

Chesapeake Bay Board Building F - 7 p.m.

March 12, 2014

A. Roll Call

B. Minutes

From January 9, 2014, Board Meeting

C. Public Hearings

1. CBE-14-062. AES/Candle Development Village at Candle Station, 7551 Richmond Rd - utility timber bridge crossing
2. CBE-14-073. AES/Monticello Woods Active Adult, LLC Settlement at Powhatan Creek Phase III, 4101 Monticello – sanitary sewer extension

D. Board Considerations

1. Amendment to Chesapeake Bay Board Bylaws
2. CBE-14-047. Carter - 4123 S Riverside Dr - Revision to Exception
3. CBE-11-079. HHHunt – White Hall offsite sewer - Extension of Exception

E. Matters of Special Privilege

F. Adjournment

Chesapeake Bay Exception CBE-14-062: Village at Candle Station

Staff report for the February 12, 2014 Chesapeake Bay Board Public Hearing

This staff report is prepared by the James City County Environmental Division 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 & Information

Applicant: Jason Grimes, P. E., AES Consulting Engineers

Land Owner(s): Candle Development, LLC

Location: 7551 Richmond Road, PIN 2321100001D
Williamsburg, VA 23188

Project Size/Zoning: 36.82 acres, MU Mixed Use

Percent of Project in RPA: 23% (8.6 +/- acres)

Watershed: Yarmouth Creek (HUC Code JL-28)

Proposed Impacts

RPA Encroachment: 23,714 sf (0.54 ac.) total impact
6,444 sf (0.14 ac.) sanitary sewer impact (Board Approval)
17,270 sf (0.40 ac.) BMP outfall impacts (Administrative Approval)

Brief Summary and Description of Activities

Mr. Jason Grimes of AES Consulting Engineers, on behalf of Candle Development, LLC, has applied for an exception to the Chesapeake Bay Ordinance for the encroachment into the RPA buffer for a gravity sanitary sewer, a water main, upgrades to an existing stormwater BMP, and two proposed BMP outfalls. The site plan for this project is under concurrent review by the County under plan number SP-0087-12. The entire project development encompasses an area approximately 65.90 acres and the parcel containing the sanitary sewer and water main impacts is approximately 37 acres, of which 8.6 acres is within the RPA. The project is a townhouse subdivision located on Richmond Road, served by public water and sewer.

The new water main and gravity sanitary sewer will permanently impact approximately 0.14 acres of RPA. This impact is necessary to connect the proposed water main and sanitary sewer from this development into the existing systems. To avoid a pump station, a portion of this gravity system requires an aerial crossing of the stream and wetland system. Candle Development is proposing a 20-foot permanent JCSA easement; the sanitary line and the water main will share the easement as it crosses through the RPA in order to minimize RPA impacts.

The existing BMP (Marston's Pond) is required to have upgrades to meet current regulatory requirements and as such, no mitigation is required for these upgrades as long as the impacts have been minimized. Once the existing BMP impacts are subtracted from the overall RPA impacts, the remaining impacts total 0.29 acres. Standard County mitigation procedures are to replant the impacted area when feasible and preserve forested areas adjacent to RPA at a ratio of 2:1 for the remaining impacts. In some cases, this is not possible due to various constraints and other options are explored, such as paying into the Chesapeake Bay Mitigation Fund.

Staff Evaluation

Staff has evaluated the application and exception request for all work as described above. The proposal is for a new gravity sanitary sewer line. Staff finds that the application has met the conditions in the Chesapeake Bay Preservation Ordinance, Sections 23-11 and 23-14, and that the application should be heard by the Board.

Water Quality Impact Assessment (WQIA)

In accordance with Bay Act requirements and the Ordinance all land disturbance, development or redevelopment within the RPA requires a water quality impact assessment (WQIA). Water quality impact assessments shall identify impacts of proposed development on water quality and land in RPAs and recommended measures for mitigation of these impacts. Localities must review a WQIA prior to action on the exception request.

A WQIA was provided on January 16, 2014. Based on staff review, the WQIA proposes to mitigate for RPA impacts by:

- Minimizing RPA impacts by placing both utilities (sanitary sewer and water) on the same aerial bridge crossing; and
- A portion of the RPA impacts are in previously cleared and graded areas of the RPA, minimizing disturbances to the forested RPA buffers; and
- Additional Natural Open Space is being proposed beyond that proposed for stormwater management in the amount of 0.22 acres.
- Payment into the Chesapeake Bay Mitigation Fund of \$3,920 in lieu of additional Natural Open Space in the amount of 0.36 acres.

