

**JAMES CITY COUNTY CHESAPEAKE BAY BOARD
MINUTES
May 12, 2010**

A. ROLL CALL

ABSENT

David Gussman – Chairman
William Apperson
Terence Elkins
John Hughes
Larry Waltrip

OTHERS PRESENT

County Staff (Staff)

The responsibility of this Board is to carry out locally the Commonwealth policy to protect against and minimize pollution and deposition of sediment in wetlands, streams, and lakes in James City County, which are tributaries of the Chesapeake Bay.

B. MINUTES

The April 14, 2010 Board Meeting minutes were approved as written.

C. PUBLIC HEARINGS

1. CBE-10-018 WSP SELLS /Stonehouse Tract 12 – Sewer Crossing

Mike Woolson, Senior Watershed Planner, presented the following case:

Existing Site Data & Information

Applicant:	Mr. Craig M. Duerr, WSP Sells
Land Owner(s):	GS Stonehouse Green Land Sub, LLC
Location:	9455 Fieldstone Parkway, Toano, Virginia 23168 Pin: 0530100021: GS Stonehouse owner 9386 Ottoway Court, Toano, Virginia 23168 Pin: 0530700001C: Stonehouse Glen, LLC, owner
Parcel Size/Zoning:	44.38 +/- acres, R-2 Residential and PUD Commercial
Percent of Parcel in RPA:	35% (15.5 +/- acres)
Watershed:	Ware Creek (HUC Code Y062)
County Plan No.:	S-48-09

Proposed Impacts

Chesapeake Bay Board action (Board approval)

Sanitary Sewer RPA Encroachments

Permanent encroachment: 3,959 square feet (0.09 ac.)

Chesapeake Bay Preservation Ordinance Administrator action (Administrative approval)

BMP outfall RPA Encroachments: 11,130 square feet (0.26 ac.)

Brief Summary and Description of Activities

The submitted Water Quality Impact Assessment (WQIA) contains information pertaining to both administrative and Board action. The impacts associated with the BMP storm drain outfalls require administrative approval because they are water dependant features. The impacts associated with the sanitary sewer crossing require Board approval, as they are not built by a public service authority. The current owner of the Stonehouse development has received a US Army Corps of Engineers permit to construct a sanitary sewer crossing which impacts 240 square feet of wetlands (permit number: NAO-2009-01264) along with wetland impacts associated with the Land Bay 3 development.

Staff Evaluation

Staff has evaluated the application and exception request for all work as described above. The proposal is a gravity sewer line that will provide service to this land bay. 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.

Water Quality Impact Assessment (WQIA)

In accordance with Bay Act requirements and the Ordinance all land disturbance, development, or redevelopment within the 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.

A WQIA was submitted with the plan of development for the project (County Plan No. S-48-09). The WQIA was provided on August 17, 2009 and revised on March 17, 2010. Based on staff review, the WQIA proposes to mitigate for RPA impacts by:

- Stabilizing with a conservation seed mix, and
- Super silt fence (wire-reinforced) for disturbed areas within the RPA, and
- Erosion control, type 2 matting for slope stabilization, and
- Enhanced outlet protection for each storm water outfall, and
- Replanting of 0.13 acres adjacent to a dedicated Natural Open Space easement, known as Buffer Restoration Area #1, and
- Replanting of 0.16 acres offsite in Stonehouse Glen near BMP 3B, adjacent to a dedicated Natural Open Space easement, known as Buffer Restoration Area #2, and
- Recordation of an additional 0.09 acre Natural Open Space easement, in excess of the requirements for the subdivision of Tract 12, adjacent to RPA.

Staff Recommendation

Staff has fully reviewed the application and exception request and has determined impacts associated with the proposal to be minimal for the proposed development and that the proposed mitigation measures are acceptable. 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.
2. Use of super silt fence for areas to be disturbed within the RPA.
3. Use of EC-2 matting for slope stabilization on slope that are 3:1 or greater.
4. Enhanced outlet protection for all BMP and storm drain outfalls.
5. Replant 0.13 acres of non-RPA adjacent to Natural Open Space, along Fieldstone Parkway, known as Buffer Restoration Area #1 per the approved WQIA.

