

Chesapeake Bay Board Building F

July 8, 2015 - 7 p.m.

A. Roll Call

B. Minutes

From June 10, 2015 Board Meeting

C. Public Hearings

1. CBE-15-098: O'Brien/Mid-Atlantic – 7588 Uncles Neck – bank grading
2. CBE-15-014: Rauch Development/AES Consulting –White Hall Section 4 – sanitary sewer crossings
3. CBE-15-097: Anthony – 112 North Trace – add fill to rear yard
4. CBE-15-099: Adolphi/Krapf – 110 Heathery – accessory structures
5. CBE-15-102: Schumann/Wassum – 114 Archers Hope – addition
6. CBE-15-104: Coastal Construction/Roth Environmental – 117 Stowe – SFD & retaining wall

D. Board Considerations

E. Matters of Special Privilege

F. Adjournment

Chesapeake Bay Exception CBE-15-098: 7588 Uncle's Neck

Staff report for the July 8, 2015 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

Land Owner: Michael and Maureen O'Brien

Agent: Karla Havens, Mid-Atlantic Consulting

Location: 7588 Uncle's Neck

PIN: 2010200022

Parcel: Lot 22, River's Bend at Uncles Neck

Lot Size: 7.29 acres +/-

RPA Area on Lot: 3.01 acres +/- (41%)

Watershed: Chickahominy River (HUC Code JL 28)

Proposed Activity: stabilize an actively eroding bank and regrade to a more stable slope

Proposed Impacts

Impervious Area: 0 sq. ft.

RPA Encroachment: Approximately 9,000 sq. ft. in RPA buffer

Description of Activities

Mrs. Karla Havens, on behalf of Michael and Maureen O'Brien, has applied for a Chesapeake Bay Preservation Ordinance exception to stabilize an actively eroding bank adjacent to the Chickahominy River in conjunction with an offshore stone sill and sand beach nourishment (outside of this board's jurisdiction) to protect the shoreline at 7588 Uncles Neck. The upper portion of the bank has a vertical or near vertical slope, while the lower portion has reached a more stable configuration. The upper ten feet vertical of the upper slope is proposed to be cut back at a 2H:1V configuration, mulched and replanted with 240 shrubs. The disturbed area within the RPA equates to 22 planting units and the proposal is to replant with all shrubs, which staff supports.

Background of Parcel

The lot was platted in 2007, after the adoption of the Chesapeake Bay Preservation Ordinance. While shoreline erosion control projects are allowed through a permitted buffer modification process, this project is being brought before the Chesapeake Bay Board for consideration due to the extent of RPA impacts. Therefore, this project must be heard and approved by the Chesapeake Bay Board following a public hearing, in accordance with Section 23-14 of the Ordinance, under the formal exception process.

The exception request before the board, and decision to approve or deny by resolution, is for the regrading of the bank slope, impacting approximately 9,000 sq. ft. of resource protection area at 7588 Uncles Neck in the River's Bend at Uncles Neck subdivision.

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*. The mitigation plan is in writing.

Consideration by the Chesapeake Bay Board

The issue before the Board is the regrading of the eroding bank at 7588 Uncles Neck and whether this activity 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-15-098 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-15-098 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 high for the proposed development and that the proposed mitigation

complies with County standards. Staff recommends the Chesapeake Bay Board approve this Chesapeake Bay Exception with the following conditions:

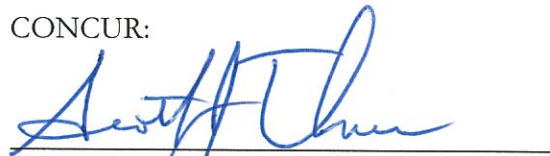
1. The applicant must obtain all other necessary local permits as required for the project; and
2. Prior to construction, the limits of work shall be staked and/or flagged and approved by this Division; and
3. Prior to construction, a \$2,000 surety shall be submitted in a form acceptable to the County Attorney's office, to guarantee the mitigation; and
4. There shall be a 90% survival rate of the planted material after one growing season or additional plantings completed to reach 90% of original quantity prior to surety release; and
5. The surety will be held for a minimum of one growing season after planting; and
6. The Engineering and Resource Protection Division Director reserves the right to require additional erosion and sediment control measures for this project if field conditions warrant their use; and
7. This exception request approval shall become null and void if construction has not begun by July 8, 2016; and
8. 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: Sensitive Area Activity Application w/plan

