

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
December 12, 2018
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

1. Minutes from the October 10, 2018, regular meeting

D. PUBLIC HEARINGS

1. CBPA 18-0123 : 102 Walton Heath

E. BOARD CONSIDERATIONS

1. CBPA 18-0147 : Stonehouse Land Bay 3 & 5
2. CBPA 18-0151 : 38 Ensigne Spence
3. 2019 Calendar
4. Election of Officers for 2019

F. MATTERS OF SPECIAL PRIVILEGE

G. ADJOURNMENT

ITEM SUMMARY

DATE: 12/12/2018
TO: Chesapeake Bay Board
FROM: Michael Woolson, Secretary to the Board
SUBJECT: Minutes from the October 10, 2018, regular meeting

ATTACHMENTS:

| | Description | Type |
|---|-------------|---------|
| ☐ | Minutes | Minutes |

REVIEWERS:

| Department | Reviewer | Action | Date |
|----------------------|--------------------|----------|---------------------|
| Chesapeake Bay Group | Woolson, Michael | Approved | 12/6/2018 - 4:56 PM |
| Chesapeake Bay Group | Secretary, ChesBay | Approved | 12/7/2018 - 2:42 PM |

MINUTES
JAMES CITY COUNTY CHESAPEAKE BAY BOARD
REGULAR MEETING
County Government Center, Building F
101 Mounts Bay Road, Williamsburg, VA 23185
October 10, 2018
5:00 PM

A. CALL TO ORDER

The Chesapeake Bay Board meeting for October 10, 2018, 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:

David Gussman, Chair
Larry Waltrip
John Hughes
Charles Roadley

Board Members Absent:

William Apperson, Vice Chair

County Staff Present:

Michael Woolson, Secretary to the Board, Senior Watershed Planner, Stormwater and Resource Protection
Liz Parman, Assistant County Attorney
Trevor Long, Watershed Planner, Stormwater and Resource Protection
Janice Petty, Assistant, Stormwater and Resource Protection

C. MINUTES

1. Minutes from the September 26, 2018, regular meeting

The minutes from the September 26, 2018, regular meeting were approved as written. Mr. Gussman made the motion to accept the minutes.

Minutes were approved by voice vote.

D. PUBLIC HEARINGS

1. CBPA 18-0123 : 102 Walton Heath

The applicant has requested a deferral until the next Chesapeake Bay Board meeting, December 12, 2018.

Mr. Gussman opened the Public Hearing.

Mr. Hughes made a motion to defer until the December 12, 2018, Board meeting at 5 p.m., the application for Chesapeake Bay Board Case No. CBPA-18-0123 at 102 Walton Heath.

The motion was approved: 4-0

Ayes: Roadley, Waltrip, Gussman, Hughes

Nays: None

Absent: Apperson

2. CBPA 18-0148 : Busch Gardens, Festa Italia

Mr. Piotr Swietuchowski of Vanasse Hangen Brustlin, Inc. (VHB), on behalf of Seaworld Parks & Entertainment, LLC, has applied for a Chesapeake Bay Exception for encroachments into the Resource Protection Area buffer for the expansion of Festa Italia on property located at 7851 Pocahontas Trail within the James River watershed. The property is otherwise known as Busch Gardens Williamsburg and is further identified as James City County Tax Map Parcel No. 5140100009. Staff has reviewed the Sensitive Area Activity application and exception request and has determined impacts associated with the proposal to be major for the proposed development. Staff recommends approval of the application with conditions.

The Board deliberated on the pros and cons of this application.

Mr. Gussman asked about the drainage for the project and the Rhine River.

Mr. Hughes asked about the source of water for the Rhine River.

Mr. Gussman opened the Public Hearing.

A. Ms. Suzy Cheely, Director of Design and Engineering at Busch Gardens, Williamsburg, addressed the Board and responded to questions.

Mr. Gussman asked about the steps, measures and precautions that would be undertaken to protect the Colonial Pipeline during construction.

A. Ms. Cheely addressed Mr. Gussman's concerns.

Mr. Hughes inquired about the length of the project.

A. Ms. Cheely responded less than a year.

Mr. Roadley asked if staff had seen the site plan.

Mr. Woolson responded that staff had seen the plan. Mr. Woolson confirmed that the pipeline constrains the project on one side and the Rhine River constrains the project on the other side.

Mr. Gussman closed the Public Hearing, as no one else wished to speak.

Mr. Roadley made a motion to grant the application for Chesapeake Bay Board Case No. CBPA-18-0148 at 7851 Pocahontas Trail.

The motion was approved: 4-0

Ayes: Roadley, Waltrip, Gussman, Hughes
Nays: None
Absent: Apperson

E. BOARD CONSIDERATIONS

None.

F. MATTERS OF SPECIAL PRIVILEGE

Mr. Woolson announced that the Board of Supervisors reappointed both Mr. Charles Roadley and Mr. Louis Bott for another term.

Staff is working on Emergency Permit procedures, to be presented at a future meeting.

G. ADJOURNMENT

The meeting was adjourned at 5:17 p.m.

ITEM SUMMARY

DATE: 12/12/2018

TO: Chesapeake Bay Board

FROM: Trevor Long, Watershed Planner

SUBJECT: Omega Development, LLC has filed an exception request for encroachment into the RPA buffer for the construction of a new single family dwelling, retaining wall and deck at 102 Walton Heath in Section 6 of the Ford's Colony subdivision, JCC Parcel No. 38103000019.

ATTACHMENTS:

| | Description | Type |
|---|-------------------------|-----------------|
| ☐ | Staff Report | Staff Report |
| ☐ | Resolution | Resolution |
| ☐ | Site Plan | Backup Material |
| ☐ | Mitigation Plan | Backup Material |
| ☐ | Corps Permit | Backup Material |
| ☐ | Affadavit Example | Backup Material |
| ☐ | Public Hearing Notice | Backup Material |
| ☐ | Deferral Request | Backup Material |
| ☐ | APO Notification Letter | Backup Material |
| ☐ | APO Notification List | Backup Material |

REVIEWERS:

| Department | Reviewer | Action | Date |
|------------------------|--------------------|----------|----------------------|
| Chesapeake Bay Group | Woolson, Michael | Approved | 12/3/2018 - 3:50 PM |
| Chesapeake Bay Group | Geissler, Fran | Approved | 12/4/2018 - 2:09 PM |
| Publication Management | Burcham, Nan | Approved | 12/4/2018 - 2:48 PM |
| Chesapeake Bay Group | Secretary, ChesBay | Approved | 12/5/2018 - 10:36 AM |

CHESAPEAKE BAY BOARD EXCEPTION Case No. CBPA-18-0123. 102 Walton Heath Staff Report for the December 12, 2018, Chesapeake Bay Board Public Hearing

This staff report is prepared by James City County Stormwater 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: Mr. Martin Mather, Omega Development, LLC

Agent: Mr. Mathew Roth

Location: 102 Walton Heath

Tax Map/Parcel No.: 38103000019

Parcel: Lot 19, Section 6, Ford's Colony

Lot Size: 0.39 acre

Area of Lot in Resource Protection Area (RPA): 0.39 acre +/- (100%)

Watershed: Powhatan Creek, (HUC JL31)

Floodplain: None

Proposed Activity: Construction of a new principle structure

Impervious Cover: 2,569 square feet

RPA Encroachment: 2,569 square feet in the seaward 50-foot RPA

Staff Contact: Trevor Long, Watershed Planner Phone: 253-6789

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Mathew Roth has applied for a Chesapeake Bay Exception on behalf of Mr. Martin Mathers of Omega Development, LLC for encroachments into the RPA buffer for the construction of a new principle structure on property located at 102 Walton Heath within the Ford's Colony subdivision and the Powhatan Creek watershed. The property is further identified as James City County Tax Map Parcel No. 38103000019. The parcel was platted in 1981 prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The total impervious cover proposed within the seaward 50-foot RPA is 2,569 square feet. The required mitigation for this amount of encroachment would equate to six planting units. To date, the applicant has proposed a mitigation plan consisting of six planting units and the use of a stormwater Best Management Plan to mitigate runoff. Additionally, the applicant has agreed to enroll in the Turf Love Program and also has proposed to place three inches of gravel underneath the entirety of the deck. Therefore, proposed mitigation plantings exceed County requirements.

