

A G E N D A
JAMES CITY COUNTY CHESAPEAKE BAY BOARD
REGULAR MEETING
County Government Center, Building F
101 Mounts Bay Road, Williamsburg, VA 23185
May 11, 2016
7:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

1. Minutes from April 11, 2016 NOVUS Training
2. Minutes from April 13, 2016 meeting

D. PUBLIC HEARINGS

1. CBE-16-086 : 223 Oakmere Park
2. CBE-16-089 : 159 Jackson Street

E. BOARD CONSIDERATIONS

F. MATTERS OF SPECIAL PRIVILEGE

G. ADJOURNMENT

ITEM SUMMARY

DATE: 5/11/2016
TO: Chesapeake Bay Board
FROM: Board Secretary
SUBJECT: Minutes from April 11, 2016 NOVUS Training

ATTACHMENTS:

	Description	Type
▣	Minutes from April 11, 2016 NOVUS Training	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay	Secretary, ChesBay	Approved	5/4/2016 - 4:10 PM

**JAMES CITY COUNTY WETLANDS AND CHESAPEAKE BAY BOARDS
TRAINING SESSION
MINUTES**

Monday, April 11, 2016 at 2 pm

A. MEETING CALLED TO ORDER

The training session was held in the IT Training room in Building F of the County Complex.

B. BOARD ATTENDEES

Charles Roadley
David Gussman
John Hughes
Larry Waltrip

OTHERS PRESENT

County Staff:
Cay Pittman, Information Center Specialist
Michael Woolson, Senior Watershed Planner
Melanie Davis, Secretary to the Board

C. MEETING PURPOSE

Ms. Cay Pittman gave a presentation on the NOVUS Agenda, an online platform for organizing and publishing meeting materials. The Board members were trained on use of the software and Ms. Pittman answered questions pertaining to the software's functionality.

D. ADJOURNMENT

The meeting was adjourned at approximately 4:15 pm.

John Hughes
Wetlands Board Chair

David Gussman
Chesapeake Bay Board Chair

Melanie Davis
Secretary to the Boards

ITEM SUMMARY

DATE: 5/11/2016
TO: Chesapeake Bay Board
FROM: Board Secretary
SUBJECT: Minutes from April 13, 2016 meeting

ATTACHMENTS:

	Description	Type
□	Minutes from April 13, 2016 meeting	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay	Secretary, ChesBay	Approved	5/4/2016 - 4:10 PM

**JAMES CITY COUNTY CHESAPEAKE BAY BOARD
MINUTES**

Wednesday April 13, 2016

A. ROLL CALL

David Gussman - Chair
William Apperson
John Hughes
Charles Roadley
Roger Schmidt - Alternate

ABSENT

Larry Waltrip

OTHERS PRESENT

County Staff:

Michael Woolson, Senior Watershed Planner
Maxwell Hlaven, Assistant County Attorney
Melanie Davis, Secretary to the Board

The responsibility of this Board is to carry out locally the Commonwealth policy to protect against and minimize pollution and deposition of sediment in wetlands, streams, and lakes in James City County, which are tributaries of the Chesapeake Bay.

B. MINUTES

The February 10, 2016 Board Meeting minutes were approved as written.

C. PUBLIC HEARINGS

1. CBE-16-074: 7608 Uncles Neck

Senior Watershed Planner, Michael Woolson presented the exception request submitted by Karla Havens, Mid-Atlantic Resource Consulting on behalf of Patrick and Lee Holder for approximately 13,000 sqft of encroachment into the RPA buffer to regrade the bank to a more stable configuration in conjunction with a stone revetment on their property at 7608 Uncles Neck. The property is further identified as James City County Tax Map Parcel No. 2030200027. The shoreline project for the revetment was granted by the Wetlands Board. Mr. Woolson described the project and required mitigation. Staff determined the impacts associated with this project to be major and recommended approval of the exception request with the conditions outlined in the Resolution to Grant the Exception.

Mr. Gussman opened the public hearing.

A. Karla Havens, Mid-Atlantic Resource Consulting stated the submitted drawing depicted the maximum foot print that might be necessary for the project. She said the 8 ft bench was suggested by the contractor that would most likely be doing the work.