Chesapeake Bay Exception CBE-15-014: White Hall – Section 4

Staff report for the July 8, 2015 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: Rauch Development Co., LLC

Location: 3401 Rochambeau Drive

Parcel Size/Zoning: 19.2 +/- acres, R2 General Residential

PIN: 1220100014A

Percent of Parcels in RPA: 21% (4.1 +/- acres)

Watershed: Ware Creek, France Swamp subwatershed, HUC Code YO62

Proposed Activity: Gravity sanitary sewer line and permanent maintenance easement

Proposed Impacts

Sanitary Sewer RPA Encroachments:
Permanent encroachment: 7,791 square feet (0.18 ac.)

Brief Summary and Description of Activities

AES Consulting Engineers, on behalf of Rauch Development Co., LLC, has applied for an exception to the Chesapeake Bay Preservation Ordinance (Ordinance) for encroachments into the RPA for the installation of a gravity sanitary sewer and permanent maintenance easement. The submitted Water Quality Impact Assessment contains information pertaining to both administrative and Board action. The impacts associated with the BMP and storm water outfalls, specifically Impacts #1, #2 and #3 as outlined in the WQIA are administrative in scope and approval for them will take place after the sanitary sewer issue before this Board is finalized. The impacts associated with the sanitary sewer, Impacts #4, #5 and #6, require Board approval as they are not built by a public service authority. The remainder of this staff report will discuss the proposed sanitary sewer impacts.

This section of the White Hall development encompasses 19.20 acres and 95 lots of attached and detached single family housing. The sanitary sewer will collect sewage from this section and convey into a previously approved and installed portion of sanitary sewer in White Hall Section 5. There are three areas of impact designated: impact area 4 is 3,523 square feet; impact area 5 is 2,040 square feet; and impact area 6 is 2,228 square feet. This yields a total impact area of 7,791 square feet or 0.18 acres.

The proposed mitigation for these impacts include enhanced erosion and sediment control measures, including the specification of a conservation seed mix for stabilization and providing an additional dedicated Natural Open Space easement greater than twice the area of impact to be recorded with the subdivision plat.

Staff Evaluation

Staff has evaluated the application and exception request for all work as described above. The proposal is a gravity sewer line and permanent maintenance easement that will provide service to this section of the White Hall development. 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.

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*. A WQIA was submitted on May 18, 2015. Based on staff review, the applicant proposes to mitigate for RPA impacts by preserving 0.90 acres within a Natural Open Space easement beyond what was required to meet the overall project's storm water management requirements.

Consideration by the Chesapeake Bay Board

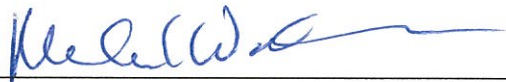
The exception granting body is permitted to require reasonable and appropriate conditions in granting the exception request in accordance with Section 23-14 of the County's Chesapeake Bay Preservation ordinance. The Chesapeake Bay Board is to fully consider Chesapeake Bay Exception CBE-15-014 as outlined 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-15-014 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:

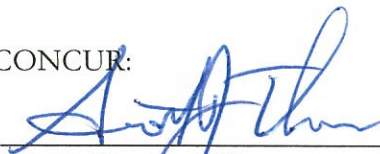
1. The applicant must obtain all other necessary federal, state and local permits as required for the project; and
2. Full implementation of the plan of development County Plan No. S-043-14/SP-074-14, once approved; and
3. Preserve 0.90 acres on forested land in a Natural Open Space easement dedicated to James City County as shown in the submittal; and
4. All impacts to the RPA will be realized and stabilized as quickly as practicable; and
5. This exception request approval shall become null and void if construction has not begun by July 8, 2016; 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

Chesapeake Bay Exception CBE-15-097: 112 North Trace

Staff report for the July 8, 2015 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

Land Owner: Russell Anthony

Applicant: Russell Anthony

Location: 112 North Trace

Parcel: Lot 8, Section 8A, Season's Trace

PIN: 3210700008

Lot Size: 0.408 acres

RPA Area on Lot: 0.39 acres +/- (97%)

Watershed: Powhatan Creek, subwatershed 206 (HUC Code JL 31), Longhill Swamp

Proposed Activity: Adding fill to the rear yard of home.

Proposed Impacts

Impervious Area: 0 sq. ft.

