

Chesapeake Bay Board Building F - 7 p.m.

July 9, 2014

A. Roll Call

B. Minutes

From June 11, 2014 – Board Meeting

C. Public Hearings

1. CBE-14-090. Gilden/Newsom – 1584 Harbor Rd. – Deck
2. CBE-14-096. Trim bath – 106 Godspeed Lane – pool, deck and shed

D. Board Considerations

1. CBE-10-038. Extension: Cooke's Garden Center – outside expansion

E. Matters of Special Privilege

F. Adjournment

Chesapeake Bay Exception CBE-14-090: 1584 Harbor Road - Gilden

Staff report for the July 9, 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: Ron and Gail Gilden

Location: 1584 Harbor Road, The Governor's Land at Two Rivers
Lot 20, Governor's Land the Harbor
PIN: 4310200020

Lot Size/Zoning: 0.303 ac +/-; R4 Residential Planned Community

Area of Lot in RPA: 0.18 ac +/- (60%)

Watershed: James River, HUC Code JL29

Proposed Activity: Deck

Impervious Cover: Approximately 500 square feet

RPA Encroachment: 500 square feet (seaward 50 ft.)

Brief Summary and Description of Activities

Mr. Don Newsom of Delightful Gardens, on behalf of Don and Gail Gilden, has applied for an exception to the Chesapeake Bay Preservation Ordinance (Ordinance) for encroachments into the RPA buffer for the installation of a deck. The lot was platted in 1994 and the house was constructed soon thereafter. It should be noted that the seaward 50 foot RPA line and the rear building setback line coincide.

The project entails the construction of a deck, adding approximately 500 sq. ft. of impervious cover. The project also will replace existing steps with precast paver steps. The deck requires Board action for approval, while the step replacement portion of the project is an administrative review. As with previous cases within the marina at Governor's Land, the affected area is also within a conservation easement dedicated to James City County and requires approval of the Planning Commission.

The new deck will extend from the existing deck and be two steps lower than the existing deck. The mitigation for this project is the restoration of the majority of the conservation area/RPA with native plant material. Approximately $\frac{3}{4}$ of the rear yard will be converted from maintained yard to a

more naturalized, landscaped environment. While the required mitigation for the impervious cover is 1 planting unit, the proposed mitigation includes over 23 shrubs and various amounts of perennials and exceeds the requirements. There is an area of proposed managed turf to remain.

Staff Evaluation

Staff has evaluated the application and exception request for the deck/patio. 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 because the deck is within the seaward 50' RPA and is more than the minimum necessary to afford relief. Therefore, the exception request must be considered by the Board following public hearing under the formal exception process. The exception request before the board, and decision to approve or deny by resolution, is for encroachment into the RPA buffer for the construction of the above stated improvements.

Water Quality Impact Assessment (WQIA)

Under Sections 23-11 and 23-14 of the County's Chesapeake Bay Preservation ordinance, a water quality impact assessment (WQIA) must be submitted for any proposed land disturbing activity resulting from development or redevelopment within RPAs.

The applicant has submitted the required information as outlined in the *James City County Water Quality Impact Assessment Guidelines*. The applicant has submitted a *County Sensitive Area Activity Application* and a mitigation planting plan, which are included in the case report packet.

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-14-090 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-14-090 are included for the Board's use and decision.

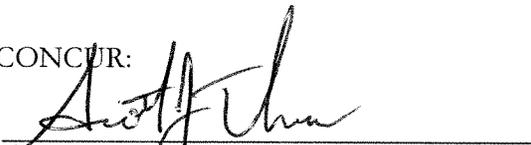
Staff Recommendations

Staff has fully reviewed the application and exception request and has determined impacts associated with the proposal to be **moderate** for the proposed development and that the proposed mitigation measures exceed 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. County must receive from the Applicant a written copy of any approvals from the Governor's Land Foundation prior to starting construction; and
3. Applicant shall follow the County's Pervious Paver Block System Guidelines for installation of the walkway paver system; and
4. Surety of \$1000.00 will be required in a form acceptable to the County Attorney's office to guarantee the mitigation plantings; and
5. The applicant shall implement the Turf Love (or similar nutrient management plan) program for the remaining turf in the RPA and give a copy of all recommendations to the County; and
6. This exception request approval shall become null and void if construction has not begun by July 9, 2015; and
7. 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.

Staff Report prepared by:


Michael D. Woolson
Senior Watershed Planner

CONCUR:

Scott J. Thomas, Director
Engineering and Resource Protection

Attachments: Water Quality Impact Assessment Package

Chesapeake Bay Exception CBE-14-096: 106 Godspeed Lane – Trimbath

Staff report for the July 9, 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: Brett Trimbath, Sr

Location: 106 Godspeed Lane, Powhatan Shores
Section 1, Lot 51
PIN: 4730500051

Lot Size/Zoning: 0.436 ac +/-; R1 Limited Residential

Area of Lot in RPA: 0.274 ac +/- (63%)

Watershed: James River, HUC Code JL31

Proposed Activity: Above ground pool, deck, and shed

Impervious Cover: Approximately 1,100 square feet

RPA Encroachment: 200 square feet (seaward 50 ft.)
900 square feet (landward 50 ft)

Brief Summary and Description of Activities

Mr. Brett Trimbath has applied for an exception to the Chesapeake Bay Preservation Ordinance (Ordinance) for encroachments into the RPA buffer for the installation of an above ground pool, deck, and shed. The lot was platted prior to the adoption of the Ordinance and the house built in 1980.

