

**JAMES CITY COUNTY CHESAPEAKE BAY BOARD  
MINUTES**

**Wednesday April 8, 2015**

**A. ROLL CALL**

David Gussman - Chair  
William Apperson  
John Hughes  
Larry Waltrip  
Roger Schmidt - Alternate

**ABSENT**

Charles Roadley

**OTHERS PRESENT**

County Staff:

Michael Woolson, Senior Watershed Planner  
Scott J. Thomas, Director Engineering and Resource Protection  
Allison Kotula, 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 March 11, 2015 Board Meeting minutes were approved as written.

**C. PUBLIC HEARINGS**

**1. CBE-15-073: Rauchwarg/Mid-Atlantic – 7592 Uncles Neck**

Michael Woolson presented the exception request submitted by Karla Havens with Mid-Atlantic Resource Consulting, on behalf of property owners Glen and Michelle Rauchwarg. The exception request was for grading a failing bank in conjunction with installation of a stone revetment at 7592 Uncles Neck in the Rivers Bend at Uncles Neck subdivision JCC Parcel Number 2010200023. The wetlands case W-06-15/VMRC15-0246 for the revetment was approved at tonight's Wetlands Board meeting. Mr. Woolson displayed photographs explained the current conditions, the proposed grading and planting plan. Staff determined impacts to be minimal for the proposed development and recommended approval of the revised exception request with the conditions outlined in the Resolution to Grant the Exception.

Mr. Hughes asked if the Board had approved previous cases in this subdivision.

Mr. Woolson described two cases for a revetment and/or bank grading that were approved approximately 2 years ago. He stated there had also been piers approved by VMRC that did not require local Wetlands Board approval and several administrative waivers for vegetation management.

Mr. Gussman opened and then closed the public hearing as no one wished to speak.

Mr. Schmidt made a motion to adopt the resolution to grant the exception for Chesapeake Bay Board Case CBE-15-073 at 7592 Uncles Neck, Parcel #2010200023.

The motion was approved by a 5-0 vote.

**RESOLUTION**  
**GRANTING AN EXCEPTION ON JCC RE TAX PARCEL NO. 2010200023**

WHEREAS, Ms. Karla Havens, on behalf of Glenn and Michele Rauchwarg, (the "Applicant") has applied to the Chesapeake Bay Board of James City County (the "Board") 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. 2010200023 and further identified as 7592 Uncles Neck in the Rivers Bend at Uncles Neck subdivision (the "Property") as set forth in the application CBE-15-073 for the purpose of bank grading in conjunction with installation of a stone revetment (case W-06-15/VMRC 15-0246); 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 on April 8, 2015, 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) Prior to construction, a \$5,000 surety for the RPA plantings shall be submitted in a form acceptable to the County Attorney's office, to guarantee the mitigation plantings.
  - 3) Prior to construction, a RPA mitigation planting plan and plant list must be provided to the Engineering and Resource Protection Division staff for review and approval.
  - 4) The surety will be held for a minimum of one growing season after planting.
  - 5) There shall be a 90% survival rate of the planted material after one growing season or additional plantings completed to reach 90% of the original quantity prior to surety release.
  - 6) The Engineering and Resource Protection Division Director reserves the right to require additional erosion and sediment control measures for this project if field conditions warrant their use.
  - 7) This exception request approval shall become null and void if construction has not begun by April 8, 2016.
  - 8) 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-15-074: Mitrovic/Mid-Atlantic – 7616 Uncles Neck**

Michael Woolson presented the exception request submitted by Karla Havens with Mid-Atlantic Resource Consulting, on behalf of property owner Suzanne Mitrovic. The exception request was for grading a failing bank in conjunction with installation of a stone revetment at 7616 Uncles Neck in the Rivers Bend at Uncles Neck subdivision JCC Parcel Number 2030200029. The wetlands case W-07-15/VMRC15-0251 for the revetment was approved at tonight's Wetlands Board meeting. Mr. Woolson displayed photographs explained the current conditions, the proposed grading and planting plan. Staff determined impacts to be minimal for the proposed development and recommended approval of the revised exception request with the conditions outlined in the Resolution to Grant the Exception.

Mr. Gussman opened and then closed the public hearing as no one wished to speak.

Mr. Hughes made a motion to adopt the resolution to grant the exception for Chesapeake Bay Board Case CBE-15-074 at 7616 Uncles Neck, Parcel #2030200029.

The motion was approved by a 5-0 vote.

### **RESOLUTION** **GRANTING AN EXCEPTION ON JCC RE TAX PARCEL NO. 2030200029**

WHEREAS, Ms. Karla Havens, on behalf of Suzanne Mitrovic, (the "Applicant") has applied to the Chesapeake Bay Board of James City County (the "Board") 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. 2030200029 and further identified as 7616 Uncles Neck in the Rivers Bend at Uncles Neck subdivision (the "Property") as set forth in the application CBE-15-074 for the purpose of bank grading in conjunction with installation of a stone revetment (case W-07-15/VMRC 15-0251); 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 on April 8, 2015, 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) Prior to construction, a \$6,000 surety for the RPA plantings shall be submitted in a form acceptable to the County Attorney's office, to guarantee the mitigation plantings.

- 3) Prior to construction, a RPA mitigation planting plan and plant list must be provided to the Engineering and Resource Protection Division staff for review and approval.
- 4) The surety will be held for a minimum of one growing season after planting.
- 5) There shall be a 90% survival rate of the planted material after one growing season or additional plantings completed to reach 90% of the original quantity prior to surety release.
- 6) The Engineering and Resource Protection Division Director reserves the right to require additional erosion and sediment control measures for this project if field conditions warrant their use.
- 7) This exception request approval shall become null and void if construction has not begun by April 8, 2016.
- 8) 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-15-075: Elton – 122 Northpoint Drive**

Michael Woolson presented the exception request submitted by William and Rebecca Elton, for 192 sqft of encroachment into the landward RPA to construct a garden shed at 122 Northpoint Drive in the Kingspoint subdivision, JCC Parcel Number 4910230031. Mr. Woolson described the current conditions of the site, the proposed shed construction, and the proposed mitigation. He further explained that the only area on the property outside of the RPA was in the front of the house, might not be permitted by Zoning and would impact drainage. Staff determined impacts to be minimal and recommended approval of the exception request with the conditions outlined in the Resolution to Grant the Exception.

Mr. Gussman opened and then closed the public hearing as no one wished to speak.

Mr. Schmidt made a motion to adopt the resolution to grant the exception for Chesapeake Bay Board Case CBE-15-075 at 122 Northpoint Drive, Parcel #4910230031.

The motion was approved by a 5-0 vote.

### **RESOLUTION** **GRANTING AN EXCEPTION ON JCC RE TAX PARCEL NO. 4910230031**

WHEREAS, William and Rebecca Elton, (the “Applicant”) have applied to the Chesapeake Bay Board of James City County (the “Board”) 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. 4910230031 and further identified as 122 Northpoint Drive in the Kingspoint Subdivision (the “Property”) as set forth in the application CBE-15-075 for the purpose of constructing a garden shed; 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 on April 8, 2015, 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 of \$250.00 will be required in a form acceptable to the County Attorney's office, to guarantee the mitigation requirements for the project
  - 3) This exception request approval shall become null and void if construction has not begun by April 8, 2016.
  - 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.


**D. BOARD CONSIDERATIONS - None**

**E. MATTERS OF SPECIAL PRIVILEGE - None**

**F. ADJOURNMENT**

The meeting adjourned at 7:58 p.m.

  
David Gussman  
Chesapeake Bay Board Chair

  
Melanie Davis  
Secretary to the Board