

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
November 9, 2016
7:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

1. August 10, 2016 Regular Meeting Minutes
2. From October 12, 2016 Work Session

D. PUBLIC HEARINGS

1. CBE 17-020 : 124 Colonels Way

E. BOARD CONSIDERATIONS

1. CBE-14-041 : Kingsmill Riverwalk
2. CBE-14-051 : Stonehouse Landbay 3
3. 2017 Calendar
4. Election of Officers for 2017

F. MATTERS OF SPECIAL PRIVILEGE

G. ADJOURNMENT

ITEM SUMMARY

DATE: 9/14/2016
TO: Chesapeake Bay Board
FROM: Board Secretary
SUBJECT: August 10,2016 Regular Meeting Minutes

ATTACHMENTS:

	Description	Type
▣	August 10, 2016 Regular Meeting Minutes	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	10/28/2016 - 8:48 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	11/2/2016 - 2:36 PM

MINUTES
JAMES CITY COUNTY CHESAPEAKE BAY BOARD
REGULAR MEETING
County Government Center, Building F
101 Mounts Bay Road, Williamsburg, VA 23185
August 10, 2016
7:00 PM

A. CALL TO ORDER

The Chesapeake Bay Board meeting for August 10, 2016 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 Member Present:

William Apperson - Vice Chair
John Hughes
Larry Waltrip
Charles Roadley
Louis Bott

Absent:

David Gussman

Others Present:

County Staff
(Staff):

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

C. MINUTES

1. Minutes from July 13, 2016 meeting
Approved as written.

D. PUBLIC HEARINGS

1. CBE-17-003: 8797 Pocahontas

Michael Woolson presented the exception request submitted by Vanasse Hangen Brustlin, Inc (VHB) on behalf of Carters Grove Associates, LLC. The exception request was for encroachment into the RPA buffer for installation of an on-site sanitary sewer force main and five pump stations on the property known as Carter's Grove Plantation. Mr. Woolson's presentation described the current site conditions and the proposed project. Staff determined the impacts to be major for the proposed development and recommended approval with the conditions outlined in the Resolution.

Mr. Waltrip asked if this was just a repair and replacement of an existing sewer line.

Mr. Hughes asked if it was just supplying service to existing buildings.

Mr. Woolson said the existing force main would be replaced and additional service provided to other buildings under renovation.

Mr. Bott asked if an exemption for utilities was considered and if any of the pump stations were in the RPA.

Mr. Woolson said that although the application was for a single residence site, this case was unique and because of the extensive nature, staff determined it required a public hearing before this Board. He also stated that none of the pump stations would add impervious cover in RPA.

Mr. Apperson asked what was meant by a 'sitewide' sanitary sewer system.

Mr. Woolson explained that was a description indicating it was more than a single connection.

Mr. Apperson opened the public hearing.

A. Mr. Tim Davis with VHB, further described the impacts in the area of the concrete footbridge and also explained that the existing force main and proposed replacement were actually located closer to the road than indicated by the original drawings.

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

Mr. Hughes made a motion to adopt the resolution granting the exception for Chesapeake Bay Board case CBE-17-003 at 8797 Pocahontas.

A motion to Approve was made by John Hughes, the motion result was:
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Apperson, Hughes, Roadley, Waltrip, Bott

E. BOARD CONSIDERATIONS

None

F. MATTERS OF SPECIAL PRIVILEGE

1. Mr. Woolson informed the Board that Staff would be scheduling a work session to discuss issues regarding affidavits.
2. Mr. Scott Thomas asked the Board if they had any questions pertaining to the 2016 annual report provided in their board packets. The Board had none.

G. ADJOURNMENT

Meeting adjourned at 7:30 pm

William Apperson
Chesapeake Bay Board Vice-Chair

Melanie Davis
Secretary to the Board

ITEM SUMMARY

DATE: 11/9/2016
TO: Chesapeake Bay Board
FROM: Chesapeake Bay Board Secretary
SUBJECT: Minutes from October 12, 2016 Work Session

ATTACHMENTS:

	Description	Type
▣	October 12, 2016 Work Session	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	10/28/2016 - 8:49 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	11/2/2016 - 2:36 PM

MINUTES
JAMES CITY COUNTY CHESAPEAKE BAY BOARD
SPECIAL MEETING
County Government Center, Building F
Work Session Room
101 Mounts Bay Road, Williamsburg, VA 23185
October 12, 2016 7:00 PM

A. CALL TO ORDER

The Chesapeake Bay Board Work Session for October 12, 2016 was called to order.

B. ROLL CALL

Board Members Present:

David Gussman - Chair
Williams Apperson
Larry Waltrip
Charles Roadley
Louis Bott
Roger Schmidt

Absent:

John Hughes

Others Present:

County Staff:

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

C. PRESENTATIONS

1. Possible application for 3 West Circle

Michael Woolson gave a brief explanation of the previous Chesapeake Bay and Wetlands cases associated with this parcel.

Mr. David Stemann with Stemann Pease Architecture gave a presentation on the proposed development of this site in order to receive feedback from the Board, for concerns they might have before the project design is completed and presented at a public hearing.

2. Use of affidavits as permit conditions.

Board members and Staff discussed the use of affidavits and determined that based on Sec. 23-14(c) and Sec 23-17(c) of the County Ordinance, it is a valid condition for exception approval. The Board will consider an affidavit condition by vote, as needed, on a case-by-case decision.

D. ADJOURNMENT

Meeting adjourned at 8:30 pm

David Gussman
Chesapeake Bay Board Chair

Melanie Davis
Secretary to the Board

ITEM SUMMARY

DATE: 11/9/2016
TO: Chesapeake Bay Board
FROM: Michael Woolson, Senior Watershed Planner
SUBJECT: 124 Colonels Way

Mr. and Mrs. Faiferlick are requesting an exception tot he Chesapeake Bay Ordinance for the installation of a retaining wall.

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Site Plan	Backup Material
▣	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	11/2/2016 - 11:32 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	11/2/2016 - 2:39 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBE-17-020. 124 Colonels Way
Staff report for the November 9, 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: Chris and Lynn Faiferlick

Agent: Matt Roth, Roth Environmental

Location: 124 Colonels Way

Tax Map/Parcel No.: 5030300028

Parcel: Tutter's Neck, Lot 28, Kingsmill on the James

Lot Size: 0.76 acre

Area of Lot in Resource Protection Area (RPA): 0.47 acres +/- (62%)

Watershed: College Creek (HUC Code JL34)

Floodplain: Zone AE, base flood elevation 7-foot msl.

Proposed Activity: Construction of a retaining wall for safety purposes and foundation stability

Impervious Cover: Approximately 80-square-feet

RPA Encroachment: Seaward 50-foot RPA

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

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Matt Roth, Roth Environmental, on behalf of Chris and Lynn Faiferlick, has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the installation of a retaining wall on property known as 124 Colonels Way in the Kingsmill on the James subdivision, within the College Creek watershed. The property is further identified as James City County Tax Map Parcel No. 5030300028. The parcel was platted prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990. The house was built in 1985.

The existing topography drops significantly from the existing walkway behind the house. The proposed retaining wall is approximately 20 feet from the rear of the house and will provide a small, level area behind the house for a small yard. The proposed mitigation for this work includes a bio-retention basin. The basin is proposed to be planted with four shrubs, with an additional seven shrubs planted between the basin and the wetlands. The only portion of this project to have turf grass, is the area between the proposed wall and the existing house. All disturbed areas below the wall will be stabilized with mulch.

STAFF EVALUATION

Staff has evaluated the application and exception request for the construction of the retaining wall and associated grading and finds that the application has met the conditions in Sections 23-11 and 23-14 and that the application should be heard by the Board because the retaining wall is considered an accessory structure. Therefore, this 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 submitted the required information as outlined in the *James City County Water Quality Impact Assessment Guidelines* and has submitted a mitigation proposal.

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-17-020 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 minor 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 and permissions as required for the project; and
2. A surety of \$1,000 in a form acceptable to the County Attorney's office to guarantee the construction of the bio-retention basin and mitigation plantings; and
3. This exception request approval shall become null and void if construction has not begun by November 9, 2017; and
4. Written requests for an extension to an exception shall be submitted to the Engineering & Resource Protection Division no later than six weeks prior to the expiration date.