RPA Encroachment: approximately 2,200 sq. ft. (seaward RPA 50 ft. buffer)

Description of Activities

Mr. Russell Anthony, homeowner, has applied for an exception to the Chesapeake Bay Preservation Ordinance (Ordinance) for an encroachment into the RPA buffer to bring in fill to raise the grade around the foundation in the rear yard of the existing home. Because this area is within a regulated floodplain, Mr. Anthony has committed to follow the requirements as established by FEMA and the National Flood Insurance Program (NFIP) to make application for a Letter of Map Amendment for Fill (LOMR-F). The result of placing this fill will result in the elimination of the requirement for FEMA flood insurance. Fill placement is in an area in the rear yard that was previously cleared and currently consists of back yard turfgrass. Mr. Anthony plans on placing this fill in the location

shown on the plan, generally out 15 feet (minimum required 5 feet) from the edge of the patio and deck, at a depth of approximately 18 inches. The fill in order to meet FEMA requirements, must meet structural fill specifications with low permeability and must be compacted. Mr. Anthony also plans to reestablish the lawn by preparing the soil and placing 2-inches of topsoil and using permanent seeding stabilization methods. No native tree planting mitigation is proposed with this application; however, placement of a minimum 3 inch depth of gravel under the existing deck (approximately 115 square feet) is being offered by the applicant.

Background of Parcel

The original lot was recorded in 1984, prior to the adoption of the Chesapeake Bay Ordinance. The house was built in 1986. The RPA was placed on this lot after the original adoption of the Chesapeake Bay Ordinance. In 2007, the floodplain elevation was revised due to a study that the County commissioned within the Powhatan Creek watershed (Powhatan Creek LOMR) and submitted to FEMA for approval and also due to a comprehensive County-wide effort by FEMA to update the County's coastal zone flood mapping (preliminary, not final). This proposal includes fill that is considered accessory in nature and cannot be approved administratively, 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 placement of fill adjacent to the house foundation.

Floodplain Program Background

It is not the intent of this case report or the presentation to fully explain the County's participation in and processes involved with the NFIP and administration of the floodplain management program. The County's Engineering and Resource Protection Division is part of the team along with Zoning and Building, Safety and Permits Division which administrate the program. The County participates in the NFIP. This is through the floodplain overlay district in Chapter 24 of the County Code. A Flood Insurance Rate Map (FIRM) is an official map of a community on which FEMA has delineated both special (flood) hazard areas and risk premium zones applicable to a community. The FIRM maps of the community are issued based on detailed information from a Flood Insurance Study (FIS). The original date of effective FIRM maps was February 1991, then revised September 2007. This allows our citizens to purchase flood insurance to insure against flood losses or provide FEMA with detailed information to demonstrate living spaces are above established base flood elevations and flood risk zones, known as Special Flood Hazard Areas (SFHAs). The SFHA is a high risk area defined as any area that would be inundated by a flood event having a 1-percent chance of being equaled or exceeded in any given year (also referred to as the base flood or some use the term 100-year flood).

The Powhatan Creek Letter of Map Revision (LOMR), #12-03-2459P, was approved by FEMA and became effective on March 6, 2014. This changed many base flood elevations along the Powhatan Creek and its tributaries. The FEMA initiated comprehensive coastal flood hazard assessment and flood mapping update of the County is ongoing. Preliminary maps were issued in March 2014 and a public open house was held in August 2014. These maps are near final issue and must be adopted locally by ordinance.

FEMA has established procedures for changing effective FIRMs and FIS study reports through a Letter of Map Change (LOMC) process. LOMC categories include Letters of Map Amendment (LOMA), Letter of Map Revision Based on Fill (LOMR-F) and Letter of Map Revision (LOMR). Mr. Anthony's intent is to file a LOMC using the LOMR-F process which would be a determination by FEMA as to whether a structure or parcel has been elevated on fill above the Base Flood Elevation (BFE) and is, therefore, excluded from the SFHA. Once granted, the requirement for flood insurance can be waived or substantially discounted.

Most of this particular lot is in FEMA SFHA Zone AE with base flood elevations determined. The 2007 FEMA FIRM map (Map No. 51095C0110C, Panel 110) indicates a BFE between Elevation 45 and 46 (NAVD88), estimated at El. 45.3. The revised FIRM map (Map No. 51095C0109D) based on the Powhatan Creek LOMR and the preliminary coastal update indicates a BFE between Elevation 46 and 47 (NAVD88), estimated at El. 46.77. Thus the BFE has increased on this lot. Mr. Anthony had a previous Letter of Map Amendment (LOMA), #10-03-0592A dated January 23, 2014, which will be superseded due to updated flood hazard determinations being performed.

