
 

E	= 2,000,000 PSI
F <sub>b</sub>	= 2,750 PSI (FOR 12" DEPTH)
F <sub>c⊥</sub>	= 750 PSI
F <sub>c</sub>	= 2,635 PSI
F <sub>v</sub>	= 285 PSI
- 5. MULTIPLE MEMBER FLOOR AND ROOF BEAMS, EXCEPT ROOF TRUSSES, SHALL BE FASTENED TOGETHER WITH A MINIMUM (2) ROWS OF 16D NAILS OR 1/2" DIAMETER BOLTS AT 12" O.C., UNLESS NOTED OTHERWISE ON THE DRAWINGS OR BY THE MANUFACTURER.
- 6. ALL WOOD IN CONTACT WITH EXTERIOR ELEMENTS, CONCRETE, OR MASONRY SHALL BE TREATED WITH AN APPROVED PRESERVATIVE IN ACCORDANCE WITH ANPA STANDARDS.
- 7. FASTENERS FOR PRESERVATIVE-TREATED & FIRE-RETARDANT-TREATED WOOD SHALL BE OF HOT-DIPPED ZINC COATED GALVANIZED STEEL WITH A 6-185 COATING, STAINLESS STEEL, SILICON BRONZE, OR COPPER.
- 8. PROVIDE DOUBLE TOP PLATES IN ALL WOOD STUD WALLS. LAP STUD WALL TOP PLATES AT ALL CORNERS, INTERSECTIONS, AND JOISTS. END JOINTS IN TOP PLATES SHALL BE OFFSET A MINIMUM OF 48".
- 9. ERECTION OF PRE-ENGINEERED BEAMS SHALL BE IN STRICT ACCORDANCE WITH MANUFACTURERS INSTRUCTIONS.
- 10. MULTI-PLY STUD POSTS SHALL BE NAILED TOGETHER WITH TWO (2) STAGGERED ROWS OF 10D NAILS AT 12" ON CENTER UNLESS NOTED OTHERWISE ON THE DRAWINGS.
- 11. PROVIDE SOLID BLOCKING AT EACH FLOOR LEVEL, UNDER ALL BEARING POINTS OF BEAMS AND COLUMNS, TO TRANSFER LOADS TO THE FOUNDATION.
- 12. ALL SHEATHING SHALL BE MANUFACTURED AND GRADED IN ACCORDANCE WITH U.S. DEPARTMENT OF COMMERCE (DOC) PRODUCT STANDARD PS 1-01 FOR PLYWOOD CONSTRUCTION FROM GROUP 1 SPECIES OR DOC PRODUCT STANDARD PS 2-04 FOR ORIENTED STRAND BOARD (OSB). EACH SHEET SHALL BEAR THE "APA" GRADE TRADEMARK.
- 13. ROOF SHEATHING SHALL CONFORM TO APA C-D RATED EXPOSURE I FOR PLYWOOD OR EXPOSURE I OSB 1/2" MINIMUM THICKNESS SHEATHING UNLESS NOTED OTHERWISE. PROVIDE APPROPRIATE SPACING BETWEEN BUTT JOINTS. USE OF "H" CLIPS REQUIRED ON ROOF SHEATHING.
- 14. PLYWOOD FLOOR SHEATHING SHALL CONFORM TO APA STRUCTURAL I RATED SHEATHING EXPOSURE I, TONGUE AND GROOVE 3/4" SHEATHING. PROVIDE SPACING OF 1/8" AT PANEL ENDS AND EDGES.
- 15. PLYWOOD WALL SHEATHING SHALL CONFORM TO APA C-D RATED EXTERIOR 1/2" MINIMUM THICKNESS PLYWOOD SHEATHING. PROVIDE APPROPRIATE SPACING BETWEEN BUTT JOINTS.
- 16. THE FACE GRAIN OF THE PLYWOOD SHALL BE LAID AT RIGHT ANGLES TO THE JOISTS AND RAFTERS AND PARALLEL TO WALL STUDS.
- 17. ALL PLYWOOD END JOINTS SHALL BE STAGGERED AND SHALL BE LOCATED ALONG THE CENTER LINES OF THE FRAMING MEMBERS.
- 18. NAILS SHALL BE PLACED 3/8" MINIMUM FROM THE EDGE OF THE PLYWOOD SHEETS. THE MINIMUM NAIL PENETRATION INTO FRAMING MEMBERS SHALL BE 1-3/8" FOR 8d NAILS AND 1-1/2" FOR 10d NAILS.
- 19. ALL FLOORS SHALL BE GLUED AND NAILED WITH RING SHANKED NAILS.
- 20. LATERAL WALL BRACING SHALL BE PROVIDED BY THE CONTINUOUS SHEATHING METHOD IDENTIFIED IN SECTION R602.10.4.2. WHERE ADEQUATE FULL-HEIGHT WALL PANELS CANNOT BE PROVIDED, PORTAL FRAME CONSTRUCTION SHALL BE UTILIZED PER FIGURE R602.10.6.4.

**RETAINING WALL:**

- 1. LEVELING PAD FOR MODULAR CONCRETE UNIT RETAINING WALLS SHALL BE A MINIMUM OF 12" THICK COMPACTED NO. 57 STONE WRAPPED IN FILTER CLOTH, UNLESS NOTED OTHERWISE. ALTERNATELY, THE LEVELING PAD MAY BE 350 PSI FLOWABLE FILL.
- 2. ALL FLOWABLE FILL SHALL BE MIXED, PLACED AND TESTED IN ACCORDANCE WITH THE LATEST EDITION OF ACI 318.
- 3. ALL FLOWABLE FILL SHALL HAVE A SLUMP OF 7" ± 1" UNLESS NOTED OTHERWISE.
- 4. BACKFILL MATERIAL MUST BE COMPACTED TO 95% STANDARD PROCTOR DENSITY IN MAXIMUM 8' LIFTS USING A VIBRATORY PLATE COMPACTOR. ALL BACKFILL SHALL BE FREE-DRAINING, NON-FROST SUSCEPTIBLE GRANULAR MATERIAL, UNLESS NOTED TO BE STONE. RETAINED BACKFILL MATERIAL SHALL BE SM OR BETTER WITH MINIMUM FRICTION ANGLE OF 30 DEGREES.
- 5. CHIMNEY DRAIN ADJACENT TO INSIDE FACE OF THE MODULAR CONCRETE UNIT RETAINING WALL SHALL BE A MINIMUM OF 12" WIDE NO. 57 STONE WRAPPED IN FILTER CLOTH.
- 6. PLACE A 6" DIAMETER PERFORATED PVC DRAIN PIPE WRAPPED IN FILTER CLOTH ADJACENT TO INSIDE FACE OF THE MODULAR CONCRETE UNIT RETAINING WALL. PROVIDE DRAINAGE TO DAYLIGHT AT 50'-0" ON CENTER MAX.
- 7. ANY VARIATION IN LOCATION OR ELEVATION OF RETAINING WALL, ELEVATION IN THE GRADE EITHER ABOVE OR BELOW THE WALL, OR THE RECOMMENDED INSTALLATION DETAILS, REQUIRE REVIEW BY THE ENGINEER OF RECORD.
- 8. MODULAR CONCRETE UNIT RETAINING WALL BLOCK SHALL BE REDI-ROCK RETAINING WALL BLOCK UNLESS OTHERWISE NOTED, OWNER TO SELECT TEXTURE AND/OR COLOR OF EXPOSED FACE. FOLLOW INSTALLATION INSTRUCTIONS PROVIDED BY BLOCK MANUFACTURER. WHERE MANUFACTURER'S INSTRUCTIONS DIFFER FROM CONSTRUCTION DRAWINGS, BRING DISCREPANCIES TO THE IMMEDIATE ATTENTION OF THE ENGINEER OF RECORD FOR RESOLUTION.
- 9. GUARD RAILING, FENCING, AND/OR LANDSCAPE SHRUBBERY TO BE PROVIDED TO PREVENT PEDESTRIANS FROM ACCESSING THE EDGE OF THE WALL WHERE THE WALL HEIGHT EXCEEDS 2'-6".
- 10. RETAINING WALL MINIMUM DESIGN SAFETY FACTORS:
  - A. OVERTURNING - 2.0
  - B. SLIDING - 1.5

**HELICAL PILES**

- 1. HELICAL PILES SHALL BE DESIGNED AND INSTALLED BY A COMPANY WITH A MINIMUM OF 5 YEARS EXPERIENCE IN THE DESIGN AND INSTALLATION OF HELICAL PILES.
- 2. HELICAL PILE CAPACITIES SHOWN ON PLAN ARE ALLOWABLE LOADS.
- 3. SPECIALTY ENGINEER SHALL SUBMIT SIGNED AND SEALED CALCULATIONS AND COMPLETE DESIGN LAYOUT OF HELICAL PILES FOR REVIEW/APPROVAL PRIOR TO INSTALLATION OF HELICAL PILES.

ABBREVIATIONS			
CL	CENTERLINE	O.C.	ON CENTER
DIA.	DIAMETER	REINF.	REINFORCEMENT
ELEV.	ELEVATION	STA.	STATION
EX.	EXISTING	TYP.	TYPICAL
MAX.	MAXIMUM	W/	WITH
MIN.	MINIMUM	W.P.	WORKING POINT

MAM

Reviewed by:

KJP

Drawn by:

Project #:

VAT220DES

Date:

I/XX/08

PRELIMINARY FOR

JCC RPA SUBMITTAL

ROBERTS RESIDENCE

5034 RIVER DRIVE

JAMES CITY COUNTY

VIRGINIA

Revisions

No.

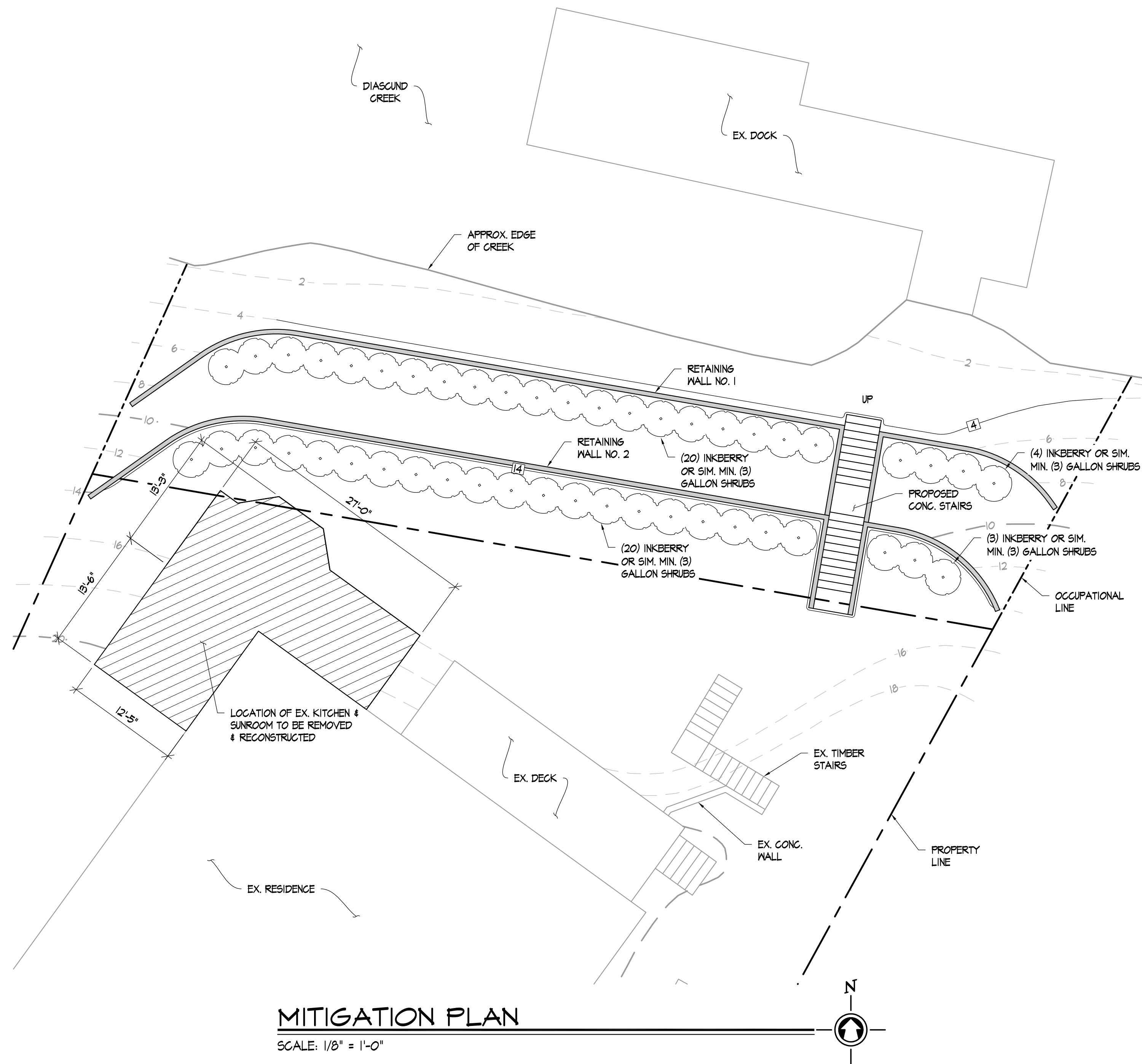
Date

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 1200 Old Colony Lane • Williamsburg, VA 23185  
 (757)220-0465 • Fax: (757)220-1546  
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ROBERTS RESIDENCE  
 5034 RIVER DRIVE

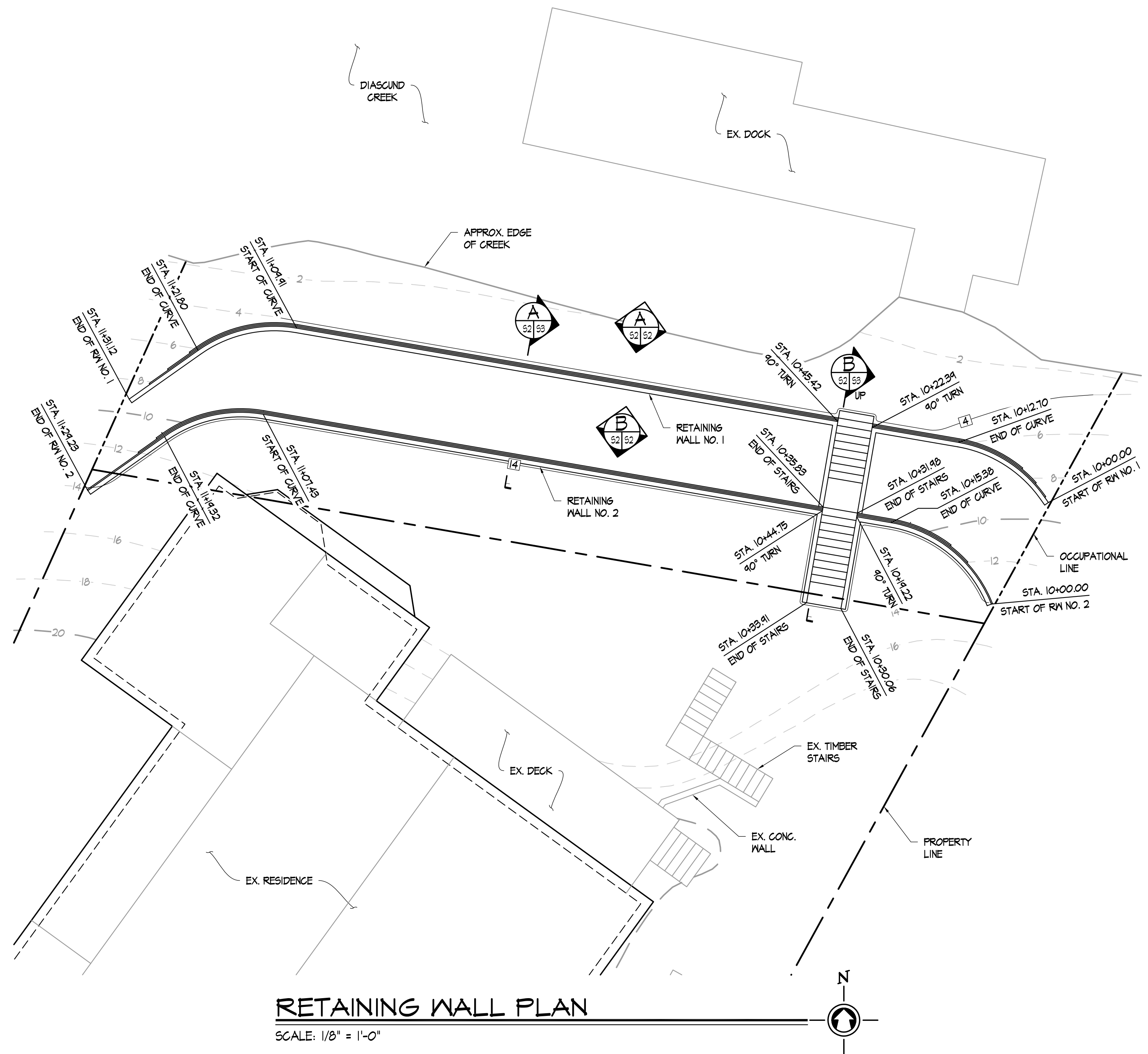
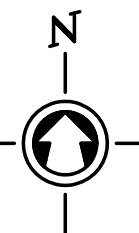
JAMES CITY COUNTY  
 VIRGINIA

51  
 2 of 4  
 Sheet



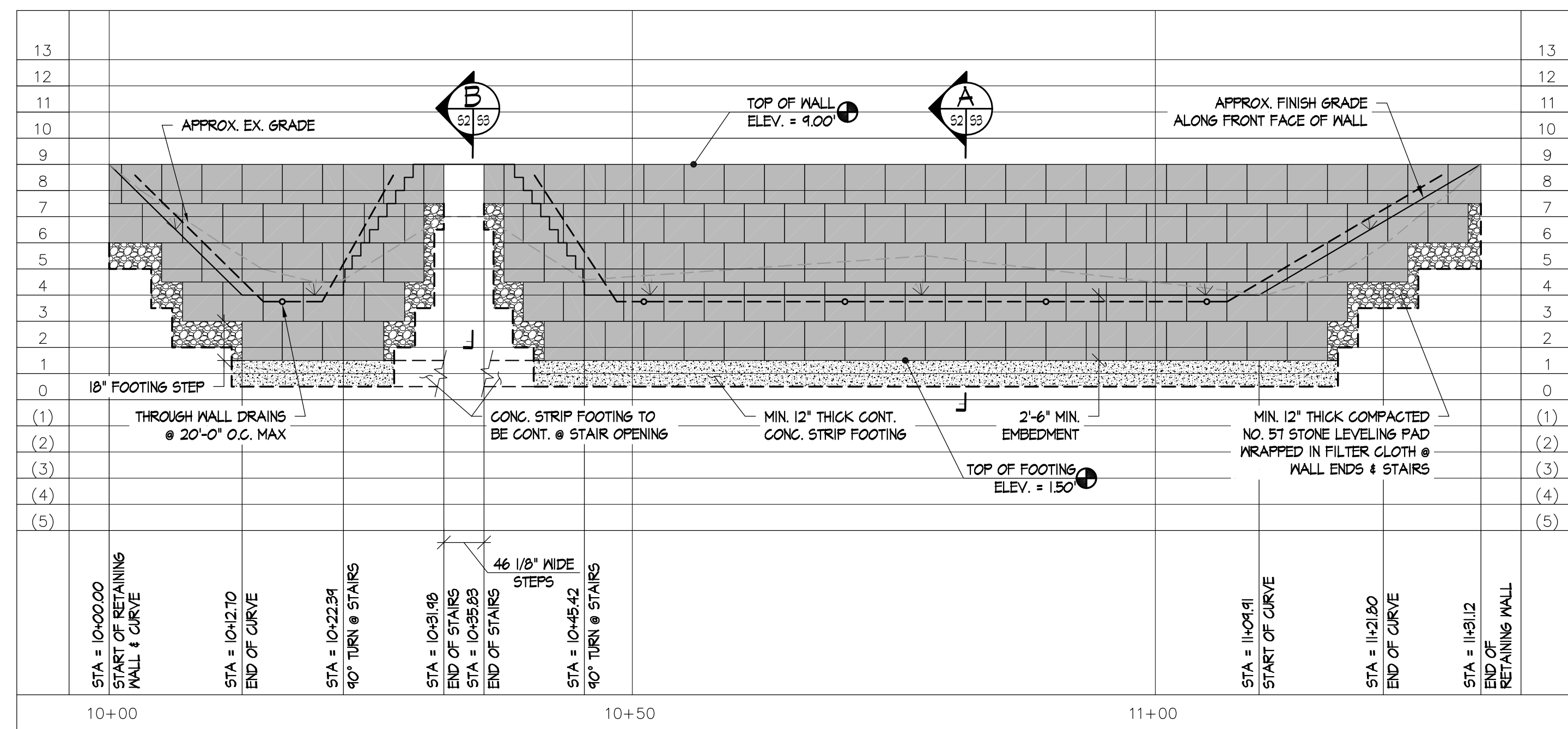
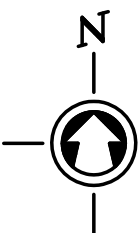
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SCALE: 1/8" = 1'-0"



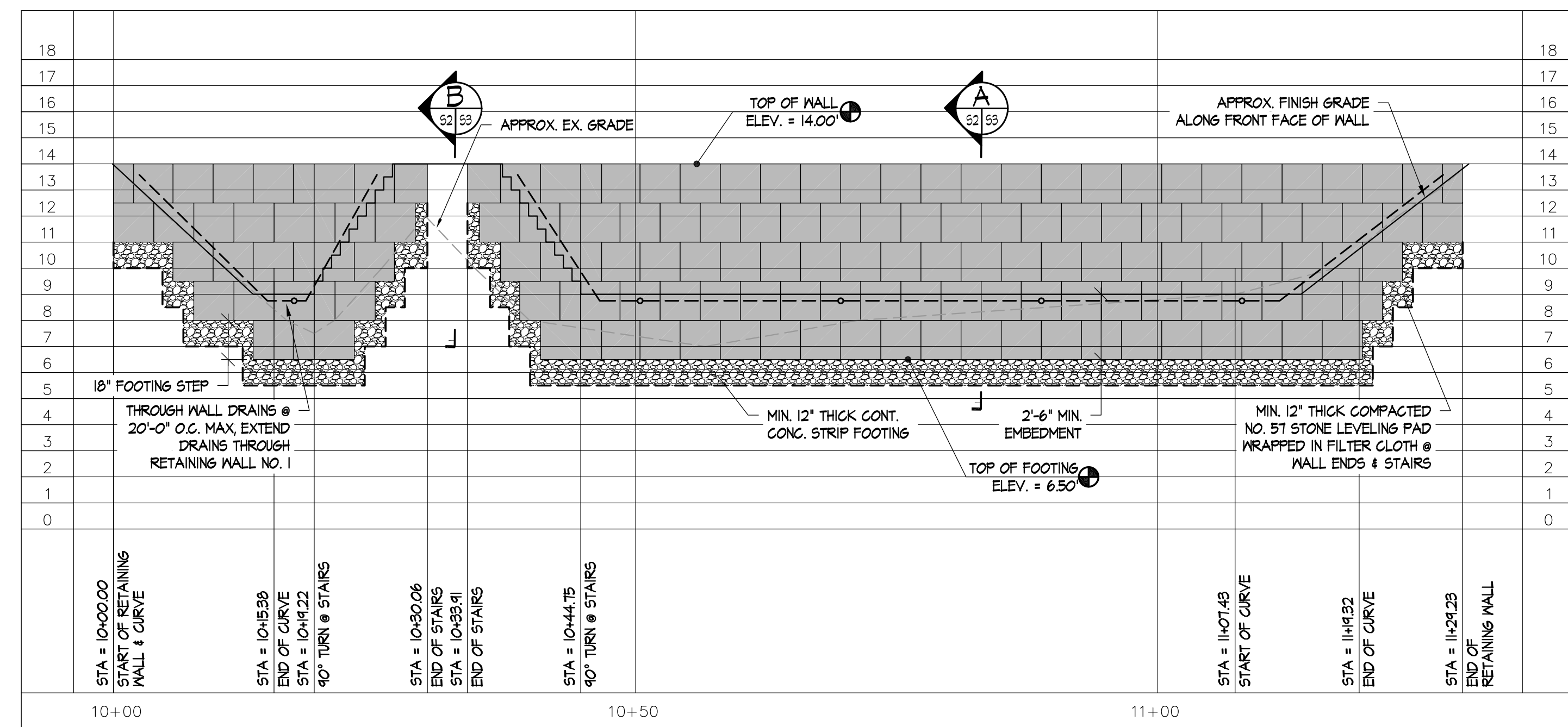
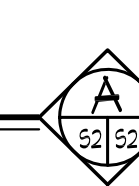
**RETAINING WALL PLAN**

SCALE: 1/8" = 1'-0"



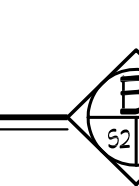
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HORIZ. SCALE: 1"=10'-0", VERT. SCALE: 1"=4'-0"



**WALL PROFILE**

HORIZ. SCALE: 1"=10'-0", VERT. SCALE: 1"=4'-0"



MITIGATION PLAN, RETAINING WALL PLAN, & RETAINING WALL PROFILES

Date: 1/31/18 Project #: VAIT21A/DES Drawn by: KJP Reviewed by: MAM

**PRELIMINARY FOR JCC RPA SUBMITTAL**

**ROBERTS RESIDENCE  
5034 RIVER DRIVE**

Sheet **S2**

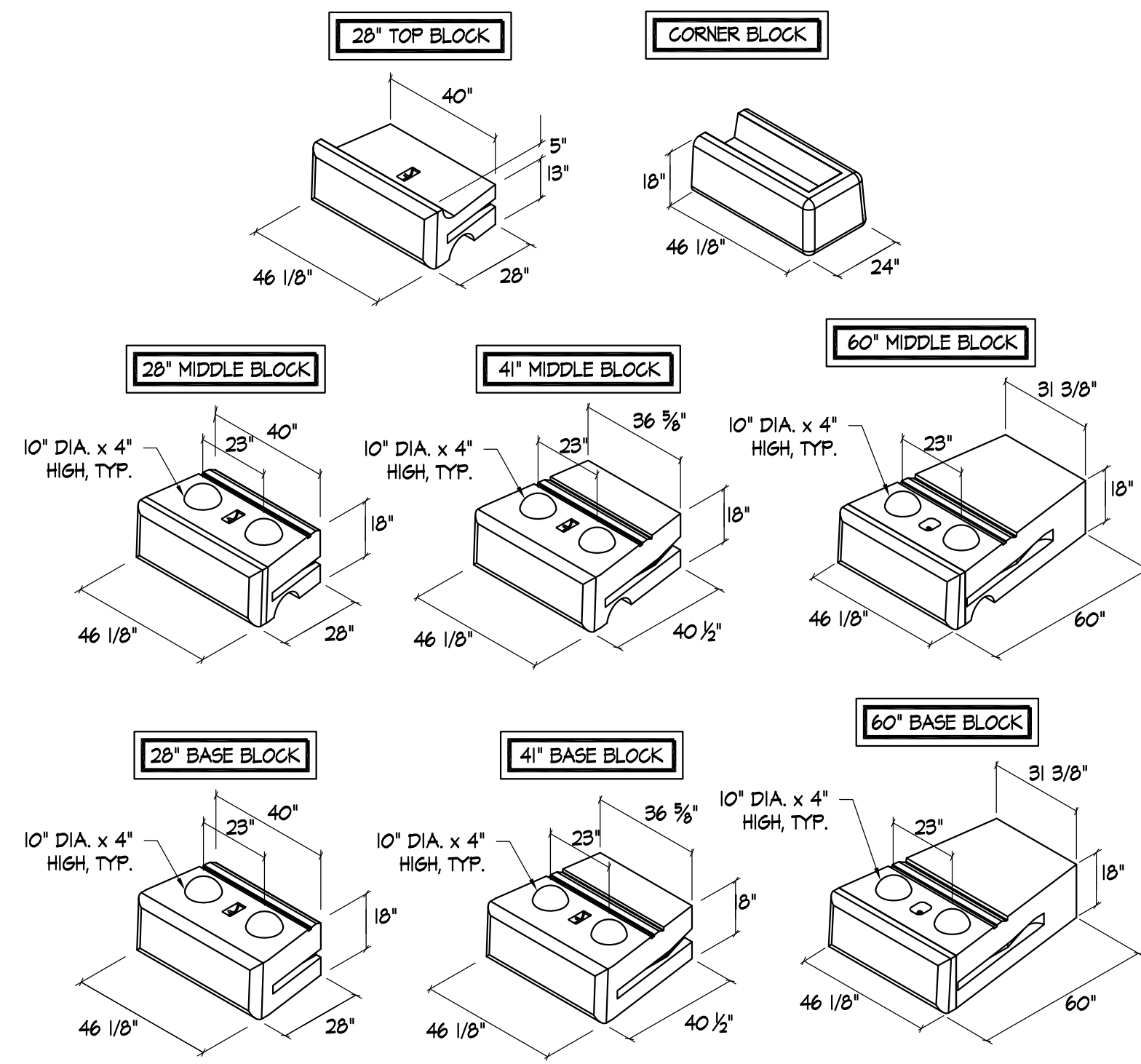
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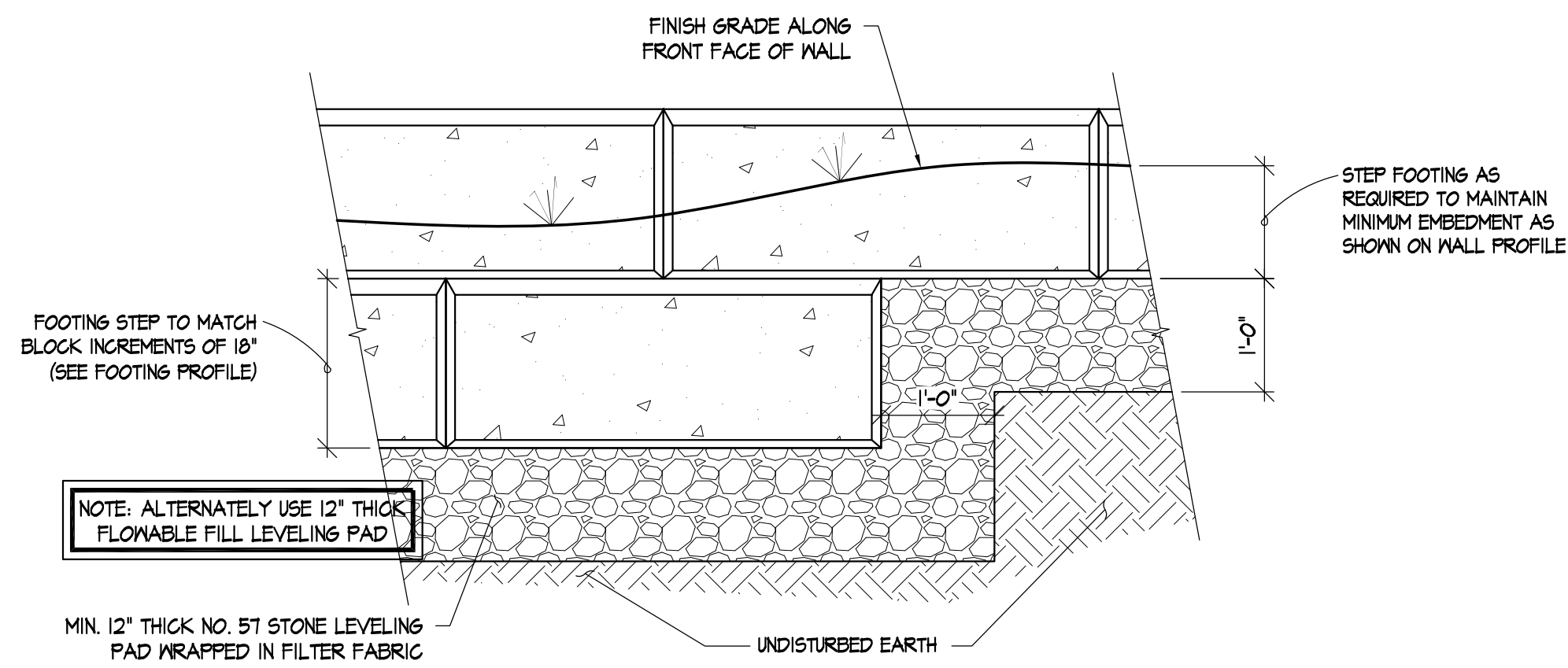
VIRGINIA

JAMES CITY COUNTY

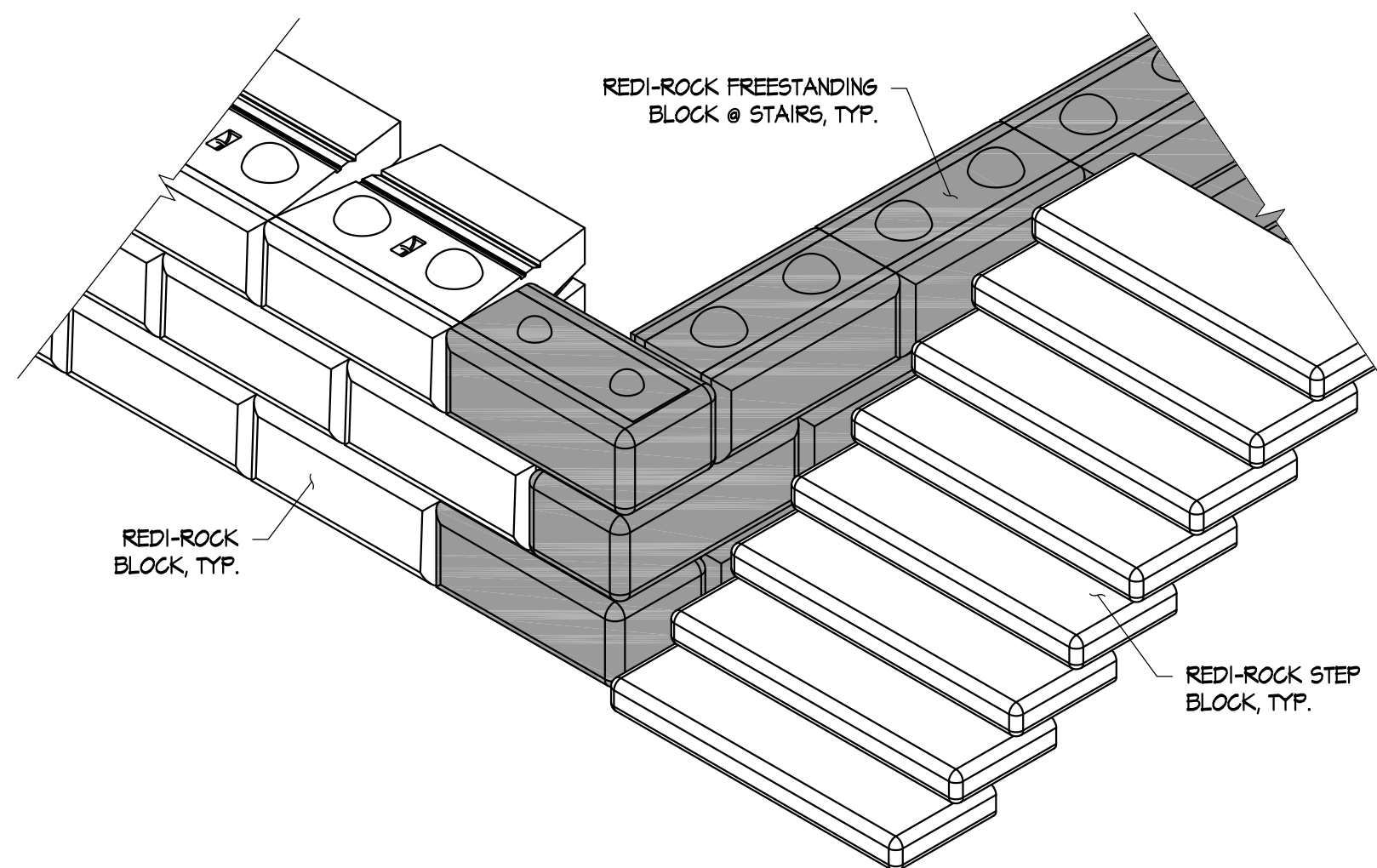
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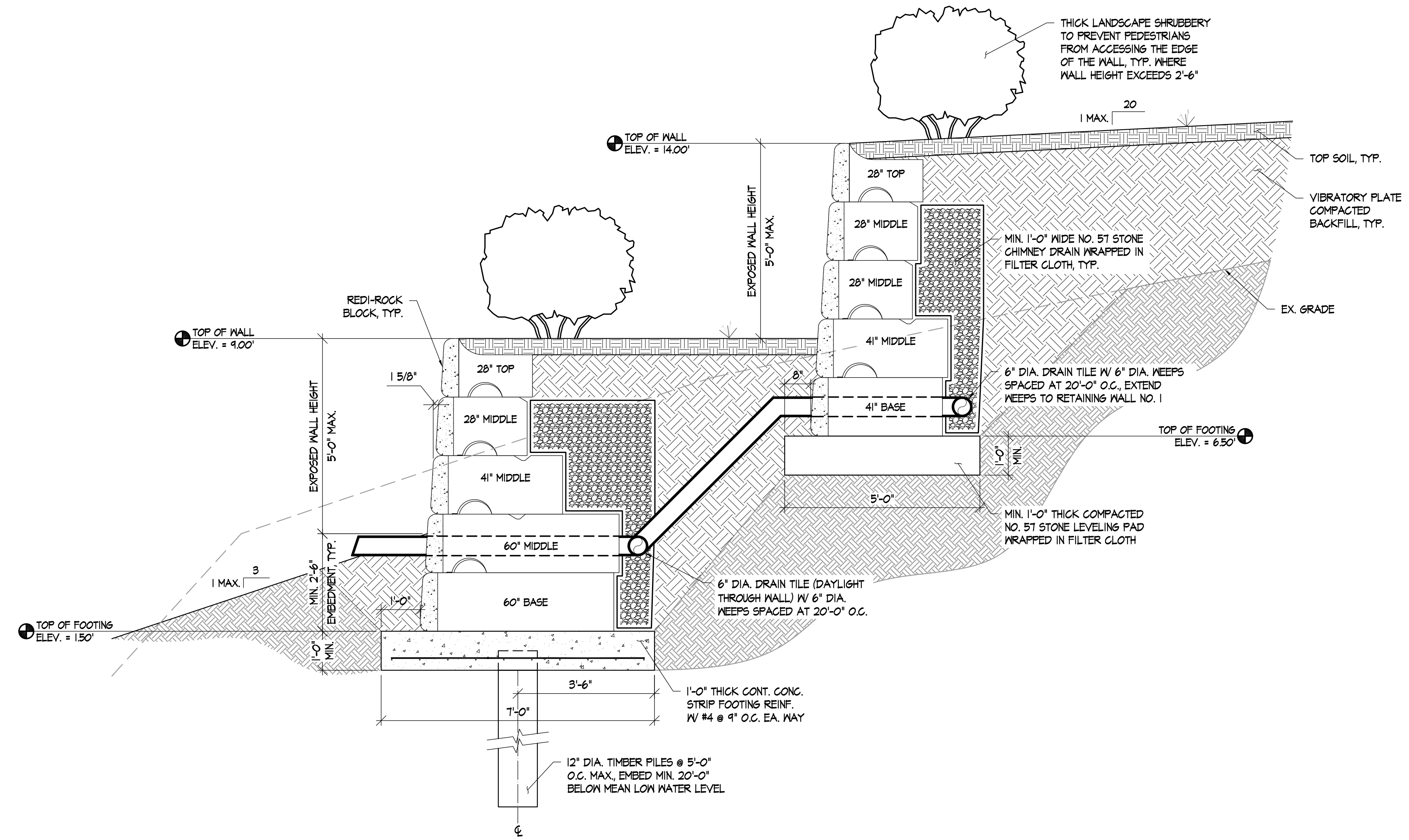
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SCALE: 1/4" = 1'-0"



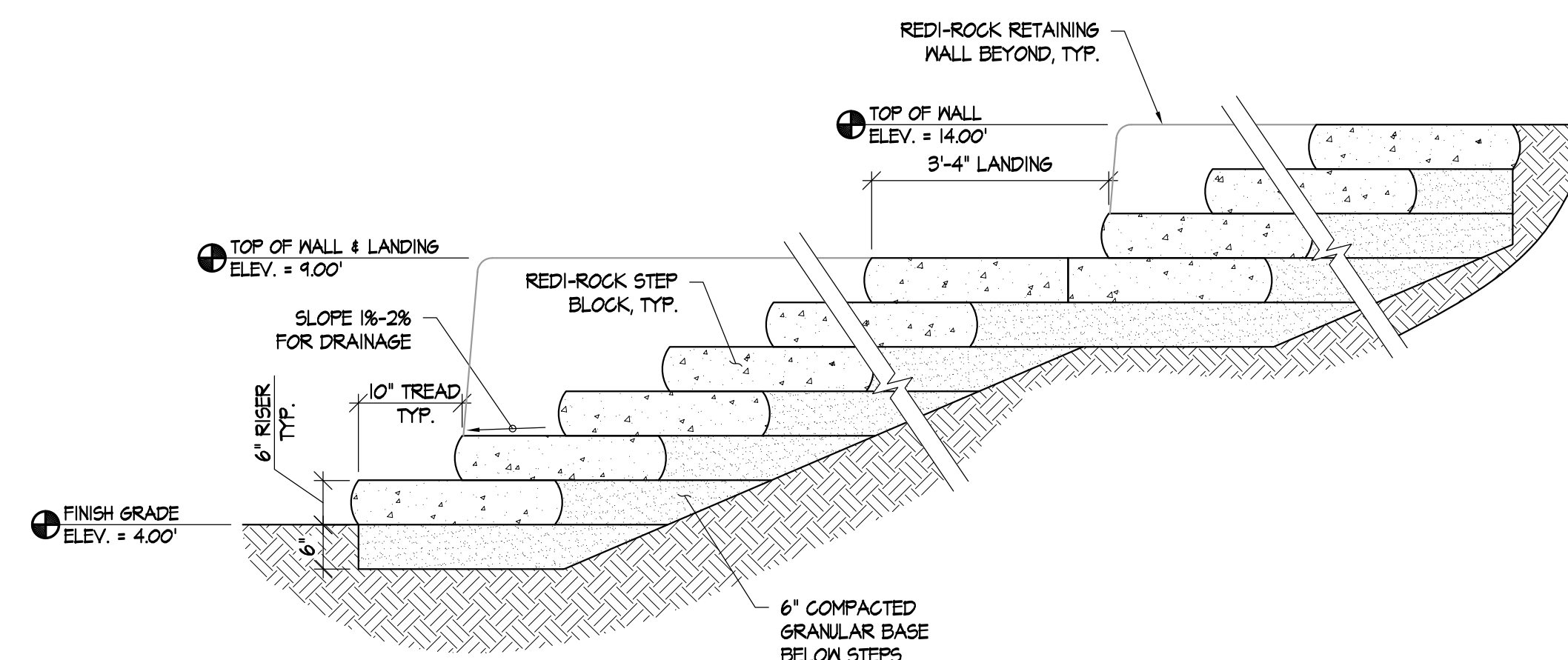
**DETAIL** FOOTING STEP  
SCALE: 3/4" = 1'-0"



**DETAIL** OUTSIDE CORNER AT STAIRS  
SCALE: 3/4" = 1'-0"



**SECTION** A  
SCALE: 1/2" = 1'-0"



**SECTION** B  
SCALE: 1/2" = 1'-0"

Reviewed by: MAM  
Drawn by: KJP  
Project #: VAIT21A265  
Date: 1/31/18

**PRELIMINARY FOR JCC RPA SUBMITTAL**

RETAINING WALL SECTIONS & DETAILS

Sheet

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**ROBERTS RESIDENCE**  
**5034 RIVER DRIVE**  
VIRGINIA  
JAMES CITY COUNTY

Revisions  
No. \_\_\_\_\_ Date \_\_\_\_\_  
4 of 4

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# The Structures Group, Inc.

Consulting Engineers

September 15, 2000

Connie Campbell  
Fire & Casualty Claim Specialist  
State Farm Insurance Company  
P.O. Box 1458, Warwick Station  
Newport News, VA 23601

Re: SF/Hounshell/5034 River Drive  
TSG # VA00162

Dear Ms. Campbell:

With your authorization, we performed a cursory structural review of the residence and property located at 5034 River Drive in Lanexa, Virginia. The purpose of our site visit was to determine the nature and extent of the damage to the property as a result of the soil erosion at the rear elevation of the residence.

Our site visit was conducted on Tuesday morning, September 12, 2000 in the company of the homeowner. During our site visit, we reviewed the exterior and interior of the residence and property cataloging areas of distress noted. For the purpose of clarity, we have included photographs of representative observations noted during our site visits. We have also included a photograph location plan in an effort to both catalog the distress and clarify the location of the photographs.

The single family, two story residence is a timber framed structure constructed over a crawl space. The exterior of the residence has a stucco style surface on the exterior walls with an "A" framed three tab asphalt shingle roof. The original residence was constructed by the homeowner circa 1975. Discussions with the homeowner revealed that several additions and renovations had been made in the last 20 years.

## **EXTERIOR OBSERVATIONS**

We have separated our exterior observations into the exterior elevations of the residential structure. Please refer to the photograph numbers and the photograph location plan.

### **Front Elevation**

The front elevation of the residence faces in a southerly direction. Our review revealed no visual evidence of structural related distress to this exterior elevation of the residence.

### **Right Elevation**

The right elevation of the residence faces in an easterly direction. Our review revealed no visual evidence of structural related distress to this exterior elevation of the residence.

### **Rear Elevation**

The rear elevation of the residence faces in a northerly direction along the bank of the Chickahominy River. (See Photo No. 1.) Our review revealed that the exterior finish grade had fractured at the left corner of the rear elevation of the residence, causing the soil to slide down the sloped grade. We also noted that the erosion of the soil caused the CMU foundation walls below this corner to collapse. (See Photo No. 2.)

Discussions with the owner revealed that a portion of the screened in porch had been converted into a habitable space by the homeowner. We noted that the collapse of the foundation was below the left corner of the rear elevation of this porch conversation. (See Photo No. 4.) We noted that when the soil slid down the embankment, sections of the foundation wall collapsed. We noted that the homeowner had installed temporary shoring at the collapsed corner of the house to support the framing. (See Photo No. 5.)

Our review revealed that the foundation wall terminated at the original porch timber post supports. Closer review revealed that the foundation was constructed in discontinuous sections with the CMU not properly toothed together. (See Photo No. 6.)

We noted that approximately a 3'-6" depth of the bank at the rear elevation left corner had slid down the slope. (See Photo No. 7.) We noted that approximately a 5'-6" depth of the bank had slid down the slope in another area along the rear elevation. (See Photo No. 8.)

Our review revealed that when the soil slid down the slope, additional lateral soil pressure was applied to the bulkhead and damaged the bulkhead and the adjacent boat dock located at the rear elevation of the residence on the Chickahominy River. (See Photo No. 10.) We noted that the bulkhead was tied back to a wood pole deadman buried approximately 25'-0" from the bulkhead. We noted that the deadmen were partially pulled out of the ground adjacent to the bulkhead. We also noted that a tie back anchor had broken loose at a deadman and at anchor locations on the bulkhead due to the soil pressure applied to the

bulkhead when the soil slid down the slope. (See Photo No. 11.) We also noted that the trees were leaning outward towards the river. (See Photo No. 12.)

