

**JAMES CITY COUNTY CHESAPEAKE BAY BOARD  
MINUTES  
JULY 13, 2005 - 7:55 PM**

**A. ROLL CALL**  
Henry Lindsey  
David Gussman  
William Apperson  
John Hughes  
Larry Waltrip

**ABSENT**  
None

**OTHERS PRESENT**  
County Staff

**B. MINUTES** – The June 8, 2005 minutes were approved as amended.

**C. PUBLIC HEARINGS**

1. J. D. Blanchard Custom Home Builders - 104 Shield's Poynt

Mr. Darryl Cook presented the case as follows: **Project Description:** Mr. J.D. Blanchard had applied, on behalf of JD Blanchard Custom Home Builders for an exception to the Chesapeake Bay Preservation Ordinance for Resource Protection Area (RPA) impacts associated with the construction of a single family principal structure on the above referenced lot in Powhatan Secondary. The lot is 20,272 square feet or 0.465 acres in size.

The principal structure is proposed to create approximately 3145 square feet of impervious cover in the RPA consisting of the principal dwelling and portions of the concrete driveway and sidewalks. There will be a total disturbance of 5850 square feet in the RPA. Approximately 30% of the lot is to be cleared to allow for the construction of the dwelling.

**Background:** The lot was recorded in 1996 after adoption of the Chesapeake Bay Preservation Ordinance but there was no RPA present on the lot at recordation. However, last year, the Ordinance requirements related to the determination of perennial flow were changed requiring that perennial water bodies be identified based on a field evaluation. A field evaluation conducted for this project's building permit application identified a perennial stream on the rear of the lot requiring that a 100 foot RPA buffer be established on the lot around the stream. This 100 foot RPA buffer encompasses 100% of the lot.

According to provisions of the Ordinance; when application of the buffer would result in the loss of a buildable area on a lot or parcel recorded between August 6, 1990, and January 1, 2004, encroachments into the buffer may be allowed through an administrative process in accordance with the following criteria:

1. Encroachments into the buffer shall be the minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities.
2. Where practicable, a vegetated area that will maximize water quality protection, mitigate the effects of the buffer encroachment, and is equal to the area of encroachment into the buffer area shall be established elsewhere on the lot or parcel; and
3. The encroachment may not extend into the seaward 50 feet of the buffer area.
4. The lot or parcel was created as a result of a legal process in conformity with the county's subdivision regulations.

In this case, it is necessary to encroach into the seaward 50 feet of the buffer in order to obtain a reasonable building area, and therefore, the exception request must be processed by the Chesapeake Bay Board after a public hearing.

**Water Quality Impact Assessment:** Under Section 23-14 of the amended Ordinance, a water quality impact assessment (WQIA) must be submitted for any proposed land disturbing activity resulting from development or redevelopment within RPAs. JD Blanchard has submitted a WQIA for this project. The issue before the Chesapeake Bay Board is the 5850 square foot RPA impact (clearing and grading) and creation of 3145 square feet of impervious cover in the RPA associated with the construction of the principal structure.

The WQIA proposes to mitigate for the impacts to the RPA by planting 8 native trees, 16 native understory trees and 24 native shrubs on the lot in about 1000 square feet of landscape beds on the lot in the RPA on the lot to help filter nonpoint source pollution. The amount of mitigation proposed meets the standard requirements.

The Board is to determine whether or not the proposed development is consistent with the spirit and intent of the Ordinance and make a finding based upon the following criteria, as outlined in Section 23-14(c) of the Chesapeake Bay Ordinance:

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 this chapter to other property owners similarly situated in the vicinity;
3. The exception request will be in harmony with the purpose and intent of this chapter, 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; and
5. Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality.