STAFF EVALUATION

Staff has evaluated the application and exception request for the construction of a new principle structure and finds that the application meets the conditions in Sections 23-11 and 23-14 and that the application should be heard by the Board because the proposed construction extends into the seaward 50-foot RPA. 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. To date, the applicant has submitted the required information as outlined in the *James City County Water Quality Impact Assessment Guidelines*.

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 CBPA-18-0123 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 major 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.
2. The applicant must execute an Affidavit at the Williamsburg-James City County courthouse and provide evidence of such to the County.
3. That the applicant submit a \$4,000 surety to guarantee the plantings and enrollment in the Turf Love Program.
4. The mitigation plantings shall have a survivability of at least 90% at one-year post planting prior to final surety release. Up to 50% of the surety may be released once mitigation has been planted.
5. The rain garden feature will follow the standards and specifications found in the Virginia Department of Environmental Quality Stormwater Specification No. 9 Bioretention, current version.
6. This exception request approval shall become null and void if construction has not begun by December 12, 2019.
7. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than October 30, 2019.

TL/nb
CBPA18-123-102WHeath

Attachments:

1. Resolution
2. Water Quality Impact Assessment Package
3. Site Plan
4. Mitigation Plan

RESOLUTION

CASE NO. CBPA-18-0123. 102 WALTON HEATH

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Martin Mather (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on December 12, 2018, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property identified as James City County Real Estate Tax Map Parcel No. 3810300019 and further identified as 102 Walton Heath in the Ford’s Colony subdivision (the “Property”) as set forth in the application CBPA-18-0123 for the purpose of constructing a single-family dwelling, deck and 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 and permissions as required for the project.
 - b. The applicant must execute an Affidavit at the Williamsburg-James City County courthouse and provide evidence of such to the County.

- c. Surety of \$4,000 will be required in a form acceptable to the County Attorney’s office to guarantee all of the mitigation components.
- d. The mitigation plantings shall have a survivability of at least 90% at one-year post planting prior to final surety release. Up to 50% of the surety may be released once mitigation has been planted.
- e. The rain garden feature will follow the standards and specifications found in the Virginia Department of Environmental Quality Stormwater Specification No. 9 Bioretention, current version.
- f. This exception request approval shall become null and void if construction has not begun by December 12, 2019.
- g. Written requests for an extension to this exception shall be submitted to the Stormwater and Resource Protection Division no later than October 30, 2019.

 David Gussman
 Chair, Chesapeake Bay Board

 Michael D. Woolson
 Secretary, Chesapeake Bay Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 12th day of December, 2018.

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: _____

BUILDING INFORMATION
 PROPOSED RESIDENCE IS 2-STORY
 PROPOSED GARAGE IS 1-BAY / FRONT LOADING

SITE INFORMATION
 TOTAL AREA: 16,944 S.F. / 0.389 AC.
 DISTURBED AREA: 9,650 S.F. / 0.220 AC.
 IMPERVIOUS: 2,569 S.F. / 0.058 AC.
 PARCEL ID: 3810300019
 ZONING DISTRICT: R4
 EXISTING SITE IS WOODED AS SHOWN
 EXISTING ADDRESS:
 102 WALTON HEATH
 JAMES CITY COUNTY, VIRGINIA

NOTE TO CONTRACTOR

- ALL DISTURBED AREAS ARE TO BE SEEDED, SODDED, OR MULCHED WITHIN 7 DAYS OF REACHING FINAL GRADE.
- THE CONTRACTOR IS RESPONSIBLE FOR CONTACTING "MISS UTILITY" @ 1-800-552-7001 72 HOURS PRIOR TO CONSTRUCTION.
- THE CONTRACTOR SHALL REPORT ANY ERRORS, OMISSIONS, CONFLICTS, OR DISCREPANCIES TO THE DEVELOPER FOR RESOLUTION BEFORE COMMENCING WORK.
- THE CONTRACTOR SHALL CONFORM TO THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK, LATEST EDITION.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY AND ALL DAMAGE TO UTILITIES, PUBLIC OR PRIVATE, THAT MAY OCCUR AS A RESULT OF CONSTRUCTION ACTIVITIES.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPLACING WITH MATCHING MATERIALS, ANY PAVEMENT, DRIVEWAYS, SHOULDERS, WALKS, LAWNS, SHRUBS, DITCHES, ETC. THAT MAY BE CUT OR DAMAGED DURING OR AS A RESULT OF CONSTRUCTION ACTIVITIES.
- CONTRACTOR IS RESPONSIBLE FOR INSTALLING ORANGE SAFETY FENCE AROUND LIMITS OF CONSTRUCTION
- CONTRACTOR SHALL DETERMINE EXACT FINISH FLOOR ELEVATION AFTER.
- CONTRACTOR TO DETERMINE LOCATION OF HVAC UNIT.

BUILDING SETBACKS (PER FORD'S COLONY)

FRONT SETBACK: 30' (1" VARIANCE NEEDED)
 REAR SETBACK: 35'
 SIDE SETBACK: 10'

NOTES

- HOUSE DIMENSIONS SHOWN BASE ON INFORMATION PROVIDED BY OWNER. BUILDER SHALL VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION.
- ALL TREES LARGER THAN 3" IN DIAMETER AND OUTSIDE THE LIMITS OF CLEARING SHOWN MAY NOT BE REMOVED WITHOUT THE CONSENT OF FORD'S COLONY OR ITS ASSIGNS.
- IN THE EVENT THE ARCHITECTURAL REVIEW COMMITTEE (ARC) SHALL DETERMINE THAT APPLICATION OF THE AFORESAID SETBACKS TO A PARTICULAR LOT WOULD UNREASONABLY LIMIT THE USE THEREOF BY THE OWNER AND EFFECTIVELY DEPRIVE HIM/HER OF AN APPROPRIATE CONSTRUCTION SITE, THE ARC SHALL GRANT A VARIANCE TO THE OWNER OF SAID LOT FROM THE PROVISIONS OF THESE SETBACK REQUIREMENTS.