### **Left Elevation**

The left elevation of the residence faces in a westerly direction. Again, we noted that a section of the soil below the foundation along the left corner of the rear elevation of the residence had slid down the slope. We also noted a vertical separation at the location of the porch addition to the residence. (See Photo No. 3.)

Our review revealed a diagonal crack in the stucco surface starting from the lower right corner of the window located at the rear corner of the left elevation heading down to the exterior finish grade. (See Photo No. 9.)

## **INTERIOR OBSERVATIONS**

We have listed our interior observations below under the heading first floor. Please refer to the photograph numbers and the photograph location plan.

### **First Floor**

Our review of the interior of the first floor of the residence revealed that the floor within the left corner of the rear elevation section of the converted screened in porch was out of level from front to rear elevations. (See Photo No. 13.) Closer review revealed that the floor was 1" out of level over a four foot level. (See Photo No. 14.) We also noted that the floor within the existing rear elevation screened in porch was 1 1/8" out of level. (See Photo No. 15.) We also noted that the floor within the kitchen/pantry area along the left elevation adjacent to the rear elevation converted screened in porch was out of level from front to rear elevations. (See Photo No. 16.) Closer review revealed that the kitchen/pantry floor was approximately 3/4" out of level over a four foot level. (See Photo No. 17.)

We noted separations in the drywall joints where the ceiling of the converted screened in porch intersected the gable and exterior rear elevation wall of the kitchen. (See Photo No. 18.) We also noted that the corner joints were separating at the intersection of the interior partition wall of the kitchen. (See Photo No. 19.)

## **DISCUSSION**

Water-generated soil erosion is unquestionably the most damaging problem, particularly in developing areas. Soil erosion can occur when the force of falling rain is applied vertically and the force of rising or flowing water is applied horizontally. Heavy and long term rain will slowly

dislodge soil particles and make the sloping areas containing fill soils vulnerable for soil erosion. The water saturated soil becomes very loose and is also vulnerable to soil erosion and slope slippage at layers of changing soil structures.

The size, shape and slope characteristics of the soil will also influence the amount and rate of storm water runoff as well as the resulting surface erosion. As both slope length and gradient increase, the rate of runoff increases and the potential for erosion is magnified. Slope orientation can also be a factor in determining erosion potential.

The most important factors influencing soil erosion and slope slippage are the soil characteristics. Soil characters which influence erosion by rainfall and runoff are those properties which affect the infiltration capacity of a soil and those which affect the resistance of the soil to detach and be carried away by falling or flowing water. The four principal factors that are important in determining soil erodibility; soil texture (particle size and gradation); percentage of organic content; soil structure; and soil permeability.

Soils containing high percentages of fine sands and silt are normally the most erodible. As the clay and organic matter content of these soils increases, the erodibility decreases. Clays act as a binder to soil particles, thus reducing erodibility. However, while clays have a tendency to resist erosion, once eroded clays are easily transported by water leaving behind the fine sands and silts. Soils high in organic matter have a more stable structure, which improves their permeability. Such soils resist raindrop detachment and infiltrate more rainwater. Clear, well-drained and well-graded gravels and gravel-sand mixtures are usually the least erodible soils. Soils with high infiltration rates and permeabilities either prevent or delay and reduce the amount of runoff.

It should be noted that trees and vegetative cover play an extremely important role in controlling erosion. Vegetation acts as a shield for the soil surface from the impact of falling rain. Trees and vegetation also hold the soil particles and absorb the water by means of their roots. Further, vegetation slows the velocity of runoff and removes subsurface water between rainfalls through the process of evapotranspiration. By limiting and staging the removal of existing vegetation, and by decreasing the area and duration of exposure, soil erosion and sedimentation can be significantly reduced. Special considerations should be given to the maintenance of existing trees and vegetative covers on areas of high erosion potential such as erodible soils, steep slopes, drainage ways, and the bank of streams.

## **CONCLUSIONS AND RECOMMENDATIONS**

Based on our site visit and cursory structural review, we feel that the collapse of the foundation at the left corner of the rear elevation of the residence is due to the unstable nature of the soil, coupled with the steep slope of the grade. It is our opinion that the grade at the rear elevation experienced a global failure in the subgrade soil which slid down the slope. We have attached a graphic illustration of

Connie Campbell  
TSG No. VA00162  
September 15, 2000  
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global slope failure for your review. However, we feel that the existing grade can be re-established with additional erosion control precautions implemented. Once the slope is stabilized, the foundation can be repaired in an economical manner while the residence remains occupied.

Our review of the original rear elevation porch revealed that the foundation construction consisted of 4 x 4 timber support posts at 6'-0" on center which supported all the original floor framing of the porch. The posts were embedded into the soil approximately 3'-0". Our review of the additional foundation construction of the rear elevation porch for it to be converted to habitable space revealed that an 8" CMU foundation with a footing had been installed between the existing 4 x 4 porch posts. The new foundations and footings were not connected to each other or the posts. Closer review revealed that the existing 4 x 4 timber posts had not been embedded in a concrete footing. We also noted that the footing that the new 8" CMU foundation wall was constructed on was located at or near the grade level in the shallow bearing soils.

Discussions with the homeowner revealed that he noticed the existing finish grade at the left corner of the rear elevation was creeping down during periods of rain. During the week of September 4<sup>th</sup>, the area received a large amount of rain. At this time, a fracture in the sloped lot at the left corner of the rear elevation occurred causing the soil to slide down the sloped lot, resulting in the foundation of the residence at the left corner collapsing. We noted that two (2) sections of the new 8" CMU foundation that were installed between the existing timber porch posts had slid down the embankment with the bearing soil.

As a result of the collapse of the foundation, our review of the interior revealed that the floors above this area, left corner of the rear elevation, were  $\frac{3}{4}$ " to 1  $\frac{1}{8}$ " out of level over a four foot level. We also noted several separations in the gypsum drywall around openings and corners above and adjacent to this area.

In addition to damage to the residence, we noted that when the steep embankment fractured and slid down the slope, additional lateral soil pressure was applied to the bulkhead along the bank of the river causing the bulkhead to lean out toward the river and snap the tiebacks. We also noted that the boat dock was also damaged when the bulkhead failed.

Based on our review, we feel that the foundation collapse was due to the severe movement of the bearing soils coupled with the deficiencies in the means and methods of construction of the new foundation wall and footing below the existing porch. While we feel that the deficiencies in the foundation and footing would not have prevented the slope failure, a properly constructed footing and foundation wall would have mitigated the existing structural damage to the residence.

Regardless of insurance coverage, we would recommend that a new foundation be constructed as soon as possible to avoid injury to any persons in the house or on the property. During construction

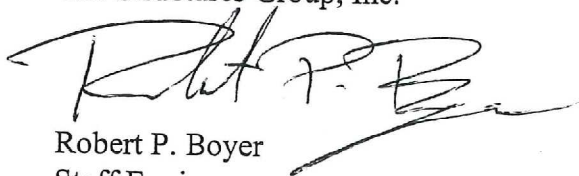
Connie Campbell  
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of the new foundation, the existing slope will require stabilization. We feel that a new properly constructed foundation should be installed below both the screened in porch and converted porch. A helical steel or cast in place concrete pin pile stabilization system should be installed below the footing and foundation to support the foundation in the deep stable soils below in this area.

Once the residential foundation is repaired and the slope is stabilized, then remedial repairs to the bulkhead and boat dock can be implemented. We recommend the use of horizontal helical anchors in stabilization and repair of the bulkhead.

We appreciate the opportunity to be of service in this matter. We would be pleased to provide structural engineering services to design the appropriate repairs. If you have any questions, please feel free to contact our office.

Sincerely,  
The Structures Group, Inc.



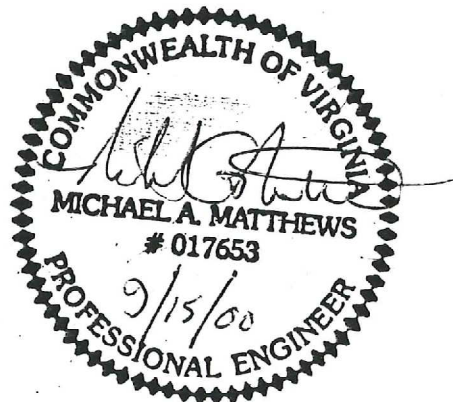
Robert P. Boyer  
Staff Engineer



Michael A. Matthews, P.E.  
Principal

MAM/dlm

attachments



**SF / HOUNSHELL / 5034 RIVER DRIVE  
TSG No. VA00162**



**Photo No. 1**

Rear elevation view of the two story stucco sided residence, taken circa 1995, located at 5034 River Drive in Lanexa, Virginia. The rear elevation faces in a northerly direction along the bank of the Chickahominy River.



**Photo No. 2**

Exterior view of the left corner of the rear elevation of the residence. We noted that the exterior finish grade had fractured at this corner of the residence, causing the soil to slide down the sloped grade. We also noted that the erosion of the soil caused the CMU foundation walls below this corner to collapse.

**SF / HOUNSHELL / 5034 RIVER DRIVE  
TSG No. VA00162**



**Photo No. 3**

Partial left elevation view of the rear corner of the stucco sided residence. Again, we noted that a section of the soil below the foundation along the left corner of the rear elevation had slid down the slope. We also noted a vertical separation at the location of the porch addition to the residence.



**Photo No. 4**

Partial right elevation view of the left rear extension of the residence. Discussions with the homeowner revealed that a portion of the screened in porch had been converted into a habitable space by the homeowner. We noted that the collapse of the foundation was below the left corner of the rear elevation of this porch conversion.





**Photo No. 5**

Close-up view of the left corner of the rear elevation foundation wall below the converted porch. Note that when the soil slid down the embankment, sections of the foundation wall collapsed. We noted that the homeowner had installed temporary shoring at the collapsed corner of the house to support the framing.



**Photo No. 6**

Close-up view of the remaining portion of the rear elevation CMU foundation wall that had been installed by the homeowner when a section of the screened in porch was converted to habitable space. We noted that the foundation wall terminated at the original porch timber post supports. Closer review revealed the foundation was constructed in discontinuous sections with the CMU not properly toothed together.

**SF / HOUNSHELL / 5034 RIVER DRIVE  
TSG No. VA00162**



**Photo No. 7**

Exterior view of the rear elevation grade looking from the left elevation towards the right elevation. We noted that approximately a 3'-6" depth of the bank had slid down the slope.



**Photo No. 8**

Exterior view of the rear elevation grade looking from the left corner of the rear elevation along the left elevation towards the front elevation. We noted that approximately a 5'-6" depth of the bank had slid down the slope in this area.



**Photo No. 9**

Exterior view of the window located at the rear corner of the left elevation. We noted a diagonal crack in the stucco surface starting from the lower right corner heading down to the exterior finish grade.



**Photo No. 10**

Exterior view of the boat dock located at the rear elevation of the residence on the Chickahominy River. We noted that when the soil slid down the slope, additional lateral soil pressure was applied to the bulkhead and damaged the bulkhead and the adjacent boatdock.

**SF / HOUNSHELL / 5034 RIVER DRIVE  
TSG No. VA00162**



**Photo No. 11**

Exterior view looking from the right rear corner of the lot along the rear elevation bulkhead towards the left rear corner of the lot. We noted that the bulkhead was tied back to a wood pole deadman buried approximately 25'-0" from the bulkhead. We noted that the deadmen were partially pulled out of the ground adjacent to the bulkhead. We also noted that a tie back anchor had broken loose at a deadman and at anchor locations on the bulkhead due to the soil pressure applied to the bulkhead when the soil slid down the slope.



**Photo No. 12**

Close-up view of the broken tie back anchor that ties the bulkhead to the deadman. We also noted that the trees were leaning outwards towards the river.

**SF / HOUNSHELL / 5034 RIVER DRIVE  
TSG No. VA00162**



**Photo No. 13**

Interior first floor view of the vinyl covered floor at the left corner of the rear elevation section of the converted screened in porch. We noted that the floor was out of level from front to rear elevations.



**Photo No. 14**

Close-up view of the vinyl floor of the converted screened in porch. We noted that the floor was 1" out of level over a four foot level.

SF / HOUNSHELL / 5034 RIVER DRIVE  
TSG No. VA00162



**Photo No. 15**

Interior first floor view of the existing rear elevation screened in porch looking towards the left rear corner converted section. We noted that the floor in the screened in porch was 1 1/8" out of level.



**Photo No. 16**

Interior first floor view of the floor of the kitchen/pantry area along the left elevation adjacent to the rear elevation converted screened in porch. We noted that the floor was out of level from front to rear elevations.



**Photo No. 17**

Close-up view of the floor of the kitchen/pantry area adjacent to the rear elevation converted screened in porch.

Again, we noted that the floor was approximately  $\frac{3}{4}$ " out of level over a four foot level.

**Photo No. 18**

Interior view of the cased opening leading from the kitchen towards the rear elevation. We noted separations in the drywall joints where the ceiling of the converted screened in porch intersected the gable and exterior rear elevation wall of the kitchen.





**Photo No. 19**

Close-up view of the intersection of the converted screened in porch ceiling at the intersection of the interior partition wall of the kitchen. We noted that the corner joints were separating in this area also.



## INTRODUCTION

As discussed in Chapter 2, slopes and hills have an inherent stability problem. The driving force affecting their stability is gravity. Gravity is constantly "pulling" on the slope in an attempt to force it into a more stable configuration. The stability of a slope is affected by the soil type and strength, the presence of the groundwater table, the presence of a weak subsurface layer, and the geometry of the slope. Slopes can fail due to a variety of reasons. Examples include: (1) their own weight, (2) an influx of water, which may reduce the shear resistance of the soil, (3) dynamic loading from an earthquake, (4) erosive action, and (5) undercutting of the slope owing to construction. Additionally the constant pull of gravity can cause a slope to move slowly downward and outward with time, affecting structures constructed at the top of it. This is commonly referred to as *creep* and is more common on slopes with clayey soils because of their plastic nature.

The construction of a structure or the addition of fill on or near the top of a slope will increase the probability of these types of failures. The increase in probability is due to the additional weight that the slope must now support. Additionally, irrigation of the landscaping around the new structure will decrease the stability of the slope

The stability of a slope is affected by the soil type and strength, the presence of the groundwater table, the presence of a weak subsurface layer, and the geometry of the slope.

because the addition of water may weaken the shear resistance of the soil.

There are two general types of slope failures: rotational and sliding. A rotational failure typically occurs along a circular surface, as shown in Figure 9.1. The location of the potential failure surface depends on the geometry of the slope, the strength and unit weight of the soil, the location of any surface loads, and the presence of any groundwater. Any change in these parameters will cause the location of the potential failure surface to change.

A sliding failure commonly occurs when there is a weak stratum or seam of soil within the slope, as shown in Figure 9.2. If the shear resistance of the weak stratum is less than the driving force due to gravity, it is likely that the weak stratum will fail, bringing the overlying soil with it. The weak material commonly consists of a thin seam of clay or weathered shale.

A third type of slope movement consists of a relatively slow phenomenon (commonly referred to as "creep") that causes an entire slope

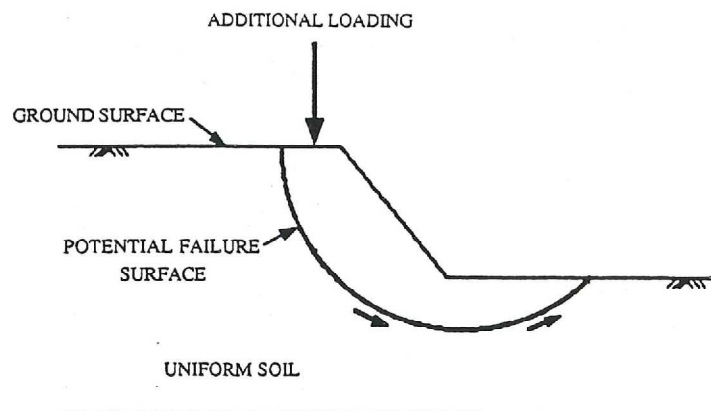


Figure 9.1 Circular potential failure surface.

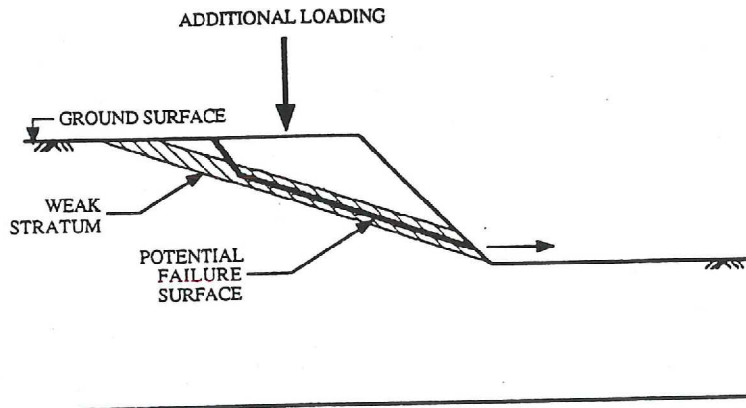
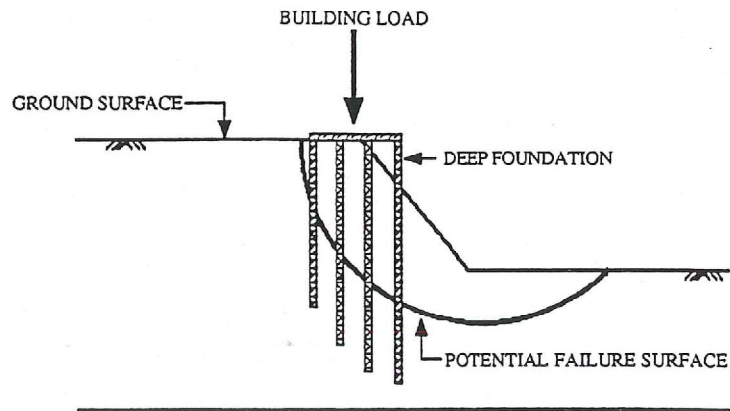


Figure 9.2 Sliding potential failure surface.

to move downward and outward. This phenomenon occurs on fill, cut, and natural slopes. The driving force of this movement is gravity. Gravity tends to slowly move the slope into a more stable position. The construction of a fill slope or a cut slope can cause this effect to increase because of the changed loading conditions at the site. Although this effect does not seem as damaging as the catastrophic slope failures discussed above, it can cause significant damage to a structure situated on top of a slope. The lateral forces that may be generated by this type of movement can damage the structure and especially any surrounding improvements such as patio slabs or parking lots.

In general, three options are available when constructing on or near a slope. The first of these options is to set the structure back far enough from the edge of the slope so the additional load of the structure will not cause the slope to fail. The second option is to construct a deep foundation system that transfers the weight of the structure to a soil or rock stratum that is beneath the zone at which failure would be likely to occur owing to the additional loading. This option, shown in Figure 9.3 will not increase the stability of the slope or arrest potential down-slope soil movement. The third option is to alter the geometry of the slope or excavate the problematic portion of the slope and reconstruct it using engineered fill soil. The latter option typically involves moving a large amount of soil and is usually only implemented on large grading projects. The remainder of this chapter discusses the



**Figure 9.3** Deep foundation transferring building load to soil below potential failure zone.

first two options in more detail, as well as common design and construction oversights and difficulties when constructing on or near a slope. A fuller discussion of the third option is beyond the scope of this text; thus readers should refer to texts related to slope construction and mass grading.

### SHALLOW FOUNDATIONS WITH BUILDING SETBACKS

This is undoubtedly the simplest solution. The location of the building and any surrounding improvements are moved away from the slope until their construction will no longer be detrimental to the stability of the slope and, conversely, any minor movements of the slope will not affect the structure and surrounding improvements. The design problem becomes: How far from the slope is far enough? Local or national building codes will usually specify the minimum setback distance that is required in order to use a shallow foundation system. As an example, the Uniform Building Code (ICBO, 1988) specifies a construction setback distance on top of the slope equal to at least one-third the height of the slope, but it is not required to exceed 40 feet. This configuration is depicted in Figure 9.4. This may not always be economically feasible if the lot size is too small to give up much land, especially if the setback specification includes flatwork such as walks and patios.

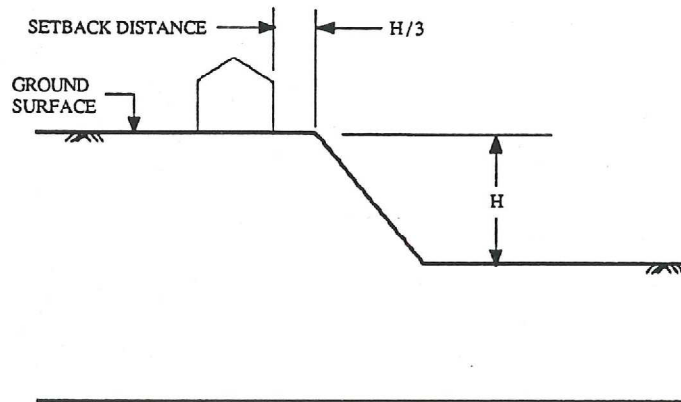


Figure 9.4 Typical building setback specification.

A setback specification simplifies the procedure, yet it may not always be the most appropriate or economical solution. For complicated geometries and geology, or when setback requirements cannot be met due to lack of space, it may be necessary to perform a detailed slope stability analysis. Computer software programs are commonly used to perform the stability analysis. Computer software packages, if properly utilized by a qualified geotechnical engineer, are capable of implementing varying geometries, soil types, groundwater levels, surface loads, and failure modes. The output consists of the locations within the slope with the lowest factors of safety against failure. If any of the potential slip surfaces exhibit a factor of safety below the minimum allowable for that region, the cause of the potential failure must be determined and remedied. For example, a change in the design of the grading plan may be required, such as changing the geometry of the slope or adding a stability fill to the face of the slope. If the failure is due strictly to the construction of the building, a deep foundation may be appropriate. If the potential slip surfaces are due to the presence of a weak layer, one option may be to excavate this layer and reconstruct the slope with engineered fill soil.

## DEEP FOUNDATIONS

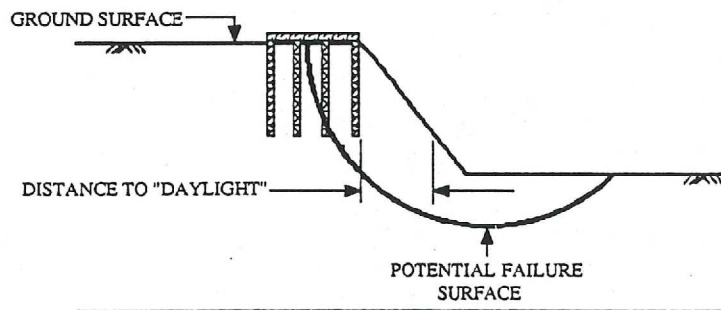
The purpose of a deep foundation on or near a slope is to found the structure in soil or rock below the zone that is susceptible to failure, thus placing no additional external loading on the slope. The foundation is

generally stiffened with reinforcing steel to protect it against possible lateral movement. It is generally necessary to use a deep foundation system when building setback requirements for a shallow foundation cannot be met or are chosen not to be met.

To determine the depth of the foundation most local building codes specify a minimum horizontal distance from the base of a foundation to daylight (the edge of the slope) as shown in Figure 9.5. It is recommended that this specification be scrutinized for each individual site using a slope stability analysis to determine the position of the potential failure surface. With the position estimated the adequacy of the daylight specification may be assessed. Figure 9.5 illustrates a situation in which the minimum daylight specification is satisfied but the foundation does not completely penetrate the potential failure surface. This would not be a feasible solution. It would be necessary to extend the deep foundation farther into the ground than required, based strictly on the minimum daylight specification.

Recently, some local codes have been increasing the required distance to daylight. This is due to the recognition of the potential damage from slow, down-slope soil movement. The increased specification gives the foundation more embedment into soils that are more stable than those closer to the surface. The foundation will not arrest the movement, but it may be deep enough to hold the structure intact as surface soils move down slope.

Two types of foundations are commonly utilized to transfer the foundation load beyond the potential slippage zone: (1) continuous wall footings and (2) drilled shafts.



**Figure 9.5** Typical minimum distance from bottom of foundation to edge of slope ("daylight").

### Continuous Wall Footings

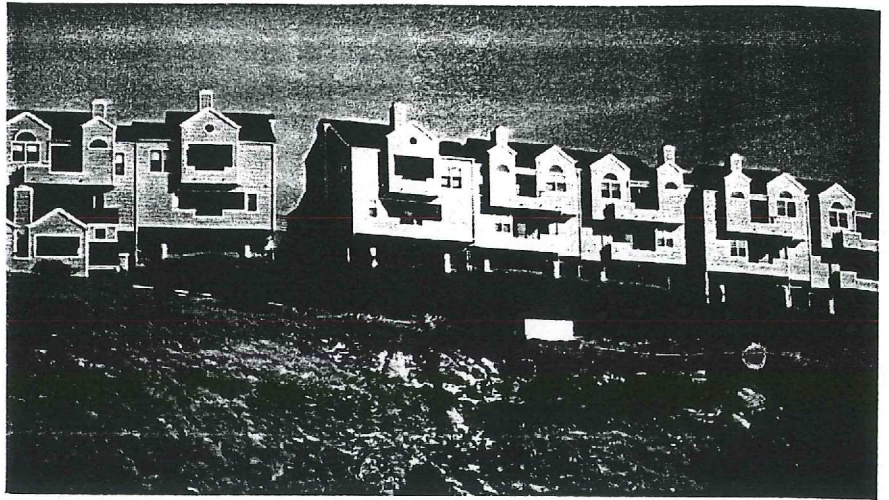
This type of foundation is fairly limited for hillside construction, because it becomes somewhat impractical to construct a continuous wall footing to a depth of much more than 4 or 5 feet. This is due to difficulties involving the placement of forms for the concrete and the placement of reinforcing steel that are compounded when working on a hillside. However, for sites that may only need several feet of embedment in order to satisfy minimum depth requirements, these foundation systems may be used effectively.

### Drilled Shafts

Drilled shafts are commonly used in regions such as San Francisco Bay Area, Denver, and Southern California to support structures on or near slopes. Shaft diameters vary from 10 to 36 inches depending on the site and soil conditions and the proposed building loads (however, 30- and 36 inch-diameter shafts are relatively rare for lightly loaded structures). The depths of the shafts depend on the most likely location where the potential failure surface would occur if a shallow foundation were used. With the depth adequately determined, the drilled shaft will transfer the load of the structure to the soil below the potential failure surface. Some designs may call for a certain amount of embedment into the underlying soil stratum that is expected to provide satisfactory support. The above requirements mean that the shafts for a given structure may need to be different lengths depending on the geometry of the slope, the underlying soil conditions, and the location of the building in relation to the slope. Figure 9.6 is an example of a group of townhouses constructed on drilled shafts near the edge of a slope. The drilled shafts that can be seen in the photograph have been socketed into rock in order to support the buildings.

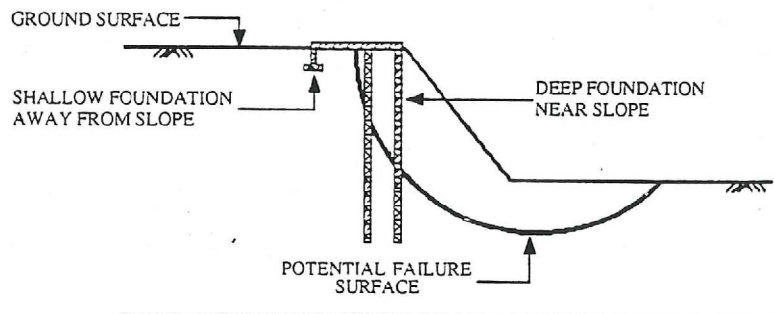
The amount of reinforcing steel depends on both tensile and lateral forces. Lateral forces on the shafts are derived from soil pressures and from slow downslope movement of the soil on the slope. Tensile forces are derived from wind forces on the building and the presence of any expansive soil movement. It is beyond the scope of this text to discuss methods of determining these design forces.

Occasionally an individual structure may have a combination of shallow footing foundations and end-bearing drilled shafts. This may be



**Figure 9.6** Drilled shafts supporting townhouses at the top of a slope in San Diego.

an appropriate configuration when the structure is situated near the edge of the slope. The geometry of the slope, or the presence of loose soil near the edge of the slope, may be such that the portion of the house facing the slope requires drilled shafts for support, but the portion of the house facing away from the slope may only require continuous or isolated footings. This situation is illustrated in Figure 9.7, and is appropriate only for end-bearing drilled shafts. A combination of friction-supported drilled shafts and continuous or isolated footings could lead to differential settlements because of the different modes of soil support throughout the foundation system.



**Figure 9.7** Combination foundation system.



Drilled shafts may occasionally be used to stabilize potential landslides above or below where structures are to be located. This is accomplished by drilling the shafts very close together and effectively forming a continuous wall within the slope. If properly designed and reinforced, the drilled shafts can effectively keep the hillside from sliding.

## COMMON DESIGN AND CONSTRUCTION OVERSIGHTS

The presence of a hillside creates a challenging site condition for both design and construction. Additionally, the maintenance of the slope plays a key role in the performance of a structure near or on the slope. Below is a list of commonly overlooked aspects of construction on or near a hillside.

- **Same-length drilled shafts.** The length of a drilled shaft being constructed on a hillside depends on the required depth necessary to transfer the load of the structure below the potential failure surface. The depth of the potential failure surface is related to the underlying geologic and soil conditions as well as the geometry of the slope. Often the shafts are specified to penetrate a specific length into a specific competent geologic formation. The depth to this formation may vary throughout the slope. Additionally, as can be seen in Figure 9.3, the necessary length to transfer the structural load past a potential failure zone may also vary. However, the length of the shafts should be designed with an adequate factor of safety to pass sufficiently through the potential failed surface, especially since the assumed location of this surface is only an approximation.
- **Inadequate geologic and geotechnical investigation.** When a project is located on or near a slope, the geology of the site should be closely studied. The presence of any ancient landslides should be confirmed or refuted. Deep failure zones along weak layers, such as clay seams, should be investigated. Overall slope stability should also be investigated. Adhering solely to code requirements may not be adequate in all situations.
- **Equipment mobility.** Special equipment is generally required to construct structures on hillsides. Designers should be aware of the capabilities, availability, and limitations of this equipment.

Suggestions from the contractor should be given serious consideration in terms of the method of construction of the foundation system. Construction time will also undoubtedly lengthen owing to the difficulties involved in moving equipment on a slope.

- **Assuming that the foundation system will solve all potential slope failure problems.** Constructing a deep foundation will not reduce the potential for the slope to fail. The purpose of the deeper foundation is to support the building in the event of any significant movement of the slope. The slope will still need to be assessed for potential failure, especially if any fill soil is placed on top of it.
- **Influx of irrigation water.** This is more a problem of maintenance than an oversight in design or construction procedures. Before a slope is built upon, the only source of moisture is typically natural precipitation. Once a structure is erected on or near the slope, the surrounding land is undoubtedly irrigated. An increase in the water content of the soil will generally weaken the slope by reducing the shear resistance of the soil. This can lead to a catastrophic failure, or it can cause the soil on the slope to slough or move significantly downslope, causing damage to the structure at the top of the slope and potentially to any structures at the base of the slope. For areas that have a naturally arid environment this can be a common problem. For example, estimates in San Diego of the amount of irrigation water used by a typical homeowner range from 100 to 150 inches annually. This is more than 10 times the average amount of yearly precipitation normally received in the region. Saturation of the outer face of a slope that was previously relatively dry has led to numerous distress problems in this area.

New construction may also redirect natural drainage channels in a given area, which may lead to the saturation of a slope. Careful planning must be undertaken to direct drainage water away from the slopes. Slope vegetation with deep root systems helps to anchor the soil in place and reduce the amount of movement that the soil may undergo due to over-watering. Terrace drains are commonly used to redirect surface runoff away from the slope. Homeowners should be alerted to the possible effects of over-watering and should be encouraged to landscape with drought-resistant, native vegetation. Additionally, drip irrigation systems help to regulate, isolate, and, thus, minimize the amount of irrigation water that is necessary to maintain the vegetation on or near a slope. Gray and Leiser (1982)

provide recommendations for slope protection in their book *Biotechnical Slope Protection and Erosion Control*.

- **Leaking water pipes or pools.** Leaking water pipes, pools, and Jacuzzis have been known to saturate a slope, causing failure. If a leak is detected near a slope it should be repaired immediately.

## SUMMARY

- Gravity is constantly attempting to force a slope into a more stable position.
- Slopes may fail due to: (1) their own weight, (2) an influx of water, which may weaken the shear resistance of the soil, (3) dynamic loading from an earthquake, (4) erosive action, (5) undercutting of the slope due to construction, and (6) the addition of weight at the top of a slope due to construction.
- Construction of a structure on or near a slope can increase the probability of a slope failure.
- There are two general types of slope failures: rotational and sliding.
- A slow downward movement of a slope, commonly referred to as *creep*, affects construction on or near a slope by creating significant lateral forces.
- Setting a structure a specified distance from a slope and constructing a deep foundation system are two commonly used options when faced with construction near a slope.
- It is recommended that the adequacy of a setback specification be assessed for each site's unique geometry.
- Depths of deep foundations should be designed based on the potential failure surface location and the geometry of the slope. Deep foundations of different length should be anticipated.
- Combinations of continuous or isolated spread footings with end-bearing drilled shafts are appropriate for near-slope loose-soil conditions.
- Overall slope stability and weak layers should be adequately assessed for hilly sites.
- Costs typically increase for construction on or near a slope because of the difficult access and limited mobility for the equipment.

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# The Structures Group, Inc.

Consulting Engineers

February 2, 2018

William H. Roberts  
Vada B. Roberts  
5034 River Drive  
Lanexa, Virginia 23089

FEB 2 2018

Re: Roberts/5034 River Drive  
TSG No. VA17211.DES & VA17211A.DES

Dear Mr. and Mrs. Roberts:

With your authorization, we performed a cursory forensic review of the slope failure along the rear elevation of the single family residence located at 5034 River Drive within the Cypress Point section of James City County, Virginia. The purpose of our review was to determine the nature and extent of distress exhibited in the slope and its potential for further distress to the single family residence.

Our initial site visit was conducted on Monday, October 2, 2017, in your company. During our initial site visit, we reviewed the existing slope failure as well as the foundation of the residence, cataloging areas of distress noted. We performed a follow-up site visit on Monday October 23, 2017, in the company of Michael Woolson with the James City County Engineering and Resource Protection Division, in an effort to illustrate the existing slope failure and discuss the proposed remedial repairs.

The single family residence is an approximately 4,148 square foot, two (2) story timber framed structure. The exterior of the residence consists of stucco style finish. The residence is constructed over a masonry foundation enclosing a vented crawl space. The roof consists of gable framed roofs, with all roof surfaces covered with asphalt shingles. A timber framed deck is located along the rear elevation of the residence. Closer review revealed the exterior finish grade of the property sloped from front to rear.

During our site visit, we noted a global slope failure of the soil adjacent to the rear elevation of the residence resulting in an approximately 5'-0" drop off adjacent to the rear leftmost portion of the residence. It was noted that the slope failure also led to the undermining of the foundation wall supporting the rear leftmost portion of the residence as well as erosion adjacent to the rear elevation deck. Further, it was also noted that the slope failure led to the damage of the existing timber piles utilized to previously stabilize the slope. We noted the leftmost portion of the existing timber piles has pushed outward towards Diascund Creek resulting in cracking of the horizontal timber tie attached to the timber piles.

Additionally, we noted the slope failure has resulted in damage and movement of both the dock, former bulkhead along the shore, and the adjacent timber framed structure. We noted uplift and bowing of the leftmost portion of the dock. Closer review revealed the movement along this portion of the dock was aligned with the slope failure adjacent to the rear left portion of the residence as well as the movement of the existing timber piles. Further, we noted a small remaining portion of the original existing bulkhead was

pushed outward and below the dock. We also noted the remaining portion of the bulkhead was no longer retaining earth as the movement and distress has resulted in the erosion of the previously retained earth. Our site visit also revealed that rip-rap had been installed along a section of the property adjacent to the property at 5023 River Drive.

## **SOIL SURVEY AND RESEARCH**

As part of our review, we researched the soil properties on the property based on the USDA-NRCS Web Soil Survey which was completed October 11, 2017 in James City County, Virginia. Our review of the Soil Survey revealed the soils on the property located at 5034 River Drive to coincide with map unit 15E. Further, we note the soils delineated on map unit 15E to consist of Emporia complex with 15 to 25 percent slopes and have a moderate shrink-swell soil potential. We have attached the USDA-NRCS Web Soil Survey information in the appendices for your review.

Based on our research, it seems the residence, while constructed circa 1950, lies within the Chesapeake Bay Resource Preservation Area (RPA) of James City County. It should be noted that James City County, Virginia is one (1) of 84 localities in Virginia subject to the requirements of the Bay Act program because of the County's geographic location in the Tidewater region of Virginia. The Bay Act program is mandated by the Commonwealth of Virginia by Title 62.1, Chapter 3.1, Article 2.5 of the Code of Virginia and Chapter 830, Chesapeake Bay Preservation Designation and Management Regulations, 9VAC25-830-10 et. seq. of Virginia Administrative Code. Construction within the RPA of James City County is governed by an ordinance that controls and regulates runoff towards wetlands, streams, and tributaries to the Chesapeake Bay. Most land use activities in the RPA are generally prohibited or restricted unless an exception or waiver is granted by the Chesapeake Bay Preservation Board.

Our research also revealed that we had previously conducted a forensic review of the residence circa 2000. At the time of our previous review, we noted a similar slope failure along the rear portion of the property. Closer review of our previous forensic review revealed the slope failure had resulted in a global slope failure with a vertical drop off up to 5'-6" adjacent to the rear elevation of the residence. This failure had also resulted in previous undermining of the foundation along the rear left portion of the residence. Additionally, we noted that the original bulkhead, which is now only remnants, had also been pushed outward into Diascund Creek along with the original dock structure. We have attached the previous TSG forensic report for your review.

During our review, we also noted past geotechnical work had been performed on the adjacent property. We noted a geotechnical report was prepared by ECS dated August 3, 2001 for 5032 River Drive. According to the report, bulkheads were constructed between the house and the creek in 1987 and 1994 and failed along with a significant portion of the slope in August of 2000. While repairs to the rip-rap toe support and slope were performed in October 2000, further settlement and movement of the slope was detected in March/April of 2001. Therefore, in order to stabilize the slope, ECS recommended the installation of a retaining wall along the toe of the slope, just beyond the edge of the rip-rap. ECS recommended piles spaced 5' on center with a minimum embedment depth of at least 15' below the mean low water level. This retaining wall system was constructed as recommended by ECS, but recently failed due to a global slope failure and has overturned towards the creek, damaging the adjacent boat dock. The report by ECS also included soil boring logs from two (2) locations on the adjacent property and included an analysis of the existing slope in 2001. The 2001 ECS report and boring logs have been attached to this report.

## CONCLUSIONS

Our analysis of the distress exhibited in the existing slope and the residence revealed that the existing slope as well as foundation of the residence are unstable. Additionally, the distress noted in the residence has resulted from differential movement of the foundation of the residence. It is our opinion that the distress exhibited in the existing slope will result in failure if left unmitigated. Further, it is our opinion that, unless the retained earth is stabilized, future distress to the foundation of the residence would continue. We also feel the foundation of the residence adjacent to the slope failure will need to be stabilized utilizing helical piles in an effort to support the foundation below the failure plane.

Following our meetings and discussions, it was determined that some form of a retaining wall system would be needed to stabilize the slope and protect the foundation and deck of the existing residence. It was determined that, due to the severity of the existing global slope failure and its location within the Resource Protection Area, the review of such remedial repair plans will go through the James City County Environmental Department as well as the Building Safety and Permits Division.

A retaining wall site plan has been prepared and two (2) copies of this plan have been submitted to the James City County Engineering and Resource Protection Division with a copy of this letter. It is our recommendation that the proposed retaining wall site plan be submitted as part of the application to the Chesapeake Bay Board. For your reference, we have attached a copy of the drawings and copies of the Chesapeake Bay Board Application which have been submitted.

We appreciate the opportunity to be of service in this matter. If you have any questions, please feel free to contact our office.

Sincerely,  
The Structures Group, Inc.



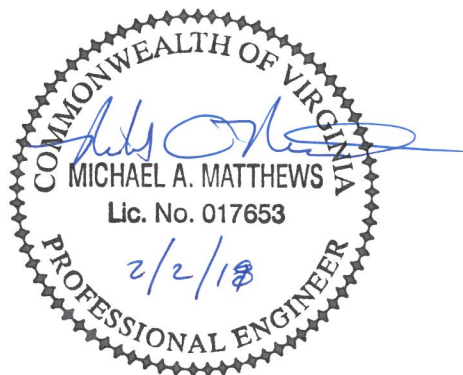
Kyle J. Polk, E.I.T.  
Staff Engineer



Michael A. Matthews, P.E.  
President

MAM/dlm

attachments



- USDA-NRCS WEB SOIL SURVEY INFORMATION
- PREVIOUS 2000 TSG FORENSIC REPORT
- 2001 ECS REPORT AND BORING LOGS
- JCC RPA SUBMITTAL SITE PLANS
- CHESAPEAKE BAY BOARD APPLICATION

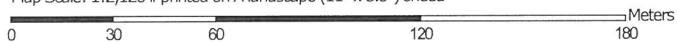


Soil Map—James City and York Counties and the City of Williamsburg, Virginia, and New Kent County, Virginia



Soil Map may not be valid at this scale.





































Map Scale: 1:2,120 if printed on A landscape (11" x 8.5") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 18N WGS84



## MAP LEGEND

<b>Area of Interest (AOI)</b>		 Spoil Area	
 Area of Interest (AOI)		 Stony Spot	
<b>Soils</b>		 Very Stony Spot	
 Soil Map Unit Polygons		 Wet Spot	
 Soil Map Unit Lines		 Other	
 Soil Map Unit Points		 Special Line Features	
<b>Special Point Features</b>		<b>Water Features</b>	
 Blowout		 Streams and Canals	
 Borrow Pit		<b>Transportation</b>	
 Clay Spot		 Rails	
 Closed Depression		 Interstate Highways	
 Gravel Pit		 US Routes	
 Gravelly Spot		 Major Roads	
 Landfill		 Local Roads	
 Lava Flow		<b>Background</b>	
 Marsh or swamp		 Aerial Photography	
 Mine or Quarry			
 Miscellaneous Water			
 Perennial Water			
 Rock Outcrop			
 Saline Spot			
 Sandy Spot			
 Severely Eroded Spot			
 Sinkhole			
 Slide or Slip			
 Sodic Spot			

## MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:15,800.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
 Web Soil Survey URL:  
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: James City and York Counties and the City of Williamsburg, Virginia  
 Survey Area Data: Version 15, Oct 11, 2017

Soil Survey Area: New Kent County, Virginia  
 Survey Area Data: Version 10, Oct 3, 2017

Your area of interest (AOI) includes more than one soil survey area. These survey areas may have been mapped at different scales, with a different land use in mind, at different times, or at different levels of detail. This may result in map unit symbols, soil properties, and interpretations that do not completely agree across soil survey area boundaries.

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Mar 17, 2016—Nov 22, 2016

## MAP LEGEND

## MAP INFORMATION

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
11C	Craven-Uchee complex, 6 to 10 percent slopes	7.8	36.7%
15E	Emporia complex, 15 to 25 percent slopes	7.7	36.4%
27	Peawick silt loam	4.8	22.8%
W	Water	0.9	4.0%
<b>Subtotals for Soil Survey Area</b>		<b>21.2</b>	<b>99.9%</b>
<b>Totals for Area of Interest</b>		<b>21.2</b>	<b>100.0%</b>

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
W	Water	0.0	0.1%
<b>Subtotals for Soil Survey Area</b>		<b>0.0</b>	<b>0.1%</b>
<b>Totals for Area of Interest</b>		<b>21.2</b>	<b>100.0%</b>

## Map Unit Description (Brief, Generated)

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions in this report, along with the maps, provide information on the composition of map units and properties of their components.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

The Map Unit Description (Brief, Generated) report displays a generated description of the major soils that occur in a map unit. Descriptions of non-soil (miscellaneous areas) and minor map unit components are not included. This description is generated from the underlying soil attribute data.

Additional information about the map units described in this report is available in other Soil Data Mart reports, which give properties of the soils and the limitations, capabilities, and potentials for many uses. Also, the narratives that accompany the Soil Data Mart reports define some of the properties included in the map unit descriptions.

## Report—Map Unit Description (Brief, Generated)

### James City and York Counties and the City of Williamsburg, Virginia

**Map Unit:** 11C—Craven-Uchee complex, 6 to 10 percent slopes

**Component:** Craven (35%)

The Craven component makes up 35 percent of the map unit. Slopes are 6 to 10 percent. This component is on marine terraces on coastal plains. The parent material consists of marine deposits. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is moderately well drained. Water movement in the most restrictive layer is moderately low. Available water to a depth of 60 inches is moderate. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. A seasonal zone of water saturation is at 30 inches during January, February, March, April, December. Organic matter content in the surface horizon is about 1 percent. Nonirrigated land capability classification is 3e. This soil does not meet hydric criteria.

**Component: Uchee (35%)**

The Uchee component makes up 35 percent of the map unit. Slopes are 6 to 10 percent. This component is on marine terraces on coastal plains. The parent material consists of marine deposits. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches is moderate. Shrink-swell potential is low. This soil is not flooded. It is not ponded. A seasonal zone of water saturation is at 51 inches during January, February, March, April. Organic matter content in the surface horizon is about 2 percent. Nonirrigated land capability classification is 2s. This soil does not meet hydric criteria.

**Map Unit: 15E—Emporia complex, 15 to 25 percent slopes**

**Component: Emporia (75%)**

The Emporia component makes up 75 percent of the map unit. Slopes are 15 to 25 percent. This component is on marine terraces on coastal plains. The parent material consists of marine deposits. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately low. Available water to a depth of 60 inches is moderate. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. A seasonal zone of water saturation is at 45 inches during January, February, March, April, November, December. Organic matter content in the surface horizon is about 1 percent. Nonirrigated land capability classification is 6e. This soil does not meet hydric criteria.

**Component: Johnston (5%)**

Generated brief soil descriptions are created for major components. The Johnston soil is a minor component.

**Map Unit: 27—Peawick silt loam**

**Component: Peawick (80%)**

The Peawick component makes up 80 percent of the map unit. Slopes are 0 to 3 percent. This component is on stream terraces on coastal plains. The parent material consists of marine deposits. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is moderately well drained. Water movement in the most restrictive layer is low. Available water to a depth of 60 inches is moderate. Shrink-swell potential is high. This soil is not flooded. It is not ponded. A seasonal zone of water saturation is at 27 inches during January, February, March, November, December. Organic matter content in the surface horizon is about 1 percent. Nonirrigated land capability classification is 2w. This soil does not meet hydric criteria.

**Component: Chickahominy (5%)**

Generated brief soil descriptions are created for major components. The Chickahominy soil is a minor component.

**Map Unit: W—Water**

**Component: Water (100%)**

The Water component makes up 100 percent of the map unit. Slopes are Depth to a root restrictive layer is greater than 60 inches. Available water to a depth of 60 inches is very low. Shrink-swell potential is low. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches.

**New Kent County, Virginia**

**Map Unit: W—Water**

**Component: Water (100%)**

Generated brief soil descriptions are created for major soil components. The Water is a miscellaneous area.

**Data Source Information**

Soil Survey Area: James City and York Counties and the City of Williamsburg, Virginia

Survey Area Data: Version 15, Oct 11, 2017

Soil Survey Area: New Kent County, Virginia

Survey Area Data: Version 10, Oct 3, 2017

## Engineering Properties

This table gives the engineering classifications and the range of engineering properties for the layers of each soil in the survey area.