**Recommendations:** Staff recommends approval of the exception as there was no RPA on the lot at the time of its recordation, the house and driveway are located at the side property line thereby minimizing the encroachment for this proposal, the project does not confer any special privileges to the applicant, and the exception is not based on self-imposed conditions. Staff recommends approval with the following conditions:

1. Full implementation of the landscape plan submitted with the WQIA shown on the site plan for the lot.
2. The size of the trees planted shall be a minimum of 1-1/2 inch caliper (six to eight feet tall) and the shrubs shall be 3 gallon size. All vegetation shall be native species approved by the Environmental Division.
3. Implementation of the mitigation plan shall be guaranteed through the provisions of the Ordinance contained in Sections 23-10(3)d. and 23-17(c) where installation of the plant material is required prior to the certificate of occupancy or through a surety instrument satisfactory to the county attorney.
4. Three inches of gravel underlain by filter fabric must be installed under the deck.
5. This exception request approval shall become null and void if construction has not begun by July 13, 2006.

All recommendations adopted by the Board must be incorporated into the site plans for the project, which then must be approved by the Environmental Division before construction can begin.

Mr. Lindsey opened the public hearing.

A. Dennis Light, 105 Shield's Poynt, spoke in opposition of the case. He stated the area already has significant erosion and drainage problems and new construction would add to the problem. He asked the Board to consider the loss of wetlands, the impact on water quality and the increased erosion if the project were approved. He further stated that if the Board never rejected a request, what would be the point of having a Board.

B. Suzanne Ruhling, 205 Old Cart Road, spoke in opposition of the case. The proposed driveway would abut against her property creating potential runoff onto her property. She stated the area does have significant drainage problems and suggested the owner find other alternatives for the property such as donating it to the Land Conservancy.

C. Brock Field, 102 Oak Ridge Court, spoke in opposition of the case. He stated the area had changed dramatically due to extensive development in the area. The area now floods on a regular basis and it was thought that since the lot was designated as an RPA lot, the lot would not be built upon. He submitted to the Board a Community Petition to Retain the Resource Protection Area on this lot signed by residents of Powhatan Secondary, residing in the Wythe Section.

The Board held a short discussion relating to potential legal consequences of their vote. They noted the lot was recorded prior to the latest change in law which took place January 2004. If the Board denied the request the County would be required to compensate the owner, which the County does not have a program in place to address this type of situation. Under the current law the lot could not be recorded as it would be deemed to be a non-buildable lot due to the location of the RPA line.

Mr. Lindsey noted that the applicant/owner was not present to answer questions. He stated that it was important to him to have the owner or their representative be present to answer Board questions.

Mr. Apperson stated prior to voting on this issue he wanted to visit the site. He requested the site be flagged, as well as the corner points for the house. He recommended the Board defer the case.

Mr. Hughes inquired if staff new when the lot had last transferred ownership.

Staff did not know but would check and provide the information.

Mr. Ron Stapes, 2413 Richard Bolling, addressed the Board. He stated that he was in the audience to speak on another case, however, he is a builder and is considering purchasing a lot that would fall under similar circumstances as the case the Board was discussing. He was concerned that if he purchased the lot under good faith, and then found that he could not build on it, then he would lose his investment. There were many other lots throughout the county that would fall under similar circumstances and he was very concerned with the outcome of this case.

Mr. Apperson made a motion to defer the case until the next Board meeting to be held on August 10, 2005. The site needs to be flagged, including the corner points for the house. The Board highly recommended that the owner or their representative be present to answer questions, and the date the property transferred to the applicant/owner needs to be provided. The Board also requested legal counsel be present to answer questions.

The motion was approved by a 5-0 vote.

## 2. Arcadia Construction - 5109 Essex Court

Mr. Darryl Cook presented the case as follows: **Project Description**

Ms. Mary Leedom had applied, on behalf of Arcadia Construction for an exception to the Chesapeake Bay Preservation Ordinance for Resource Protection Area (RPA) impacts associated with the construction of a single family principal structure on the above referenced lot in Scotts Pond. The lot is 10,389 square feet or 0.24 acres in size.

The principal structure is proposed to create approximately 2200 square feet of impervious cover in the RPA consisting of the principal dwelling and portions of the concrete driveway and sidewalks. There will be a total disturbance of 8000 square feet in the RPA. Approximately 90% of the lot is to be cleared to allow for the construction of the dwelling.

**Background:** The lot was recorded in 2003 after adoption of the Chesapeake Bay Preservation Ordinance but there was no RPA present on the lot at recordation. However, last year, the Ordinance requirements related to the determination of perennial flow were changed requiring that perennial water bodies be identified based on a field evaluation. A field evaluation conducted for this project's building permit application identified a perennial stream on the rear of the lot requiring that a 100 foot RPA buffer be established on the lot around the stream. This 100 foot RPA buffer encompasses about 91% of the lot.

