

A G E N D A
JAMES CITY COUNTY CHESAPEAKE BAY BOARD
REGULAR MEETING
County Government Center, Building F
101 Mounts Bay Road, Williamsburg, VA 23185
July 13, 2016
7:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

1. June 8, 2016 Minutes

D. PUBLIC HEARINGS

1. CBE-16-103 : 3633 Bridgewater Drive
2. CBE-16-106 : 157 Thomas Dale
3. CBE-16-104 : 4388 Landfall Drive

E. BOARD CONSIDERATIONS

1. CBE-15-105 : 108 Seven Oaks

F. MATTERS OF SPECIAL PRIVILEGE

G. ADJOURNMENT

ITEM SUMMARY

DATE: 7/13/2016
TO: Chesapeake Bay Board
FROM: Chesapeake Bay Board Secretary
SUBJECT: June 8 2016 Regular meeting minutes

ATTACHMENTS:

	Description	Type
□	June 8, 2016 Regular Meeting Minutes	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay	Woolson, Michael	Approved	6/27/2016 - 8:20 AM
Chesapeake Bay	Thomas, Scott	Approved	7/1/2016 - 10:40 AM
Publication Management	Boles, Amy	Approved	7/1/2016 - 10:52 AM
Chesapeake Bay	Secretary, ChesBay	Approved	7/1/2016 - 1:19 PM

MINUTES
JAMES CITY COUNTY CHESAPEAKE BAY BOARD
REGULAR MEETING
County Government Center, Building F
101 Mounts Bay Road, Williamsburg, VA 23185
June 8, 2016
7:00 PM

A. CALL TO ORDER

The June 8, 2016 Chesapeake Bay Board meeting was called to order.

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. ROLL CALL

Board Members Present:

William Apperson - Vice Chair
John Hughes
Charles Roadley
Roger Schmidt

Absent:

David Gussman
Larry Waltrip

Others Present:

County Staff:

Michael Woolson, Senior Watershed Planner
Scott J Thomas, Director Engineering and Resource Protection
Maxwell Hlaven, Assistant County Attorney
Melanie Davis, Secretary to the Board

C. MINUTES

1. Minutes from 5/11/16 meeting

Approved as written.

D. PUBLIC HEARINGS

1. CBE-16-098 : WISC Indoor Pool Facility

Senior Watershed Planner, Michael Woolson presented the exception request submitted by Ryan Stevenson, AES Consulting Engineers, on behalf of LaRS Group, for encroachments into the RPA buffer for grading impacts and the installation of a storm drain system associated with the building of an indoor pool and locker room on the Williamsburg Indoor Soccer Complex (WISC) property located at 5700 and 5720 Warhill Trail. The plan of development for this project is currently going through the review process under assigned County Plan No. SP-20-16. Mr. Woolson's presentation described the current site conditions and the proposed mitigation. He also explained that the RPA impacts had been significantly reduced from the original proposal. Staff

determined the impacts to be minor and recommended approval of the exception request with the conditions outlined in the Resolution.

Mr. Roadley asked if the applicant had considered alternatives to avoid encroachment into the RPA. He asked if the existing stormwater facility had been evaluated for its ability to treat this proposed addition and also asked if there was concern about erosion control with the fill in the steep slope area.

Mr. Woolson said he anticipated a retaining wall instead of the graded slope but that alternative was not put forth, instead the grading impact was reduced. He believed the existing stormwater facility was designed for the ultimate build-out of the site. He said the site plan called for super silt fence for erosion and sediment control during construction, then there would be coconut fiber matting and mitigation to restore the area after construction.

Mr. Apperson opened the public hearing.

A. Joseph Swanenburg a County resident, approved the purpose of the project but was concerned with the proposed location because of the impact to the RPA. He had previously sent an email to this Board regarding these concerns and a copy of this email was in the Board packet. He also sent an email to the Board of Supervisors commenting that they had not been informed of the environmental constraints, impact to stormwater and all required permits, when they approved the lease amendment for WISC on April 26, 2016. He suggested the Chesapeake Bay Board place a condition on their approval or defer their decision until the Board of Supervisors could consider these issues.

B. Chris Henderson a County resident, agreed with Mr. Swanenburg and was also concerned with the ability of the existing BMP to meet the County's MS4 permit requirements. He also questioned the accuracy of the wetlands delineation indicated on the plan.

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

Mr. Roadley asked the applicant if the capacity of the existing BMP had been evaluated, if any further use of the property behind this building was anticipated or if the re-vegetated area would remain undisturbed, and what if any alternatives were considered for this expansion. He then asked if an Army Corp of Engineers (ACOE) permit would be required for this project as mentioned by Mr. Swanenburg.

C. Jason Grimes with AES, said the BMP had been renovated in the past five years, was evaluated with the last expansion of the facility and had sufficient capacity to handle this expansion. He had no knowledge of any additional disturbance anticipated in this area. The impacts originally proposed for this project were significantly reduced and there were no other areas considered for this expansion. He also stated the wetlands had been delineated and confirmed by the ACOE in the past six months and an ACOE permit was not required for this project.

Mr. Roadley then asked Staff to comment on the County's MS4 permit and the TMDL requirements.

Mr. Scott Thomas stated he had complete confidence that the existing stormwater

system was sufficient to handle this expansion and would be compliant with the County's MS4 permit and TMDL.

Mr. Apperson thanked Mr. Swanenburg and Mr. Henderson for their comments and concerns but felt this plan was well engineered and was confident in Staff's evaluation.

Mr. Roadley had some concern with the steep slope impacts but felt the impact to the RPA which would be re-vegetated was a minor encroachment.

Mr. Hughes also stated the RPA encroachment was minor and some of the concerns that were raised were not within the purview of this Board.

Mr. Schmidt made a motion to adopt the Resolution granting the exception for Chesapeake Bay Board case CBE-16-098 at 5700 and 5720 Warhill Trail.

The motion was approved by a 4-0-1 vote.

Ayes: Apperson, Hughes, Roadley, Schmidt

Absent: Gussman

2. CBE-16-097 : 7564 Uncles Neck

Senior Watershed Planner, Michael Woolson presented the exception request submitted by Blake and Sally Ryan, for encroachment into the RPA buffer to construction a 48 sqft platform as part of an administratively approved staircase, for access to a pier on the Chickahominy River. Mr. Woolson's presentation described the current site conditions, the proposed staircase and platform construction and the required mitigation. Staff determined the impacts associated with this project to be minor and recommended approval of the exception request with the conditions outlined in the Resolution.

Mr. Roadley asked if the current site was stable.

Mr. Woolson responded it was and he saw no evidence of current or past erosion.

Mr. Apperson asked when a structure would be considered a platform as opposed to a pier.

Mr. Woolson stated a pier begins when it ties into the natural grade.

Mr. Hughes asked what was the allowable width for an access path to be administratively considered.

Mr. Woolson stated four to six feet would be reasonable. Other than for an ADA requirement anything wider would be considered more than the minimum necessary to afford relief.

Mr. Apperson opened and then closed the public hearing as no one wished to speak on this case.

Mr. Roadley and Mr. Apperson both asked that the applicant take care to not destabilize

the slope.

Mr. Roadley made a motion to adopt the Resolution granting the exception for Chesapeake Bay Board case CBE-16-097 at 7564 Uncles Neck.

The motion was approved by a 4-0-1 vote.

Ayes: Apperson, Hughes, Roadley, Schmidt

Absent: Gussman

3. CBE-16-093 : 116 Nottinghamshire

Senior Watershed Planner, Michael Woolson presented the exception request submitted by Larry Walk with Walk Wright Construction, for 3271 sqft of encroachment into the RPA buffer for construction of a single family home. The property is within the Ford's Colony subdivision and the Powhatan Creek watershed and the majority of the lot is within the RPA buffer. Mr. Woolson's presentation described the current site conditions, the proximity to the wetlands, the proposed construction that included 672 sqft of encroachment into the seaward RPA buffer, and the proposed mitigation. Staff determined the impacts associated with this project to be major and recommended approval of the exception request with the conditions outlined in the Resolution.

Mr. Apperson opened the public hearing.

Mr. Roadley asked the applicant if he would consider eliminating the turf on the site and if he would be agreeable to recording an affidavit regarding the restrictions on this lot so that future owners would be well informed.

A. Larry Walk, Walk Wright Construction, said the proposed turf was minimal. If mandated by this Board he would be agreeable to an affidavit after he had a chance to review it.

Mr. Hughes asked staff what an affidavit would contain.

Mr. Max Hlaven Assistant County Attorney, explained an affidavit states the grantor is the current owner and grantee and the listed property is located within the RPA with specific restrictions. The Resolution, site plan and mitigation plan are attached to the affidavit. The owner is to have this affidavit with attachments recorded and proof of recordation provided to the County.

Mr. Roadley asked the applicant if he wished to defer his exception request pending review of the affidavit.

A. Mr. Walk indicated he did not.

Mr. Roadley made a motion to adopt the Resolution granting the exception for Chesapeake Bay Board case CBE-16-093 at 116 Nottinghamshire with the added condition that an affidavit indicating the property was in an RPA along with the Resolution and mitigation plan be recorded for future owners.

The motion was approved by a 4-0-1 vote.

Ayes: Apperson, Hughes, Roadley, Schmidt

Absent: Gussman

E. BOARD CONSIDERATIONS

None

F. MATTERS OF SPECIAL PRIVILEGE

Mr. Hughes asked if Staff could make comments regarding an affidavit on future cases similar to this one on Nottinghamshire and the one last month on Oakmere Park.

Mr. Woolson said he would take into consideration adding the affidavit requirement for single family homes that encroached into the seaward buffer.

Mr. Roadley thought staff might be able to offer additional suggestions to protect these areas.

Mr. Apperson agreed with trying to protect the RPA but was concerned with attachments to deeds that might lower the value of lots. He asked Mr. Hlavin if there was anything in the affidavits that would not be facts already known and decided by this Board and the property owner.

Mr. Hlavin stated there was not and in signing the affidavit the owner would agree with its contents.

G. ADJOURNMENT

The meeting adjourned at 8:15 pm

William Apperson
Chesapeake Bay Board Vice Chair

Melanie Davis
Secretary to the Board

ITEM SUMMARY

DATE: 7/13/2016
TO: Chesapeake Bay Board
FROM: Michael Woolson, Senior Watershed Planner
SUBJECT: CBE-16-106 : 3633 Bridgewater Drive

Donald and Cynthia Pritchard have applied for an exception to the Chesapeake Bay Board for the placement of a shed within the resource protection area on property located at 3633 Bridgewater Drive within the Mill Creek Landing subdivision.

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Resolution	Resolution
▣	Application (SAAA Form)	Backup Material
▣	Mitigation Agreement Email	Backup Material
▣	APO Notification and Ad	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay	Woolson, Michael	Approved	6/24/2016 - 3:19 PM
Chesapeake Bay	Thomas, Scott	Approved	7/1/2016 - 10:39 AM
Publication Management	Boles, Amy	Approved	7/1/2016 - 10:49 AM
Chesapeake Bay	Secretary, ChesBay	Approved	7/1/2016 - 1:19 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBE-16-103. 3633 Bridgewater Drive
Staff report for the July 13, 2016, Chesapeake Bay Board Public Hearing**

This staff report is prepared by James City County Engineering and Resource Protection to provide information to the Chesapeake Bay Board to assist them in making a recommendation on this assessment. It may be useful to members of the general public interested in this assessment.

EXISTING SITE DATA AND INFORMATION

Applicants: Donald and Cynthia Pritchard

Agent: Same

Location: 3633 Bridgewater Drive

Tax Map/Parcel No.: 3841770006

Parcel: Mill Creek Landing, Section 7, Lot 6

Lot Size: 0.69 acre

Area of Lot in Resource Protection Area (RPA): 0.56 acre +/- (81%)

Watershed: Mill Creek (HUC Code JL33)

Floodplain: Zone X, outside the 0.2% annual chance floodplain

Proposed Activity: Installation of an 80-square-foot storage shed (8 feet x 10 feet)

Impervious Cover: 80 square feet from shed

RPA Encroachment: 80 square feet, landward 50-foot RPA buffer

Staff Contact: Michael Woolson, Senior Watershed Planner Phone: 253-6823

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Donald and Cynthia Pritchard have applied for a Chesapeake Bay Exception for encroachments into the Resource Protection Area (RPA) buffer for the installation of a storage shed on property located at 3633 Bridgewater Drive, within the Mill Creek watershed. The property is further identified as James City County Tax Map Parcel No. 3841770006. The lot was platted before the 1999 adoption of the Chesapeake Bay Preservation Ordinance. The house was built in 2008 and the retaining wall was approved under CBE-09-092.