MW/kb
CBE-17-020ColonelsWay

Attachments:

1. Water Quality Impact Assessment Package
2. Site Plan

GENERAL NOTES

1. THIS PLAT WAS PRODUCED WITHOUT THE BENEFIT OF A TITLE REPORT AND REFLECTS ONLY THOSE ENCUMBRANCES, EASEMENTS AND SETBACKS AS SHOWN IN P.B. 34, PG. 85-86.
2. ELEVATION SHOWN HEREON ARE IN FEET AND ARE RELATIVE TO JAMES CITY COUNTY GIS.
3. WETLANDS WERE LOCATED BY ROTH ENVIRONMENTAL.
4. THIS FIRM MADE NO ATTEMPT TO LOCATE UNDERGROUND UTILITIES.
5. PARCEL LIES IN F.I.R.M. ZONES "X" & "AE (7)" ACCORDING TO COMMUNITY PANEL #51095C0206D, DATED DECEMBER 16, 2015.
6. LOT SERVED BY PUBLIC WATER AND SEWER.
7. CONTRACTOR SHALL PROVIDE POSITIVE DRAINAGE AWAY FROM BUILDINGS SHOWN HEREON.
8. TOPOGRAPHIC DATA AS SHOWN IS BASED ON A PARTIAL FIELD SURVEY.
9. FOUNDATION DESIGNED USING "SC" SOIL CLASSIFICATION FROM THE USDA WEB SOIL SURVEY. (WSS)
10. FOOTER EXCAVATION TO BE INSPECTED BY ENGINEER FOR COMPACTION BEFORE PLACEMENT OF STONE.

SITE INFORMATION

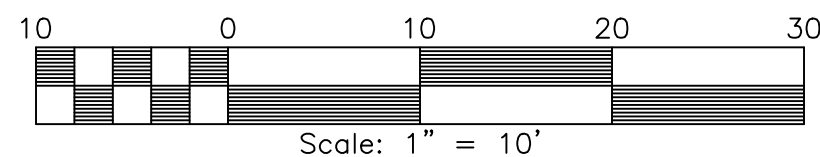
LOT NUMBER 28, TUTTER'S NECK
KINGSMILL
TOTAL AREA: 33,166 S.F. / 0.761 AC.
PARCEL ID: 5030300028
ZONING DISTRICT: R4 RESIDENTIAL PLANNED COMMUNITY
PROPERTY IS PARTIALLY LOCATED WITHIN THE RPA.

EXISTING ADDRESS:

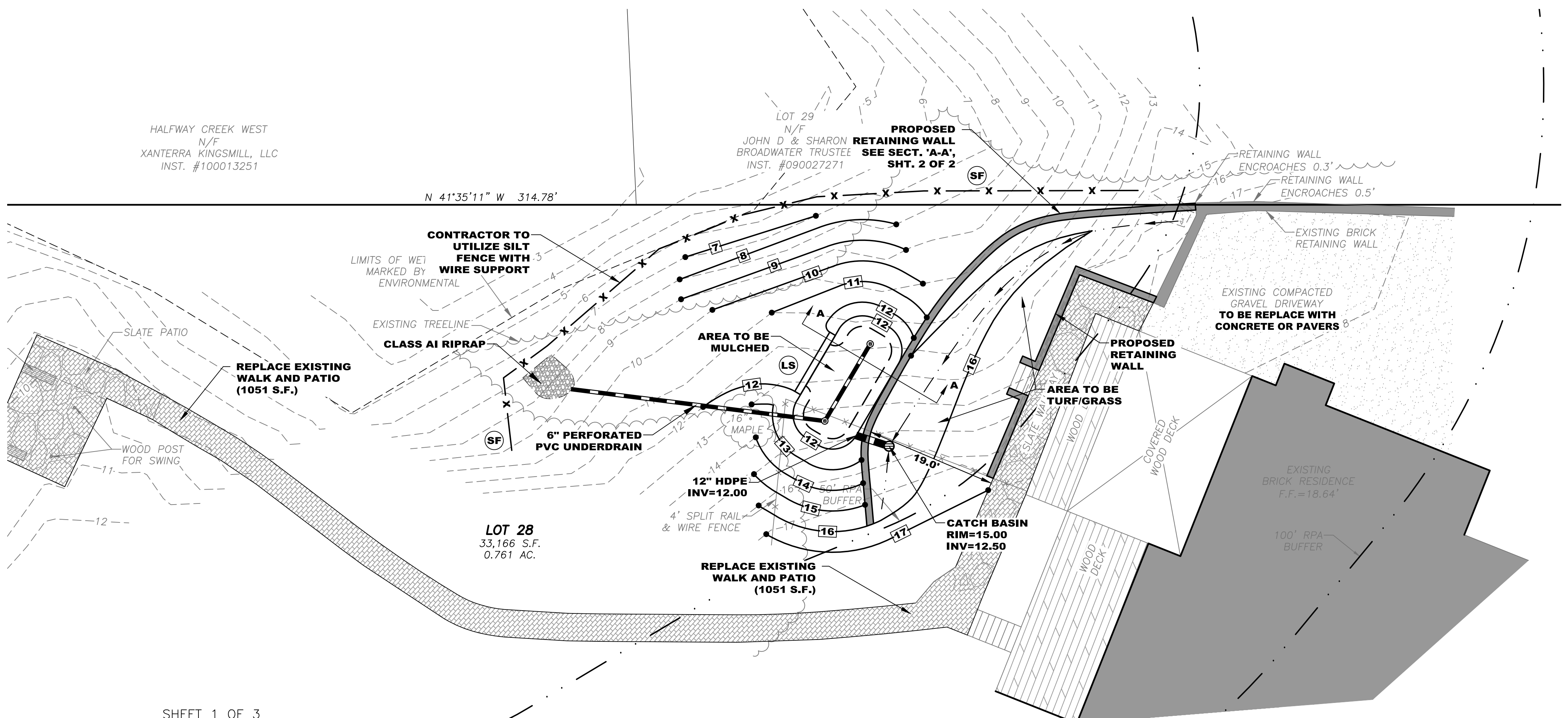
124 COLONEL'S WAY
WILLIAMSBURG, VIRGINIA

CONSTRUCTION STATISTICS:

IMPERVIOUS AREA: 10,306 S.F. / 0.237 AC. (EXISTING)
GRASS/WOODS AREA: 10,016 S.F. / 0.230 AC. (EXISTING)
TOTAL DRAINAGE AREA: 20,323 S.F. / 0.467 AC. (EXISTING)



RECORD MERIDIAN
P.B. 34, P.G. 86

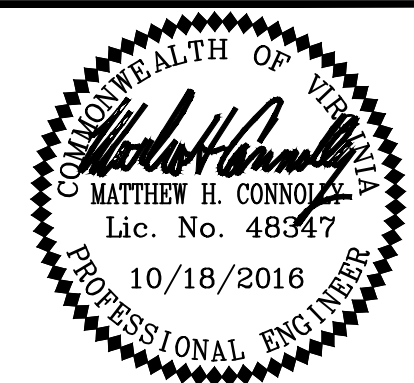


HALFWAY CREEK WEST
N/F
XANTERRA KINGSMILL, LLC
INST. #100013251

LOT 29
N/F
JOHN D & SHARON
BROADWATER TRUSTEE
INST. #090027271

N 41°35'11" W 314.78'

SHEET 1 OF 3



DATE: 10/18/2016
DRAWN BY: CMH
PROJECT No. 16-196
FILE NAME: 16-196.dwg

RETAINING WALL PLAN OF
LOT 28, TUTTER'S NECK,
KINGSMILL
FOR
ULTIMATE HARDSCAPES
JAMES CITY COUNTY VIRGINIA

NO.	DATE	REVISION / COMMENT / NOTE

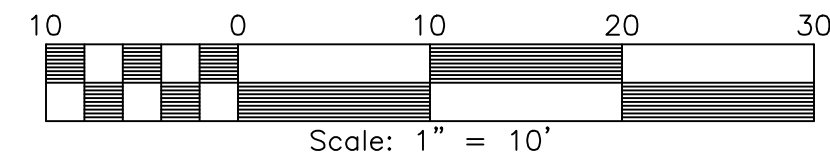
LRI
LANDTECH
RESOURCES, INC.
ENGINEERING • SURVEYING • GPS
3925 Midlands Road Williamsburg, VA 23188
Ph: (757) 565-1677 Fax: (757) 565-0782
web: landtechresources.com