GENERAL NOTES

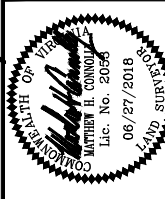
- A TITLE REPORT HAS NOT BEEN FURNISHED TO THIS FIRM.
- WETLANDS WERE DELINEATED BY ROTH ENVIRONMENTAL AND LOCATED IN THE FIELD BY THIS FIRM.
- THIS FIRM MADE NO ATTEMPT TO LOCATE UNDERGROUND UTILITIES.
- PARCEL LIES IN F.I.R.M. ZONE "X" ACCORDING TO COMMUNITY PANEL #51095001170, DATED DECEMBER 16, 2015.
- LOT SERVED BY PUBLIC WATER AND SEWER.
- CONTRACTOR SHALL PROVIDE POSITIVE DRAINAGE AWAY FROM BUILDINGS SHOWN HEREON.
- ELEVATIONS AS SHOWN HEREON ARE IN FEET AND ARE CLOSELY RELATED TO JCC G.S.
- DIMENSIONS SHOWN HEREON ARE TO THE FRAMELINE OF THE BUILDING

SURVEYORS CERTIFICATION

THIS DRAWING REPRESENTS AN ACTUAL FIELD SURVEY. ALL THE INFORMATION SHOWN HEREON IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. LANDTECH RESOURCES, INC. HAS BEEN RETAINED AND PAID TO STAKE, AS A MINIMUM, THE BUILDING ENVELOPE & ANY DETACHED ACCESSORY STRUCTURE.

MATTHEW H. CONNOLLY, L.S.
 DATE: 01/15/2018

DATE: 01-27-2017
 DRAWN BY: LRI
 PROJECT No. 16-550
 FILE NAME: 16-550.DWG
 REFERENCES:
 P.B. 45, PG. 39



LOT 19, SECTION VI, FORD'S COLONY
 FOR
OMEGA CONCRETE & CONSTRUCTION
 VIRGINIA
 JAMES CITY COUNTY

| NO. | DATE | REVISION / COMMENT / NOTE |
|-----|------------|--|
| 1 | 08-28-2017 | REVISED HOUSE LOCATION |
| 2 | 01-15-2018 | REVISED HOUSE LOCATION |
| 3 | 01-30-2018 | REVISED HOUSE LOCATION |
| 4 | 02-11-2018 | REVISED SETBACK INFORMATION AND TREE SAVE PER FORD'S COLONY COMMENTS |
| 5 | 06-27-2018 | REVISED SITE GRADING AND HOUSE LOCATION |

Scale: 1" = 20'
 SHEET 1 OF 2

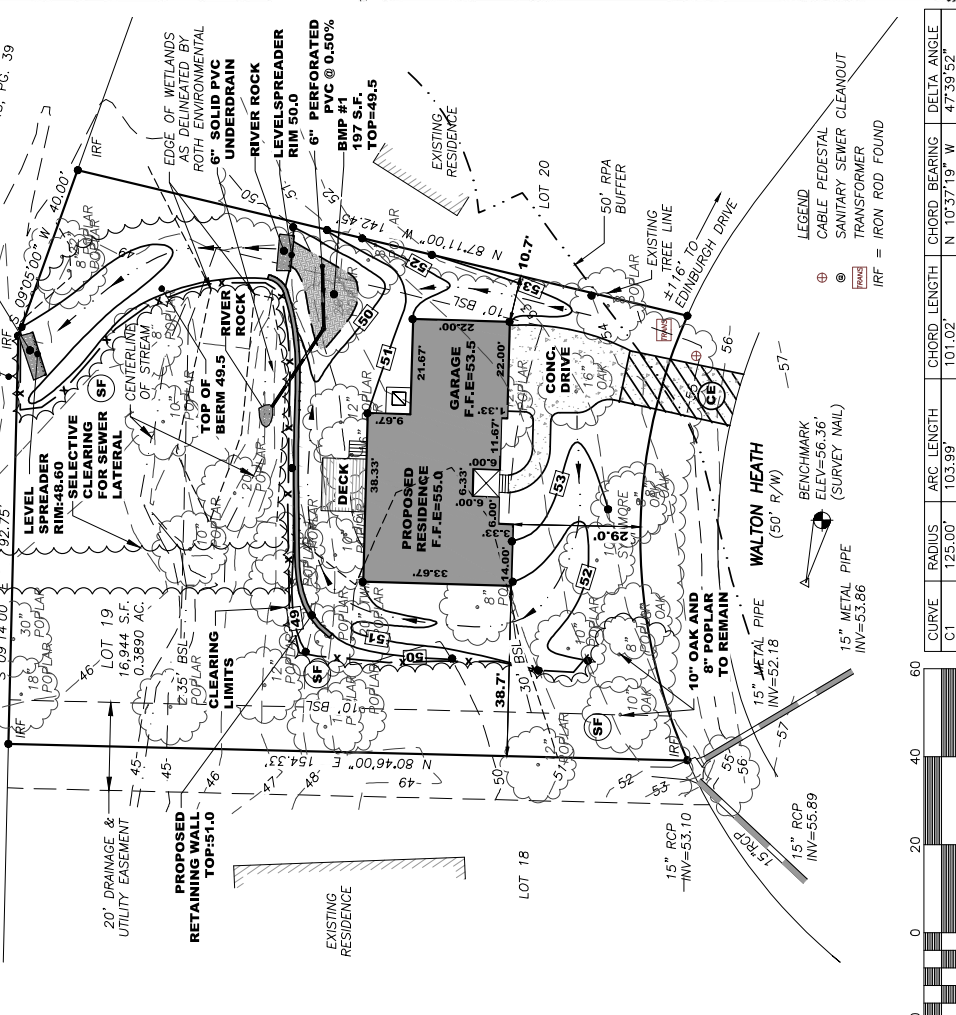
DRAINAGE CONTROL/IMPROVEMENTS SHALL BE INSTALLED IMMEDIATELY AFTER CLEARING. SUCH THAT NO DISTURBED AREA DRAINAGE FLOWS ONTO ADJACENT PROPERTIES. ()

BEFORE CLEARING MARK TREES TO BE PRESERVED WITH THE PLASTIC TAPE TO BE REVIEWED AND APPROVED WITH THE ARC INSPECTOR. ()

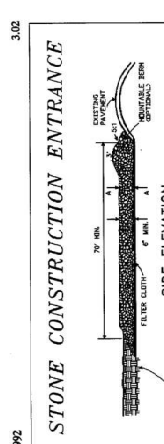
CURB & GUTTER SECTIONS WILL REQUIRE (2) SCHEDULE 40-4" CONDUITS PLACED 3" BELOW GRADE, OR AS LOW AS POSSIBLE TO NOT CONFLICT WITH OTHER WIRES, DIRECTLY BEHIND THE CURB FOR FUTURE WIRES. SECTIONS: 3B, 8A, 8B, 10, 12, 13A, 13B, 14A, 14B, 15, 17, 18, 30, 31 & 32

DATE: _____ SIGNED: _____

WATER SERVICE NOT FOUND ON SITE AT THE TIME THE SURVEY WAS PERFORMED. CONTRACTOR TO COORDINATE WITH JAMES CITY COUNTY OFFICIALS FOR WATER METER TIE IN.



