

Chesapeake Bay Board

Building F

Oct. 9, 2013

A. Roll Call

B. Minutes

From August 14, 2013 - Board Meeting

C. Public Hearings

1. CBE-14-023. Boyd, 2642 Jockey's Neck Trail - pool and terrace

D. Board Considerations

1. CBE-13-006, Extension - 1784 Cypress Isle - pervious paver walkway system

E. Matters of Special Privilege

F. Adjournment

Chesapeake Bay Exception CBE-14-023: 2642 Jockey's Neck Trail

Staff report for the October 9, 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: Donovan and Sandra Boyd

Location: 2642 Jockey's Neck Trail, Lot 50A, Phase 1, The Vineyards at Jockey's Neck

PIN: 48402000050A

Lot Size/Zoning: 2.76 ac +/-; R1 Limited Residential Zoning

Area of Lot in RPA: 1.65 ac +/- (60%)

Watershed: College Creek, HUC Code JL34

Proposed Activity: Raised terrace with pool

Proposed Impacts

Impervious Cover: Approximately 1060 square feet

RPA Encroachment: Approximately 1060 square feet (landward 50ft. RPA buffer)

Brief Summary and Description of Activities

Mr. and Mrs. Boyd have applied for an exception to the Chesapeake Bay Preservation Ordinance (Ordinance) for encroachments into the RPA buffer for the installation of a raised terrace and pool. The lot was platted in 1995, between the adoption of the original Ordinance (1990) and prior to the adoption of the revised Ordinance (2004). The house was built in 2007 with the revised RPA shown on the building plan. An administrative waiver was granted to build the house in the RPA.

This project will eliminate a steep and eroding slope adjacent to the home, partially within the RPA. The location and layout of the pool is within the original 20 foot area allowed to be cleared when the house was originally built. The remaining property within the RPA is proposed to be left in its natural state. The mitigation required for this impact is 2 units (2 canopy trees, 4 understory trees, 6 shrubs). The mitigation proposal exceeds the requirements (2 canopy trees, 7 understory trees, 12 shrubs).

Staff Evaluation

Staff has evaluated the application and exception request for all work as described above. The proposal is for a raised terrace and pool. Staff does have concerns with the pool effluent discharge and recommends that the Board condition any approval by requiring the applicant to follow the Virginia Department of Environmental Quality "Guidelines for the Release of Swimming Pool Water" and implementation of a dry well/level spreader/dissipator BMP device at the outlet of the pool discharge drain line. 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 these items are accessory structures. 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-14-023 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-14-023 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. Surety of \$500 will be required in a form acceptable to the County Attorney's office; and

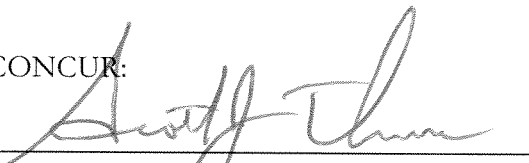
3. The applicant shall follow the DEQ's "Guidelines for the Release of Swimming Pool Water", Release of Pool Water to Well Vegetated Areas on your Property, Part B and Best Management Practices implementation, Page 2; and
4. Implementation of the crushed stone dry well/level spreader/dissipator (Best Management Practice) as shown in the Sensitive Area Activity Application submitted by the applicant. The BMP device shall be provided at a location and constructed to dimensions, depth and of material types acceptable to and approved by County staff; and
5. This exception request approval shall become null and void if construction has not begun by October 9, 2014; and
6. 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

MEMORANDUM

DATE: October 9, 2013
TO: The Chesapeake Bay Board
FROM: Michael Woolson, Senior Watershed Planner *MW*
SUBJECT: Case No. CBE-13-006; 1784 Cypress Isle

Mr. Wesley Boyd, on behalf of Jody and Wilma Forsyth, has requested an extension of the approved Chesapeake Bay Board application, CBE-13-006. Condition number 6.1 of the Board's approval states that all other federal, state and local permits shall be obtained prior to commencement of work. Currently the Corps of Engineers have not acted upon the wetland permit request and the applicant wished to construct both projects concurrently. Staff concurs with his request and requests that all previous conditions be continued and the expiration date be set at October 9, 2014.