MITIGATION NOTES NOTES

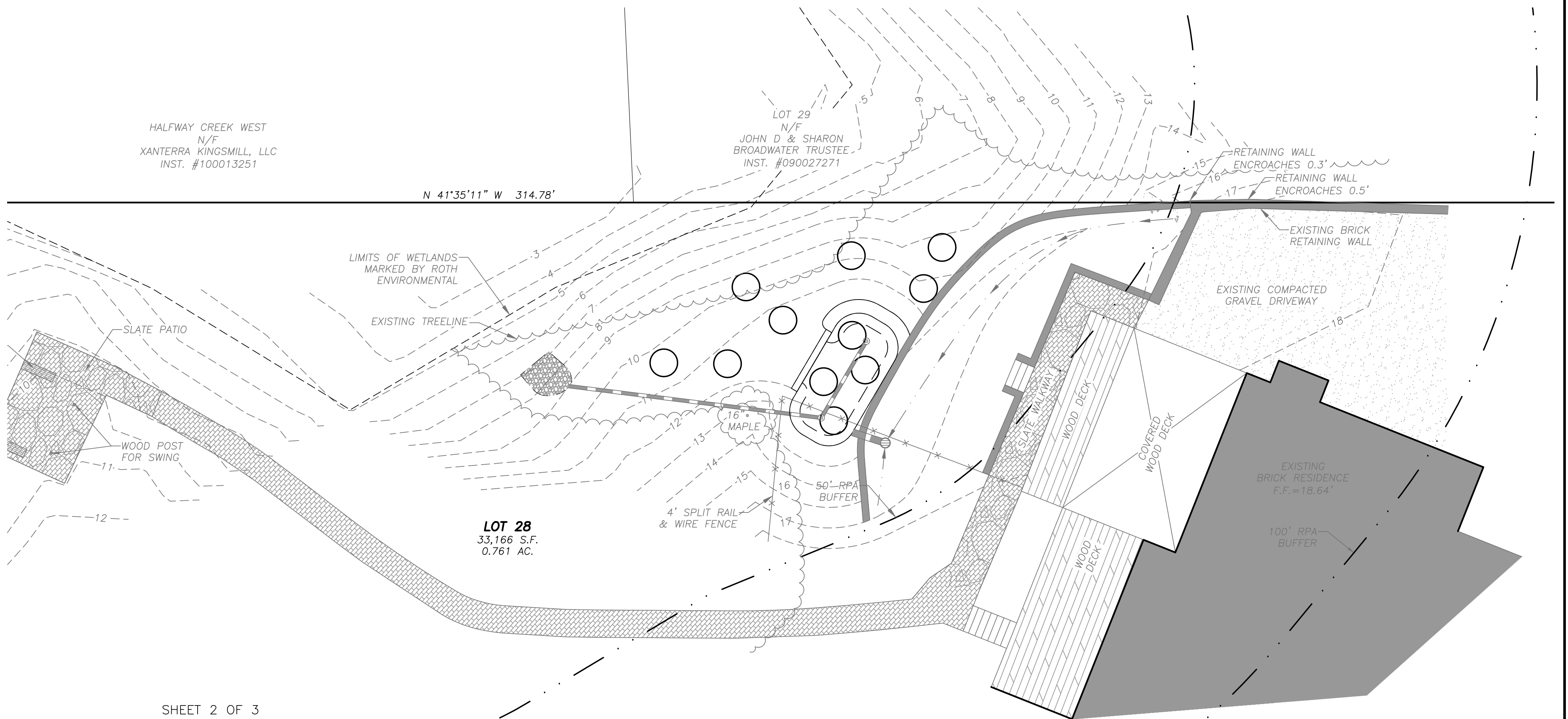
- CONTRACTOR TO PLANT 11 WINTERBERRY SHRUBS (ILEX VERTICILLATA)

LEGEND

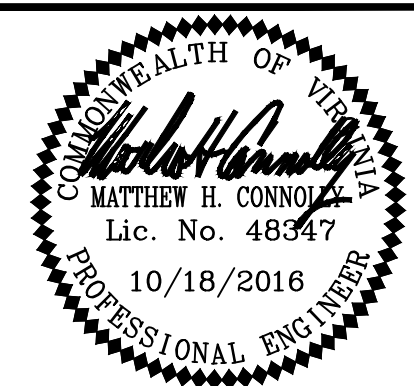
○ SHRUB



RECORD MERIDIAN
P.B. 34, P.G. 86



SHEET 2 OF 3



DATE: 10/18/2016
 DRAWN BY: CMH
 PROJECT No. 16-196
 FILE NAME: 16-196.dwg

RETAINING WALL PLAN OF
 LOT 28, TUTTER'S NECK,
 KINGSMILL
 FOR
 ULTIMATE HARDSCAPES

JAMES CITY COUNTY VIRGINIA

NO.	DATE	REVISION / COMMENT / NOTE

LRI
LANDTECH
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 ENGINEERING • SURVEYING • GPS

3925 Midlands Road Williamsburg, VA 23188
 Ph: (757) 565-1677 Fax: (757) 565-0782
 web: landtechresources.com

GENERAL NOTES

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4. THIS FIRM MADE NO ATTEMPT TO LOCATE UNDERGROUND UTILITIES.
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7. CONTRACTOR SHALL PROVIDE POSITIVE DRAINAGE AWAY FROM BUILDINGS SHOWN HEREON.
8. TOPOGRAPHIC DATA AS SHOWN IS BASED ON A PARTIAL FIELD SURVEY.
9. FOUNDATION DESIGNED USING "SC" SOIL CLASSIFICATION FROM THE USDA WEB SOIL SURVEY. (WSS)
10. FOOTER EXCAVATION TO BE INSPECTED BY ENGINEER FOR COMPACTION BEFORE PLACEMENT OF STONE.

EROSION & SEDIMENT CONTROL NOTES

ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE "VIRGINIA EROSIONS AND SEDIMENT CONTROL HANDBOOK 1992 THIRD EDITION". THE CONTRACTOR SHALL BE THOROUGHLY FAMILIAR WITH ALL APPLICABLE MEASURES CONTAINED THEREIN WHICH MAY BE PERTINENT TO THIS PROJECT.