*Hydrologic soil group* is a group of soils having similar runoff potential under similar storm and cover conditions. The criteria for determining Hydrologic soil group is found in the National Engineering Handbook, Chapter 7 issued May 2007(<http://directives.sc.egov.usda.gov/OpenNonWebContent.aspx?content=17757.wba>). Listing HSGs by soil map unit component and not by soil series is a new concept for the engineers. Past engineering references contained lists of HSGs by soil series. Soil series are continually being defined and redefined, and the list of soil series names changes so frequently as to make the task of maintaining a single national list virtually impossible. Therefore, the criteria is now used to calculate the HSG using the component soil properties and no such national series lists will be maintained. All such references are obsolete and their use should be discontinued. Soil properties that influence runoff potential are those that influence the minimum rate of infiltration for a bare soil after prolonged wetting and when not frozen. These properties are depth to a seasonal high water table, saturated hydraulic conductivity after prolonged wetting, and depth to a layer with a very slow water transmission rate. Changes in soil properties caused by land management or climate changes also cause the hydrologic soil group to change. The influence of ground cover is treated independently. There are four hydrologic soil groups, A, B, C, and D, and three dual groups, A/D, B/D, and C/D. In the dual groups, the first letter is for drained areas and the second letter is for undrained areas.

The four hydrologic soil groups are described in the following paragraphs:

*Group A.* Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

*Group B.* Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

*Group C.* Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

*Group D.* Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

*Depth* to the upper and lower boundaries of each layer is indicated.



*Texture* is given in the standard terms used by the U.S. Department of Agriculture. These terms are defined according to percentages of sand, silt, and clay in the fraction of the soil that is less than 2 millimeters in diameter. "Loam," for example, is soil that is 7 to 27 percent clay, 28 to 50 percent silt, and less than 52 percent sand. If the content of particles coarser than sand is 15 percent or more, an appropriate modifier is added, for example, "gravelly."

*Classification* of the soils is determined according to the Unified soil classification system (ASTM, 2005) and the system adopted by the American Association of State Highway and Transportation Officials (AASHTO, 2004).

The Unified system classifies soils according to properties that affect their use as construction material. Soils are classified according to particle-size distribution of the fraction less than 3 inches in diameter and according to plasticity index, liquid limit, and organic matter content. Sandy and gravelly soils are identified as GW, GP, GM, GC, SW, SP, SM, and SC; silty and clayey soils as ML, CL, OL, MH, CH, and OH; and highly organic soils as PT. Soils exhibiting engineering properties of two groups can have a dual classification, for example, CL-ML.

The AASHTO system classifies soils according to those properties that affect roadway construction and maintenance. In this system, the fraction of a mineral soil that is less than 3 inches in diameter is classified in one of seven groups from A-1 through A-7 on the basis of particle-size distribution, liquid limit, and plasticity index. Soils in group A-1 are coarse grained and low in content of fines (silt and clay). At the other extreme, soils in group A-7 are fine grained. Highly organic soils are classified in group A-8 on the basis of visual inspection.

If laboratory data are available, the A-1, A-2, and A-7 groups are further classified as A-1-a, A-1-b, A-2-4, A-2-5, A-2-6, A-2-7, A-7-5, or A-7-6. As an additional refinement, the suitability of a soil as subgrade material can be indicated by a group index number. Group index numbers range from 0 for the best subgrade material to 20 or higher for the poorest.

*Percentage of rock fragments* larger than 10 inches in diameter and 3 to 10 inches in diameter are indicated as a percentage of the total soil on a dry-weight basis. The percentages are estimates determined mainly by converting volume percentage in the field to weight percentage. Three values are provided to identify the expected Low (L), Representative Value (R), and High (H).

*Percentage (of soil particles) passing designated sieves* is the percentage of the soil fraction less than 3 inches in diameter based on an oven-dry weight. The sieves, numbers 4, 10, 40, and 200 (USA Standard Series), have openings of 4.76, 2.00, 0.420, and 0.074 millimeters, respectively. Estimates are based on laboratory tests of soils sampled in the survey area and in nearby areas and on estimates made in the field. Three values are provided to identify the expected Low (L), Representative Value (R), and High (H).

*Liquid limit and plasticity index* (Atterberg limits) indicate the plasticity characteristics of a soil. The estimates are based on test data from the survey area or from nearby areas and on field examination. Three values are provided to identify the expected Low (L), Representative Value (R), and High (H).

References:

American Association of State Highway and Transportation Officials (AASHTO). 2004. Standard specifications for transportation materials and methods of sampling and testing. 24th edition.

American Society for Testing and Materials (ASTM). 2005. Standard  
classification of soils for engineering purposes. ASTM Standard D2487-00.

## Report—Engineering Properties

Absence of an entry indicates that the data were not estimated. The asterisk '\*' denotes the representative texture; other possible textures follow the dash. The criteria for determining the hydrologic soil group for individual soil components is found in the National Engineering Handbook, Chapter 7 issued May 2007 (<http://directives.sc.egov.usda.gov/OpenNonWebContent.aspx?content=17757.wba>). Three values are provided to identify the expected Low (L), Representative Value (R), and High (H).

Engineering Properties—James City and York Counties and the City of Williamsburg, Virginia														
Map unit symbol and soil name	Pct. of map unit	Hydrologic group	Depth	USDA texture	Classification		Pct Fragments		Percentage passing sieve number—				Liquid limit	Plasticity index
					Unified	AASHTO	>10 inches	3-10 inches	4	10	40	200		
			<i>In</i>				<i>L-R-H</i>	<i>L-R-H</i>	<i>L-R-H</i>	<i>L-R-H</i>	<i>L-R-H</i>	<i>L-R-H</i>	<i>L-R-H</i>	<i>L-R-H</i>
11C—Craven-Uchee complex, 6 to 10 percent slopes														
Craven	35	D	0-9	Fine sandy loam, silt loam, loam	CL, ML, SC, SM	A-4	0-0-0	0-0-0	100-100-100	98-100-100	58-78-100	29-48-90	13-22-31	NP-6-10
			9-53	Clay, silty clay, silty clay loam, clay loam, sandy clay loam, sandy clay	CL, CH	A-7	0-0-0	0-0-0	100-100-100	98-100-100	83-95-100	44-85-95	34-50-61	12-21-27
			53-80	Sandy clay loam, sandy loam, loamy sand	SC, SC-SM, SM	A-2, A-4, A-6	0-0-0	0-0-0	100-100-100	98-100-100	49-85-100	14-45-55	12-30-38	NP-10-14
Uchee	35	B	0-24	Loamy fine sand, sand, loamy sand	SM	A-1-b, A-2	0-0-0	0-0-0	80-100-100	78-100-100	40-55-70	15-23-30	10-13-16	NP-0-2
			24-56	Sandy loam, sandy clay loam, clay, sandy clay	SC, SC-SM	A-2, A-4, A-6	0-0-0	0-0-0	80-100-100	78-100-100	46-85-100	23-45-95	14-30-52	1-10-22
			56-65	Sandy loam, sandy clay loam, sandy clay	CL, SC	A-2-6, A-6, A-7	0-0-0	0-0-0	80-100-100	78-100-100	46-65-95	23-35-60	18-23-43	3-6-17

Engineering Properties--James City and York Counties and the City of Williamsburg, Virginia														
Map unit symbol and soil name	Pct. of map unit	Hydrologic group	Depth	USDA texture	Classification		Pct Fragments		Percentage passing sieve number--				Liquid limit	Plasticity index
					Unified	AASHTO	>10 inches	3-10 inches	4	10	40	200		
			<i>In</i>				<i>L-R-H</i>	<i>L-R-H</i>	<i>L-R-H</i>	<i>L-R-H</i>	<i>L-R-H</i>	<i>L-R-H</i>	<i>L-R-H</i>	<i>L-R-H</i>
15E--Emporia complex, 15 to 25 percent slopes														
Emporia	75	B	0-13	Sandy loam, loam, fine sandy loam	ML, SM	A-4	0- 0- 0	0- 0- 5	95-100-100	93-100-100	55-78-95	27-48-75	13-18-23	NP-3 -6
			13-58	Sandy clay loam, sandy loam, clay loam, fine sandy loam, loam	CL, SC	A-4, A-6	0- 0- 0	0- 0- 3	95-100-100	93-100-100	55-90-100	27-68-80	23-31-38	6-10-14
			58-75	Clay loam, sandy clay loam, loam, sandy loam	CL, CL-ML, SC, SC-SM	A-4, A-6	0- 0- 0	0- 0- 8	95-100-100	93-100-100	55-85-100	27-45-80	23-31-38	6-10-14
27--Peawick silt loam														
Peawick	80	D	0-2	Silt loam	ML, CL-ML	A-4	0- 0- 0	0- 0- 0	99-100-100	98-100-100	88-95-100	68-80-90	16-23-30	2-6 -10
			2-99	Clay loam, silty clay, clay, silty clay loam	ML, CH, CL	A-6, A-7	0- 0- 0	0- 0- 0	99-100-100	98-100-100	88-98-100	68-93-95	38-50-61	14-21-27

## Data Source Information

Soil Survey Area: James City and York Counties and the City of Williamsburg, Virginia

Survey Area Data: Version 15, Oct 11, 2017

Soil Survey Area: New Kent County, Virginia

Survey Area Data: Version 10, Oct 3, 2017

- USDA-NRCS WEB SOIL SURVEY INFORMATION
- PREVIOUS 2000 TSG FORENSIC REPORT
- 2001 ECS REPORT AND BORING LOGS
- JCC RPA SUBMITTAL SITE PLANS
- CHESAPEAKE BAY BOARD APPLICATION

Mr. Danny Patterson  
5032 River Drive  
Lanexa, VA 23089

ECS Project No. 6521

Reference: Slope Evaluation  
Patterson Residence – 5032 River Drive  
Lanexa, Virginia

Dear Mr. Patterson:

Engineering Consulting Services, Ltd. is pleased to present the results of the subsurface exploration and geotechnical engineering analysis for the above referenced project.

**Overview:**

It is our understanding that the existing residence was built on a relatively level plateau in 1980. The north side of the property slopes down about 20 feet to Diascund Creek, a tributary of the Chickahominy River that is located about 1,500 feet to the south. Bulkheads were constructed between the house and the creek in 1987 and 1994. These bulkheads (retaining walls) failed, along with a significant portion of the slope in August 2000. Repairs to the slope ("rip-rip" toe support and slope reconstruction) was performed in October 2000; however, settlement/movement of the "rip-rap" and slope cracks were detected in March/April 2001.

**Scope of Work:**

Two (2) soil test borings (extended to depths of 20 and 30 feet) were performed by Scott Drilling on May 11, 2001. The 20 foot boring (B-2) was performed within the front yard of the house and the 30 foot boring (B-1) was performed near the top of the slope at the rear of the house. A slotted PVC-Pipe was installed at each borehole location for groundwater readings. The purpose of the borings was to ascertain the general subsurface conditions (soil type and groundwater), to aid in evaluating the stability of the existing slope. A location diagram and the boring logs are attached with this report.

*2119-D North Hamilton Street, Richmond Virginia 23230 • (804) 353-6333 • Fax (804) 353-9478*

*Offices: Richmond, VA • Washington, D.C. • Norfolk, VA • Williamsburg, VA • Roanoke, VA • Fredericksburg, VA • Danville, VA  
Baltimore, MD • Frederick, MD • Research Triangle Park, NC • Wilmington, NC • Charlotte, NC • Greensboro, NC • Greenville, SC • Atlanta, GA*

The test borings were performed with an ATV-mounted drill rig, which utilized continuous flight augers to advance the boreholes. Representative soil samples were obtained from the borings by means of the split-barrel sampling procedure in accordance with ASTM Specification D-1586. In this procedure, a 2 inch O.D., split barrel sampler is driven into a soil a distance of 24 inches by a 140-pound hammer falling 30 inches. The first 6 inches is considered the seating interval. The number of blows required to drive the sampler through the next two 6-inch intervals is termed the Standard Penetration Test (SPT) value, and is indicated for each sample on the boring logs. A reference notes sheet for the boring logs is attached with this letter.

ECS engineering personnel visually classified representative soil samples that were collected from the borings and returned to our ECS office. The engineering properties of the soil, along with groundwater data collected on various dates (5/13, 5/14, and 6/1/01), were utilized for slope stability analysis.

### **Conclusions and Recommendations:**

Based on visual inspection of the existing slope, in its current condition, it is obvious that the "Rip-Rap" toe reinforcement and slope reconstruction that was performed in or about October 2000 wasn't effective in stabilizing the already weakened slope. Although the concept of reinforcing the toe of the previously failed slope with "Rip-Rap" is considered an acceptable stabilization method (alternative), it is my opinion that prudent engineering design wasn't employed. In this respect, if the base of the slope was mucked-out (including the excavation at the toe), and if a heavy duty geosynthetic fabric and/or geogrid had been used to retain the "Rip-Rap", the additional slope movement may have been prevented. Furthermore, the depth of the excavation and "Rip-Rap" placement should have been extended below the potential failure plane for maximum effectiveness. It should be noted, however, that the actual conditions at the time of "Rip-Rap" placement are not fully known at this time. Reportedly, the base area was very wet and soft, which made construction difficult. Typically under these working conditions, the quality of the work is greatly reduced, and some form of additional failure occurs regardless of the design.

ECS has performed a limited evaluation of the existing slope using PCSTABL software. This evaluation is considered limited since a detailed survey of the slope isn't available. The evaluation was performed based on linear measurements and slope angle approximation. Based on this evaluation the existing slope is approximately 2H (horizontal) to 1V (vertical), and has a calculated Safety Factor of 1.33 against failure. Most slopes are designed with a maximum slope of 2H:1V and a minimum Safety Factor of 1.5. A plot of the slope configuration is included with this report.

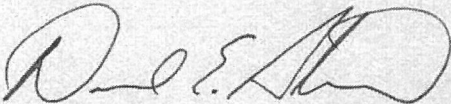
Since the calculated Safety Factor of the existing slope is less than 1.5, consideration should be given to improving the stability of the slope. Typically, flattening the slope is the most common and inexpensive method for slope stability improvement; however, this alternative is not practical due to space restrictions. Reinforcing the toe is also a common alternative; however, the presence of surface water (in this case a tidal condition) and the presence of existing "Rip-Rap" stone makes standard excavation impractical. Installation of a retaining wall supported by a piling system could possibly be the most practical and cost effective alternative. Generally speaking, the pilings could consist of driven timber or concrete piles, or cast-in-place concrete piles. The piles should be installed in a row along the face of the slope, just beyond the edge of the "Rip-Rap" or at the approximate mid-point of the slope (where the current fault line exists). The tip of the piles should extend at least 15 feet below the MLW elevation. Piles should be installed on approximate 5 foot center-to-center spacing. The top of the piles should be extended above the surface as required for pile cap (bracing) or retaining wall construction.

**Closing:**

We have enjoyed being of service to you on this project. If you should have any questions regarding the information and recommendations contained herein or if we can be of further assistance, please do not hesitate to contact us.

Respectfully,

ENGINEERING CONSULTING SERVICES, LTD.

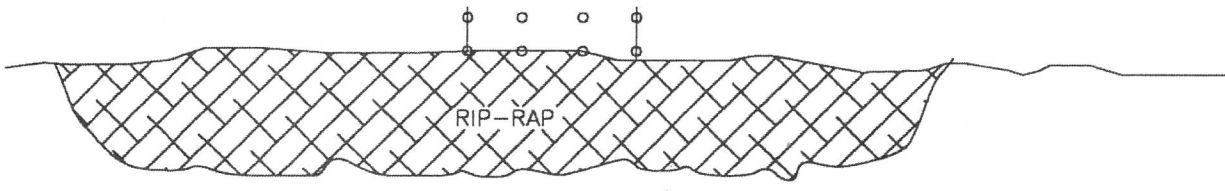
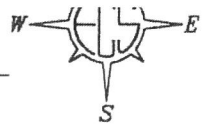


David E. Stinnette, P.E.  
Engineering Services Manager

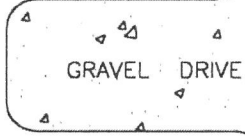
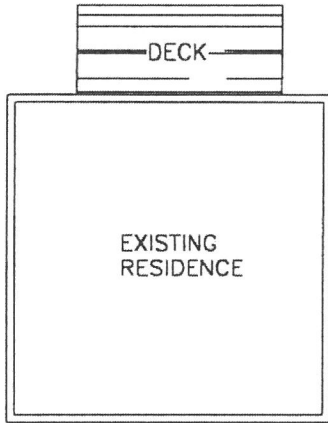


Attachments: Boring Location Diagram  
Boring Logs  
PCSTABL Plot (with comments/notes)  
Reference Notes Sheet For Boring Logs and USCS Sheet

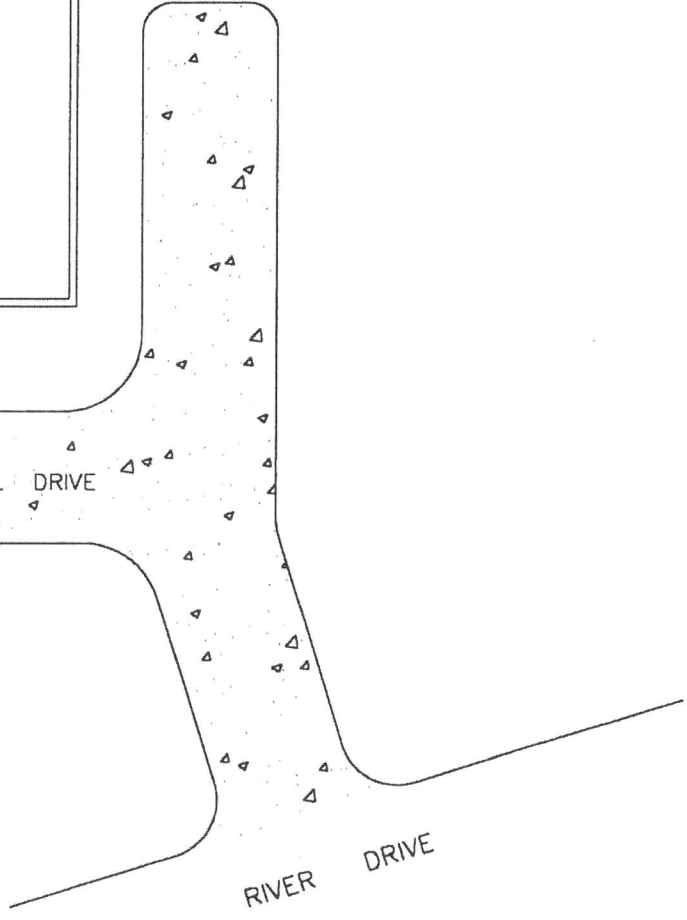




⊕ B-1



⊕ B-2



⊕ - Approximate Boring Location

Not to Scale

PREPARED FOR:  
  
DANNY E. PATTERSON



BORING LOCATION DIAGRAM  
  
PATTERSON RESIDENCE  
SLOPE FAILURE EVALUATION  
JAMES CITY CO., VIRGINIA  
  
ECS, LTD. PROJECT NO. 6521

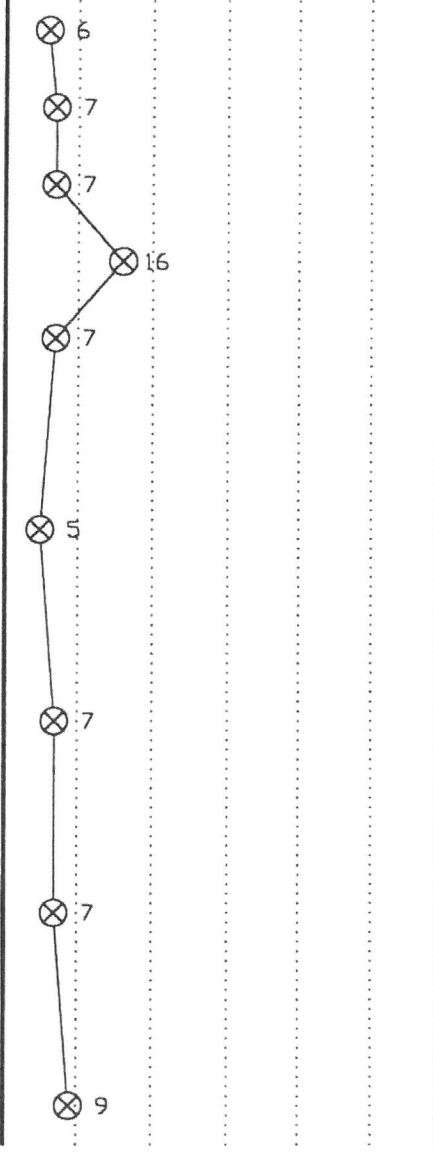
SITE LOCATION

5032 RIVER DRIVE, JAMES CITY COUNTY, VA

DEPTH (FT)	SAMPLE NO.	SAMPLE TYPE	SAMPLE DISTANCE (IN)	RECOVERY (IN)	DESCRIPTION OF MATERIAL
					ENGLISH UNITS
					SURFACE ELEVATION
0	1	SS	24	24	Topsoil
2	2	SS	24	24	Silty Fine to Medium SAND, Orangish Brown, Moist, Loose, (SM) [Possible Fill]
5	3	SS	24	24	Fine Sandy Lean CLAY, Light Brown and Tan, Moist, Medium Stiff, (CL)
4	4	SS	24	24	Lean CLAY, Orange and Light Gray, Dry to Moist, Very Stiff to Medium Stiff, (CH)
5	5	SS	24	24	
6	6	SS	24	24	
7	7	SS	24	24	
8	8	SS	24	24	
9	9	SS	24	24	

CALIBRATED PENETROMETER TONS/FT. <sup>2</sup>				
1	2	3	4	5+
PLASTIC LIMIT %	WATER CONTENT %		LIQUID LIMIT %	
X	●		Δ	
10	20	30	40	50+
STANDARD PENETRATION BLOWS/FT.				
⊗	⊗	⊗	⊗	⊗
10	20	30	40	50+

WATER LEVELS  
ELEVATION (FT)



END OF BORING @ 30.0'

THE STRATIFICATION LINES REPRESENT THE APPROXIMATE BOUNDARY LINES BETWEEN SOIL TYPES [N-SITU THE TRANSITION MAY BE GRADUAL]

▽WL 18.0'	WS OR (VD)	BORING STARTED	5-11-01	TOPSOIL DEPTH 2"
▽WL(AB)	▽WL(AC)	BORING COMPLETED	5-11-01	CAVE IN DEPTH ● N/A
▽WL 15.9' @	6-1-01	RIG ATV	FOREMAN SCOTT	DRILLING METHOD HOLLOW STEM AGUER

SITE LOCATION

5032 RIVER DRIVE, JAMES CITY COUNTY, VA

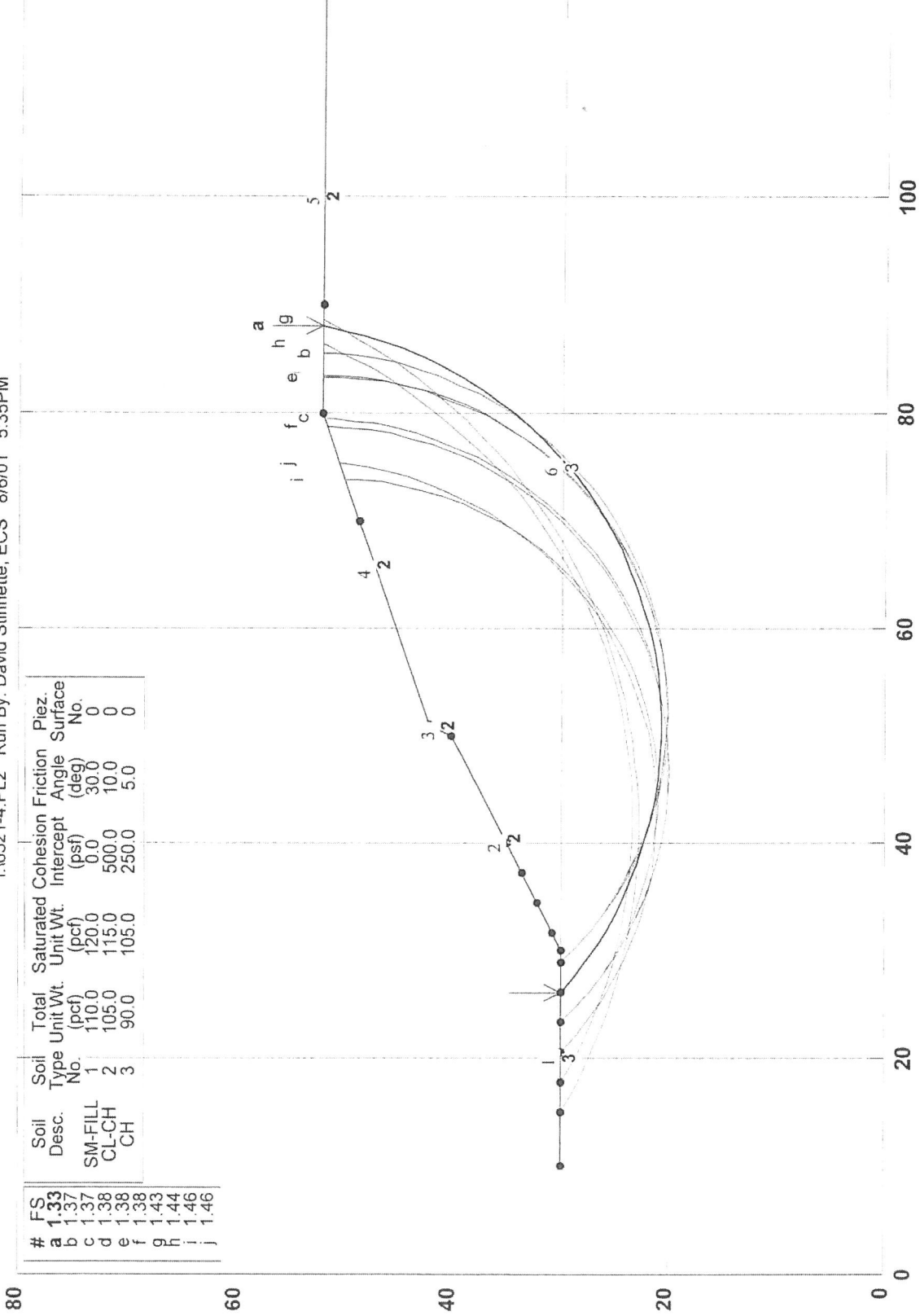
DEPTH (FT)	SAMPLE NO.	SAMPLE TYPE	SAMPLE DISTANCE (IN)	RECOVERY (IN)	DESCRIPTION OF MATERIAL	WATER LEVELS ELEVATION (FT)	CALIBRATED PENETROMETER TONS/FT. <sup>2</sup>								
							1	2	3	4	5+				
					ENGLISH UNITS		PLASTIC LIMIT %	WATER CONTENT %		LIQUID LIMIT %					
					SURFACE ELEVATION		X	●		Δ					
							10	20	30	40	50+				
							STANDARD PENETRATION BLOWS/FT.								
							10	20	30	40	50+				
0					Topsoil										
	1	SS	24	24	Lean CLAY, Light Brown, Dry, Stiff, (CL)		⊗ 12								
	2	SS	24	24			⊗ 12								
5	3	SS	24	24	Lean CLAY With Silt, Orange, Light Gray, and White, Moist, Very Stiff, (CL)										
	4	SS	24	24											
	5	SS	24	24											
10	6	SS	24	24	Fat CLAY, Orange, Gray, and Dark Red, Dry to Moist, Medium Stiff to Soft, (CH)										
	7	SS	24	24											
15															
	8	SS	24	24											
20					END OF BORING @ 20.0'										
25															
30															

THE STRATIFICATION LINES REPRESENT THE APPROXIMATE BOUNDARY LINES BETWEEN SOIL TYPES IN-SITU THE TRANSITION MAY BE GRADUAL

∇ WL DRY	WS OR (D)	BORING STARTED	5-11-01	TOPSOIL DEPTH 4"
∇ WL(AB)	∇ WL(AC)	BORING COMPLETED	5-11-01	CAVE IN DEPTH ● N/A
∇ WL 18.2' @ 6-1-01		RIG ATV	FOREMAN SCOTT	DRILLING METHOD HOLLOW STEM AGUER

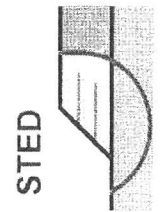
# PATTERSON RESIDENCE - SLOPE EVALUATION/ECS PROJECT NO. 6521

I:\6521-4.PL2 Run By: David Stinnette, ECS 8/6/01 5:35PM



#	FS	Soil Desc.	Soil Type No.	Total Unit Wt. (pcf)	Saturated Unit Wt. (pcf)	Cohesion Intercept (psf)	Friction Angle (deg)	Piez. Surface No.
a	1.33	SM-FILL	1	110.0	120.0	0.0	30.0	0
b	1.37	CL-CH	2	105.0	115.0	500.0	10.0	0
c	1.38	CH	3	90.0	105.0	250.0	5.0	0
d	1.38							
e	1.38							
f	1.38							
g	1.43							
h	1.44							
i	1.46							
j	1.46							

PCSTABL5M/si FSmin=1.33  
Safety Factors Are Calculated By The Modified Bishop Method

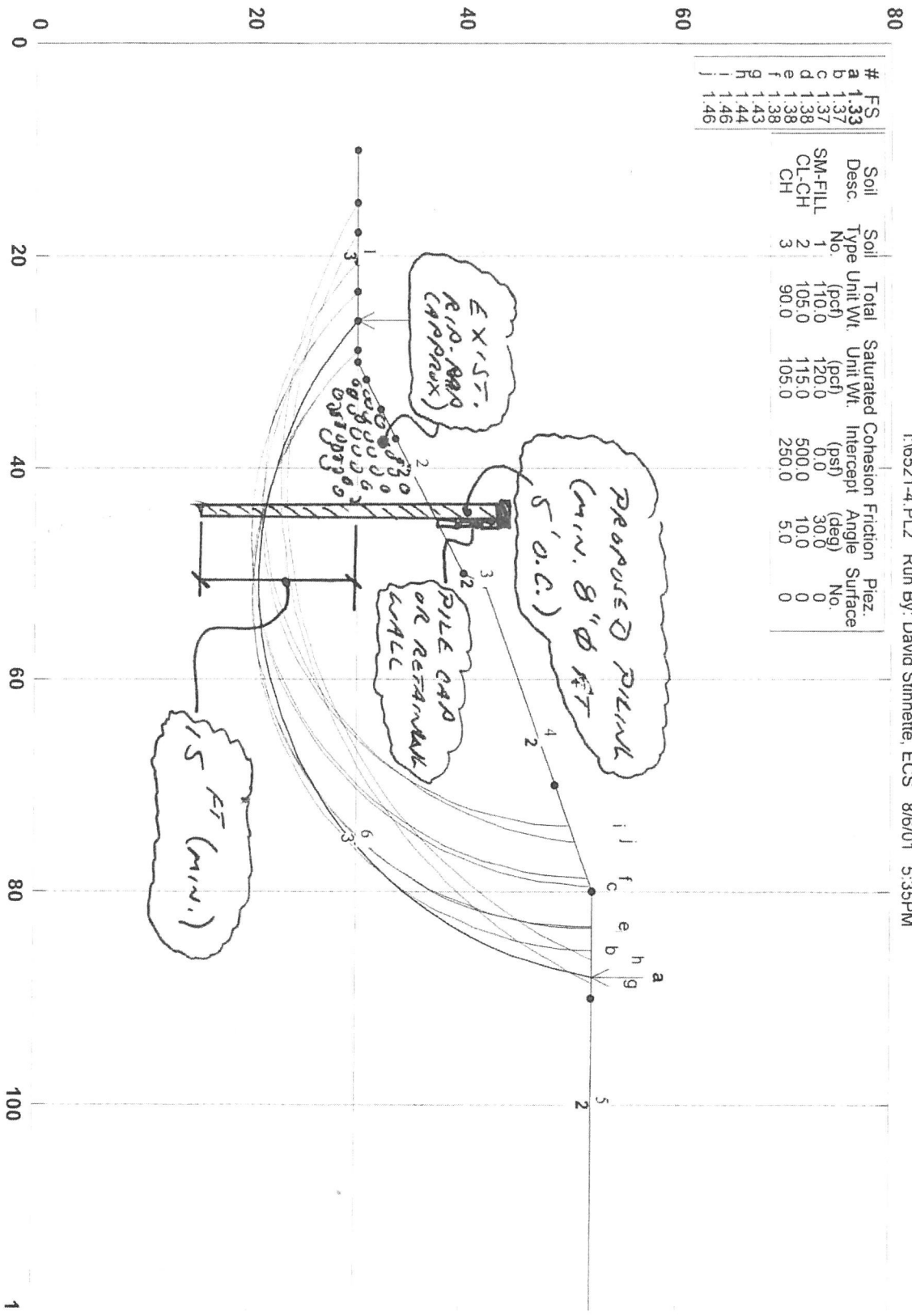


STED

# PATERSON RESIDENCE - SLOPE EVALUATION/ECS PROJECT NO. 6521

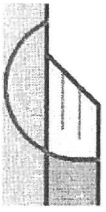
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#	FS	Soil Desc.	Soil Type No.	Total Unit Wt. (pcf)	Saturated Unit Wt. (pcf)	Cohesion (psf)	Friction Angle (deg)	Piez. Surface No.
a	1.33	SM-FILL	1	110.0	120.0	0.0	30.0	0
b	1.37	CL-CH	2	105.0	115.0	500.0	10.0	0
c	1.38	CH	3	90.0	105.0	250.0	5.0	0
d	1.38							
e	1.38							
f	1.38							
g	1.43							
h	1.44							
i	1.46							
j	1.46							



STED

PCSTABL5M/si F<sub>min</sub>=1.33  
Safety Factors Are Calculated By The Modified Bishop Method



## I. Drilling and Sampling Symbols:

SS - Split Spoon Sampler	DC - Dutch Cone Penetrometer	PM - Pressuremeter	BS - Bulk Sample of Cuttings
ST - Shelby Tube Sampler	PA - Power Auger (no sample)	WS - Wash Sample	RB - Rock Bit Drilling
RC - Rock Core; NX, BX, AX	HSA - Hollow Stem Auger		

Standard Penetration Test (SPT) refers to the blows per foot of a 140 lb hammer free falling 30 inches on a 2 in. O.D. split-spoon sampler, as specified in ASTM D-1586. The SPT blow count is commonly referred to as the N-value. Typically the split-spoon sampler is driven to depths of 18 to 24 inches. The SPT result, N-value, is commonly determined by summing the second and third 6-inch increments.

## II. Correlation of Penetration Resistances to Soil Properties:

### COHESIVE SOILS (CLAY, SILT and COMBINATIONS)

CONSISTENCY	SPT, N (Blows/Foot)	UNDRAINED SHEAR STRENGTH C, (PSF)
VERY SOFT	< 2	<250
SOFT	3 - 5	250 - 500
MEDIUM STIFF	6 - 10	500 - 1000
STIFF	11 - 15	1000 - 2000
VERY STIFF	16- 30	2000 - 4000
HARD	> 31	> 4000

### NON-COHESIVE SOILS (SAND, GRAVEL, SILT and COMBINATIONS)

DENSITY	SPT, N (Blows/Foot)	RELATIVE DENSITY (%)
VERY LOOSE	< 5	0 - 15
LOOSE	6 - 10	16 - 35
MEDIUM DENSE	11 - 30	36 - 65
DENSE	31 - 50	66 - 85
VERY DENSE	51 - 80	86 - 98
EXTREMELY DENSE	> 81	99 - 100

[Particle Size Identification]:

- Boulders: 8 inch diameter or more
- Cobbles: 3 to 8 inch diameter
- Gravel:
  - Coarse 1 to 3 inch
  - Medium 1/2 to 1 inch
  - Fine 1/4 to 1/2 inch
- Sand:
  - Coarse 2.00 mm to 1/4 inch (diameter of pencil lead)
  - Medium .42 mm to 2.00 mm (diameter of broom straw)
  - Fine .074 mm to .42 mm (diameter of human hair)

## III. Water Level Measurement Symbols:

WL - Water Level	WS - While Sampling	WD - While Drilling	ACR - After Casing Removal
WCI - Wet Cave In	DCI - Dry Cave In	BCR - Before Casing Removal	

The water levels are those water levels actually measured in the borehole at the times indicated by the symbol. The measurements are relatively reliable when augering, without adding drilling fluids in a granular soil. In clays and plastic silts, the accurate determination of water levels may require several days for the water level to stabilize. In such cases additional methods of measurement are generally applied.

# UNIFIED SOIL CLASSIFICATION SYSTEM (USCS)

Table Unified System of Classification

Major divisions		Group symbols	Typical names	
Coarse-Grained Soils More than 50% retained on No. 200 sieve	Gravels 50% or more of coarse fraction retained on No. 4 sieve	Clean Gravels	GW Well-graded gravels and gravel-sand mixtures, little or no fines	
		Gravels with Fines	GP Poorly graded gravels and gravel-sand mixtures, little or no fines	
		Sands More than 50% of coarse fraction passes No. 4 sieve	Clean Sands	GM Silty gravels, gravel-sand-silt mixtures
			Sands with Fines	GC Clayey gravels, gravel-sand-clay mixtures
	Fine-Grained Soils 50% or more passes No. 200 sieve	Sands More than 50% of coarse fraction passes No. 4 sieve	Clean Sands	SW Well-graded sands and gravelly sands, little or no fines
			Sands with Fines	SP Poorly graded sands and gravelly sands, little or no fines
		Sils and Clays Liquid limit 50% or less	Sils and Clays	SM Silty sands, sand-silt mixtures
			Sils and Clays	SC Clayey sands, sand-clay mixtures
			Sils and Clays	ML Inorganic silts, very fine sands, rock flour, silty or clayey fine sands
			Sils and Clays	CL Inorganic clays of low to medium plasticity, gravelly clays, sandy clays, silty clays, lean clays
Sils and Clays Liquid limit greater than 50%	Sils and Clays	OL Organic silts and organic silty clays of low plasticity		
	Sils and Clays	MH Inorganic silts, micaceous or diatomaceous fine sands or silts, elastic silts		
	Sils and Clays	CH Inorganic clays of high plasticity, fat clays		
	Sils and Clays	OH Organic clays of medium to high plasticity		
Highly Organic Soils		PT	Peat, muck, and other highly organic soils	

Table (Continued)

Classification criteria	
Classification on basis of percentage of fines Less than 5% pass No. 200 sieve More than 12% pass No. 200 sieve 5% to 12% pass No. 200 sieve Borderline classification requiring use of dual symbols	$C_u = D_{60}/D_{10}$ Greater than 4 $C_c = \frac{(D_{30})^2}{D_{10} \times D_{60}}$ Between 1 and 3
	Not meeting both criteria for GW
	Atterberg limits plot below "A" line or plasticity index less than 4
	Atterberg limits plot above "A" line and plasticity index greater than 7
	$C_u = D_{60}/D_{10}$ Greater than 6 $C_c = \frac{(D_{30})^2}{D_{10} \times D_{60}}$ Between 1 and 3
	Not meeting both criteria for SW
	Atterberg limits plot below "A" line or plasticity index less than 4
	Atterberg limits plot above "A" line and plasticity index greater than 7
	Atterberg limits plotting in hatched area are borderline classifications requiring use of dual symbols
	Atterberg limits plotting in hatched area are borderline classifications requiring use of dual symbols

Plasticity Chart  
For classification of fine-grained soils and fine fraction of coarse-grained soils.  
Atterberg limits plotting in hatched area are borderline classifications requiring use of dual symbols.  
Equation of A line:  
 $PI = 0.73(LL - 20)$

Visual-manual identification, see ASTM Designation D2488.



## **PUBLIC HEARING NOTICE**

THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA WILL HOLD A PUBLIC HEARING ON **WEDNESDAY MARCH 14, 2018 AT 5 P.M.** IN THE BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBE-18-068: The Structures Group, on behalf of Mr. and Mrs. William Roberts, has filed an exception request for encroachment into the RPA buffer for construction of a retaining wall at 5034 River Drive, JCC Parcel No 0930300008.

CBE-18-058: Ms. Renie Andrews has filed an exception request for encroachment into the RPA buffer for construction of a memorial patio at 4447 Pleasant View Drive in the Powhatan Village subdivision, JCC Parcel No 3741400011.

CBE-18-064: Draper Aden and Associates, on behalf of Mr. and Mrs. Scott Kruger, has filed an exception request for encroachment into the RPA buffer for the reconstruction of a single family dwelling after demolition at 136 John Wickham in the Kingsmill subdivision, JCC Parcel No 5130200009.

CBE-18-072: Timmons Group, on behalf of Southland Corporation, has filed an exception request for encroachment into the RPA buffer for construction of a paved access drive at 3000 Battery Boulevard, 7327 Pocahontas Trail and 7341 Pocahontas Trail in the Quarterpath at Williamsburg development, JCC Parcel Nos 5020100075A, 5020100030 and 5020700004B respectively.

CBE-18-067: Walk Wright Construction has applied for an exception request for encroachment into the RPA buffer for construction of a single family dwelling and attached deck at 120 Nottinghamshire in the Ford's Colony subdivision, JCC Parcel No 3233100033.

CBE-18-065: Walk Wright Construction, on behalf of Mr. and Mrs. Joseph Leigh, has filed an exception request for encroachment into the RPA buffer for construction of a single family dwelling and attached deck at 116 Nottinghamshire in the Ford's Colony subdivision, JCC Parcel No 3233100034.

CBE-18-070: Mr. Chris Eckenfels has filed an exception request for encroachment into the RPA buffer for construction of a detached storage shed at 6019 Tabiatha Lane in the Chickahominy Haven subdivision, JCC Parcel No 1910600023.

CBE-18-071: The Structures Group, on behalf of Ms. Patricia Carmichael, has filed an exception



request for encroachment into the RPA buffer for construction of a retaining wall at 300 River's Edge in the Kingsmill subdivision, JCC Parcel No 5130800012A.

CBE-18-063: Mid-Atlantic Resources Consulting, on behalf of Mr. Carlos Arana, has filed an exception request for encroachment into the RPA buffer for construction of a retaining wall and patio at 4069 South Riverside Drive in the Chickahominy Haven subdivision, JCC Parcel No 1910500017.

CBE-18-066: Walk Wright Construction, on behalf of Mr. and Mrs. Eric Gibson, has filed an exception request for encroachment into the RPA buffer for construction of a single family dwelling and attached deck at 125 Congressional in the Ford's Colony subdivision, JCC Parcel No 3720400088.

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 Stormwater and Resource Protection Division, 101 Mounts Bay Road, Building E, James City County, Virginia.

**NOT FOR PUBLICATION**

DISPLAY: WEDNESDAY – February 28, 2018 and March 7, 2018.  
ACCOUNT NO.: 0011040200 - VIRGINIA GAZETTE

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



General Services  
Stormwater and Resource  
Protection Division  
101-E Mounts Bay Road  
Williamsburg, VA 23185

Resource.Protection@jamescitycountyva.gov

February 21, 2018

RE: 5034 River Drive  
CBE-18-068  
Retaining Wall

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 William H & Vada B Roberts & The Structures Group for encroachment into the Resource Protection Area (RPA) buffer associated with a retaining wall. The project is located at 5034 River Drive. The property is further identified by James City County Real Estate as Parcel No. 0930300008.

A complete description, plan, and other information are on file in the Stormwater 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, March 14, 2018 at 5:00 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,

*Janice Petty*

Janice Petty  
Stormwater Assistant

cc: Roberts, William H and Vada B  
The Structures Group- Michael Matthews

Mailing List for: CBE-18-068 – 5034 River Drive – Roberts –Matthews-The Structures Group- Retaining Wall

Owner: 0930300008 of 5034 River Drive, Lanexa, VA 23089-9309

Roberts, William H & Vada B  
106 Dillworth Circle  
Sandston, VA 23150-2818

Roberts, William H & Vada B  
5034 River Drive  
Lanexa, VA 23089-9309

The Structures Group, Inc  
Attn: Mr. Michael Matthews  
1200 Old Colony Lane  
Williamsburg, VA 23185-3800

0930300007

Patterson, Danny E  
5032 River Drive  
Lanexa, VA 23089-9309

0930200028- for 5014 Holly Lane

Haskins, Wm F  
97 Queens Court  
Newport News, VA 23606-2055

0930400025- for 5033 River Drive

Ellis, Esther P  
P.O. Box 567  
Toano, VA 23168-0567

0930300009 – for 5036 River Drive

Whitfield, James A Jr. & Sherri-Lyn  
645 School House Road  
Chesapeake, VA 23322-1759

**ITEM SUMMARY**

DATE: 3/14/2018  
TO: Chesapeake Bay Board  
FROM: Michael Woolson, Senior Watershed Planner  
SUBJECT: CBE-18-028 : 19 and 20 Mile Course

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Susan Anton and Lawrence and Penny Puller have filed an exception request for encroachment into the RPA buffer for the construction of a retaining wall/bulkhead at 19 and 20 Mile Course in the Kingsmill subdivision, JCC Parcel Nos 5040200019 and 5040200020.

**ATTACHMENTS:**

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution	Resolution
☐	Water Quality Impact Assessment - Anton	Backup Material
☐	Water Quality Impact Assessment - Pulley	Backup Material
☐	Site Plan - Revised	Backup Material
☐	Public Hearing Notice	Backup Material
☐	APO Notification Letter	Backup Material
☐	APO Notification List	Backup Material
☐	Deferral Request	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	3/7/2018 - 4:36 PM
Chesapeake Bay Group	Geissler, Fran	Approved	3/7/2018 - 4:42 PM
Publication Management	Burcham, Nan	Approved	3/7/2018 - 4:46 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	3/7/2018 - 5:03 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBE-18-028. 19 and 20 Mile Course  
Staff report for the March 14, 2018, Chesapeake Bay Board Public Hearing**

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*This staff report is prepared by James City County Stormwater and Resource Protection to provide information to the Chesapeake Bay Board to assist them in making a recommendation on this assessment. It may be useful to members of the general public interested in this assessment.*

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**EXISTING SITE DATA AND INFORMATION**

Applicants: Susan Anton  
Lawrence and Penny Pulley

Agent: Dean Van Arsdale, RVA Construction

Locations: 19 Mile Course  
20 Mile Course

Tax Map/Parcel Nos.: 5040200019  
5040200020

Parcels: Lot 19, Section 1, Mile Course, Kingsmill  
Lot 20, Section 1, Mile Course, Kingsmill

Lot Sizes: 1.62 acre  
0.99 acre

Areas of Lot in Resource  
Protection Area (RPA): 1.15 acre +/- (72%)  
0.76 acres +/- (76%)

Watershed: College Creek (HUC JL34)

Floodplain: Zone X, determined to be outside the 0.2% annual chance floodplain  
Panel 0206D

Proposed Activity: Construction of a wooden bulkhead with backfill and shoreline stabilization with  
coir logs

Impervious Cover: 395 square feet proposed

RPA Encroachment: 50-foot seaward RPA buffer

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

**BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES**

Mr. Dean Van Arsdale, RVA Construction, has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of a wooden bulkhead with backfill and shoreline stabilization with coir logs adjacent to Kingsmill Pond, located at 19 Mile Course and 20 Mile Course, within the Mile Course section of the Kingsmill subdivision and within the College Creek watershed. The properties are further identified as James City County Real Estate Tax Map Parcel Nos. 5040200019 and 5040200020 respectively. The parcels were platted in 1974, prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The home at 20 Mile Course was built in 1982. The home at 19 Mile Course is currently under construction. It was approved under CBE-16-033 at the October 14, 2015, Chesapeake Bay Board meeting. After several site visits, staff and the applicants have agreed upon the limits of each shoreline treatment. There is evidence of past beaver activity on some of the small trees present at the shoreline. There is an old wooden structure landward of the shore at 20 Mile Course and the decks on 19 Mile Course were previously approved to be reconstructed as part of that CBE approval.