The majority (81%) of the lot is within the RPA buffer. The Pritchard's have positioned the shed in the existing lawn area, near the retaining wall. Standard mitigation for this amount of impact would be two shrubs. While they have not provided a mitigation plan, staff will work with the Pritchard's on this issue.

STAFF EVALUATION

Staff has evaluated the application and exception request for the shed, and finds that the application has mostly met the conditions in Sections 23-11 and 23-14. This application should be heard by the Board because the

shed is defined as an accessory structure. Therefore, the exception request must be considered by the Board following a public hearing under the formal exception process. The request before the Board is for an encroachment into the RPA buffer for the installation of a storage shed.

WATER QUALITY IMPACT ASSESSMENT (WQIA)

A WQIA must be submitted, per Sections 23-11 and 23-14 of the County Ordinance, for any proposed land disturbing activity resulting from development or redevelopment within RPAs. The applicant is aware, via email, that the application will require mitigation and has agreed to do so.

CONSIDERATION BY THE CHESAPEAKE BAY BOARD

The exception granting body is permitted to require reasonable and appropriate conditions in granting the exception request in accordance with Section 23-14. The Chesapeake Bay Board should fully consider Chesapeake Bay Exception CBE-16-103 as outlined and presented above and review the request for exception along with the WQIA. The Board may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of the County's Chesapeake Bay Preservation Ordinance.

STAFF RECOMMENDATIONS

Staff has reviewed the application and exception request and has determined impacts associated with the proposal to be minimal for the proposed development. Staff recommends approval of this exception request with the following conditions incorporated into the approval:

1. The applicant must obtain all other necessary federal, state and local permits as required for the project; and
2. A surety of \$250 will be required in a form acceptable to the County Attorney's Office to guarantee the mitigation plantings; and
3. This exception request approval shall become null and void if construction has not begun by July 13, 2017; and
4. Written requests for an extension to an exception shall be submitted to the Engineering and Resource Protection Division no later than six weeks prior to the expiration date.

MW/nb
CBE16-103-3633BridgewtrDr

Attachment:

1. Water Quality Impact Assessment

RESOLUTION

CASE NO. CBE-16-103. 3633 BRIDGEWATER DRIVE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Donald and Cynthia Pritchard, (the “Applicant”) have applied to the Chesapeake Bay Board of James City County (the “Board”) on June 13, 2016, to request an exception to use of the Resource Protection Area (the “RPA”) on a parcel of property identified as James City County Real Estate Tax Parcel No. 3841770006 and further identified as 3633 Bridgewater Drive in the Mill Creek Landing subdivision (the “Property”) as set forth in the application CBE-16-103 for the purpose of installing a storage shed; and

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

NOW, THEREFORE, BE IT RESOLVED that the Chesapeake Bay Board of James City County, Virginia, following a public hearing, 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:
 - a. The applicant must obtain all other necessary federal, state and local permits required for the project; and
 - b. A surety of \$250 will be required in form acceptable to the County Attorney’s Office to guarantee the mitigation plantings; and
 - c. This exception request approval shall become null and void if construction has not begun by June 13, 2017; and
 - d. Written requests for an extension to an exception shall be submitted to the Engineering and Resource Protection Division no later than six-weeks prior to the expiration date.

David Gussman
Chair, Chesapeake Bay Board

Michael Woolson
Senior Watershed Planner

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 13th day of July, 2016.

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY
OF _____, 20__ IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF
JAMES CITY.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

CBE-16-103-3633BridgewtrDr-res



Chesapeake Bay Preservation Ordinance Sensitive Area Activity Application

Engineering & Resource Protection
MAY 31 2016

RECEIVED

For Office Use Only
CB Number LOE#16-103

Submission Requirements: (Check all applicable)

- A \$25 non-refundable processing fee payable to Treasurer, James City County.
- RPA - landward 50' - Complete Items 1 - 5, and sign on Page 3.
- RPA - seaward 50' - Complete Items 1 - 5, sign on Page 3 and submit an additional \$100 non-refundable fee payable to Treasurer, James City County, for the Chesapeake Bay Board.
- Conservation Easement - Complete Items 1, 2, 3, and 5, and sign on Page 3.
- Steep Slopes \geq 25 percent - Complete Items 1, 2, 3, and 5, and sign on Page 3.
- Attach plans as required (see instruction on Page 4, Item 4).
- Applicable surety as required for mitigation (see **Mitigation Rates Table** on Page 2).

Upon completion, please return pages 1-3 to the JCC Engineering and Resource Protection Division

Property Owner Information:

Date: 5-30-16

Name: Donald M & Cynthia B Pritchard

Address: 3633 BRIDGEWATER DRIVE

Phone: 757-220-3018 Fax: _____ Email: DPritchard101@Hohmich.com

Cell - 757-593-1900
Contact (if different from above):

Name: _____ Phone: _____
Email: _____

Project Information:

Project Address: 3633 BRIDEWATER DRIVE

Subdivision Name, Lot, and Section No.: MILL CREEK LANDING L-6 S-7

Parcel Identification No. or Tax Map No.: 3841770006

Date Lot was platted: 8-19-07 Line or Bldg Permit No.: ~~3071860~~
5/23/88

Activity Location and Impacts (Square Feet - SF): (check all that apply)

- | | |
|--------------------------------------------------------------------|-------------------------------------------------------------------|
| <input type="checkbox"/> Steep Slopes \geq 25 percent _____ (SF) | <input type="checkbox"/> RPA - Landward 50' _____ (SF) |
| <input type="checkbox"/> Conservation Easement _____ (SF) | <input type="checkbox"/> RPA - Seaward 50' <u>80</u> (SF) |
| <input type="checkbox"/> Trees to be Removed _____ (#) | <input type="checkbox"/> Proposed Impervious Cover <u>80</u> (SF) |

Activity involves: (check all that apply)

- | | | |
|------------------------------------------------------------------------------------|-------------------------------------------------------------------|--------------------------------------------|
| <input type="checkbox"/> New principal structure construction | <input type="checkbox"/> Building addition to principal structure | <input type="checkbox"/> Attached Deck |
| <input type="checkbox"/> Permitted buffer modifications: | <input type="checkbox"/> Dead/diseased/dying tree removal | <input type="checkbox"/> Sightline |
| <input type="checkbox"/> Accessory (Detached) Structure or Patio | <input type="checkbox"/> Invasive/noxious weed removal | <input type="checkbox"/> Access path/trail |
| <input checked="" type="checkbox"/> Other: <u>10' W x 8' L Storage Shed - 9' H</u> | <input type="checkbox"/> Redevelopment: _____ | |

**Chesapeake Bay Preservation Ordinance
Sensitive Area Activity Application**

For Office Use Only <i>CB# 16-103</i> CB Number _____

1. Description of requested sensitive area activity and reason for request:

(In the description, please indicate the reason for the proposed structure or activity, the location, sizes and dimensions of feature. For decks or expansions, indicate if ground floor, first floor or other levels)

*10' W x 8' D x 9' H Storage Shed - 6' Door opening
Cable Style - Same Finish as Existing Homes*

2. As per Section 23-9 of the Chesapeake Bay Preservation Ordinance, if there is an on-site sewage disposal system on this property, has it been inspected and/or pumped out in the past five years? Yes No

3. Are permits from other local, State or Federal agencies required for any portion of this project? Yes No
(If yes, please explain) _____

4. Water Quality Impact Assessment

The purpose of a water quality impact assessment is to demonstrate that the project will result in the removal of no less than 75 percent of sediments and 40 percent of nutrients from post-development stormwater run-off and that it will retard runoff, prevent accelerated erosion, promote infiltration, and filter non-point source pollution equivalent to the full undisturbed 100-foot buffer.

A. Why is this encroachment necessary? Can it be relocated to avoid RPA impacts?
*Proposed location is least disruptive to overall site - level
and would not locate on other part of property.*

B. What measures will be used to minimize impervious area? Examples: pervious pavers, removal of existing impervious surfaces (concrete, pavement, etc.) in the RPA not needed for the project
NONE NEEDED

5. Proposed mitigation measures:

Note: All mitigation measures must be shown in detail on a mitigation plan. Show both location of mitigation measures and plant species if applicable. All mitigation plants must be native species and be located in the sensitive area (RPA or Conservation Easement).

Mitigation Rates Table

Impervious Area (SF)	Mitigation Required	Surety
<400	1 tree and 3 shrubs	\$250
400-1,000	1 canopy tree, 2 understory trees and 3 shrubs per 400 SF (or fraction thereof)	\$1,000
>1,000	Plant at same rate as 400 – 1,000; or may be determined by Director of Engineering and Resource Protection Division	To be determined

**Chesapeake Bay Preservation Ordinance
Sensitive Area Activity Application**

For Office Use Only CBE # 16-103 CB Number _____

A. Vegetation/ground cover enhancement of buffer (see Mitigation Rates Table on previous page).

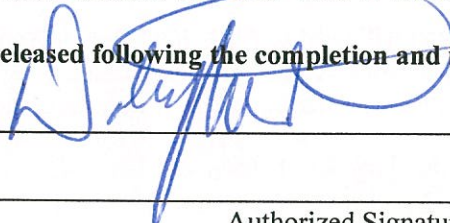
- Number of native canopy trees _____
- Number of native understory trees _____
- Number of native shrubs _____
- Square feet of native ground cover _____
- Square feet of mulch _____

B. Best Management Practices (BMPs)

- | | |
|---------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|
| <input type="checkbox"/> EC-2 (degradable) erosion control matting | <input type="checkbox"/> Bioretention or rain garden practice |
| <input type="checkbox"/> Dry Swale | <input type="checkbox"/> Infiltration Area/Trench/Drywell |
| <input type="checkbox"/> Silt fence | <input type="checkbox"/> Structural BMP (Wet or Dry Pond) |
| <input type="checkbox"/> Turf (Nutrient) Management Plan | <input type="checkbox"/> Rain Barrel |
| <input type="checkbox"/> Gravel under deck (3" of gravel over synthetic filter fabric under entire deck area) | |
| <input type="checkbox"/> Other: _____ | |

I understand that the following are approval conditions:

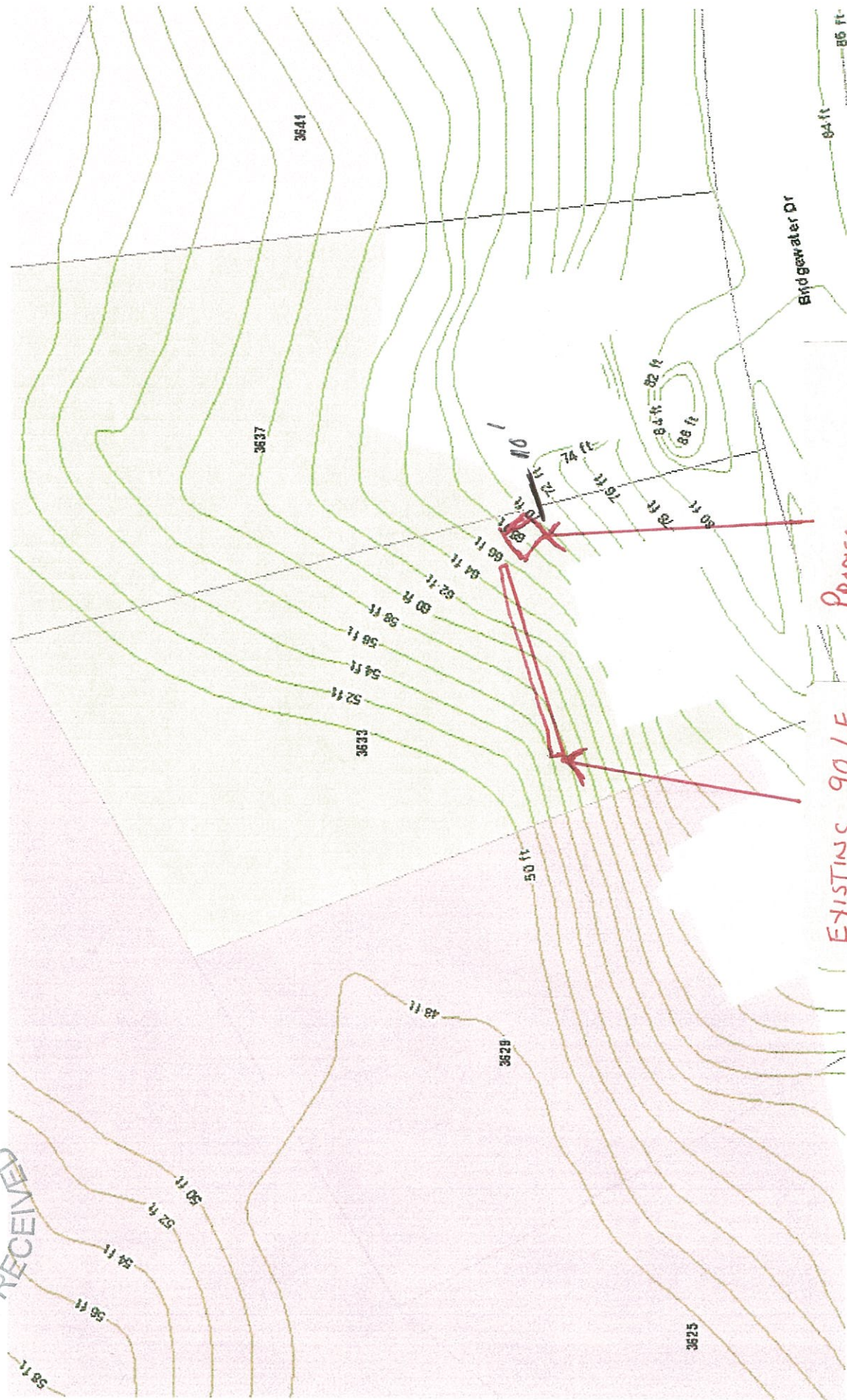
- 1) Mitigation for the above activity shall follow the approved mitigation plan and be guaranteed with a form of surety acceptable to the County Attorney.
- 2) Limits of disturbance as shown on the approved plan shall not be exceeded.
- 3) This approval shall become null and void if construction has not begun within 12 months of the approval date.
- 4) Surety will be released following the completion and inspection of mitigation plantings.