6. Replant 0.16 acres offsite in Stonehouse Glen near BMP 3B, adjacent to a dedicated Natural Open Space easement, known as Buffer Restoration Area #2 per the approved WQIA.
7. Recordation of Natural Open Spaces easements for Buffer Restoration Area #1 and Buffer Restoration Area #2, dedicated to James City County.
8. Recordation of a Natural Open Space easement for the additional 0.09 acre in excess of the requirements for stormwater management for Tract 12, adjacent to RPA.
9. Signed letters of permission shall be submitted to the Environmental Division for all offsite property owners affected by this proposal prior to work commencing.
10. This exception request approval shall become null and void if construction has not begun by May 12, 2011.
11. Written requests for an extension to an exception shall be submitted to the Environmental Division no later than 2 weeks prior to the expiration date.

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-10-018 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-10-018 are included for the Board's use and decision.

Mr. Gussman referred to the .01 acres and 240 sqft of wetlands impact area listed in the WQIA and asked which number was correct.

Mr. Elkins asked if this case had previously been before the Board.

Mr. Woolson referred Mr. Gussman's question to the applicant and informed Mr. Elkins that the Board had previously considered the sewer crossing for Stonehouse Land Bay 3.

Mr. Gussman opened the public hearing.

A. Mr. Craig Duerr, WSP Sells, stated the 240 sqft was the correct number and rounding to the nearest 100th of an acre resulted in the .01 figure.

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

Mr. Apperson stated he had no problem with granting the exception however he was concerned about the survivability of the proposed mitigation plantings as in his opinion they were not suitable for the area.

Mr. Woolson stated that he and the developer would welcome Mr. Apperson's suggestions for more suitable vegetation and would contact him regarding the mitigation plantings.

Mr. Elkins made a motion to adopt the resolution granting the exception for Chesapeake Bay Board case number CBE-10-018 on tax parcels #s 0530100021 and 0530700001C.

The motion was approved by a 5-0 vote.

D. BOARD CONSIDERATIONS - None

E. MATTERS OF SPECIAL PRIVILEGE

Scott J. Thomas, Environmental Director, introduced Shereen Hughes, former planning commissioner and current intern with the Chesapeake Bay Foundation, who gave a short presentation on the upcoming "Clean the Bay Day" on Saturday June 5, 2010 from 9 a.m. – Noon.

In conjunction with the Wetlands Board, the Chesapeake Bay Board presented the following Resolution of Appreciation to Pat Menichino for his service to the Board:

WHEREAS, Patrick T. Menichino served the citizens of James City County as an advisor and Secretary to the Wetlands Board from January 2006 to March 2010; and

WHEREAS, Patrick T. Menichino served the citizens of James City County as an advisor and case manager to the Chesapeake Bay Board from April 2004 to March 2010; and

WHEREAS, his knowledge and guidance has assisted the Boards in rendering fair and impartial decisions to protect the wetlands and natural resources in James City County

NOW, THEREFORE BE IT RESOLVED **that** the Wetlands Board and Chesapeake Bay Board of James City County do hereby proclaim great appreciation to Patrick T. Menichino for his dedication, commitment, and exceptional service to the Boards and to the citizens of James City County.

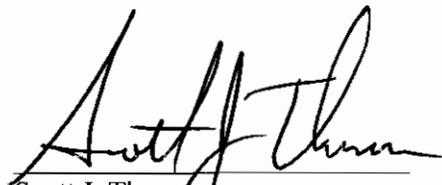
BE IT FURTHER RESOLVED that the issuance of this Resolution be entered into the official minutes of the Wetlands Board and Chesapeake Bay Board of James City County.

So ordered on this day of May 12, 2010

F. ADJOURNMENT

The meeting adjourned at 7:30 PM.


David Gussman
Chairman


Scott J. Thomas
Secretary to the Board