SITE INFORMATION

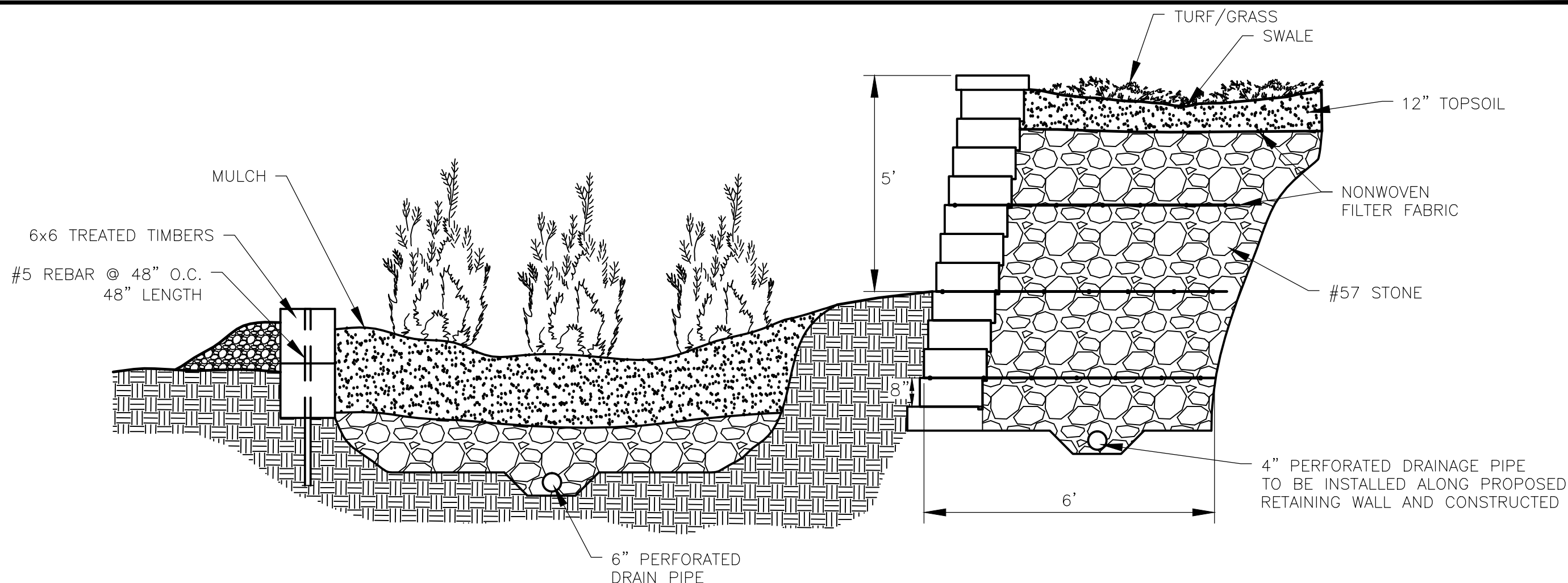
LOT NUMBER 28, TUTTER'S NECK
KINGSMILL
TOTAL AREA: 33,166 S.F. / 0.761 AC.
PARCEL ID: 5030300028
ZONING DISTRICT: R4 RESIDENTIAL PLANNED COMMUNITY
PROPERTY IS PARTIALLY LOCATED WITHIN THE RPA.

EXISTING ADDRESS:

124 COLONEL'S WAY
WILLIAMSBURG, VIRGINIA

CONSTRUCTION STATISTICS:

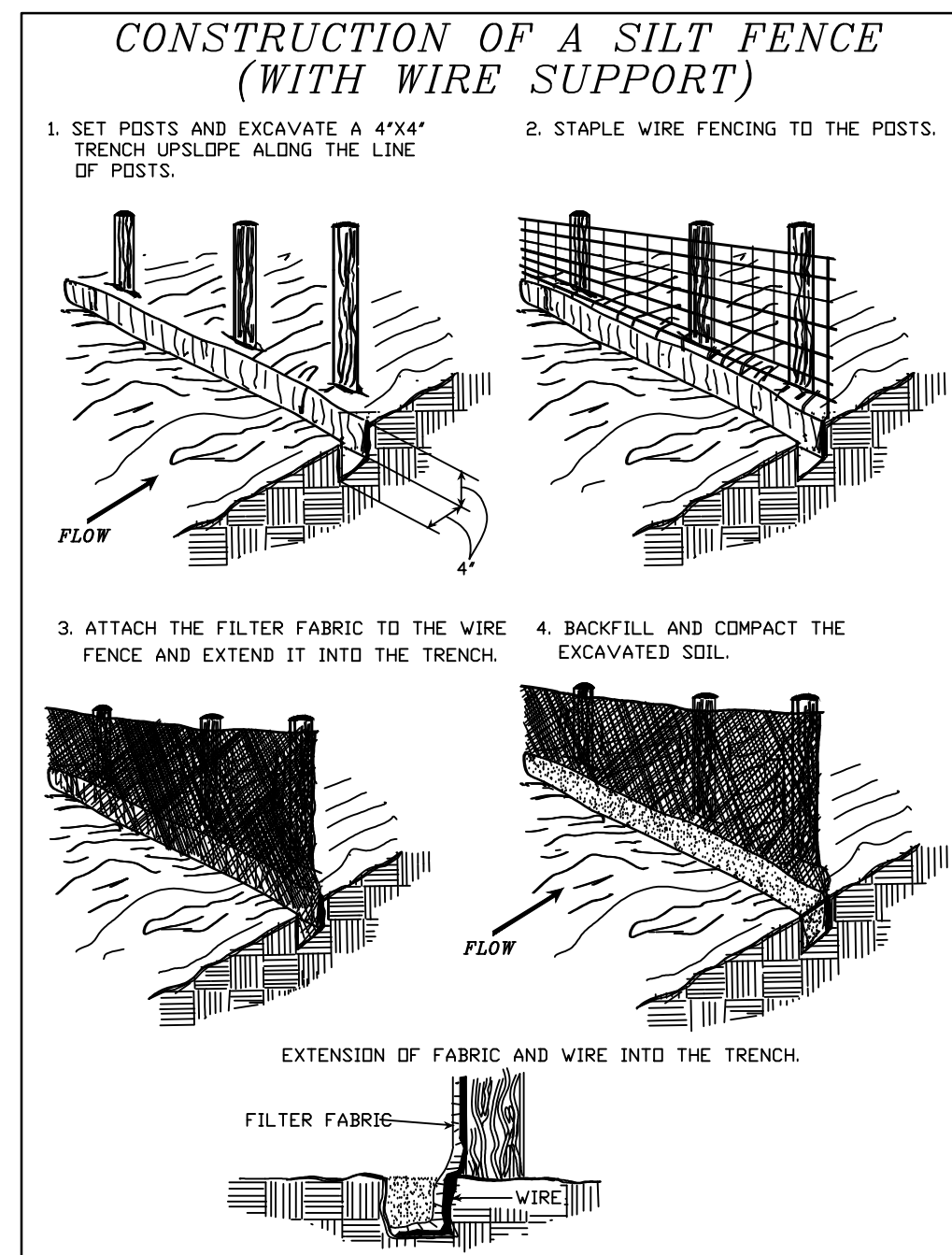
IMPERVIOUS AREA: 10,306.44 S.F. / 0.237 AC. (EXISTING)
GRASS/WOODS AREA: 10,016.70 S.F. / 0.230 AC. (EXISTING)
TOTAL DRAINAGE AREA: 20,323.14 S.F. / 0.467 AC. (EXISTING)



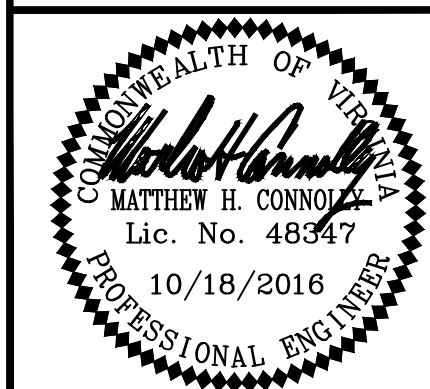
SECTION 'A-A'
SCALE: N.T.S.



SITE DRAINAGE AREA MAP
SCALE: N.T.S.



SOURCE: Adapted from Installation of Straw and Fabric Filter Barriers for Sediment Control, Sherwood & Hyatt. PLATE 3.05-1



DATE: 10/18/2016
DRAWN BY: CMH
PROJECT No. 16-196
FILE NAME: 16-196.dwg

RETAINING WALL PLAN OF
LOT 28, TUTTER'S NECK,
KINGSMILL
FOR
ULTIMATE HARDSCAPES

JAMES CITY COUNTY

VIRGINIA

NO.	DATE	REVISION / COMMENT / NOTE



RESOLUTION

CASE NO. CBE-17-020. 124 COLONELS WAY

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Matt Roth of Roth Environmental, on behalf of Chris and Lynn Faiferlick (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on November 9, 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. 5030300028 and further identified as 124 Colonels Way in the Kingsmill subdivision (the “Property”) as set forth in the application CBE-17-020 for the purpose of constructing a retaining wall; and

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

NOW, THEREFORE, 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 \$1,000 will be required, in a 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 November 9, 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 9th day of November, 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-17-020-124ColonelsWay-res

ITEM SUMMARY

DATE: 11/9/2016
TO: Chesapeake Bay Board
FROM: Michael Woolson, Senior Watershed Planner
SUBJECT: Xanterra Kingsmill Riverwalk

Mr. Kevin Kolda, VP Maintenance and Engineering, Kingsmill Resort, has requested a two-year extension to the approved Chesapeake Bay Board exception, which expires on November 13, 2016.

