

# Chesapeake Bay Board

## July 14, 2004 - immediately following the Wetlands Board Meeting

- A. Roll Call
- B. Minutes - May 12, 2004
- C. Old Business - None
- D. Public Hearings
  - 1. WQIA-005-04. Norge Neighborhood
  - 2. WQIA-006-04. Jamestown Archaearium Building
- E. Board Considerations - None
- F. Matters of Special Privilege
- G. Adjournment

## **WQIA-005-04. Norge Neighborhood**

Staff report for the July 14, 2004, Chesapeake Bay Board public hearing.

This staff report is prepared by the James City County Environmental Division 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.

### **Summary Facts**

Applicant: Mr. V. Marc Bennett, P.E. of AES Consulting Engineers, Inc.

Land Owner: Norge Neighborhood, LLC

Location: 7145 Richmond Road

Tax Map: (23-2)(01-0-0050)

Staff Contact: Michael Woolson - 253-6823

### **Project Description**

Mr. Marc Bennett of AES Consulting Engineers has applied on behalf on Norge Neighborhood, LLC, for an exception to the Chesapeake Bay Preservation ordinance for impacts associated with the Norge Neighborhood project. The project is generally located north of the Williamsburg Dodge dealership and Colonial Heritage development; south of the Kristiansand subdivision; and west of Route 60.

Norge Neighborhood proposed to encroach into the Resource Protection Area by approximately 0.50 acres for the construction of a stream restoration, clearing and grading, stormwater management facility and sanitary sewer construction.

### **History**

Norge Neighborhood, LLC submitted a master plan and rezoning request to the Planning Division in September 2003. County staff, including the Environmental Division, approved the rezoning request in early January 2004 and the Board of Supervisors approved the project on January 20, 2004. One of the conditions for approval was to repair the segment of stream that had been severely eroding. Another was that the project would look into the feasibility of sharing the neighboring stormwater management facility located on the Williamsburg Dodge property.

As the site plan for this project was not submitted prior January 1, 2004, the project is not grandfathered from the revised Chesapeake Bay Preservation Ordinance. The Ordinance

revisions have now imposed a Resource Protection Area (RPA) buffer of 100 feet on either side of the streams that border the property to the south and west.

Under Section 23-11 of the new Ordinance, it states that a water quality impact assessment shall be required for any proposed land disturbance resulting from development or redevelopment within RPAs. Norge Neighborhood, LLC has submitted this assessment for their project. The issue before the Chesapeake Bay Board is the impacts (clearing and grading) associated with the construction of sanitary sewer and a stormwater management facility. The impacts associated with the stream restoration, while included in this assessment, will be handled administratively.

### **Water Quality Impact Assessment**

The total impacts to the RPA for this project are approximately 0.55 acres and encompass the construction of a stream restoration, sanitary sewer connection and stormwater management facility. Impact 1 (0.10 acre) will be an administrative review and is not covered under the Board exception approval. Impact 2 will cover 0.20 acre; impact 3 will cover 0.25 acre; so the total RPA impact before the Board for approval is 0.45 acre. To mitigate for environmental impacts, the project will use erosion control type 3 blanket to stabilize all slopes facing the RPA, a timber wall BMP structure, 2 bioretention filter BMP's, additional Natural Open Space dedications, a shared BMP with the Williamsburg Dodge dealership, additional RPA plantings, the use of a conservation seed mix within the disturbed portion of the RPA, and stream restoration of a severely eroded stream channel.

AES Consulting Engineers, Inc., has submitted the required information as outlined in the *James City County Water Quality Impact Assessment Guidelines*. The Board is to determine whether or not the proposed development is consistent with the spirit and intent of the Ordinance and make a finding based upon the following criteria, as outlined in Section 23-14(c):

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 this chapter to other property owners similarly situated in the vicinity;
3. The exception request will be in harmony with the purpose and intent of this chapter, 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; and
5. Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality.

### **Recommendations**

Staff finds that the WQIA and the project are consistent with the spirit and intent of the Ordinance and the criteria as outlined in section 23-14(c). Staff recommends that the Chesapeake Bay Board approve the WQIA as it pertains to this project only, except that the area to be replanted downstream of impact 2 be increased from 0.18 acres to a maximum of 0.20 acres. Furthermore, all other recommendations listed therein are to be incorporated into the site plans for the project, which must then be approved by the Environmental Division. This exception request approval shall become null and void if construction has not begun by July 14, 2005 .