Mr. Hughes asked Ms. Havens if she had also represented the Fishers (the adjacent property owners) on their project and asked how the plantings were surviving on that property.

A. Ms. Havens said they were doing well and Mr. Fisher, who was present at the meeting, concurred.

Mr. Gussman asked what would be done with the excavated material.

A. Ms. Havens said that could vary depending on the contractor selected. There were low areas that could be filled but the final determination would be done by the contractor with the approval from County staff.

Mr. Woolson also concurred that the plantings on the Fisher property had survived and were doing well.

Mr. Gussman closed the public hearing as no one else wished to speak.

Mr. Hughes made a motion to adopt the Resolution to Grant the Exception for Chesapeake Bay Board Case CBE-16-074 at 7608 Uncles Neck, Parcel ID No. 2030200027.

The motion was approved by a 5-0 vote.

RESOLUTION
CASE NO. CBE-16-074. 7608 UNCLES NECK
JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Patrick and Lee Holder, (the “Applicant”) have applied to the Chesapeake Bay Board of James City County (the “Board”) on April 13, 2016, to request an exception to use of the Resource Protection Area (the “RPA”) on a parcel of property identified as James City County Real Estate Tax Parcel No. 2030200027 and further identified as 7608 Uncles Neck in the Rivers Bend at Uncles Neck subdivision (the “Property”) as set forth in the application CBE-16-074 for the purpose of building a stone revetment and associated bank grading; and

WHEREAS, the Board has listened to the arguments presented and has carefully considered all evidence entered into the record.

NOW, THEREFORE, BE IT RESOLVED that the Chesapeake Bay Board of James City County, Virginia, following a public hearing, by a majority vote of its members FINDS that:

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 Chapter 23, Chesapeake Bay Preservation, of the James City County Code, to other property owners similarly situated in the vicinity.
3. The exception request will be in harmony with the purpose and intent of Chapter 23 of the James City County Code, 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.
5. Reasonable and appropriate conditions are hereby imposed, as set forth below, which will prevent the exception request from causing a degradation of water quality.
6. In granting this exception, the following conditions are hereby imposed to prevent this exception request from causing degradation of water quality:
 - a. The applicant must obtain all other necessary federal, state and local permits required for the project; and
 - b. An Erosion and Sediment Control plan for the excess bank grading material must be submitted for review and approval by the Engineering and Resource Protection Division. Said plan will require fees and bonding (surety) to ensure acceptable stabilization. All plans and surety must be approved and in place prior to the pre-construction meeting; and
 - c. The limits of clearing shall be flagged in a continuous fashion prior to the pre-construction meeting; and
 - d. A pre-construction meeting will be held on-site prior to work commencing; and
 - e. Surety of \$4,000 will be required in a form acceptable to the County Attorney’s office to guarantee the slope (shrub) re-plantings; and

- f. This exception request approval shall become null and void if construction has not begun by April 13, 2017; and
- g. Written requests for an extension to an exception shall be submitted to the Engineering and Resource Protection Division no later than six weeks prior to the expiration date.

D. BOARD CONSIDERATIONS - none

E. MATTERS OF SPECIAL PRIVILEGE - none

F. ADJOURNMENT

The meeting adjourned at 8:20 p.m.

David Gussman
Chesapeake Bay Board Chair

Melanie Davis
Secretary to the Board

ITEM SUMMARY

DATE: 5/11/2016
TO: Chesapeake Bay Board
FROM: Michael Woolson, Senior Watershed Planner
SUBJECT: CBE-16-086 : 223 Oakmere Park

Coastal Construction and Design has applied for a Chesapeake Bay Ordinance exception for the construction of a new principal structure at 223 Oakmere Park in Section 12 of Ford's Colony.