The project entails the construction of a 26 ft diameter above ground pool, 12 ft x 8 ft pool deck, adjacent 12 ft x 25 ft deck and a 12 ft x 16 ft shed. The combination of all these features adds an additional 1,100 sq. ft. of impervious cover to the lot. Furthermore, there is a floodplain concern and all improvements, if approved, must meet new floodplain regulations and building code requirements, including but limited to floodproofing and tiedowns to resist flood loadings.

Mr. Trimbath has provided an alternative location for the shed, further away from the canal. In consultation with the Zoning Division, this location would require Mr. Trimbath to seek out relief from the Board of Zoning Appeals to build the shed over the property side setback lines, as the

shed would be considered part of the main structure due to its proximity to the main house. This issue does not affect the pool because the footprint already lies within the property side and rear setback lines.

Required mitigation for the total impervious cover includes 3 inches of gravel under the proposed deck and 3 planting units. A planting unit consists of 1 canopy tree, 2 understory trees, and 3 shrubs. In the write up of the project, Mr. Trimbath states that shrubs will be planted on the non-deck side of the pool. The minimum number of shrubs will be 12. This is acceptable to staff and staff requests that a plant list be provided prior to plant installation.

Staff Evaluation

Staff has evaluated the application and exception request. 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 because the pool, pool deck and shed are accessory structures within the RPA. Therefore, the exception request must be considered by the Board following public hearing under the formal exception process. The exception request before the board, and decision to approve or deny by resolution, is for encroachment into the RPA buffer for the construction of the above stated improvements.

Water Quality Impact Assessment (WQIA)

Under Sections 23-11 and 23-14 of the County's Chesapeake Bay Preservation ordinance, a water quality impact assessment (WQIA) must be submitted for any proposed land disturbing activity resulting from development or redevelopment within RPAs.

The applicant has submitted the required information as outlined in the *James City County Water Quality Impact Assessment Guidelines*. The applicant has submitted a County *Sensitive Area Activity Application* and a mitigation planting plan, which are included in the case report packet.

Consideration by the Chesapeake Bay Board

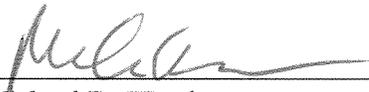
The exception granting body is permitted to require reasonable and appropriate conditions in granting the exception request in accordance with Section 23-14 of the County's Chesapeake Bay Preservation ordinance. The Chesapeake Bay Board is to fully consider Chesapeake Bay Exception CBE-14-096 as outlined 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-14-096 are included for the Board's use and decision.

Staff Recommendations

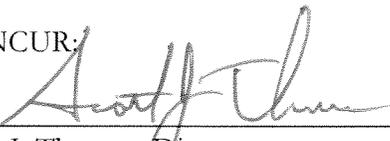
Staff has fully reviewed the application and exception request and has determined impacts associated with the proposal to be **moderate** for the proposed development and that the proposed mitigation measures exceed standard mitigation requirements. Staff recommends the Chesapeake Bay Board approve this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

1. The applicant must obtain all other necessary federal, state and local permits as required for the project; and
2. The applicant must coordinate the James City County Building Safety and Permits to ensure that the construction of the shed meets floodplain requirements; and
3. Surety of \$500.00 will be required in a form acceptable to the County Attorney's office to guarantee the mitigation (plants and gravel); and
4. This exception request approval shall become null and void if construction has not begun by July 9, 2015; and
5. 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.

Staff Report prepared by:



Michael D. Woolson
Senior Watershed Planner

CONCUR: 

Scott J. Thomas, Director
Engineering and Resource Protection

Attachments: Water Quality Impact Assessment Package

MEMORANDUM

Date: July 9, 2014
To: The Chesapeake Bay Board
From: Michael D. Woolson, Senior Watershed Planner 
Subject: Extension – CBE-10-038
Cooke's Garden Center

Mr. Charlie Martino, of Cooke's Garden Center, requested an extension to CBE-10-038 on June 26, 2014. This is more than two weeks prior to the expiration date, as stipulated in the approved conditions (August 11, 2014). The project has started with the interior renovations of the warehouse, which are required so that the garden center operations can be moved. Then the garden center improvements will start. All permit conditions required within the original approval for CBE-10-032 shall apply to the permit extension, with the exception of the expiration date, which shall be August 11, 2016. Staff concurs with this request and recommends that the Chesapeake Bay Board extend the expiration date to August 11, 2016.