Property owner signature  Date 5/30/16

Program Administrator _____ Date _____

Authorized Signature

<p style="text-align: center;">For Office Use Only</p> <p>CBE-07-035 3 09-092 - Performance Contracting SFD and Retwall</p>	<p>Surety Amount: _____</p> <p>Date/Rec No.: _____</p> <p>Fee Paid? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Amount: <u>125.00</u></p> <p>Date/Rec No.: <u>5/31/16 #2915</u></p>
---------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



Propose
10' W x 8' L
SHED

EXISTING 90 LF
RETAINING WALL

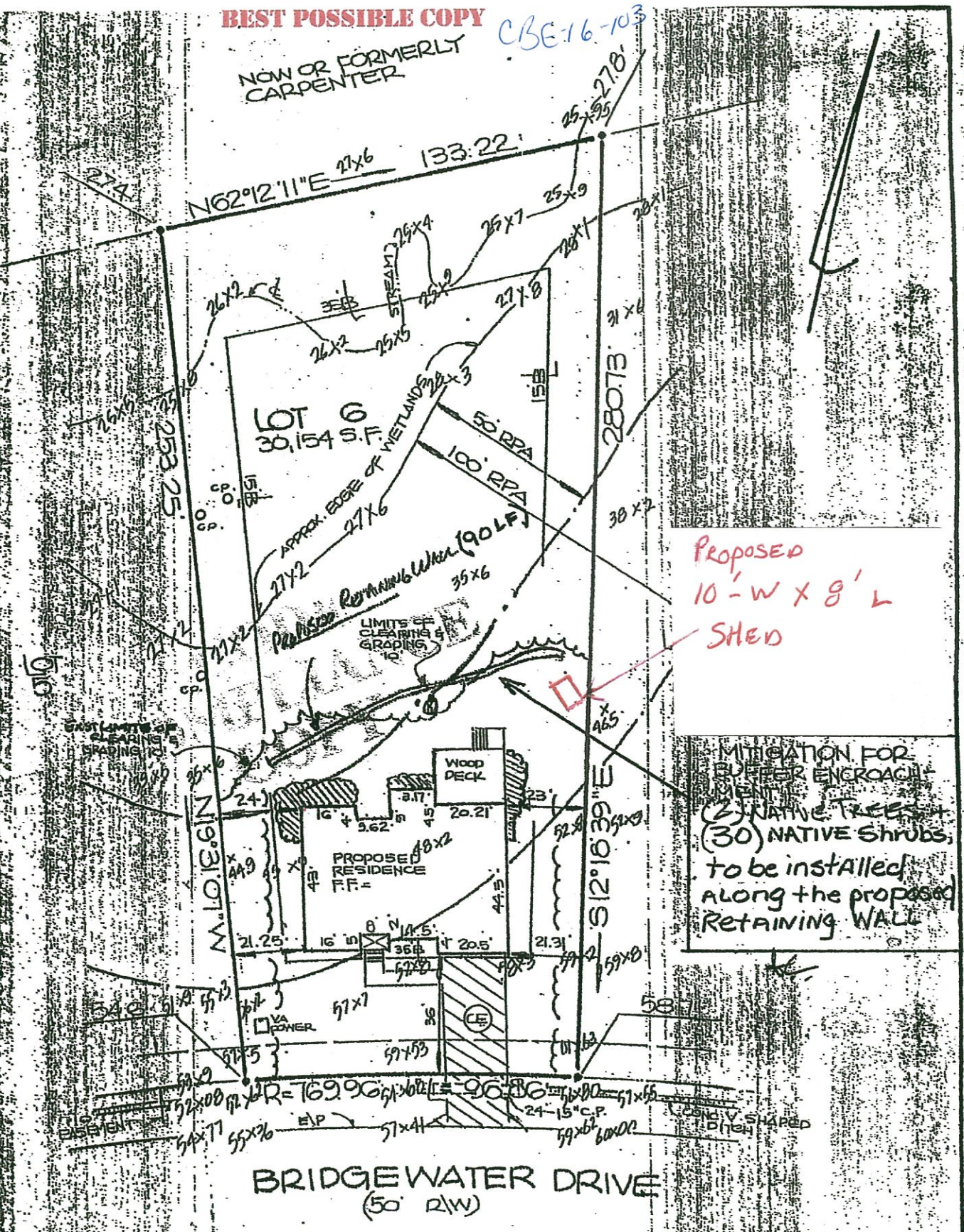
Engineering & Protection
MAY 31 2016

RECEIVED

BEST POSSIBLE COPY

CBE-16-103

NOW OR FORMERLY
CARPENTER



Proposed
10'-W x 8'-L
SHED

MITIGATION FOR
BUFFER ENCROACH-
MENT
(2) NATIVE TREES +
(30) NATIVE SHRUBS,
to be installed
ALONG the proposed
RETAINING WALL

BRIDGEWATER DRIVE
(50' RW)

NOTES:

- THIS PLAN DOES NOT REPRESENT A PHYSICAL SURVEY, IT IS FOR BUILDING PERMIT PURPOSES ONLY.
- BUILDING DIMENSIONS ARE TO THE FRAME LINE.
- PROPOSED FINISHED GRADES ARE IN GENERAL AGREEMENT WITH THE APPROVED SUBDIVISION PLAN.
- PROPERTY SHOWN HEREON IS LOCATED IN ZONE X AS SHOWN ON FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER 020160353 EFFECTIVE DATE FEB 6, 2001

COMMUNITY AUTHORITY OF
DONALD W. DAVIS
No. 1408(a)

CBE-16-103

Engineering & Resource Protection
MAY 31 2016

RECEIVED



Michael Woolson

From: Donald Pritchard <dpritchard101@hotmail.com>
Sent: Wednesday, June 22, 2016 4:16 PM
To: Michael Woolson
Subject: RE: Ches Bay application for shed

Good afternoon Mr. Woolson,

Thank you for your email and follow up. I am sorry that I missed the mitigation component. I will be more than happy to plant some shrubbery near the proposed shed area.

I will look forward to meeting you at the meeting the 13th. Have a good rest of the week and thank you again,

Cheers,
Don

From: [Michael Woolson](#)
Sent: Wednesday, June 22, 2016 3:47 PM
To: 'dpritchard101@hotmail.com'
Subject: Ches Bay application for shed

Mr. Pritchard,

After reviewing your application to allow for a shed in the resource protection area on your lot, the application is missing the mitigation component. Standard mitigation for this type of impact would be 2 shrubs planted somewhere in the RPA, if at all possible near the shed. This will be a recommendation that I will make to the Ches Bay Board for approval. Please let me know if there are any questions, thanks.

Mike

Michael Woolson
Senior Watershed Planner



Engineering and Resource Protection
101-E Mounts Bay Road
Williamsburg, VA 23185
P: 757-253-6823
jamescitycountyva.gov



**Development Management
Engineering and Resource
Protection Division**
P O Box 8784
Williamsburg, VA 23187
Resource.Protection@jamescitycountyva.gov

Building Safety and Permits
757-253-6620

Engineering and Resource Protection
757-253-6670

Planning
757-253-6685

Zoning Enforcement
757-253-6671

June 22, 2016

RE: CBE-16-103 – 3633 Bridgewater Drive
Storage Shed

Dear Adjacent Property Owner:

In accordance with State and County Codes, this letter is to notify you that a request has been filed with the James City County Chesapeake Bay Board by Donald and Cynthia Pritchard, for encroachment into the Resource Protection Area (RPA) associated with construction of a storage shed, on their property at 3633 Bridgewater Drive in the Mill Creek Landing subdivision. The property is further identified by James City County Real Estate as Parcel No. 3841770006.

A complete description, plan, and other information are on file in the Engineering and Resource Protection Division and are available for inspection during normal business hours, should anyone desire to review them.

The Chesapeake Bay Board will hold an advertised public hearing on **Wednesday, July 13, 2016 at 7 p.m.** in the Board Room of Building F, 101 Mounts Bay Road, James City County, Virginia, at which time you may request to speak on the above referenced project.

Sincerely,

Melanie Davis

Melanie Davis
Chesapeake Bay Board Secretary
757-253-6866

cc: Donald and Cynthia Pritchard

Mailing List for: CBE-16-103 – 3633 Bridgewater – Pritchard - shed

3841770006

Donald and Cynthia Pritchard
3633 Bridgewater Drive
Williamsburg, VA 23188-2595

3841770005

Douglas and Deborah Danford
3629 Bridgewater Drive
Williamsburg, VA 23188-2595

3841770007

Edmund Karl Somes Pettengill
3637 Bridgewater
Williamsburg, VA 23188-2595

3841770004 - 3628 Bridgewater Dr

Fritz and Erna Koeppen
3800 Treyburn Drive, Apt A 120
Williamsburg, VA 23185-6403

3841770003

Andrew and Heron Weidner
3636 Bridgewater Drive
Williamsburg, VA 23188-2567

3842000001A - The Meadows Natural Open Space S-4 P-2

Meadows II The Homeowners Association
P O Box 5425
Williamsburg, VA 23188-5425

Mill Creek Landing Homeowners Association
3628 Bridgewater Drive
Williamsburg, VA 23188-2567



PUBLIC HEARING NOTICE

THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA WILL HOLD PUBLIC HEARINGS **WEDNESDAY JULY 13 2016 AT 7 p.m.** IN THE BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA TO CONSIDER THE FOLLOWING CASES:

CBE-16-103: Donald and Cynthia Pritchard have filed an exception request for encroachment into the RPA buffer for a storage shed at 3633 Bridgewater Drive in the Mill Creek Landing subdivision, JCC Parcel No 3841770006.

CBE-16-104: William and Lori Trolan have filed an exception request for encroachment into the RPA buffer for a garden shed, patio and herb garden at 4388 Landfall Drive in the Landfall at Williamsburg subdivision, JCC Parcel No 4732400082.

CBE-16-106: Charles Taney has filed an exception request for encroachment into the RPA buffer for a retaining wall at 157 Thomas Dale in the Kingsmill subdivision, JCC Parcel No 5030700030.

Appeals from decisions under the Chesapeake Bay Preservation Ordinance may also be heard.

All interested parties are invited to attend the meetings. The applications and plans are on file and may be viewed during normal office hours in the Engineering and Resource Protection Division, 101-E Mounts Bay Road, James City County, Virginia.

NOT FOR PUBLICATION

DISPLAY: WEDNESDAY – June 29, and July 6, 2016.
ACCOUNT NO.: 0011040200 - VIRGINIA GAZETTE

COPIES: PLANNING
ASSISTANT COUNTY ATTORNEY
WETLAND/CHESAPEAKE BAY BOARD MEMBERS

ITEM SUMMARY

DATE: 7/13/2016
TO: Chesapeake Bay Board
FROM: Michael Woolson, Senior Watershed Planner
SUBJECT: CBE-16-106 : 157 Thomas Dale

Chuck Taney has applied for an exception to the Chesapeake Bay Board for the construction of a 95 foot long retaining wall to help prevent erosion on property located at 157 Thomas Dale within the Kingsmill on the James subdivision.