According to provisions of the Ordinance; when application of the buffer would result in the loss of a buildable area on a lot or parcel recorded between August 6, 1990, and January 1, 2004, encroachments into the buffer may be allowed through an administrative process in accordance with the following criteria:

1. Encroachments into the buffer shall be the minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities.
2. Where practicable, a vegetated area that will maximize water quality protection, mitigate the effects of the buffer encroachment, and is equal to the area of encroachment into the buffer area shall be established elsewhere on the lot or parcel; and
3. The encroachment may not extend into the seaward 50 feet of the buffer area.
4. The lot or parcel was created as a result of a legal process in conformity with the county's subdivision regulations.

In this case, it is necessary to encroach into the seaward 50 feet of the buffer in order to obtain a reasonable building area, and therefore, the exception request must be processed by the Chesapeake Bay Board after a public hearing.

**Water Quality Impact Assessment:** Under Section 23-14 of the amended Ordinance, a water quality impact assessment (WQIA) must be submitted for any proposed land disturbing activity resulting from development or redevelopment within RPAs. Arcadia Construction has submitted a WQIA for this project. The issue before the

Chesapeake Bay Board is the 8000 square foot RPA impact (clearing and grading) and creation of 2200 square feet of impervious cover in the RPA associated with the construction of the principal structure.

The WQIA proposes to mitigate for the impacts to the RPA by planting 48 native shrubs and 6 native trees on the lot in 2000 square feet of landscape beds on the lot in the RPA on the lot to help filter nonpoint source pollution. The amount of mitigation proposed meets the standard requirements.

The Board is to determine whether or not the proposed development is consistent with the spirit and intent of the Ordinance and make a finding based upon the following criteria, as outlined in Section 23-14(c) of the Chesapeake Bay Ordinance:

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 this chapter to other property owners similarly situated in the vicinity;
3. The exception request will be in harmony with the purpose and intent of this chapter, 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; and
5. Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality.

**Recommendations:** Staff recommends approval of the exception as there was no RPA on the lot at the time of its recordation, the house is located near the front building setback thereby minimizing the encroachment for this proposal, the project does not confer any special privileges to the applicant, and the exception is not based on self-imposed conditions. Staff recommends approval with the following conditions:

1. Full implementation of the landscape plan submitted with the WQIA shown on the site plan for the lot.
2. The size of the trees planted shall be a minimum of 1-1/2 inch caliper (six to eight feet tall) and the shrubs shall be 3 gallon size. All vegetation shall be native species approved by the Environmental Division.
3. Implementation of the mitigation plan shall be guaranteed through the provisions of the Ordinance contained in Sections 23-10(3)d. and 23-17(c) where installation of the plant material is required prior to the certificate of occupancy or through a surety instrument satisfactory to the county attorney.
4. Three inches of gravel underlain by filter fabric must be installed under the deck.
5. This exception request approval shall become null and void if construction has not begun by July 13, 2006.

All recommendations adopted by the Board must be incorporated into the site plans for the project, which then must be approved by the Environmental Division before construction can begin.

Mr. Lindsey opened the public hearing and as no one wished to speak, Mr. Lindsey closed the public hearing.

Mr. Hughes inquired if the water quality would be better if pavers were used for the driveway instead of concrete.

Mr. Cook responded pavers would be better, but he noted that in accordance with the ordinance gravel was considered an impervious cover.

Mr. Lindsey noted that the applicant/owner was not present to answer questions. He stated that it was important to him to have the owner or their representative be present to answer Board questions.

In response to a question from Mr. Hughes, Mr. Cook stated that several lots in this area of Scott's Pond were affected by the law change in January 2004. Most of the lots could be handled on an administrative level, however, there were some like this one that would need to come before the Board as the seaward 50 feet would be impacted.

Mr. Hughes made a motion to approve the exception with staff's recommendations.

The motion was approved by a 4-1 vote. AYE: Gussman, Waltrip, Apperson, Hughes (4). NAY: Lindsey (1) ABSTAIN: None (0).