According to the revised drawing submitted, the construction of the wooden bulkhead will start on 20 Mile Course, approximately 50-feet north of the common property line with 19 Mile Course. It proceeds in a southerly direction for approximately 302 feet along the shoreline. The shoreline treatment then changes to coir log stabilization, due to a change in water depth and proceeds in an easterly direction for approximately 105 feet. The shoreline treatment changes back to a wooden bulkhead and continues to the common property line with 18 Mile Course, approximately 90 feet. There are 10 foot proposed return walls at the end of each bulkhead segment. The wooden bulkhead will be secured with two different methods, helical horizontal screw anchors or batter piles when mature trees would be damaged with the helical screw treatment.

The applicant is also proposing two planting units of vegetative mitigation (*including two swamp white oaks, two flowering dogwoods, two eastern redbuds, four spicebush and two winterberry*) to compensate for the additional impervious cover. This is double the mitigation required. It is also strongly suggested that the applicant plant the coir logs with a combination of wool grass (*Scirpus cyperinus*) and pickerel weed (*Pontederia cordata*).

#### **STAFF EVALUATION**

Staff has evaluated the application and exception request for the construction of a bulkhead and coir logs and finds that the application has met the conditions in Sections 23-11 and 23-14 and that the application should be heard by the Board because the bulkhead is an accessory structure in the RPA and RPA buffer. Therefore, this request must be considered by the Board following a public hearing under the formal exception process.

#### **WATER QUALITY IMPACT ASSESSMENT (WQIA)**

A WQIA was 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 which exceeds County 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-18-028 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 are moderate for the proposed development. Staff does recommend approval of this exception request. Should the Board should wish to approve this exception 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 \$1,500 is required in a form acceptable to the County Attorney's office to guarantee the mitigation plantings for 19 Mile Course and a surety of \$500 is required in a form acceptable to the County Attorney's office to guarantee the mitigation planting for 20 Mile Course; and
3. The owners or the contractor provide written permission from the Kingsmill Community Services Association to allow the barge access and stockpile/laydown area as proposed; and
4. All development activities located in the special flood hazard area shall comply with Article VI Division 3 Floodplain Area Regulations of the James City County Zoning Ordinance and receive all required approvals and permits prior to commencement of such activities; and
5. This exception request approval shall become null and void if construction has not begun by March 14, 2019.
6. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than six weeks prior to the expiration date.

MDW/nb  
CBE18-028MileC19-20

Attachments:

1. Resolution
2. Water Quality Impact Assessment Package, 19 Mile Course
3. Water Quality Impact Assessment Package, 20 Mile Course
4. Site Plan, revised February 2018

## RESOLUTION

CASE NO. CBE-18-028. 19 AND 20 MILE COURSE

### JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Susan Anton and Lawrence and Penny Pulley (the “Applicants”), have applied to the Chesapeake Bay Board of James City County (the “Board”) on March 14, 2018, to request an exception to use the Resource Protection Area (the “RPA”) on parcels of property identified as James City County Real Estate Tax Map Parcel Nos. 5040200019 and 5040200020 and further identified as 19 Mile Course and 20 Mile Course respectively in the Kingsmill subdivision (the “Property”) as set forth in the application CBE-18-028 for the purpose of constructing a wooden bulkhead and shoreline stabilization with coir logs; 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 \$1,500 is required in a form acceptable to the County Attorney’s office to guarantee the mitigation plantings for 19 Mile Course and a surety of \$500 is



required in a form acceptable to the County Attorney's office to guarantee the mitigation planting for 20 Mile Course; and

- c. The owners or the contractor provide written permission from the Kingsmill Community Services Association to allow the barge access and stockpile/laydown area as proposed; and
- d. All development activities located in the special flood hazard area shall comply with Article VI Division 3 Floodplain Area Regulations of the James City County Zoning Ordinance and receive all required approvals and permits prior to commencement of such activities; and
- e. This exception request approval shall become null and void if construction has not begun by March 14, 2019; and
- f. Written requests for an extension to an exception shall be submitted to the Stormwater 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 March, 2018.

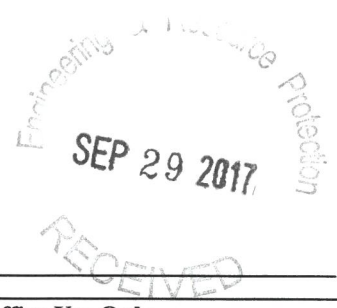
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_ IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF JAMES CITY.

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

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



# Chesapeake Bay Preservation Ordinance Sensitive Area Activity Application



For Office Use Only  
CB Number CBE-18-028

### 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: 9/25/2017

Name: SUSAN ANTON  
 Address: 19 MILE COURSE WILLIAMSBURG, VA 23185  
 Phone: 757.719.9962 Fax: \_\_\_\_\_ Email: aa@legacyportfolio.co.uk

### Contact (if different from above):

Name: Dean Van Arsdale Phone: 804.516.9860  
 Email: dvanarsdale@rvaconstruction.com

### Project Information:

Project Address: 19 MILE COURSE WILLIAMSBURG, VA 23185  
 Subdivision Name, Lot, and Section No.: KINGSMILL LOT 19 MILE COURSE  
 Parcel Identification No. or Tax Map No.: 5040200019  
 Date Lot was platted: MAY 16, 1974 Line or Bldg Permit No.: \_\_\_\_\_

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

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Steep Slopes $\geq$ 25 percent <u>1320</u> (SF) | <input type="checkbox"/> RPA - Landward 50' _____ (SF)                        |
| <input type="checkbox"/> Conservation Easement _____ (SF)                           | <input checked="" type="checkbox"/> RPA - Seaward 50' <u>1320</u> (SF)        |
| <input checked="" type="checkbox"/> Trees to be Removed <u>1</u> (#)                | <input checked="" type="checkbox"/> Proposed Impervious Cover <u>409</u> (SF) |

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

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> New principal structure construction   | <input type="checkbox"/> Building addition to principal structure | <input type="checkbox"/> Attached Deck     |
| <input type="checkbox"/> Permitted buffer modifications:  | <input type="checkbox"/> Dead/diseased/dying tree removal         | <input type="checkbox"/> Sightline         |
|   | <input type="checkbox"/> Invasive/noxious weed removal            | <input type="checkbox"/> Access path/trail |
| <input type="checkbox"/> Accessory (Detached) Structure or Patio  | <input type="checkbox"/> Redevelopment: _____                     |  |
| <input checked="" type="checkbox"/> Other: <u>Bulkhead with backfill positioned landward and adjacent to waters' edge</u> |   |  |

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

<p><b>For Office Use Only</b></p> <p>CB Number _____</p>
--

**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 proposed bulkhead is needed to control erosion along the toe of slope at the water's edge. Said bulkhead will follow shoreline 399' plus a 10' landward return at eastern property line and extend vertically a maximum of 2' above pool elevation.

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) Submitted JPA may result in USACE permit verification

**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 proposed bulkhead will reduce eroded sediments from entering the lake. Its purpose and function fix location at the waters' edge.

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 above ground items of the bulkhead are sheetpiles, wales, and capboard. These elements that contribute to impervious cover are the basic structural elements and are necessary to complete the structure.

**5. Proposed mitigation measures:**

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

**Mitigation Rates Table**

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

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

<p><b>For Office Use Only</b></p> <p>CB Number _____</p>
--

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

- Number of native canopy trees 2
- Number of native understory trees 4
- Number of native shrubs 6
- Square feet of native ground cover 1320 for backfill area of typical 2' width & ancho
- Square feet of mulch \_\_\_\_\_

B. Best Management Practices (BMPs)

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

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

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

Property owner signature [Signature] Date 9/25/2017

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

Authorized Signature

<p>For Office Use Only</p>	<p><b>Surety Amount:</b> _____</p> <p><b>Date/Rec No.:</b> _____</p> <p><b>Fee Paid?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Amount:</b> <u>125</u></p> <p><b>Date/Rec No.:</b> <u>9/29/17 # 3234</u></p>
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# Chesapeake Bay Preservation Ordinance Sensitive Area Activity Application



For Office Use Only  
CB Number CBE-18-028

**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: 9/25/2017

Name: LAWRENCE S & PENNY P PULLEY  
 Address: 20 MILE COURSE WILLIAMSBURG, VA 23185  
 Phone: 757.532.0190 Fax: \_\_\_\_\_ Email: pennypal@cox.net

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

Name: Dean Van Arsdale Phone: 804.516.9860  
 Email: dvanarsdale@rvaconstruction.com

**Project Information:**

Project Address: 20 MILE COURSE WILLIAMSBURG, VA 23185  
 Subdivision Name, Lot, and Section No.: KINGSMILL LOT 19 MILE COURSE  
 Parcel Identification No. or Tax Map No.: 5040200020  
 Date Lot was platted: MAY 16, 1974 Line or Bldg Permit No.: \_\_\_\_\_

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

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Steep Slopes $\geq$ 25 percent <u>160</u> (SF) | <input type="checkbox"/> RPA - Landward 50' _____ (SF)                       |
| <input type="checkbox"/> Conservation Easement _____ (SF)                          | <input checked="" type="checkbox"/> RPA - Seaward 50' <u>160</u> (SF)        |
| <input type="checkbox"/> Trees to be Removed _____ (#)                             | <input checked="" type="checkbox"/> Proposed Impervious Cover <u>60</u> (SF) |

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

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> New principal structure construction   | <input type="checkbox"/> Building addition to principal structure | <input type="checkbox"/> Attached Deck     |
| <input type="checkbox"/> Permitted buffer modifications:  | <input type="checkbox"/> Dead/diseased/dying tree removal         | <input type="checkbox"/> Sightline         |
| <input type="checkbox"/> Accessory (Detached) Structure or Patio  | <input type="checkbox"/> Invasive/noxious weed removal            | <input type="checkbox"/> Access path/trail |
| <input checked="" type="checkbox"/> Other: <u>Bulkhead with backfill positioned landward and adjacent to waters' edge</u> | <input type="checkbox"/> Redevelopment: _____                     |  |

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

For Office Use Only 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)*

The proposed bulkhead is needed to control erosion along the toe of slope at the water's edge. Said bulkhead will follow shoreline 50' plus a 10' landward return at northern end and extend vertically a maximum of 2' above pool elevation.

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) Submitted JPA may result in USACE permit verification

**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 proposed bulkhead will reduce eroded sediments from entering the lake. Its purpose and function fix location at the waters' edge.

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 above ground items of the bulkhead are sheetpiles, wales, and capboard. These elements that contribute to impervious cover are the basic structural elements and are necessary to complete the structure.

**5. Proposed mitigation measures:**

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

**Mitigation Rates Table**

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

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

<p><b>For Office Use Only</b></p> <p>CB Number _____</p>
--

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

- Number of native canopy trees \_\_\_\_\_
- Number of native understory trees 1
- Number of native shrubs 3
- Square feet of native ground cover 160 for backfill area of typical 2' width & anchor installations
- Square feet of mulch \_\_\_\_\_

B. Best Management Practices (BMPs)

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

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

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

Property owner signature *[Signature]* Date 25 Sept 2017

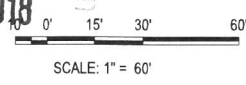
Program Administrator \_\_\_\_\_ Date \_\_\_\_\_

Authorized Signature

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

# SITE PLAN OF PROPOSED BULKHEAD / COIR LOG PROJECT

FEB 12 2018



**BULKHEAD TIEDOWN**  
VA SPC 83 [USFT]

	EASTING	NORTHING	NEXT PT Δ
RTN			10.0
A1.	12015619.61	3615764.80	50.0 LOT 20
A.	12015602.93	3615718.47	30.8 LOT 19
B.	12015587.67	3615692.07	58.6
C.	12015561.50	3615639.07	8.5
D.	12015558.92	3615631.26	7.7
E.	12015557.50	3615623.41	7.7
F.	12015557.70	3615615.94	4.6
G.	12015560.11	3615611.76	5.4
H.	12015563.50	3615607.95	10.8
I.	12015573.89	3615604.58	57.0
J.	12015631.10	3615612.75	22.4
K.	12015652.19	3615606.80	18.5
L.	12015669.15	3615599.32	10.0
RTN			10.0
O.	12015754.62	3615537.64	10.0
P.	12015763.22	3615532.53	18.5
Q.	12015779.67	3615524.43	15.4
R.	12015794.77	3615520.92	27.8
S.	12015822.15	3615525.25	10.0
RTN			10.0
<b>TOTAL</b>			<b>393.7</b>

**SEQUENCE & TIME LINE OF CONSTRUCTION**

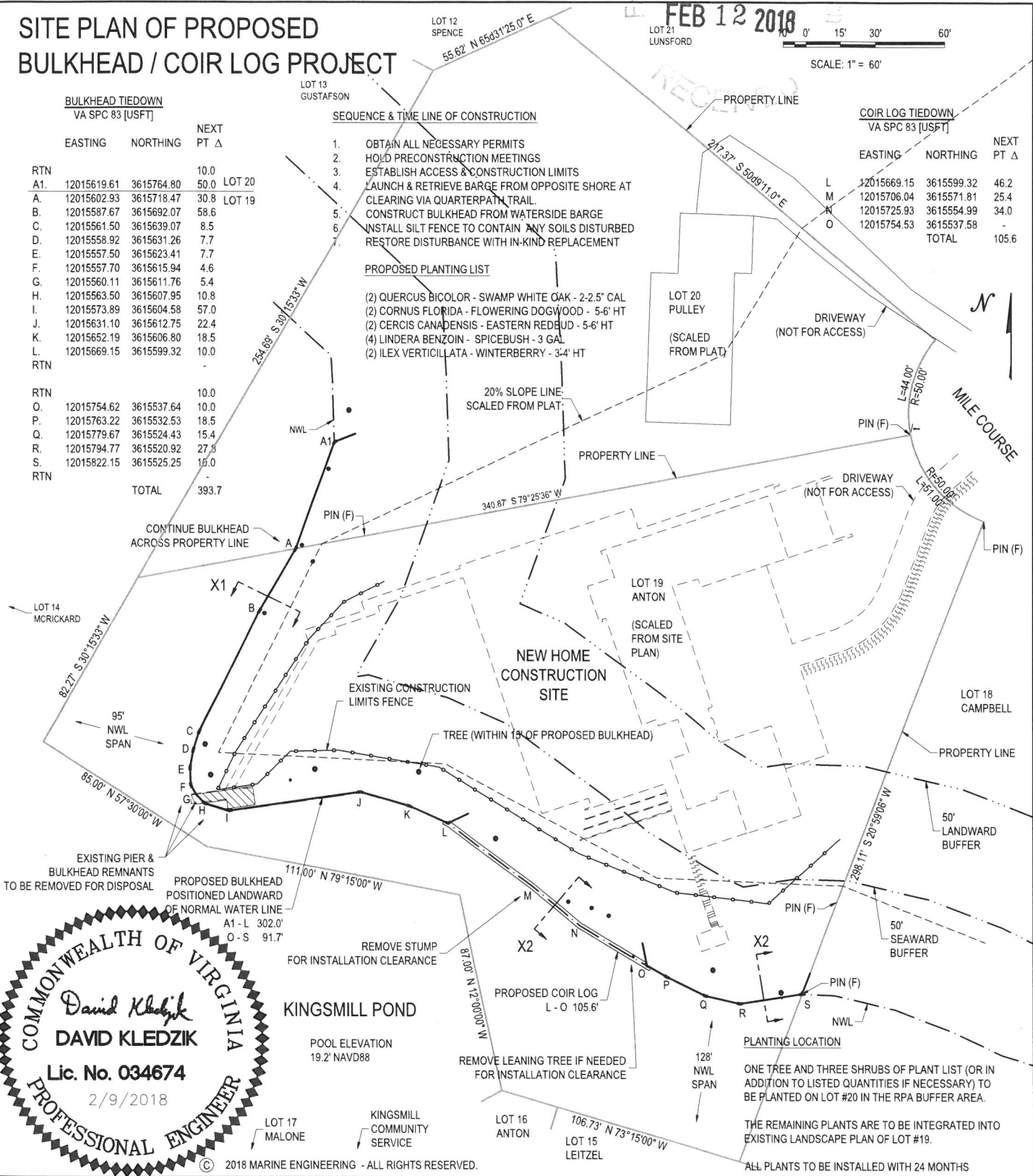
1. OBTAIN ALL NECESSARY PERMITS
2. HOLD PRECONSTRUCTION MEETINGS
3. ESTABLISH ACCESS & CONSTRUCTION LIMITS
4. LAUNCH & RETRIEVE BARGE FROM OPPOSITE SHORE AT CLEARING VIA QUARTERPATH TRAIL.
5. CONSTRUCT BULKHEAD FROM WATERSIDE BARGE
6. INSTALL SILT FENCE TO CONTAIN ANY SOILS DISTURBED
7. RESTORE DISTURBANCE WITH IN-KIND REPLACEMENT

**PROPOSED PLANTING LIST**

- (2) QUERCUS BICOLOR - SWAMP WHITE OAK - 2-2.5' CAL
- (2) CORNUS FLORIDA - FLOWERING DOGWOOD - 5-6' HT
- (2) CERCIS CANADENSIS - EASTERN REDBUD - 5-6' HT
- (4) LINDERA BENZOIN - SPICEBUSH - 3 GAL
- (2) ILEX VERTICILLATA - WINTERBERRY - 3-4' HT

**COIR LOG TIEDOWN**  
VA SPC 83 [USFT]

	EASTING	NORTHING	NEXT PT Δ
L	12015669.15	3615599.32	46.2
M	12015706.04	3615571.81	25.4
O	12015725.93	3615554.99	34.0
<b>TOTAL</b>			<b>105.6</b>



COMMONWEALTH OF VIRGINIA  
*David Kledzik*  
**DAVID KLEDZIK**  
 Lic. No. 034674  
 2/9/2018  
 PROFESSIONAL ENGINEER

**KINGSMILL POND**  
 POOL ELEVATION  
 19.2' NAVD88

PLANTING LOCATION  
 ONE TREE AND THREE SHRUBS OF PLANT LIST (OR IN ADDITION TO LISTED QUANTITIES IF NECESSARY) TO BE PLANTED ON LOT #20 IN THE RPA BUFFER AREA.  
 THE REMAINING PLANTS ARE TO BE INTEGRATED INTO EXISTING LANDSCAPE PLAN OF LOT #19.  
 ALL PLANTS TO BE INSTALLED WITH 24 MONTHS

APPLICANT: RVA CONSTRUCTION, INC  
 C/O DEAN VAN ARSDALE  
 8001 FRANKLIN FARMS DR STE 138  
 RICHMOND, VA 23229

ADJACENT PROPERTY OWNERS  
 SHOWN ON SHEET 1

**MARINE ENGINEERING**  
 4212 DOUGHERTY CT  
 VIRGINIA BEACH, VA 23455  
 PH: (757) 477-4787

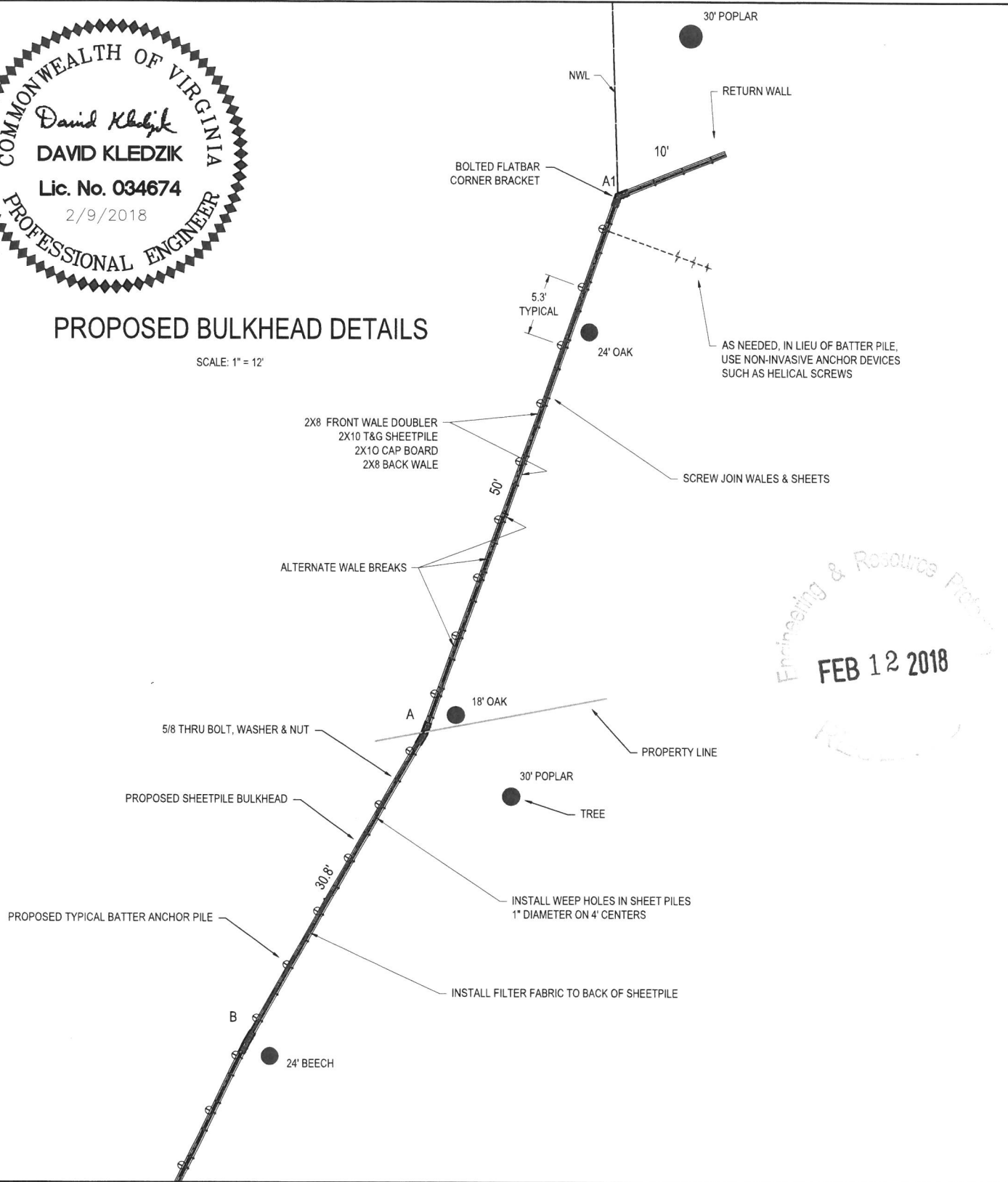
PROPOSED PROJECT FOR EROSION CONTROL  
 DATUM: NWL = 0.00'  
 SHEET 1 OF 9  
 DATE: JANUARY 12, 2017  
 REVISION 2: FEBRUARY 9, 2018





# PROPOSED BULKHEAD DETAILS

SCALE: 1" = 12'



Engineering & Resources  
**FEB 12 2018**

APPLICANT:  
 RVA CONSTRUCTION, INC  
 C/O DEAN VAN ARSDALE  
 8001 FRANKLIN FARMS DR STE 138  
 RICHMOND, VA 23229

**MARINE ENGINEERING**  
 4212 DOUGHERTY CT  
 VIRGINIA BEACH, VA 23455  
 PH: (757) 477-4787

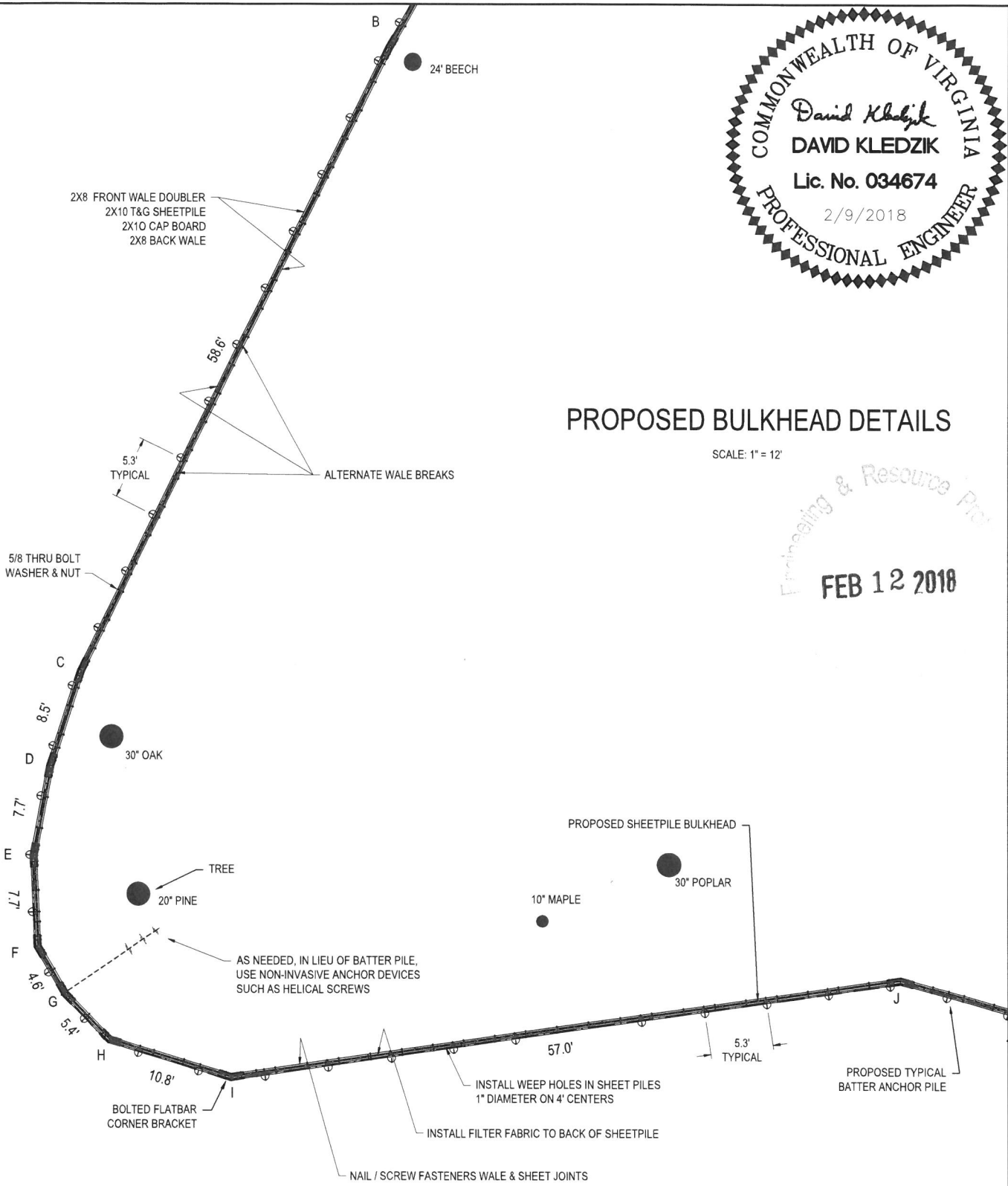
PROPOSED PROJECT FOR EROSION CONTROL  
 DATUM: NWL = 0.00'  
 SHEET 2 OF 9  
 DATE: JANUARY 12, 2017  
 REVISION 2: FEBRUARY 9, 2018



# PROPOSED BULKHEAD DETAILS

SCALE: 1" = 12'

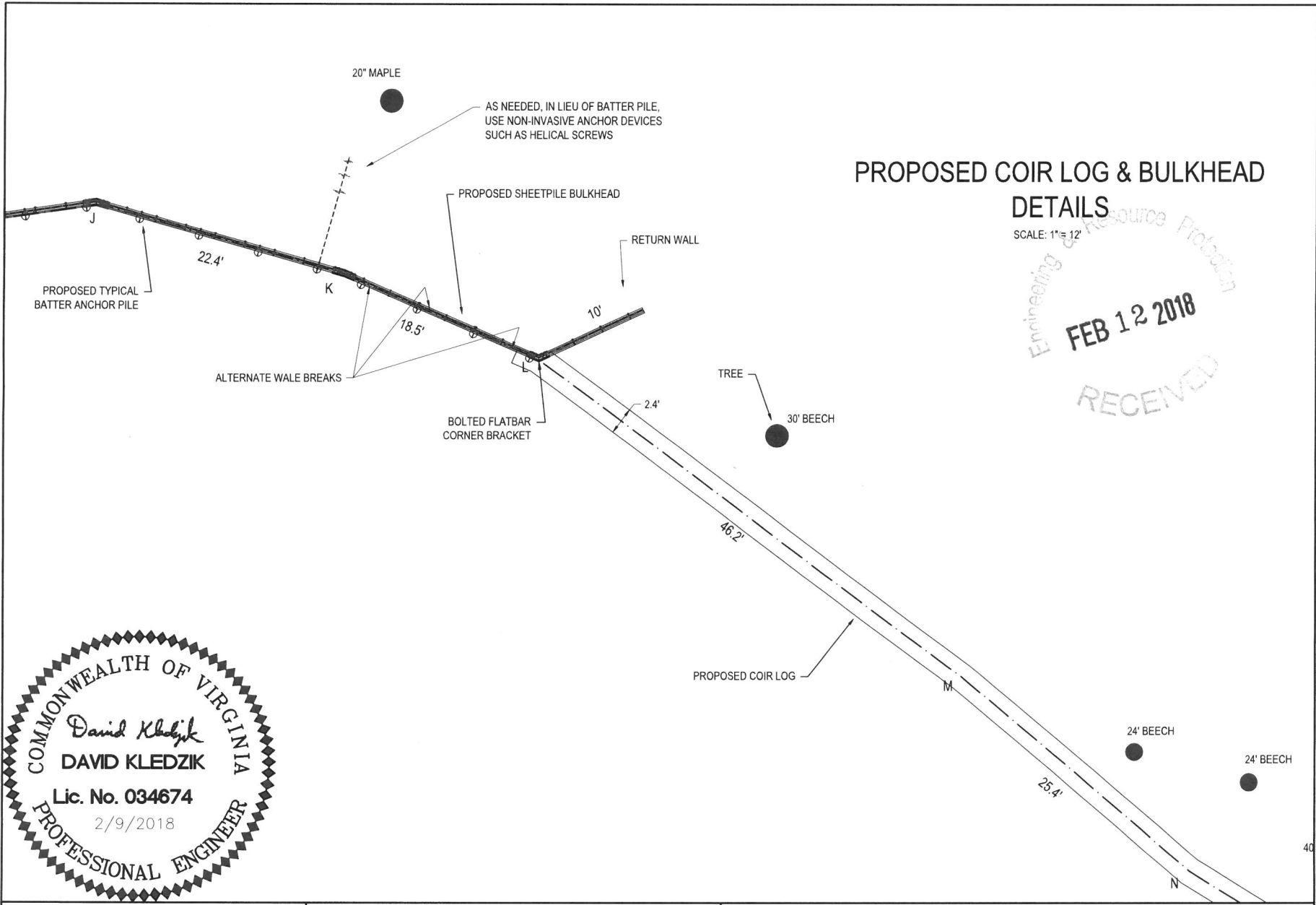
Engineering & Resource Firm  
**FEB 12 2018**



APPLICANT:  
 RVA CONSTRUCTION, INC  
 C/O DEAN VAN ARSDALE  
 8001 FRANKLIN FARMS DR STE 138  
 RICHMOND, VA 23229

**MARINE ENGINEERING**  
 4212 DOUGHERTY CT  
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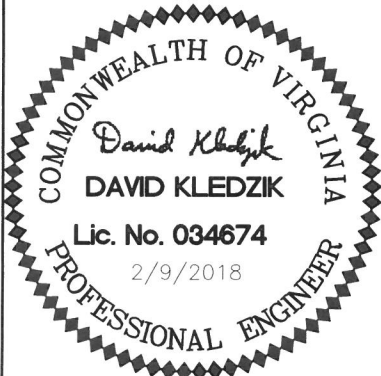
PROPOSED PROJECT FOR EROSION CONTROL  
 DATUM: NWL = 0.00'  
 SHEET 3 OF 9  
 DATE: JANUARY 12, 2017  
 REVISION 2: FEBRUARY 9, 2018



**PROPOSED COIR LOG & BULKHEAD  
DETAILS**

SCALE: 1" = 12'

Engineering & Resource Protection  
**FEB 12 2018**  
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APPLICANT:  
 RVA CONSTRUCTION, INC  
 C/O DEAN VAN ARSDALE  
 8001 FRANKLIN FARMS DR STE 138  
 RICHMOND, VA 23229

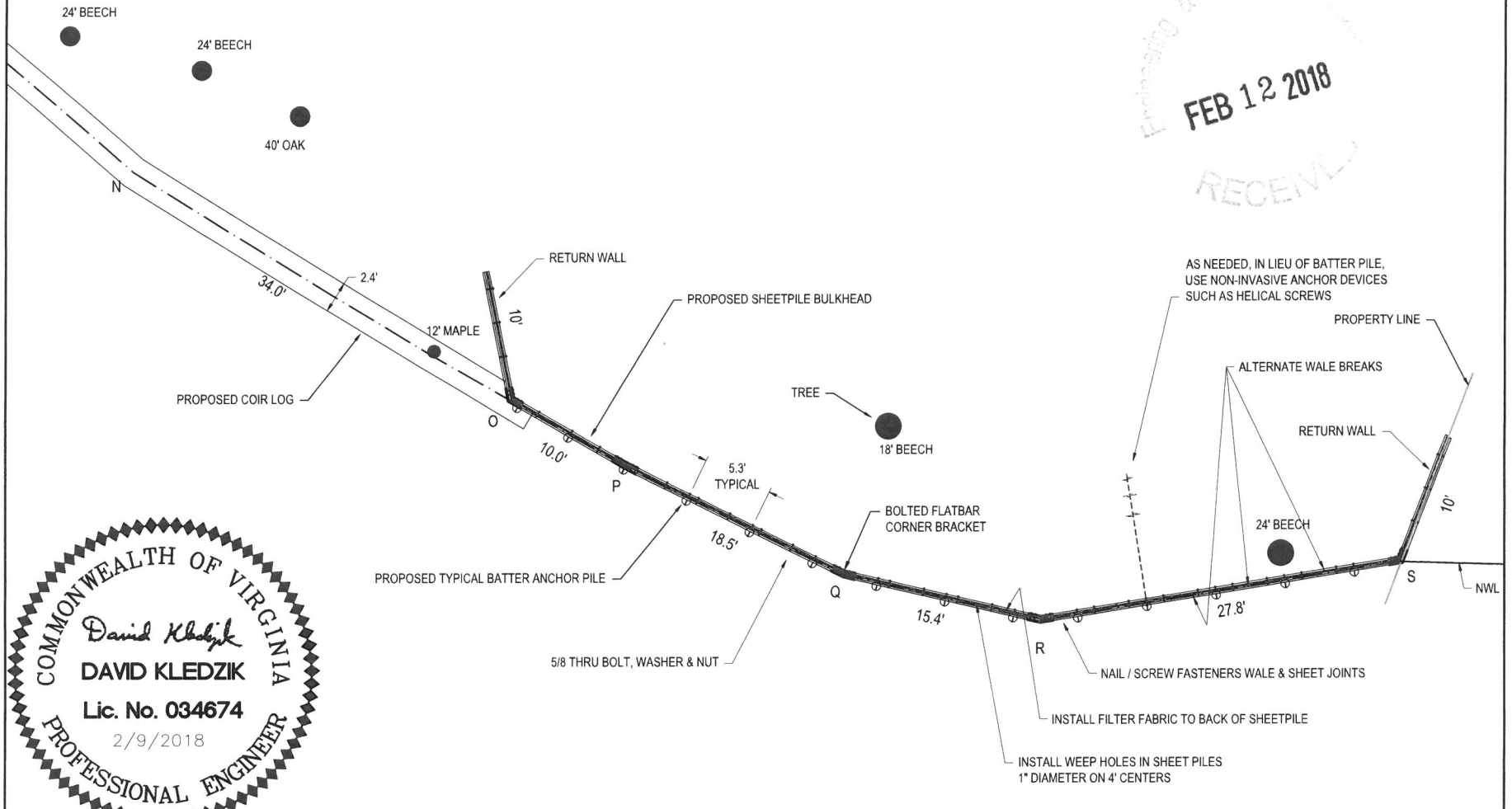
**MARINE ENGINEERING**  
 4212 DOUGHERTY CT  
 VIRGINIA BEACH, VA 23455  
 PH: (757) 477-4787

PROPOSED PROJECT FOR EROSION CONTROL  
 DATUM: NWL = 0.00'  
 SHEET 4 OF 9  
 DATE: JANUARY 12, 2017  
 REVISION 2: FEBRUARY 9, 2018

# PROPOSED COIR LOG & BULKHEAD DETAILS

SCALE: 1" = 12'

Engineering & Construction  
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FEB 12 2018



APPLICANT:  
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C/O DEAN VAN ARSDALE  
8001 FRANKLIN FARMS DR STE 138  
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PROPOSED PROJECT FOR EROSION CONTROL  
DATUM: NWL = 0.00'  
SHEET 5 OF 9  
DATE: JANUARY 12, 2017  
REVISION 2: FEBRUARY 9, 2018

Engineering & Resource Planning  
**FEB 12 2018**

# SECTION X1 - X1 PROPOSED BULKHEAD DETAILS

SCALE: 1" = 5'

**BULKHEAD CONSTRUCTION MATERIALS:**

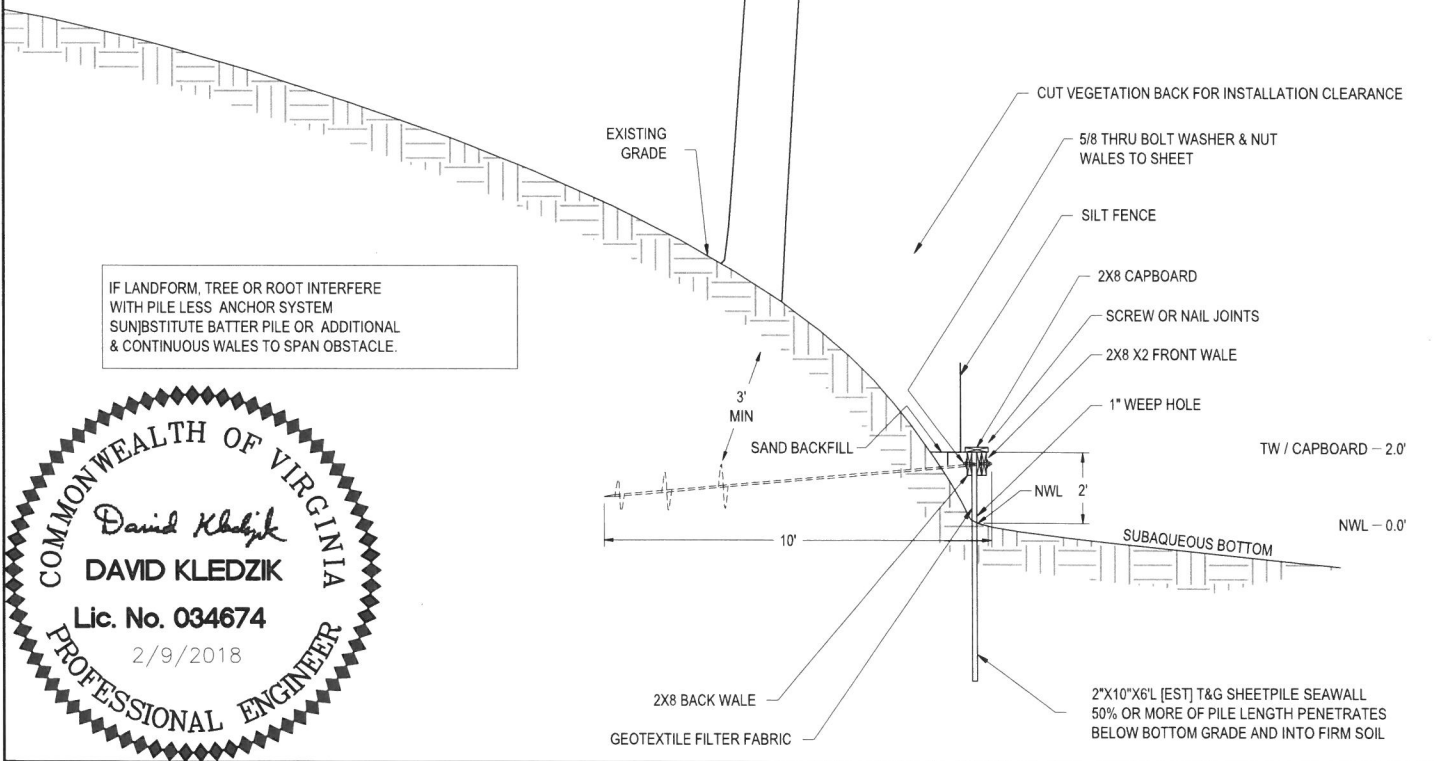
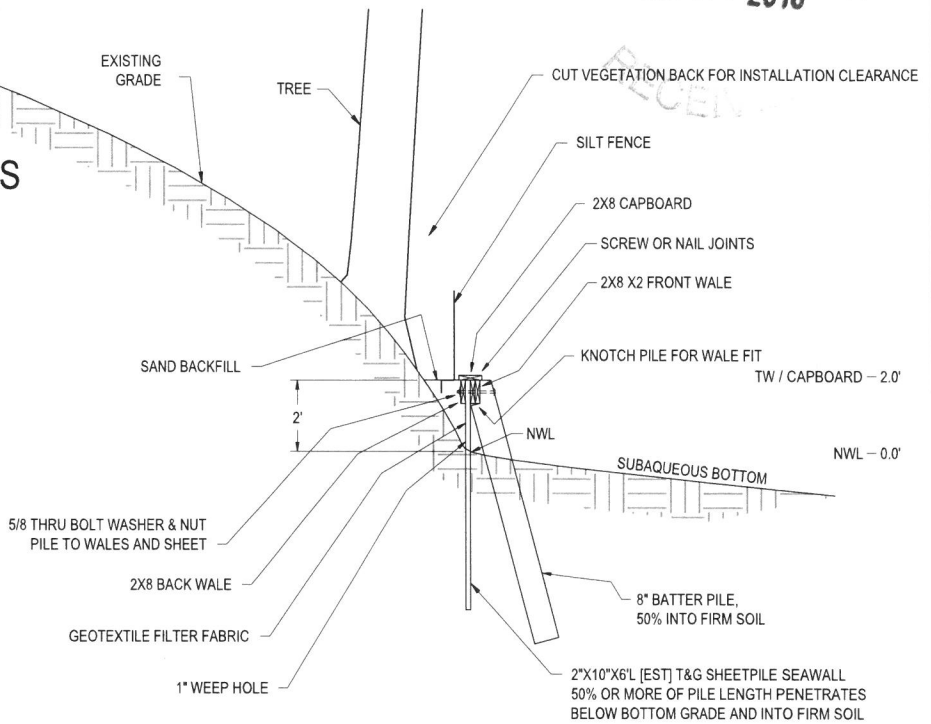
MARINE CONSTRUCTION GRADE HARDWARE  
 HOT DIPPED GALVANIZED PER ASTM 153

PILELESS EARTH ANCHORS  
 (HELICAL SCREW OR MANTA RAY TYPE)  
 5/8" THRU BOLT, NUT & WASHER  
 #10X3" SCREW  
 16d NAILS

MARINE CONSTRUCTION GRADE SOUTHERN PINE  
 TIMBER TREATED IAW AWPFA FOR UC5B USE

8" BUTT DIAMETER PILE  
 2" X 10" T&G SEA WALL SHEET PILE  
 2" X 8" WALES  
 2" X 8" CAPBOARD  
 8" BUTT DIAMETER BATTER PILE

CONSTRUCTION FROM WATERSIDE BARGE



IF LANDFORM, TREE OR ROOT INTERFERE WITH PILE LESS ANCHOR SYSTEM SUBJSTITUTE BATTER PILE OR ADDITIONAL & CONTINUOUS WALES TO SPAN OBSTACLE.



