

# **AGENDA**

## **JAMES CITY COUNTY CHESAPEAKE BAY BOARD**

**Wednesday, February 10, 2016 – 7:00 pm  
Building F**

**A. ROLL CALL**

**B. MINUTES**

From January 13, 2016 – Board Meeting

**C. PUBLIC HEARINGS**

1. CBE-16-063: 175 West Landing, Dively – Retaining Wall

**D. BOARD CONSIDERATIONS**

**E. MATTERS OF SPECIAL PRIVILEGE**

**F. ADJOURNMENT**

**Meetings are broadcast live on JCC TV48 Cox Cable and online at [www.jamescitycountyva.gov](http://www.jamescitycountyva.gov). Meetings are rebroadcast on Community Channel 46 every Tuesday at 8 a.m., 2 p.m., and 8 p.m.**

## Chesapeake Bay Exception CBE-16-063: 175 West Landing

Staff report for the February 10, 2016 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: Robert Dively

Owner: Same

Location: 175 West Landing

PIN: 5031200013

Parcel: Lot 13, The Landing, Kingsmill on the James

Lot Size: 1.57 acres

Area of Lot in RPA: 0.93 ac +/- (59%)

FEMA FIRM: Panel 0206D, SFHA Zone AE (El. 9) and Zone VE (El. 10 and 13) present on the lot

Watershed: James River watershed, HUC Code JL35

Proposed Activity: Retaining wall

### Proposed Impacts

Impervious Cover: Approximately 110 square feet

RPA Encroachment: Approximately 40 square feet (landward 50 ft. RPA buffer)  
Approximately 70 square feet (seaward 50 ft. RPA buffer)

### Brief Summary and Description of Activities

At the August 12, 2015 Wetlands Board meeting, Mr. Robert Dively received approval for a shoreline project consisting of an offshore stone breakwater, stone sill extension and beach nourishment to protect the shoreline at 175 West Landing and the adjacent parcel owned by Xanterra Kingsmill LLC. As part of that project, it was determined that the site access would be

through the uplands and not by water because the nearshore depth was too shallow to permit barge access except at extreme high tide cycles.

The access road was to be cut into the side slope of the RPA and the access road was to be restored once the project was complete. To guarantee the upland restoration, one condition of the Wetlands Board approval was to restore the access road, replant the disturbed RPA along with a \$2,000 surety.

Mr. Dively is requesting that a ten-foot wide area of the access road be left in place for future maintenance of the shoreline work. The upslope portion of the access road would require a retaining wall to keep the soil in place. He is proposing a cantilevered, sheet pile retaining wall system that does not require tiebacks. The disturbed area within the RPA, including the ten-foot wide access road to remain, would be planted with native shrubs. The road allows for future access to the shoreline for maintenance purposes without creating a huge RPA disturbance.

### **Staff Evaluation**

Staff has evaluated the application and exception request for the retaining wall. 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 retaining wall is accessory in nature. 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 retaining wall.

### **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 provided a mitigation plan and wall details.

### **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-16-063 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-16-063 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 **minor** for the proposed development. Staff believes that this proposal meets the intent of the condition placed on Case W-22-15 by the Wetlands Board, that the access road be restored. 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. The applicant may use the same \$2,000 surety from Case W-22-15 to guarantee the plantings; and
3. This exception request approval shall become null and void if construction has not begun by February 10, 2017; and
4. 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:

  
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Michael Woolson  
Senior Watershed Planner

CONCUR   
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Scott J. Thomas, Director  
Engineering and Resource Protection

Attachments: Water Quality Impact Assessment Package