### 3. Arcadia Construction - 5115 Essex Court

Mr. Darryl Cook Presented the case as follows: **Project Description:** Ms. Mary Leedom had applied, on behalf of Arcadia Construction for an exception to the Chesapeake Bay Preservation Ordinance for Resource Protection Area (RPA) impacts associated with the construction of a single family principal structure on the above referenced lot in Scotts Pond. The lot is 10,022 square feet or 0.23 acres in size.

The principal structure is proposed to create approximately 2470 square feet of impervious cover in the RPA consisting of the principal dwelling and portions of the concrete driveway and sidewalks. There will be a total disturbance of 8000 square feet in the RPA. Approximately 90% of the lot is to be cleared to allow for the construction of the dwelling.

**Background:** The lot was recorded in 2003 after adoption of the Chesapeake Bay Preservation Ordinance but there was no RPA present on the lot at recordation. However, last year, the Ordinance requirements related to the determination of perennial flow were changed requiring that perennial water bodies be identified based on a field evaluation. A field evaluation conducted for this project's building permit application identified a perennial stream on the rear of the lot requiring that a 100 foot RPA buffer be established on the lot around the stream. This 100 foot RPA buffer encompasses about 99% of the lot.

According to provisions of the Ordinance; when application of the buffer would result in the loss of a buildable area on a lot or parcel recorded between August 6, 1990, and January 1, 2004, encroachments into the buffer may be allowed through an administrative process in accordance with the following criteria:

1. Encroachments into the buffer shall be the minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities.
2. Where practicable, a vegetated area that will maximize water quality protection, mitigate the effects of the buffer encroachment, and is equal to the area of encroachment into the buffer area shall be established elsewhere on the lot or parcel; and
3. The encroachment may not extend into the seaward 50 feet of the buffer area.
4. The lot or parcel was created as a result of a legal process in conformity with the county's subdivision regulations.

In this case, it is necessary to encroach into the seaward 50 feet of the buffer in order to obtain a reasonable building area, and therefore, the exception request must be processed by the Chesapeake Bay Board after a public hearing.

**Water Quality Impact Assessment:** Under Section 23-14 of the amended Ordinance, a water quality impact assessment (WQIA) must be submitted for any proposed land disturbing activity resulting from development or redevelopment within RPAs. Arcadia Construction has submitted a WQIA for this project. The issue before the Chesapeake Bay Board is the 8000 square foot RPA impact (clearing and grading) and creation of 2470 square feet of impervious cover in the RPA associated with the construction of the principal structure.

The WQIA proposes to mitigate for the impacts to the RPA by planting 60 native shrubs and 5 native trees on the lot in 2000 square feet of landscape beds on the lot in the RPA on the lot to help filter nonpoint source pollution. The amount of mitigation proposed meets the standard requirements.

The Board is to determine whether or not the proposed development is consistent with the spirit and intent of the Ordinance and make a finding based upon the following criteria, as outlined in Section 23-14(c) of the Chesapeake Bay Ordinance:

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 this chapter to other property owners similarly situated in the vicinity;
3. The exception request will be in harmony with the purpose and intent of this chapter, 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; and
5. Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality.

**Recommendations:** Staff recommends approval of the exception as there was no RPA on the lot at the time of its recordation, the house is located near the front building setback thereby minimizing the encroachment for this proposal, the project does not confer any special privileges to the applicant, and the exception is not based on self-imposed conditions. Staff recommends approval with the following conditions:

1. Full implementation of the landscape plan submitted with the WQIA shown on the site plan for the lot.
2. The size of the trees planted shall be a minimum of 1-1/2 inch caliper (six to eight feet tall) and the shrubs shall be 3 gallon size. All vegetation shall be native species approved by the Environmental Division.
3. Implementation of the mitigation plan shall be guaranteed through the provisions of the Ordinance contained in Sections 23-10(3)d. and 23-17(c) where installation of the plant material is required prior to the certificate of occupancy or through a surety instrument satisfactory to the county attorney.
4. Three inches of gravel underlain by filter fabric must be installed under the deck.
5. This exception request approval shall become null and void if construction has not begun by July 13, 2006.