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Application (SAAA Form)	Backup Material
▣	Resolution	Resolution
▣	APO Notificaiton and Ad	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay	Woolson, Michael	Approved	7/5/2016 - 11:13 AM
Chesapeake Bay	Thomas, Scott	Approved	7/5/2016 - 12:09 PM
Publication Management	Burcham, Nan	Approved	7/5/2016 - 1:41 PM
Chesapeake Bay	Secretary, ChesBay	Approved	7/5/2016 - 2:42 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBE-16-106. 157 Thomas Dale
Staff report for the July 13, 2016, Chesapeake Bay Board Public Hearing**

This staff report is prepared by James City County Engineering and Resource Protection to provide information to the Chesapeake Bay Board to assist them in making a recommendation on this assessment. It may be useful to members of the general public interested in this assessment.

EXISTING SITE DATA AND INFORMATION

Applicant: Charles Taney

Agent: Don Newsom, Delightful Gardens

Location: 157 Thomas Dale

Tax Map/Parcel No.: 5030700030

Parcel: Kingsmill on the James, Fairfax Woods, Phase 1, Lot 30

Lot Size: 1.15 acre

Area of Lot in Resource Protection Area (RPA): 0.69 acre +/- (60%)

Watershed: College Creek (HUC Code JL35)

Floodplain: Zone AE, base flood elevation 7 feet mean sea level

Proposed Activity: Installation of a 95-linear-foot retaining wall

Impervious Cover: 95 square feet

RPA Encroachment: 95 square feet, landward 50-foot RPA buffer

Staff Contact: Michael Woolson, Senior Watershed Planner Phone: 253-6823

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Don Newsom of Delightful Gardens, on behalf of Charles Taney, has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the installation of a 95-linear-foot retaining wall on property located at 157 Thomas Dale, within the College Creek watershed. The property is further identified as James City County Tax Map Parcel No. 5030700030. The lot was platted and the house built in 1985, before the 1999 adoption of the Chesapeake Bay Preservation Ordinance.

Sixty percent of the lot is within the RPA buffer. Mr. Newsom has positioned the wall to allow for relatively level access to the back of the house. The wall location also helps slow down and infiltrate stormwater flows from the roof and driveway before it enters the steep grade at the rear of the house, helping to alleviate an erosion concern. Standard mitigation for this amount of impact would be two shrubs. While they have not provided a mitigation plan, staff will work with Mr. Newsom on this issue.

STAFF EVALUATION

Staff has evaluated the application and exception request for the retaining wall and finds that the application has mostly met the conditions in Sections 23-11 and 23-14. This application should be heard by the Board because the retaining wall is defined as an accessory structure. Therefore, the exception request must be considered by the Board following a public hearing under the formal exception process. The request before the Board is for an encroachment into the RPA buffer for the installation of a retaining wall.

WATER QUALITY IMPACT ASSESSMENT (WQIA)

A WQIA must be submitted, per Sections 23-11 and 23-14 of the County Ordinance, for any proposed land disturbing activity resulting from development or redevelopment within RPAs. The applicant is aware, via email, that the application will require mitigation.

CONSIDERATION BY THE CHESAPEAKE BAY BOARD

The exception granting body is permitted to require reasonable and appropriate conditions in granting the exception request in accordance with Section 23-14. The Chesapeake Bay Board should fully consider Chesapeake Bay Exception CBE-16-106 as outlined and presented above and review the request for exception along with the WQIA. The Board may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of the County's Chesapeake Bay Preservation Ordinance.

STAFF RECOMMENDATIONS

Staff has reviewed the application and exception request and has determined impacts associated with the proposal to be minimal for the proposed development. Staff recommends approval of this exception request with the following conditions incorporated into the approval:

1. The applicant must obtain all other necessary federal, state and local permits as required for the project; and
2. A surety of \$250 will be required in a form acceptable to the County Attorney's Office to guarantee the mitigation plantings; and
3. This exception request approval shall become null and void if construction has not begun by July 13, 2017; and
4. Written requests for an extension to an exception shall be submitted to the Engineering and Resource Protection Division no later than six-weeks prior to the expiration date.

MW/ab
CBE16-106-157ThomasDale

Attachment:

1. Water Quality Impact Assessment



Chesapeake Bay Preservation Ordinance Sensitive Area Activity Application

Engineering & Resource Protection
JUN 08 2016

RECEIVED

For Office Use Only

CB Number CBE16-106

Submission Requirements: (Check all applicable) \$125

- A \$25 non-refundable processing fee payable to Treasurer, James City County.
- RPA - landward 50' - Complete Items 1 - 5, and sign on Page 3.
- RPA - seaward 50' - Complete Items 1 - 5, sign on Page 3 and submit an additional \$100 non-refundable fee payable to Treasurer, James City County, for the Chesapeake Bay Board.
- Conservation Easement - Complete Items 1, 2, 3, and 5, and sign on Page 3.
- Steep Slopes \geq 25 percent - Complete Items 1, 2, 3, and 5, and sign on Page 3.
- Attach plans as required (see instruction on Page 4, Item 4).
- Applicable surety as required for mitigation (see **Mitigation Rates Table** on Page 2).

Upon completion, please return pages 1-3 to the JCC Engineering and Resource Protection Division

Property Owner Information:

Date: 6/2/16

Name: CHUCK TANEY
 Address: 157 THOMAS DALE
 Phone: 604534148 Fax: _____ Email: _____

Contact (if different from above):

Name: DON NEWSON Phone: 757-345 0123
 Email: don@delightfulgardens.com

Project Information:

Project Address: 157 THOMAS DALE
 Subdivision Name, Lot, and Section No.: KINGSMILL FARMWAY Wood Lot 30 Parcel I
 Parcel Identification No. or Tax Map No.: 503070030
 Date Lot was platted: 3/21/85 Line or Bldg Permit No.: N/A

Activity Location and Impacts (Square Feet - SF): (check all that apply)

- | | |
|--------------------------------------------------------------------|-------------------------------------------------------------------|
| <input type="checkbox"/> Steep Slopes \geq 25 percent _____ (SF) | <input type="checkbox"/> RPA - Landward 50' <u>95</u> (SF) |
| <input type="checkbox"/> Conservation Easement _____ (SF) | <input type="checkbox"/> RPA - Seaward 50' _____ (SF) |
| <input type="checkbox"/> Trees to be Removed _____ (#) | <input type="checkbox"/> Proposed Impervious Cover <u>95</u> (SF) |

Activity involves: (check all that apply)

- | | | |
|---------------------------------------------------------------------------|-------------------------------------------------------------------|--------------------------------------------|
| <input type="checkbox"/> New principal structure construction | <input type="checkbox"/> Building addition to principal structure | <input type="checkbox"/> Attached Deck |
| <input type="checkbox"/> Permitted buffer modifications: | <input type="checkbox"/> Dead/diseased/dying tree removal | <input type="checkbox"/> Sightline |
| <input type="checkbox"/> Accessory (Detached) Structure or Patio | <input type="checkbox"/> Invasive/noxious weed removal | <input type="checkbox"/> Access path/trail |
| <input checked="" type="checkbox"/> Other: <u>RETAINING WALL 95' x 2'</u> | <input type="checkbox"/> Redevelopment: _____ | |

**Chesapeake Bay Preservation Ordinance
Sensitive Area Activity Application**

For Office Use Only CBE 16-106 CB Number _____

1. Description of requested sensitive area activity and reason for request:

(In the description, please indicate the reason for the proposed structure or activity, the location, sizes and dimensions of feature. For decks or expansions, indicate if ground floor, first floor or other levels)
 Retaining Wall to create a more level area near back of house.
 Slow down drainage.

2. As per Section 23-9 of the Chesapeake Bay Preservation Ordinance, if there is an on-site sewage disposal system on this property, has it been inspected and/or pumped out in the past five years? Yes No

3. Are permits from other local, State or Federal agencies required for any portion of this project? Yes No
 (If yes, please explain) _____

4. Water Quality Impact Assessment

The purpose of a water quality impact assessment is to demonstrate that the project will result in the removal of no less than 75 percent of sediments and 40 percent of nutrients from post-development stormwater run-off and that it will retard runoff, prevent accelerated erosion, promote infiltration, and filter non-point source pollution equivalent to the full undisturbed 100-foot buffer.

A. Why is this encroachment necessary? Can it be relocated to avoid RPA impacts?
 NO

B. What measures will be used to minimize impervious area? Examples: pervious pavers, removal of existing impervious surfaces (concrete, pavement, etc.) in the RPA not needed for the project
 ONLY WALL IS IMPERVIOUS, NO PAVING, BACKFILL OF CLEAN STONE

5. Proposed mitigation measures:

Note: All mitigation measures must be shown in detail on a mitigation plan. Show both location of mitigation measures and plant species if applicable. All mitigation plants must be native species and be located in the sensitive area (RPA or Conservation Easement).

Mitigation Rates Table

Impervious Area (SF)	Mitigation Required	Surety
<400	1 tree and 3 shrubs	\$250
400-1,000	1 canopy tree, 2 understory trees and 3 shrubs per 400 SF (or fraction thereof)	\$1,000
>1,000	Plant at same rate as 400 – 1,000; or may be determined by Director of Engineering and Resource Protection Division	To be determined

**Chesapeake Bay Preservation Ordinance
Sensitive Area Activity Application**

For Office Use Only CB Number <u>CB16-106</u>

A. Vegetation/ground cover enhancement of buffer (see Mitigation Rates Table on previous page).

Number of native canopy trees _____

Number of native understory trees _____

Number of native shrubs _____

Square feet of native ground cover _____

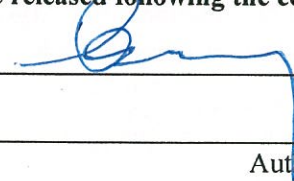
Square feet of mulch _____

B. Best Management Practices (BMPs)

<input type="checkbox"/> EC-2 (degradable) erosion control matting	<input type="checkbox"/> Bioretention or rain garden practice
<input type="checkbox"/> Dry Swale	<input type="checkbox"/> Infiltration Area/Trench/Drywell
<input type="checkbox"/> Silt fence	<input type="checkbox"/> Structural BMP (Wet or Dry Pond)
<input type="checkbox"/> Turf (Nutrient) Management Plan	<input type="checkbox"/> Rain Barrel
<input type="checkbox"/> Gravel under deck (3" of gravel over synthetic filter fabric under entire deck area)	
<input type="checkbox"/> Other: _____	

I understand that the following are approval conditions:

- 1) Mitigation for the above activity shall follow the approved mitigation plan and be guaranteed with a form of surety acceptable to the County Attorney.
- 2) Limits of disturbance as shown on the approved plan shall not be exceeded.
- 3) This approval shall become null and void if construction has not begun within 12 months of the approval date.
- 4) Surety will be released following the completion and inspection of mitigation plantings.

Property owner signature  Date 7 June 2016

Program Administrator _____ Date _____

Authorized Signature

For Office Use Only	Surety Amount: _____ Date/Rec No.: _____ Fee Paid? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Amount: <u>25.00</u> Date/Rec No.: <u>6/9/16 # 2924</u>
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THOMAS DR

157 THOMAS DR

NEW WALL 24"

123

124

131

133

132

134

135

136

137

RESOLUTION

CASE NO. CBE-16-106. 157 THOMAS DALE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Don Newsom of Delightful Gardens, on behalf of Charles Taney (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on July 13, 2016, to request an exception to use of the Resource Protection Area (the “RPA”) on a parcel of property identified as James City County Real Estate Tax Parcel No. 5030700030 and further identified as 157 Thomas Dale in the Kingsmill subdivision (the “Property”) as set forth in the application CBE-16-106 for the purpose of installing 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, BE IT RESOLVED that the Chesapeake Bay Board of James City County, Virginia, following a public hearing, 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:
 - a. The applicant must obtain all other necessary federal, state and local permits required for the project; and
 - b. A surety of \$250 will be required in form acceptable to the County Attorney’s Office to guarantee the mitigation plantings; and
 - c. This exception request approval shall become null and void if construction has not begun by July 13, 2017; and
 - d. Written requests for an extension to an exception shall be submitted to the Engineering and Resource Protection Division no later than six-weeks prior to the expiration date.

Davis Gussman
Chair, Chesapeake Bay Board

Michael Woolson
Senior Watershed Planner

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 13th day of July, 2016.

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 20__ IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF JAMES CITY.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

CBE-16-106-157ThomasDale-res



**Development Management
Engineering and Resource
Protection Division**
P O Box 8784
Williamsburg, VA 23187
Resource.Protection@jamescitycountyva.gov

Building Safety and Permits
757-253-6620

Engineering and Resource Protection
757-253-6670

Planning
757-253-6685

Zoning Enforcement
757-253-6671

June 22, 2016

RE: CBE-16-106 – 157 Thomas Dale
Retaining wall

Dear Adjacent Property Owner:

In accordance with State and County Codes, this letter is to notify you that a request has been filed with the James City County Chesapeake Bay Board by Charles Taney, for encroachment into the Resource Protection Area (RPA) associated with construction of a retaining wall, on his property at 157 Thomas Dale in the Kingsmill subdivision. The property is further identified by James City County Real Estate as Parcel No. 5030700030.

