

**JAMES CITY COUNTY CHESAPEAKE BAY BOARD
MINUTES**

Wednesday May 14, 2014

A. ROLL CALL

David Gussman
John Hughes
Charles Roadley

ABSENT

William Apperson
Larry Waltrip

OTHERS PRESENT

County Staff:

Michael Woolson, Senior Watershed Planner
Lola Perkins, Assistant County Attorney
Melanie Davis, Secretary to the Board

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 9, 2014 Board Meeting minutes were approved as written.

C. PUBLIC HEARINGS

1. CBE-14-074: Riley – 3145 Hollow Oak Drive – Retaining Wall – continued from 4/9/14

Michael Woolson, Senior Watershed Planner presented the updated case information. He stated the applicant had now provided a more detailed plan that addressed the erosion, drainage and mitigation concerns the Board expressed at the previous meeting. Staff determined impacts to be slight and recommended approval of the exception request with the conditions outlined in the Resolution to Grant the Exception.

Mr. Gussman re-opened the public hearing.

Mr. Andrew Riley, owner stated he was present to request the exception and answer any questions.

Mr. Roadley stated the slope was severe and would be hard to maintain, he appreciated the addition of the drainage structures and would be supportive of the exception request.

Mr. Hughes stated he was also supportive now that the construction of the wall was clarified.

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

Mr. Roadley made a motion to adopt the Resolution granting the exception on case CBE-14-074 at 3145 Hollow Oak Drive, Parcel ID 0530300017.

The motion was approved by a 3-0 vote.

RESOLUTION

GRANTING AN EXCEPTION ON JCC RE TAX PARCEL 0530300017

WHEREAS, Andrew and Elizabeth Riley, (the “Applicants”) applied to the Chesapeake Bay Board of James City County (the “Board”) on April 9, 2014 continued to May 14, 2014 requesting an exception to the use of the Resource Protection Area (the “RPA”) on a parcel of property identified as JCC RE Tax Parcel 0530300017 and further identified as 3145 Hollow Oak Drive in the Stonehouse subdivision (the “Property”) as set forth in the application CBE-14-074 for the purpose of constructing a retaining wall; 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) A surety in the amount of \$250, in a form acceptable to the County Attorney’s office, must be submitted prior to the start of construction.
 - 3) This exception request approval shall become null and void if construction has not begun by May 14, 2015.
 - 4) Written requests for an extension to an exception shall be submitted to the Engineering and Resource Protection Division no later than 6 weeks prior to the expiration date.

2. CBE-14-083: Wolons – 101 Indian Circle

Michael Woolson, Senior Watershed Planner presented the case for construction of a pervious paver patio associated with an elevated deck that was administratively approved. The applicant has been advised of the mitigation requirements. Staff determined impacts to be minimal and the application met the conditions of the Chesapeake Bay Preservation Ordinance, Sections 23-11 and 23-14. Staff recommended approval of the exception request with the conditions outlined in the Resolution to Grant the Exception.

Mr. Roadley asked for a description of the pervious paver system.

Mr. Woolson described it as having a stone base and an under drain system and a type of stone that allowed water to infiltrate. He stated there was enough slope to tie into the existing drainage system on the property.

Mr. Gussman opened the public hearing.

Mr. Roadley stated it looked like there was currently very little vegetation in the back yard.

Mr. David Wolons, owner stated the property had been vacant for about a year and the intent was to install vegetation in the back yard and tie the roof drains into the existing french drains on the property.

Mr. Hughes made a motion to adopt the Resolution granting the exception on case CBE-14-083 at 101 Indian Circle, Parcel ID 5920200013.

The motion was approved by a 3-0 vote.

RESOLUTION

GRANTING AN EXCEPTION ON JCC RE TAX PARCEL 5920200013

WHEREAS, David and Karen Wolons, (the "Applicants") have applied to the Chesapeake Bay Board of James City County (the "Board") on May 14, 2014 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 5920200013 and further identified as 101 Indian Circle in the Poplar Hall subdivision (the "Property") as set forth in the application CBE-14-083 for the purpose of constructing a patio; 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 applicants must obtain all other necessary federal, state, and local permits as required for the project.
 - 2) The applicants shall follow the County's Pervious Paver Block System Guidelines for installation of the patio paver system.
 - 3) A Surety of \$500.00 will be required in a form acceptable to the County Attorney's office to guarantee the mitigation plantings.
 - 4) This exception request approval shall become null and void if construction has not begun by May 14, 2015.
 - 5) Written requests for an extension to an exception shall be submitted to the Engineering and Resource Protection Division no later than 6 weeks prior to the expiration date.