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's Chesapeake Bay Preservation ordinance. The Chesapeake Bay Board is to fully consider Chesapeake Bay Exception CBE-14-062 as outlined and presented above and review the request for exception and the water quality impact assessment. The Board may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of the County's Chapter 23 Chesapeake Bay

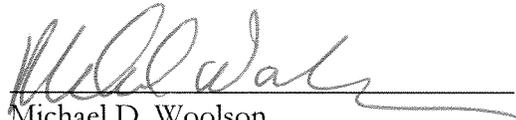
Preservation Ordinance. Resolutions for granting approval or granting denial of Chesapeake Bay Exception CBE-14-062 are included for the Board's use and decision.

Staff Recommendation

Staff has fully reviewed the application and exception request, and has determined impacts associated with the proposal to be moderate for the proposed construction and that the proposed mitigation measures offset the impacts to the RPA. Staff recommends the Chesapeake Bay Board approve this Chesapeake Bay Exception with the following conditions:

1. The applicant must obtain all other necessary local, state, and federal permits as required for the project; and
2. Recordation of the Natural Open Space Easement prior to or concurrent with the recordation of the subdivision plat; and
3. Payment into the Chesapeake Bay Mitigation Fund in the amount of \$3,920; and
4. The recordation of the Natural Open Space easement shall be guaranteed by providing a surety in the amount of \$5000, in a form satisfactory to the County Attorney; and
5. This exception request approval shall become null and void if construction has not begun by February 12, 2015; and
6. Written requests for an extension to an exception shall be submitted to the Environmental Division no later than 6 weeks prior to the expiration date.

Staff Report prepared by:


Michael D. Woolson
Senior Watershed Planner

CONCUR:


Scott J. Thomas
Secretary to the Board

Attachments: WQIA package

**Chesapeake Bay Exception CBE-14-073: The Settlement at Powhatan Creek Phase III
BMP Outfall and Sanitary Sewer Installation**

Staff report for the March 12, 2014 Chesapeake Bay Board Public Hearing

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

Existing Site Data & Information

Applicant: AES Consulting Engineers – Ryan Stephenson
Project Developer: Monticello Woods Active Adult, LLC.
Impact Location: 4101 Monticello Avenue Williamsburg, VA 23188
PIN: 3740100010: Monticello Woods Active Adult, LLC, Owner
Project Size/Zoning: 62.22 ac +/- (Phase III)/R-1
Area of Project in RPA: 7.9 ac +/-
BMP Impacts: BMP 3-1 Outfall; 106 Square Feet (CBE-12-110)
BMP 3-2 Outfall; 28 Square Feet (CBE-12-110)
Sanitary Sewer Connection Impacts: 0.08 Acres +/- (3,659 Square Feet; CBE-12-111)
Watershed: Powhatan Creek, Subwatershed 206 (HUC Code JL31)
Proposed Activity: Sanitary sewer connection
County Plan No: Subdivision plan S-37-12

Proposed RPA Impacts

Chesapeake Bay Board action (Board Approval CBE-12-111)
Sanitary sewer encroachments: 3,659 square feet (0.08 ac)
Chesapeake Bay Preservation Ordinance Administrator Action (Administrative Approval CBE-12-110)
BMP Outfalls and Steep Slope Encroachments: 12,006 square feet (0.27 ac)

Brief Summary and Description of Activities

Mr. Ryan Stephenson of AES Consulting Engineers, on behalf of the Monticello Woods Active Adult LLC, has applied for an exception to the Chesapeake Bay Preservation Ordinance (Ordinance) for encroachments into the RPA buffer for the construction of two BMP outfalls and a sanitary sewer

connection related to the Phase III construction of the Settlement at Powhatan Creek Subdivision within James City County.

The proposed project falls under the regulations set forth within the Chesapeake Bay Preservation Ordinance adopted in 1990 as well as the subsequent 2004 revisions to the Ordinance. The submitted Water Quality Impact Assessment (WQIA) contains information pertaining to both administrative and Board actions. Impacts associated with construction related items for the newly proposed BMP outfalls require only administrative approval as they are considered water dependent. The sanitary sewer connection requires Board approval through the formal exception process.

Staff Evaluation

Staff has evaluated the application and exception request for all work as described above. The proposal is for a sanitary sewer line connection that will provide service to Phase III of the Settlement at Powhatan subdivision. Staff finds that the application has met the conditions in the Chesapeake Bay Preservation Ordinance, Sections 23-11 and 23-14, and that the application should be heard by the Board.