A complete description, plan, and other information are on file in the Engineering and Resource Protection Division and are available for inspection during normal business hours, should anyone desire to review them.

The Chesapeake Bay Board will hold an advertised public hearing on **Wednesday, July 13, 2016 at 7 p.m.** in the Board Room of Building F, 101 Mounts Bay Road, James City County, Virginia, at which time you may request to speak on the above referenced project.

Sincerely,

Melanie Davis

Melanie Davis
Chesapeake Bay Board Secretary
757-253-6866

cc: Charles Taney

Mailing List for: CBE-16-106 – 157 Thomas Dale – Taney - Retaining Wall

Owner - 5030700030

Charles Taney
157 Thomas Dale
Williamsburg, VA 23185-6576

Delightful Gardens Landscape

Attn: Don Newsom
7242 Merrimac Trail
Williamsburg, VA 23185

5030700031

Andrew and Vickie Cox
161 Thomas Dale
Williamsburg, VA 23185-6576

5030700029

Klaus and Kerstin Husslein
153 Thomas Dale
Williamsburg, VA 23185-6576

5030700054

Rosemary Fauerbach
213 Roger Webster
Williamsburg, VA 23185-6553

5030700053 - 209 Roger Webster

Nicholas and Barbara Kailos
2062 Windward Way
Jupiter, FL 33477-1431

5030700036

Michael and Joanne Skahill
124 Thomas Dale
Williamsburg, VA 23185-6545

5030700035

Nickolas Coiner
128 Thomas Dale
Williamsburg, VA 23185-6545

4940100003 - 125 Mounts Bay Road

Xanterra Kingsmill LLC
6312 S Fiddlers Green Cir Ste 600N
Greenwood Village, CP 80111-4920

Kingsmill Community Services Association

P O Box 348
Williamsburg, VA 23187-0348



PUBLIC HEARING NOTICE

THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA WILL HOLD PUBLIC HEARINGS **WEDNESDAY JULY 13 2016 AT 7 p.m.** IN THE BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA TO CONSIDER THE FOLLOWING CASES:

CBE-16-103: Donald and Cynthia Pritchard have filed an exception request for encroachment into the RPA buffer for a storage shed at 3633 Bridgewater Drive in the Mill Creek Landing subdivision, JCC Parcel No 3841770006.

CBE-16-104: William and Lori Trolan have filed an exception request for encroachment into the RPA buffer for a garden shed, patio and herb garden at 4388 Landfall Drive in the Landfall at Williamsburg subdivision, JCC Parcel No 4732400082.

CBE-16-106: Charles Taney has filed an exception request for encroachment into the RPA buffer for a retaining wall at 157 Thomas Dale in the Kingsmill subdivision, JCC Parcel No 5030700030.

Appeals from decisions under the Chesapeake Bay Preservation Ordinance may also be heard.

All interested parties are invited to attend the meetings. The applications and plans are on file and may be viewed during normal office hours in the Engineering and Resource Protection Division, 101-E Mounts Bay Road, James City County, Virginia.

NOT FOR PUBLICATION

DISPLAY: WEDNESDAY – June 29, and July 6, 2016.
ACCOUNT NO.: 0011040200 - VIRGINIA GAZETTE

COPIES: PLANNING
ASSISTANT COUNTY ATTORNEY
WETLAND/CHESAPEAKE BAY BOARD MEMBERS

ITEM SUMMARY

DATE: 7/13/2016
TO: Chesapeake Bay Board
FROM: Michael Woolson, Senior Watershed Planner
SUBJECT: CBE-16-104 : 4388 Landfall Drive

William and Mary Trolan have applied for an exception to the Chesapeake Bay Board for the placement of portions of a shed, patio, walkway and herb garden within the resource protection area on property located at 4388 Landfall Drive within the Landfall subdivision.

ATTACHMENTS:

	Description	Type
□	Staff Report	Staff Report
□	Resolution	Resolution
□	Site Plan	Backup Material
□	Deed of Natural Open Space Easement	Backup Material
□	Application (SAAA Form)	Backup Material
□	APO Notification and Ad	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay	Woolson, Michael	Approved	7/5/2016 - 11:11 AM
Chesapeake Bay	Thomas, Scott	Approved	7/5/2016 - 12:08 PM
Publication Management	Boles, Amy	Approved	7/5/2016 - 2:04 PM
Chesapeake Bay	Secretary, ChesBay	Approved	7/5/2016 - 2:41 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBE-16-104. 4388 Landfall Drive
Staff report for the July 13, 2016, Chesapeake Bay Board Public Hearing**

This staff report is prepared by James City County Engineering and Resource Protection to provide information to the Chesapeake Bay Board to assist them in making a recommendation on this assessment. It may be useful to members of the general public interested in this assessment.

EXISTING SITE DATA AND INFORMATION

Applicants: William and Lori Trolan

Agent: Peggy Krapf, Hearts Ease Landscape & Garden Design

Location: 4388 Landfall Drive

Tax Map/Parcel No.: 4732400082

Parcel: Landfall at Jamestown, Phase 4, Lot 82

Lot Size: 0.47 acre

Area of Lot in Resource Protection Area (RPA): 0.23 acre +/- (49%)

Watershed: Powhatan Creek tidal mainstem (HUC Code JL31)

Floodplain: Zone AE, base flood elevation 8 feet mean sea level, panel 0182D

Proposed Activity: Installation of an 8-foot by 11-foot shed, blue stone patio, brick walkway and herb garden

Impervious Cover: 400 square feet +/-

RPA Encroachment: 400 square feet, landward 50-foot RPA buffer

Staff Contact: Michael Woolson, Senior Watershed Planner Phone: 253-6823

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Peggy Krapf of Hearts Ease Landscape & Garden Design, on behalf of William and Lori Trolan, has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the installation of several items: an 8-foot by 11-foot shed on a stone base; a 12-foot by 18-foot dry laid blue stone patio on a stone base, of which 6-foot by 18-foot is within the RPA; a brick walkway on a stone base, of which approximately 2-foot by 22-foot is within the RPA; and an 18-foot by 18-foot formal herb garden with gravel/oyster shell paths, of which 8-foot by 18-foot is within the RPA. These improvements are proposed on property located at 4388 Landfall Drive, within the Powhatan Creek watershed. The property is further identified as James City County Tax Map Parcel No. 4732400082. The lot was platted in 2001, after the 1999 adoption of the Chesapeake Bay Preservation Ordinance. The house is currently under construction.

Almost half of the lot is within the RPA buffer. The RPA buffer is associated with the Powhatan Creek tidal mainstem. There is also a recorded Natural Open Space Easement that is coincident with the RPA. Mrs. Krapf has proposed a formalized design in close proximity to the house that provides for the technique of rainwater infiltration by use of a stone base under all proposed impervious areas. The proposal also provides for six understory trees and 20 shrubs within the RPA, which is three times the minimum required amount of

mitigation. The Natural Open Space Easement does require the approval of the County Engineer, or designee, for any improvements within the easement. Those duties have been delegated to the Senior Watershed Planner, who finds the impacts to the easement to be adequately mitigated.

STAFF EVALUATION

Staff has evaluated the application and exception request for the shed, patio, walkway and herb garden and finds that the application has met the conditions in Sections 23-11 and 23-14. This application should be heard by the Board because these items are considered accessory structures. Therefore, the exception request must be considered by the Board following a public hearing under the formal exception process.

WATER QUALITY IMPACT ASSESSMENT (WQIA)

A WQIA must be submitted, per Sections 23-11 and 23-14 of the County Ordinance, for any proposed land disturbing activity resulting from development or redevelopment within RPAs. The applicant has provided three times the required minimum amount of mitigation and is proposing use of on-lot runoff reduction techniques by use of rainwater infiltration through construction methods proposed (ie. stone base).

CONSIDERATION BY THE CHESAPEAKE BAY BOARD

The exception granting body is permitted to require reasonable and appropriate conditions in granting the exception request in accordance with Section 23-14. The Chesapeake Bay Board should fully consider Chesapeake Bay Exception CBE-16-104 as outlined and presented above and review the request for exception along with the WQIA. The Board may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of the County's Chesapeake Bay Preservation Ordinance.

STAFF RECOMMENDATIONS

Staff has reviewed the application and exception request and has determined impacts associated with the proposal to be minimal for the proposed development. Staff recommends approval of this exception request with the following conditions incorporated into the approval:

1. The applicant must obtain all other necessary federal, state and local permits as required for the project; and
2. The applicant must submit, for County review and approval prior to construction, the pervious paver block system design worksheet for each of the applicable individual stone base systems being used for mitigation/credit purposes, consistent with the County's *Guidelines & Specifications for Pervious Paver Block Systems as Part of Chesapeake Bay Exceptions (Residential Applications)*; and
3. A surety of \$1,000 will be required in a form acceptable to the County Attorney's Office to guarantee the mitigation plantings; and
4. This exception request approval shall become null and void if construction has not begun by July 13, 2017; and
5. Written requests for an extension to an exception shall be submitted to the Engineering and Resource Protection Division no later than six-weeks prior to the expiration date.

MW/ab
CBE16-104-4388LandfallDr

Attachment:

1. Water Quality Impact Assessment

RESOLUTION

CASE NO. CBE-16-104. 4388 LANDFALL DRIVE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Peggy Krapf of Hearts Ease Landscape & Garden Design, on behalf of William and Lori Trolan (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on July 13, 2016, to request an exception to use of the Resource Protection Area (the “RPA”) on a parcel of property identified as James City County Real Estate Tax Parcel No. 4732400082 and further identified as 4388 Landfall Drive in the Landfall at Jamestown subdivision (the “Property”) as set forth in the application CBE-16-104 for the purpose of installing an 8 foot by 11 foot shed, blue stone patio, brick walkway and herb garden; and

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

NOW, THEREFORE, BE IT RESOLVED that the Chesapeake Bay Board of James City County, Virginia, following a public hearing, 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:
 - a. The applicant must obtain all other necessary federal, state and local permits required for the project; and
 - b. The applicant must submit, for County review and approval prior to construction, a pervious paver block system design worksheet for each of the applicable individual stone base systems being used for mitigation/credit purposes, consistent with the County’s *Guidelines & Specifications for Pervious Paver Block Systems as Part of Chesapeake Bay Exceptions (Residential Applications)*; and

- c. A surety of \$1,000 will be required in form acceptable to the County Attorney's Office to guarantee the mitigation plantings; and
- d. This exception request approval shall become null and void if construction has not begun by July 13, 2017; and
- e. Written requests for an extension to an exception shall be submitted to the Engineering and Resource Protection Division no later than six-weeks prior to the expiration date.

Davis Gussman
Chair, Chesapeake Bay Board

Michael Woolson
Senior Watershed Planner

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 13th day of July, 2016.

