

# **Chesapeake Bay Board**

## **Building F - 7 p.m.**

**April 10, 2013**

**A. Roll Call**

**B. Minutes**

March 13, 2013

**C. Public Hearings**

1. CBE-13-077 – James T Duguay Jr., Inc. – 2844 Castling Crossing – SFD with deck and retaining wall
2. CBE-13-079 – Reece – 258 Sandy Bay Rd. – Deck Expansion

**D. Board Considerations**

**E. Matters of Special Privilege**

**F. Adjournment**

# Chesapeake Bay Exception CBE-13-077: 2844 Castling Crossing- Performance Contracting-Duguay

Staff report for the April 10, 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 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 & Information**

Applicant: James Duguay Jr., Inc. - Performance Contracting  
Land Owner: James Duguay Jr., Inc. - Performance Contracting  
Location: 2844 Castling Crossing  
Parcel: Lot 18, Lake Powell Forest  
PIN: 481230018  
Lot Size: 6127sq. ft. /0.14 acres  
RPA Area on Lot: 0.14 acres/ 100% of the lot (RPA only)  
Watershed: Mill Creek (HUC Code JL33)  
Proposed Activity: Construction of single family home, deck, and retaining wall

## **Proposed Impacts**

Impervious Area: 2,255 square feet (approximate)  
RPA Encroachment: 1,445 square feet (approximate) to the seaward 50 foot RPA buffer, 810 square feet (approximate) landward RPA buffer with an approximate total of 2,255 square feet.

## **Description of Activities**

Mr. James T Duguay with James Duguay Inc. DBA Performance Contracting– the property owner has applied for an exception to the Chesapeake Bay Preservation Ordinance (Ordinance) for an encroachment into the RPA buffer for the construction of a single family home, retaining wall and deck. The project is located at 2844 Castling Crossing within the Lake Powell Forest subdivision. The lot was platted in 1999 after adoption of the Chesapeake Bay Preservation Ordinance and prior

to the 2004 revisions to the Ordinance. The proposed improvements are within the seaward and landward 50 foot RPA buffer. The required mitigation for this project would be 6 planting units (1 canopy tree, 2 understory trees, and 3 shrubs per every 400 sq. ft. impervious cover). A mitigation plan will be submitted at a later date, to be approved by staff prior to any clearing or building permits being issued. The mitigation plan will incorporate low impact design techniques and tie any underdrains into those designed for the retaining wall.

### **Background of Parcel**

Based on staff review of County records, the lot was recorded prior to the adoption of the Chesapeake Bay Preservation Ordinance. As the proposed construction is located within the RPA buffer, it cannot be administratively reviewed, therefore in accordance with section 23-14 of the Ordinance an 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 single family home, retaining wall and deck.

### **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*.

### **Consideration by the Chesapeake Bay Board**

The issue before the Board is the construction of the single family home, retaining wall, and deck that will create approximately 1,445 square feet of impervious area within the seaward RPA buffer. The Board is to determine whether or not this is consistent with the spirit and intent of the Ordinance and make a finding based upon the five (5) criteria outlined in Section 23-14 (c) of the Ordinance.

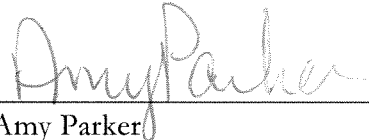
The board is permitted to require reasonable and appropriate conditions in granting the exception request in accordance with Section 23-14 of the County's Chesapeake Bay Preservation ordinance. The Board is to fully consider Chesapeake Bay Exception CBE-13-077 as outlined and presented above and review 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 denial of Chesapeake Bay Exception CBE-13-077 are included for the Board's use and decision.

