

**JAMES CITY COUNTY CHESAPEAKE BAY BOARD
MINUTES
Thursday, July 12, 2012**

A. ROLL CALL

David Gussman – Chair
William Apperson
John Hughes
Charles Roadley
Roger Schmidt for Larry Waltrip

ABSENT
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 June 13, 2012 Board Meeting minutes were approved as written.

C. PUBLIC HEARINGS

1. CBE-12-111 – AES/Monticello Woods Active Adult LLC – Settlement at Powhatan Creek Phase III – sanitary sewer connection Continued from 6/13/12

Michael Majdeski, Senior Inspector presented the exception request from AES Consulting Engineers on behalf of Monticello Woods Active Adult LLC for 3,659 square feet of encroachment into the RPA for a sanitary sewer connection associated with the Settlement at Powhatan Creek, Phase III project located at 4101 Monticello Avenue, JCC Parcel No 3740100010.

Staff determined the impacts to be minor and recommended approval of the exception request with conditions specified in the Resolution to Grant the Exception.

Mr. Gussman continued the public hearing.

A. Mr. Chris Basic President of Greensprings Landscape Architecture stated he was available to answer questions from the Board.

Mr. Roadley asked if there would be any problem maintaining the plantings on the utility corridor.

Michael Woolson, Senior Watershed Planner clarified that the planting area was an existing construction access road not a utility corridor.

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

Mr. Hughes made a motion to adopt the resolution granting the exception for Chesapeake Bay Board case CBE-12-111 at 4101 Monticello Ave, Parcel No 3740100010.

The motion was approved by a 5-0 vote

RESOLUTION

GRANTING AN EXCEPTION ON JCC RE TAX PARCEL NO. 3740100010

WHEREAS, AES Consulting Engineers on behalf of Monticello Woods Active Adult LLC, (the "Applicant") has appeared before the Chesapeake Bay Board of James City County (the "Board") on July 12, 2012 to request an exception to the use of the Resource Protection Area (the "RPA") on a parcel of property identified as JCC RE Tax Parcel No. 3740100010 and further identified as 4101 Monticello Avenue (the "Property") as set forth in the application CBE-12-111 for the purpose of installing a sanitary sewer connection for the Phase III construction of the Settlement at Powhatan Creek Subdivision; and

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

NOW, THEREFORE, following a public hearing, 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) Use of super silt fence for areas to be disturbed within the RPA.
 - 3) All proposed mitigation plantings shall meet James City County standards of 1" caliper for the canopy and understory trees and shrubs shall be minimum 3 gallon size.
 - 4) Full implementation of the approved RPA Mitigation Plan and any additional Board mitigation requirements shall be guaranteed through the provisions of the Ordinance contained in Sections 23-10(3) (d) and 23-17(c) which is providing a form of surety satisfactory to the County Attorney.
 - 5) Use of EC-3 matting for slope stabilization on disturbed slopes that are 3H:1V or greater
 - 6) Construction shall be in accordance with the provisions of approved County subdivision plan no S-0037-2012
 - 7) This exception request approval shall become null and void if construction has not begun by July 12, 2013.
 - 8) Written requests for an extension to an exception shall be submitted to the Engineering and Resource Protection Division no later than 2 weeks prior to the expiration date.

2. CBE-12-122 – AES/Stonehill Company – Westport Subdivision Section A – Waterline installation

Michael Majdeski, Senior Inspector presented the exception request from AES Consulting Engineers on behalf of the Stonehill Company, for 7,920 square feet of encroachment into the RPA at 4901 Centerville Rd - Parcel No 3040100007, 4708 Locklomond – Parcel No 3620500045, and 4712 Locklomond – Parcel No 3620500044, for installation of a waterline related to the Section A construction of the Westport Subdivision.

Staff determined the impacts to be moderate and the proposed mitigation measures exceed standard mitigation requirements. Staff recommended approval of the exception request with conditions specified in the Resolution to Grant the Exception.

Mr. Gussman opened the public hearing.

Mr. Roadley asked how long it would take to install the waterline and what erosion control measures would be in place after construction was completed.

A. Gary Dempsey, Stonehill Company stated that typically the project would be under construction for 4 or 5 days and the area would be immediately seeded and mulched to return the area to its original condition.

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

Mr. Apperson made a motion to adopt the resolution granting the exception for Chesapeake Bay Board case CBE-12-122 at 4901 Centerville Rd – Parcel No 3040100007 and 4708 and 4712 Locklomond – Parcel Nos 3620500045 and 3620500044

The motion was approved by a 5-0 vote

RESOLUTION

GRANTING AN EXCEPTION ON JCC RE TAX PARCEL NOS. 3040100007, 3620500045 and 3620500044

WHEREAS, AES Consulting Engineers on behalf of Stonehill Company, (the “Applicant”) has appeared before the Chesapeake Bay Board of James City County (the “Board”) on July 12, 2012 to request an exception to the use of the Resource Protection Area (the “RPA”) on parcels of property identified as JCC RE Tax Parcel Nos. 3040100007, 3620500045 and 3620500044 and further identified as 4901 Centerville Road, 4708 Locklomond and 4712 Locklomond (the “Property”) as set forth in the application CBE-12-122 for the purpose of installing a waterline related to the Section A construction of the Westport Subdivision; and

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

NOW, THEREFORE, following a public hearing, 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.

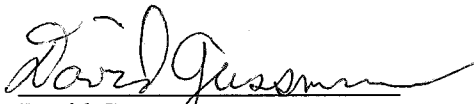
4. The exception request is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels.
5. Reasonable and appropriate conditions are hereby imposed, 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) Use of super silt fence for areas to be disturbed within the RPA.
 - 3) Use of EC-2 matting for slope stabilization on disturbed slopes that are 3H:1V or greater.
 - 4) Construction shall be in accordance with the provisions of the subdivision plan to be approved by the County.
 - 5) Recordation of Natural Open Space easement for area labeled "Natural Open Space Easement" in exhibit one of the WQIA, dedicated to James City County as conservation easement.
 - 6) This exception request approval shall become null and void if construction has not begun by July 12, 2013.
 - 7) Written requests for an extension to an exception shall be submitted to the Engineering and Resource Protection Division no later than 2 weeks prior to the expiration date.

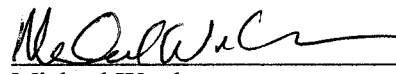
D. BOARD CONSIDERATIONS - None

E. MATTERS OF SPECIAL PRIVILEGE - None

F. ADJOURNMENT

The meeting adjourned at 7:20 p.m.


David Gussman
Chair


Michael Woolson
Secretary to the Board