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 20__ IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF JAMES CITY.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

CBE-16-104-4388LandfallDr-res

JUN 07
RECEIVED

POLWATAW CREEK

STEEP BANK

LEE & LORI TROLAN RESIDENCE	
SCALE: 1" = 10'	APPROVED BY: PEGGY KRAPP
DATE: 6-3-2016	REVISIONS:
4300 LANDFALL DRIVE LANDFALL	
LANDSCAPE PLAN	

± 12'x18' CUT BLURSTONE PATIO, DRY LAID WITH BRICK EDGING

PICKET FENCING

WOOD GARDEN SHED ± 8'x11' ON BRUSHED STONE GRAVEL BASE

100' RPA

SCREENING SHRUBS (5) OAKLEAF HOLLY 6'

BENCH

(3) VIBURNUM TINUS 30"

(2) BOXWOOD 'GREEN VELVET' 35"

(5) BOXWOOD 'WINTER GRAMA' 24-30"

(1) KOUSA DOGWOOD 6-8'

(5) BOXWOOD 'GREEN VELVET' 21-24"

NATIVE (5) AZALEAS 15-18"

(3) HYDRANGEAS 39"

(2) BOXWOOD 'GREEN VELVET' 21-24"

(1) GARDENIA

TRELLIS/VINE CONFEDERATE JASMINE

(1) HYDRANGEA 39"

(1) BOXWOOD 'GREEN VELVET' 21-24"

SHADE PERENNIALS

AMERICAN DOGWOOD 6-7'

EXISTING NATURAL WOODS

(20) NATIVE DOGWOODS 4'

(4) CLAYTONIA 'HUMMINGBIRD' 39"

(1) SOUTHERN MAGNOLIA 6-8'

EDGING BOXWOOD BENCH

HERBS

SMALL BENCH

(2) DEER RUNK BOXWOOD 3-4'

HERRINGBONE BRICK LANDING AND WALKWAY

GROUNDCOVER - PACHYSANDRA

100' RPA

18'x18' FORMAL HERB GARDEN - GRAVEL OYSTER-SHELL PATHS BRICK EDGING

LOW HEDGE (5) INK BERRY HOLLY 39"

(1) AMERICAN BOXWOOD OR NERLEPOINT HOLLY

LARGE FLAUSTONE STEPPERS 24"x24"

SHADE PERENNIALS OR GROUNDCOVER - PACHYSANDRA

(1) AMERICAN DOGWOOD 6-7'

BENCH

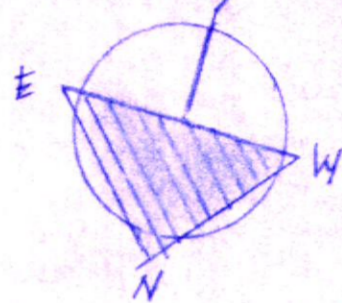
(4) BOXWOOD 'WINTERGREEN' 24-30"

(6) WHITE SPIREA 'VANHOUTE' 39" OR DWARF BURFORD HAWY

(2) CORNUS AMOMILE 9-10' (WHITE)

FESCUE LAWN

TALL NARROW CLAY POTS WITH ANNUALS OR BOXWOOD



HEART'S EASE
LANDSCAPE & GARDEN DESIGN

PEGGY KRAPP
Certified Landscape Designer
P.O. BOX 711
7884 Richmond Rd.
Toano, VA 23168

757-566-9088 voice/fax
www.heartseaslandscape.com

010005145

EXEMPT FROM RECORDATION TAX UNDER VIRGINIA CODE
SECTION 58.1-811(A)(3), AS AMENDED

CORRECTION DEED OF EASEMENT FOR NATURAL OPEN SPACE

THIS DEED OF EASEMENT, made this 21st day of March, 2001, by and between MCCAILE DEVELOPMENT - LANDFALL, L.L.C. and its successors and assigns (the "Grantor") and the COUNTY OF JAMES CITY, VIRGINIA (the "Grantee")

WHEREAS, the Grantor is the owner of certain property known as Landfall at Jamestown, Phase Four, consisting of a tract of land as below described, in the Jamestown District of James City County, Virginia, (the "Property");

WHEREAS, Grantee has adopted The Chesapeake Bay Preservation Ordinance, Chapter 21 of Title 10.1 of the Code of Virginia to protect the Chesapeake Bay and its tributaries from nonpoint source pollution within the Chesapeake Bay drainage area; and

WHEREAS, Grantors wish to preserve land as natural open space as part of Grantor's efforts to improve the quality of storm water runoff from the Property; and

WHEREAS, an original Deed of Easement for Natural Open Space dated February 25, 2000 was recorded April 14, 2000 in the Clerk's Office of the Circuit Court below mentioned as Instrument No. 000007645, and said instrument contained certain inaccuracies which necessitates the preparation of a Correction Deed of Easement for National Open Space, and a new plat as below mentioned, this said Deed of Easement for Natural Open Space being recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City as Instrument No. 000007645.

NOW, THEREFORE, in recognition of the foregoing and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby

Ps. 1035

MAR 27 2001 01 90

acknowledged, the Grantor does hereby grant and convey to Grantee an easement in perpetuity in gross, with the right in perpetuity to restrict the use as described below, of the portion herein described of that certain tract, lot, piece or parcel of land (the "Easement Property"), to-wit:

That certain piece or parcel of land located in the Jamestown District of James City County, Virginia, being designated as "Natural Open Space Easement" as shown on a certain plat entitled, "Amended Plat of Subdivision, Landfall at Jamestown, Phase Four, Jamestown District, James City County, Virginia" made by Vanasse, Hangen, Brustling, Inc., dated February 22, 2001, which plat is being recorded herewith in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City in James City County Plat Book _____ at Pages _____.

The restrictions hereby imposed on the use of the Easement Property, the acts which the Grantor covenants to do or not to do, and the restrictions with the Grantee is hereby entitled to enforce, shall be as follows:

1. No building, structure or pier shall be built or maintained on the Easement Property other than such building, structure or pier approved by the County Engineer, in writing;
2. The Easement Property shall be kept free and clear of any junk, trash, rubbish or other unsightly or offensive material;
3. No new signs, billboards, outdoor advertising, road or utility lines shall be placed on the property without the expressed written consent of the County Engineer;
4. The Easement Property shall remain in its natural condition with respect to natural leaf litter or other ground covering vegetation, understory vegetation or shrub layer, and tree canopy. The activities of Grantor within the Easement Property shall be limited to those which do not remove or damage any vegetation or disturb any soil. Such activities include selective trimming and pruning which will not alter the natural character of the Easement Property. Grantor may install pedestrian

trails, including necessary wooden bridges, if any, through the Easement Property and passive amenities such as benches, tables, gazebos, educational or descriptive markers or individual fitness stations and remove dead, diseased, poisonous or invasive vegetation with the expressed written consent of the County Engineer;

5. Grantee and its representatives may enter upon the Easement Property from time to time for inspection, to enforce the terms of this Easement and to post a sign or marker identifying Grantee's interest in the Easement Property as natural open space; and

6. In the event of a violation of this Easement, the Grantee shall have the right to seek all appropriate legal and equitable relief, including, but not limited to, the right to restore the Easement Property to its natural condition and assess the cost of such restoration as a lien against the Easement Property.

Although this easement in gross will benefit the public in the ways recited above, nothing herein shall be construed to convey a right to the public of access to or use of the Easement Property, and the Grantor shall retain exclusive right to such access and use, subject only to the provisions herein recited.

Witness the following signature and seal on the date first above written.

McCALE DEVELOPMENT - LANDFALL L.L.C.,
a Virginia limited liability company

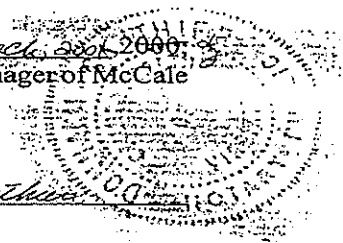
By: McCale Development Corporation,
Manager

By: 
President

HAR 275 0192

STATE OF VIRGINIA
CITY/COUNTY OF NEWPORT NEWS, to-wit:

The foregoing instrument was acknowledged before me this 23 day of March 2000 by Lewis A. McMurrin, III, as President of McCale Development Corporation, Manager of McCale Development - Landfall, L.L.C.


Maria M. Gauthier
Notary Public

My commission expires: 11/30/2004

The form of this deed of easement is approved and, pursuant to Resolution of the Board of Supervisors of James City County, Virginia, duly executed on the 17th day of MAY, 2000, this conveyance is hereby accepted on behalf of said County. 1993

3/26/01
Date

Leo P. Rogers
County Attorney

HAR275 0193

COMMONWEALTH OF VIRGINIA
COUNTY OF JAMES CITY, to-wit:

I, MARY FRANCES RIEGER, a Notary Public for the Commonwealth of Virginia, whose commission expires on Oct. 31, 2001 do hereby certify that Leo P. Rogers, Attorney for the County of James City, Virginia, has acknowledged the same before me in the jurisdiction aforesaid.

Given under my hand this 26th day of March, 2001.

Mary Frances Rieger
Notary Public

Notary Public, City of Williamsburg and County of
James City, Va-wit
This Easement was
presented to me, notary public, reviewed and admitted
to record at the 27-March, 2001
at 1:49 PM, in the Notary's Office of the
Notary Public for the City of Williamsburg and County
of James City.
FELICIA BEATTY B. LADD, Notary Public, Clerk
and Robt. D. Woodbridge, Deputy Clerk

MAR 25 01 94



Chesapeake Bay Preservation Ordinance Sensitive Area Activity Application

For Office Use Only

CB Number 16-104

Submission Requirements: (Check all applicable)

- A \$25 non-refundable processing fee payable to Treasurer, James City County.
- RPA - landward 50' - Complete Items 1 - 5, and sign on Page 3.
- RPA - seaward 50' - Complete Items 1 - 5, sign on Page 3 and submit an additional \$100 non-refundable fee payable to Treasurer, James City County, for the Chesapeake Bay Board.
- Conservation Easement - Complete Items 1, 2, 3, and 5, and sign on Page 3.
- Steep Slopes \geq 25 percent - Complete Items 1, 2, 3, and 5, and sign on Page 3.
- Attach plans as required (see instruction on Page 4, Item 4).
- Applicable surety as required for mitigation (see Mitigation Rates Table on Page 2).

Upon completion, please return pages 1-3 to the JCC Engineering and Resource Protection Division

Property Owner Information:

Date: 6/7/2016

Name: WILLIAM + MARY TROLAN ^{Lee} ^{Low?}
 Address: 4388 LANDFALL DR. LOT 82
 Phone: 703-774-6332 Fax: _____ Email: LEE.TROLAN@GMAN.COM

Contact (if different from above):

Name: _____ Phone: _____
 Email: _____

Project Information:

Project Address: 4388 LANDFALL DRIVE
 Subdivision Name, Lot, and Section No.: LANDFALL AT JAMRESTOWN PHASE 4
 Parcel Identification No. or Tax Map No.: 4732400082
 Date Lot was platted: 10/22/2015 ^{3/27/01} Line or Bldg Permit No.: _____

Activity Location and Impacts (Square Feet - SF): (check all that apply)

- Steep Slopes \geq 25 percent _____ (SF)
- Conservation Easement 800 (SF)
- Trees to be Removed _____ (#)
- RPA - Landward 50' 800sq' (SF)
- RPA - Seaward 50' _____ (SF)
- Proposed Impervious Cover 800sq' (SF)

Activity Involves: (check all that apply)

- New principal structure construction
- Permitted buffer modifications:
- Accessory (Detached) Structure or Patio
- Other: WOOD GARDEN SHERD, PATIO, HERB GARDEN
- Building addition to principal structure
- Dead/discased/dying tree removal
- Invasive/noxious weed removal
- Redevelopment:
- Attached Deck
- Sightline
- Access path/trail

Chesapeake Bay Preservation Ordinance Sensitive Area Activity Application

For Office Use Only

CB Number

16-104

1. Description of requested sensitive area activity and reason for request:

SEE PLAN

(In the description, please indicate the reason for the proposed structure or activity, the location, sizes and dimensions of feature. For decks or expansions, indicate if ground floor, first floor or other levels)

8x11' GARDEN SHED ON GRAVEL BASE, 12x15' FLAGSTONE PATIO
DRY LAID ON CRUSHED STONE BASE, 130 SQ' BRICK LANDING / WALK
DRY LAID ON CRUSHED STONE BASE, 18x18' HERB GARDEN WITH GRAVEL PATHS

2. As per Section 23-9 of the Chesapeake Bay Preservation Ordinance, if there is an on-site sewage disposal system on this property, has it been inspected and/or pumped out in the past five years? Yes No

3. Are permits from other local, State or Federal agencies required for any portion of this project? Yes No
(If yes, please explain) AS NEEDED FOR SHED - POSSIBLE ELECTRIC

4. Water Quality Impact Assessment

The purpose of a water quality impact assessment is to demonstrate that the project will result in the removal of no less than 75 percent of sediments and 40 percent of nutrients from post-development stormwater run-off and that it will retard runoff, prevent accelerated erosion, promote infiltration, and filter non-point source pollution equivalent to the full undisturbed 100-foot buffer.

A. Why is this encroachment necessary? Can it be relocated to avoid RPA impacts?

RPA IS ONLY 10' FROM REAR OF HOUSE

B. What measures will be used to minimize impervious area? Examples: pervious pavers, removal of existing impervious surfaces (concrete, pavement, etc.) in the RPA not needed for the project

PERVIOUS PAVING - DRY LAID PATIO, BRICK WALKS + GRAVEL / SYSTEM PATHS, NO TURF GRASS IN RPA, ADDITIONAL VEGETATION

5. Proposed mitigation measures:

Note: All mitigation measures must be shown in detail on a mitigation plan. Show both location of mitigation measures and plant species if applicable. All mitigation plants must be native species and be located in the sensitive area (RPA or Conservation Easement).