**Staff Recommendations**

Staff has fully reviewed the application and exception request and has determined impacts associated with the proposal to be **severe** for the proposed development and that the proposed mitigation measures meet standard mitigation requirements. Staff recommends the Chesapeake Bay Board approve this Chesapeake Bay Exception with the following conditions:

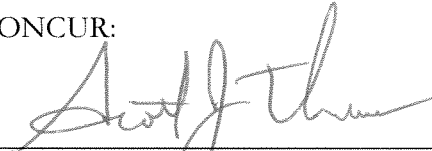
1. The applicant must obtain all other necessary local permits as required for the project; and
2. Surety of \$4,000 will be required in a form acceptable to the County Attorney's office; and
3. Applicant must submit the mitigation plan for approval prior to construction; and
4. This exception request approval shall become null and void if construction has not begun by April 10, 2014; and
5. Written requests for an extension to an exception shall be submitted to the Engineering and Resource Protection Division no later than 2 weeks prior to the expiration date.

Staff Report prepared by:



Amy Parker  
Resource Protection Inspector II

CONCUR:



Scott J. Thomas, Director  
Engineering and Resource Protection

Attachments: Sensitive Area Activity Application  
Exhibits:  
A- Plat provided by applicant

## Chesapeake Bay Exception CBE-13-079:

258 Sandy Bay Rd - Reece

Staff report for the April 10, 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: John and Debra Reece  
Location: 258 Sandy Bay Rd.  
PIN: 4730100012  
Lot Size/Zoning: 16.9 ac +/-; R4 Zoning  
Area of Lot in RPA: 13.8 ac +/- (86%)  
Watershed: Powhatan (HUC Code JL31)  
Proposed Activity: Deck extension

### Proposed Impacts

Impervious Cover: Approximately 240 square feet  
RPA Encroachment: Approximately 240 square feet

### Brief Summary and Description of Activities

Mr. John and Mrs. Debra Reece have applied for an exception to the Chesapeake Bay Preservation Ordinance (Ordinance) for encroachments into the RPA buffer for the installation of a deck expansion. The lot was platted prior to the adoption 1990 adoption of the Chesapeake Bay Preservation Ordinance and the house built in 1969.

The project entails the construction of a deck extension. The proposed impervious cover for this item is approximately 240 square feet. This project requires approval from the Chesapeake Bay Board. The applicant is in the process of raising the house vertically out of the floodplain. In the course of doing this, they are proposing to rebuild the existing deck in the same footprint and add an extension that allows them access.

## Staff Evaluation

Staff has evaluated the application and exception request for all work as described above. The proposal is for expansion of an existing deck. 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 because the deck is more than the minimum necessary to afford relief. 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 an invoice for the mitigation plantings which are included in the case report packet.

## 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-13-079 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-13-079 are included for the Board's use and decision.

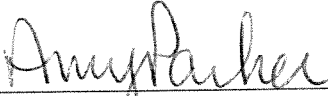
## Staff Recommendations

Staff has fully reviewed the application and exception request and has determined impacts associated with the proposal to be **moderate** for the proposed development and that the proposed mitigation measures meet standard mitigation requirements. Staff recommends the Chesapeake Bay Board approve this Chesapeake Bay Exception with the following conditions:

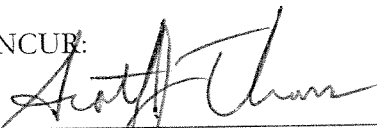
1. The applicant must obtain all other necessary federal, state and local permits as required for the project; and
2. Applicant shall provide a planting plan for the proposed mitigation; and
3. Surety of \$500 will be required in a form acceptable to the County Attorney's office; and
4. This exception request approval shall become null and void if construction has not begun by April 10, 2014; and

5. Written requests for an extension to an exception shall be submitted to the Engineering and Resource Protection Division no later than 2 weeks prior to the expiration date.

Staff Report prepared by:

  
\_\_\_\_\_  
Amy Parker  
Resource Protection Inspector II

CONCUR:

  
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Scott J. Thomas, Director  
Engineering and Resource Protection

Attachments: Water Quality Impact Assessment Package