Water Quality Impact Assessment (WQIA)

In accordance with Bay Act requirements and the Ordinance, any development or redevelopment exceeding 2,500 square feet of land disturbance in the Chesapeake Bay Preservation Area (CBPA) requires a plan of development and stormwater management plan, if applicable. All land disturbance, development or redevelopment within the RPA also requires a water quality impact assessment (WQIA). Water quality impact assessments shall identify impacts of proposed development on water quality and land in RPAs and recommended measures for mitigation of these impacts. Localities must review a WQIA prior to action on the exception request. James City County has established guidelines for submission of minor/major WQIAs.

A WQIA was submitted with this application (County subdivision plan No. S-37-12). The WQIA was provided on April 18, 2012. Based on staff review, the WQIA proposes to mitigate for RPA impacts by:

- Removal of the existing access road following construction; and
- Restoration of the RPA buffer through re-planting and stabilization measures utilizing native species plants and a RPA appropriate conservation seed mix. The re-planting plan consists of fifteen (15) canopy trees, fifty (50) understory/evergreen trees, twenty-one (21) large shrubs, and seventy-five (75) small shrubs; and
- Enhanced outlet protection in the form of rip-rap stilling basins at the outfalls of the proposed BMP's; and
- Use of wire reinforced silt fence and ECSC-3 erosion control matting in and along disturbed areas within the RPA.

Staff Recommendations

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

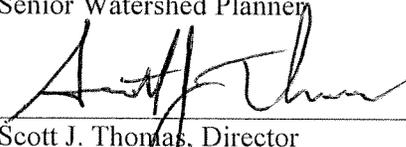
1. The applicant must obtain all other necessary federal, state and local permits as required for the project; and
2. Use of super silt fence for areas to be disturbed within the RPA; and
3. All proposed mitigation plantings shall meet James City County standards of 1" caliper for the canopy and understory trees and proposed shrubs shall be minimum three gallon size.
4. Full implementation of the approved RPA Mitigation Plan and any additional Board mitigation requirements shall be guaranteed through a form of surety satisfactory to the County Attorney and the provisions of the Ordinance contained in Sections 23-10(3) (d) and 23-17(c).
5. Use of ECS-3 matting for slope stabilization on disturbed slopes that are 3H:1V or greater; and
6. Construction shall be in accordance with the provisions of approved County subdivision plan no. S-37-12; and
7. This exception request approval shall become null and void if construction has not begun by March 12, 2015; and
8. Written requests for an extension to an exception shall be submitted to the Engineering and Resource Protection Division no later than 6 weeks prior to the expiration date.

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's Chesapeake Bay Preservation ordinance. The Chesapeake Bay Board is to fully consider Chesapeake Bay Exception CBE-12-111 as outlined and presented above and review the request for exception and the water quality impact assessment. The Board may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of the County's Chapter 23 Chesapeake Bay Preservation Ordinance. Resolutions for granting approval or granting denial of Chesapeake Bay Exception CBE-12-111 are included for the Board's use and decision.

Staff Report prepared by:


Michael D. Woolson
Senior Watershed Planner


Scott J. Thomas, Director
Secretary to the Board

Attachments: Water Quality Impact Assessment Package

MEMORANDUM

DATE: February 12, 2014
TO: The Chesapeake Bay Board
FROM: Michael D. Woolson *MW*
SUBJECT: Case No. CBE-14-047, 4123 South Riverside Drive

Mr. Wayne Carter is requesting a board reconsideration of the exception granted last month for case CBV-14-047. He fully intended to comply with the elevation requirements set forth in the resolution, but was unaware that the datum used for elevation certificates had changed since his home was built. Staff is okay with eliminating this requirement and will attach a signed copy of his letter explaining that he will not convert the covered deck to living space with the new elevation certificate. Staff suggests that the Board reauthorize CBE-14-047 with all other conditions as approved on December 11, 2013.

MEMORANDUM

DATE: March 12, 2014
TO: The Chesapeake Bay Board
FROM: Michael D. Woolson 
SUBJECT: Case No. CBE-11-079, White Hall Offsite Sanitary Sewer

Mr. Hans Klinger of HHHunt Communities is requesting an additional one year extension to the approval of case # CBE-11-079 which authorized 9,040 sq of RPA encroachments for the installation of an offsite sanitary sewer. The applicant has not built the offsite sanitary sewer in the time frame originally anticipated due to delays in acquiring the easements necessary. They plan on building the offsite sewer during the summer of 2014. Staff concurs with his request and suggests that the Board reauthorize CBE-11-079 until March 12, 2015.