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*. The applicant has submitted a mitigation plan that includes gravel to be placed under the existing deck. As the applicant is not removing any vegetation except for lawn, no additional plantings have been proposed.

Consideration by the Chesapeake Bay Board

The issue before the Board is the placement of fill adjacent to the existing foundation, impacting approximately 2,200 sq. ft. of existing lawn within the landward RPA. 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-15-097 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-15-097 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 are satisfactory based on the intent of this proposal. Staff recommends the Chesapeake Bay Board approve this Chesapeake Bay Exception with the following conditions:

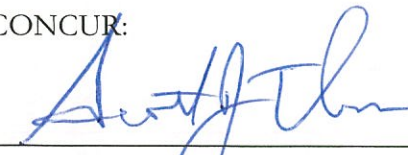
1. The applicant must obtain all other necessary federal, state or local permits as required for the project, including any building permits necessary through the County's Building Safety and Permits Division; and
2. Applicant shall comply with applicable FEMA and County Floodplain Ordinance Overlay District requirements consistent with National Flood Insurance Program (NFIP) requirements for fill placement in Special Flood Hazard Area; and
3. Fill Specification: Fill materials must be homogeneous and isotropic; that is, soil must be all of one material and engineering properties must be the same in all directions. Fill placement must be structural fill compacted to at least 95 percent of Standard Laboratory Maximum Dry Density (Standard Proctor) according to ASTM Standard D-698. Fill soils must be fine grained soils of low permeability, such as those classified as CH, CL, SC or ML according to ASTM Standard D-2487, Classification of Soil for Engineering Purposes and in compliance with Section 1804 of the 2012 Virginia Building Code; and
4. Topsoil placement and permanent stabilization shall follow Minimum Standards & Specifications 3.30 (Topsoiling) and 3.32 (Permanent Seeding) from the Virginia Erosion and Sediment Control Handbook, Third Edition, 1992; and
5. Surety of \$500 will be required in a form acceptable to the County Attorney's office to guarantee the stabilization of the fill and placement of gravel under the existing deck; and
6. Evidence provided to the Division that the LOMR-F has been submitted to and approved by FEMA prior to surety release; and
7. This exception request approval shall become null and void if construction has not begun by July 8, 2016; and
8. 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: Sensitive Area Activity Application

Chesapeake Bay Exception CBE-15-099: 110 Heathery

Staff report for the July 8, 2015 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

Land Owner: Ron Adolphi

Applicant: Peggy Krapf, Heart's Ease Landscape & Garden Design

Location: 110 Heathery

Parcel: Section 11A, Lot 150, Ford's Colony

PIN: 3810400150

Lot Size: 0.679 acres

RPA Area on Lot: 0.35 acres +/- (52%)

Watershed: Powhatan Creek, subwatershed 207 (HUC Code JL 31)

Proposed Activity: Patio, retaining wall, paver path, stone access path, pondless water feature, removal of turf lawn

Proposed Impacts

Impervious Area: Approximately 1,100 square feet

RPA Encroachment: all within the landward 50 foot RPA buffer

Description of Activities

Mrs. Peggy Krapf, Heart's Ease Landscape & Garden Design, has applied for an exception to the Chesapeake Bay Preservation Ordinance (Ordinance) for an encroachment into the RPA buffer for the following items at 110 Heathery: permeable patio, flagstone paver stones, pond-less water feature and retaining wall. Total impervious cover is approximately 1,100 sq. ft. The lot was originally platted in 1988 and re-platted in 2010, when it was combined with the adjacent lot. An RPA study was completed in 2010 for the re-platting of the lot and the house was built in 2013.

Impacts to the RPA for the house construction were approved administratively according to the guidelines set forth in the Chesapeake Bay Ordinance.

The retaining wall starts on the north side of the house and helps correct a safety issue due to the final grade of the house and the lack of grading allowed into the 50 foot RPA buffer during construction. Turf grass would be eliminated in this area and a flagstone pathway installed in lieu of the turf grass. The flagstones will have planting strips between each stone to allow for infiltration of rainwater. The retaining wall continues along the back of the house, easing the grade to allow for the patio and water feature.