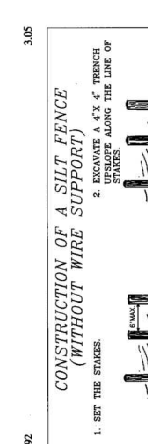
Scale: 1" = 20'



3.02
STONE CONSTRUCTION ENTRANCE

Source: Adapted from 1983 Maryland Standards for Soil Erosion and Sediment Control, and Va. DSWC

Plate 3.02-1



3.05
CONSTRUCTION OF A SILT FENCE (WITHOUT WIRE SUPPORT)

Source: Adapted from Installation of Straw and Fabric-Erler Barriers for Sediment Control, Stenwood and Wyatt

Plate 3.05-2

LRI LANDTECH RESOURCES, INC.
 ENGINEERING SURVEYING GIS
 2626 University Blvd. #100
 Richmond, VA 23260
 Tel: (703) 565-1077 Fax: (703) 565-0282
 web: landtechresources.com





SITE INFORMATION

TOTAL AREA: 16,944 S.F. / 0.389 AC.
 DISTURBED AREA: 9,650 S.F. / 0.220 AC.
 IMPERVIOUS: 2,569 S.F. / 0.058 AC.
 PARCEL ID: 3810300019
 ZONING DISTRICT: R4
 EXISTING SITE IS WOODED AS SHOWN
 EXISTING ADDRESS: 102 WALTON HEATH
 JAMES CITY COUNTY, VIRGINIA

LANDSCAPING NOTES

- CONTRACTOR TO PROVIDE 3" OF GRAVEL UNDER THE DECK. SPECIES OF PLANTS TO BE COORDINATED WITH THE JAMES CITY COUNTY ENGINEERING AND RESOURCE PROTECTION DIVISION.
-

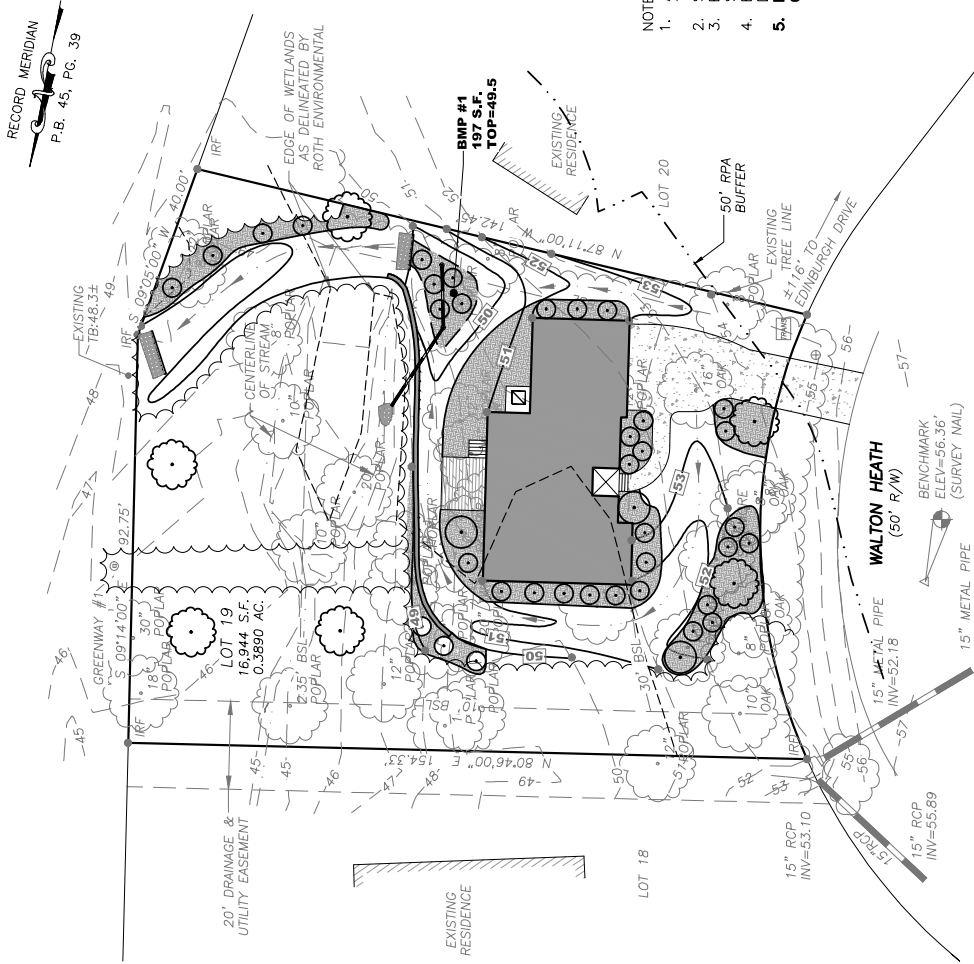
MITIGATION LEGEND

-  AREAS TO BE MULCHED (2,262± S.F.)
-  NATIVE SHRUB
-  NATIVE UNDERSTORY TREE
-  NATIVE CANOPY TREE

MITIGATION TABLE

| MITIGATION MEASURE | QTY.(NEEDED) | QTY. (PROPOSED) |
|-------------------------|--------------|-----------------|
| NATIVE CANOPY TREES | 6 | 6 |
| NATIVE UNDERSTORY TREES | 12 | 3 |
| NATIVE SHRUBS | 18 | 36 |

2 SHRUBS PER UNDERSTORY TREE AND 4 SHRUBS PER CANOPY TREE



BMP #1 DESIGN - BIO-RETENTION FILTER

TURF AREA: 0.11 ACRES
 IMPERVIOUS AREA: 0.06 ACRES
 TOTAL CDA: 0.17 ACRES

VRM T, REQUIRED - 287 CF

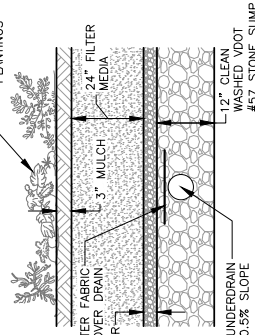
MEDIA DEPTH: DEPTH=6" EQ. DEPTH=6"
 MULCH LAYER: DEPTH=3" EQ. DEPTH=0
 SOIL MEDIA (V=0.25): DEPTH=24" EQ. DEPTH=6"
 GRAVEL CHOKER (V=0.20): DEPTH=3" EQ. DEPTH=0.05"
 GRAVEL LAYER (V=0.40): DEPTH=12" EQ. DEPTH=4.8"



FILTER EQUIVALENT STORAGE DEPTH - 1.45'

MIN. SURFACE AREA REQUIRED - (287CF)/(1.45') = 197 FT²

NOTES:

- A 6" UNDERDRAIN IS REQUIRED WITHOUT PROPER INFILTRATION TESTING.
- SIDE SLOPE EXCAVATION IS NOT TO BE VERTICAL.
- BIO-RETENTION PLANTINGS TO BE TAKEN FROM VA DEC. STORMWATER DESIGN SPECIFICATION NO. 9, TABLE 9.4.
- BIO-RETENTION MATERIAL SPECIFICATIONS TO BE TAKEN FROM VA DEC. STORMWATER DESIGN SPECIFICATION NO. 9, TABLE 9.6.
- INSTALLATION OF THE BIO-RETENTION FACILITY SHOULD BE OBSERVED BY A LICENSED ENGINEER.



- LEGEND**
-  CABLE PEDESTAL
 -  SANITARY SEWER CLEANOUT
 -  TRANSFORMER
 -  IRON ROD FOUND
 -  RAIN BARREL

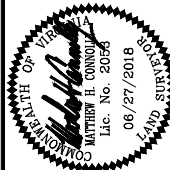
| CURVE | RADIUS | ARC LENGTH | CHORD LENGTH | CHORD BEARING | DELTA ANGLE |
|-------|---------|------------|--------------|---------------|-------------|
| C1 | 125.00' | 103.99' | 101.02' | N 10°37'19" W | 47°39'52" |

SHEET 2 OF 2

MITIGATION PLAN OF
 LOT 19, SECTION VI, FORD'S COLONY
 FOR
 OMEGA CONCRETE & CONSTRUCTION

JAMES CITY COUNTY
 VIRGINIA

DATE: 05/03/2017
 DRAWN BY: LRI
 PROJECT No. 16-550
 FILE NAME: 16-550.DWG
 REFERENCES:
 P.B. 45, PG. 39





DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NORFOLK DISTRICT
FORT NORFOLK
803 FRONT STREET
NORFOLK VA 23510-1011

August 7, 2018

Southern Virginia Regulatory Section
NAO-2016-2007 / VMRC #17-V1545 (Longhill Swamp)

Omega Development
Attn: Martin Mather
1012 Estates Court
Portsmouth, VA 23703

Dear Mr. Mather:

This letter is in regard to your Department of the Army permit application number NAO-2016-2007 (VMRC #17-V1545) to permanently fill the approximately 0.06 acres (2,561 square feet) of wetlands and temporarily impact 0.017 acres (748 square feet) of wetlands in order to develop a 0.4 acre lot with a single family residence. The work will occur at 102 Walton Heath in Williamsburg, Virginia. These impacts are detailed on the enclosed drawings entitled "WETLAND PERMIT DRAWINGS FOR LOT 19, SECTION VI, FORD'S COLONY OVERALL SITE" Figure 2 of 8, date stamped as received by this office on June 28, 2018 (attached).