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Resolution	Resolution
▣	Application (SAAAForm)	Backup Material
▣	Development Plan	Backup Material
▣	Summary and Mitigation Plan	Backup Material
▣	APO Notification and Ad	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay	Thomas, Scott	Approved	5/4/2016 - 4:37 PM
Chesapeake Bay	Thomas, Scott	Approved	5/4/2016 - 4:38 PM
Publication Management	Boles, Amy	Approved	5/4/2016 - 4:57 PM
Chesapeake Bay	Secretary, ChesBay	Approved	5/5/2016 - 3:12 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBE-16-086. 223 Oakmere Park
Staff report for the May 11, 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 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 AND INFORMATION

Applicant: Randy and Sandra Welsh

Agent: Stan Stinnett, Coastal Construction and Development

Location: 223 Oakmere Park

Tax Map/Parcel No.: 3233100041

Parcel: Ford's Colony Section 12, Lot 41

Lot Size: 0.83 acre

Area of Lot in RPA: 0.83 acre +/- (100%)

Watershed: Powhatan Creek (HUC Code JL31)

Floodplain: Zone X, outside the 0.2% annual chance floodplain

Proposed Activity: Construction of a new single family residence

Impervious Cover: 5,011 square-feet total

RPA Encroachment: 5,011 square-feet total
4,811 square-feet within seaward 50-foot buffer
200 square-feet with landward 50-foot buffer

Staff Contact: Michael Woolson, Senior Watershed Planner Phone: 253-6823

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Stan Stinnett, Coastal Construction and Development, on behalf of Randy and Sandra Welsh, has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of a single family home on property located at 223 Oakmere Park, within the Ford's Colony subdivision and Powhatan Creek watershed. The property is further identified as James City County Tax Map Parcel No. 3233100041. The lot was platted before the 2004 re-adoption of the Chesapeake Bay Preservation Ordinance.

The entire lot is within the RPA buffer. Mr. Stinnett had a new wetland delineation performed and has positioned the house as close to the street as possible without encroaching upon the wetlands, side setbacks or drainage easements. In addition, there is a conservation easement on the property that will not be impacted by the construction.

The total impervious cover on the lot is 5,011 sq. ft., of which 1,055 sq. ft. is the driveway. The remainder relates to the house construction. This amount of impervious cover would require 12 planting units. The total amount of planting mitigation would be 12 canopy trees, 24 understory trees and 36 shrubs. They have proposed 13 canopy trees and 80 shrubs which does meet the mitigation requirements. They are also proposing to enroll in the Turf Love program for the proposed lawn area. This program helps alleviate problems

associated with over fertilization through the use of soil testing, timing and rate of application of soil amendments and proper grass selection. Infiltration was looked into as a possible mitigation feature but was determined to be unfeasible due to the high ground water table.

STAFF EVALUATION

Staff has evaluated the application and exception request for a single family residence and finds that the application has met the conditions in Sections 23-11 and 23-14, that the application should be heard by the Board because the single family structure is within the seaward 50-foot RPA buffer. Therefore, the request must be considered by the Board following a public hearing under the formal exception process. The request before the Board is for encroachment into the RPA buffer for the construction of a new single family residence.

WATER QUALITY IMPACT ASSESSMENT (WQIA)

A Water Quality Impact Assessment (WQIA) was submitted, per Sections 23-11 and 23-14 of the County ordinance, for any proposed land disturbing activity resulting from development or redevelopment within RPAs. The applicant has also submitted a planting mitigation plan as required in the *Sensitive Area Activity Application*.

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. The Chesapeake Bay Board should fully consider Chesapeake Bay Exception CBE-16-086 as outlined and presented above and review the request for exception along with the WQIA. The Board may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of the County's Chesapeake Bay Preservation Ordinance.

STAFF RECOMMENDATIONS

Staff has reviewed the application and exception request and has determined impacts associated with the proposal to be **major** for the proposed development. Staff recommends **approval** of this exception request with the following conditions incorporated into the approval:

1. The applicant must obtain all other necessary federal, state and local permits as required for the project; and
2. Surety of \$3,500 will be required in a form acceptable to the County Attorney's office to guarantee the mitigation plantings and Turf Love program registration; and
3. This exception request approval shall become null and void if construction has not begun by May 11, 2017; and
4. Written requests for an extension to an exception shall be submitted to the Engineering and Resource Protection Division no later than six weeks prior to the expiration date.

