

JAMES CITY COUNTY CHESAPEAKE BAY BOARD
MINUTES
April 11, 2012

A. ROLL CALL

David Gussman – Chair
Larry Waltrip
John Hughes
Charles Roadley

ABSENT

William Apperson

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 February 8, 2012 Board Meeting minutes were approved as written.

C. PUBLIC HEARINGS

1. CBE-11-129 - Drygala – 3649 Bridgewater – continued from 7/13/11, 10/12/11, 12/14/11 and 2/8/12

Michael Woolson, Senior Watershed Planner informed the Board that the applicant, Mr. Marcin Drygala was requesting the exception request be withdrawn and the public hearing closed.

Mr. Gussman closed the public hearing. No further action was required

D. BOARD CONSIDERATIONS

1. CBE-10-032 – G.S. Stonehouse Green Land Sub – Stonehouse Land-Bay 3 – Permit Extension

Michael Woolson, Senior Watershed Planner presented the request from Mr. Curtis Hickman, agent for G.S. Stonehouse Green Land Sub, LLC. The request was for an extension of the Exception to the Chesapeake Bay Preservation Ordinance for RPA impacts associated with installation of a gravity sewer line and permanent maintenance easement that was granted on December 9, 2009 and amended on April 14, 2010. A previous 1 year extension had already been granted and the applicant was now requesting a second extension to April 11, 2013 due to logistical problems associated with funding for the infrastructure improvements. Staff concurred with this request.

Mr. Hughes made a motion to approve the resolution granting the 1 year extension.

The motion was approved by a 4-0 vote.

RESOLUTION

GRANTING AN EXCEPTION ON JCC RE TAX PARCEL NOS 440100029, 0440200002, 0440100033 and 0530100017

WHEREAS, **Mr. Curtis Hickman, agent for GS Stonehouse Green Land Sub, LLC** (the "Owner") has requested an extension of the exception granted by the Chesapeake Bay Board of James City County (the "Board") on **December 9, 2009** revised on **April 14, 2010** and extended for one year on **April 13, 2011**, for encroachment into the Resource Protection Area (the "RPA") on parcels of property identified as JCC RE Tax Parcel Nos. **0440100029, 440200002, 0440100033 and 0530100017** and further identified as **9235 Fieldstone Parkway, 9340 Fieldstone Parkway, 9315 Fieldstone Parkway and 9683 Mill Pond Run** (the "Property") as set forth in the application **CBE-10-032**, for **impacts associated with installation of a gravity sewer line and permanent maintenance easement**; and

WHEREAS, the Board has listened to the arguments presented and has carefully considered all evidence entered into the record.

NOW, THEREFORE, having conducted a public hearing on April 14, 2010 and pursuant to the extension granted on April 13, 2011 and current request for an additional one year extension, the Chesapeake Bay Board of James City County by a majority vote of its members FINDS that:

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 Chapter 23, Chesapeake Bay Preservation, of the James City County Code, to other property owners similarly situated in the vicinity.
3. The exception request will be in harmony with the purpose and intent of Chapter 23 of the James City County Code, 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.
5. Reasonable and appropriate conditions are hereby imposed, as set forth below, which will prevent the exception request from causing a degradation of water quality.
6. In granting this exception, the following conditions are hereby imposed to prevent this exception request from causing degradation of water quality:
 - 1) The applicant must obtain all other necessary federal, state and local permits as required for the project.
 - 2) Replant the temporary construction easement (16,266 sqft).
 - 3) Preserve 14,810 sqft of non-RPA in Land Bay 3. This area shall be placed within a conservation easement and dedicated to James City County.
 - 4) Replant 3,480 sqft of non-RPA adjacent to BMP 3A in Tract 12 of Stonehouse. This area shall be placed within a conservation easement and dedicated to James City County.

- 5) Payment of \$6,734.70 into the Chesapeake Bay Mitigation Fund.
- 6) Signed letters of permission shall be submitted to the Environmental Division for all offsite property owners affected by this proposal prior to work commencing. This includes 2J Investments and Stonehouse HOA.
- 7) All improvements on the Stonehouse HOA property that are damaged by the installation of the sanitary sewer line shall be replaced, including landscape materials, fencing, and sidewalk/trail.
- 8) This exception request approval shall become null and void if construction has not begun by April 11, 2013.
- 9) 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.


2. Change to July 2012 meeting date


Due to a scheduling conflict with the Planning Commission's July meeting all Board members agreed to change the July Chesapeake Bay Board meeting date from Wednesday July 11, 2012 to Thursday July 12, 2012.

E. MATTERS OF SPECIAL PRIVILEGE - None

F. ADJOURNMENT

The meeting adjourned at 7:15 p.m.


David Gussman
Chair


Michael Woolson
Secretary to the Board