Mitigation Rates Table

Impervious Area (SF)	Mitigation Required	Surety
<400	1 tree and 3 shrubs	\$250
400-1,000	1 canopy tree, 2 understory trees and 3 shrubs per 400 SF (or fraction thereof)	\$1,000
>1,000	Plant at same rate as 400 - 1,000; or may be determined by Director of Engineering and Resource Protection Division	To be determined

Chesapeake Bay Preservation Ordinance Sensitive Area Activity Application

For Office Use Only

CB Number 16-104

A. Vegetation/ground cover enhancement of buffer (see Mitigation Rates Table on previous page). **SEE LIST**

- Number of native canopy trees _____
- Number of native understory trees _____
- Number of native shrubs _____
- Square feet of native ground cover _____
- Square feet of mulch _____

B. Best Management Practices (BMPs)

- | | |
|---------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|
| <input type="checkbox"/> EC-2 (degradable) erosion control matting | <input type="checkbox"/> Bioretention or rain garden practice |
| <input type="checkbox"/> Dry Swale | <input type="checkbox"/> Infiltration Area/Trench/Drywell |
| <input type="checkbox"/> Silt fence | <input type="checkbox"/> Structural BMP (Wet or Dry Pond) |
| <input type="checkbox"/> Turf (Nutrient) Management Plan | <input type="checkbox"/> Rain Barrel |
| <input type="checkbox"/> Gravel under deck (3" of gravel over synthetic filter fabric under entire deck area) | |
| <input type="checkbox"/> Other: <u>NO TURFGRASS IN RPA</u> | |

I understand that the following are approval conditions:

- 1) Mitigation for the above activity shall follow the approved mitigation plan and be guaranteed with a form of surety acceptable to the County Attorney.
- 2) Limits of disturbance as shown on the approved plan shall not be exceeded.
- 3) This approval shall become null and void if construction has not begun within 12 months of the approval date.
- 4) Surety will be released following the completion and inspection of mitigation plantings.

✓ Property owner signature *Wm. Joe Julian* Date 6/7/16

Program Administrator _____ Date _____
Authorized Signature

For Office Use Only

Surety Amount: _____
 Date/Rec No.: _____
 Fee Paid? Yes No
 Amount: 125.00
 Date/Rec No.: _____

BULKHEAD WALL

CBE-16-104

POWHATAN CREEK

ZONE AE (7.5)

MEAN LOW WATER IS PROPE
PER PLAT BOOK 81, PAGES

ELEVATIONS ALONG
TOP OF WALL

2.78
WALL

2.67
WALL FRONT

2.74
WALL

2.64
WALL

2.59
WALL 0.80wide

111'± ALONG CREEK

ZONE AE (7.5)

ZONE X

AREA OF LOT 82

20,435 S.F.±
0.469 ACRES±

Engineering & Resource
JUN 07 2016

RECEIVED
1067

S18°26'06"E

N14°57'00"W

NATURAL OPEN SPACE EASEMENT
INSTR. #000007645
P.B. 77, PG. 26 & P.B. 81, PG 3

LIMITS OF CLEARING/
DISTURBANCE ALONG RPA BUFFER

REAR BSL/RPA BUFFER
PER P.B. 77, PG. 26

FER
26

RPA SIGN

SF

IRF 0.12'

6"CREPE MYRTLE

EMERGENCY
GENERATOR

EXISTING
RESIDENCE

6"CREPE MYRTLE

HVAC MECHANICAL
AREA

LIMITS OF CLEARING/
DISTURBANCE ALONG P/L

SF

29.09'

10.28'

17.8'

17.3'

17.8'

17.3'

17.8'

17.3'

17.8'

17.3'

17.8'

GARAGE
F.F.=18.0±

PROPOSED 2 STORY
CLAPBOARD SIDING &
BRICK VENEER DWELLING
F.F.=20.5±
ZONE X

4.5'x5.62' PORCH
F.F.=20.3±

3.5'x8' PORCH
F.F.=20.3±

CONCRETE
DRIVE
27.66'

23.2'

27.66'

23.2'

14"TRIPLE POPLAR

12"HICKORY

14"GUM

14"GUM

20"OAK

14"GUM

RPA SIGN

14"OAK

14"GUM

14"GUM

14"GUM

16"GUM

18"GUM

BRICK C

BUSHROW

16"GUM

20'

SF

IRF 0.12'

BRICK C

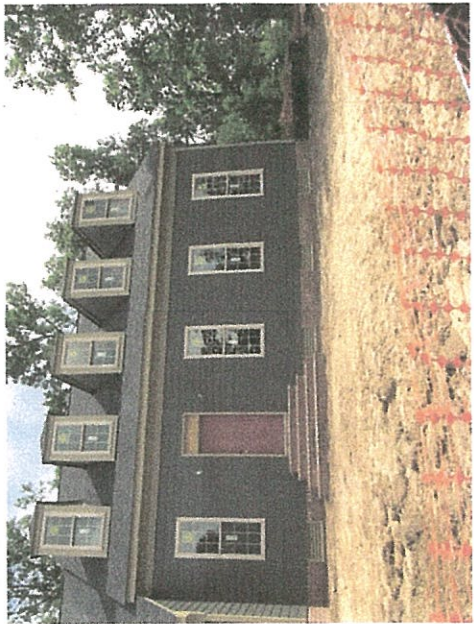
BUSHROW

16"GUM

20'

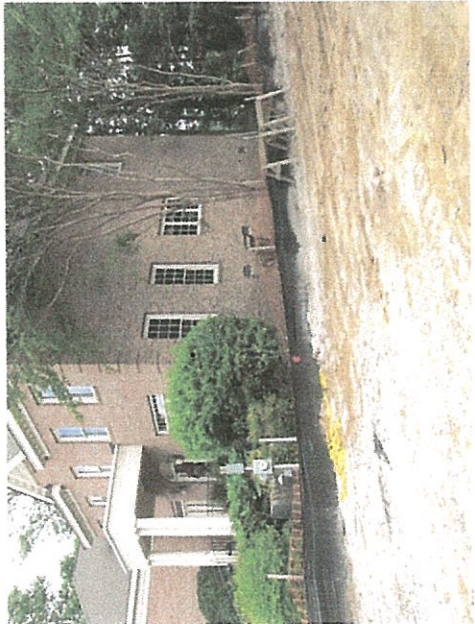
SF

CBE-16-104 3 10S

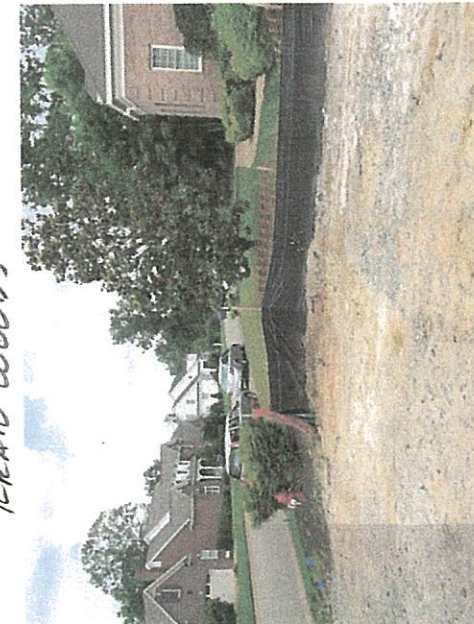
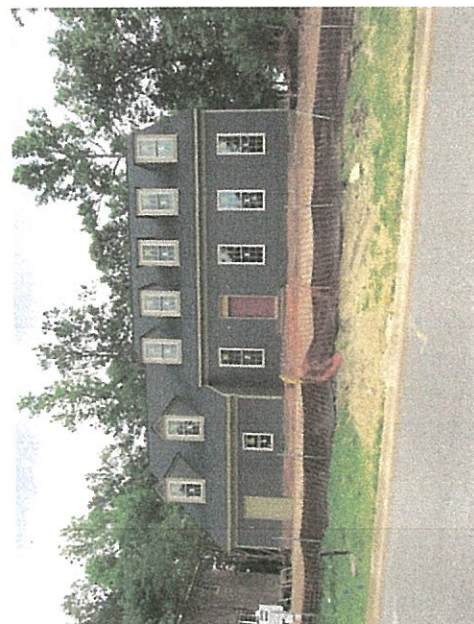


REAR WOODS

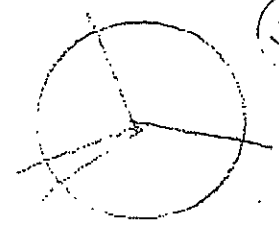
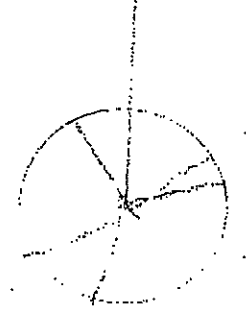
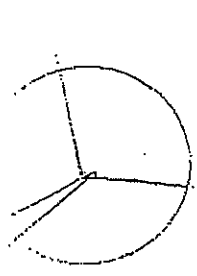
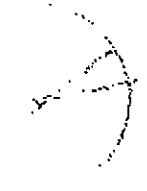
REAR WOODS



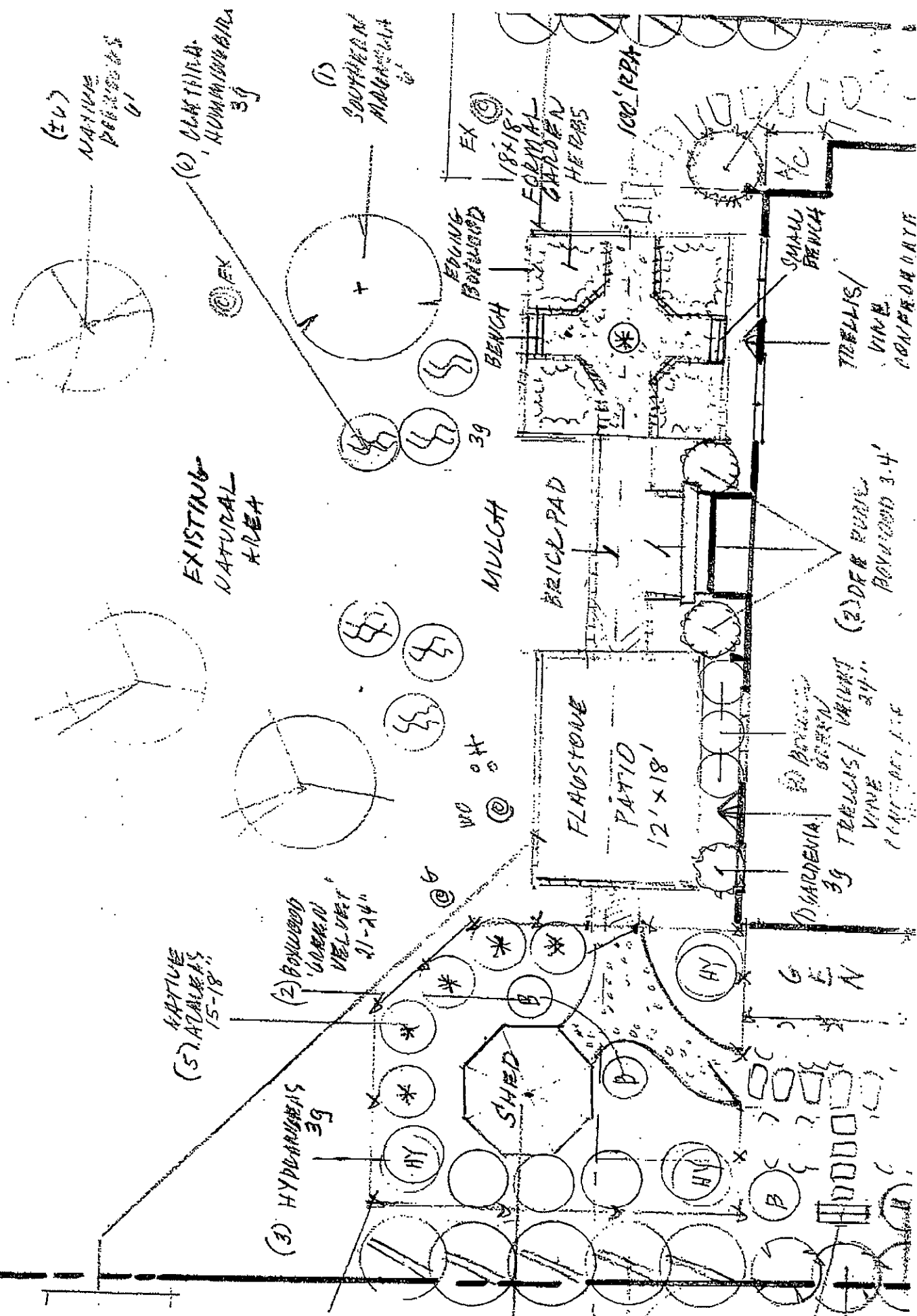
REAR WOODS



CE-16-104



1" = 10'




CBE-16-104

PLANT LIST

Date: 6/8/2016
 RPA BUFFER MITIGATION
 800 SQ'

PEGGY KRAPP
 Certified Landscape Designer



757-566-9088 voice/fax P.O. BOX 711
 7884 Richmond Rd. Toano, VA 23168

Customer: TROLAN RESIDENCE
 Address: 4388 LANDELL DR
WILLIAMS BURG VA
 Phone: 703.774.6332 (LEE)

QTY	COMMON NAME	VARIETY	BOTANICAL NAME	REMARKS	SIZE
1	SOUTHERN MAGNOLIA				6'
3	PYRAMIDAL HOLLY				6'
5	AMERICAN DOGWOOD				6'
6	CLETHRA				3g
3	INKBERRY HOLLY				3g
900 SQ'	MULCAH / PINES TREES				

Engineering & Resource Protection
 JUN 07 2016

RECEIVED



**Development Management
Engineering and Resource
Protection Division**
P O Box 8784
Williamsburg, VA 23187
Resource.Protection@jamescitycountyva.gov

Building Safety and Permits
757-253-6620

Engineering and Resource Protection
757-253-6670

Planning
757-253-6685

Zoning Enforcement
757-253-6671

June 22, 2016

RE: CBE-16-104 – 4388 Landfall Drive
Accessory Structures

Dear Adjacent Property Owner:

In accordance with State and County Codes, this letter is to notify you that a request has been filed with the James City County Chesapeake Bay Board by William and Lori Trolan, for encroachment into the Resource Protection Area (RPA) associated with construction of a garden shed, patio and herb garden, on their property at 4388 Landfall Drive in the Landfall at Williamsburg subdivision. The property is further identified by James City County Real Estate as Parcel No. 4732400082.