All recommendations adopted by the Board must be incorporated into the site plans for the project, which then must be approved by the Environmental Division before construction can begin.

Mr. Hughes inquired what mechanisms would be used to protect the stream.

Mr. Cook responded that a development plan is reviewed and approved by staff. Erosion control measures are in place during construction and prior to the issuance of the Certificate of Occupancy staff will inspect to ensure that the native species plantings are completed.

Mr. Lindsey opened the public hearing and as no one wished to speak, Mr. Lindsey closed the public hearing.

Mr. Lindsey noted that the applicant/owner was not present to answer questions. He stated that it was important to him to have the owner or their representative be present to answer Board questions.

Mr. Hughes made a motion to approve the exception with staff's recommendations.

The motion was approved by a 4-1 vote. AYE: Gussman, Waltrip, Apperson, Hughes (4). NAY: Lindsey (1) ABSTAIN: None (0).

#### **D. BOARD CONSIDERATIONS**

##### **1. Appeal – Wessex Hundred Dev. Inc. – 2630 Lake Powell Road**

Mr. Darryl Cook Presented the case as follows: **Project Description:** Mr. Robert Emmett of Wessex Hundred Development had applied on behalf of the property owners at The Vineyards for an exception to the Chesapeake Bay Preservation Ordinance for Resource Protection Area (RPA) impacts associated with the construction of a 660 square foot sand set brick paver patio adjacent to the existing clubhouse on the above referenced lot in The Vineyards. The clubhouse is located on the common property for The Vineyards which totals 64.1 acres. The clubhouse is located adjacent to Ajacan Lake.

**Background:** The clubhouse was constructed in 1992 after adoption of the Chesapeake Bay Preservation Ordinance but there was no RPA present on the property when the structure was built. However, last year, the Ordinance requirements related to the determination of perennial flow were changed requiring that perennial water bodies be identified based on a field evaluation. A field evaluation was conducted for Ajacan Lake, which the clubhouse is adjacent to, and it was determined that the lake is a water body with perennial flow requiring that a 100 foot RPA buffer be established around the lake. This 100 foot RPA buffer encompasses virtually all the clubhouse, decks, and swimming pool on the property.

According to provisions of the Ordinance; when application of the buffer would result in the loss of a buildable area on a lot or parcel recorded between August 6, 1990, and January 1, 2004, encroachments into the buffer may be allowed through an administrative process in accordance with the following criteria:

1. Encroachments into the buffer shall be the minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities.
2. Where practicable, a vegetated area that will maximize water quality protection, mitigate the effects of the buffer encroachment, and is equal to the area of encroachment into the buffer area shall be established elsewhere on the lot or parcel; and
3. The encroachment may not extend into the seaward 50 feet of the buffer area. and obtain exceptions to the requirements of the chapter to allow for the beneficial use of the property to create a buildable area.

4. The lot or parcel was created as a result of a legal process in conformity with the county's subdivision regulations.

On June 8, 2005, an administrative exception was granted to allow an encroachment into the RPA buffer for an expansion of the existing decks attached to the clubhouse. The issue for the Chesapeake Bay Board's consideration is the placement of a 660 square foot brick paver patio and sidewalk in the RPA. The *Resource Protection Area: Buffer Area Encroachments* guidance document adopted by the state Division of Chesapeake Bay Local Assistance on September 16, 2002, states on page 5 that "items not considered part of a principal structure include pools, gazebos, patios, free-standing decks, garages, or storage sheds, etc." Therefore, the patio could not be approved administratively and was denied. The applicant chose to appeal this decision to the Board.

**Water Quality Impact Assessment:** Under Section 23-14 of the amended Ordinance, a water quality impact assessment (WQIA) must be submitted for any proposed land disturbing activity resulting from development or redevelopment within RPAs. Wessex Hundred has submitted a WQIA for this project. The mitigation plan contained within the WQIA offsets the proposed impervious cover impacts to the RPA buffer for the deck (210 square feet) and the patio expansion (660 square feet).