The patio will be constructed of either 18 or 24 inch square flagstone or cast concrete pavers with planting strips between each stone to allow for infiltration of rainwater. The planting area between stones will be planted with dwarf mondo grass. At the end of the new patio will be flagstone steps leading to the existing flagstone pavers.

The required mitigation for this proposal is 2.5 planting units. The mitigation plan proposed doubles that amount plus eliminates approximately 1,500 sq. ft. of maintained turf grass. Further, the patio and steps have planting areas between 4 and 6 inches between stone and the area planted with dwarf mondo grass which will allow for the infiltration of rainwater near the source of runoff.

Background of Parcel

The original was lot was recorded in 1988. In 2010, a new subdivision plan was submitted which combined two lots into one, the current configuration, and a RPA study completed. The house was built in 2013 and impacts to the RPA for the house construction were approved administratively under CBE-12-066. This new proposal includes items that are considered accessory in nature and cannot be approved administratively, 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 a retaining wall, pathway, pond-less water feature and patio.

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*. The applicant has submitted a mitigation plan that doubles the requirements set forth by the County.

Consideration by the Chesapeake Bay Board

The issue before the Board is the construction of a retaining wall, pathway, pond-less water feature and patio that will create approximately 1,100 square feet of impervious area within the landward 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-15-099 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-15-099 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 exceed the 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. The applicant must submit, for County review and approval, the pervious paver block system design worksheet, consistent with the County's Guidelines & Specifications for Pervious Paver Block Systems as Part of Chesapeake Bay Exceptions (Residential Applications).
3. Surety of \$1,500 will be required in a form acceptable to the County Attorney's office to guarantee the mitigation plantings; and
4. This exception request approval shall become null and void if construction has not begun by July 8, 2016; and
5. 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: Sensitive Area Activity Application

Chesapeake Bay Exception CBE-15-102: 114 Archer's Hope Drive

Staff report for the July 8, 2015 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

Land Owner: Keith Schumann

Agent: Daniel Wassum, Hopke & Associates Inc.

Location: 114 Archers Hope Drive

PIN: 4930280007

Parcel: Section 8, Lot 7, Kingspoint subdivision

Lot Size: 4.341 acres +/-

RPA Area on Lot: 2.2 acres +/- (51%)

Watershed: College Creek (HUC Code JL 34)

Proposed Activity: Basement addition to principal structure

Proposed Impacts

Impervious Area: Approximately 780 sq. ft.

RPA Encroachment: Landward 50 foot RPA buffer

Description of Activities

Mr. Daniel Wassum of Hopke and Associates, on behalf of Keith Schumann, has applied for a Chesapeake Bay Preservation Ordinance exception to construct a basement addition to an existing single family dwelling at 114 Archers Hope Drive, in the Kingspoint subdivision. The house was built in 1975, prior to the adoption of the Chesapeake Bay Ordinance. There are two separate basement additions, one encroaching towards the existing driveway (Addition #1) and the other encroaching towards College Creek mainstem (Addition #2). There is also a proposed detached garage, but this structure is outside of the RPA and not subject to this exception request. There is

also some driveway reconfiguration proposed, some in and some outside the RPA. The net total of impervious cover added to the site is approximately 780 sq. ft.

The mitigation proposal for this request includes 2 canopy trees and approximately 6,000 sq. ft. of ground cover and ornamental grasses. The basement Addition #1 is proposed to be at an elevation to allow a green (vegetated) roof design over top leading to the front entryway and this is proposed within the plan as a mitigation component.

Background of Parcel

The original lot was platted prior to the adoption of the Chesapeake Bay Ordinance. Due to impacts to the landward 50 foot RPA buffer that encroach closer to the resource and because the program administrator made determination that the proposed additions are more than the minimum necessary to afford relief, this application must be heard and approved by the Chesapeake Bay Board following a public hearing, in accordance with Section 23-14 of the Ordinance, under the formal exception process.

The exception request before the board, and decision to approve or deny by resolution, is for the construction of two basement additions, impacting approximately 780 square feet of resource protection area at 114 Archers Hope Drive in the Kingspoint subdivision.

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*. A mitigation plan has been submitted.

