

AT A SPECIALLY SCHEDULED MEETING OF THE DEVELOPMENT REVIEW COMMITTEE OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD IN THE BUILDING E CONFERENCE ROOM AT 2:00 P.M. ON THE 14th DAY OF MARCH TWO THOUSAND EIGHT.

ROLL CALL

ABSENT

Mr. Jack Fraley
Mr. Joe Poole
Mr. George Billups
Mr. Tony Obadal
Mr. Rich Krapf

STAFF

Mr. Allen Murphy
Mr. Bill Porter
Mr. David German
Mr. Scott Thomas
Mr. Mike Woolson

MINUTES

Minutes from the February 27th and March 14th DRC Meetings will be presented to the DRC for review and approval (or approval with amendments) at the March 26th DRC Meeting.

S-0039-2006/ SP-0069-2006, Settlement at Powhatan Creek, Phase II

Mr. David German presented the approved master plan (Hiden Tract) to the DRC, and explained how it was a “blob”-style master plan that did not specifically lay out streets or the location of lots or buildings. He described the buffers and mentioned that the master plan was “ahead of its time,” offering far more than what required at the time it was created. He noted that the project had been deferred by the DRC at its January 4, 2008 meeting. The project was originally approved as a rezoning by the Board of Supervisors on January 13, 2004, and then broken into four phases. Phase II needed to come before the DRC pursuant to Section 19-23(b) of the James City County Subdivision Ordinance because it features more than forty-nine housing units. Mr. Mike Woolson then talked briefly about the twelve-year history of the Hiden Tract rezoning.

Mr. Joe Poole asked about the violations that occurred with the construction of the first phase of the development. Mr. Scott Thomas reviewed the violation record of Phase I of the project, and commented that the number of violations that had occurred was not uncharacteristic for a project of this size and complexity.

Mr. Rich Krapf asked for clarity of approved Proffer #6, and Mr. Thomas and Mr. Woolson explained that this proffer provided provision for the replanting and restoration of highly erodible soils areas that had previously undergone logging operations.

Mr. Tony Obadal confirmed with Mr. Woolson that the project was over ten years old, and then asked if the buffer widths were variable, and how narrow they were at their narrowest point. Mr. Woolson explained that the buffers went from a minimum of 100' (which was just the RPA buffer by itself) up to 300' (which was the RPA buffer plus up to 200' of extended buffers).

Mr. George Billups mentioned his concern about the runoff of stormwater flowing into Powhatan Creek, and causing downstream flooding and drainage problems, especially between neighborhoods.

Mr. Krapf noted that the project was approved before the adoption of Powhatan Watershed Master Stormwater Management Plan, and asked about the soils designated as "15F" on the development plan topographical map. Mr. Arch Marston of AES explained that this designation came from the US Geological Survey maps, and also commented that areas of 25% or greater slopes were shaded on the plans.

Mr. Krapf asked about the soils in and around the BMP on the eastern side of Phase II. Mr. Marston said that they were not the best soils, but that little credit was taken toward the 10-point requirement for infiltration for this BMP because of this factor.

Mr. Obadal asked how the readings from soil borings done on the site were interpreted, and Mr. Marston explained the boring process and described how this information was used in building the soils maps. Mr. Obadal asked what changes were made from previous versions of the plans. Mr. Krapf and Mr. Marston explained that three lots had been removed, and the cul-de-sac at the southern end of Phase II (which will ultimately be the road leading into Phase III) was pulled further away from the environmentally sensitive Powhatan Creek main stem / steep slope areas.

Mr. Jack Fraley recommended that the conditions of Preliminary Approval of the Subdivision project be updated to include the conversion of BMP 2.1 from a sediment basin to a permanent BMP, which was agreed to by Mr. Marston and Mr. Thomas.

Mr. Obadal asked how much fill would be needed to be brought in to construct Phase II. Mr. Marston replied that his expectation was that very little fill material (if any) would need to be brought in, except for crushed gravel and similar materials to build home foundations and road base courses with.