ATTACHMENTS:

	Description	Type
▣	Extension Request 2016	Backup Material
▣	Orginal Staff Report	Backup Material
▣	Exception Granted 2013	Backup Material
▣	Extension Request 2014	Backup Material
▣	Extension Granted 2014	Backup Material
▣	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	10/31/2016 - 1:44 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	11/2/2016 - 2:45 PM

MEMORANDUM

Date: November 9, 2016
To: The Chesapeake Bay Board
From: Michael D. Woolson, Senior Watershed Planner
Subject: CBE-14-041. Xanterra Kingsmill Riverwalk

Mr. Kevin Kolda, of Kingsmill Resort, on behalf of Xanterra, is requesting an extension to CBE-14-041, originally issued on November 13, 2013. A two-year extension request was asked and granted on November 13, 2014. That approval extended the expiration date to November 13, 2016, with all of the original permit conditions still valid. The applicant is again requesting a two-year extension to the exception request due to logistical problems associated with funding the project.

Staff concurs with this request, with the stipulation that all permit conditions, except for the expiration date, be reauthorized and that the new date of expiration be November 13, 2018.

MDW/kb
CBE-14-041XanterraKM-mem

Chesapeake Bay Exception CBE-14-041: Xanterra Kingsmill Riverwalk

Staff report for the November 13, 2013 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 in making a recommendation on this assessment. It may be useful to members of the general public interested in this assessment.

Existing Site Data & Information

Applicant: Stephen Quina, Timmons Group on behalf of Xanterra Kingsmill

Location: 1000 Kingsmill Road

PIN: 5040100001

Lot Size/Zoning: 230 ac. +/-; R4 Residential Planned Community

Area of Lot in RPA: 36 ac +/- (16%)

Watershed: James River, HUC Code JL35

Proposed Activity: Concrete and asphalt multiuse path, timber steps, stone retaining walls, gravel golf cart parking spaces, and a wooden pier and boardwalk

Proposed Impacts

Impervious Cover: Approximately 33,262 sq. ft. (0.76 ac.)
291 sq. ft. retaining walls
360 sq. ft. asphalt path
390 sq. ft. wooden steps
500 sq. ft. gravel parking
20,771 sq. ft. concrete multiuser path
10,950 sq. ft. wooden boardwalk and pier

RPA Encroachment: Approximately 22,312 sq. ft. (0.51 ac.) in RPA buffer
Approximately 10,950 sq. ft. (0.25 ac.) in RPA (James River)

Brief Summary and Description of Activities

Mr. Stephen Quina of the Timmons Group, on behalf of Mr. Kevin Kolda of Xanterra Kingsmill, has applied for an exception to the Chesapeake Bay Preservation Ordinance (Ordinance) for encroachments into the RPA and RPA buffer for the installation of an asphalt and concrete multiuse path, wooden steps, retaining walls, gravel parking, and a wooden boardwalk and pier. The

shoreline was previously stabilized with a defensive riprap revetment structure permitted under W-04-98. In the design of that stabilization project, a 20 foot wide maintenance bench was created along a portion of the shoreline. The stated purpose of this project is to develop passive recreational facilities along the Kingsmill Resort's waterfront for accessibility by resort guests and club members. These passive recreational facilities consist of a boardwalk, pier, multiuse path for golf carts, bicycles, and pedestrians, and a pedestrian only path.

The project proposes to mitigate for the upland disturbances by revegetating the grassy slope with a combination of trees and shrubs in the amount of 49 planting units (1 canopy tree, 2 understory trees, and 3 shrubs per planting unit). The project also proposes to mitigate the landward impervious cover with a series of dry swale BMP's that capture and filter the first flush of runoff coming off of the multiuse path. An additional component of this project is to encompass the mitigation requirements for RPA impacts that were realized with the development of the Cottages on the James project and the removal of the former par 3 golf course. This requires an additional 18 planting units. The project meets the County mitigation requirements.

Staff Evaluation

The stated purpose of the project is to develop passive recreational facilities along the waterfront of the resort with the multiuser path accessible to golf carts, bicycles, and pedestrians. The James City County Chesapeake Bay Preservation Ordinance, under Section 23-13 (c), does allow for exemptions for passive recreational facilities such as boardwalks, trails, and pathways. However, State guidance documents developed to specifically address this issue states that the term passive implies low impact and minimum disturbance to natural areas and that a locality shall not grant an *exemption* for a project that includes the installation of excessive amounts of impervious cover (more than necessary at afford relief), proposes excessive land disturbance, or the removal of a significant amount of buffer vegetation. Furthermore, the guidance document goes on to state that passive recreation does not include the use of motorized vehicles such as golf carts, structures such as gazebos and piers or any activity that causes significant vegetation loss or involves the installation of excessive amounts of impervious cover (*Riparian Buffers Modification & Mitigation Guidance Manual, Chesapeake Bay Local Assistance Department, September 2003, Chapter 4, Passive Recreation Facilities Exemption*). Staff believes that the RPA encroachments could be minimized by placing the majority of the multiuse trail outside (landward) of the RPA at the edge of the upper slope and the boardwalk to the edge of existing riprap, landward of the James.

Staff has evaluated the application and exception request for all work as described above. The proposal is for passive recreational facilities (multiuse path, boardwalk, and pier) and appurtenant structures (gravel parking and retaining walls). Staff considers this application to not be in compliance with Section 23-13 (c), Exemptions for Resource Protection Areas, because the activity is not passive recreation as defined previously, the activity could be located further outside of the RPA, and there is excessive land disturbance and impervious cover. Staff finds that the application has met the conditions in Sections 23-11 and 23-14, and that the application should be heard by the Board because these items are accessory structures, do not fall under passive recreation, and/or are excessive in nature. Therefore, the exception request must be considered by the Board following public hearing under the formal exception process. The exception request before the board, and decision to approve or deny by resolution, is for encroachment into the RPA buffer for the construction of the above stated improvements.

Water Quality Impact Assessment (WQIA)

Under Sections 23-11 and 23-14 of the County's Chesapeake Bay Preservation ordinance, a water quality impact assessment (WQIA) must be submitted for any proposed land disturbing activity resulting from development or redevelopment within RPAs.

The applicant has submitted the required information as outlined in the *James City County Water Quality Impact Assessment Guidelines*. The applicant has submitted a County *Sensitive Area Activity Application* and has explained the project in great detail in the various attachments.

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 of the County's Chesapeake Bay Preservation ordinance. The Chesapeake Bay Board is to fully consider Chesapeake Bay Exception CBE-14-041 as outlined and presented above and review the request for exception and the water quality impact assessment. The Board may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of the County's Chapter 23 Chesapeake Bay Preservation Ordinance. Resolutions for granting approval or granting denial of Chesapeake Bay Exception CBE-14-041 are included for the Board's use and decision.

Staff Recommendations

Staff has reviewed the application and exception request and has determined impacts associated with the proposal to be **severe** for the proposed development. Staff recommends the Chesapeake Bay Board approve this Chesapeake Bay Exception with the following conditions applied:

1. The applicant must obtain all other necessary federal, state and local permits as required for the project; and
2. Full implementation of siteplan SP-0086-2013, once approved by the various county agencies; and
3. Surety of \$50,000 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 November 13, 2014; and
5. Written requests for an extension to an exception shall be submitted to the Engineering and Resource Protection Division no later than 6 weeks prior to the expiration date.