Your proposed work as outlined above satisfies the criteria contained in the Corps Nationwide Permit(s) (18), attached. The Corps Nationwide Permits were published in the January 6, 2017, Federal Register notice (82 FR 1860) and the regulations governing their use can be found in 33 CFR 330 published in Volume 56, Number 226 of the Federal Register dated November 22, 1991.

This nationwide permit verification is contingent upon the following project specific conditions:

Special Conditions:

Based on the Corps approved compensatory mitigation plan, as compensation for impacts to 0.06 acres of wetlands, the Permittee is required to purchase 0.12 credits from the Chesapeake Wetland Mitigation Bank. The number of credits to be purchased is based on the application of Norfolk District standard ratios (2:1). Evidence that the Permittee has purchased these credits must be provided to the Corps prior to commencing the authorized activity (ies) in jurisdictional waters and wetlands.

Provided the project specific conditions (above) and the Nationwide Permit General Conditions (enclosed) are met, an individual Department of the Army Permit will not be required. In addition, the Virginia Department of Environmental Quality has provided a conditional §401 Water Quality Certification for Nationwide Permit Number(s) 18. A permit may be required from the Virginia Marine Resources Commission and/or your local wetlands board, and this verification is not valid until you obtain their approval, if necessary. This authorization does not relieve your responsibility to comply with local requirements pursuant to the Chesapeake Bay Preservation Act (CBPA), nor does it supersede local government authority and responsibilities pursuant to the Act. You should contact your local government before you begin work to find out how the CBPA applies to your project.

Enclosed is a "compliance certification" form, which must be signed and returned within 30 days of completion of the project, including any required mitigation. Your signature on this form certifies that you have completed the work in accordance with the nationwide permit terms and conditions.

This verification is valid until the NWP is modified, reissued, or revoked. All of the existing NWPs are scheduled to be modified, reissued, or revoked prior to March 18, 2022. It is incumbent upon you to remain informed of changes to the NWPs. We will issue a public notice when the NWPs are reissued. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant nationwide permit is modified or revoked, you will have twelve (12) months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this nationwide permit unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization in accordance with 33 CFR 330.4(e) and 33 CFR 330.5 (c) or (d). Project specific conditions listed in this letter continue to remain in effect after the NWP verification expires, unless the district engineer removes those conditions. Activities completed under the authorization of an NWP which was in effect at the time the activity was completed continue to be authorized by that NWP.

In granting an authorization pursuant to this permit, the Norfolk District has relied on the information and data provided by the permittee. If, subsequent to notification by the Corps that a project qualifies for this permit, such information and data prove to be materially false or materially incomplete, the authorization may be suspended or revoked, in whole or in part, and/or the Government may institute appropriate legal proceedings.

If you have any questions and/or concerns about this permit authorization, please contact Ms. Sayward McLaughlin via telephone at (757) 201-7580 or via email at sayward.a.meincke@usace.army.mil.

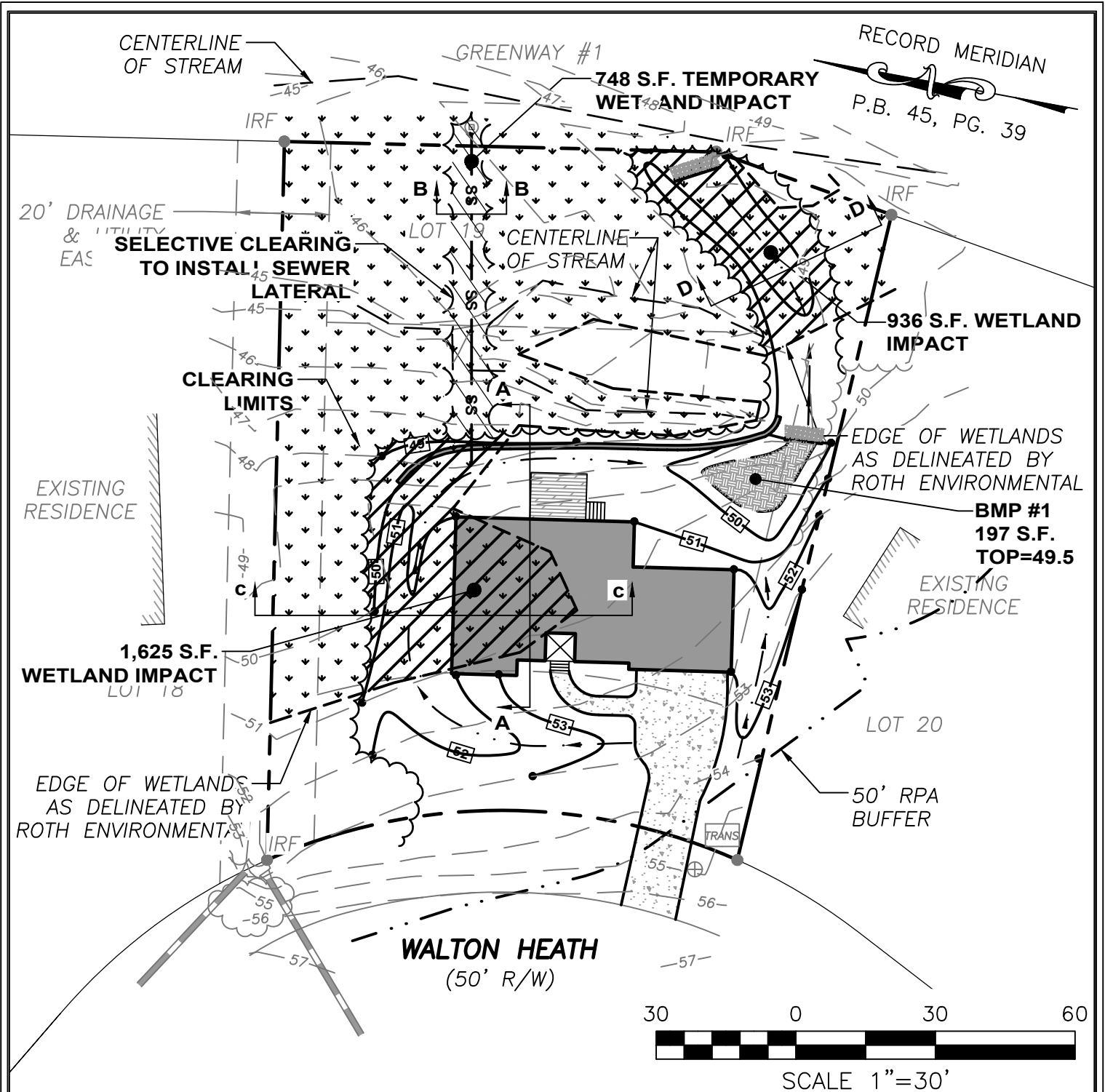
Sincerely,

A handwritten signature in black ink, appearing to read "Sayward". The signature is fluid and cursive, with the first letter being a large, stylized 'S'.