APPLICANT:  
 RVA CONSTRUCTION, INC  
 C/O DEAN VAN ARSDALE  
 8001 FRANKLIN FARMS DR STE 138  
 RICHMOND, VA 23229

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 VIRGINIA BEACH, VA 23455  
 PH: (757) 477-4787

PROPOSED PROJECT FOR EROSION CONTROL  
 DATUM: NWL = 0.00'  
 SHEET 6 OF 9  
 DATE: JANUARY 12, 2017  
 REVISION 2: FEBRUARY 9, 2018

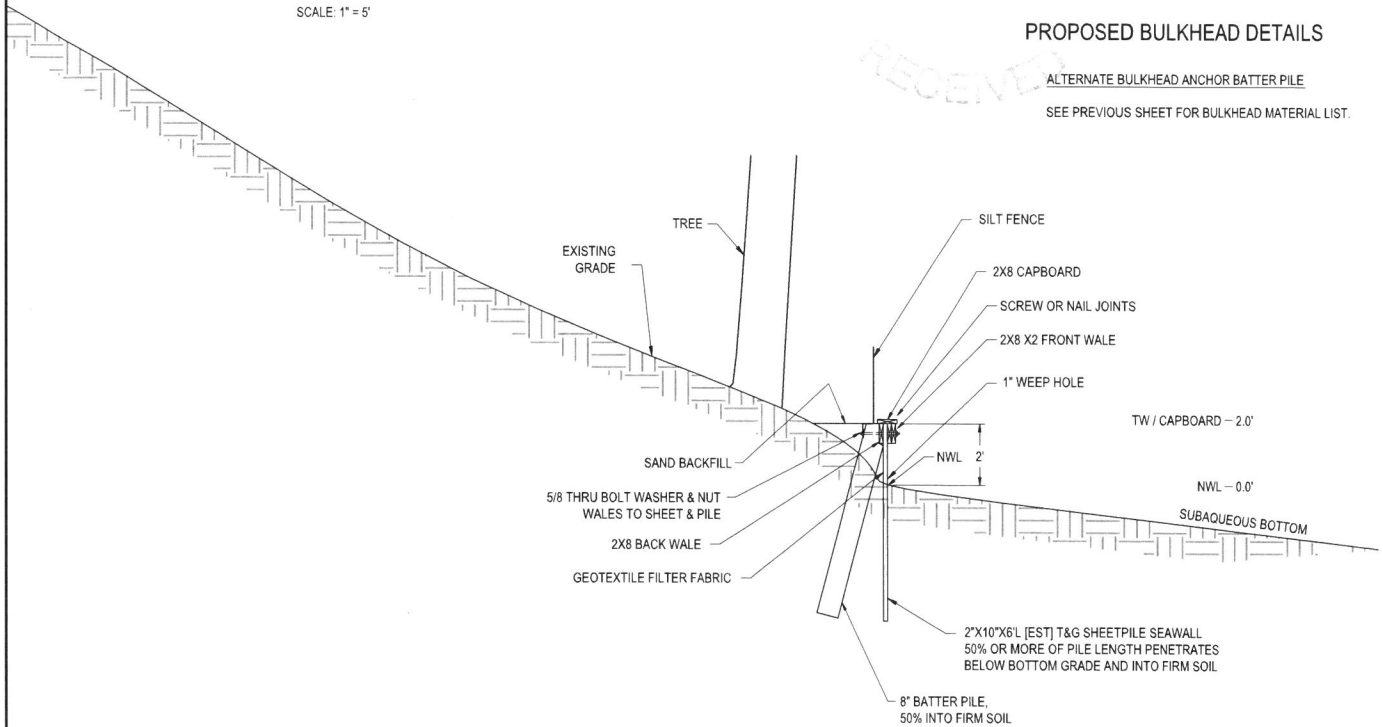
SECTION X2 - X2

SCALE: 1" = 5'

FEB 12 2018

PROPOSED BULKHEAD DETAILS

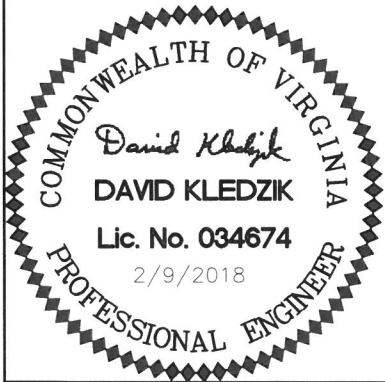
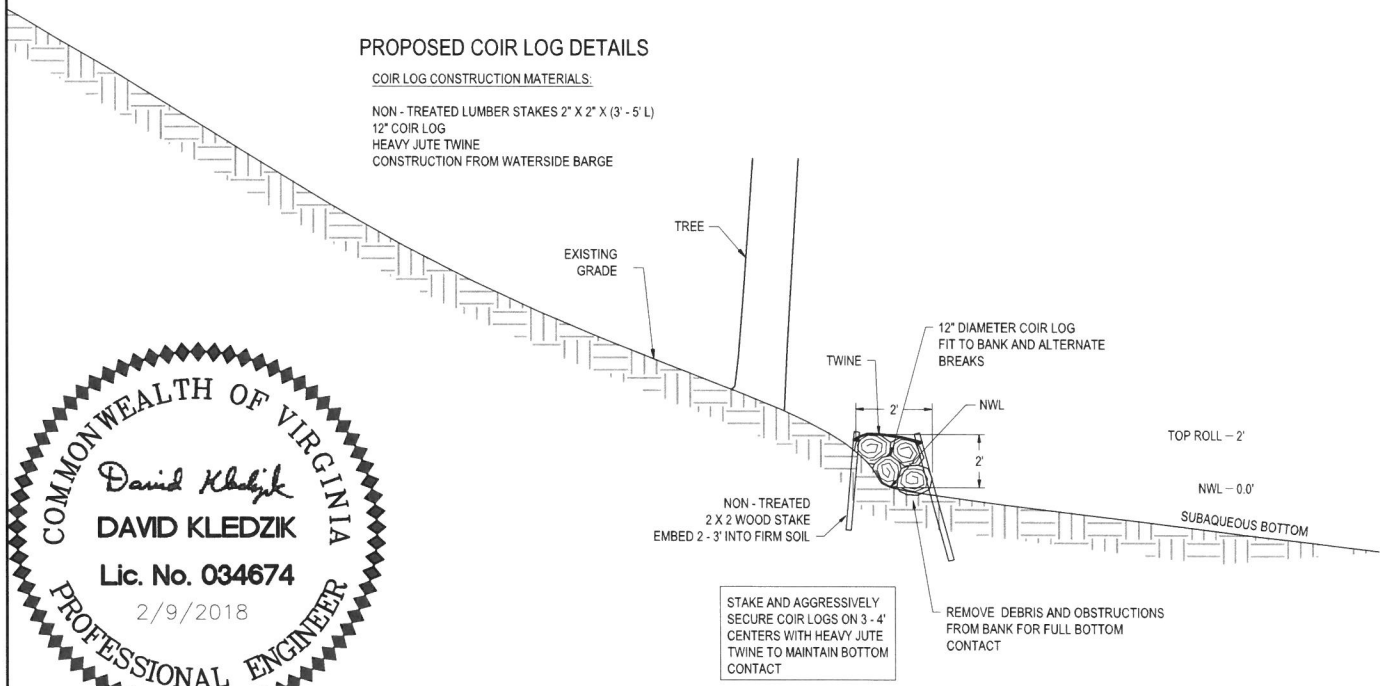
ALTERNATE BULKHEAD ANCHOR BATTER PILE  
SEE PREVIOUS SHEET FOR BULKHEAD MATERIAL LIST.



PROPOSED COIR LOG DETAILS

COIR LOG CONSTRUCTION MATERIALS:

NON - TREATED LUMBER STAKES 2" X 2" X (3' - 5' L)  
12" COIR LOG  
HEAVY JUTE TWINE  
CONSTRUCTION FROM WATERSIDE BARGE



APPLICANT:  
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RICHMOND, VA 23229

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4212 DOUGHERTY CT  
VIRGINIA BEACH, VA 23455  
PH: (757) 477-4787

PROPOSED PROJECT FOR EROSION CONTROL

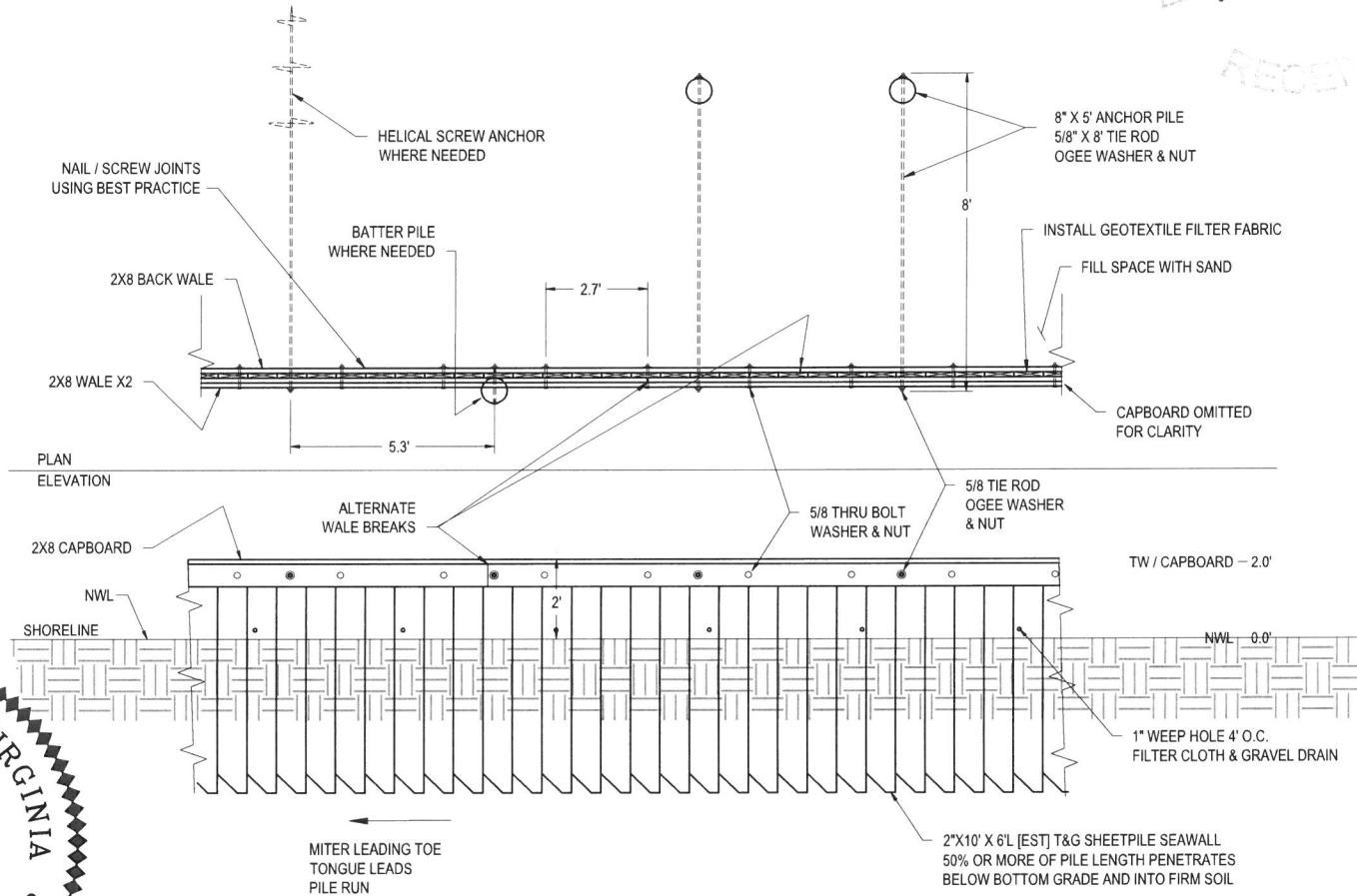
DATUM: NWL = 0.00'

SHEET 7 OF 9  
DATE: JANUARY 12, 2017  
REVISION 2: FEBRUARY 9, 2018

# PLAN/ELEVATION PROPOSED BULKHEAD DETAILS

SCALE: 1" = 5'

MARINE ENGINEERING & CONSTRUCTION  
**FEB 12 2018**  
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APPLICANT:  
RVA CONSTRUCTION, INC  
C/O DEAN VAN ARSDALE  
8001 FRANKLIN FARMS DR STE 138  
RICHMOND, VA 23229

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4212 DOUGHERTY CT  
VIRGINIA BEACH, VA 23455  
PH: (757) 477-4787

PROPOSED PROJECT FOR EROSION CONTROL

DATUM: NWL = 0.00'

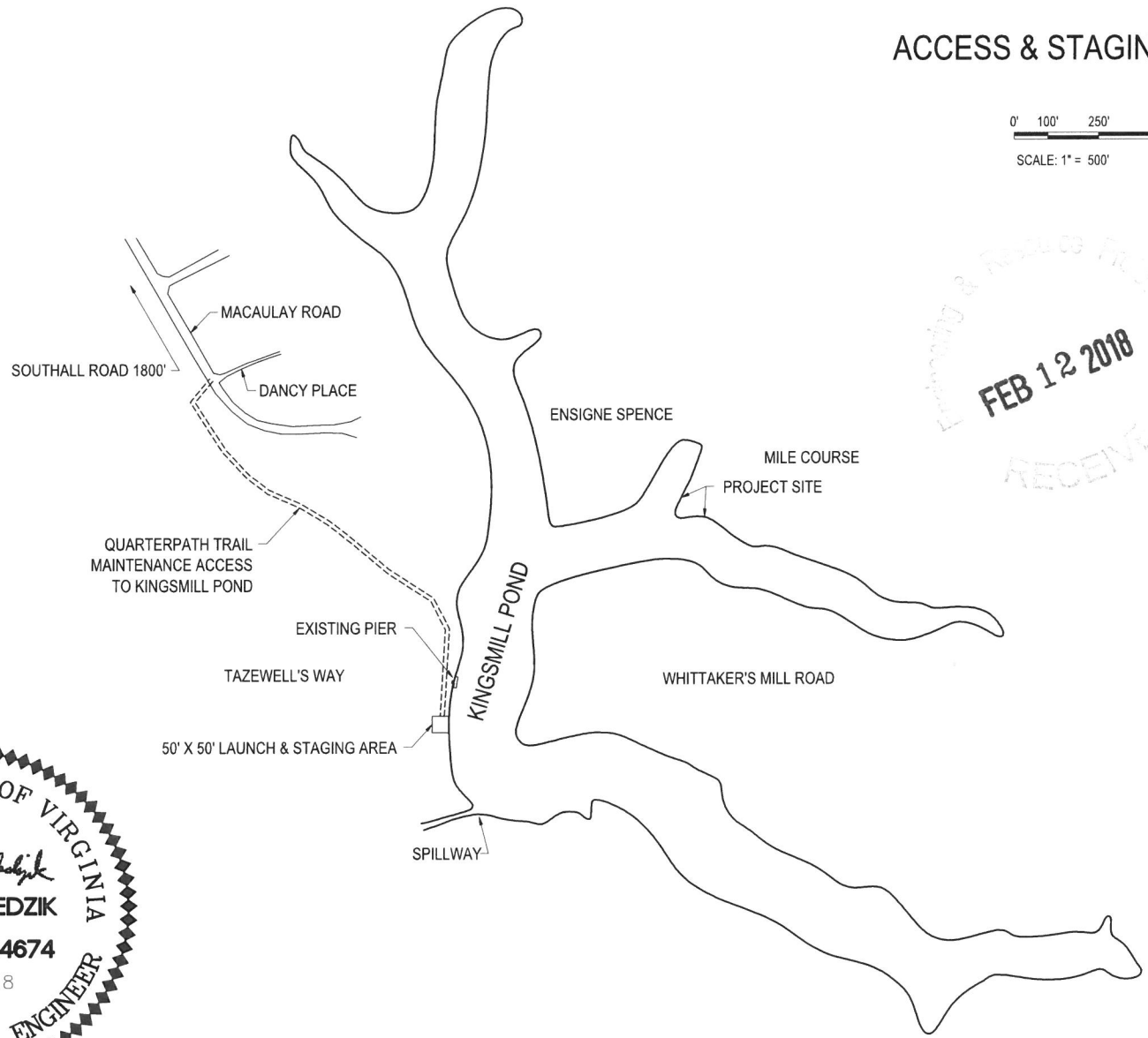
SHEET 8 OF 9  
DATE: JANUARY 12, 2017  
REVISION 2: FEBRUARY 9, 2018

# ACCESS & STAGING AREA MAP

0' 100' 250' 500'  
SCALE: 1" = 500'



*Library & Records Management*  
**FEB 12 2018**  
*RECEIVED*



COMMONWEALTH OF VIRGINIA  
*David Kledzik*  
**DAVID KLEDZIK**  
Lic. No. 034674  
2/9/2018  
PROFESSIONAL ENGINEER

APPLICANT:  
RVA CONSTRUCTION, INC  
C/O DEAN VAN ARSDALE  
8001 FRANKLIN FARMS DR STE 138  
RICHMOND, VA 23229

**MARINE ENGINEERING**  
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PH: (757) 477-4787

PROPOSED PROJECT FOR EROSION CONTROL  
DATUM: NWL = 0.00'  
SHEET 9 OF 9  
DATE: JANUARY 12, 2017  
REVISION 2: FEBRUARY 9, 2018





## **PUBLIC HEARING NOTICE**

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA WILL HOLD PUBLIC HEARINGS **WEDNESDAY DECEMBER 13, 2017 AT 5 P.M.** IN THE BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE WETLANDS BOARD WILL CONSIDER THE FOLLOWING CASE:

W-11-18/VMRC 17-1754: Water's Edge Construction, on behalf of Mr. Brian Clare, has applied for a wetlands permit for beach nourishment at 2521 Manion Drive in the Drummonds Field subdivision, JCC Parcel No 4630200004.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBE-18-024: Walkwright Construction has filed an exception request for encroachment into the RPA buffer for construction of a single family dwelling and deck at 116 Nottinghamshire in the Fords Colony subdivision, JCC Parcel No 3233100034.

CBE-18-028: RVA Construction, on behalf of Ms. Susan Anton and Mr. and Mrs. Lawrence and Penny Pulley, has filed an exception request for encroachment into the RPA buffer for construction of a retaining wall/bulkhead at 19 and 20 Mile Course in the Kingsmill subdivision, JCC Parcel No 5040200019 and JCC Parcel No 5040200020.

CBE-18-030: Water's Edge Construction, on behalf of Mr. Brian Clare, has filed an exception request for encroachment into the RPA buffer for construction of a retaining wall, bank grading and stairway access at 2521 Manion Drive in the Drummonds Field subdivision, JCC Parcel No 4630200004.

CBE-18-032: Olsen Fine Homebuilding, on behalf of Mr. and Mrs. Stephen and Gaye Moth, has filed an exception request for encroachment into the RPA buffer for construction of a deck and step access to the water at 38 Ensigne Spence in the Kingsmill subdivision, JCC Parcel No 5021100015.

CBE-18-038: Hertzler and George, on behalf of Mr. and Mrs. Curtis and Stacy Carl, has filed an exception request for encroachment into the RPA buffer for construction of a patio, walkway and retaining wall at 153 John Pott Drive in the Fords Colony subdivision, JCC Parcel No 31402F0022.

CBE-18-039: Williams Landscape Design, on behalf of Mr. and Mrs. Tom and Sheida White,

has filed an exception request for encroachment into the RPA buffer for construction of retaining walls and patios at 109 Mahogany Run in the Fords Colony subdivision, JCC Parcel No 3131000010.

CBE-18-040: Walkwright Construction, on behalf of Mr. John Haywood, has filed an exception request for encroachment into the RPA buffer for construction of a single family dwelling, deck, spa and pool at 112 Constance Avenue in the Powhatan Shores subdivision, JCC Parcel No 4730500025.

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 Stormwater and Resource Protection Division, 101 Mounts Bay Road, Building E, James City County, Virginia.

### **NOT FOR PUBLICATION**

DISPLAY: WEDNESDAY – November 29 and December 6, 2017.

ACCOUNT NO.: 0011040200 - VIRGINIA GAZETTE

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



General Services  
Stormwater and Resource  
Protection Division  
101-E Mounts Bay Road  
Williamsburg, VA 23185

Resource.Protection@jamescitycountyva.gov

November 22, 2017

RE: 19 and 20 Mile Course  
CBE-18-028  
Bulkhead

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 Ms. Susan Anton and Mr. and Mrs. Lawrence and Penny Pulley for encroachment into the Resource Protection Area (RPA) buffer associated with installation of a bulkhead. The project are located at 19 and 20 Mile Course in the Kingsmill subdivision. The properties are further identified by James City County Real Estate as Parcel Nos 5040200019 and 5040200020.

A complete description, plan, and other information are on file in the Stormwater 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, December 13, 2017 at 5:00 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,

*Janice Petty*

Janice Petty  
Stormwater Assistant

cc: Anton, Susan  
Pulley, Lawrence and Penny  
RVA Construction

Mailing List for: CBE-18-028 – 19 & 20 Mile Course – Anton –Pulley-Van Arsdale- Bulkhead & backfill

Owner: 5040200019

Anton, Susan  
19 Mile Course  
Williamsburg, VA 23185-5525

RVA Construction  
Attn: Mr. Dean VanArsdale  
515 Hull Street  
Richmond, VA 23224-4137

Owner: 5040200020

Pulley, Lawrence B & Penny S  
20 Mile Course  
Williamsburg, VA 23185-5525

5040200018

Campbell, Wesley L  
18 Mile Course  
Williamsburg, VA 23185-5525

5021100014

McRickard, Francis J, Jr. Trustee & Kathleen P, Trustee  
36 Ensigne Spence  
Williamsburg, VA 23185-5561

5040300015

Leitzel, Robert L & Karen R  
15 Whittakers Mill  
Williamsburg, VA 23185-5534

5040300016 – 16 Whittakers Mill

Susan Anton  
18 Yeardleys Grant  
Williamsburg, VA 23185-6529

504030006A – .17 A, LPZ A6 S-1 Whitakers Mill

Kingsmill Community Service Association c/o Harry Knight  
100 Kingsmill Road  
Williamsburg, VA 23185-5579

5040300017 – 17 Whittakers Mill

Malone, Linda A  
17 Whittakers Mill Road  
Williamsburg, VA 23185-5534

5010100010 –Kingsmill Pond

Kingsmill Community Service Association  
P.O. Box 348  
Williamsburg, VA 23187-0348

5021200021

Lunsford, Andra & Jeff

21 Mile Course

Williamsburg, VA 23185-5525

5021100012

Stanley, David I & Catherine

32 Ensigne Spence

Williamsburg, VA 23185-5561

5021100013

Gustafson, Paul F & Sharon L

34 Ensigne Spence

Williamsburg, VA 23185-5561

## Michael Woolson

---

**From:** AA Legacy <aa@legacyportfolio.co.uk>  
**Sent:** Monday, January 08, 2018 4:53 PM  
**To:** Michael Woolson  
**Cc:** Mark Fallin; Dean Van Arsdale; Justin Bultman; Susan Anton; Penny Pulley  
**Subject:** Re: 19 Mile Course - Proposed Meeting for 1/8/18

Dear Mike

Thank you for the meeting today and your positive suggestions. We will work up a new scheme which will incorporate the coir logs as you have suggested. In order to give all parties sufficient time to prepare and submit a revised proposal, please may we withdraw the application on 14th February and submit it on March 10th instead.

Best regards

Alexander

**ITEM SUMMARY**

DATE: 3/14/2018  
TO: Chesapeake Bay Board  
FROM: Michael Woolson, Senior Watershed Planner  
SUBJECT: CBE-18-064 : 136 John Wickham

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Scott and Janet Kruger have filed an exception request for encroachment into the RPA buffer for the reconstruction of a single family dwelling after demolition at 136 John Wickham in the Kingsmill subdivision, JCC Parcel No 5130200009.

**ATTACHMENTS:**

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

**REVIEWERS:**

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	3/7/2018 - 4:49 PM
Chesapeake Bay Group	Geissler, Fran	Approved	3/7/2018 - 4:51 PM
Publication Management	Burcham, Nan	Approved	3/7/2018 - 4:53 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	3/7/2018 - 5:00 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBE-18-064. 136 John Wickham  
Staff report for the March 14, 2018, Chesapeake Bay Board Public Hearing**

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*This staff report is prepared by James City County Stormwater and Resource Protection to provide information to the Chesapeake Bay Board to assist them in making a recommendation on this assessment. It may be useful to members of the general public interested in this assessment.*

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**EXISTING SITE DATA AND INFORMATION**

Applicants: Scott and Janet Kruger

Agent: Mr. Tim Dean, Draper Aden Associates

Location: 136 John Wickham

Tax Map/Parcel No.: 5130200009

Parcel: Lot 9 Wickham's Grant, Kingsmill

Lot Size: 2.01 acre

Area of Lot in Resource Protection Area (RPA): 1.67 acre +/- (83%)

Watershed: College Creek (HUC JL34)

Floodplain: Zone X, areas determined to be outside the 0.2% annual chance flood  
Zone A, No base flood elevation determined  
Panel 0206D

Proposed Activity: Construction of a single-family dwelling

Impervious Cover: Overall - 15,035 square feet (existing) and 13,773 square feet (proposed)  
RPA - 5,200 square feet (existing) and 7,250 square feet (proposed)

RPA Encroachment: 50-foot landward RPA buffer

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

**BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES**

Mr. Tim Dean, Draper Aden Associates, on behalf of Scott and Janet Kruger, has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the reconstruction of a single-family residence located at 136 John Wickham in the Kingsmill subdivision and the College Creek watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 5130200009. The parcel was platted in 1988, prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The existing house is proposed to be demolished and a new house built. The difference between the existing impervious cover and the proposed impervious cover is approximately 1,300 square feet less, or an 8.4% difference. The impervious cover within the RPA is approximately 5,200 square feet under existing conditions, but is proposed to increase to 7,250 square feet. This increase of 2,050 square feet of impervious cover in the RPA is the determining factor in bring this case before the Board.



The mitigation required for the proposed increase within the RPA is five planting units. The applicant is proposing 11 understory trees and 27 shrubs along with a significant pervious paver/underground infiltration area of approximately 4,000 square feet. This infiltration area is located immediately adjacent to the RPA. The proposed mitigation exceeds County requirements.

## **STAFF EVALUATION**

Staff has evaluated the application and exception request for the reconstruction of a single-family residence and finds that the application has met the conditions in Sections 23-11 and 23-14 and that the application should be heard by the Board because the proposed single-family residence impacts more of the RPA than the existing residence. Therefore, this request must be considered by the Board following a public hearing under the formal exception process.

## **WATER QUALITY IMPACT ASSESSMENT (WQIA)**

A WQIA was submitted, per Sections 23-11 and 23-14 of the County Ordinance, for the 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 which exceeds County 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-18-064 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 does recommend approval of this exception request. Should the Board wish to approve this exception 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 \$5,000 is required in a form acceptable to the County Attorney's office to guarantee the mitigation plantings and pervious paver installation; and
3. Design of the pervious paver installation shall conform to the standards and specifications of the Virginia DEQ Stormwater Design Specification No. 7 Permeable Pavement, latest edition; and
4. This exception request approval shall become null and void if construction has not begun by March 14, 2019; and
5. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than six weeks prior to the expiration date.

MDW/md  
CBE18-064-136JohnWickham

Attachments:

1. Resolution
2. Water Quality Impact Assessment Package
3. Existing Site Plan
4. Proposed Site Plan
5. Mitigation Plan

## RESOLUTION

CASE NO. CBE-18-064. 136 JOHN WICKHAM

### JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Scott and Janet Kruger (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on March 14, 2018, 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. 5130200009 and further identified as 136 John Wickham in the Kingsmill subdivision (the “Property”) as set forth in the application CBE-18-064 for the purpose of reconstructing a single-family dwelling; and

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

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

1. The exception request is the minimum necessary to afford relief.
2. Granting the exception will not confer upon the applicant any special privileges denied by Chapter 23, Chesapeake Bay Preservation, of the James City County Code, to other property owners similarly situated in the vicinity.
3. The exception request will be in harmony with the purpose and intent of Chapter 23 of the James City County Code and is not of substantial detriment to water quality.
4. The exception request is not based on conditions or circumstances that are self-created or self-imposed nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels.
5. Reasonable and appropriate conditions are hereby imposed, as set forth below, which will prevent the exception request from causing a degradation of water quality.
6. In granting this exception, the following conditions are hereby imposed to prevent this exception request from causing degradation of water quality:
  - a. The applicant must obtain all other necessary federal, state and local permits and permissions as required for the project; and
  - b. Surety of \$5,000 will be required in a form acceptable to the County Attorney’s office to guarantee the mitigation plantings; and

- c. Design of the pervious paver installation shall conform to the standards and specifications of the Virginia DEQ Stormwater Design Specification No. 7 Permeable Pavement, latest edition; and
- d. This exception request approval shall become null and void if construction has not begun by March 14, 2019; and
- e. Written requests for an extension to this exception shall be submitted to the Stormwater 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 March, 2018.

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: \_\_\_\_\_

CBE18-064-136JohnWickham-res



# Chesapeake Bay Preservation Ordinance Sensitive Area Activity Application

JAN 31 2018

For Office Use Only

CB Number CB E18-064

### 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: 01-31-18

Name: Scott and Janet Kruger

Address: 136 John Wickham, Williamsburg, VA 23185

Phone: (757) 749-8910 Fax: \_\_\_\_\_ Email: skruger1@cox.net

### Contact (if different from above):

Name: Draper Aden Associates, attn: Tim Dean, PE Phone: 757-599-9800

Email: tdean@daa.com

### Project Information:

Project Address: 136 John Wickham

Subdivision Name, Lot, and Section No.: Kingmill, L-9 Wickham's Grant

Parcel Identification No. or Tax Map No.: 5130200009

Date Lot was platted: 7-19-1988 Bk/Pg:(49/12) Line or Bldg Permit No.: 9

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

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Steep Slopes $\geq$ 25 percent <u>3,963</u> (SF) | <input checked="" type="checkbox"/> RPA - Landward 50' <u>15,687</u> (SF)        |
| <input type="checkbox"/> Conservation Easement _____ (SF)                            | <input type="checkbox"/> RPA - Seaward 50' _____ (SF)                            |
| <input checked="" type="checkbox"/> Trees to be Removed <u>15</u> (#)                | <input checked="" type="checkbox"/> Proposed Impervious Cover <u>13,774</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 checked="" type="checkbox"/> Redevelopment: <u>Demolition of ex. house &amp; construction of new</u> |  |

<p><b>For Office Use Only</b></p> <p>CB Number <u>CBE 18-064</u></p>
--

**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 owner proposes to demolish the existing house and construct a new residential structure on the property. The existing house is currently located within the 100' RPA buffer area (see enclosed site layout plan).

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?

Portions of the existing house are located within the 100' RPA buffer area.

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

Project proposes to utilize new pervious pavers in the parking area. The project also results in an impervious area reduction of 1260 SF.

**5. Proposed mitigation measures:**

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

**Mitigation Rates Table**

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

For Office Use Only
CB Number <u>CBE 18-064</u>

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

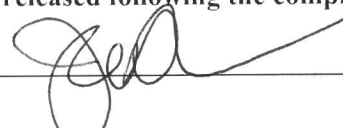
- Number of native canopy trees 6 Proposed; numerous existing to remain
- Number of native understory trees 11 Proposed; numerous existing to remain
- Number of native shrubs 27 Proposed; numerous existing to remain
- Square feet of native ground cover 15,747 SF inside landward 50' RPA buffer
- Square feet of mulch 4,200 SF inside landward 50' buffer

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 type="checkbox"/> Turf (Nutrient) Management Plan  | <input checked="" type="checkbox"/> Rain Barrel               |
| <input type="checkbox"/> Gravel under deck (3" of gravel over synthetic filter fabric under entire deck area) |   |
| <input checked="" type="checkbox"/> Other: <u>pervious pavers</u>   |   |

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

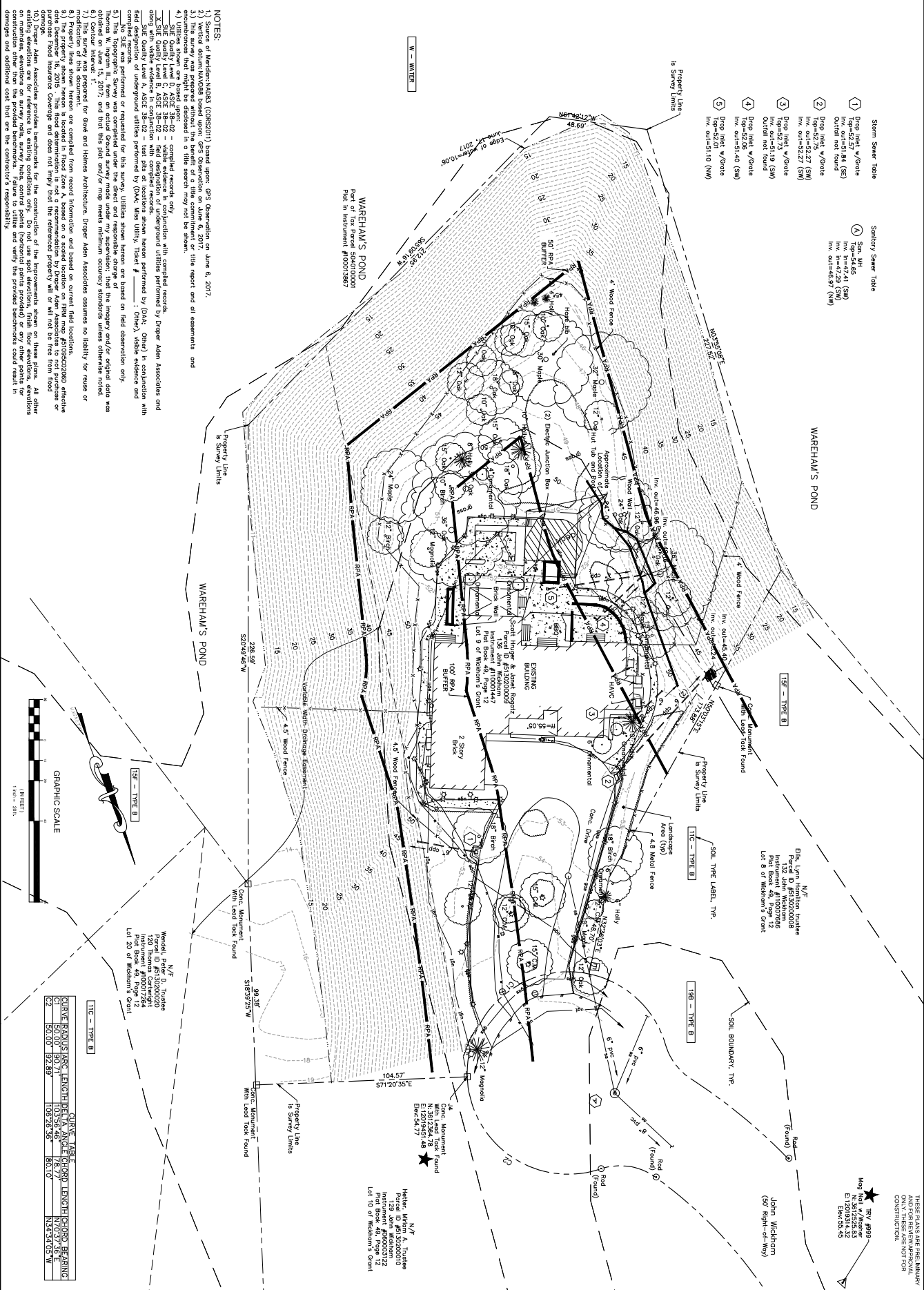
- 1) Mitigation for the above activity shall follow the approved mitigation plan and be guaranteed with a form of surety acceptable to the County Attorney.
- 2) Limits of disturbance as shown on the approved plan shall not be exceeded.
- 3) This approval shall become null and void if construction has 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 1-30-18

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>125.00</u> Date/Rec No.: <u>1/21/18 2225</u>
---------------------	--



- 1) Drop inlet w/ grate  
Inv. out=51.84 (SE)  
Outlet not found
- 2) Drop inlet w/ grate  
Inv. out=52.27 (SW)  
Outlet not found
- 3) Drop inlet w/ grate  
Inv. out=52.73 (SW)  
Outlet not found
- 4) Drop inlet w/ grate  
Inv. out=51.40 (SW)
- 5) Drop inlet w/ grate  
Inv. out=51.10 (NW)

- A) San. Man.  
Inv. out=54.65 (SW)  
Inv. out=48.97 (NW)

Ellis, Lynn Hamilton trustee  
Parcel ID #910200008  
Instrument #10007866  
Lot 8 of Wickham's Grant

N/E  
Parcel ID #910200008  
Instrument #10007866  
Lot 8 of Wickham's Grant

TRV #899  
Mag N: 3817225.83  
E: 1091254.43  
Elev: 51.45

John Wickham  
(GR Right-of-Way)

**NOTES:**

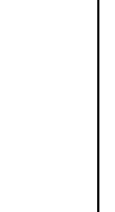
- 1) If Under-Noted (open) hand upon. GPS Observation on June 6, 2017.
- 2) Vertical datum: NAVD83 based upon GPS observation on June 6, 2017.
- 3) This survey was prepared without the benefit of a title commitment or title report and easements and other encumbrances shown hereon may not be shown.
- 4) Utilities shown are based upon:
  - a) X-RAY - completed records only
  - b) X-RAY - completed records only
  - c) X-RAY - completed records only
  - d) X-RAY - completed records only
  - e) X-RAY - completed records only
- 5) This Topographic Survey was completed under the direct and responsible charge of the Surveyor, and the accuracy of the same is guaranteed by the Surveyor's professional seal.
- 6) This Topographic Survey was completed under the direct and responsible charge of the Surveyor, and the accuracy of the same is guaranteed by the Surveyor's professional seal.
- 7) This Topographic Survey was completed under the direct and responsible charge of the Surveyor, and the accuracy of the same is guaranteed by the Surveyor's professional seal.
- 8) Property lines shown hereon are compiled from record information and based on current field locations.
- 9) This survey was prepared without the benefit of a title commitment or title report and easements and other encumbrances shown hereon may not be shown.
- 10) This Topographic Survey was completed under the direct and responsible charge of the Surveyor, and the accuracy of the same is guaranteed by the Surveyor's professional seal.
- 11) This Topographic Survey was completed under the direct and responsible charge of the Surveyor, and the accuracy of the same is guaranteed by the Surveyor's professional seal.
- 12) This Topographic Survey was completed under the direct and responsible charge of the Surveyor, and the accuracy of the same is guaranteed by the Surveyor's professional seal.
- 13) This Topographic Survey was completed under the direct and responsible charge of the Surveyor, and the accuracy of the same is guaranteed by the Surveyor's professional seal.
- 14) This Topographic Survey was completed under the direct and responsible charge of the Surveyor, and the accuracy of the same is guaranteed by the Surveyor's professional seal.
- 15) This Topographic Survey was completed under the direct and responsible charge of the Surveyor, and the accuracy of the same is guaranteed by the Surveyor's professional seal.
- 16) This Topographic Survey was completed under the direct and responsible charge of the Surveyor, and the accuracy of the same is guaranteed by the Surveyor's professional seal.
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- 18) This Topographic Survey was completed under the direct and responsible charge of the Surveyor, and the accuracy of the same is guaranteed by the Surveyor's professional seal.
- 19) This Topographic Survey was completed under the direct and responsible charge of the Surveyor, and the accuracy of the same is guaranteed by the Surveyor's professional seal.
- 20) This Topographic Survey was completed under the direct and responsible charge of the Surveyor, and the accuracy of the same is guaranteed by the Surveyor's professional seal.

WAREHAM'S POND  
Parcel ID #910200008  
Instrument #10007866  
Lot 8 of Wickham's Grant

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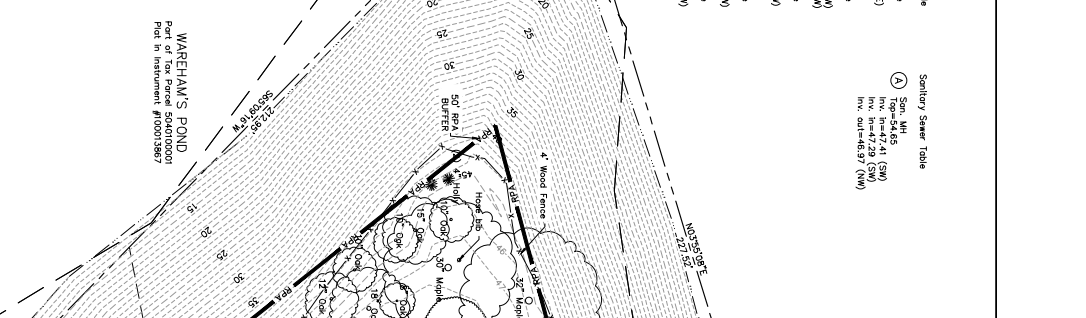
EXISTING CONDITIONS  
KRUGER RESIDENCE  
136 JOHN WICKHAM, WICKHAM'S GRANT  
KINGSMILL, WILLIAMSBURG, VA

REVISIONS

NO.	DATE	DESCRIPTION
1	06/06/17	ISSUE FOR PERMITS
2	06/06/17	ISSUE FOR PERMITS
3	06/06/17	ISSUE FOR PERMITS
4	06/06/17	ISSUE FOR PERMITS
5	06/06/17	ISSUE FOR PERMITS
6	06/06/17	ISSUE FOR PERMITS
7	06/06/17	ISSUE FOR PERMITS
8	06/06/17	ISSUE FOR PERMITS
9	06/06/17	ISSUE FOR PERMITS
10	06/06/17	ISSUE FOR PERMITS
11	06/06/17	ISSUE FOR PERMITS
12	06/06/17	ISSUE FOR PERMITS
13	06/06/17	ISSUE FOR PERMITS
14	06/06/17	ISSUE FOR PERMITS
15	06/06/17	ISSUE FOR PERMITS
16	06/06/17	ISSUE FOR PERMITS
17	06/06/17	ISSUE FOR PERMITS
18	06/06/17	ISSUE FOR PERMITS
19	06/06/17	ISSUE FOR PERMITS
20	06/06/17	ISSUE FOR PERMITS

SCALE: 1" = 20'  
DATE: 06/06/17  
PROJECT NUMBER: 17070800-010003

Draper Aden Associates  
Engineering • Surveying • Environmental Services  
703 Thimble Shoals Boulevard, Suite C2 • Richmond, VA • Raleigh, NC  
Newport News, VA 23606 • Blacksburg, VA • Fayetteville, NC  
707-090-8000 • Fax: 753-959-3684 • Charlottesville, VA • Northern Virginia  
www.dsa.com





THESE PLANS ARE PRELIMINARY  
AND FOR REVIEW APPROVAL  
CONSTRUCTION ONLY.  
NO PART OF THESE PLANS  
SHALL BE REPRODUCED OR  
TRANSMITTED IN ANY FORM  
OR BY ANY MEANS, ELECTRONIC  
OR MECHANICAL, INCLUDING  
PHOTOCOPYING, RECORDING,  
OR BY ANY INFORMATION  
STORAGE AND RETRIEVAL  
SYSTEM, WITHOUT PERMISSION  
IN WRITING FROM  
DRAPER ADEN ASSOCIATES, INC.

TRV #699  
MAG N: 3675252.63  
E: 12018151.48  
ELEVATION: 42.42



**Draper Aden Associates**  
Engineering • Surveying • Environmental Services

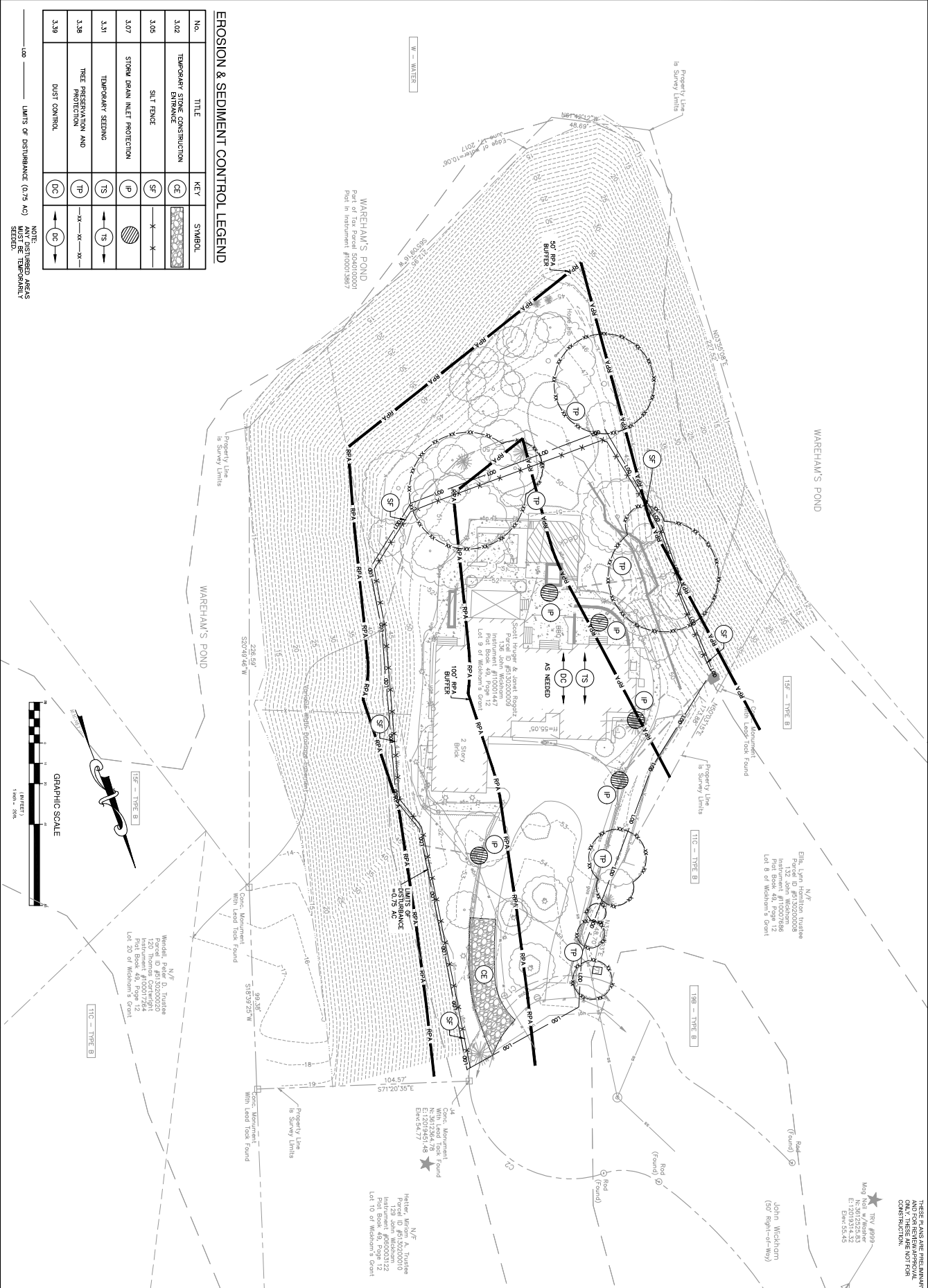
703 Thimble Shoals Boulevard, Suite C2 • Newport News, VA 23606  
757-699-8900 • 800-898-4552 • Fax: 757-699-3684  
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• Richmond, VA • Raleigh, NC  
• Blacksburg, VA • Fayetteville, NC  
• Charlottesville, VA • Northern Virginia

**PHASE I EROSION & SEDIMENT CONTROL PLAN**  
**KRUGER RESIDENCE**  
136 JOHN WICKHAM, WICKHAM'S GRANT  
KINGSMILL, WILLIAMSBURG, VA

REVISIONS

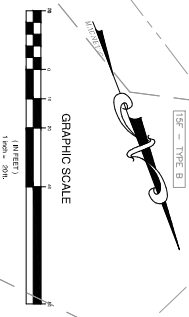
DESIGNED BY: DR. G. SWAN  
DRAWN BY: BFC/SWA  
CHECKED BY: NDI  
SCALE: 1" = 50'  
DATE: AUGUST 23, 2018  
PROJECT NUMBER: 17070600-010303  
**C4.0**



**EROSION & SEDIMENT CONTROL LEGEND**

No.	TITLE	KEY	SYMBOL
3.02	TEMPORARY STONE CONSTRUCTION ENTRANCE	(SF)	[Patterned Box]
3.06	SILT FENCE	(SF)	[X-Mark]
3.07	STORM DRAIN INLET PROTECTION	(IP)	[Circle with X]
3.31	TEMPORARY SEEDING	(TS)	[Circle with Dotted]
3.38	TREE PRESERVATION AND PROTECTION	(TP)	[Circle with X]
3.39	DUST CONTROL	(DC)	[Circle with Dotted]

NOTE:  
ANY DISTURBED AREAS SHALL BE REVEGETATED WITH SEED.



WAREHAM'S POND  
Parcel ID #10007886  
Instrument #10001987

WAREHAM'S POND  
Parcel ID #10007886  
Instrument #10001987

WAREHAM'S POND  
Parcel ID #10007886  
Instrument #10001987

WAREHAM'S POND  
Parcel ID #10007886  
Instrument #10001987





## **PUBLIC HEARING NOTICE**

THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA WILL HOLD A PUBLIC HEARING ON **WEDNESDAY MARCH 14, 2018 AT 5 P.M.** IN THE BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBE-18-068: The Structures Group, on behalf of Mr. and Mrs. William Roberts, has filed an exception request for encroachment into the RPA buffer for construction of a retaining wall at 5034 River Drive, JCC Parcel No 0930300008.

CBE-18-058: Ms. Renie Andrews has filed an exception request for encroachment into the RPA buffer for construction of a memorial patio at 4447 Pleasant View Drive in the Powhatan Village subdivision, JCC Parcel No 3741400011.

CBE-18-064: Draper Aden and Associates, on behalf of Mr. and Mrs. Scott Kruger, has filed an exception request for encroachment into the RPA buffer for the reconstruction of a single family dwelling after demolition at 136 John Wickham in the Kingsmill subdivision, JCC Parcel No 5130200009.

CBE-18-072: Timmons Group, on behalf of Southland Corporation, has filed an exception request for encroachment into the RPA buffer for construction of a paved access drive at 3000 Battery Boulevard, 7327 Pocahontas Trail and 7341 Pocahontas Trail in the Quarterpath at Williamsburg development, JCC Parcel Nos 5020100075A, 5020100030 and 5020700004B respectively.

CBE-18-067: Walk Wright Construction has applied for an exception request for encroachment into the RPA buffer for construction of a single family dwelling and attached deck at 120 Nottinghamshire in the Ford's Colony subdivision, JCC Parcel No 3233100033.