Consideration by the Chesapeake Bay Board

The issue before the Board is the construction of two separate basement additions to an existing single family house and whether this activity 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-15-102 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-15-102 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 ***low*** for the proposed development and that the proposed mitigation exceeds County standards. 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 including building permits through the County’s Building Safety and Permits Division; and
2. Design and installation of the green vegetated roof system over Addition # 1 shall follow an appropriate industry accepted standard such as Virginia DEQ Stormwater Design Specification No. 5 (Vegetated Roof) or similar ASTM, AIA, or equivalent standard; and
3. Prior to construction, a \$4,500 surety shall be submitted in a form acceptable to the County Attorney’s office, to guarantee the mitigation including the green roof component; and
4. This exception request approval shall become null and void if construction has not begun by July 8, 2016; and
5. 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: Sensitive Area Activity Application w/plan

Chesapeake Bay Exception CBE-15-104: 117 Stowe

Staff report for the July 8, 2015 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

Land Owner: Stan Stunnett, Coastal Construction and Development

Agent: Matt Roth, Roth Environmental, LLC

Location: 117 Stowe

PIN: 3720600044

Parcel: Section 13B, Lot 44, Ford's Colony

Lot Size: 0.524 acres +/-

RPA Area on Lot: 0.518 acres +/- (99% : 36% wetlands and 63% buffer)

Watershed: Powhatan Creek, non-tidal mainstem (HUC Code JL 31)

Proposed Activity: Single Family Home, retaining wall

Proposed Impacts

Impervious Area: Approximately 5,205 sq. ft.

RPA Encroachment: Landward and Seaward 50 foot RPA buffer

Description of Activities

Mr. Stan Stunnett has applied for a Chesapeake Bay Preservation Ordinance exception to construct a single family dwelling and associated retaining wall at 117 Stowe, in the Ford's Colony subdivision. Mr. Stunnett contracted Mr. Matt Roth, Roth Environmental, to perform a wetland and RPA delineation, which was completed and approved by staff in the spring of 2015. There is a stormwater BMP (PC-112) immediately to the north of this lot which was deemed a RPA feature after the 2004 Chesapeake Bay Ordinance revisions. The lot was platted in 1997 and due to the lot configuration and the wetlands found upon it, the entire lot is within the 100-foot RPA.

Mr. Stunnett has positioned the house as far west, away from the wetland, as possible so as to not encroach into the wetlands with any fill. He also received approval from Ford's Colony to encroach 15 feet into the rear yard setback. The retaining wall is a necessary feature to hold back the hillside that the house must be placed into to allow the driveway to be placed at grade. This allows the adjacent lot (unbuilt) a way to drain to the stormwater structure on the other side of the driveway.

The impervious cover impacts to the RPA for this proposal are 5,205 square feet. This equates to 12 planting units (1 unit / 400 sq. ft. of impervious cover). The mitigation proposal includes 6 canopy trees, 12 understory trees and 84 shrubs along with registering with the Turf Love program for turfgrass nutrient management. Infiltration of stormwater is not part of the mitigation proposal due to the high water table encountered with the wetland system.

Background of Parcel

The original lot was platted in 1997, prior to the adoption of the Chesapeake Bay Preservation Ordinance. Due to impacts to the seaward 50 foot RPA buffer and the accessory nature of the retaining wall, both the home and retaining wall must be heard and approved by the Chesapeake Bay Board following a public hearing, in accordance with Section 23-14 of the Ordinance, under the formal exception process.

The exception request before the board, and decision to approve or deny by resolution, is for the construction of a single family house and retaining wall, impacting approximately 5,205 square feet of resource protection area at 117 Stowe in the Ford's Colony subdivision.

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*. The mitigation plan is in writing and staff has requested a plan that shows the mitigation graphically.

Consideration by the Chesapeake Bay Board

The issue before the Board is the construction of a single family house and retaining wall and whether this activity 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-15-104 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-15-104 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 high for the proposed development and that the proposed mitigation exceeds County standards. 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. Prior to construction, a \$3,000 surety shall be submitted in a form acceptable to the County Attorney's office, to guarantee the mitigation; and
3. Along with the surety, a graphic mitigation plan must be submitted to the Division; and
4. The Engineering and Resource Protection Division Director reserves the right to require additional erosion and sediment control measures for this project if field conditions warrant their use; and
5. This exception request approval shall become null and void if construction has not begun by July 8, 2016; 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: Sensitive Area Activity Application w/plan