Attachment:

1. Water Quality Impact Assessment Package

RESOLUTION

CASE NO. CBE-16-086. 223 OAKMERE PARK

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Randy and Sandra Welsh, (the “Applicant”) have applied to the Chesapeake Bay Board of James City County (the “Board”) on May 11, 2016, to request an exception to use of the Resource Protection Area (the “RPA”) on a parcel of property identified as James City County Real Estate Tax Parcel No. 3233100041 and further identified as 223 Oakmere Park in the Ford’s Colony subdivision (the “Property”) as set forth in the application CBE-16-086 for the purpose of constructing a single family residence; and

WHEREAS, the Board has listened to the arguments presented and has carefully considered all evidence entered into the record.

NOW, THEREFORE, BE IT RESOLVED that the Chesapeake Bay Board of James City County, Virginia, following a public hearing, by a majority vote of its members FINDS that:

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 Chapter 23, Chesapeake Bay Preservation, of the James City County Code, to other property owners similarly situated in the vicinity.
3. The exception request will be in harmony with the purpose and intent of Chapter 23 of the James City County Code, 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.
5. Reasonable and appropriate conditions are hereby imposed, as set forth below, which will prevent the exception request from causing a degradation of water quality.
6. In granting this exception, the following conditions are hereby imposed to prevent this exception request from causing degradation of water quality:
 - a. The applicant must obtain all other necessary federal, state and local permits required for the project; and
 - b. A surety of \$3,500 will be required in a form acceptable to the County Attorney’s office to guarantee the mitigation plantings and Turf Love program registration; and
 - c. This exception request approval shall become null and void if construction has not begun by May 11, 2017; and
 - d. Written requests for an extension to an exception shall be submitted to the Engineering and Resource Protection Division no later than six weeks prior to the expiration date.

David Gussman
Chair, Chesapeake Bay Board

Michael Woolson
Senior Watershed Planner

Adopted by the Chesapeake Bay Board of James City County, Virginia, this ____ day of _____,
20__

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF
_____, 20__ IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF
JAMES CITY.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

CBE-16-086-223OakmerePark-res



Chesapeake Bay Preservation Ordinance Sensitive Area Activity Application

For Office Use Only
CB Number CBE-16-086

Submission Requirements: (Check all applicable)

- A \$25 non-refundable processing fee payable to Treasurer, James City County.
- RPA - landward 50' – Complete Items 1 – 5, and sign on Page 3.
- RPA - seaward 50' – Complete Items 1 – 5, sign on Page 3 and submit an additional \$100 non-refundable fee payable to Treasurer, James City County, for the Chesapeake Bay Board.
- Conservation Easement – Complete Items 1, 2, 3, and 5, and sign on Page 3.
- Steep Slopes \geq 25 percent - Complete Items 1, 2, 3, and 5, and sign on Page 3.
- Attach plans as required (see instruction on Page 4, Item 4).
- Applicable surety as required for mitigation (see **Mitigation Rates Table** on Page 2).

Engineering & Resource Protection
MAR 29 2016
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Upon completion, please return pages 1-3 to the JCC Engineering and Resource Protection Division

Property Owner Information:

Date: _____

Name: COASTAL CONSTRUCTION AND DEVELOPMENT - ATTN: STAN STINNETT
 Address: 1100 HILLWELL ROAD, CHESAPEAKE, VA 23322
 Phone: (757) 408-2298 Fax: _____ Email: coastalconstructionhomes@gmail.com

Contact (if different from above):

Name: SAME Phone: _____
 Email: _____

Project Information:

Project Address: 223 OAKMERE PARK
 Subdivision Name, Lot, and Section No.: LOT 41 - FORD'S COLONY SECTION 12
 Parcel Identification No. or Tax Map No.: 3233100041
 Date Lot was platted: 2003 Line or Bldg Permit No.: _____

Activity Location and Impacts (Square Feet - SF): (check all that apply)

- | | |
|--|---|
| <input type="checkbox"/> Steep Slopes \geq 25 percent _____ (SF) | <input type="checkbox"/> RPA - Landward 50' _____ (SF) |
| <input type="checkbox"/> Conservation Easement _____ (SF) | <input type="checkbox"/> RPA - Seaward 50' _____ (SF) |
| <input type="checkbox"/> Trees to be Removed _____ (#) | <input checked="" type="checkbox"/> Proposed Impervious Cover <u>5,011</u> (SF) |