The WQIA proposes to mitigate for the impacts to the RPA by planting 4 native trees and 24 native shrubs in the RPA. This vegetation needs to be located to the rear and northwest of the clubhouse on those portions of the land where the soil is currently bare to help filter nonpoint source pollution. This mitigation plan meets the typical mitigation requirements by planting one tree or three shrubs for each 100 square foot of impervious cover established.

**Recommendations:** Section 23-17(b). Appeals; states that in rendering its decision, the Board shall balance the hardship to the property owner with to the purpose, intent and objectives of the Ordinance. The Board shall not decide in favor of the appellant unless it finds:

1. The hardship is not generally shared by other properties in the vicinity;
2. The Chesapeake Bay, its tributaries and other properties in the vicinity will not be adversely affected; and
3. The appellant acquired the property in good faith and the hardship is not self-inflicted.

Staff does not recommend approval of the exception as it involves the creation of an impervious, accessory structure or use in the RPA. Both the Ordinance and staff considers the brick paver as an impervious surface. Staff has not allowed the creation of accessory structures in the RPA in the past. However, the Board did approve construction of a brick paver patio in Ford's Colony on May 11, 2005.

If the Board approves the exception, the proposed mitigation plan is in accordance with the standard mitigation requirements and would be acceptable for the proposed use. If approved, it should be conditioned on the following:

1. Full implementation of the landscape plan submitted with the WQIA
2. Implementation would be guaranteed through the provisions of the Ordinance contained in Sections 23-10(3)d. and 23-17(c) where installation of the plant material is required prior to the certificate of occupancy or through a surety satisfactory to the county attorney.
3. The patio shall be constructed using a non-interlocking paver (a floating paver system). Information on the specific paver to be used needs to be submitted to the Environmental Division prior to beginning work.
4. This exception request approval shall become null and void if construction has not begun by July 13, 2006.

Mr. Lindsey stated that if the patio were to be built he would like to see it constructed using a non-interlocking paver (floating paver system).

Mr. Lindsey asked the audience if there was anyone present who wished to speak on the matter.

A. Mr. Dan Sherlock, representative for the Vineyards Home Owner's Association, asked the Board to approve his appeal. He stated there was only one place to construct the patio on site and all runoff would be directed to the drainage system at the street and not to the lake. He stated he would be in agreement to use the non-interlocking pavers.

No one else present wished to speak on the matter.

Mr. Hughes stated that he felt this was a legitimate use of the property and the least damaging to wetlands.

The remaining Board members agreed with Mr. Hughes.

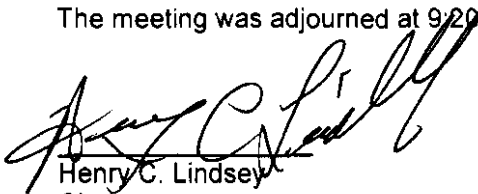
Mr. Hughes made a motion to approve the appeal with staff's recommendations and the condition that the patio be constructed using non-interlocking pavers and the drainage would be directed toward the street and not the lake.

The motion was approved by a 5-0 vote.

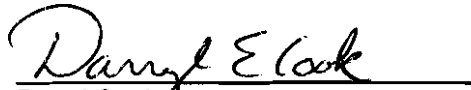
**E. MATTERS OF SPECIAL PRIVILEGE - none**

**F. ADJOURNMENT**

The meeting was adjourned at 9:20 PM.



Henry C. Lindsey  
Chairman



Darryl Cook  
Secretary



**Community Petition  
To Retain the Resource Protection Area**

Resident's signed below of Powhatan of Williamsburg Secondary, residing in Wythe Section, hereby petition to reject the request for the construction of a single family residence at 104 Shields Point, further identified by James City County Real Estate as Pin No. 3740700002.

This area is a Resource Protection Area (RPA) buffer for this neighborhood, and is restricted for residential use, and is the only remaining green space in this section. With the significant growth in recent years in residential housing in Powhatan of Williamsburg Secondary, this protection is vital to this neighborhood. This residential growth has created increased runoff and flooding in this section and in the RPA, and any additional residential construction or additional dwelling in this section will further erode this protection and the property values of homes in this area.