3. CBE-14-084: Walk Wright/Hanson – 113 Burnham – SFD, patio & shed

Michael Woolson, Senior Watershed Planner advised the Board that the applicant had requested a deferral however, the case would be presented and the public hearing should be opened.

The exception request was for a single family home, shed and patio impacting the seaward and landward RPA buffer. Staff determined impacts to be significant however; the application met the conditions of the Chesapeake Bay Preservation Ordinance, Sections 23-11 and 23-14. The applicant will be required to submit a mitigation planting plan with surety. Staff recommended approval of the exception request with the conditions outlined in the Resolution to Grant the Exception.

Mr. Gussman asked for clarification of the edge of the wetlands and the location of the shed. He also asked what the zoning requirements were for this property, as he did not feel the house was designed or situated to minimize the impact to the RPA.

Mr. Woolson displayed the plot plan provided with the application and indicated the wetlands delineation. The shed would be located underneath the elevated deck. He believed the front set back of 30 feet was required by Ford's Colony but suggested Mr. Gussman's concerns should be addressed by the applicant.

Mr. Roadley asked if there would be a way to slow the drainage flow off the property.

Mr. Woolson said this could be part of the required mitigation and because the applicant was requesting a deferral tonight, the mitigation plan would hopefully be submitted for the next meeting.

Mr. Gussman opened the public hearing.

Mr. Roadley made a motion to defer the decision on case CBE-14-084 at 113 Burnham and continue the public hearing to June 11, 2014.

The motion to defer was approved by a 3-0 vote.

D. BOARD CONSIDERATIONS

1. CBE-13-094: Young – 6312 Adams Hunt Drive – Extension of Exception for a retaining wall.

Michael Woolson, Senior Watershed Planner presented the extension requested by the applicant advising that all permit conditions required within the granting resolution shall apply to the permit extension. Staff concurs with this request and recommends that the Chesapeake Bay Board (Board) extend the expiration date to May 14, 2015:

There were no questions or comments.

Mr. Roadley made a motion to adopt the Resolution to Grant the Extension of the Exception on Chesapeake Bay Board case CBE-13-097 at 6312 Adams Hunt Drive, Parcel ID 3120400031.

The motion was approved by a 3-0 vote.

RESOLUTION
GRANTING AN EXTENSION OF AN EXCEPTION
ON JCC RE TAX PARCEL 3120400031

WHEREAS, Mr. Patrick Young, (the "Applicant") has requested an extension of the exception granted by the Chesapeake Bay Board of James City County (the "Board") on May 8, 2013. The exception request is for encroachment into the Resource Protection Area (RPA), on property identified as JCC RE Tax Parcel 3120400031 and further identified as 6312 Adam's Hunt Drive in the Adam's Hunt subdivision (the "Property") as set forth in the application CBE-13-094 for the purpose of construction a retaining wall and;

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

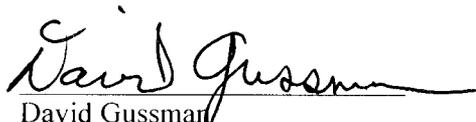
NOW, THEREFORE, having conducted a public hearing on May 8, 2013, and pursuant to the current request for an extension, the Chesapeake Bay Board of James City County by a majority vote of its members FINDS that:

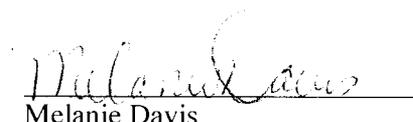
1. The exception request is the minimum necessary to afford relief.
2. Granting the extension will not confer upon the Applicant any special privileges denied by Chapter 23, Chesapeake Bay Preservation, of the James City County Code, to other property owners similarly situated in the vicinity.
3. The 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) The Applicant shall provide a planting plan for the proposed mitigation (3 shrubs minimum).
 - 3) Filter fabric shall be used between the stone and proposed backfill.
 - 4) Surety of \$250 will be required in a form acceptable to the County Attorney's office.
 - 5) This exception request approval shall become null and void if construction has not begun by May 14, 2015.
 - 6) Written requests for an extension to an exception shall be submitted to the Engineering and Resource Protection Division no later than 6 weeks prior to the expiration date.

E. MATTERS OF SPECIAL PRIVILEGE - None

F. ADJOURNMENT

The meeting adjourned at 7:40 p.m.


David Gussman
Chesapeake Bay Board Chair


Melanie Davis
Secretary to the Board