Sayward McLaughlin
Project Manager, Southern Virginia
Regulatory Section

Enclosure(s)

Cc: Virginia Marine Resources Commission
Local Wetlands Board
Department of Environmental Quality
File



RECORD MERIDIAN
P.B. 45, PG. 39

20' DRAINAGE & UTILITY EAS

SELECTIVE CLEARING TO INSTALL SEWER LATERAL

CLEARING LIMITS

EXISTING RESIDENCE

1,625 S.F. WETLAND IMPACT LOT 18

EDGE OF WETLANDS AS DELINEATED BY ROTH ENVIRONMENTAL

EDGE OF WETLANDS AS DELINEATED BY ROTH ENVIRONMENTAL

BMP #1
197 S.F.
TOP=49.5

EXISTING RESIDENCE

LOT 20

50' RPA BUFFER

WALTON HEATH
(50' R/W)

30 0 30 60



SCALE 1"=30'

DESIGNED BY: MAR
DRAWN BY: CG

SHEET:
2 OF 8
REVISED:
06/28/2018

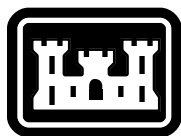
WETLAND PERMIT DRAWINGS FOR
LOT 19, SECTION VI, FORD'S COLONY
OVERALL SITE (PROPOSED)

JAMES CITY COUNTY

VIRGINIA

DATE: 04/20/17
JOB# 16-550
CAD File:
16-550 Permit
Drawings.dwg

ROTH ENVIRONMENTAL, LLC
700 Prescott Circle, Newport News, Virginia 23602
Telephone: 757-814-1048 Fax: 757-249-2257
rothenv@cox.net



**U.S. Army Corps
Of Engineers**
Norfolk District

**CERTIFICATE OF COMPLIANCE
WITH
ARMY CORPS OF ENGINEERS PERMIT**

Permit Number: NAO-2016-2007
VMRC Number: 17-V1545

Corps Contact: Sayward McLaughlin

Name of Permittee: Omega Development
Attn: Martin Mather

Date of Issuance: August 7, 2018

Permit Type: NWP-18

Within 30 days of completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:

US Army Corps of Engineers - Norfolk District
CENAO-WRR-S
Attn: SAYWARD MCLAUGHLIN
803 Front Street
Norfolk, VA 23510-1096

Or scan and send via email to sayward.a.meincke@usace.army.mil

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification or revocation.

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation has been completed in accordance with the permit conditions.

Signature of Permittee

Date

AFFIDAVIT

We, RAFFAEL TUSA, and FLORINA TUSA-WYSS, husband and wife, do hereby attest and affirm our sole ownership of that parcel of property at 3 West Circle, located in James City County, Virginia and further identified as James City County Real Estate Tax Parcel Number 4540200080A (the “Property”).

We do further attest and affirm the following:

1. The entirety of the Property is located within the Resource Protection Area of the James City County Chesapeake Bay Preservation Ordinance (the “Ordinance”).
2. By resolution of the James City County Chesapeake Bay Board (the “Board”), which is attached as Exhibit 1, we received an exception from the Ordinance to impact the Property.
3. The exception granted by the Board is conditioned on satisfying the limits of impact and mitigation plan as proposed in the Water Quality Impact Analysis, which is attached as Exhibit 2.
4. We hereby acknowledge, and put subsequent purchasers on notice, that any impact to the resources protected by the Ordinance outside of those identified in Exhibit 2 is in violation of the Ordinance.

(SIGNATURE PAGE FOLLOWS)

Raffael Tusa

COMMONWEALTH OF VIRGINIA,
County/City of _____, to wit:

The foregoing Affidavit was acknowledged before me this ____ day of _____, 2016 by RAFFAEL TUSA.

(SEAL)

Notary Public

Notary No. _____

My Commission expires: _____

Florina Tusa-Wyss

COMMONWEALTH OF VIRGINIA,
County/City of _____, to wit:

The foregoing Affidavit was acknowledged before me this ____ day of _____, 2016 by FLORINA TUSA-WYSS.

(SEAL)

Notary Public

Notary No. _____

My Commission expires: _____



PUBLIC HEARING NOTICE

THE CHESAPEAKE BAY BOARDS OF JAMES CITY COUNTY, VIRGINIA WILL HOLD A PUBLIC HEARING ON **WEDNESDAY, OCTOBER 10, 2018, AT 5 P.M.** IN THE BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA 18-0148: SeaWorld Parks and Entertainment has filed an exception request for encroachment into the RPA buffer for the construction of a new structure in the Festa Italia section of Busch Gardens Williamsburg at 7851 Pocahontas Trail, JCC Parcel No. 55140100009.

CBPA 18-0123: Omega Development, LLC has filed an exception request for encroachment into the RPA buffer for the construction of a new single family dwelling, retaining wall and deck at 102 Walton Heath in Section 6 of the Ford's Colony subdivision, JCC Parcel No. 38103000019.

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 Stormwater and Resource Protection Division, 101 Mounts Bay Road, Building E, James City County, Virginia.

NOT FOR PUBLICATION

DISPLAY: WEDNESDAY – September 26, 2018 and October 3, 2018.
ACCOUNT NO.: 0011040200 - VIRGINIA GAZETTE

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

Michael Woolson

From: Matthew Roth <rothenv@cox.net>
Sent: Tuesday, October 09, 2018 3:51 PM
To: Michael Woolson
Cc: Marty Mather; Chase Grogg
Subject: 102 Walton Heath - CBPA Board Hearing

Mike,

Per our discussion, the applicant has requested to defer his project's hearing at the CBPA board scheduled for tomorrow afternoon. His mother is having health issues and he needs to be with her.

We are requesting a deferral until the next CBPA board hearing.

Please let me know if there is anything else you need from us to finalize this issue.

Thanks,

Matt

Matthew Roth, P.W.S.
ROTH ENVIRONMENTAL, LLC
700 Prescott Circle
Newport News, VA 23602

Phone: (757) 814-1048
Fax: (757) 249-2257
Email: rothenv@cox.net



General Services
Stormwater and Resource
Protection Division
101-E Mounts Bay Road
Williamsburg, VA 23185
757-253-6790

Resource.Protection@jamescitycountyva.gov

September 19, 2018

RE: CBPA-18-0123
102 Walton Heath
Single family dwelling with deck

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 Martin Mather with Omega Development LLC, for encroachment into the Resource Protection Area (RPA) buffer associated with construction of a single family dwelling and deck. The project is located at 102 Walton Heath in the Ford's Colony subdivision and further identified as JCC Parcel No. 3810300019.

