

Chesapeake Bay Board Building F - 7 p.m.

August 13, 2014

A. Roll Call

B. Minutes

From July 9, 2014 – Board Meeting

C. Public Hearings

1. CBE-14-104 – MacCloskey – 108 Jameswood – detached garage/shed
2. CBE-15-001 – Beck – 2404 Andre Estev – patio
3. CBE-15-004 – Gilden/Delightful Gardens – 1584 Harbor Rd - deck

D. Board Considerations

E. Matters of Special Privilege

F. Adjournment

Chesapeake Bay Exception CBE-14-104: 108 Jameswood - MacCloskey

Staff report for the August 13, 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: Robert MacCloskey

Location: 108 Jameswood, Shellbank Woods
Lot 49, Phase 3
PIN: 4510400049

Lot Size/Zoning: 0.59 ac +/-; R1 Limited Residential

Area of Lot in RPA: 0.37 ac +/- (63%)

Watershed: Shellbank Creek, HUC Code JL30

Proposed Activity: Detached garage and shed

Impervious Cover: Approximately 462 square feet

RPA Encroachment: 462 square feet (seaward 50 ft.)

Brief Summary and Description of Activities

Mr. Robert MacCloskey has applied for an exception to the Chesapeake Bay Preservation Ordinance (Ordinance) for encroachments into the RPA buffer for the installation of a detached garage and shed. The lot was platted in 1986 and the house was constructed in 1988.

The project entails the construction of a detached garage and has a shed integrated into the design. The location of the garage is at the terminus of the existing driveway and meets all setbacks. The required mitigation for this amount of impervious cover impact would be 1 planting unit. Mr. MacCloskey is proposing 2 planting units (2 canopy trees, 4 understory trees, and 6 shrubs) plus a rain barrel. The proposed planting will be planted within the RPA on the lot.

Staff Evaluation

Staff has evaluated the application and exception request for the detached garage and shed. 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 patio is considered an accessory structure with 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-14-104 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-14-104 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 **slight** 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:

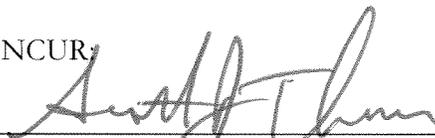
1. The applicant must obtain all other necessary federal, state and local permits as required for the project; and
2. Surety of \$500.00 will be required in a form acceptable to the County Attorney's office to guarantee the mitigation plantings; and
3. This exception request approval shall become null and void if construction has not begun by August 13, 2015; and
4. 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-15-001: 2404 Andre Esteve - Beck

Staff report for the August 13, 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: Don and Susie Beck

Location: 2404 Andre Esteve, The Vineyard's at Jockey's Neck
Lot 29, Phase 1
PIN: 4840200029

Lot Size/Zoning: 2.21 ac +/-; R1 Limited Residential

Area of Lot in RPA: 1.22 ac +/- (55%)

Watershed: College Creek, HUC Code JL34

Proposed Activity: Patio

Impervious Cover: Approximately 400 square feet

RPA Encroachment: 400 square feet (landward 50 ft.)

Brief Summary and Description of Activities

Mr. Don Newsom of Delightful Gardens, on behalf of Don and Susie Beck, has applied for an exception to the Chesapeake Bay Preservation Ordinance (Ordinance) for encroachments into the RPA buffer for the installation of a patio. The lot was platted in 1991 and the house was constructed in 1995.

The project entails the construction of a paver patio approximately 400 square feet in size with an integral seating wall and built-in grill deck. The sub-base of the patio will be a graded stone overtop of filter fabric, allowing rainfall to infiltrate the ground. The project will remove a corresponding amount of existing turf grass and proposes to plant one canopy tree, two understory trees, and 3 shrubs within the RPA buffer. The mitigation component of this project meets County standards.

Staff Evaluation

Staff has evaluated the application and exception request for the 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 patio is considered an accessory structure with 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-15-001 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-15-001 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 **slight** 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. Applicant shall follow the County's Pervious Paver Block System Guidelines for installation of the walkway paver system; and
3. Surety of \$500.00 will be required in a form acceptable to the County Attorney's office to guarantee the mitigation plantings; and

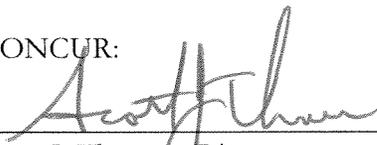
4. This exception request approval shall become null and void if construction has not begun by August 13, 2015; and
5. Written requests for an extension to an exception shall be submitted to the Engineering and Resource Protection Division no later than 6 weeks prior to the expiration date.

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

Chesapeake Bay Exception CBE-15-004: 1584 Harbor Road - Gilden

Staff report for the August 13, 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.

This project was brought before the Chesapeake Bay Board at the July 9, 2014 meeting. Mr. Newsom has further defined the existing swale system at the top of the slope and will remove the existing walk that lies under the proposed deck and reestablish the swale. The remaining turf grass has also been removed and the entirety of the remaining conservation easement will be restored.

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 entire conservation area/RPA with native plant material. While the required mitigation for the impervious cover is 1 planting unit, the proposed mitigation includes over 23 shrubs (which equates to over 2 planting units) and various amounts of perennials and exceeds the requirements.

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-15-004 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-15-004 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. This exception request approval shall become null and void if construction has not begun by August 13, 2015; and
6. Written requests for an extension to an exception shall be submitted to the Engineering and Resource Protection Division no later than 6 weeks prior to the expiration date.

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CONCUR:



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Attachments: Water Quality Impact Assessment Package