

# Chesapeake Bay Board

## November 9, 2005

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## **WQIA for 141 Riverview Plantation Drive**

Staff report for the November 9, 2005, 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	Paul White, Paul White Designer and Associates
Land Owner	Dr. Dale and Paige Sprenkel
Location	141 Riverview Plantation Drive, Lot 2, Section I, Riverview Plantation
Tax Map	(16-4)(5-2)
Staff Contact	Darryl Cook Phone: 253-6673

### **Project Description**

Mr. Paul White of Paul White Designer and Associates has applied on behalf of Dale and Paige Sprenkel for an exception to the Chesapeake Bay Preservation Ordinance for Resource Protection Area (RPA) impacts associated with the construction of a single family principal structure and an attached garage on the above referenced lot in Riverview Plantation. The principal structure, garage and driveway are proposed to create approximately 1716 square feet of impervious cover in the RPA.

The lot is 76,743 square feet or 1.76 acres in size. It is located adjacent to the York River on the northeast side and a connected wetlands system is present on the northwest side of the lot. There is currently an existing residence on the lot that is proposed to be demolished and replaced with the new house. The existing house and driveway encroach into the RPA by approximately 573 square feet resulting in a net increase in impervious cover of 1143 square feet. No mature vegetation will be removed from the lot to allow for construction of the proposed residence.

### **Background**

The lot was recorded in the 1970s prior to the adoption of the Chesapeake Bay Preservation Ordinance. Therefore, there was no RPA present on the lot at recordation or when the existing house was built in 1978. However, on August 6, 1990, the Ordinance went into effect establishing 100-foot RPA buffers around all water bodies with perennial flow. Under the provisions of the Ordinance in effect at that time, perennial water bodies were identified as a solid blue-line stream on the USGS 7-1/2 minute topographic quadrangle maps (scale 1:24000). The York River and the adjacent, connected wetlands on this property were identified as perennial water bodies on the quad map and an RPA buffer was placed on the lot. This 100 foot RPA buffer encompasses about 90% of the lot.

As the lot is currently developed, it is subject to the redevelopment provisions of the Ordinance. According to those provisions, an exception can be granted to encroach into the

buffer administratively only if there is no increase in impervious cover and no further encroachment into the buffer. This proposal does result in an increase in both the impervious cover and the encroachment into the RPA. Therefore, the exception must be considered by the Chesapeake Bay Board as part of a public hearing process. When a structure is totally removed as in this case, the application is to be considered as if it were a new application.

### **Water Quality Impact Assessment**

Under Section 23-14 of the amended Ordinance, a water quality impact assessment (WQIA) must be submitted for any proposed land disturbing activity resulting from development or redevelopment within RPAs. Paul White on behalf of the Sprenkels has submitted a WQIA for this project. The issue before the Chesapeake Bay Board is the RPA impacts associated with clearing, grading and creation of a net increase in 1143 square feet of new impervious cover in the RPA associated with the construction of the principal structure.

The WQIA proposes to mitigate for the impacts to the RPA by planting by planting 3 native canopy trees, 6 native understory trees, and 9 native shrubs on the lot in 1100 square feet of landscape beds on the lot in the RPA to help filter nonpoint source pollution. These plants and landscape areas would be in addition to the existing landscaped areas already in place on the lot and are to be located within the RPA. In addition, gravel will be placed under the new decks to contain water from the decks.

The Sprenkels have 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 recommends approval of the exception as the lot was created prior to the establishment of the RPA requirement, the house is located at the front and side building setbacks minimizing the encroachment for this proposal, the project does not confer any special privileges to the applicant, and the exception is not based on self-imposed conditions. Staff recommends approval with the following conditions:

1. Full implementation of the mitigation landscape requirements submitted for the project with the WQIA.
2. The size of the trees planted shall be a minimum of 1-1/2 inch caliper (six to eight feet tall) and the shrubs shall be 3 gallon size.
3. Implementation of the mitigation plan would be guaranteed through the provisions of the Ordinance contained in Sections 23-10(3)d. and 23-17(c) where installation of the plant material is required prior to the certificate of occupancy or through a surety instrument satisfactory to the county attorney.
4. This exception request approval shall become null and void if construction has not begun by November 9, 2006.

All recommendations adopted by the Board must be incorporated into the site plans for the project, which then must be approved by the Environmental Division before construction can begin.

Staff Report Prepared by: \_\_\_\_\_  
Darryl E. Cook

- Exception Approved with Staff Recommendations
- Exception Denied

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Henry C. Lindsey  
Chairman,  
Chesapeake Bay Board

Attachments:

1. Water Quality Assessment Report, 141 Riverview Plantation Drive, dated September 21, 2005, including site maps.
2. Site Photographs