A complete description, plan and other information are on file in the Stormwater 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, October 10, 2018 at 5:00 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,

Janice Petty

Janice Petty
Stormwater Assistant

Janice Petty
9/19

cc: Roth Environmental, Matthew Roth

Mailing List for: CBPA-18-0123 - 102 Walton Heath - Omega - Roth - sfd with deck

Owner: 3810300019-102 Walton Heath

Omega Development, LLC
Attn: Martin Mather
1012 Estates Court
Portsmouth, VA 23703-5465

Roth Environmental, LLC
Attn: Matthew Roth
700 Prescott
Newport News, VA 23602-7019

3810300018

Drake, Ted W & Carol A
104 Walton Heath
Williamsburg, VA 23188-9164

3810300020

Perry-Rivers, Patrice & Rivers, Keith Jerome
100 Walton Heath
Williamsburg, VA 23188-9164

3810300001

Pereira, James III & Estes, Laura
103 Walton Heath
Williamsburg, VA 23188-9166

3810300027-102 Royal West Norfolk

Bernard Enterprises, Inc.
116 Royal North Devon
Williamsburg, VA 23188-7423

3810300026

Fastabend, A David, Trustee &
Maculley, Karen C, Trustee
104 Royal West Norfolk
Williamsburg, VA 23188-9180

3810300001A

Ford's Colony at Williamsburg Homeowner's Association
100 Manchester
Williamsburg, VA 23188-7404

ITEM SUMMARY

DATE: 12/12/2018
TO: Chesapeake Bay Board
FROM: Michael Woolson, Senior Watershed Planner
SUBJECT: CBPA 18-0147 : Stonehouse Land Bay 3 & 5

SCP-JTL Stonehouse Owner 1, LLC is requesting a three-year extension to the existing exception which is due to expire on December 13, 2018.

ATTACHMENTS:

| | Description | Type |
|---|---------------------|-----------------|
| ☐ | Staff Memo | Cover Memo |
| ☐ | Resolution | Resolution |
| ☐ | Extension Request | Backup Material |
| ☐ | Existing Resolution | Backup Material |

REVIEWERS:

| Department | Reviewer | Action | Date |
|------------------------|--------------------|----------|----------------------|
| Chesapeake Bay Group | Woolson, Michael | Approved | 12/3/2018 - 4:38 PM |
| Chesapeake Bay Group | Geissler, Fran | Approved | 12/4/2018 - 2:12 PM |
| Publication Management | Burcham, Nan | Approved | 12/4/2018 - 2:51 PM |
| Chesapeake Bay Group | Secretary, ChesBay | Approved | 12/5/2018 - 10:37 AM |

MEMORANDUM

DATE: December 12, 2018

TO: The Chesapeake Bay Board

FROM: Michael D. Woolson, Senior Watershed Planner

SUBJECT: Case No. CBPA-18-0147. Stonehouse Land Bay 3 and 5 Sanitary Sewer

SCP-JTL Stonehouse Owner 1, LLC, is requesting a three-year extension to CBPA-18-0147 (CBE-18-013), originally granted on October 11, 2017, due to unexpected permitting requirements from the Virginia Department of Environmental Quality and the United States Army Corps of Engineers.

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 13, 2021.

MDW/nb
CBPA18-0147StnehseSSwr-mem

Attachment

RESOLUTION

CASE NO. CBPA-18-0147. STONEHOUSE LAND BAY 3 AND 5 SANITARY SEWER

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE

EXCEPTION EXTENSION

WHEREAS, SCP-JTL Stonehouse Owner 1, LLC (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on October 11, 2017, to request an exception to use the Resource Protection Area on parcels of property identified as James City County Real Estate Tax Map Parcel Nos. 0440100030, 0440200001, 0440200002, 0440100022 and 0530100017 and further identified as 9360, 9320, 9340 and 9350 Fieldstone Parkway and 9683 Mill Pond Run in the Stonehouse subdivision (the “Property”) as set forth in the application CBE-18-013 (renamed CBPA-18-0147) for the purpose of constructing a sanitary sewer trunk line; and

WHEREAS, The Applicant has requested a three-year extension to the exception granted by the Board on October 11, 2017; 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 and permissions as required for the project; and
- b. A conservation easement of 2.27 acres is to be recorded in Tract 3 as outlined in the revised mitigation proposal; and
- c. Surety of \$5,000 will be required in a form acceptable to the County Attorney's office to guarantee all of the mitigation components; and
- d. This exception request approval shall become null and void if construction has not begun by December 13, 2021. Written requests for an extension to this exception shall be submitted to the Stormwater and Resource Protection Division no later than October 27, 2021, six weeks prior to the expiration date.

 David Gussman
 Chair, Chesapeake Bay Board

 Michael D. Woolson
 Senior Watershed Planner

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 12th day of December, 2018.

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: _____

CBPA18-0147StnehseSswr-res

Michael Woolson

From: Curtis Hickman <chickman@kerrenv.com>
Sent: Monday, November 05, 2018 9:23 AM
To: Michael Woolson
Subject: Stonehouse Land Bay 3&5 Sanitary Sewer Extension,CBE-18-013, Request for Extension

Hello Mike – On Behalf of our Client, SCP-JTL Stonehouse Owner 1, LLC (Applicant), Kerr Environmental Services is requesting an extension of CBE-18-013 for the Stonehouse Land Bay 3 and 5 Sanitary Sewer Extension Project. The applicant is nearing the end of an unexpectedly long process of modifying the existing DEQ and Corps Individual Permits to include additional impacts to wetlands necessary for the project. The permitting agencies required the applicant to expand the project area to include all potential wetland impacts for all future development within the subject sanitary sewer service area. Permitting for this expanded project area required additional Small Whorled Pogonia Surveys, land planning, and preliminary engineering which took several months to complete.

The permit modifications are anticipated to be issued at the end of November which will not allow sufficient time to begin construction prior to expiration of this CBE on December 13th. The Applicant is requesting an extension of this Exception for a period of three years to allow for any further unexpected delays.

Please let me know if we are able to be included on the December 12th James City County Chesapeake Bay Board Hearing Agenda.

Thank you,

Curtis

Curtis Hickman
Project Manager
Kerr Environmental Services Corp.

1008 Old Virginia Beach Road, Suite 200
Virginia Beach, VA 23451
Phone: 757-963-2008 Cell: 757-620-4106 Fax: 757-963-8322
Email: chickman@kerrenv.com
www.kerrenv.com
Small Business / SWaM VA Certified # 653032

This email is confidential under applicable law, and is intended only for the use of the individual or entity named above. If however you received this email in error or are not the intended recipient, you are hereby notified that any use, distribution, copying or disclosure of this communication is strictly prohibited. If you have received this communication in error, please notify Kerr Environmental Services at (757) 963-2008 or by return e-mail to chickman@kerrenv.com and purge the communication immediately without making any copy or distribution.

RESOLUTION

CASE NO. CBE-18-013. STONEHOUSE LAND BAY 3 AND 5

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

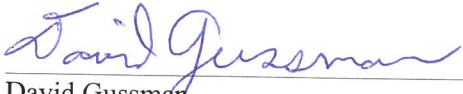
WHEREAS, SCP-JTL Stonehouse Owner 1, LLC (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on October 11, 2017, to request an exception to use the Resource Protection Area (the “RPA”) on parcels of property identified as James City County Real Estate Tax Map Parcel Nos. 0440100030, 0440200001, 0440200002, 0440100022 and 0530100017 and further identified as 9360, 9320, 9340 and 9350 Fieldstone Parkway and 9683 Mill Pond Run in the Stonehouse subdivision (the “Property”) as set forth in the application CBE-18-013 for the purpose of constructing a sanitary sewer trunk line; 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 and permissions as required for the project; and
 - b. A conservation easement of 2.27 acres is to be recorded in Tract 3 as outlined in the revised mitigation proposal; and

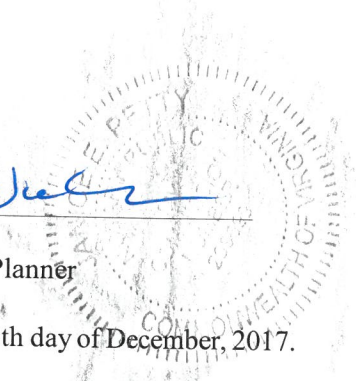
- c. Surety of \$5,000 will be required in a form acceptable to the County Attorney's office to guarantee all of the mitigation components; and
- d. This exception request approval shall become null and void if construction has not begun by December 13, 2018. Written requests for an extension to this exception shall be submitted to the Stormwater 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 December, 2017.