CBE-18-065: Walk Wright Construction, on behalf of Mr. and Mrs. Joseph Leigh, has filed an exception request for encroachment into the RPA buffer for construction of a single family dwelling and attached deck at 116 Nottinghamshire in the Ford's Colony subdivision, JCC Parcel No 3233100034.

CBE-18-070: Mr. Chris Eckenfels has filed an exception request for encroachment into the RPA buffer for construction of a detached storage shed at 6019 Tabiatha Lane in the Chickahominy Haven subdivision, JCC Parcel No 1910600023.

CBE-18-071: The Structures Group, on behalf of Ms. Patricia Carmichael, has filed an exception

request for encroachment into the RPA buffer for construction of a retaining wall at 300 River's Edge in the Kingsmill subdivision, JCC Parcel No 5130800012A.

CBE-18-063: Mid-Atlantic Resources Consulting, on behalf of Mr. Carlos Arana, has filed an exception request for encroachment into the RPA buffer for construction of a retaining wall and patio at 4069 South Riverside Drive in the Chickahominy Haven subdivision, JCC Parcel No 1910500017.

CBE-18-066: Walk Wright Construction, on behalf of Mr. and Mrs. Eric Gibson, has filed an exception request for encroachment into the RPA buffer for construction of a single family dwelling and attached deck at 125 Congressional in the Ford's Colony subdivision, JCC Parcel No 3720400088.

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 Stormwater and Resource Protection Division, 101 Mounts Bay Road, Building E, James City County, Virginia.

**NOT FOR PUBLICATION**

DISPLAY: WEDNESDAY – February 28, 2018 and March 7, 2018.

ACCOUNT NO.: 0011040200 - VIRGINIA GAZETTE

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



**General Services  
Stormwater and Resource  
Protection Division**  
101-E Mounts Bay Road  
Williamsburg, VA 23185

Resource.Protection@jamescitycountyva.gov

February 21, 2018

RE: 136 John Wickham  
CBE-18-064  
Demo-Single Family Residence

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 Mr. Scott and Janet Kruger and Mr. Tim Dean of Draper Aden Associates for encroachment into the Resource Protection Area (RPA) buffer associated with new single family residence. The project is located at 136 John Wickham in the Kingsmill subdivision. The properties are further identified by James City County Real Estate as Parcel No. 5130200009.

A complete description, plan, and other information are on file in the Stormwater 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, March 14, 2018 at 5:00 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,

*Janice Petty*

Janice Petty  
Stormwater Assistant

cc: Kruger, Scott & Janet R  
Draper Aden Associates  
Attn: Mr. Tim Dean

Mailing List for: CBE-18-064 – 136 John Wickham – Kruger –Draper Aden Associates-Tim Dean- New Single Family Residence

Owner: 5130200009

Kruger, Scott, Trustee & Janet R, Trustee  
136 John Wickham  
Williamsburg, VA 23185-8900

Draper Aden Associates  
Attn: Mr. Tim Dean  
703 Thimble Shoals Boulevard, Suite C2  
Newport News, VA 23606

5130200008

Ellis, Lynn Hamilton, Trustee  
132 John Wickham  
Williamsburg, VA 23185-8900

5130200010

Hettler, Miriam A, Trustee  
129 John Wickham  
Williamsburg, VA 23185-8901

5130200020

Wendell, Peter D, Trustee  
120 Thomas Cartwright  
Williamsburg, VA 23185-8904

5130200021

Marsteller, Howard Blair, Trustee and Luisa P, Trustee  
124 Thomas Cartwright  
Williamsburg, VA 23185-8904

5130300025

Shaw, James D, Trustee & Donna N, Trustee  
228 Jefferson's Hundred  
Williamsburg, VA 23185-8908

5130300026

Broadwell, Richard D & Kalberer, Bon  
232 Jefferson's Hundred  
Williamsburg, VA 23185-8908

5130300027

Mercer, John P, Trustee & Joan, Trustee  
236 Jefferson's Hundred  
Williamsburg, VA 23185-8908

5040100007 –130 Wareham's Pond Road

Escalante Kingsmill Development LLC  
2930 Bledsoe Street, Suite 124  
Fort Worth, TX 76107-2942

5041900001C-199 Wareham's Point  
Kingsmill Community Service Association  
P.O. Box 348  
Williamsburg, VA 23187-0348

**ITEM SUMMARY**

DATE: 3/14/2018  
TO: Chesapeake Bay Board  
FROM: Michael Woolson, Senior Watershed Planner  
SUBJECT: CBE-18-065 : 116 Nottinghamshire

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Joseph and Phyllis Leigh have filed an exception request for encroachment into the RPA buffer for construction of a single family dwelling and attached deck at 116 Nottinghamshire in the Ford's Colony subdivision, JCC Parcel No 3233100034.

**ATTACHMENTS:**

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

**REVIEWERS:**

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	3/6/2018 - 6:22 PM
Chesapeake Bay Group	Geissler, Fran	Approved	3/7/2018 - 10:54 AM
Publication Management	Burcham, Nan	Approved	3/7/2018 - 11:02 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	3/7/2018 - 5:00 PM



**CHESAPEAKE BAY BOARD EXCEPTION No. CBE-18-065. 116 Nottinghamshire  
Staff report for the March 14, 2018, Chesapeake Bay Board Public Hearing**

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*This staff report is prepared by James City County Stormwater and Resource Protection to provide information to the Chesapeake Bay Board to assist them in making a recommendation on this assessment. It may be useful to members of the general public interested in this assessment.*

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**EXISTING SITE DATA AND INFORMATION**

Applicants: Joseph and Phyllis Leigh

Agent: Larry Walk, Walk Wright Construction

Location: 116 Nottinghamshire

Tax Map/Parcel No.: 3233100034

Parcel: Lot 34, Ford's Colony Section 12

Lot Size: 0.409 acre

Area of Lot in Resource Protection Area (RPA): 0.37 acre +/- (90%)

Watershed: Powhatan Creek, sub-watershed 207 (HUC JL31)

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

Proposed Activity: Construction of a single-family dwelling with deck

Impervious Cover: 4,950 square feet (4,325 square feet within the RPA)

RPA Encroachment: 3,500 square feet, landward 50-foot RPA buffer  
825 square feet, seaward 50-foot RPA buffer

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

**BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES**

Mr. Larry Walk, Walk Wright Construction, on behalf of Mr. and Mrs. Leigh, has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of a single-family dwelling on property located at 116 Nottinghamshire, within Section 12 of the Ford's Colony subdivision and the Powhatan Creek watershed. The property is further identified as James City County Tax Map Parcel No. 3233100034. The parcel was platted prior to the re-adoption of the Chesapeake Bay Preservation Ordinance in 2004.

The wetlands were re-delineated by Mr. Matt Roth, Roth Environmental, in 2016. The lot has RPA buffer or RPA wetlands that cover 90% of the lot. An application for a single-family dwelling was recently approved at the December 2017 Chesapeake Bay Board meeting. This application has slightly more impervious cover within the RPA and the seaward 50-foot RPA. This application now has a side-loading garage, instead of a front-loading one. It has been positioned on the front building setback line and has room on either side of the structure for drainage swales.

The total impervious cover for the lot is 4,950 square feet, of which 3,500 square feet is within the landward 50-foot RPA buffer and 825 square feet is within the seaward 50-foot buffer. The total amount of impervious cover requires a minimum of nine planting units of mitigation. The mitigation proposal meets these requirements and is acceptable. Some of the required mitigation is used as foundation plantings. Staff would request that this property be enrolled in the Turf Love program once construction is complete. This program will help alleviate problems associated with over-fertilization through the use of soil testing, timing and rate of application of any fertilizers and other soil amendments, and proper turf grass selection. Staff also requests that three inches of gravel over filter fabric be installed under the footprint of the deck to prevent soil erosion.

## **STAFF EVALUATION**

Staff has evaluated the application and exception request for the construction of a single-family dwelling with deck and finds that the application has met the conditions in Sections 23-11 and 23-14 and that the application should be heard by the Board because the dwelling impacts the 50-foot seaward RPA buffer. It also impacts more of the 50-foot seaward buffer than the approved application from December. Therefore, this request must be considered by the Board following a public hearing under the formal exception process.

## **WATER QUALITY IMPACT ASSESSMENT (WQIA)**

A WQIA must be submitted, per Sections 23-11 and 23-14 of the County Ordinance, for any proposed land disturbing activity resulting from development or redevelopment within RPAs. The applicant has submitted the required information as outlined in the *James City County Water Quality Impact Assessment Guidelines* and has submitted a mitigation proposal which meets County 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-18-065 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 major for the proposed development. Staff recommends approval of this exception request with the following conditions incorporated into the approval:

1. The applicant must obtain all other necessary federal, state and local permits as required for the project; and
2. Surety of \$3,500 will be required in a form acceptable to the County Attorney's office to guarantee the mitigation, including plantings, Turf Love program registration and gravel under the deck; and
3. The Applicant must record an affidavit in the land records of the Williamsburg-James City County Circuit Court regarding the environmental resource restrictions on this lot. The approved resolution and the approved site plan shall be attached to such affidavit; and
4. This exception request approval shall become null and void if construction has not begun by March 14, 2019; and
5. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than six weeks prior to the expiration date.

MDW/nb  
CBE18-065Leigh

Attachments:

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

## RESOLUTION

CASE NO. CBE-18-065. 116 NOTTINGHAMSHIRE

### JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Joseph and Phyllis Leigh (the “Applicant”) has applied to the Chesapeake Bay Board of James City County (the “Board”) on March 14, 2018, to request an exception to use of the Resource Protection Area (the “RPA”) on a parcel of property identified as James City County Real Estate Tax Parcel No. 3233100034 and further identified as 116 Nottinghamshire in the Ford’s Colony subdivision (the “Property”) as set forth in the application CBE-18-065 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 required for the project; and
  - b. Surety of \$3,500 will be required in a form acceptable to the County Attorney’s office to guarantee the mitigation, including plantings, Turf Love program registration and gravel under the deck; and

- c. The Applicant must record an affidavit in the land records of the Williamsburg-James City County Circuit Court regarding the environmental resource restrictions on this lot. This Resolution and the approved site plan shall be attached to such affidavit; and
- d. This exception request approval shall become null and void if construction has not begun by March 14, 2019; 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.

\_\_\_\_\_  
 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 March, 2018.

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: \_\_\_\_\_

CBE18-065Leigh-res



JAN 31 2018

# Chesapeake Bay Preservation Ordinance Sensitive Area Activity Application

For Office Use Only

CB Number

CBFB-0605

**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: 1/31/18

Name: JOSEPH + Pyllis LEIGH  
 Address: 3111 PRISTINE VIEW, WILLIAMSBURG VA 23188  
 Phone: 229 3870 Fax: \_\_\_\_\_ Email: LEIGH98433@AOL.COM

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

Name: LARRY WALK Phone: 592 6252  
WALKWRIGHT CONSTRUCTION Email: LARRY.WALK@BHHSTOWNS.COM

**Project Information:**

Project Address: 116 NOTTINGHAMSHIRE, WILLIAMSBURG VA 23188  
 Subdivision Name, Lot, and Section No.: FORDS COLONY, LOT 34 S12  
 Parcel Identification No. or Tax Map No.: 3233100034  
 Date Lot was platted: \_\_\_\_\_ 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 type="checkbox"/> RPA - Seaward 50' _____ (SF)         |
| <input type="checkbox"/> Trees to be Removed _____ (#)             | <input type="checkbox"/> Proposed Impervious Cover _____ (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: _____                     |  |

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

<p>For Office Use Only</p> <p>CB Number <u>CBE-18-005</u></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)*

NEW CONSTRUCTION

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?  
YES NO

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

**5. Proposed mitigation measures:**

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

**Mitigation Rates Table**

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

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

For Office Use Only CB Number <u>CB E 18-065</u>
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A. Vegetation/ground cover enhancement of buffer (see Mitigation Rates Table on previous page).

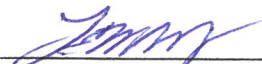
<input type="checkbox"/>	Number of native canopy trees _____
<input checked="" type="checkbox"/>	Number of native understory trees <u>12</u>
<input checked="" type="checkbox"/>	Number of native shrubs <u>75</u>
<input type="checkbox"/>	Square feet of native ground cover _____
<input type="checkbox"/>	Square feet of mulch _____

B. Best Management Practices (BMPs)

<input type="checkbox"/>	EC-2 (degradable) erosion control matting	<input type="checkbox"/>	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 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 1/31/18

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>125.50</u> Date/Rec No.: <u>1/31/18 3296</u>
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**BUILDING INFORMATION**

PROPOSED RESIDENCE IS 1-STORY  
 PROPOSED GARAGE IS COURTYARD LOADING

**SITE INFORMATION**

TOTAL AREA: 17,778 S.F. / 0.408 AC.  
 DISTURBED AREA: 9,694 S.F. / 0.223 AC.  
 IMPERVIOUS: 4,950.4 S.F. / 0.11 AC.  
 PARCEL ID: 3233100034  
 ZONING DISTRICT: R4  
 EXISTING SITE IS WOODED AS SHOWN  
 EXISTING ADDRESS:  
 116 NOTTINGHAMSHIRE  
 JAMES CITY COUNTY, VIRGINIA

**NOTE TO CONTRACTOR**

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

**BUILDING SETBACKS (PER FORD'S COLONY)**

FRONT SETBACK: 15'  
 REAR SETBACK: 25' OR 25% OF LOT DEPTH, WHICH EVER IS GRATER  
 SIDE SETBACK: 10' AND 5'

**NOTES**

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

**GENERAL NOTES**

- A TITLE REPORT HAS NOT BEEN FURNISHED TO THIS FIRM.
- WETLANDS WERE LOCATED BY ROTH ENVIRONMENTAL.
- THIS FIRM MADE NO ATTEMPT TO LOCATE UNDERGROUND UTILITIES.
- PARCEL LIES IN F.I.R.M. ZONE "X" ACCORDING TO COMMUNITY PANEL #51095C0117D, DATED DECEMBER 16, 2015.
- LOT SERVED BY PUBLIC WATER AND SEWER.
- CONTRACTOR SHALL PROVIDE POSITIVE DRAINAGE AWAY FROM BUILDINGS SHOWN HEREON.
- ELEVATION AS SHOWN HEREON ARE IN FEET AND ARE CLOSELY RELATED TO JCC GIS.
- DIMENSIONS SHOWN HEREON ARE TO THE FRAMLINE OF THE BUILDING.

**SURVEYORS CERTIFICATION**

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

*Matthew H. Connolly*  
 MATTHEW H. CONNOLLY, L.S.  
 DATE: 01/31/2018

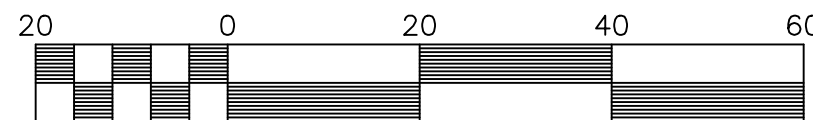
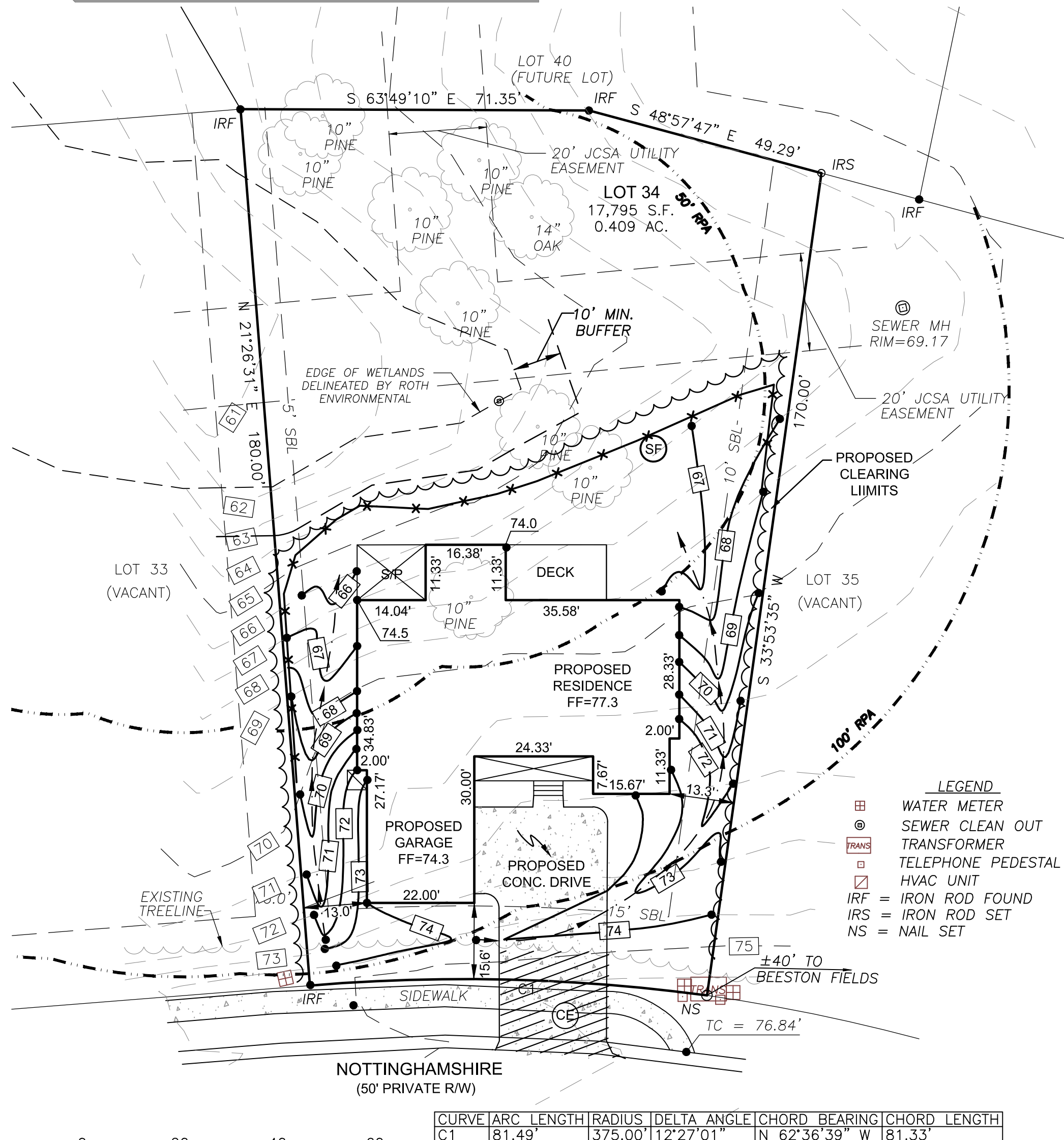
01/31/2018  
 DATE

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

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

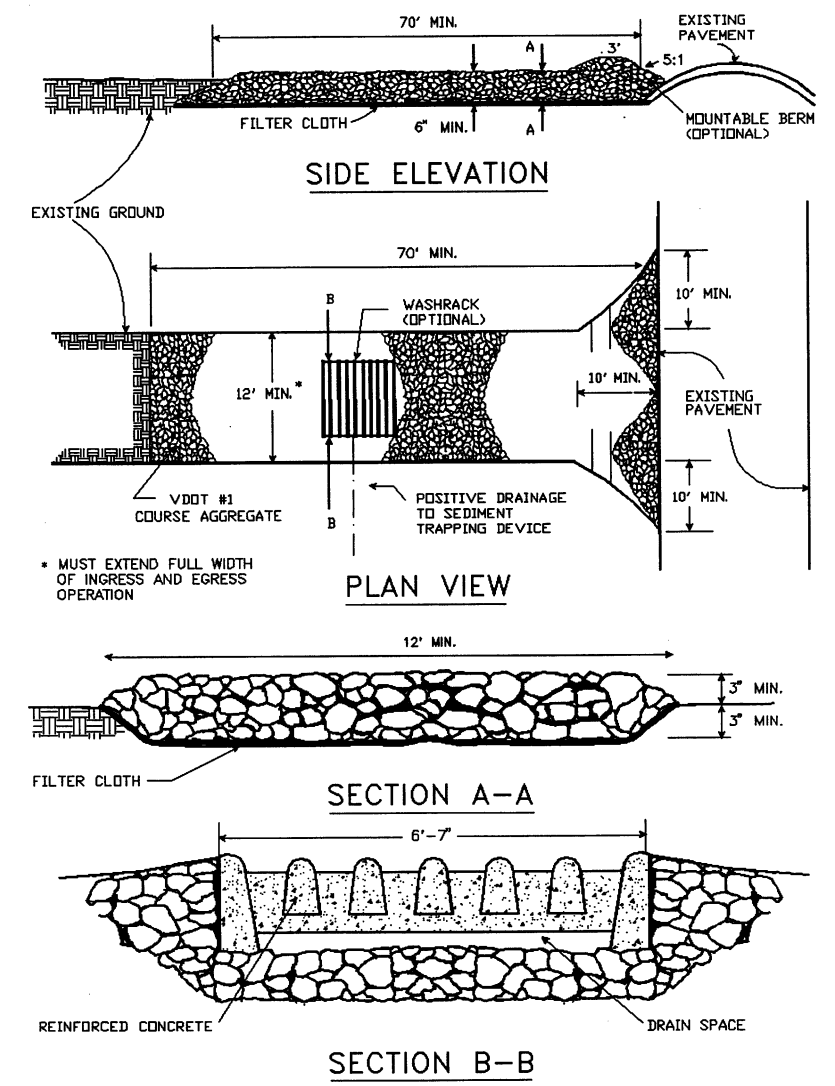
CURB & GUTTER SECTIONS WILL REQUIRE (2) SCHEDULE 40-4" CONDUITS PLACED 3' BELOW GRADE, OR AS LOW AS POSSIBLE TO NOT CONFLICT WITH OTHER UTILITIES, DIRECTLY BEHIND THE CURB FOR FUTURE WIRES.  
 SECTIONS: 3B, 8A, 8B, 10, 12, 13A, 13B, 14A, 14B, 15, 17, 18, 30, 31 & 32  
 DATE: \_\_\_\_\_ SIGNED: \_\_\_\_\_

RECORD MERIDIAN  
 P.B. 90, PG. 23-25



**SHEET 1 OF 2**

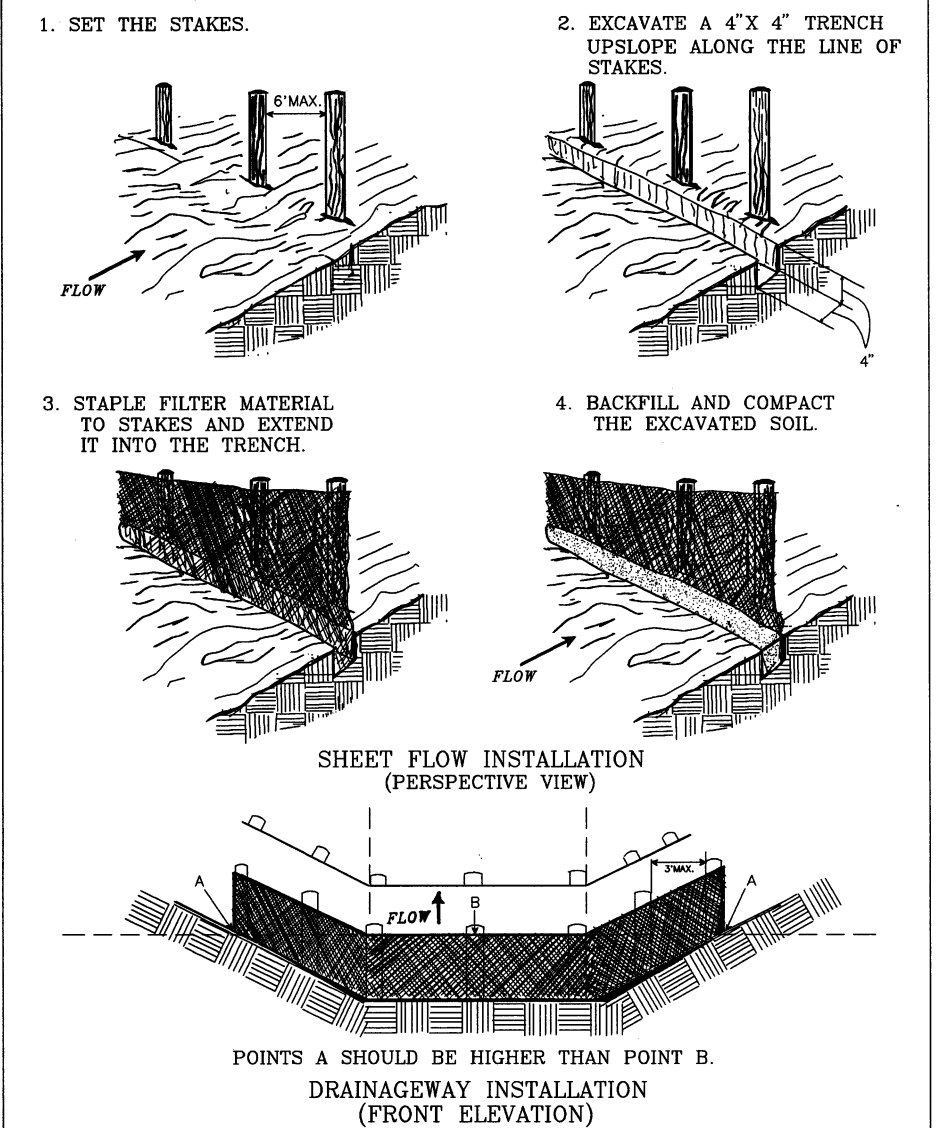
**STONE CONSTRUCTION ENTRANCE**



Source: Adapted from 1983 Maryland Standards for Soil Erosion and Sediment Control, and Va. DSWC

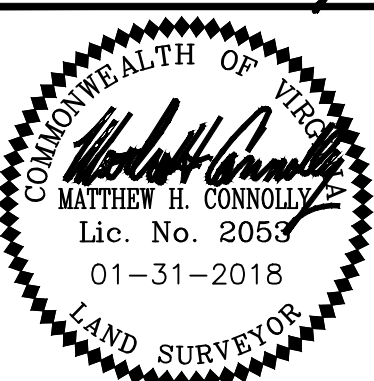
Plate 3.02-1

**CONSTRUCTION OF A SILT FENCE (WITHOUT WIRE SUPPORT)**



Source: Adapted from Installation of Straw and Fabric Filter Barriers for Sediment Control, Sherwood and Wyant

Plate 3.05-2



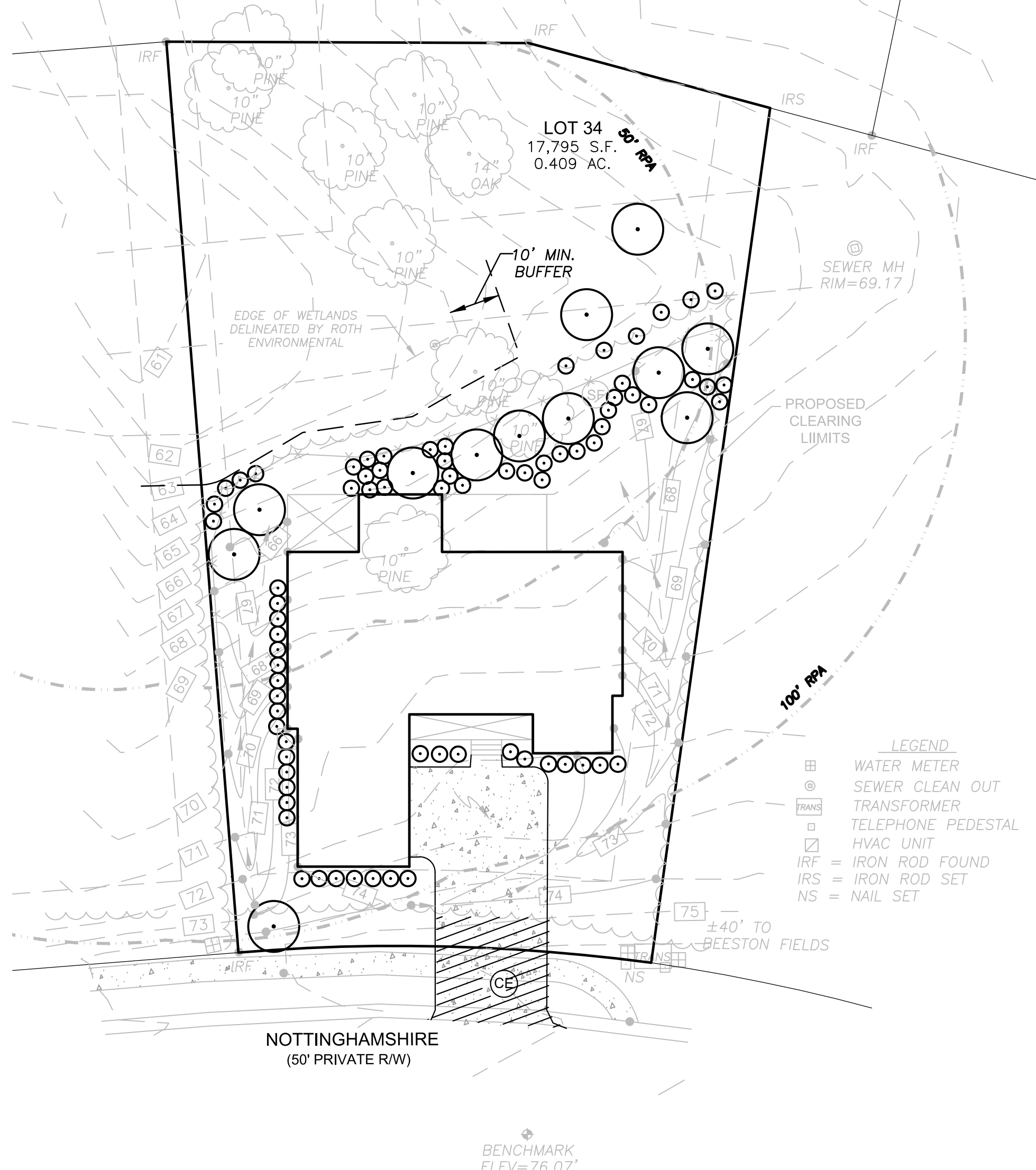
DATE: 01/31/2018  
 DRAWN BY: CG  
 PROJECT No. 16-040  
 FILE NAME: 16-040.DWG  
 REFERENCES:  
 P.B. 90, PG. 23-25

PLOT PLAN OF  
 LOT 34, SECTION XII, FORD'S COLONY  
 FOR  
 WALK-WRIGHT CONSTRUCTION  
 (GRADING & LAYOUT PLAN)  
 JAMES CITY COUNTY VIRGINIA

NO.	DATE	REVISION / COMMENT / NOTE
1	1-31-18	NEW HOUSE ON LOT



RECORD MERIDIAN  
P.B. 90, PG. 23-25



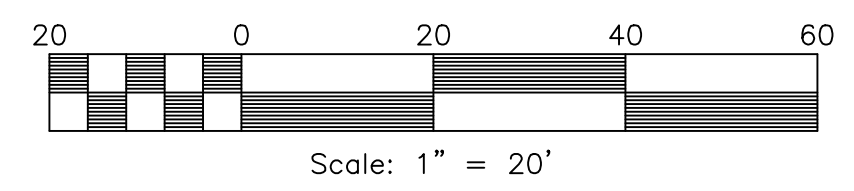
- LEGEND**
- ☐ WATER METER
  - ⊙ SEWER CLEAN OUT
  - TRANS TRANSFORMER
  - TELEPHONE PEDESTAL
  - ⊠ HVAC UNIT
  - IRF = IRON ROD FOUND
  - IRS = IRON ROD SET
  - NS = NAIL SET

**MITIGATION TABLE**

MITIGATION MEASURE	QTY.(NEEDED)	QTY. (PROPOSED)
NATIVE CANOPY TREES	9	0
NATIVE UNDERSTORY TREES	18	12
NATIVE SHRUBS	27	75

2 SHRUBS PER UNDERSTORY TREE AND 4 SHRUBS PER CANOPY TREE

- LEGEND**
- ⊙ NATIVE SHRUB
  - ⊙ NATIVE UNDERSTORY TREE
  - IRF = IRON ROD FOUND
  - IRS = IRON ROD SET



**SHEET 2 OF 2**



DATE: 01/31/2018  
 DRAWN BY: CG  
 PROJECT No. 16-040  
 FILE NAME: 16-040.dwg  
 REFERENCES:  
 P.B. 90, PG. 23-25

PLOT PLAN OF  
 LOT 34, SECTION XII, FORD'S COLONY  
 FOR  
 WALK-WRIGHT CONSTRUCTION  
 MITIGATION PLAN

JAMES CITY COUNTY VIRGINIA

NO.	DATE	REVISION / COMMENT / NOTE
1	1-31-18	REVISED IMPERVIOUS AREA

**LRI**  
**LANDTECH**  
 RESOURCES, INC.  
 ENGINEERING & SURVEYING CONSULTANTS

3925 Midlands Road Williamsburg, VA 23188  
 Ph: (757) 565-1677 Fax: (757) 565-0782  
 web: landtechresources.com



## **PUBLIC HEARING NOTICE**

THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA WILL HOLD A PUBLIC HEARING ON **WEDNESDAY MARCH 14, 2018 AT 5 P.M.** IN THE BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBE-18-068: The Structures Group, on behalf of Mr. and Mrs. William Roberts, has filed an exception request for encroachment into the RPA buffer for construction of a retaining wall at 5034 River Drive, JCC Parcel No 0930300008.

CBE-18-058: Ms. Renie Andrews has filed an exception request for encroachment into the RPA buffer for construction of a memorial patio at 4447 Pleasant View Drive in the Powhatan Village subdivision, JCC Parcel No 3741400011.

CBE-18-064: Draper Aden and Associates, on behalf of Mr. and Mrs. Scott Kruger, has filed an exception request for encroachment into the RPA buffer for the reconstruction of a single family dwelling after demolition at 136 John Wickham in the Kingsmill subdivision, JCC Parcel No 5130200009.

CBE-18-072: Timmons Group, on behalf of Southland Corporation, has filed an exception request for encroachment into the RPA buffer for construction of a paved access drive at 3000 Battery Boulevard, 7327 Pocahontas Trail and 7341 Pocahontas Trail in the Quarterpath at Williamsburg development, JCC Parcel Nos 5020100075A, 5020100030 and 5020700004B respectively.

CBE-18-067: Walk Wright Construction has applied for an exception request for encroachment into the RPA buffer for construction of a single family dwelling and attached deck at 120 Nottinghamshire in the Ford's Colony subdivision, JCC Parcel No 3233100033.

CBE-18-065: Walk Wright Construction, on behalf of Mr. and Mrs. Joseph Leigh, has filed an exception request for encroachment into the RPA buffer for construction of a single family dwelling and attached deck at 116 Nottinghamshire in the Ford's Colony subdivision, JCC Parcel No 3233100034.

CBE-18-070: Mr. Chris Eckenfels has filed an exception request for encroachment into the RPA buffer for construction of a detached storage shed at 6019 Tabiatha Lane in the Chickahominy Haven subdivision, JCC Parcel No 1910600023.

CBE-18-071: The Structures Group, on behalf of Ms. Patricia Carmichael, has filed an exception

request for encroachment into the RPA buffer for construction of a retaining wall at 300 River's Edge in the Kingsmill subdivision, JCC Parcel No 5130800012A.

CBE-18-063: Mid-Atlantic Resources Consulting, on behalf of Mr. Carlos Arana, has filed an exception request for encroachment into the RPA buffer for construction of a retaining wall and patio at 4069 South Riverside Drive in the Chickahominy Haven subdivision, JCC Parcel No 1910500017.

CBE-18-066: Walk Wright Construction, on behalf of Mr. and Mrs. Eric Gibson, has filed an exception request for encroachment into the RPA buffer for construction of a single family dwelling and attached deck at 125 Congressional in the Ford's Colony subdivision, JCC Parcel No 3720400088.

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 Stormwater and Resource Protection Division, 101 Mounts Bay Road, Building E, James City County, Virginia.

**NOT FOR PUBLICATION**

DISPLAY: WEDNESDAY – February 28, 2018 and March 7, 2018.

ACCOUNT NO.: 0011040200 - VIRGINIA GAZETTE

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



General Services  
Stormwater and Resource  
Protection Division  
101-E Mounts Bay Road  
Williamsburg, VA 23185

Resource.Protection@jamescitycountyva.gov

February 21, 2018

RE: 116 Nottinghamshire  
CBE-18-065  
Single Family Residence

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 Mr. Larry Walk of Walk Wright Construction for encroachment into the Resource Protection Area (RPA) buffer associated with new single family residence. The project is located at 116 Nottinghamshire in the Ford's Colony subdivision. The properties are further identified by James City County Real Estate as Parcel No. 3233100034.

A complete description, plan, and other information are on file in the Stormwater 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, March 14, 2018 at 5:00 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,

*Janice Petty*

Janice Petty  
Stormwater Assistant

cc: Walk Wright Construction  
Attn: Mr. Larry Walk  
Leigh, Joseph and Phyllis

Mailing List for: CBE-18-065 – 116 Nottinghamshire – Walk Wright Construction LLC - New Single Family Residence

Owner: 3233100034 for 116 Nottinghamshire; also owns neighboring 120 Nottinghamshire

Walk Wright Construction, LLC  
123 Hempstead Road  
Williamsburg, VA 23188-1520

Leigh, Joseph & Phyllis  
3111 Pristine View  
Williamsburg, VA 23188-2417

3233100035 for 112 Nottinghamshire

Clark, Vivian Lovelace Zinn Trustee  
4473 Greenwich Parkway NW  
Washington, DC 20007-2010

3233100059

Machinist, Benjamin A Trustee & M Barbara Trustee  
109 Nottinghamshire  
Williamsburg, VA 23188-3505

3233100001A for 170 Nottinghamshire

Fords Colony at Williamsburg Homeowners Association  
100 Manchester  
Williamsburg, VA 23188-7404

3233100040

Bartolotta, James F & Patricia R  
219 Oakmere Park  
Williamsburg, VA 23188-3507

**ITEM SUMMARY**

DATE: 3/14/2018  
TO: Chesapeake Bay Board  
FROM: Michael Woolson, Senior Watershed Planner  
SUBJECT: CBE-18-067 : 120 Nottinghamshire

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Larry Walk of Walk Wright Construction has applied for an exception request for encroachment into the RPA buffer for construction of a single family dwelling and attached deck at 120 Nottinghamshire in the Ford's Colony subdivision, JCC Parcel No 3233100033.

**ATTACHMENTS:**

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

**REVIEWERS:**

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	3/6/2018 - 6:22 PM
Chesapeake Bay Group	Geissler, Fran	Approved	3/7/2018 - 11:00 AM
Publication Management	Daniel, Martha	Approved	3/7/2018 - 11:17 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	3/7/2018 - 5:02 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBE-18-067. 120 Nottinghamshire  
Staff report for the March 14, 2018, Chesapeake Bay Board Public Hearing**

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*This staff report is prepared by James City County Stormwater 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: Mr. Larry Walk

Agent: Walk Wright Construction, LLC

Location: 120 Nottinghamshire

Tax Map/Parcel No.: 3233100033

Parcel: Lot 33, Section 12, Ford's Colony

Lot Size: 0.35 acres

Area of Lot in Resource Protection Area (RPA): 0.33 acre +/- (94%)

Watershed: Powhatan Creek (HUC JL31)

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

Proposed Activity: Construction of a single-family dwelling with deck

Impervious Cover: 3,653 square feet (3,077 square feet within the RPA)

RPA Encroachment: 2,077 square feet, landward 50-foot RPA buffer  
1,000 square feet, seaward 50-foot RPA buffer

Staff Contact: Mr. Trevor Long, Watershed Planner Phone: 253-6789

**BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES**

Mr. Larry Walk of Walk Wright Construction has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of a single-family development on property located at 120 Nottinghamshire within the Ford's Colony subdivision and the Powhatan Creek watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 3233100033. The lot was platted in 2005, after the 2004 revisions to the Chesapeake Bay Preservation Ordinance.

This lot has not been developed prior to this proposal. Encroachments into the RPA are necessary to develop this single-family development and the house cannot be relocated outside the RPA. However, the applicant has proposed pipe roof gutters and the enrollment into a Turf Management Plan in order to minimize the impervious area within the RPA. To date a mitigation plan has not been submitted.

**STAFF EVALUATION**

Staff has evaluated the application and exception request for the construction of a new single-family dwelling with deck and finds that the application has met the conditions in Sections 23-11 and 23-14 and that the



application should be heard by the Board because the dwelling impacts the 50-foot seaward RPA buffer. Therefore, this request must be considered by the Board following a public hearing under the formal exception process.

### **WATER QUALITY IMPACT ASSESSMENT (WQIA)**

A WQIA must be submitted, per Sections 23-11 and 23-14 of the County Ordinance, for any proposed land disturbing activity resulting from development or redevelopment within RPAs. The applicant has submitted the required information as outlined in the *James City County Water Quality Impact Assessment Guidelines*, except for a mitigation plan. The mitigation must incorporate nine planting units.

### **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-18-067 as outlined and presented above and review the request for exception along with the WQIA. The Board may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of the County's Chesapeake Bay Preservation Ordinance.

### **STAFF RECOMMENDATIONS**

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

1. The applicant must obtain all other necessary federal, state and local permits as required for the project; and
2. Surety of \$3,500 will be required in a form acceptable to the County Attorney's office to guarantee the mitigation, including plantings, Turf Love program registration and gravel under the deck; and
3. The Applicant must record an affidavit in the land records of the Williamsburg-James City County Circuit Court regarding the environmental resource restrictions on this lot. The approved resolution and the approved site plan shall be attached to such affidavit; and
4. This exception request approval shall become null and void if construction has not begun by March 14, 2019; and
5. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than six weeks prior to the expiration date.

MDW/nb  
CBE18-067WalkWrght

#### Attachments:

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

## RESOLUTION

CASE NO. CBE-18-067. 120 NOTTINGHAMSHIRE

### JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Larry Walk, Walk Wright Construction LLC, (the “Applicant”) has applied to the Chesapeake Bay Board of James City County (the “Board”) on March 14, 2018, to request an exception to use of the Resource Protection Area (the “RPA”) on a parcel of property identified as James City County Real Estate Tax Parcel No. 3233100033 and further identified as 120 Nottinghamshire in the Ford’s Colony subdivision (the “Property”) as set forth in the application CBE-18-067 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 required for the project; and
  - b. Surety of \$3,500 will be required in a form acceptable to the County Attorney’s office to guarantee the mitigation, including plantings, Turf Love program registration and gravel under the deck; and

- c. The Applicant must record an affidavit in the land records of the Williamsburg-James City County Circuit Court regarding the environmental resource restrictions on this lot. This Resolution and the approved site plan shall be attached to such affidavit; and
- d. This exception request approval shall become null and void if construction has not begun by March 14, 2019; 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.

\_\_\_\_\_  
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 March, 2018.

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: \_\_\_\_\_

CBE18-067WalkWrght-res

JAN 31 2018



# Chesapeake Bay Preservation Ordinance Sensitive Area Activity Application

For Office Use Only

CB Number CE 18-067

**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: 1/31/18

Name: WALK WRIGHT CONSTRUCTION  
 Address: 123 HEMPSTEAD RD WILLIAMSBURG VA 23188  
 Phone: 592 6252 Fax: \_\_\_\_\_ Email: LARRY.WALK@BNHSTOWNE.com

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

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

**Project Information:**

Project Address: 120 NOTTINGHAMSHIRE, WILLIAMSBURG VA 23188  
 Subdivision Name, Lot, and Section No.: FORD'S COLONY L-33 S-12  
 Parcel Identification No. or Tax Map No.: 3233100033  
 Date Lot was platted: \_\_\_\_\_ 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 type="checkbox"/> RPA - Seaward 50' _____ (SF)         |
| <input type="checkbox"/> Trees to be Removed _____ (#)             | <input type="checkbox"/> Proposed Impervious Cover _____ (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: _____                     |  |

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

**For Office Use Only**

CB Number CBE 18-C67

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

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

NEW CONSTRUCTION

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?

Yes, No

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

PIPE ROOF GUTTERS, TURF MANAGEMENT PROGRAM

**5. Proposed mitigation measures:**

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

**Mitigation Rates Table**

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

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

<p><b>For Office Use Only</b></p> <p>CB Number <u>CBE 18-067</u></p>
--

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


- Number of native canopy trees \_\_\_\_\_
- Number of native understory trees \_\_\_\_\_
- Number of native shrubs \_\_\_\_\_
- Square feet of native ground cover \_\_\_\_\_
- Square feet of mulch \_\_\_\_\_

B. Best Management Practices (BMPs)

- |   |   |
|---|---|
| <input type="checkbox"/> EC-2 (degradable) erosion control matting  | <input type="checkbox"/> Bioretention or rain garden practice |
| <input type="checkbox"/> Dry Swale  | <input type="checkbox"/> Infiltration Area/Trench/Drywell     |
| <input type="checkbox"/> Silt fence   | <input type="checkbox"/> Structural BMP (Wet or Dry Pond)     |
| <input type="checkbox"/> Turf (Nutrient) Management Plan  | <input type="checkbox"/> Rain Barrel                          |
| <input 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 1/31/18

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

Authorized Signature

For Office Use Only	<p><b>Surety Amount:</b> _____</p> <p><b>Date/Rec No.:</b> _____</p> <p><b>Fee Paid?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Amount:</b> <u>125.00</u></p> <p><b>Date/Rec No.:</b> <u>1/31/18 #3288</u></p>
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# Chesapeake Bay Preservation Ordinance

## Sensitive Area Activity Application

### Instructions for the JCC Single-Family Sensitive Area Activity Application

#### 1. When do I need to submit an application?

This application is for any activity in the Resource Protection Area (RPA), on 25 percent or greater slopes or in Conservation Easements, on single-family, residential lots. Activities include grading, filling, building, removal of vegetation, and any other disturbances. If you are proposing to do any activities in these sensitive and protected areas, you must fill out this application. The application will be reviewed and either approved or disapproved. If the application is approved, you may proceed with the activity after receiving a letter of approval.

#### 2. What activities can be approved administratively and which ones need to go to the James City County Chesapeake Bay Board?

All sensitive area activities require administrative review. Activities that must go to the Board are:

- Construction of a new principal structure within the seaward 50-foot RPA buffer.
- Construction of an accessory structure (such as a shed, garage, patio, etc.) anywhere in the 100-foot RPA.
- Any application administratively determined to exceed the minimum necessary to afford relief.
- Appeals of an administrative decision.

Activities that can be approved administratively by the Engineering and Resource Protection Division are:

- Construction of certain new principal structures within the landward 50-foot RPA buffer.
- Expansions and alterations to an existing, non-conforming (built prior to adoption of the ordinance), principal structure anywhere in the RPA buffer.
- Disturbance of steep slopes.
- Tree/vegetation removal for a sight line, path, or because the plants are dead, diseased or dying.

#### 3. What other permits may be needed?

If you are proposing activity in tidal wetlands, you will need to file a Joint Permit Application (JPA) for the James City County Wetlands Board with the Virginia Marine Resources Commission (VMRC). If you are proposing activity in US Army Corps of Engineers jurisdictional wetlands, you will need to obtain a permit from them or the Department of Environmental Quality. These activities will also require the filing of a JPA. Most work involving a principal or accessory structure will require a building permit from the James City County Building Safety and Permits. The applicant is responsible for obtaining all necessary permits for the activity they are proposing.

