

**JAMES CITY COUNTY CHESAPEAKE BAY BOARD
MINUTES
March 12, 2008**

A. ROLL CALL

Henry Lindsey
John Hughes
William Apperson

ABSENT

David Gussman
Larry Waltrip

OTHERS PRESENT

County Staff

B. MINUTES

The February 13, 2008 Board Meeting minutes were approved with a minor change to one of the comments made by Mr. Hughes.

C. PUBLIC HEARINGS

1. CBE-08-003 – Skipper – 318 Hatton Crossing

Pat Menichino presented the following case:

Project Summary and Description

Charles H. Skipper, 7318 Hatton Cross, Longhill Gate, Williamsburg, VA, applied for an exception to the Chesapeake Bay Preservation Ordinance (Ordinance) for Resource Protection Area (RPA) impacts associated with the construction of 50 linear feet of steel sheet pile retaining wall resulting in 45 sqft of impervious area. The lot is located adjacent to perennial features that require a 100-foot RPA buffer. This buffer encompasses approximately 50% of the lot.

A mitigation plan provided with the exception request proposes to mitigate for the 45 sqft of impervious area by planting 3 native shrubs in an area below the retaining wall. The mitigation plan is in accordance with the standard mitigation requirements of the County.

Brief History

The lot was recorded after the 1990 adoption of the Chesapeake Bay Preservation Ordinance.

Retaining walls are considered accessory structures and not eligible for administrative approval according to the Ordinance. Therefore, this exception request for the construction of approximately 50 linear feet of retaining wall within the 100 RPA buffer must be reviewed by 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 RPA. The applicant has submitted a WQIA for this project that proposes to mitigate for the RPA impacts by planting 3 native shrubs within RPA. This vegetation will be located to the rear of the proposed retaining wall on property under the control of the HOA.

The owners have submitted the required information as outlined in the *James City County Water Quality Impact Assessment Guidelines*. The Board is to determine whether or not the exception request 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:

Recommendations

Staff recommends approval of the exception request for the proposed retaining wall with the following conditions:

1. Full implementation of the mitigation landscape plan submitted with the WQIA.
2. The size of the shrubs planted shall be a minimum of 3-5 gallon container size (18" to 36" tall). All vegetation shall be native species approved by the Environmental Division.
3. The retaining wall design, specifications, and location must meet the approval of all other regulatory agencies that may have jurisdiction.
4. Installation of the required plant material shall be completed immediately following the installation of the retaining wall.
5. The applicant must submit to the division authorization from the HOA, for the permanent installation of native planting material within the RPA buffer located on property under the control of the HOA.
6. This exception request approval shall become null and void if construction has not begun by March 12, 2009.

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 asked why the proposed walk way and deck shown on the site plan, were not included in the application.

Mr. Menichino stated the exception request for these items was approved administratively as allowed by the Ordinance.

Mr. Apperson opened the public hearing.

Edward Skipper, representing the applicant, Charles Skipper, stated the Longhill Gate HOA was reviewing the request for plantings in the common area and had indicated they were supportive of the request.

Mr. Apperson closed the public hearing as no one else wished to speak.

Mr. Lindsey stated based on the photos provided by staff, it appeared the retaining wall was needed and this exception request was the minimum necessary to afford relief from the erosion on the applicants property.

Mr. Apperson and Mr. Hughes stated they had no objection to this exception request.

Mr. Lindsey made a motion to adopt the resolution granting an exception on tax parcel #3232900042A for case CBE-08-003.

The motion was approved by a 3-0 vote.

2. CBE-07-039/08-009 – Colonial Penniman – Trusswood Waterline Extension

Mr. Thomas stated staff determined and the County Attorney concurred that this case could be reviewed administratively and was therefore being withdrawn from Board consideration.

3. CBE-07-107 – Vanasse Hangen Brustlin, Inc/Busch Properties – Spencer’s Grant continued from 11/14/07, 1/9/08 and 2/13/08

Mr. Menichino advised the Board the applicant requested a continuance of the public hearing to 4/9/2008. Staff recommended the Board approve this request.

Mr. Lindsey requested a meeting on-site, prior to the public hearing on 4/9/2008, to review the proposed changes to the original plan.

All Board members agreed the revised plans and staff report should be submitted to the Board prior to the on-site meeting.

Mr. Hughes made a motion to continue the public hearing for case CBE-07-107 to April 9, 2008

The motion was approved by a 3-0 vote.

D. BOARD CONSIDERATIONS - none

1. CBE-07-009 – Small – 3000 N. Riverside Drive - Permit Extension

Pat Menichino stated Ms. Kathleen L. Small, of 3000 N. Riverside Drive, Lanexa, requested an extension of the expiration date for CBE-07-009 and Staff supports the granting of a one-year extension for the above referenced exception. All conditions required within CBE-07-009 shall apply to the permit extension

Mr. Hughes made a motion to adopt the resolution granting the exception extension for Tax Parcel No. 1820400015, CBE-07-009

The motion was approved by a 3-0 vote.

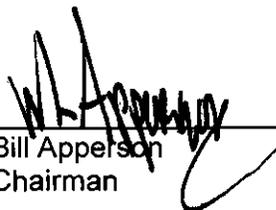
E. MATTERS OF SPECIAL PRIVILEGE

Jennifer Lyttle, Assistant County Attorney, informed the Board that this was her last meeting as she had accepted another position.

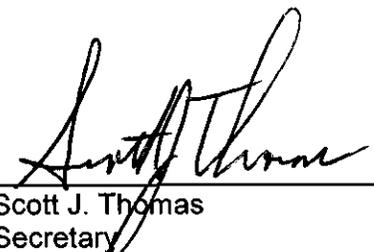
All Boards members thanked her for her guidance and assistance and wished her well in her new position.

F. ADJOURNMENT

The meeting adjourned at 7:20 PM.



Bill Apperson
Chairman



Scott J. Thomas
Secretary