The two homes immediately behind this proposed new residence and the RPA, located at 102 Oak Ridge Court and 104 Oak Ridge Court, experience increased flooding in the front yards of these properties from the stream running through this section, which in turn affects the culverts and the homes on the other side of Oak Ridge Court. Due to this increase in water flow, the culvert that crosses under Oak Ridge Court is collapsing on one side and now being replaced at significant cost, in addition to causing extensive damage to the front property of the residence at 103 Oak Ridge Court.

This Resource Protection Area must be preserved, and the application to construct an additional residence in this area rejected, to maintain adequate drainage and resource protection of this section and the values of properties surrounding and near this area.

**Petitioners are residents of Powhatan of Williamsburg Secondary,  
residing in Wythe Section:**

Name (Print)	Signature	Address
<u>Brook L. Field</u>	<u>Brook L. Field</u>	<u>102 Oak Ridge Ct.</u>
<u>Nathalyn Field</u>	<u>Nathalyn Field</u>	<u>102 Oak Ridge Ct.</u>
<u>David Root</u>	<u>David Root</u>	<u>104 Oak Ridge Ct.</u>
<u>Regina Root</u>	<u>Regina A. Root</u>	<u>104 Oak Ridge Court</u>
<u>GIL G. VIA III</u>	<u>Gil G. Via</u>	<u>103 OAK Ridge Court</u>
<u>Vera Light</u>	<u>Vera Light</u>	<u>105 Shield's Point</u>
<u>DENNIS LIGHT</u>	<u>Dennis Light</u>	<u>105 Shield's Point</u>
<u>Suzanne Savage Ruhl</u>	<u>Suzanne Savage Ruhl</u>	<u>205 Old Cart Rd</u>
<u>Carol Binkley</u>	<u>Carol Binkley</u>	<u>207 Old Cart Road</u>

**Community Petition  
To Retain the Resource Protection Area**

Resident's signed below of Powhatan of Williamsburg Secondary, residing in Wythe Section, hereby petition to reject the request for the construction of a single family residence at 104 Shields Point, further identified by James City County Real Estate as Pin No. 3740700002.

This area is a Resource Protection Area (RPA) buffer for this neighborhood, and is restricted for residential use, and is the only remaining green space in this section. With the significant growth in recent years in residential housing in Powhatan of Williamsburg Secondary, this protection is vital to this neighborhood. This residential growth has created increased runoff and flooding in this section and in the RPA, and any additional residential construction or additional dwelling in this section will further erode this protection and the property values of homes in this area.

The two homes immediately behind this proposed new residence and the RPA, located at 102 Oak Ridge Court and 104 Oak Ridge Court, experience increased flooding in the front yards of these properties from the stream running through this section, which in turn affects the culverts and the homes on the other side of Oak Ridge Court. Due to this increase in water flow, the culvert that crosses under Oak Ridge Court is collapsing on one side and now being replaced at significant cost, in addition to causing extensive damage to the front property of the residence at 103 Oak Ridge Court.

This Resource Protection Area must be preserved, and the application to construct an additional residence in this area rejected, to maintain adequate drainage and resource protection of this section and the values of properties surrounding and near this area.

**Petitioners are residents of Powhatan of Williamsburg Secondary,  
residing in Wythe Section:**

Name (Print)	Signature	Address
<u>Brock L. Field</u>	<u>Brock L. Field</u>	<u>102 Oak Ridge Ct.</u>
<u>Nathalyn Field</u>	<u>Nathalyn Field</u>	<u>102 Oak Ridge Ct.</u>
<u>David Root</u>	<u>David Root</u>	<u>104 Oak Ridge Ct.</u>
<u>Regina Root</u>	<u>Regina A. Root</u>	<u>104 Oak Ridge Court</u>
<u>GIL G. VIA III</u>	<u>Gil G. Via III</u>	<u>103 OAK RIDGE COURT</u>
<u>Vera Light</u>	<u>Vera Light</u>	<u>105 Shields' Point</u>
<u>DENNIS LIGHT</u>	<u>Dennis Light</u>	<u>105 Shields' Point</u>
<u>Suzanne Savage Ruhl</u>	<u>Suzanne Savage Ruhl</u>	<u>205 Old Cart Rd</u>
<u>Carol Binkley</u>	<u>Carol Binkley</u>	<u>207 Old Cart Road</u>