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 13 DAY OF December, 2017 IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF JAMES CITY.



NOTARY PUBLIC

MY COMMISSION EXPIRES: January 31, 2018
NOTARY COMMISSION NO. 209699

CBE18-13Stonehouse-res

ITEM SUMMARY

DATE: 12/12/2018
TO: Chesapeake Bay Board
FROM: Michael Woolson, Senior Watershed Planner
SUBJECT: CBPA 18-0151 : 38 Ensigne Spence

Mr. Stephen Moth is requesting a one-year extension to the existing exception which is due to expire on December 13, 2018.

ATTACHMENTS:

| | Description | Type |
|---|---------------------|-----------------|
| ☐ | Staff Memo | Cover Memo |
| ☐ | Resolution | Resolution |
| ☐ | Extension Request | Backup Material |
| ☐ | Existing Resolution | Backup Material |

REVIEWERS:

| Department | Reviewer | Action | Date |
|------------------------|--------------------|----------|----------------------|
| Chesapeake Bay Group | Woolson, Michael | Approved | 12/3/2018 - 4:40 PM |
| Chesapeake Bay Group | Geissler, Fran | Approved | 12/4/2018 - 2:12 PM |
| Publication Management | Burcham, Nan | Approved | 12/4/2018 - 2:51 PM |
| Chesapeake Bay Group | Secretary, ChesBay | Approved | 12/5/2018 - 10:37 AM |

MEMORANDUM

DATE: December 12, 2018
TO: The Chesapeake Bay Board
FROM: Michael D. Woolson, Senior Watershed Planner
SUBJECT: Case No. CBPA-18-0151. 38 Ensigne Spence Accessory Structure

Mr. Stephen Moth is requesting a one-year extension to CBPA-18-0151 (formerly CBE-18-032), originally granted on December 13, 2017, due to unexpected storm damage to their home this past summer, which required a shifting of priorities.

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 December 13, 2019.

MDW/md
CBPA-18-0151-Ext-mem

Attachment

RESOLUTION

CASE NO. CBPA-18-0151. 38 ENSIGNE SPENCE ACCESSORY STRUCTURE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE

EXCEPTION EXTENSION

WHEREAS, Stephen and Gaye Moth (the “Applicants”), have applied to the Chesapeake Bay Board of James City County (the “Board”) on December 13, 2017, to request an exception to use the Resource Protection Area on a parcel of property identified as James City County Real Estate Tax Map Parcel No. 5021100015 and further identified as 38 Ensigne Spence in the Kingsmill subdivision (the “Property”) as set forth in the application CBPA-18-0147 (formerly CBE-18-032) for the purpose of constructing a deck and step access to the water; and

WHEREAS, the Applicants have requested a one-year extension to the exception granted by the Board on December 13, 2017; 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 applicants 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 and permissions as required for the project; and
- b. Surety of \$250 will be required in a form acceptable to the County Attorney’s office to guarantee the mitigation; and
- c. This exception request approval shall become null and void if construction has not begun by December 13, 2019. Written requests for an extension to this exception shall be submitted to the Stormwater 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 12th day of December, 2018.

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: _____

Michael Woolson

From: Moth, Stephen <stephen.moth@te.com>
Sent: Wednesday, October 31, 2018 12:18 PM
To: Michael Woolson
Cc: Janice Petty; 'gaye.moth@longandfoster.com'
Subject: CBPA-18-0151 / CBE-18-032 38 Ensigne Spence

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mr. Woolson

We would like an extension to the schedule for our deck project. Unfortunately, our house was hit by a tree in a storm which forced a change in priorities for us. We are now ready to move forward again but will not be able to start the project by the December 13th 2018 deadline.

Can you please bring the extension request up to the board at the next meeting.

If you require more detail please do not hesitate to contact us.

My contact details are below and Gaye's mobile number is 757 389 1040.

Thanks for your support on this.

Best regards



Stephen Moth

Senior Product Manager- Position
Sensor Solutions

TEL +1 757 766 4391 **MOBILE** +1 757 389 1040 **EMAIL** stephen.moth@te.com



te.com

[Click to read](#) email confidentiality disclaimer.

RESOLUTION

CASE NO. CBE-18-032. 38 ENSIGNE SPENCE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION


WHEREAS, Stephen and Gaye Moth (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on December 13, 2017, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property identified as James City County Real Estate Tax Map Parcel No. 5021100015 and further identified as 38 Ensigne Spence in the Kingsmill subdivision (the “Property”) as set forth in the application CBE-18-032 for the purpose of constructing a deck and step access to the water; 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 and permissions as required for the project; and
 - b. Surety of \$250 will be required in a form acceptable to the County Attorney’s office to guarantee the mitigation; and

- c. This exception request approval shall become null and void if construction has not begun by December 13, 2018. Written requests for an extension to this exception shall be submitted to the Stormwater 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 December, 2017.

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 13 DAY OF December, 2017 IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF JAMES CITY.


NOTARY PUBLIC

MY COMMISSION EXPIRES: January 31, 2018
NOTARY COMMISSION NO. 209699

CBE18-032-38EnsigneS-res

ITEM SUMMARY

DATE: 12/12/2018
TO: Chesapeake Bay Board
FROM: Michael Woolson, Secretary to the Board
SUBJECT: 2019 Calendar

ATTACHMENTS:

| | Description | Type |
|---|---------------|-----------------|
| 📎 | 2019 Calendar | Backup Material |

REVIEWERS:

| Department | Reviewer | Action | Date |
|------------------------|--------------------|----------|----------------------|
| Chesapeake Bay Group | Woolson, Michael | Approved | 12/3/2018 - 3:50 PM |
| Chesapeake Bay Group | Geissler, Fran | Approved | 12/4/2018 - 2:07 PM |
| Publication Management | Burcham, Nan | Approved | 12/4/2018 - 2:47 PM |
| Chesapeake Bay Group | Secretary, ChesBay | Approved | 12/5/2018 - 10:36 AM |

JAMES CITY COUNTY

2019 WETLAND AND CHESAPEAKE BAY BOARD MEETING CALENDAR

| January 2019 | February 2019 | March 2019 | April 2019 |
|--|--|---|--|
| 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 2019 | June 2019 | July 2019 | August 2019 |
| 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 2019 | October 2019 | November 2019 | December 2019 |
| 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 | 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: 12/12/2018
TO: Chesapeake Bay Board
FROM: Michael Woolson, Secretary to the Board
SUBJECT: Election of Officers for 2019

Current Chair: David Gussman
Current Vice-Chair: William Apperson
Current Secretary: Michael Woolson

REVIEWERS:

| Department | Reviewer | Action | Date |
|------------------------|--------------------|----------|----------------------|
| Chesapeake Bay Group | Woolson, Michael | Approved | 12/3/2018 - 3:50 PM |
| Chesapeake Bay Group | Geissler, Fran | Approved | 12/4/2018 - 2:13 PM |
| Publication Management | Burcham, Nan | Approved | 12/4/2018 - 2:52 PM |
| Chesapeake Bay Group | Secretary, ChesBay | Approved | 12/5/2018 - 10:37 AM |