

AGENDA

JAMES CITY COUNTY CHESAPEAKE BAY BOARD

**Wednesday January 13, 2016 – 7:00 pm
Building F**

A. ROLL CALL

B. MINUTES

From November 12, 2015 – Board Meeting

C. PUBLIC HEARINGS

1. CBE-15-097: Anthony – 112 North Trace – Continued from July 8, 2015
2. CBE-16-059: Toby Development/Moore & Sons Bldrs – 4029 S Riverside – SFD and deck

D. BOARD CONSIDERATIONS

E. MATTERS OF SPECIAL PRIVILEGE

F. ADJOURNMENT

Meetings are rebroadcast on Community Channel 46 every Tuesday at 8 a.m., 2 p.m., and 8 p.m. and are available online at www.jamescitycountyva.gov.

MEMORANDUM

DATE: January 13, 2016

TO: The Chesapeake Bay Board

FROM: Michael Woolson, Senior Watershed Planner *MW* *SA*

SUBJECT: Case No. CBE-15-097; 112 North Trace

Mr. Russell Anthony, homeowner of 112 North Trace, is requesting that this case be withdrawn. At the July 8, 2015 Chesapeake Bay Board meeting, this case was deferred for six months to allow Mr. Anthony time to address FEMA issues associated with the case. As the case had been advertised, the public hearing was opened and left open until the January 13, 2016 meeting. Staff recommends that the Board close the public hearing and act favorably upon Mr. Anthony's withdrawal request.

Chesapeake Bay Exception CBE-16-059: 4029 S Riverside Drive

Staff report for the January 13, 2016 Chesapeake Bay Board Public Hearing

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

Existing Site Data & Information

Applicant: Toby Development LLC/David Moore

Land Owner(s): Toby Development LLC

Location: 4029 S. Riverside Drive Williamsburg, VA 23188

Section/Lot: Lot #5, Section 2B, Chickahominy Haven

Parcel Identification: 1910300005

Parcel Size/Zoning: 12,592± S.F. (0.29 acres) & R2 General Residential

FEMA FIRM: Panel 0082D, SFHA Zone AE (El. 7) present on the lot

Percent of Parcel in RPA: 64% (8,050 S.F.)

Watershed: Chickahominy River – JL 28

Proposed Activity: Construction of a single family dwelling and deck

Proposed Impacts

RPA Encroachments: Approximately 2,459 S.F. in the landward 50 feet
Approximately 477 S.F. in the seaward 50 feet

Impervious Cover Amount Proposed within RPA: 2,936 square feet

Description of Activities

David Moore on behalf of Toby Development LLC has applied for an exception to the Bay Act Program and Chesapeake Bay Preservation Ordinance (Ordinance) for an encroachment into both the 50 ft. seaward and 50 ft. landward Resource Protection Area (RPA) buffer to build a single family home with attached deck on pilings. This application is identified as CBE-16-059. RPA is situated

on the lot and is present due to 1990 adoption of the Ordinance. Total impervious cover within the RPA is 2,936 S.F.

Staff Evaluation

Staff has evaluated the application and exception request for 4029 S. Riverside Drive (CBE-16-059) as described above. 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 house is proposed within the RPA buffer and encroaches into the 50 foot seaward buffer. 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 a single family dwelling with attached deck.

Water Quality Impact Assessment (WQIA)

In accordance with Bay Act requirements and the Ordinance (Sections 23-11 and 23-14) all land disturbance, development or redevelopment within 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. James City County has established guidelines for submission of minor/major WQIAs. For single-family type applications, applicants normally utilize the *James City County Sensitive Area Activity Application*.

A WQIA was provided with the application for CBE-16-059. Based on Engineering and Resource Protection Division staff review, the WQIA proposes to mitigate for RPA impacts by planting seven (7) plantings units on the lot, which includes seven (7) canopy trees, 14 understory trees, and 21 shrubs. Each planting unit consists of one (1) canopy tree, two (2) understory trees, and three (3) shrubs per 400 square feet of impervious cover improvements within the RPA. The proposed on-lot mitigation as described in the WQIA meets these requirements. Silt fence will be used along the downslope perimeter sides of the disturbed area during construction.

Consideration by the Chesapeake Bay Board

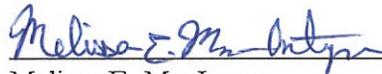
The exception granting body is permitted to require reasonable and appropriate conditions in granting the exception request in accordance with Section 23-14 of the County's Chesapeake Bay Preservation ordinance. The Chesapeake Bay Board is to fully consider CBE-16-059 as outlined and presented above 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 case number CBE-16-059 are included for the Board's use and decision.

Staff Recommendations

County Engineering and Resource Protection Division staff has fully reviewed the application and exception request, including the WQIA, and has determined impacts associated with the proposal to be **moderate**. Staff recommends the Chesapeake Bay Board **approve** case number CBE-16-059 with the included conditions:

1. The applicant must obtain all other necessary federal, state, and local permits as required for the project, including a Building Permit from James City County Building Safety and Permits Division; and
2. Surety in the amount of \$2,000 to guarantee the full implementation of the RPA Mitigation Plan submitted with the WQIA in a form satisfactory to the County Attorney; and
3. This exception request approval shall become null and void if construction has not begun by January 12, 2017; and
4. Written requests for an extension to an exception shall be submitted to the Engineering and Resource Protection Division no later than six (6) weeks prior to the expiration date.

Staff Report prepared by:



Melissa E. MacIntyre
Environmental Inspector II

CONCUR:



Michael Woolson
Senior Watershed Planner



Scott J. Thomas, Director
Engineering and Resource Protection

Attachments:

Sensitive Area Activity Application (WQIA)