#### 4. What else needs to be submitted with the Sensitive Area Application?

The plans submitted must be drawn to scale and the following items must be clearly shown on the overhead plan view:

- Any existing buildings/structures on the property (house, garage, pool, deck, patio, retaining wall etc).
- Location and dimensions of proposed activity.
- Type of materials to be used (examples: timber retaining wall, brick paver patio, frame shed on concrete, etc).
- Any perennial streams, wetlands or ponds on or adjacent to the property.
- The 50-ft (seaward) and 100-ft (landward) RPA buffer areas and/or the Conservation Easement.
- Approximate contours on the land (topography).
- Location of slopes  $\geq$  25 percent.
- All trees greater than 12" in diameter (measured 4.5' above the ground); include diameter and species or an outline of the wood lines if there are clumps of trees.
- Any vegetation proposed for removal or alteration.
- Erosion and sediment controls if necessary.
- Mitigation plan with surety (see page 6, Item 7).

**BUILDING INFORMATION**

PROPOSED RESIDENCE IS 1-STORY WITH A BASEMENT  
 PROPOSED GARAGE IS FRONT LOADING

**SITE INFORMATION**

TOTAL AREA: 15,300 S.F. / 0.351 AC.  
 DISTURBED AREA: 8,518 S.F. / 0.196 AC.  
 IMPERVIOUS: 3,653 S.F. / 0.084 AC.  
 PARCEL ID: 3233100033  
 ZONING DISTRICT: R4  
 EXISTING SITE IS WOODED AS SHOWN  
 EXISTING ADDRESS:  
 120 NOTTINGHAMSHIRE  
 JAMES CITY COUNTY, VIRGINIA

**NOTE TO CONTRACTOR**

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

**BUILDING SETBACKS (PER FORD'S COLONY)**

FRONT SETBACK: 15'  
 REAR SETBACK: 25' OR 25% OF LOT DEPTH, WHICH EVER IS GRATER  
 SIDE SETBACK: 10' AND 5'

**NOTES**

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

**GENERAL NOTES**

- A TITLE REPORT HAS NOT BEEN FURNISHED TO THIS FIRM.
- WETLANDS WERE LOCATED BY ROTH ENVIRONMENTAL.
- THIS FIRM MADE NO ATTEMPT TO LOCATE UNDERGROUND UTILITIES.
- PARCEL LIES IN F.I.R.M. ZONE "X" ACCORDING TO COMMUNITY PANEL #51095C0117D, DATED DECEMBER 16, 2015.
- LOT SERVED BY PUBLIC WATER AND SEWER.
- CONTRACTOR SHALL PROVIDE POSITIVE DRAINAGE AWAY FROM BUILDINGS SHOWN HEREON.
- ELEVATION AS SHOWN HEREON ARE IN FEET AND ARE CLOSELY RELATED TO JCC GIS.
- DIMENSIONS SHOWN HEREON ARE TO THE FRAMLINE OF THE BUILDING.

**SURVEYORS CERTIFICATION**

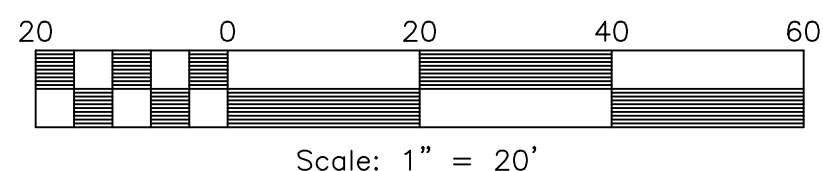
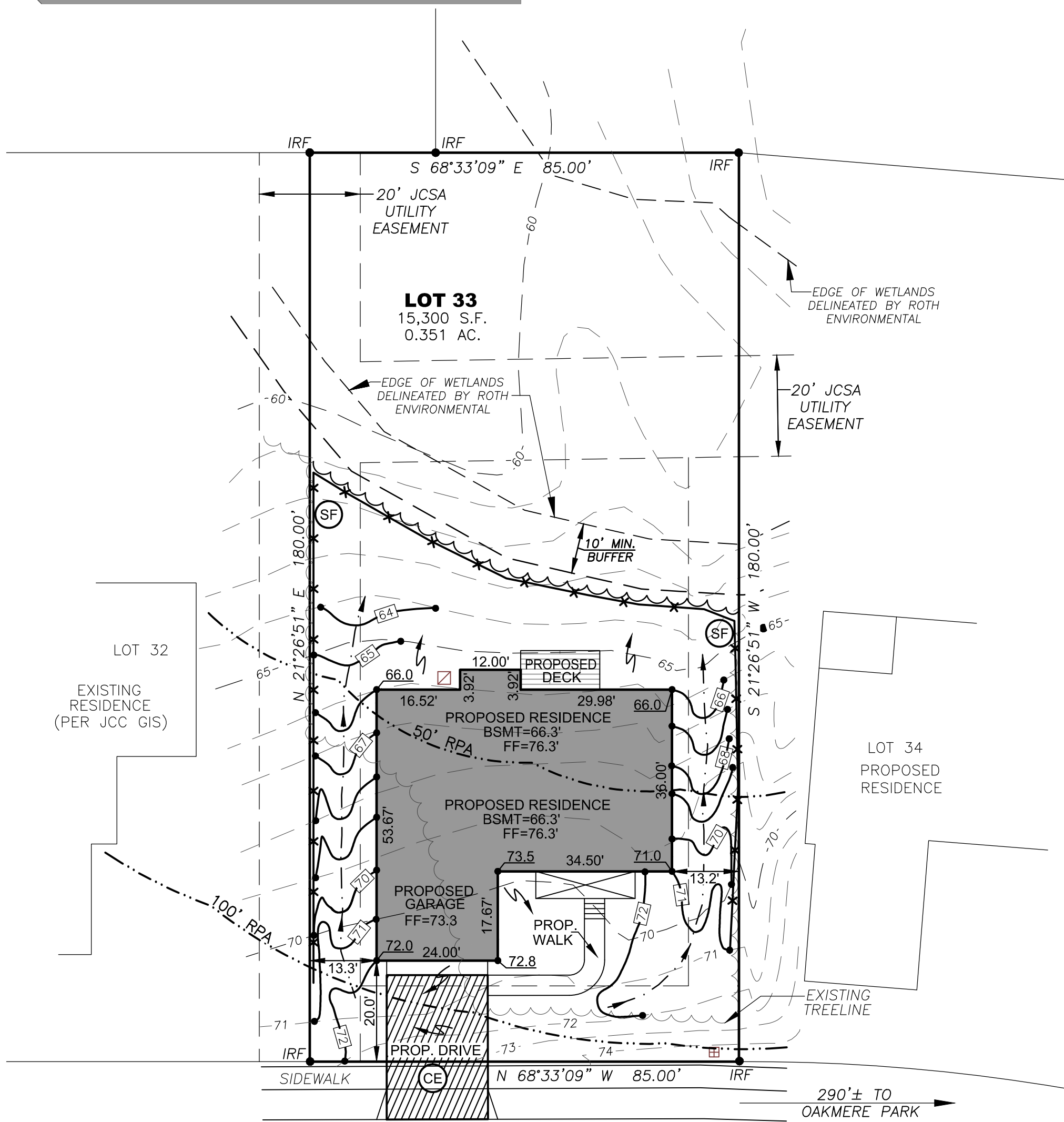
THIS DRAWING REPRESENTS AN ACTUAL FIELD SURVEY. ALL THE INFORMATION SHOWN HEREON IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. LANDTECH RESOURCES, INC. HAS BEEN RETAINED AND PAID TO STAKE, AS A MINIMUM, THE BUILDING ENVELOPE & ANY DETACHED ACCESSORY STRUCTURE.

*Matthew H. Connolly*  
 MATTHEW H. CONNOLLY, L.S.  
 DATE: 01/31/2018

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

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

CURB & GUTTER SECTIONS WILL REQUIRE (2) SCHEDULE 40-4" CONDUITS PLACED 3' BELOW GRADE, OR AS LOW AS POSSIBLE TO NOT CONFLICT WITH OTHER UTILITIES, DIRECTLY BEHIND THE CURB FOR FUTURE WIRES.  
 SECTIONS: 3B, 8A, 8B, 10, 12, 13A, 13B, 14A, 14B, 15, 17, 18, 30, 31 & 32  
 DATE: \_\_\_\_\_ SIGNED: \_\_\_\_\_

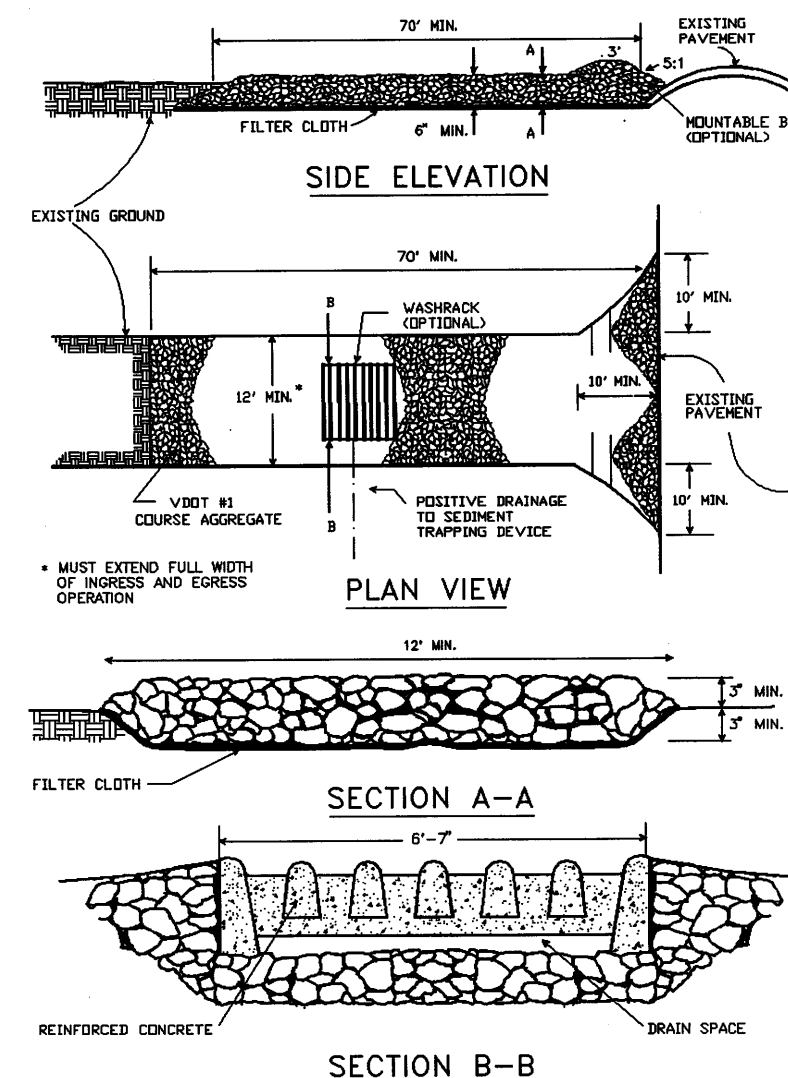


**NOTTINGHAMSHIRE**  
 (50' PRIVATE R/W)

**LEGEND**  
 [Symbol] WATER METER  
 [Symbol] HVAC UNIT  
 IRF = IRON ROD FOUND

**SHEET 1 OF 2**

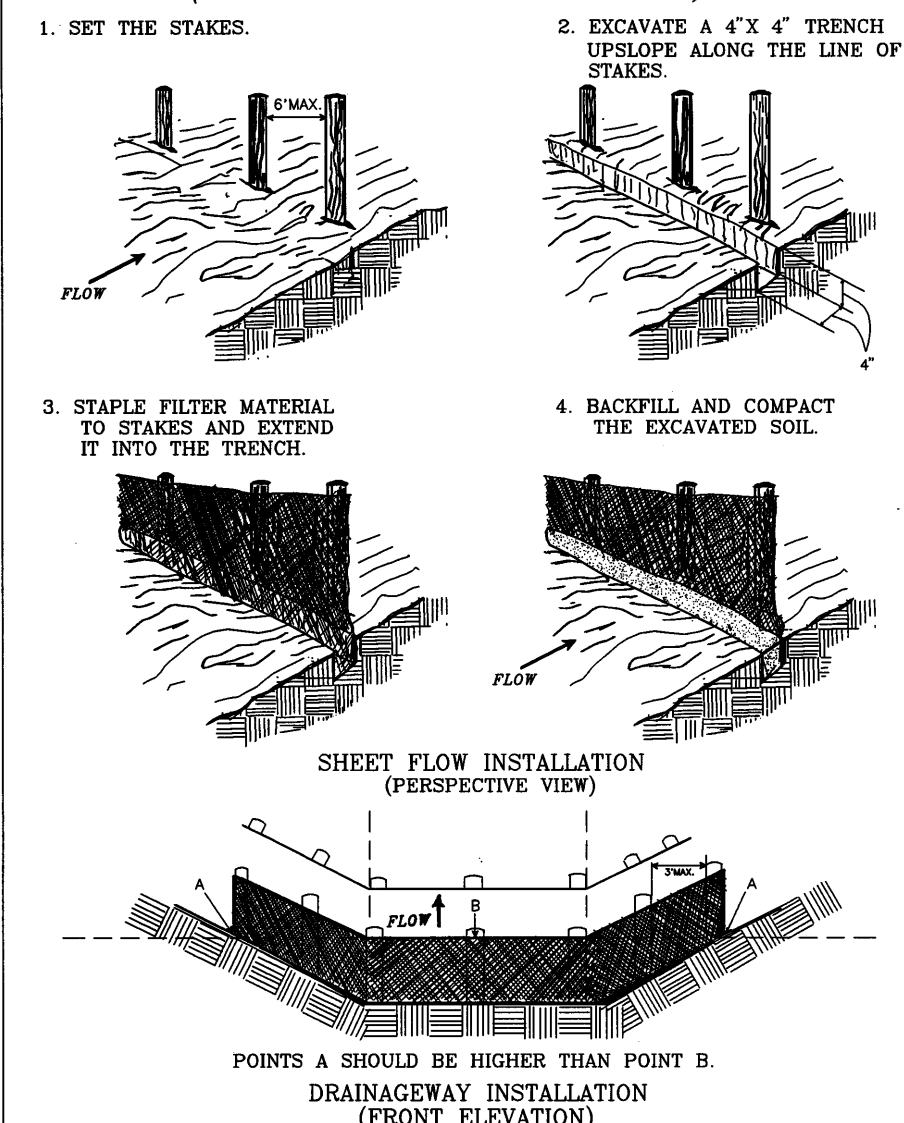
**STONE CONSTRUCTION ENTRANCE**



Source: Adapted from 1983 Maryland Standards for Soil Erosion and Sediment Control, and Va. DSWC

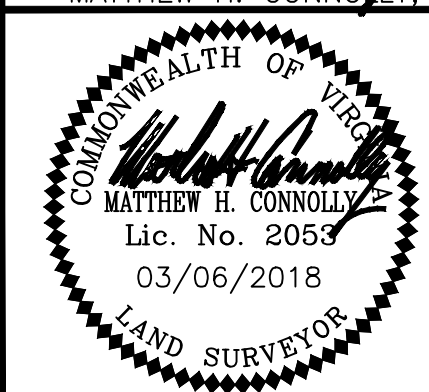
Plate 3.02-1

**CONSTRUCTION OF A SILT FENCE (WITHOUT WIRE SUPPORT)**



Source: Adapted from Installation of Straw and Fabric Filter Barriers for Sediment Control, Sherwood and Wyant

Plate 3.05-2



DATE: 01/31/2018  
 DRAWN BY: CG  
 PROJECT No. 16-040  
 FILE NAME: 16-040lot33.dwg  
 REFERENCES:  
 P.B. 90, PG. 23-25

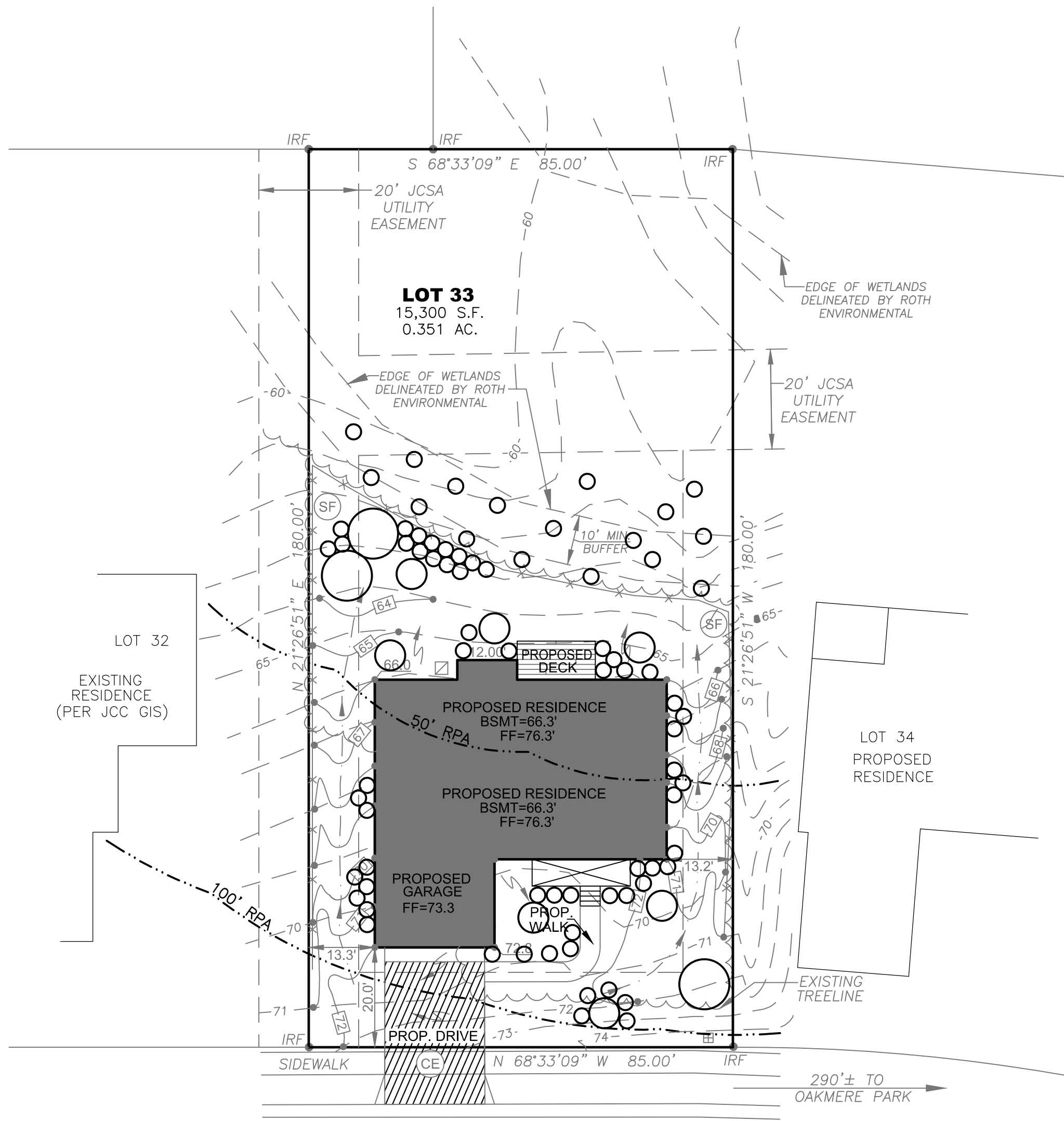
**PLOT PLAN OF**  
**LOT 33, SECTION 12, FORD'S COLONY**  
**FOR**  
**WALK-WRIGHT CONSTRUCTION**  
 (GRADING & LAYOUT PLAN)  
 JAMES CITY COUNTY VIRGINIA

NO.	DATE	REVISION / COMMENT / NOTE
1	3-6-2018	ADDED MITIGATION PLAN

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



RECORD  
 MERIDIAN  
 P.B. 90, PG. 23-25



MITIGATION TABLE

MITIGATION MEASURE	QTY.(NEEDED)	QTY. (PROPOSED)
NATIVE CANOPY TREES	9	3
NATIVE UNDERSTORY TREES	18	6
NATIVE SHRUBS	27	75

2 SHRUBS PER UNDERSTORY TREE AND 4 SHRUBS PER CANOPY TREE

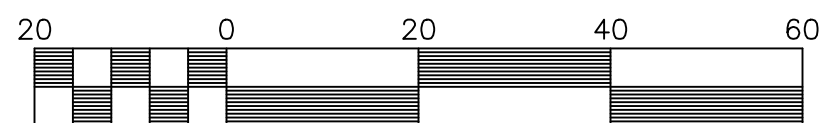
LEGEND

- NATIVE SHRUB
- NATIVE UNDERSTORY TREE
- NATIVE UNDERSTORY TREE

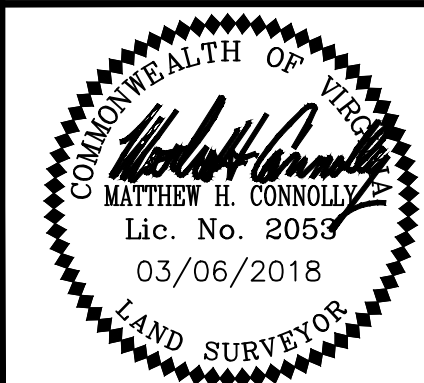
LEGEND

- ⊞ WATER METER
- ⊞ HVAC UNIT
- IRF = IRON ROD FOUND

NOTTINGHAMSHIRE  
 (50' PRIVATE R/W)



SHEET 2 OF 2



DATE: 01/31/2018  
 DRAWN BY: CG  
 PROJECT No. 16-040  
 FILE NAME: 16-040lot33.dwg  
 REFERENCES:  
 P.B. 90, PG. 23-25

PLOT PLAN OF  
 LOT 33, SECTION 12, FORD'S COLONY  
 FOR  
 WALK-WRIGHT CONSTRUCTION  
 (MITIGATION PLAN)  
 JAMES CITY COUNTY VIRGINIA

NO.	DATE	REVISION / COMMENT / NOTE
1	3-6-2018	ADDED MITIGATION PLAN

**LRI**  
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 3925 Midlands Road, Williamsburg, VA 23188  
 Ph: (757) 565-1677 Fax: (757) 565-0782  
 web: landtechresources.com



## **PUBLIC HEARING NOTICE**

THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA WILL HOLD A PUBLIC HEARING ON **WEDNESDAY MARCH 14, 2018 AT 5 P.M.** IN THE BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBE-18-068: The Structures Group, on behalf of Mr. and Mrs. William Roberts, has filed an exception request for encroachment into the RPA buffer for construction of a retaining wall at 5034 River Drive, JCC Parcel No 0930300008.

CBE-18-058: Ms. Renie Andrews has filed an exception request for encroachment into the RPA buffer for construction of a memorial patio at 4447 Pleasant View Drive in the Powhatan Village subdivision, JCC Parcel No 3741400011.

CBE-18-064: Draper Aden and Associates, on behalf of Mr. and Mrs. Scott Kruger, has filed an exception request for encroachment into the RPA buffer for the reconstruction of a single family dwelling after demolition at 136 John Wickham in the Kingsmill subdivision, JCC Parcel No 5130200009.

CBE-18-072: Timmons Group, on behalf of Southland Corporation, has filed an exception request for encroachment into the RPA buffer for construction of a paved access drive at 3000 Battery Boulevard, 7327 Pocahontas Trail and 7341 Pocahontas Trail in the Quarterpath at Williamsburg development, JCC Parcel Nos 5020100075A, 5020100030 and 5020700004B respectively.

CBE-18-067: Walk Wright Construction has applied for an exception request for encroachment into the RPA buffer for construction of a single family dwelling and attached deck at 120 Nottinghamshire in the Ford's Colony subdivision, JCC Parcel No 3233100033.

CBE-18-065: Walk Wright Construction, on behalf of Mr. and Mrs. Joseph Leigh, has filed an exception request for encroachment into the RPA buffer for construction of a single family dwelling and attached deck at 116 Nottinghamshire in the Ford's Colony subdivision, JCC Parcel No 3233100034.

CBE-18-070: Mr. Chris Eckenfels has filed an exception request for encroachment into the RPA buffer for construction of a detached storage shed at 6019 Tabiatha Lane in the Chickahominy Haven subdivision, JCC Parcel No 1910600023.

CBE-18-071: The Structures Group, on behalf of Ms. Patricia Carmichael, has filed an exception

request for encroachment into the RPA buffer for construction of a retaining wall at 300 River's Edge in the Kingsmill subdivision, JCC Parcel No 5130800012A.

CBE-18-063: Mid-Atlantic Resources Consulting, on behalf of Mr. Carlos Arana, has filed an exception request for encroachment into the RPA buffer for construction of a retaining wall and patio at 4069 South Riverside Drive in the Chickahominy Haven subdivision, JCC Parcel No 1910500017.

CBE-18-066: Walk Wright Construction, on behalf of Mr. and Mrs. Eric Gibson, has filed an exception request for encroachment into the RPA buffer for construction of a single family dwelling and attached deck at 125 Congressional in the Ford's Colony subdivision, JCC Parcel No 3720400088.

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 Stormwater and Resource Protection Division, 101 Mounts Bay Road, Building E, James City County, Virginia.

**NOT FOR PUBLICATION**

DISPLAY: WEDNESDAY – February 28, 2018 and March 7, 2018.

ACCOUNT NO.: 0011040200 - VIRGINIA GAZETTE

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



**General Services  
Stormwater and Resource  
Protection Division**  
101-E Mounts Bay Road  
Williamsburg, VA 23185

Resource.Protection@jamescitycountyva.gov

February 21, 2018

RE: 120 Nottinghamshire  
CBE-18-067  
Single Family Residence

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 Mr. Larry Walk of Walk Wright Construction for encroachment into the Resource Protection Area (RPA) buffer associated with new single family residence. The project is located at 120 Nottinghamshire in the Ford's Colony subdivision. The properties are further identified by James City County Real Estate as Parcel No. 3233100033.

A complete description, plan, and other information are on file in the Stormwater 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, March 14, 2018 at 5:00 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,

*Janice Petty*

Janice Petty  
Stormwater Assistant

cc: Walk Wright Construction  
Attn: Mr. Larry Walk

Mailing List for: CBE-18-067 – 120 Nottinghamshire – Walk Wright Construction LLC - New Single Family Residence

Owner: 3233100033 for 120 Nottinghamshire; also owns neighboring 116 Nottinghamshire

Walk Wright Construction, LLC  
123 Hempstead Road  
Williamsburg, VA 23188-1520

3233100032 for 124 Nottinghamshire

Guyan, George Victor Trustee  
P.O. Box 5878  
Williamsburg, VA 23185-5878

3233100060

Langer, Arthur & Catherine  
204 Beeston Fields  
Williamsburg, VA 23188-3511

3233100001A for 170 Nottinghamshire

Fords Colony at Williamsburg Homeowners Association  
100 Manchester  
Williamsburg, VA 23188-7404

3233100040

Bartolotta, James F & Patricia R  
219 Oakmere Park  
Williamsburg, VA 23188-3507

**ITEM SUMMARY**

DATE: 3/14/2018  
TO: Chesapeake Bay Board  
FROM: Michael Woolson, Senior Watershed Planner  
SUBJECT: CBE-18-066 : 125 Congressional

---

Eric and Renee Gibson have filed an exception request for encroachment into the RPA buffer for construction of a single family dwelling and attached deck at 125 Congressional in the Ford's Colony subdivision, JCC Parcel No 3720400088.

**ATTACHMENTS:**

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

**REVIEWERS:**

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	3/6/2018 - 6:22 PM
Chesapeake Bay Group	Geissler, Fran	Approved	3/7/2018 - 1:30 PM
Publication Management	Daniel, Martha	Approved	3/7/2018 - 1:50 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	3/7/2018 - 5:00 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBE-18-066. 125 Congressional  
Staff report for the March 14, 2018, Chesapeake Bay Board Public Hearing**

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*This staff report is prepared by James City County Stormwater and Resource Protection to provide information to the Chesapeake Bay Board to assist them in making a recommendation on this assessment. It may be useful to members of the general public interested in this assessment.*

---

**EXISTING SITE DATA AND INFORMATION**

Applicants: Eric and Renee Gibson

Agent: Larry Walk, Walk Wright Construction

Location: 125 Congressional

Tax Map/Parcel No.: 3720400088

Parcel: Ford's Colony, Lot 88, Section 7

Lot Size: 0.55 acre

Area of Lot in Resource Protection Area (RPA): 0.53 acre +/- (96%)

Watershed: Powhatan Creek, (HUC JL31)

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

Proposed Activity: Construction of a single-family dwelling

Impervious Cover: 6,615 square feet (5,583 square feet within the RPA)

RPA Encroachment: 2,308 square feet, landward 50-foot RPA buffer  
3,275 square feet, seaward 50-foot RPA buffer

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

**BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES**

Mr. Larry Walk, Walk Wright Construction, has applied for a Chesapeake Bay Exception on behalf of Eric and Renee Gibson for encroachments into the RPA buffer for the construction of a single-family dwelling on property located at 125 Congressional, within Section 7 of the Ford's Colony subdivision and the Powhatan Creek watershed. The property is further identified as James City County Tax Map Parcel No. 3720400088. The parcel was platted in 1987 prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The total impervious cover for the lot is 6,615 square feet. The required mitigation for this amount of impact would be 14 planting units. The proposed planting consists of five canopy trees, 12 understory trees and 80 shrubs. This equates to 11 planting units, leaving the proposal three units short of the required planting. In similar circumstances, the planting unit deficit is made up by a monetary donation to the County's Chesapeake Bay Mitigation Fund in the amount of \$1,000 per planting unit. Therefore, staff requests that a donation of \$3,000 be made to the Chesapeake Bay Mitigation Fund.

The applicant has also proposed to enroll in the Turf Love program once construction is complete. This program will help alleviate problems associated with over-fertilization through the use of soil testing, timing and rate of application of any fertilizers and other soil amendments and proper turf grass selection. Additionally, the applicant has proposed to use pipe gutters in order to minimize the effects of impervious areas. Staff also requires the applicant record an affidavit in the land records of the Williamsburg-James City County Circuit Court regarding the environmental resource restrictions on this lot.

### **STAFF EVALUATION**

Staff has evaluated the application and exception request for the construction of a single-family dwelling with deck and finds that the application meets the conditions in Sections 23-11 and 23-14 and that the application should be heard by the Board because the dwelling impacts the 50-foot seaward RPA buffer. Therefore, this request must be considered by the Board following a public hearing under the formal exception process.

### **WATER QUALITY IMPACT ASSESSMENT (WQIA)**

A WQIA must be submitted, per Sections 23-11 and 23-14 of the County Ordinance, for any proposed land disturbing activity resulting from development or redevelopment within RPAs. To date, the applicant has submitted the required information as outlined in the *James City County Water Quality Impact Assessment Guidelines*. The mitigation plan as described above, does not meet County 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-18-066 as outlined and presented above and review the request for exception along with the WQIA. The Board may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of the County's Chesapeake Bay Preservation Ordinance.

### **STAFF RECOMMENDATIONS**

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

1. The applicant must obtain all other necessary federal, state and local permits 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 mitigation, including plantings and registration of Turf Love program; and
3. A payment of \$3,000 into the County's Chesapeake Bay Mitigation Fund; and
4. The Applicant must record an affidavit in the land records of the Williamsburg-James City County Circuit Court regarding the environmental resource restrictions on this lot. The approved resolution and the approved site plan shall be attached to such affidavit; and
5. This exception request approval shall become null and void if construction has not begun by March 14, 2019; and
6. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than six weeks prior to the expiration date.



MDW/nb  
CBE18-066Gibson

Attachments:

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

## RESOLUTION

CASE NO. CBE-18-066. 125 CONGRESSIONAL

### JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Eric and Renee Gibson (the “Applicant”) have applied to the Chesapeake Bay Board of James City County (the “Board”) on March 14, 2018, to request an exception to use of the Resource Protection Area (the “RPA”) on a parcel of property identified as James City County Real Estate Tax Parcel No. 3720400088 and further identified as 125 Congressional in the Ford’s Colony subdivision (the “Property”) as set forth in the application CBE-18-066 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 required for the project; and
  - b. Surety of \$5,000 will be required in a form acceptable to the County Attorney’s office to guarantee the mitigation, including plantings, Turf Love program registration and gravel under the deck; and
  - c. A payment of \$3,000 into the County's Chesapeake Bay Mitigation Fund; and

- d. The Applicant must record an affidavit in the land records of the Williamsburg James City County Circuit Court regarding the environmental resource restrictions on this lot. This Resolution and the approved site plan shall be attached to such affidavit; and
- e. This exception request approval shall become null and void if construction has not begun by March 14, 2019; 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  
Chair, Chesapeake Bay Board

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

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 14th day of March, 2018.

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: \_\_\_\_\_

CBE18-066Gibson-res

CBE 18-066

# Chesapeake Bay Preservation Ordinance

## Sensitive Area Activity Application

The following items must be clearly indicated on the on the side view elevation of the proposed structure:

- Proposed structure and its location to any existing structure.
- Show the approximate contours of the land (topography).
- If proposed structure is an elevated deck, provide the height of the deck above ground.
- Show any proposed staircases or landings, any other existing decks or patios on the property and show the required gravel underneath the deck.

### 5. Why is mitigation required?

Natural vegetation is important for controlling the rate of stormwater runoff, removing excesses nutrients and pollutants from storm and groundwater, and preventing soil erosion. When natural vegetation is removed, these functions are lost. Therefore, the replacement of natural vegetation is required to ensure that the RPA area functions properly.

### 6. When is mitigation required?

Mitigation is required for the removal of vegetation from the RPA to enhance the pollutant filtering function of the remaining buffer. The amount of plantings is based on the amount of impervious cover created within the RPA, or to replace vegetation removed for sightline clearing. Mitigation is not required for activities on steep slopes that are not in the RPA. Disturbed steep slopes must be matted with EC-2 (degradable) erosion control matting.

### 7. What are the mitigation requirements?

- Mitigation plants must be species that are native to the coastal plain of Virginia. A list of plant species can be found at: [www.dcr.virginia.gov/natural\\_heritage/nativeplants.shtml](http://www.dcr.virginia.gov/natural_heritage/nativeplants.shtml)
- Mitigation plantings should be a mix of native, canopy trees, understory trees, and shrubs to provide the most effective buffer.
- Mitigation plantings must be within the 100' RPA buffer. Mitigation and corresponding surety rates will be determined by the table at the bottom of page 2.
- Mitigation size requirements:
  - Canopy and understory trees must be a minimum of 1 1/2 inch caliper or 6 feet tall.
  - Shrubs must be a minimum 3-gallon size and 18 inches tall.
- If your activity requires mitigation, you must submit a mitigation plan. Required elements for the mitigation plan are:
  - Any current and proposed buildings/structures.
  - The 50' (seaward) and 100' (landward) RPA buffer areas.
  - Any perennial streams, wetlands, or ponds on or adjacent to the property.
  - All trees greater than 12" in diameter (measured 4.5' above the ground); include diameter and species or an outline of the wood lines if there are clumps of trees.
  - Location of mitigation plantings (include species and size of planting).
  - Location of other mitigation measures.
  - Date of completion (no more that 24 months from approval).
  - Corresponding surety in a form acceptable to the County Attorney (certified check is preferred), must be submitted to ensure completion of the approved mitigation plan.
- Mitigation plantings must be inspected before the Certificate of Occupancy is issued by JCC Building Safety and Permits and/or prior to release of the surety.

### 8. What if I have questions or need additional information?

Contact the James City County Engineering and Resource Protection Division at 757-253-6670 or visit our website at [www.jamescitycountyva.gov/resourceprotection](http://www.jamescitycountyva.gov/resourceprotection).

**Instructions for the JCC Single-Family Sensitive Area Activity Application**

**1. When do I need to submit an application?**

This application is for any activity in the Resource Protection Area (RPA), on 25 percent or greater slopes or in Conservation Easements, on single-family, residential lots. Activities include grading, filling, building, removal of vegetation, and any other disturbances. If you are proposing to do any activities in these sensitive and protected areas, you must fill out this application. The application will be reviewed and either approved or disapproved. If the application is approved, you may proceed with the activity after receiving a letter of approval.

**2. What activities can be approved administratively and which ones need to go to the James City County Chesapeake Bay Board?**

All sensitive area activities require administrative review. Activities that must go to the Board are:

- Construction of a new principal structure within the seaward 50-foot RPA buffer.
- Construction of an accessory structure (such as a shed, garage, patio, etc.) anywhere in the 100-foot RPA.
- Any application administratively determined to exceed the minimum necessary to afford relief.
- Appeals of an administrative decision.

Activities that can be approved administratively by the Engineering and Resource Protection Division are:

- Construction of certain new principal structures within the landward 50-foot RPA buffer.
- Expansions and alterations to an existing, non-conforming (built prior to adoption of the ordinance), principal structure anywhere in the RPA buffer.
- Disturbance of steep slopes.
- Tree/vegetation removal for a sight line, path, or because the plants are dead, diseased or dying.

**3. What other permits may be needed?**

If you are proposing activity in tidal wetlands, you will need to file a Joint Permit Application (JPA) for the James City County Wetlands Board with the Virginia Marine Resources Commission (VMRC). If you are proposing activity in US Army Corps of Engineers jurisdictional wetlands, you will need to obtain a permit from them or the Department of Environmental Quality. These activities will also require the filing of a JPA. Most work involving a principal or accessory structure will require a building permit from the James City County Building Safety and Permits. The applicant is responsible for obtaining all necessary permits for the activity they are proposing.

**4. What else needs to be submitted with the Sensitive Area Application?**

The plans submitted must be drawn to scale and the following items must be clearly shown on the overhead plan view:

- Any existing buildings/structures on the property (house, garage, pool, deck, patio, retaining wall etc).
- Location and dimensions of proposed activity.
- Type of materials to be used (examples: timber retaining wall, brick paver patio, frame shed on concrete, etc).
- Any perennial streams, wetlands or ponds on or adjacent to the property.
- The 50-ft (seaward) and 100-ft (landward) RPA buffer areas and/or the Conservation Easement.
- Approximate contours on the land (topography).
- Location of slopes  $\geq 25$  percent.
- All trees greater than 12" in diameter (measured 4.5' above the ground); include diameter and species or an outline of the wood lines if there are clumps of trees.
- Any vegetation proposed for removal or alteration.
- Erosion and sediment controls if necessary.
- Mitigation plan with surety (see page 6, Item 7).



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

<p><b>For Office Use Only</b></p> <p>CB Number <u>CAE18-064</u></p>
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A. Vegetation/ground cover enhancement of buffer (see Mitigation Rates Table on previous page).

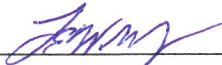
<input checked="" type="checkbox"/>	Number of native canopy trees	<u>5</u>
<input checked="" type="checkbox"/>	Number of native understory trees	<u>12</u>
<input checked="" type="checkbox"/>	Number of native shrubs	<u>20</u>
<input type="checkbox"/>	Square feet of native ground cover	_____
<input type="checkbox"/>	Square feet of mulch	_____

B. Best Management Practices (BMPs)

<input type="checkbox"/>	EC-2 (degradable) erosion control matting	<input type="checkbox"/>	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 checked="" type="checkbox"/>	Turf (Nutrient) Management Plan	<input type="checkbox"/>	Rain Barrel
<input type="checkbox"/>	Gravel under deck (3" of gravel over synthetic filter fabric under entire deck area)		
<input type="checkbox"/>	Other: _____		

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

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

Property owner signature  Date 1/31/18

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

Authorized Signature

For Office Use Only	<p>Surety Amount: _____</p> <p>Date/Rec No.: _____</p> <p>Fee Paid? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Amount: <u>125.00</u></p> <p>Date/Rec No.: <u>1/31/18 #3287</u></p>
---------------------	--





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

**For Office Use Only**

**CB Number**

*CE 18-066*

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

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

*NEW CONSTRUCTION*

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?

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

*PIPE GUTTERS , TURF MANAGEMENT*

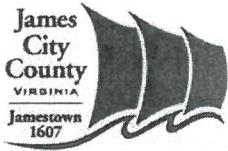
**5. Proposed mitigation measures:**

**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





JAN 31 2018

# Chesapeake Bay Preservation Ordinance Sensitive Area Activity Application

For Office Use Only

CB Number

*CPE 18-066*

**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: 1/31/18

Name: ERIC + PENELE GIBSON  
 Address: 109 SEMINOLE WILLIAMSBURG VA 23188  
 Phone: 815 412 0675 Fax: \_\_\_\_\_ Email: REGIBSON23@ICLOUD.COM

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

Name: LARRY WALK Phone: 592 6252  
WALK WRIGHT CONSTRUCTION Email: LARRY.WALK@BHHSTOWNS.COM

**Project Information:**

Project Address: 125 CONGRESSIONAL  
 Subdivision Name, Lot, and Section No.: FORD'S COLONY LOT 88 SECT 7  
 Parcel Identification No. or Tax Map No.: 37204000 88  
 Date Lot was platted: \_\_\_\_\_ Line or Bldg Permit No.: \_\_\_\_\_

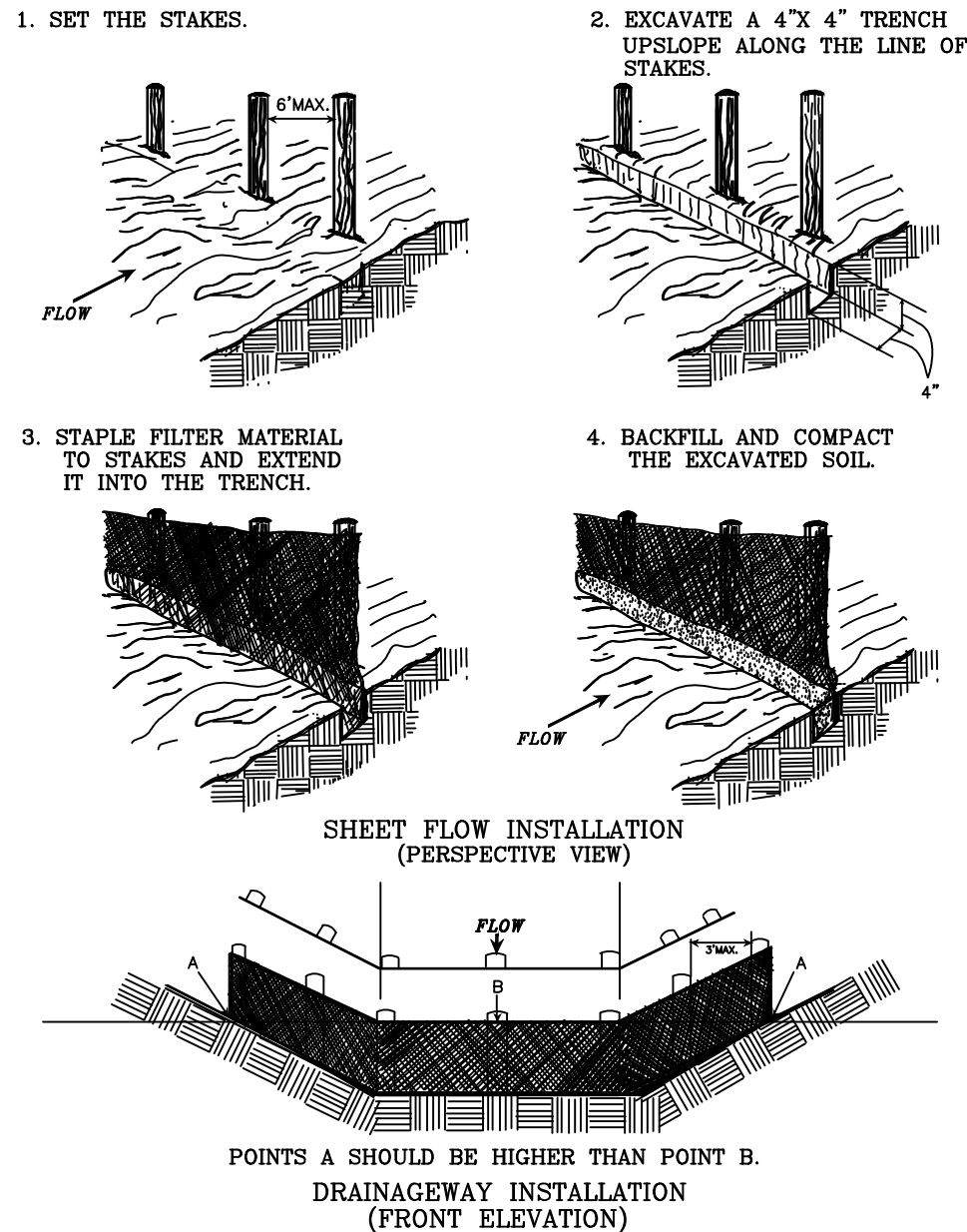
**Activity Location and Impacts (Square Feet - SF):** (check all that apply)

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

**CONSTRUCTION OF A SILT FENCE (WITHOUT WIRE SUPPORT)**



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

**NOTE TO CONTRACTOR**

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

**BUILDING SETBACKS (PER FORD'S COLONY)**

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

**NOTES**

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

**SURVEYORS CERTIFICATION**

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

*Matthew H. Connolly*  
 MATTHEW H. CONNOLLY, L.S. 01/31/2018 DATE

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

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

CURB & GUTTER SECTIONS WILL REQUIRE (2) SCHEDULE 40-4" CONDUITS PLACED 3' BELOW GRADE, OR AS LOW AS POSSIBLE TO NOT CONFLICT WITH OTHER UTILITIES, DIRECTLY BEHIND THE CURB FOR FUTURE WIRES.  
 SECTIONS: 3B, 8A, 8B, 10, 12, 13A, 13B, 14A, 14B, 15, 17, 18, 30, 31 & 32  
 DATE: \_\_\_\_\_ SIGNED: \_\_\_\_\_