Staff Report prepared by:

Michael Woolson
Senior Watershed Planner

CONCUR:

Scott J. Thomas, Director
Engineering and Resource Protection

Attachments: Water Quality Impact Assessment Package

RESOLUTION

GRANTING AN EXCEPTION ON JCC RE TAX PARCEL NO. 5040100001

WHEREAS, Mr. Stephen Quina with the Timmons Group on behalf of Kevin Kolda with Xanterra Kingsmill, LLC (the "Applicant"), has appeared before the Chesapeake Bay Board of James City County (the "Board") on November 13, 2013 to request an exception to the use of the Resource Protection Area (the "RPA") on a parcel of property identified as JCC RE Tax Parcel No. 5040100001 and further identified as 1000 Kingsmill Road in the Kingsmill subdivision (the "Property") as set forth in the application CBE-14-041 for the purpose of installing an asphalt and concrete multiuse path, wooden steps, retaining walls, gravel parking, and a wooden boardwalk and pier; and

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

NOW, THEREFORE, following a public hearing, the Chesapeake Bay Board of James City County by a majority vote of its members FINDS that:

1. The exception request is the minimum necessary to afford relief.
2. Granting the exception will not confer upon the Applicant any special privileges denied by Chapter 23, Chesapeake Bay Preservation, of the James City County Code, to other property owners similarly situated in the vicinity.
3. The exception request will be in harmony with the purpose and intent of Chapter 23 of the James City County Code, and is not of substantial detriment to water quality.
4. The exception request is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels.
5. Reasonable and appropriate conditions are hereby imposed, as set forth below, which will prevent the exception request from causing a degradation of water quality.
6. In granting this exception, the following conditions are hereby imposed to prevent this exception request from causing degradation of water quality:
 - 1) **The applicant must obtain all other necessary federal, state, and local permits as required for the project.**
 - 2) **Full implementation of siteplan SP-0086-2013, once approved by various County agencies.**
 - 3) **A surety of \$50,000 will be required in a form acceptable to the County Attorney's office to guarantee the mitigation plantings.**

- 4) This exception request approval shall become null and void if construction has not begun by November 13, 2014.
- 5) Written requests for an extension to an exception shall be submitted to the Engineering and Resource Protection Division no later than 6 weeks prior to the expiration date.

Michael Woolson
Michael Woolson
Senior Watershed Planner

David Gussman
David Gussman
Chair, Chesapeake Bay Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 13th day of November 2013.

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 13th DAY OF November 2013 IN THE COMMONWEALTH OF VIRGINIA IN THE COUNTY OF JAMES CITY.

Melanie J. Davis
NOTARY PUBLIC

7014335
REGISTRATION

MY COMMISSION EXPIRES 12/31/14

MELANIE J. DAVIS
NOTARY PUBLIC
REG. #7014335
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES DEC. 31, 2014

MEMORANDUM

Date: November 13, 2014

To: The Chesapeake Bay Board

From: Michael D. Woolson, Senior Watershed Planner

Subject: Extension – CBE-14-041
Kingsmill Riverwalk

Mr. Kevin Kolda of Kingsmill Resort, on behalf of Xanterra, requested an extension to CBE-14-041 on October 8, 2014. This exception expires on November 13, 2014. The request does not meet the deadline for such requests as outlined in the approved exception. The reasoning for the six week notification is so that the exception does not expire before it can be brought back before this Board for an extension request. In this case, the original approval expires tonight, therefore has not expired before this Board can act upon the request. The applicant is requesting a two-year extension to this exception due to logistical problems associated with the funding of this project and plans to have the project started within the next two years. All permit conditions required within the original approval for CBE-14-041 shall apply to the permit extension, with the exception of the expiration date, which shall be November 13, 2016. Staff concurs with this request and recommends that the Chesapeake Bay Board extend the expiration date to November 13, 2016.

RESOLUTION

GRANTING AN EXTENSION OF AN EXCEPTION 5040100001

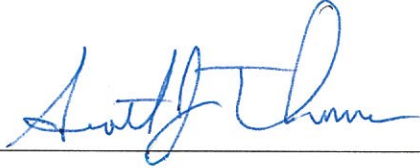
WHEREAS, Kevin Kolda with Xanterra Kingsmill, LLC (the "Applicant") has requested an extension of the exception granted by the Chesapeake Bay Board of James City County (the "Board") on November 13, 2013. The exception request is for use of the Resource Protection Area (the "RPA") on a parcel of property identified as JCC RE Tax Parcel No. 5040100001 and further identified as 1000 Kingsmill Road in the Kingsmill subdivision (the "Property") as set forth in the application CBE-14-041 for the purpose of installing an asphalt and concrete multiuse path, wooden steps, retaining walls, gravel parking, and a wooden boardwalk and pier; and

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

NOW, THEREFORE, having conducted a public hearing on November 13, 2013, and pursuant to the current request for an extension, the Chesapeake Bay Board of James City County by a majority vote of its members FINDS that:

1. The exception request is the minimum necessary to afford relief.
2. Granting the extension will not confer upon the Applicant any special privileges denied by Chapter 23, Chesapeake Bay Preservation, of the James City County Code, to other property owners similarly situated in the vicinity.
3. The exception request will be in harmony with the purpose and intent of Chapter 23 of the James City County Code, and is not of substantial detriment to water quality.
4. The exception request is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels.
5. Reasonable and appropriate conditions are hereby imposed, as set forth below, which will prevent the exception request from causing a degradation of water quality.
6. In granting this exception, the following conditions are hereby imposed to prevent this exception request from causing degradation of water quality:
 - 1) The applicant must obtain all other necessary federal, state, and local permits as required for the project.
 - 2) Full implementation of site plan SP-0086-2013, once approved by various County agencies.

- 3) A surety of \$50,000 will be required in a form acceptable to the County Attorney's office to guarantee the mitigation plantings.
- 4) This exception request approval shall become null and void if construction has not begun by November 13, 2016.
- 5) Written requests for an extension to an exception shall be submitted to the Engineering and Resource Protection Division no later than 6 weeks prior to the expiration date.



Scott J. Thomas
Director, Engineering
and Resource Protection



David Gussman
Chair, Chesapeake Bay Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 13
day of November 2014

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 13th DAY OF
November 20 14 IN THE COMMONWEALTH OF VIRGINIA IN THE COUNTY OF
JAMES CITY.


NOTARY PUBLIC

MY COMMISSION EXPIRES 12/31/18.

7014335
REGISTRATION

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

RESOLUTION

CASE NO. CBE-14-041. XANTERRA KINGSMILL RIVERWALK

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE

EXTENSION OF AN EXCEPTION

WHEREAS, Kevin Kolda with Xanterra Kingsmill, LLC (the “Applicant”) has requested an extension of the exception granted by the Chesapeake Bay Board of James City County (the “Board”) on November 13, 2013. The exception request is for use of the Resource Protection Area (the “RPA”) on a parcel of property identified as James City County Real Estate Tax Parcel No. 5040100001 and further identified as 1000 Kingsmill Road in the Kingsmill subdivision (the “Property”) as set forth in the application CBE-14-041 for the purpose of installing an asphalt and concrete multiuse path, wooden steps, retaining walls, gravel parking and a wooden boardwalk and pier; 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 November 13, 2013, a 2 year extension granted on November 13, 2014, 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.
 - b. Full implementation of site plan SP-0086-2013, one approved by various County agencies.
 - c. A surety of \$50,000 will be required in a form acceptable to the County Attorney’s office to guarantee the mitigation plantings.
 - d. This exception request approval shall become null and void if construction has not begun by November 13, 2018.

- 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 9th day of _____
November 2016.

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: _____

CBE14-041Ext-XanterraKingsmillRiverwalk-res

ITEM SUMMARY

DATE: 11/9/2016
TO: Chesapeake Bay Board
FROM: Michael Woolson, Senior Watershed Planner
SUBJECT: Stonehouse Landbay 3 sanitary sewer

Mr. Curtis Hickman, Kerr Environmental, has requested an extension to approved CBE-14-051, Stonehouse Landbay 3 for the installation and maintenance of a sanitary sewer system.

ATTACHMENTS:

	Description	Type
▣	Extension Request 2016	Backup Material
▣	Original Staff Report	Backup Material
▣	Exception Granted 2013	Backup Material
▣	Extension Request 2014	Backup Material
▣	Extension Granted 2014	Backup Material
▣	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	10/31/2016 - 1:56 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	11/2/2016 - 2:45 PM

MEMORANDUM

DATE: November 9, 2016
TO: The Chesapeake Bay Board
FROM: Michael D. Woolson, Senior Watershed Planner
SUBJECT: CBE-14-051. Stonehouse, Landbay 3, Sanitary Sewer

Mr. Curtis Hickman, Kerr Environmental, is requesting an extension of this exception request, originally issued on December 11, 2013. A two-year extension request was asked for and granted on November 13, 2014. That approval extended the expiration date to December 11, 2016, with all of the original permit conditions still valid. The applicant is again requesting a two-year extension to the exception request, due to logistical problems associated with funding the project.