A complete description, plan, and other information are on file in the Engineering and Resource Protection Division and are available for inspection during normal business hours, should anyone desire to review them.

The Chesapeake Bay Board will hold an advertised public hearing on **Wednesday, July 13, 2016 at 7 p.m.** in the Board Room of Building F, 101 Mounts Bay Road, James City County, Virginia, at which time you may request to speak on the above referenced project.

Sincerely,

Melanie Davis

Melanie Davis
Chesapeake Bay Board Secretary
757-253-6866

cc: William and Lori Trolan

Mailing List for: CBE-16-104 – 4388 Landfall Drive – Trolan - Accessory structures

Owner - 4732400082 - 4388 Landfall Dr

William and Lori Trolan
2795 Melcheser Drive
Oak Hill, VA 20171-2679

Heart's Ease Landscape & Garden Design

Attn: Peggy Krapf
P O Box 711
Toano, VA 23168

4732400081

Agnew and Susan Swynford
4384 Landfall Drive
Williamsburg, VA 23185

4732400083

Kenneth and Patricia Bowen
4392 Landfall Drive
Williamsburg, VA 23185

4732400101 - 4389 Landfall Dr

Michael and Amy Watson
3209 Stoney Creek Drive West
Williamsburg, VA 23185

4732400084 - 4396 Landfall Drive

Herbert and Beverly Spannuth
2517 Nathaniell Powell Rd
Williamsburg, VA 23185

4730100054- Pt Neck of Land

Glenn and Lorena Williams
7405 N Sutherlin Street
Spokane, WA 99208-4946

Landfall at Jamestown Community Association

103 Bulifants Blvd Ste A
Williamsburg, VA 23188-5722



PUBLIC HEARING NOTICE

THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA WILL HOLD PUBLIC HEARINGS **WEDNESDAY JULY 13 2016 AT 7 p.m.** IN THE BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA TO CONSIDER THE FOLLOWING CASES:

CBE-16-103: Donald and Cynthia Pritchard have filed an exception request for encroachment into the RPA buffer for a storage shed at 3633 Bridgewater Drive in the Mill Creek Landing subdivision, JCC Parcel No 3841770006.

CBE-16-104: William and Lori Trolan have filed an exception request for encroachment into the RPA buffer for a garden shed, patio and herb garden at 4388 Landfall Drive in the Landfall at Williamsburg subdivision, JCC Parcel No 4732400082.

CBE-16-106: Charles Taney has filed an exception request for encroachment into the RPA buffer for a retaining wall at 157 Thomas Dale in the Kingsmill subdivision, JCC Parcel No 5030700030.

Appeals from decisions under the Chesapeake Bay Preservation Ordinance may also be heard.

All interested parties are invited to attend the meetings. The applications and plans are on file and may be viewed during normal office hours in the Engineering and Resource Protection Division, 101-E Mounts Bay Road, James City County, Virginia.

NOT FOR PUBLICATION

DISPLAY: WEDNESDAY – June 29, and July 6, 2016.
ACCOUNT NO.: 0011040200 - VIRGINIA GAZETTE

COPIES: PLANNING
ASSISTANT COUNTY ATTORNEY
WETLAND/CHESAPEAKE BAY BOARD MEMBERS

ITEM SUMMARY

DATE: 7/13/2016
TO: Chesapeake Bay Board
FROM: Michael Woolson, Senior Watershed Planner
SUBJECT: CBE-15-105 : 108 Seven Oaks

Mr. Ronald Nervitt has requested an extension to the approved Chesapeake Bay Board exception, which expires on August 12, 2016.

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Approved Resolution August 12, 2015	Backup Material
☐	Applicant Request for extension	Backup Material
☐	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay	Woolson, Michael	Approved	6/22/2016 - 2:39 PM
Chesapeake Bay	Thomas, Scott	Approved	6/23/2016 - 2:36 PM
Publication Management	Boles, Amy	Approved	6/23/2016 - 2:38 PM
Chesapeake Bay	Secretary, ChesBay	Approved	6/27/2016 - 2:06 PM

MEMORANDUM

DATE: July 13, 2016
TO: The Chesapeake Bay Board
FROM: Michael Woolson, Senior Watershed Planner
SUBJECT: Chesapeake Bay Board Exception No. CBE-15-105. 108 Seven Oaks

Mr. Ronald Nervitt is requesting an extension of this exception request, originally issued on August 12, 2015. The exception is for the construction of a single-family dwelling on property located at 108 Seven Oaks in Section 17 of the Ford's Colony at Williamsburg subdivision. Staff concurs with this request with the stipulation that previous Condition Nos. 1-6 be continued and that Condition No. 5 have the new expiration date of July 13, 2017.

MW/ab
CBE-15-105108SevenOaks

RESOLUTION

GRANTING AN EXCEPTION ON JCC RE TAX PARCEL 3130900038

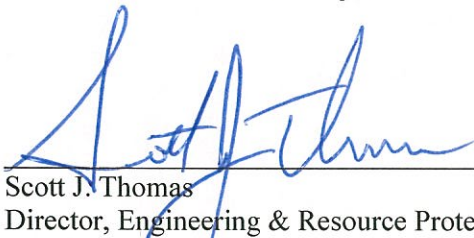
WHEREAS, Ronald A. and Lois S. Nervitt, 101 Stone Bridge Drive Williamsburg, VA (the "Applicant") has applied to the Chesapeake Bay Board of James City County (the "Board") to request an exception to the use of the Resource Protection Area (the "RPA") on a parcel of property identified as JCC RE Tax Parcel 3130900038 and further identified as 108 Seven Oaks in the Ford's Colony subdivision (the "Property") as set forth in the application CBE-15-105 for the purpose of constructing a single family dwelling with a terrace pool; 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 August 12, 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) Design and construction of the onlot runoff reduction/pollutant removal practice proposed shall generally follow micro-scale specifications found in Virginia DEQ Stormwater Design Specifications No. 1 (Rooftop Disconnection), No. 8 (Infiltration), or No. 9 (Bioretention); or alternatively, an equivalent and acceptable published and agreed upon standard for onlot residential practices. Final design/construction information for the practice as labeled on the mitigation plan as "Proposed Rain Garden Area (To Be Designed)" shall be submitted to the Engineering and Resource Protection Division for review and approval prior to installation.

- 3) At the time of building permit application for the single-family residence dwelling, if there is any encroachment into the 25 foot pond buffer/setback, defined as the zone 25 feet landward from the 100-year design high water elevation of the lake (Dam No. 1; County BMP ID Code: PC083; Normal Pool Elevation 48.0; DHW Elevation 50.45), a Pond Buffer/Setback waiver request will need to be submitted, reviewed, and approved by the County in accordance with those specific County program guidelines and procedures.
- 4) A surety of \$4,000 will be required in a form acceptable to the County Attorney's office to guarantee the mitigation plan including canopy tree, understory trees and shrub/ground cover plantings and the onlot rain garden practice.
- 5) This exception request approval shall become null and void if construction has not begun by August 12, 2016.
- 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.


 Scott J. Thomas
 Director, Engineering & Resource Protection


 David Gussman
 Chair, Chesapeake Bay Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 12th day of August 2015.

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 12th DAY OF August 2015 IN THE COMMONWEALTH OF VIRGINIA IN THE COUNTY OF JAMES CITY.


 NOTARY PUBLIC

7014335
 REGISTRATION

MY COMMISSION EXPIRES 12/31/18

MELANIE J. DAVIS
 NOTARY PUBLIC
 REG. #7014335
 COMMONWEALTH OF VIRGINIA
 MY COMMISSION EXPIRES DECEMBER 31, 2018

From: ronaldnervitt [mailto:rnervitt@cox.net]

Sent: Monday, June 20, 2016 1:12 PM

To: Michael Woolson <Michael.Woolson@jamescitycountyva.gov>

Subject: FW: 108 Seven Oaks

Michael, I think the pragmatic thing to do is to go for an extension. There are over 10 homes near our lot in the Waterton area of Fords Colony that are on the market but not selling. Nothing seems to be moving in the price range similar to what we are asking for our current home. Perhaps it's the uncertainty of the upcoming Presidential election that is keeping buyers on the sidelines. We don't want to start a new home until we are certain of selling our current home. We came close over the last few months, but no cigar. All the house plans are done and we are ready to move the process. Hopefully things will clear up. I know we have had a number of false starts and you folks have done a great job trying to accommodate us but we will need to impose on you again. If you have any suggestions please let us know. Ron

RESOLUTION

CASE NO. CBE-15-105. 108 SEVEN OAKS

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE

EXTENSION OF AN EXCEPTION

WHEREAS, Ronald A. and Lois S. Nervitt, (the “Applicant”) has requested an extension of the exception granted by the Chesapeake Bay Board of James City County (the “Board”) on August 12, 2015. The exception request is for encroachment into the Resource Protection Area (the “RPA”) on a parcel of property identified as James City County Real Estate Tax Parcel No. 3130900038 and further identified as 108 Seven Oaks in the Ford’s Colony subdivision (the “Property”) as set forth in the application CBE-16-074 for the purpose of constructing a single-family dwelling with a terrace pool; and

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

NOW, THEREFORE, BE IT RESOLVED that the Chesapeake Bay Board of James City County, Virginia, following a public hearing on August 12, 2015, and pursuant to this request for an extension, 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:
 - a. The applicant must obtain all other necessary federal, state and local permits required for the project; and

- b. Design and construction of the on-lot runoff reduction/pollutant removal practice proposed shall generally follow micro-scale specifications found in Virginia Department of Environmental Quality Stormwater Design Specifications No. 1 (Rooftop Disconnection), No. 8 (Infiltration), or No. 9 (Bioretention); or alternatively, an equivalent and acceptable published and agreed upon standard for on-lot residential practices. Final design/construction information for the practice as labeled on the mitigation plan as "Proposed Rain Garden Area (To Be Designed)" shall be submitted to the Engineering and Resource Protection Division for review and approval prior to installation.
- c. At the time of building permit application for the single-family residence dwelling, if there is any encroachment into the 25-foot-pond buffer/setback, defined as the zone 25 feet landward from the 100-year design high water elevation of the lake (Dam No. 1; County Best Management Practice ID Code: PC083; Normal Pool Elevation 48.0; Design High Water Elevation 50.45), a Pond Buffer/Setback waiver request will need to be submitted, reviewed, and approved by the County in accordance with those specific County program guidelines and procedures.
- d. Surety of \$4,000 will be required in a form acceptable to the County Attorney's office to guarantee the mitigation plan including canopy tree, understory trees and shrub/ground cover plantings and the on-lot rain garden practice.
- e. This exception request approval shall become null and void if construction has not begun by July 13, 2017; and
- f. Written requests for an extension to an exception shall be submitted to the Engineering and Resource Protection Division no later than six-weeks prior to the expiration date.

 David Gussman
 Chair, Chesapeake Bay Board

 Michael Woolson
 Senior Watershed Planner

Adopted by the Chesapeake Bay Board of James City County, Virginia, this ___ day of _____, 20__

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 20__ IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF JAMES CITY.

 NOTARY PUBLIC

MY COMMISSION EXPIRES: _____