\_\_\_\_\_ Michael Woolson

CONCUR:

\_\_\_\_\_ Darryl Cook

APPROVED:

\_\_\_\_\_ Chairman, Chesapeake Bay Board

Attachment:

1. Norge Neighborhood Project Water Quality Impact Assessment

## **WQIA-008-04. Jamestown Archaearium**

Staff report for the July 14, 2004, Chesapeake Bay Board public hearing.

This staff report is prepared by the James City County Environmental Division 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.

### **Summary Facts**

Applicant: Mr. Timothy Hogan, P.E. of VHB, Inc.

Land Owner: Association for the Preservation of Virginia Antiquities

Location: 1365 Colonial Parkway

Tax Map: (54-2)(1-1)

Staff Contact: Darryl Cook - 253-6673

### **Project Description**

Mr. Timothy Hogan of VHB, Inc has applied, on behalf of the Association for the Preservation of Virginia Antiquities, for an exception to the Chesapeake Bay Preservation ordinance for Resource Protection Area (RPA) impacts associated with the Jamestown Archaearium project. The project is generally located on the westernmost point of Jamestown Island and west of the recently approved Collections Building .

The Jamestown Archaearium is proposed to encroach into the Resource Protection Area (RPA) by approximately 3,350 square feet (0.08 acres) for a portion of the stormwater management facility, buffer restoration activities, and walkways associated with the project.

### **History**

The National Park Service (NPS) and the Association for the Preservation of Virginia Antiquities (APVA) have initiated "The Jamestown Project" to jointly research, protect and present to the public the resources at Jamestown Island . The APVA is proposing to construct the Archaearium, an archeological exhibit facility, as part of this initiative. Immediately east and adjacent to the proposed Archaearium is another facility, the Collections Building that is attached to the Yeardley House, which is another component of the "Project." The Collections Building also had RPA impacts that were approved administratively last year.

As Jamestown Island is situated in the James River (a perennial waterbody), the perimeter of the island is protected by a 100' RPA Buffer. In addition, there are perennial waterbodies (tidal wetlands) internal to the island, which require buffers. The Archaearium project is adjacent to both the river and tidal wetland areas with impacts to the RPA buffers for the some of the project improvements.

Under Section 23-11 of the new Ordinance, a water quality impact assessment must be submitted for any proposed land disturbing activity resulting from development or redevelopment within

RPA. The Association for the Preservation of Virginia Antiquities has submitted an assessment for this project. The issue before the Chesapeake Bay Board is the 1900 square foot RPA impact (clearing and grading) associated with the construction of a portion of the stormwater management facility. The impacts to the RPA for the gravel walkway (1450 square feet) will be handled administratively.

### **Water Quality Impact Assessment**

The total impacts to the RPA for this project are approximately 0.08 acres and encompass the construction of a gravel walkway and stormwater management facility. The proposed stormwater management facility will be in the form of a bioretention area, a relatively new technology, designed to mimic the adjacent marshland helping to filter stormwater and decrease the stormwater pollution potential resulting from such development. Furthermore, they propose to enhance the existing RPA buffer in a 10,000 square foot area by removing debris that has collected in these areas over time, and by planting native vegetation to restore impacted areas and increase its filtering capability.

VHB, Inc. has submitted the required information as outlined in the *James City County Water Quality Impact Assessment Guidelines*. The Board is to determine whether or not the proposed development is consistent with the spirit and intent of the Ordinance and make a finding based upon the following criteria, as outlined in Section 23-14(c) of the Chesapeake Bay Ordinance:

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 this chapter to other property owners similarly situated in the vicinity;
3. The exception request will be in harmony with the purpose and intent of this chapter, 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; and
5. Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality.

### **Recommendations**

Staff finds that the WQIA and the project are consistent with the spirit and intent of the Ordinance and the criteria as outlined in Section 23-14(c). Staff recommends that the Chesapeake Bay Board approve the WQIA as it pertains to this project only. Furthermore, all recommendations listed therein are to be incorporated into the site plans for the project, which then must be approved by the Environmental Division. This exception request approval shall become null and void if construction has not begun by July 14, 2005 .

\_\_\_\_\_ William Cain

CONCUR:

\_\_\_\_\_ Darryl Cook

APPROVED:

\_\_\_\_\_ Chairman, Chesapeake Bay Board

Attachment:

1. Jamestown Archaearium Project Water Quality Impact Assessment