Staff concurs with this request, with the stipulation that all permit conditions, except for the expiration date, be reauthorized and the new date of expiration be December 11, 2018.

MDW/nb
CBE14-051Stonehouse-mem

Chesapeake Bay Exception CBE-14-051: Stonehouse - Land Bay 3

Staff report for the December 11, 2013 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 in making a recommendation on this assessment. It may be useful to members of the general public interested in this assessment.

Existing Site Data & Information

Applicant: Mr. Mike Etchemendy, Greenfield Partners, LLC

Location: 9235 Fieldstone Parkway, Toano, Virginia 23168
Pin: 0440100029: GS Stonehouse owner

9340 Fieldstone Parkway, Toano, Virginia 23168
Pin: 0440200002: 2J Investments LLC, owner

9315 Fieldstone Parkway, Toano, Virginia 23168
Pin: 0440100033: 2J Investments, LLC owner

9683 Mill Pond Run, Toano, Virginia 23168
Pin: 0530100017: The Association at Stonehouse, Inc. owner
(Homeowners Association)

Parcel Size/Zoning: 41 +/- acres, PUD Residential and PUD Commercial

Percent of Parcels in RPA: 34% (14 +/- acres)

Watershed: Ware Creek, HUC Code YO62

Proposed Activity: Gravity sanitary sewer trunk line and permanent maintenance easement

Proposed Impacts

Sanitary Sewer RPA Encroachments:

Permanent encroachment:	24,004 square feet (0.55 ac.)
Temporary encroachment:	16,266 square feet (0.37 ac.)
Total:	40,270 square feet (0.92 ac.)

Brief Summary and Description of Activities

Kerr Environmental, on behalf of Greenfield Partners, has applied for an exception to the Chesapeake Bay Preservation Ordinance (Ordinance) for encroachments into the RPA buffer for the installation of a gravity sanitary sewer and permanent maintenance easement. The submitted Water Quality Impact Assessment contains information pertaining to both administrative and Board action. The impacts associated with the BMPs, specifically sections 3.1.2, 3.1.3, and 3.1.4, require administrative approval due to the fact that they are either water dependent features, routine maintenance of BMPs, and/or alterations or improvements to an existing BMP structure that does not degrade the quality of surface water discharge. The impacts associated with the sanitary sewer require Board approval as they are not built by a public service authority. The remainder of this staff report will discuss the proposed sanitary sewer impacts.

The Stonehouse development received a US Army Corps of Engineers permit to construct a sanitary sewer pump station and associated sewer lines (2,300 linear feet) in 1997. The pump station and approximately 1,030 lf of sewer lines have been constructed to date and the original permit has expired. Furthermore, the Stonehouse development has undergone several changes in ownership during this time as well. Several options have been pursued in the design of this land bay and the current layout is the one chosen by the owner to present to the various agencies for their respective permits. The subdivision plan for Land Bay 3 has been approved by the County under plan number S-048-08.

On December 9, 2009, the Chesapeake Bay Board approved an exception (CBE-10-032) for encroachment into (and) the use of the RPA for impacts associated with the installation of a gravity sewer line and permanent maintenance easement. On or about February 25, 2010, it was discovered by the applicant that there was an error in the approved WQIA between what was shown on the plan sheet for mitigation area and what was transferred to a table (Table 3 – Table of Mitigation Offered). The Board approved changes to the original approval at the April 14, 2010 meeting. In addition, the Chesapeake Bay Board has granted two one-year extensions to CBE-10-032 with the latest extension expiring April 11, 2013.

In both approvals and associated extensions, there was an offsite mitigation component proposed by the applicant to revegetate an area near an existing BMP that was impacted during the construction of the BMP. In the intervening six years since the original proposal, the area has revegetated nicely through natural succession. It is staff's opinion that it no longer makes sense to remove the existing woody vegetation only to replant with other plant material for mitigation purposes. Therefore the offsite mitigation component of the proposal is not acceptable. The offsite area to be replanted was 3,480 sq. ft. and staff suggests that an additional payment of \$2,000 be made into the County established Chesapeake Bay Mitigation Fund to offset the loss of this mitigation. This will bring the total payment into the Fund to \$8,734.70.

Staff Evaluation

Staff has evaluated the application and exception request for all work as described above. The proposal is a gravity sewer line and permanent maintenance easement that will provide service to this land bay, serve as a future connection for an adjacent, undeveloped parcel, and will connect to an existing gravity sewer offsite and pump station. Staff finds that the application has met the

conditions in the Chesapeake Bay Preservation Ordinance, Sections 23-11 and 23-14, and that the application should be heard by the Board.

Water Quality Impact Assessment (WQIA)

Under Sections 23-11 and 23-14 of the County's Chesapeake Bay Preservation ordinance, a water quality impact assessment (WQIA) must be submitted for any proposed land disturbing activity resulting from development or redevelopment within RPAs.

The applicant has submitted the required information as outlined in the *James City County Water Quality Impact Assessment Guidelines*. A WQIA was provided on October 29, 2013 and is the same WQIA as the original one submitted on October 1, 2009, as the project has not changed since approved by the county. Based on staff review and the previous discussion, the applicant proposes to mitigate for RPA impacts by:

- Replanting the temporary construction easement (16,266 sf), and
- Preserve 14,810 sf of non-RPA area, adjacent to the RPA within Land Bay 3, and
- Payment of \$8,734.70 into the Chesapeake Bay Mitigation Fund as mitigation for the remaining RPA impact.

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 of the County's Chesapeake Bay Preservation ordinance. The Chesapeake Bay Board is to fully consider Chesapeake Bay Exception CBE-14-051 as outlined and presented above and review the request for exception and the water quality impact assessment. The Board may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of the County's Chapter 23 Chesapeake Bay Preservation Ordinance. Resolutions for granting approval or granting denial of Chesapeake Bay Exception CBE-14-051 are included for the Board's use and decision.

Staff Recommendations

Staff has reviewed the application and exception request and has determined impacts associated with the proposal to be **moderate** for the proposed development. Staff recommends the Chesapeake Bay Board approve this Chesapeake Bay Exception with the following conditions applied:

1. The applicant must obtain all other necessary federal, state and local permits as required for the project; and
2. Full implementation of the approved plan of development County Plan No. S-048-08; and
3. Replant the temporary construction easement (16,266 sf); and
4. Surety of \$5000 will be required in a form acceptable to the County Attorney's office to guarantee the replanting; and
5. Preserve 14,810 sf of non-RPA in Land Bay 3. This area shall be placed within a conservation easement and dedicated to James City County; and

6. Payment of \$8,734.70 into the County established Chesapeake Bay Mitigation Fund; and
7. Signed letters of permission shall be submitted to the Engineering and Resource Protection Division for all offsite property owners affected by this proposal prior to work commencing. This includes 2J Investments and Stonehouse HOA; and
8. All improvements on the Stonehouse HOA property that are damaged by the installation of the sanitary sewer line shall be replaced, including landscape materials, fencing, and sidewalk/trail; and
9. This exception request approval shall become null and void if construction has not begun by December 11, 2014.
10. 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.