Mr. Krapf asked if shrink/swell soils testing would be done on the site. Mr. Marston and Mr. Jim Bennett of Monticello Woods Active Adult, LLC responded that each building/home lot would be tested individually by a geotechnical engineer.

Mr. Fraley asked if any of the BMPs were located in buffers such that DRC approval would be required for their locations. A careful reading of the proffers by Mr. German, Mr. Marston, and Mr. Thomas, and Mr. Allen Murphy indicated that BMPs would be located only in proffered extended buffers and not in RPA or perimeter buffers, which could be done without additional DRC or Planning Commission approvals.

Mr. Bennett then described more of the history of the Settlement at Powhatan Creek project, indicating that it had originally been proposed as a timeshare development, but had morphed over time into an active adult community.

PUBLIC COMMENT PERIOD

Mr. Krapf then asked if members of the assembled public would like to speak. Ms. Deborah Siebers raised her concern about the potential for increased flooding caused by the Section II development.

Mr. Gerald Johnson discussed his concern about the flooding that might occur with a twenty-five-year storm. He also relayed his concerns with inaccuracies in the soils map that was being used for the project.

Mr. Marston acknowledged that the soils maps were not as accurate as the topographic and other maps being used for the project, but indicated that the soils maps being referenced were the only ones available from the US Geological Survey, and he was bound by the rules to refer to them.

Mr. Thomas commented that the applicant was not required by ordinance to address stormwater runoff plans for a twenty-five-year storm event. He also explained that the Environmental Division is aware of the inaccuracies present in the US Geological Survey soils maps, and that plan reviewers take these inaccuracies into account when they review projects. He reiterated that the applicant had met all of the requirements asked of him by the ordinances that govern the project. He added that the Code Compliance Division requires shrink/swell soils testing for every structure proposed for the site.

Ms. Sarah Kadec expressed her feelings that seeing the site developed “breaks her heart” due to the natural beauty and environmentally sensitive nature of the property. She raised her concerns about the cumulative effects of development on stormwater drainage, erosion, siltation, and flood control.

Mr. Poole asked if the DRC would see the plans for Phases III and IV of the Settlement at Powhatan Creek. Mr. German responded that it was very likely, because the applicant had 212 remaining dwelling units to construct between the two phases, and that the DRC would review any phase that proposed more than forty-nine dwelling units.

Mr. Fraley commented that he does not agree with the practice of submitting and accepting “blob”-style master plans, and “non-binding” illustrative plans. He commended the applicant for turning in a project that promised more than it was required to, and for responding to his and other DRC members’ comments and concerns from previous DRC meetings with positive amendments to the plans.

Mr. Billups stated that he wanted to see a higher standard set for the reporting of data like that found in the soils reports. He wanted to see inaccurate information discarded, and applicants taking an extra step in providing higher quality data in their applications—not just meeting the “minimum required standards.”

Mr. Poole moved for recommending preliminary approval of the project to the Planning Commission, subject to the applicant satisfactorily meeting all outstanding agency comments, and to the applicant submitting a satisfactory sequence plan that provided specific details and steps for the conversion of BMP 2.1 from a sediment basin to a permanent BMP.

Mr. Fraley seconded the motion for approval.

Mr. Obadal commented that he was against recommending preliminary approval due to the inaccuracies in the soils map information/data.

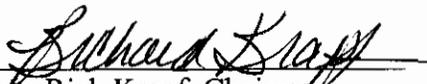
Mr. Krapf called for a Roll-Call vote.

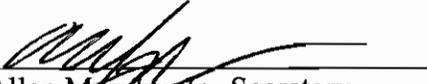
The motion to recommend preliminary approval of the project to the Planning Commission passed on a 3-2 vote (AYE: Krapf, Fraley, Poole; NAY: Billups, Obadal).

ADJOURNMENT

Mr. Billups motioned to adjourn the meeting, which was seconded by Mr. Fraley.

Mr. Krapf adjourned the meeting at 3:18PM.


Mr. Rich Krapf, Chairman


Mr. Allen Murphy, Jr., Secretary