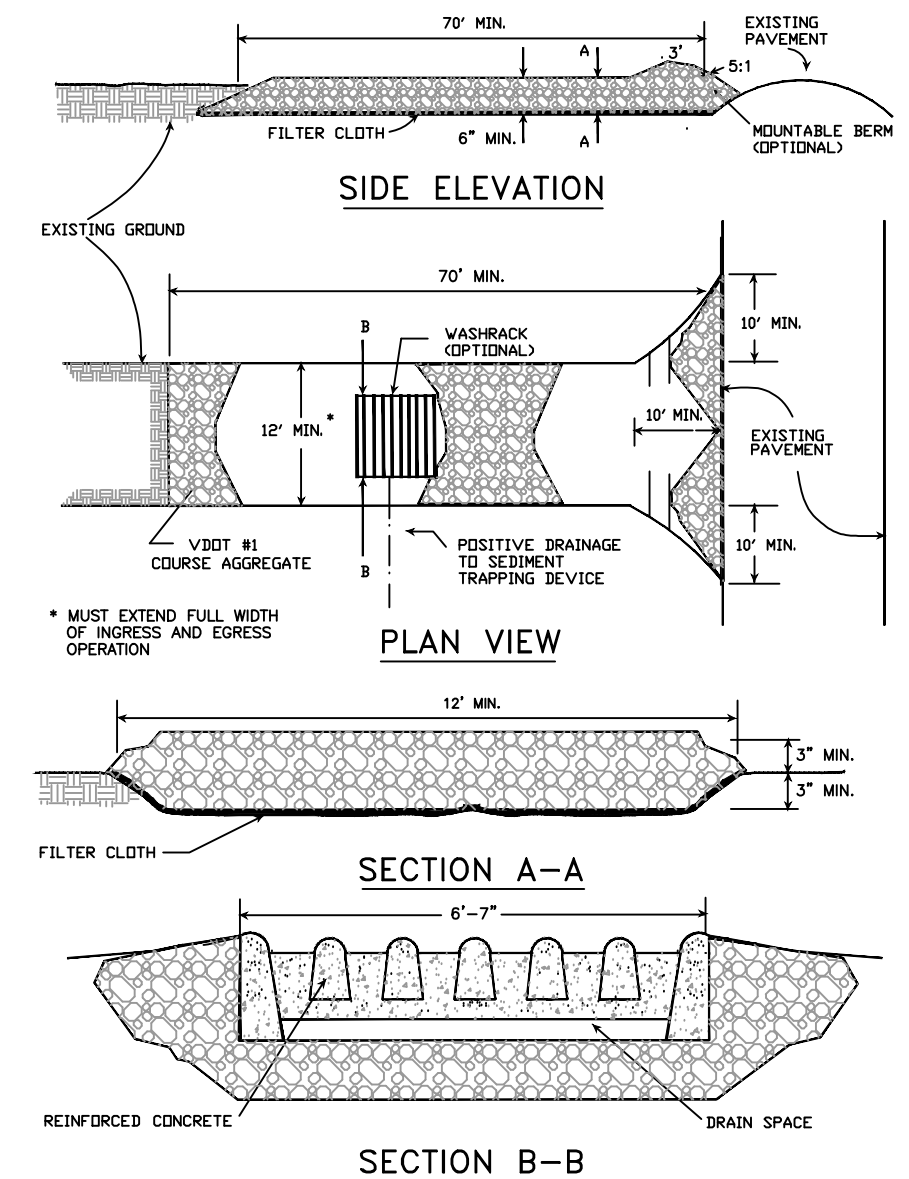
**BUILDING INFORMATION**

PROPOSED RESIDENCE IS 2-STORY  
 PROPOSED GARAGE IS FRONT LOADING

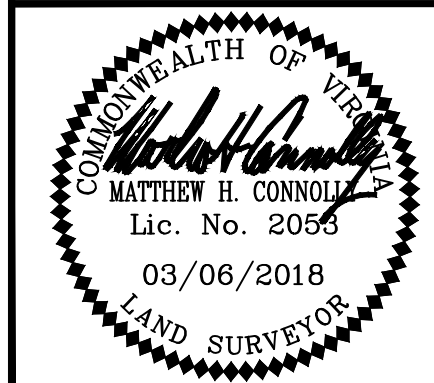
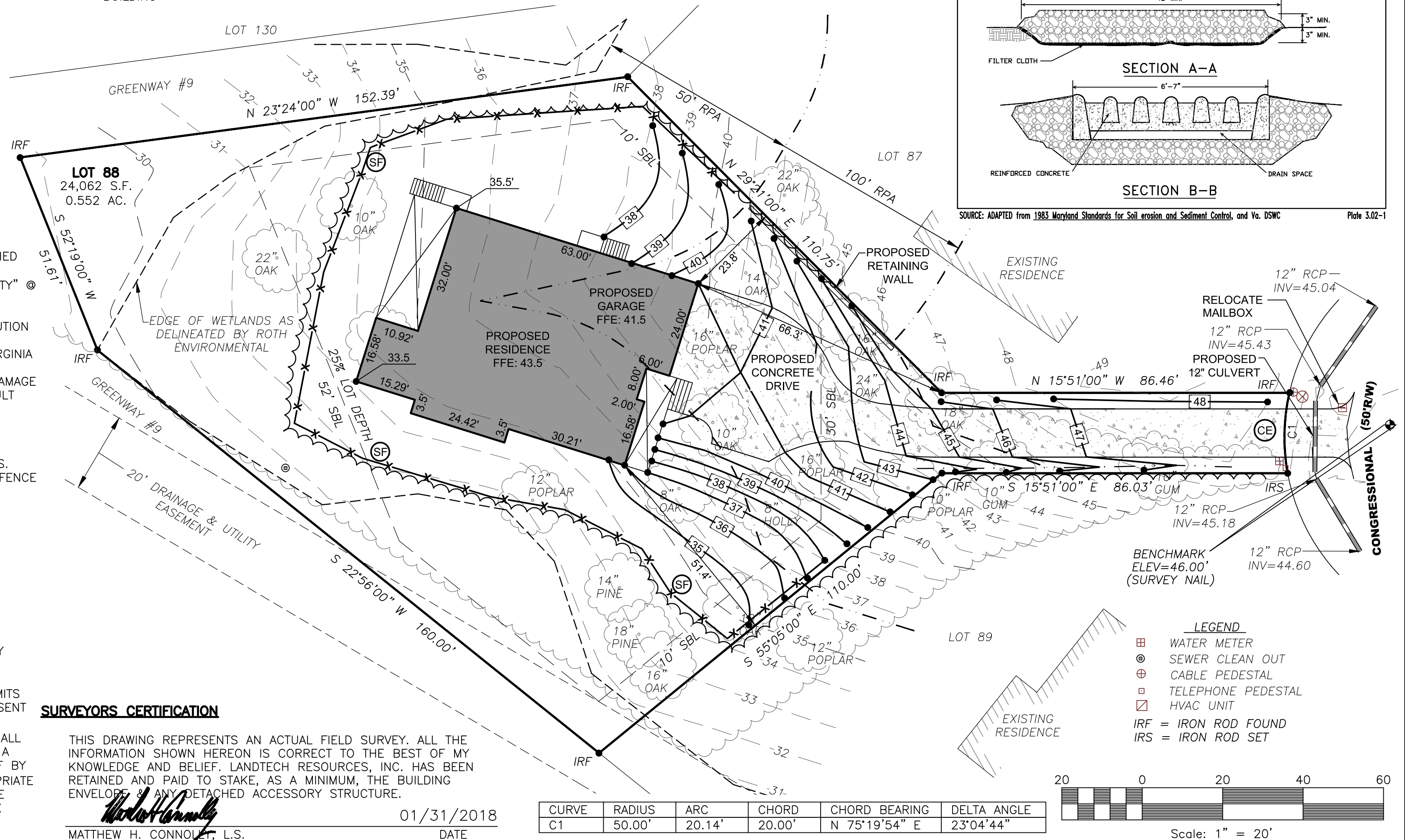
**SITE INFORMATION**

TOTAL AREA: 24,062 S.F. / 0.552 AC.  
 DISTURBED AREA: 15,342 S.F. / 0.352 AC.  
 IMPERVIOUS: 6,615 S.F. / 0.152 AC.  
 PARCEL ID: 3720400088  
 ZONING DISTRICT: R4  
 EXISTING SITE IS WOODED AS SHOWN  
 EXISTING ADDRESS:  
 125 CONGRESSIONAL  
 JAMES CITY COUNTY, VIRGINIA

**STONE CONSTRUCTION ENTRANCE**



SOURCE: ADAPTED FROM 1983 MARYLAND STANDARDS FOR SOIL EROSION AND SEDIMENT CONTROL, AND VA. DSWC PLATE 3.02-1



DATE: 01/31/2018  
 DRAWN BY: CG  
 PROJECT No. 18-004  
 FILE NAME: 18-004C.DWG  
 REFERENCES:  
 P.B. 50, PG. 31-40

LOT PLAN OF  
 LOT 88, SECTION VII  
 FORD'S COLONY  
 FOR  
 WALK WRIGHT CONSTRUCTION  
 JAMES CITY COUNTY VIRGINIA

NO.	DATE	REVISION / COMMENT / NOTE
1	3-6-2018	REVISED PER CLIENT COMMENTS

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




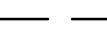
3925 Midlands Road Williamsburg, VA 23188  
 Ph: (757) 565-1677 Fax: (757) 565-0782  
 web: landtechresources.com

MITIGATION TABLE

MITIGATION MEASURE	QTY.(NEEDED)	QTY. (PROPOSED)
NATIVE CANOPY TREES	14	5
NATIVE UNDERSTORY TREES	28	12
NATIVE SHRUBS	42	110

2 SHRUBS PER UNDERSTORY TREE AND 4 SHRUBS PER CANOPY TREE






MITIGATION LEGEND

-  CANOPY TREE (5)
-  UNDERSTORY TREE (12)
-  SHRUB (80)
-  MULCH BED

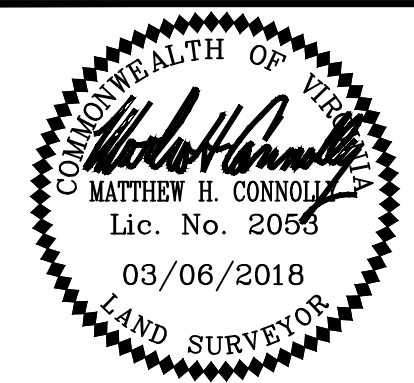
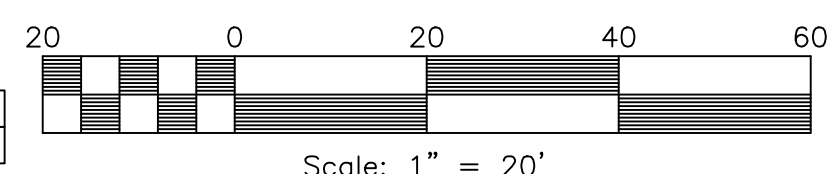
**SITE INFORMATION**

TOTAL AREA: 24,062 S.F. / 0.552 AC.  
 IMPERVIOUS IN RPA: 5,644 S.F.



- LEGEND**
-  WATER METER
  -  SEWER CLEAN OUT
  -  CABLE PEDESTAL
  -  TELEPHONE PEDESTAL
  -  HVAC UNIT
  - IRF = IRON ROD FOUND
  - IRS = IRON ROD SET

CURVE	RADIUS	ARC	CHORD	CHORD BEARING	DELTA ANGLE
C1	50.00'	20.14'	20.00'	N 75°19'54" E	23°04'44"



DATE: 01/31/2018  
 DRAWN BY: CG  
 PROJECT No. 18-004  
 FILE NAME: 18-004C.DWG  
 REFERENCES:  
 P.B. 50, PG. 31-40

MITIGATION PLAN OF  
 LOT 88, SECTION VII  
 FORD'S COLONY  
 FOR  
 WALK WRIGHT CONSTRUCTION

JAMES CITY COUNTY VIRGINIA

NO.	DATE	REVISION / COMMENT / NOTE
1	3-6-2018	REVISED PER CLIENT COMMENTS

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

3925 Midlands Road Williamsburg, VA 23188  
 Ph: (757) 565-1677 Fax: (757) 565-0782  
 web: landtechresources.com



## **PUBLIC HEARING NOTICE**

THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA WILL HOLD A PUBLIC HEARING ON **WEDNESDAY MARCH 14, 2018 AT 5 P.M.** IN THE BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBE-18-068: The Structures Group, on behalf of Mr. and Mrs. William Roberts, has filed an exception request for encroachment into the RPA buffer for construction of a retaining wall at 5034 River Drive, JCC Parcel No 0930300008.

CBE-18-058: Ms. Renie Andrews has filed an exception request for encroachment into the RPA buffer for construction of a memorial patio at 4447 Pleasant View Drive in the Powhatan Village subdivision, JCC Parcel No 3741400011.

CBE-18-064: Draper Aden and Associates, on behalf of Mr. and Mrs. Scott Kruger, has filed an exception request for encroachment into the RPA buffer for the reconstruction of a single family dwelling after demolition at 136 John Wickham in the Kingsmill subdivision, JCC Parcel No 5130200009.

CBE-18-072: Timmons Group, on behalf of Southland Corporation, has filed an exception request for encroachment into the RPA buffer for construction of a paved access drive at 3000 Battery Boulevard, 7327 Pocahontas Trail and 7341 Pocahontas Trail in the Quarterpath at Williamsburg development, JCC Parcel Nos 5020100075A, 5020100030 and 5020700004B respectively.

CBE-18-067: Walk Wright Construction has applied for an exception request for encroachment into the RPA buffer for construction of a single family dwelling and attached deck at 120 Nottinghamshire in the Ford's Colony subdivision, JCC Parcel No 3233100033.

CBE-18-065: Walk Wright Construction, on behalf of Mr. and Mrs. Joseph Leigh, has filed an exception request for encroachment into the RPA buffer for construction of a single family dwelling and attached deck at 116 Nottinghamshire in the Ford's Colony subdivision, JCC Parcel No 3233100034.

CBE-18-070: Mr. Chris Eckenfels has filed an exception request for encroachment into the RPA buffer for construction of a detached storage shed at 6019 Tabiatha Lane in the Chickahominy Haven subdivision, JCC Parcel No 1910600023.

CBE-18-071: The Structures Group, on behalf of Ms. Patricia Carmichael, has filed an exception

request for encroachment into the RPA buffer for construction of a retaining wall at 300 River's Edge in the Kingsmill subdivision, JCC Parcel No 5130800012A.

CBE-18-063: Mid-Atlantic Resources Consulting, on behalf of Mr. Carlos Arana, has filed an exception request for encroachment into the RPA buffer for construction of a retaining wall and patio at 4069 South Riverside Drive in the Chickahominy Haven subdivision, JCC Parcel No 1910500017.

CBE-18-066: Walk Wright Construction, on behalf of Mr. and Mrs. Eric Gibson, has filed an exception request for encroachment into the RPA buffer for construction of a single family dwelling and attached deck at 125 Congressional in the Ford's Colony subdivision, JCC Parcel No 3720400088.

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 Stormwater and Resource Protection Division, 101 Mounts Bay Road, Building E, James City County, Virginia.

**NOT FOR PUBLICATION**

DISPLAY: WEDNESDAY – February 28, 2018 and March 7, 2018.

ACCOUNT NO.: 0011040200 - VIRGINIA GAZETTE

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



**General Services  
Stormwater and Resource  
Protection Division**  
101-E Mounts Bay Road  
Williamsburg, VA 23185

Resource.Protection@jamescitycountyva.gov

February 21, 2018

RE: 125 Congressional  
CBE-18-066  
Single Family Residence

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 Mr. Larry Walk of Walk Wright Construction for encroachment into the Resource Protection Area (RPA) buffer associated with new single family residence. The project is located at 125 Congressional in the Ford's Colony subdivision. The properties are further identified by James City County Real Estate as Parcel No. 3720400088.

A complete description, plan, and other information are on file in the Stormwater 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, March 14, 2018 at 5:00 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,

*Janice Petty*

Janice Petty  
Stormwater Assistant

cc: Walk Wright Construction  
Attn: Mr. Larry Walk

Gibson, Eric & Renee



Mailing List for: CBE-18-066 – 125 Congressional – Gibson - Walk Wright Construction LLC - New Single Family Residence

Owner: 3720400088 for 125 Congressional

McDaniel, Thomas C  
4940 Old Main Street, Unit 508  
Henrico, VA 23231-3044

Gibson, Eric & Renee  
109 Seminole  
Williamsburg, VA 23188-9112

Walk Wright Construction, LLC  
123 Hempstead Road  
Williamsburg, VA 23188-1520

3720400087

Turnelle, Charles E, Jr. & Jo T  
122 Congressional  
Williamsburg, VA 23188-9122

3720400089

Blandford, Cameron Scott  
121 Congressional  
Williamsburg, VA 23188-9122

3720400130

Kelly, Diane M Trustee  
116 Southern Hills  
Williamsburg, VA 23188-9114

3720400114

McHenry, Dale Edward Trustee & Frankie Ann Trustee  
113 Pine Valley  
Williamsburg, VA 23188-9110

3720400113

Choate, Arthur H Trustee & Julia E Trustee  
117 Pine Valley  
Williamsburg, VA 23188-9110

3720400001A

Fords Colony at Williamsburg Homeowners  
100 Manchester  
Williamsburg, VA 23188-7404

**ITEM SUMMARY**

DATE: 3/14/2018  
TO: Chesapeake Bay Board  
FROM: Michael Woolson, Senior Watershed Planner  
SUBJECT: CBE-18-072 : 7-Eleven at Quarterpath

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The Southland Corporation has filed an exception request for encroachment into the RPA buffer for construction of a paved access drive at 3000 Battery Boulevard, 7327 Pocahontas Trail and 7341 Pocahontas Trail in the Quarterpath at Williamsburg development, JCC Parcel Nos 5020100075A, 5020100030 and 5020700004B.

**ATTACHMENTS:**

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

**REVIEWERS:**

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	3/7/2018 - 2:53 PM
Chesapeake Bay Group	Geissler, Fran	Approved	3/7/2018 - 4:39 PM
Publication Management	Burcham, Nan	Approved	3/7/2018 - 4:41 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	3/7/2018 - 5:03 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBE-18-072. 7-Eleven at Quarterpath  
Staff report for the March 14, 2018, Chesapeake Bay Board Public Hearing**

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*This staff report is prepared by James City County Stormwater 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: Southland Corporation

Agent: Mark Richardson, Timmons Group

Location: 3000 Battery Boulevard, 7337 Pocahontas Trail, 7327 Pocahontas Trail and 7341 Pocahontas Trail

Tax Map/Parcel No.: 5020100075A, 5020100030A, 5020100030 and 5020700004B

Parcel: New Lot A, Quarterpath at Williamsburg, Section 1  
Part of Patrick Henry Inn and TR Vermillion Property  
Adj. Walter Smith

Lot Size: 3.90 acre (combined)

Area of Lot in Resource Protection Area (RPA): 1.54 acre +/- (40%)

Watershed: College Creek (HUC JL34)

Floodplain: Zone X, areas determined to be outside the 0.2% annual chance flood.  
Panel 0143D

Proposed Activity: Construction of a paved access drive

Impervious Cover: Approximately 2,400 square feet

RPA Encroachment: 50-foot landward RPA buffer

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

**BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES**

Mr. Mark Richardson, Timmons Group, has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of a paved access road for the redevelopment of a 7-Eleven and a proposed restaurant at 3000 Battery Boulevard and 7337, 7327 and 7341 Pocahontas Trail. The RPA was delineated by Williamsburg Environmental Group, now known as Stantec. They also designed the master Stormwater Plan for the entirety of the Williamsburg at Quarterpath project.

The site has several unique design constraints, including specific requirements from the Virginia Department of Transportation. The entrance off Battery Boulevard must be at least 300 feet from the existing intersection of Battery Boulevard and Pocahontas Trail. This puts the entrance drive from Battery Boulevard immediately adjacent to the RPA. The entrance drive curves in towards the project site to run parallel to the RPA to the greatest extent practicable. There are approximately 2,400 square feet of impervious cover impacts to the RPA.

The total disturbance to the RPA is 9,750 square feet, including the fill slope for the entrance road and a combined storm water outfall between the 7-Eleven and the proposed restaurant.

The proposed mitigation for these impacts are to replant the disturbed fill slope (19 planting units) and provide the County a natural open space easement (1,700 square feet). Typical mitigation for a project such as this is to replant those areas that can be restored and to provide to the County a natural open space easement equal to twice the disturbed RPA area. Should the Board wish to approve this request, staff recommends that the remaining undisturbed RPA also be placed into a natural open space easement.

## **STAFF EVALUATION**

Staff has evaluated the application and exception request for the construction of a paved access road and finds that the application has met the conditions in Sections 23-11 and 23-14 and that the application should be heard by the Board because the paved access road does not cross the RPA in a perpendicular fashion. Therefore, this request must be considered by the Board following a public hearing under the formal exception process.

## **WATER QUALITY IMPACT ASSESSMENT (WQIA)**

A WQIA was submitted, per Sections 23-11 and 23-14 of the County Ordinance, for the 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 that meets County 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-18-072 as outlined and presented above and review the request for exception along with the WQIA. The Board may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of the County's Chesapeake Bay Preservation Ordinance.

## **STAFF RECOMMENDATIONS**

Staff has reviewed the application and exception request and has determined impacts associated with the proposal to be moderate for the proposed development. Staff does recommend approval of this exception request. Should the Board wish to approve this exception 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. The natural open space easement shall also include the remaining undisturbed RPA; and
3. Surety of \$5,000 is required in a form acceptable to the County Attorney's office to guarantee the mitigation plantings and natural open space easement; and
4. This exception request approval shall become null and void if construction has not begun by March 14, 2019; and
5. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than six weeks prior to the expiration date.

MDW/nb  
CBE18-072-711QrtrPth

Attachments:

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

## RESOLUTION

CASE NO. CBE-18-072. 7-ELEVEN AT QUARTERPATH

### JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Southland Corporation (the “Applicant”) has applied to the Chesapeake Bay Board of James City County (the “Board”) on March 14, 2018, to request an exception to use of the Resource Protection Area (the “RPA”) on several parcels of property identified as James City County Real Estate Tax Parcel No. 5020100075A, 5020100030A, 5020100030 and 5020700004B and further identified as 3000 Battery Boulevard, 7337 Pocahontas Trail, 7327 Pocahontas Trail and 7341 Pocahontas Trail, respectively, in the Quarterpath at Williamsburg development (the “Property”) as set forth in the application CBE-18-072 for the purpose of constructing a paved access road; 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 required for the project; and
  - b. The natural open space easement shall also include the remaining undisturbed RPA; and

- c. Surety of \$5,000 is required in a form acceptable to the County Attorney's office to guarantee the mitigation plantings and natural open space easement; and
- d. This exception request approval shall become null and void if construction has not begun by March 14, 2019; and
- e. Written requests for an extension to an exception shall be submitted to the Stormwater 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 March, 2018.

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: \_\_\_\_\_

CBE18-072-711QtrPath-res

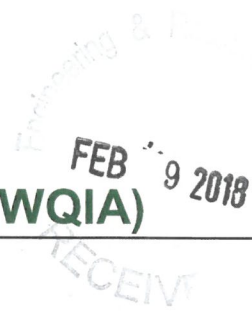
# 7-11 AT QUARTERPATH

JAMES CITY COUNTY, VIRGINIA

FEBRUARY 9, 2018

## WATER QUALITY IMPACT ASSESSMENT (WQIA)

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### PROJECT DESCRIPTION

This project provides for the redevelopment of an existing 7-11 gas station and convenience store as well as a new proposed 4,000 sf restaurant located at the intersection of Pocahontas Trail and Battery Boulevard. The replacement 7-11 will have a 2,940 sf convenience store, 12 gas pumps and 17 parking spaces on a 1.80 acre parcel. The proposed restaurant is anticipated to be approximately 4,000 sf with a drive through and 38 parking spaces on a 1.97 acre parcel. Approximately 2.70 acres of land will be disturbed with this project. Approximately 1.48 acres of impervious cover are proposed with this project. The existing 7-11 has 0.50 acres of impervious surface on its site.

### EXISTING CONDITIONS

The site is currently characterized by dense woody vegetation with moderate-to-steep elevation differences. Slopes generally range from 0.5% to 50% and elevations range from 60' to 90' above sea level (NAVD88). The site is bounded by Pocahontas Trail to the northeast, Battery Boulevard to the southeast, and undeveloped wooded land to the west. The southwest side of the property comprises steeper slopes that quickly drop off towards wetlands.

The site currently drains to the southwest and enters an existing natural channel that is considered wetlands and contained in a 100' Resource Protection Area (RPA) buffer. This channel is part of the Tutters Creek drainage area.

### NEEDED RPA IMPACTS AND MINIMIZATION

The proposed project is constrained such that the impacts to the RPA buffer are necessary for the site to function properly while being careful to minimize the impacts and mitigate for the impacts that are proposed.

First, the entrance from Battery Boulevard is required by the Virginia Department of Transportation to be located 300' from the intersection of Pocahontas Trail. Given this geometric constraint, the construction of the shared entrance from Battery Boulevard unavoidably impacts the RPA buffer. The remainder of the geometric layout of the site has been configured to minimize disruption of the RPA buffer while providing the shared access to the restaurant site.

Stormwater management requires certain encroachments into the RPA buffer to provide an outfall at the toe of slope such that stormwater does not create erosion problems by discharging on a side slope. To minimize the impacts to the RPA buffer, the project has combined the outfalls for both the 7-11 and the restaurant to only have one outfall instead of two. Stormwater piping will be sized accordingly to



accommodate flows from both sites with the increase in pipe size requiring a nominally larger impact to the RPA as opposed to the second outfall.

The combination of access and stormwater also allows this development to deal with the environmental permitting one time as opposed to multiple applications.

## **TRASH COLLECTION**

Multiple dumpsters are anticipated for each site. Dumpster enclosures are provided for each of the sites to minimize trash accidentally entering the water system. Enclosures will meet the City's code.

## **HAZARDOUS MATERIALS**

Fuel for the gas station will be stored onsite in underground storage tanks. A normal standard of care will be taken to prevent spills.

## **MATERIALS STORAGE**

The open storage of hazardous materials or potential drinking-water contaminants is not proposed or expected with this project. Fuel storage for the gas pumps will be contained in underground tanks.

## **STORMWATER QUALITY CONSIDERATIONS**

### ***Construction Phase***

To reduce the potential for contamination by sediment-laden runoff, this project will propose a system of temporary sediment traps, diversion dikes, and perimeter silt fence to be installed and maintained during construction. These facilities will be designed in accordance with the latest edition of the *Virginia Erosion and Sediment Control Handbook* (VESCH). The contractor will be required to install these facilities as shown on the civil site plans and will be responsible for their maintenance and upkeep as construction progresses and after all major rainfall events. EC-2 degradable matting will be provided where disturbance occurs on areas with steep slopes.

## **STORMWATER QUALITY CONSIDERATIONS**

### ***Post-Construction***

This proposed development is included in the master planned Quarterpath multiuse development. The stormwater master planning for this development is described in the "Quarterpath at Williamsburg Best Management Practices Land Bay Design Guidelines" dated January 7, 2013. The proposed 7-11 and restaurant site are part of Land Bays 1 and 2 in that document. These areas are intended to be serviced for stormwater treatment with the Tutters Neck Pond, which has been approved to operate as a regional stormwater management facility under the IIC stormwater regulations.

Land Bays 1 and 2 have been identified for a 10-15% on-site pollutant reduction target as satisfied by the Tutters Neck Pond BMP. Additionally, the proposed approximately two acres of impervious surface on the 7-11 and restaurant sites will be treated with underground stormwater detention, which provides stormwater quality benefits to meet the 10-15% pollutant removal and prevent any direct untreated discharge from impervious surface to the RPA buffer. Each site will have its own stormwater system and discharge.

Please see the Quarterpath at Williamsburg Stormwater Master Plan for additional information regarding the overall stormwater system for the large scale development.

## **STORMWATER QUANTITY CONSIDERATIONS**

### ***Post-Construction***

The master plan calls for the 2 and 10 year post development discharges to be attenuated the Tutters Neck Pond to discharge no more than the predeveloped release rates.

## **SOIL CONDITIONS**

According to the USDA Web Soil Survey, there are four different soil types located on the site:

- 11C – Craven-Uchee complex, 6 to 10 percent slopes
- 15E – Emporia complex, 15 to 25 percent slopes
- 17 – Johnston complex
- 29B – Slagle fine sandy loam, 2 to 6 percent slopes

Please see the following figure for the approximate boundaries of the soil types:



Figure 1 USDA Web Soil Survey Map

The 29B Slagle fine sandy loam is located near the intersection of Pocahontas Trail and Battery Boulevard and would be part of the developed portions of the site. This soil has a hydrologic soil group classification of C. This soil is considered a moderate rating for the potential for erosion hazards.

The 11C Craven-Uchee complex is located adjacent to the Slagle fine sandy loam extending from Pocahontas Trail to Battery Boulevard and is also part of the site that will be developed. This soil has a hydrologic soil group classification of D. This soil is considered a moderate rating for the potential for erosion hazards.

The 15E Emporia complex is located toward the rear of the site and will remain largely undisturbed by the development of the site with the exception of portions of the restaurant site and the pipe outfall location. This soil has a hydrologic soil group classification of B. This soil is considered a severe rating for the potential for erosion hazards.

The 17 Johnston complex is primarily located in the wetland area of the site and will not be proposed to be disturbed except for possibly the outfall pipe to discharge into the creek at the tow of slope. This soil has a hydrologic soil group classification of A/D. This soil is considered a slight rating for the potential for erosion hazards.

## **LANDSCAPING CONSIDERATIONS**

The existing vegetation on the site is mature hardwoods in a unmanaged condition with the exception of the plantings located on the existing 7-11 site. The plantings on the 7-11 site include two mature hardwoods and a number of shrubs and groundcovers in the landscaped island around the sign.

The proposed condition for the development of the site will include landscaping as required by the code. Additional plantings will be provided where possible to offset the RPA impacts generated by the site development as discussed in the buffer encroachment section of this document.

## **BUFFER ENCROACHMENTS**

This site has been designed to minimize impacts to the RPA buffer.

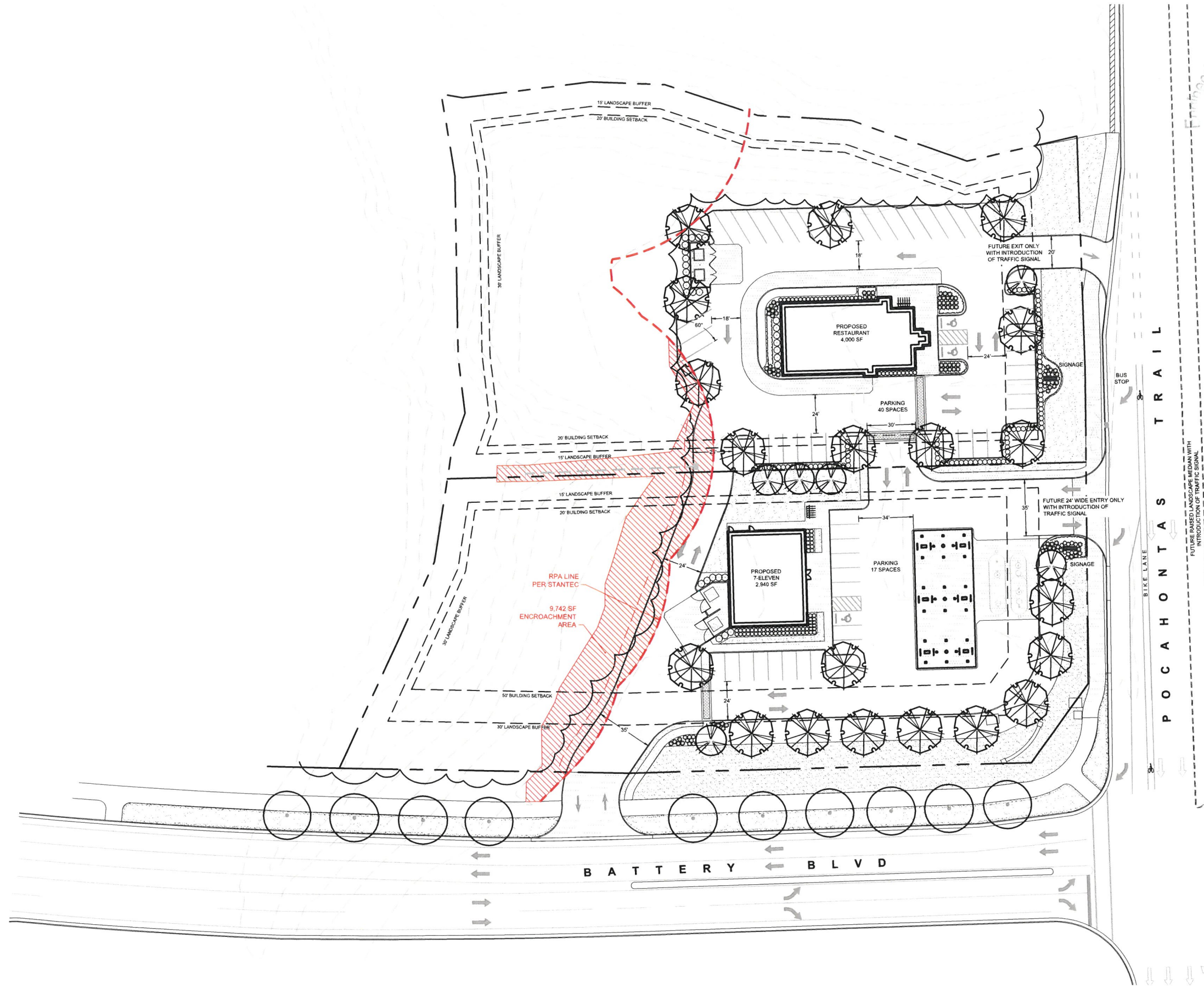
### ***RPA Impacts***

There is a 8,400 sf disturbance proposed within the landward 100' RPA buffer plus an additional 900 sf of disturbance within the seaward side of the buffer for the outfall pipe. To offset the effects of the encroachment, an area of approximately 1,700 sf adjacent to the buffer on the restaurant site can be place in a conservations easement. Additionally, the remaining approximately 7,600 sf of encroachment will be provided per the mitigation rates required in the RPA waiver. Those requirements indicate a need for 19 canopy trees, 38 understory trees and 57 shrubs to be placed on the site.

### ***Wetlands Impacts***

No wetlands impacts are proposed with this project.





Engineering & Resource Planning  
 FEB 12 2018  
 RECEIVED



**VICINITY MAP**  
 SCALE: 1" = 1000'

**SITE INFORMATION**

SITE ZONED: B-1

RESTAURANT:	85,980.13 SF / 1.97 ACRES
7-ELEVEN	78,828.13 SF / 1.80 ACRES
<b>TOTAL SITE:</b>	<b>164,808.26 SF / 3.77 ACRES</b>

**IMPERVIOUS AREA:**

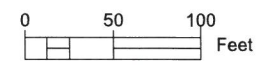
RESTAURANT:	
EXISTING:	7,813 SF
PROPOSED:	29,210 SF / 0.67 ACRES (34% IMPERVIOUS)
7-ELEVEN:	
EXISTING:	14,304 SF
PROPOSED:	35,247 SF / 0.80 ACRES (45% IMPERVIOUS)
<b>TOTAL EXIST. IMPERVIOUS:</b>	<b>22,117 SF / 0.5 ACRES</b>
<b>TOTAL IMPERVIOUS:</b>	<b>64,457 SF / 1.48 ACRES</b>

**REQUIRED PARKING**

RESTAURANT:	4,000 SF	(1 SPACE / 4 SEATS)
PARKING REQUIRED:	(128 seats / 4)	32 spaces
PARKING PROVIDED:		40 spaces
ACCESSIBLE SPACES REQUIRED:		2 spaces
ACCESSIBLE SPACES PROVIDED:		2 spaces
7-ELEVEN BUILDING:	2,940 SF	(1 SPACE / 200 SF)
PARKING REQUIRED:	(2,940 / 200)	15 spaces
PARKING PROVIDED:		17 spaces
ACCESSIBLE SPACES REQUIRED:		1 space
ACCESSIBLE SPACES PROVIDED:		1 space
<b>TOTAL PARKING REQUIRED:</b>		<b>47 spaces</b>
<b>TOTAL PARKING PROVIDED:</b>		<b>57 spaces</b>
<b>(MAX 120%: 47 x 1.2 = 56.4 SPACES)</b>		

**7-11 AT QUARTERPATH**

RPA ENCROACHMENT EXHIBIT - February 9, 2018





## **PUBLIC HEARING NOTICE**

THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA WILL HOLD A PUBLIC HEARING ON **WEDNESDAY MARCH 14, 2018 AT 5 P.M.** IN THE BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBE-18-068: The Structures Group, on behalf of Mr. and Mrs. William Roberts, has filed an exception request for encroachment into the RPA buffer for construction of a retaining wall at 5034 River Drive, JCC Parcel No 0930300008.

CBE-18-058: Ms. Renie Andrews has filed an exception request for encroachment into the RPA buffer for construction of a memorial patio at 4447 Pleasant View Drive in the Powhatan Village subdivision, JCC Parcel No 3741400011.

CBE-18-064: Draper Aden and Associates, on behalf of Mr. and Mrs. Scott Kruger, has filed an exception request for encroachment into the RPA buffer for the reconstruction of a single family dwelling after demolition at 136 John Wickham in the Kingsmill subdivision, JCC Parcel No 5130200009.

CBE-18-072: Timmons Group, on behalf of Southland Corporation, has filed an exception request for encroachment into the RPA buffer for construction of a paved access drive at 3000 Battery Boulevard, 7327 Pocahontas Trail and 7341 Pocahontas Trail in the Quarterpath at Williamsburg development, JCC Parcel Nos 5020100075A, 5020100030 and 5020700004B respectively.

CBE-18-067: Walk Wright Construction has applied for an exception request for encroachment into the RPA buffer for construction of a single family dwelling and attached deck at 120 Nottinghamshire in the Ford's Colony subdivision, JCC Parcel No 3233100033.

CBE-18-065: Walk Wright Construction, on behalf of Mr. and Mrs. Joseph Leigh, has filed an exception request for encroachment into the RPA buffer for construction of a single family dwelling and attached deck at 116 Nottinghamshire in the Ford's Colony subdivision, JCC Parcel No 3233100034.

CBE-18-070: Mr. Chris Eckenfels has filed an exception request for encroachment into the RPA buffer for construction of a detached storage shed at 6019 Tabiatha Lane in the Chickahominy Haven subdivision, JCC Parcel No 1910600023.

CBE-18-071: The Structures Group, on behalf of Ms. Patricia Carmichael, has filed an exception

request for encroachment into the RPA buffer for construction of a retaining wall at 300 River's Edge in the Kingsmill subdivision, JCC Parcel No 5130800012A.

CBE-18-063: Mid-Atlantic Resources Consulting, on behalf of Mr. Carlos Arana, has filed an exception request for encroachment into the RPA buffer for construction of a retaining wall and patio at 4069 South Riverside Drive in the Chickahominy Haven subdivision, JCC Parcel No 1910500017.

CBE-18-066: Walk Wright Construction, on behalf of Mr. and Mrs. Eric Gibson, has filed an exception request for encroachment into the RPA buffer for construction of a single family dwelling and attached deck at 125 Congressional in the Ford's Colony subdivision, JCC Parcel No 3720400088.

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 Stormwater and Resource Protection Division, 101 Mounts Bay Road, Building E, James City County, Virginia.

**NOT FOR PUBLICATION**

DISPLAY: WEDNESDAY – February 28, 2018 and March 7, 2018.  
ACCOUNT NO.: 0011040200 - VIRGINIA GAZETTE

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





General Services  
Stormwater and Resource  
Protection Division  
101-E Mounts Bay Road  
Williamsburg, VA 23185

Resource.Protection@jamescitycountyva.gov

February 21, 2018

RE: 7337 Pocahontas Trail – Southland Corporation  
7327 Pocahontas Trail – Quarterpath Williamsburg, LLC  
7341 Pocahontas Trail- Quarterpath Williamsburg, LLC  
CBE-18-072  
Paved Access Driveway

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 Mark Richardson of Timmons Group on behalf of Southland Corporation Tax Dept #25186 and Quarterpath Williamsburg LLC for encroachment into the Resource Protection Area (RPA) buffer associated with installation paved access driveway. The project is located at 7337, 7327 and 7341 Pocahontas Trail. The properties are further identified by James City County Real Estate as Parcel Nos 5020100030A, 5020100030 and 5020700004B.

A complete description, plan, and other information are on file in the Stormwater 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, March 14, 2018 at 5:00 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,

*Janice Petty*

Janice Petty  
Stormwater Assistant

cc: Southland Corporation Tax Dept #25186  
Quarterpath Williamsburg LLC  
Timmons Group

Mailing List for: CBE-18-072 – 7337 Pocahontas Trail – Southland Corporation Tax Dept #25186-  
Quarterpath Williamsburg LLC- 7327 Pocahontas Trail and 7341 Pocahontas Trail-Quarterpath  
Williamsburg LLC- Paved Access Driveway

Owner: 5020100030A-7337 Pocahontas Trail  
Southland Corporation Tax Dept #25186  
P.O. Box 711  
Dallas, TX 75221-0711

Timmons Group  
Attn: Mr. Mark Richardson  
2901 S. Lynnhaven Road., Suite 200  
Virginia Beach, VA 23452

Owner: 5020100030-7327 Pocahontas Trail  
Owner: 5020700004B-7341 Pocahontas Trail  
5020100075A-3000 Battery Boulevard  
5020610001-7315 Pocahontas Trail  
Quarterpath Williamsburg LLC  
608 Denbigh Boulevard, Suite 800  
Newport News, VA 23608-4487

5020500001  
Dunsmore Properties LLC  
7316 Merrimac Trail  
Williamsburg, VA 23185-5253

5020300012-9 Wallace Road  
5020300010-101 Orange Drive  
Brown, Layton O  
2844 Dogtown Road  
Goochland, VA 23063-2425

**ITEM SUMMARY**

DATE: 3/14/2018  
TO: Chesapeake Bay Board  
FROM: Michael Woolson, Senior Watershed Planner  
SUBJECT: CBE-17-048 : 7515 Oak Cove Road

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Jennifer Privette is requesting a one year extension to the approved exception request, CBE-17-048, which was approved on March 8, 2017.

**ATTACHMENTS:**

	Description	Type
☐	Staff Memo	Staff Report
☐	Resolution	Resolution
☐	Original Resolution	Backup Material
☐	Original Staff Report	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	3/6/2018 - 6:22 PM
Chesapeake Bay Group	Geissler, Fran	Approved	3/7/2018 - 11:18 AM
Publication Management	Daniel, Martha	Approved	3/7/2018 - 11:35 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	3/7/2018 - 5:03 PM

**M E M O R A N D U M**

DATE: March 14, 2018

TO: The Chesapeake Bay Board

FROM: Michael D. Woolson, Senior Watershed Planner

SUBJECT: Case No. CBE-17-048. 7515 Oak Cove Road - Granting an Extension of an Exception

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Ms. Jennifer Privette, on behalf of her mother Ms. Patricia Overman, is requesting a one-year extension to Case No. CBE-17-048, originally granted on March 8, 2017. She has been unable to proceed on the room addition at the speed she originally intended, due to factors outside of her control.

Staff concurs with this request, with the stipulation that all permit conditions, except for the expiration date, be reauthorized and that the new date of expiration be March 14, 2019.

MDW/nb  
CBE17-048OakCRd-mem

Attachment

## RESOLUTION

CASE NO. CBE-17-048. 7515 OAK COVE ROAD -

GRANTING AN EXTENSION OF AN EXCEPTION

WHEREAS, Ms. Jennifer Privette (the “Applicant”) has requested an extension of the exception granted by the Chesapeake Bay Board of James City County (the “Board”) on March 8, 2017. The exception request is for use of the Resource Protection Area (the “RPA”) on a parcel of property identified as James City County Real Estate Tax Parcel No. 1910100013 and further identified as 7515 Oak Cove Road (the “Property”) as set forth in the application CBE-17-048, for the construction of a room addition associated with an existing single-family dwelling; and

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

NOW, THEREFORE, BE IT RESOLVED that the Chesapeake Bay Board of James City County, Virginia, following a public hearing on March 8, 2017, 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. Surety of \$250 will be required in a form acceptable to the County Attorney’s office; and

- c. This exception request approval shall become null and void if construction has not begun by March 14, 2019; and
- d. Written requests for an extension to an exception shall be submitted to the Stormwater 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 March, 2018.

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: \_\_\_\_\_

CBE17-048OakCRd-res

## RESOLUTION

CASE NO. CBE-17-048. 7515 OAK COVE ROAD

### JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Ms. Jennifer Privette, on behalf of her mother Patricia Overman (the "Applicant"), has applied to the Chesapeake Bay Board of James City County (the "Board"), to request an exception to use of the Resource Protection Area (the "RPA") on a parcel of property identified as James City County Real Estate Tax Parcel No. 1910100013 and further identified as 7515 Oak Cove Road (the "Property") as set forth in the application CBE-17-048 for the purpose of constructing a room addition associated with an existing single-family dwelling; and

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

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

1. The exception request is the minimum necessary to afford relief.
2. Granting the exception will not confer upon the Applicant any special privileges denied by Chapter 23, Chesapeake Bay Preservation, of the James City County Code, to other property owners similarly situated in the vicinity.
3. The exception request will be in harmony with the purpose and intent of Chapter 23 of the James City County Code, and is not of substantial detriment to water quality.
4. The exception request is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels.
5. Reasonable and appropriate conditions are hereby imposed, as set forth below, which will prevent the exception request from causing a degradation of water quality.
6. In granting this exception, the following conditions are hereby imposed to prevent this exception request from causing degradation of water quality:
  - a. The applicant must obtain all other necessary federal, state and local permits required for the project; and
  - b. Surety of \$250 will be required in a form acceptable to the County Attorney's office; and
  - c. This exception request approval shall become null and void if construction has not begun by March 8, 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.

WLApperson  
~~Davis Gussman~~ William Apperson  
Vice-Chair, Chesapeake Bay Board

Michael Woolson  
Michael Woolson  
Senior Watershed Planner

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

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 8<sup>th</sup> DAY OF March, 2017 IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF JAMES CITY.

Melanie J. Davis  
NOTARY PUBLIC

MY COMMISSION EXPIRES: 12/31/18

CBE17-048-7515OakCove-res

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



**CHESAPEAKE BAY BOARD EXCEPTION No. CBE-17-048. 7515 Oak Cover Road  
Staff Report for the March 8, 2017, Chesapeake Bay Board Public Hearing**

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*This staff report is prepared by James City County Engineering and Resource Protection to provide information to the Chesapeake Bay Board to assist them in making a recommendation on this assessment. It may be useful to members of the general public interested in this assessment.*

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**EXISTING SITE DATA AND INFORMATION**

Applicant: Patricia Overman and Jennifer Privette

Agent: same

Location: 7515 Oak Cove Road

Tax Map/Parcel No.: 1910100013

Legal Description: Lot on Chickahominy River

Lot Size: 0.52 acres +/-

Area of Lot in Resource Protection Area (RPA): 0.51 acres +/- (99%)

Watershed: Chickahominy River (HUC Code JL28)

Floodplain: Panel 0082D  
Zone AE, base flood elevation 7 MSL

Proposed Activity: Construction of room addition associated with an existing single family dwelling.

Impervious Cover: Approximately 624 square feet. Approximately 224 square feet additional (room built over top of existing driveway)

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

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

**BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES**

Ms. Jennifer Privette, on behalf of her mother Patricia Overman, has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of a room addition associated with a single family dwelling property known as 7515 Oak Cover Road, within the Chickahominy River watershed. The property is further identified as James City County Tax Map Parcel No. 1910100013. The parcel was platted prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990 and the house built in 1950.

In this location, Oak Cover Road runs north-south. The house is sited between the road the Chickahominy River to the west. The room addition is on the north side of the existing structure and will be built over top of an existing driveway. The room addition cannot be built on the south side of the structure due to zoning setback limitations and cannot be built on the east side of the structure due to the location of the septic fields. If built on the west side of the structure, there is actually more impervious cover created than in the proposed location. The applicant is proposing 1 understory tree and 3 shrubs as mitigation for the additional RPA impacts. The proposed mitigation meets the minimum County requirements.

## **STAFF EVALUATION**

Staff has evaluated the application and exception request for the construction of the room addition and finds that the application meets the conditions in Sections 23-11 and 23-14, and should be heard by the Board because the improvement is within the seaward 50 foot RPA. Therefore, this request must be considered by the Board, following a public hearing under the formal exception process.

## **WATER QUALITY IMPACT ASSESSMENT (WQIA)**

A WQIA must be submitted, per Sections 23-11 and 23-14 of the County Ordinance, for any proposed land disturbing activity resulting from development or redevelopment within RPAs. The applicant has submitted the required information as outlined in the *James City County Water Quality Impact Assessment Guidelines* and has submitted a mitigation proposal. The mitigation proposal consists planting 3 shrubs and 1 understory tree and meets the minimum 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-17-048 as outlined and presented above and review the request for exception along with the WQIA. The Board may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of the County's Chesapeake Bay Preservation Ordinance.

## **STAFF RECOMMENDATIONS**

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

1. The applicant must obtain all other necessary federal, state and local permits and permissions as required for the project; and
2. Surety of \$250 will be required in a form acceptable to the County Attorney's office; and
3. This exception request approval shall become null and void if construction has not begun by March 8, 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.

### Attachments:

1. Water Quality Impact Assessment Package
2. Site Plan