Staff Report prepared by:

Michael Woolson
Senior Watershed Planner

CONCUR:

Scott J. Thomas, Director
Engineering and Resource Protection

Attachments: Water Quality Impact Assessment Package

RESOLUTION

GRANTING AN EXCEPTION ON JCC RE TAX PARCEL NO. 5040100001

WHEREAS, Mr. Stephen Quina with the Timmons Group on behalf of Kevin Kolda with Xanterra Kingsmill, LLC (the "Applicant"), has appeared before the Chesapeake Bay Board of James City County (the "Board") on November 13, 2013 to request an exception to the use of the Resource Protection Area (the "RPA") on a parcel of property identified as JCC RE Tax Parcel No. 5040100001 and further identified as 1000 Kingsmill Road in the Kingsmill subdivision (the "Property") as set forth in the application CBE-14-041 for the purpose of installing an asphalt and concrete multiuse path, wooden steps, retaining walls, gravel parking, and a wooden boardwalk and pier; and

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

NOW, THEREFORE, following a public hearing, the Chesapeake Bay Board of James City County by a majority vote of its members FINDS that:

1. The exception request is the minimum necessary to afford relief.
2. Granting the exception will not confer upon the Applicant any special privileges denied by Chapter 23, Chesapeake Bay Preservation, of the James City County Code, to other property owners similarly situated in the vicinity.
3. The exception request will be in harmony with the purpose and intent of Chapter 23 of the James City County Code, and is not of substantial detriment to water quality.
4. The exception request is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels.
5. Reasonable and appropriate conditions are hereby imposed, as set forth below, which will prevent the exception request from causing a degradation of water quality.
6. In granting this exception, the following conditions are hereby imposed to prevent this exception request from causing degradation of water quality:
 - 1) **The applicant must obtain all other necessary federal, state, and local permits as required for the project.**
 - 2) **Full implementation of siteplan SP-0086-2013, once approved by various County agencies.**
 - 3) **A surety of \$50,000 will be required in a form acceptable to the County Attorney's office to guarantee the mitigation plantings.**

- 4) This exception request approval shall become null and void if construction has not begun by November 13, 2014.
- 5) Written requests for an extension to an exception shall be submitted to the Engineering and Resource Protection Division no later than 6 weeks prior to the expiration date.

Michael Woolson
Michael Woolson
Senior Watershed Planner

David Gussman
David Gussman
Chair, Chesapeake Bay Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 13th day of November 2013.

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 13th DAY OF November 2013 IN THE COMMONWEALTH OF VIRGINIA IN THE COUNTY OF JAMES CITY.

Melanie J. Davis
NOTARY PUBLIC

7014335
REGISTRATION

MY COMMISSION EXPIRES 12/31/14

MELANIE J. DAVIS
NOTARY PUBLIC
REG. #7014335
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES DEC. 31, 2014

MEMORANDUM

Date: November 13, 2014
To: The Chesapeake Bay Board
From: Michael D. Woolson, Senior Watershed Planner *MW*
Subject: Extension – CBE-14-051
Stonehouse Landbay 3, Sanitary Sewer

Mr. Curtis Hickman, on behalf of Mr. Mike Etchemendy of Greenfield Partners, requested an extension to CBE-14-051 on October 21, 2014. This exception expires on December 11, 2014 and the request meets the deadline for such requests as outlined in the approved exception. The applicant is requesting a two-year extension to this exception due to logistical problems associated with the funding of this infrastructure project. All permit conditions required within the original approval for CBE-14-051 shall apply to the permit extension, with the exception of the expiration date, which shall be December 11, 2016. Staff concurs with this request and recommends that the Chesapeake Bay Board extend the expiration date to December 11, 2016.

RESOLUTION

GRANTING AN EXTENSION OF AN EXCEPTION 5040100001

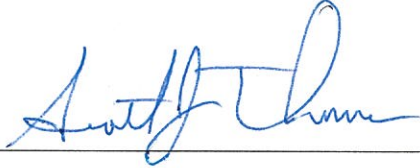
WHEREAS, Kevin Kolda with Xanterra Kingsmill, LLC (the "Applicant") has requested an extension of the exception granted by the Chesapeake Bay Board of James City County (the "Board") on November 13, 2013. The exception request is for use of the Resource Protection Area (the "RPA") on a parcel of property identified as JCC RE Tax Parcel No. 5040100001 and further identified as 1000 Kingsmill Road in the Kingsmill subdivision (the "Property") as set forth in the application CBE-14-041 for the purpose of installing an asphalt and concrete multiuse path, wooden steps, retaining walls, gravel parking, and a wooden boardwalk and pier; and

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

NOW, THEREFORE, having conducted a public hearing on November 13, 2013, and pursuant to the current request for an extension, the Chesapeake Bay Board of James City County by a majority vote of its members FINDS that:

1. The exception request is the minimum necessary to afford relief.
2. Granting the extension will not confer upon the Applicant any special privileges denied by Chapter 23, Chesapeake Bay Preservation, of the James City County Code, to other property owners similarly situated in the vicinity.
3. The exception request will be in harmony with the purpose and intent of Chapter 23 of the James City County Code, and is not of substantial detriment to water quality.
4. The exception request is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels.
5. Reasonable and appropriate conditions are hereby imposed, as set forth below, which will prevent the exception request from causing a degradation of water quality.
6. In granting this exception, the following conditions are hereby imposed to prevent this exception request from causing degradation of water quality:
 - 1) The applicant must obtain all other necessary federal, state, and local permits as required for the project.
 - 2) Full implementation of site plan SP-0086-2013, once approved by various County agencies.

- 3) A surety of \$50,000 will be required in a form acceptable to the County Attorney's office to guarantee the mitigation plantings.
- 4) This exception request approval shall become null and void if construction has not begun by November 13, 2016.
- 5) Written requests for an extension to an exception shall be submitted to the Engineering and Resource Protection Division no later than 6 weeks prior to the expiration date.



Scott J. Thomas
Director, Engineering
and Resource Protection



David Gussman
Chair, Chesapeake Bay Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 13
day of November 2014

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 13th DAY OF
November 20 14 IN THE COMMONWEALTH OF VIRGINIA IN THE COUNTY OF
JAMES CITY.


NOTARY PUBLIC

MY COMMISSION EXPIRES 12/31/18.

7014335
REGISTRATION

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

RESOLUTION

CASE NO. CBE-14-051. STONEHOUSE LAND BAY 3

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE

EXTENSION OF AN EXCEPTION

WHEREAS, Kerr Environmental on behalf of Greenfield Partners LLC (the “Applicant”) has requested an extension of the exception granted by the Chesapeake Bay Board of James City County (the “Board”) on December 11, 2013. The exception request is for use of the Resource Protection Area (the “RPA”) on parcels of property identified as JCC RE Tax Parcels 0440100029, 0440200002, 0440100033, 0530100017 and further identified as 9235, 9340 and 9315 Fieldstone Parkway and 9683 Mill Pont Run in the Stonehouse subdivision (the “Property”) as set forth in the application CBE-14-051 for the installation of a gravity sanitary sewer and permanent maintenance easement; 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 December 11, 2013, a 2 year extension request granted on November 13, 2014 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.

- b. Full implementation of site plan SP-0086-2013. Once approved by various County agencies.
- c. A surety of \$50,000 will be required in a form acceptable to the County Attorney's office to guarantee the mitigation plantings.
- d. This exception request approval shall become null and void if construction has not begun by December 11, 2018.
- 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.

 David Gussman
 Chair, Chesapeake Bay Board

 Michael Woolson
 Senior Watershed Planner

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 9th day of November 2016.

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: _____

CBE14-051Ext-StonehouseLandBay3-res

ITEM SUMMARY

DATE: 11/9/2016
TO: Chesapeake Bay Board
FROM: Chesapeake Bay Board Secretary
SUBJECT:

2017 Calendar

ATTACHMENTS:

	Description	Type
▣	2017 Calendar	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Secretary, ChesBay	Approved	11/2/2016 - 2:48 PM

JAMES CITY COUNTY

2017 WETLAND AND CHESAPEAKE BAY BOARD MEETING CALENDAR

January 2017	February 2017	March 2017	April 2017
Su Mo Tu We Th Fr Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	Su Mo Tu We Th Fr Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	Su Mo Tu We Th Fr Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	Su Mo Tu We Th Fr Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30
May 2017	June 2017	July 2017	August 2017
Su Mo Tu We Th Fr Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	Su Mo Tu We Th Fr Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30	Su Mo Tu We Th Fr Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	Su Mo Tu We Th Fr Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31
September 2017	October 2017	November 2017	December 2017
Su Mo Tu We Th Fr Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30	Su Mo Tu We Th Fr Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	Su Mo Tu We Th Fr Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30	Su Mo Tu We Th Fr Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31

ITEM SUMMARY

DATE: 11/9/2016
TO: Chesapeake Bay Board
FROM: Chesapeake Bay Board Secretary
SUBJECT: Election of officers for 2017

Current Chair: John Hughes
Current Vice Chair: William Apperson
Current Secretary: Melanie Davis

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Secretary, ChesBay	Approved	11/2/2016 - 2:51 PM