Activity involves: (check all that apply)

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> New principal structure construction | <input type="checkbox"/> Building addition to principal structure | <input type="checkbox"/> Attached Deck |
| <input type="checkbox"/> Permitted buffer modifications: | <input type="checkbox"/> Dead/diseased/dying tree removal | <input type="checkbox"/> Sightline |
| <input type="checkbox"/> Accessory (Detached) Structure or Patio | <input type="checkbox"/> Invasive/noxious weed removal | <input type="checkbox"/> Access path/trail |
| <input type="checkbox"/> Other: _____ | <input type="checkbox"/> Redevelopment: _____ | |

**Chesapeake Bay Preservation Ordinance
Sensitive Area Activity Application**

Engineering & Resource Protection
MAR 29 2016

For Office Use Only CB Number <u>CBE 76-086</u>
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1. Description of requested sensitive area activity and reason for request:

(In the description, please indicate the reason for the proposed structure or activity, the location, sizes and dimensions of feature. For decks or expansions, indicate if ground floor, first floor or other levels)

THE APPLICANT IS PROPOSING TO A NEW HOME ON THIS PLATTED LOT IN FORD'S COLONY. THE ENTIRE LOT IS WITHIN THE RPA BUFFER. THE PROPOSED HOUSE HAS BEEN MOVED TO THE EAST AS MUCH AS POSSIBLE TO REDUCE THE IMPERVIOUS AREA WITHIN THE BUFFER. DUE TO THE LOCATION OF NONTIDAL WETLANDS ALONG THE NORTHERN + SOUTHERN SITE LIMITS, THE MAJORITY OF THE IMPERVIOUS IS

2. As per Section 23-9 of the Chesapeake Bay Preservation Ordinance, if there is an on-site sewage disposal system on this property, has it been inspected and/or pumped out in the past five years? Yes No WITHIN THE SEAWARD 50' PORTION OF THE BUFFER.
3. Are permits from other local, State or Federal agencies required for any portion of this project? Yes No
(If yes, please explain) _____

4. Water Quality Impact Assessment

The purpose of a water quality impact assessment is to demonstrate that the project will result in the removal of no less than 75 percent of sediments and 40 percent of nutrients from post-development stormwater run-off and that it will retard runoff, prevent accelerated erosion, promote infiltration, and filter non-point source pollution equivalent to the full undisturbed 100-foot buffer.

A. Why is this encroachment necessary? Can it be relocated to avoid RPA impacts?

THE ENCROACHMENT IS NECESSARY AS THE ENTIRE LOT IS WITHIN THE RPA BUFFER. ANY DEVELOPMENT ON THE LOT WILL ENCRACH IN THE RPA BUFFER.

B. What measures will be used to minimize impervious area? Examples: pervious pavers, removal of existing impervious surfaces (concrete, pavement, etc.) in the RPA not needed for the project

THE OWNER HAS DESIGNED ONLY A MODERATELY SIZED HOUSE FOR THIS PROPERTY. THE HOUSE WAS ALSO REDESIGNED TO BE LOCATED ON THE NORTHEASTERN PORTION OF THE LOT TO REDUCE THE IMPERVIOUS IMPACTS.

5. Proposed mitigation measures:

Note: All mitigation measures must be shown in detail on a mitigation plan. Show both location of mitigation measures and plant species if applicable. All mitigation plants must be native species and be located in the sensitive area (RPA or Conservation Easement).

Mitigation Rates Table

<u>Impervious Area (SF)</u>	<u>Mitigation Required</u>	<u>Surety</u>
<400	1 tree and 3 shrubs	\$250
400-1,000	1 canopy tree, 2 understory trees and 3 shrubs per 400 SF (or fraction thereof)	\$1,000
>1,000	Plant at same rate as 400 – 1,000; or may be determined by Director of Engineering and Resource Protection Division	To be determined

**Chesapeake Bay Preservation Ordinance
Sensitive Area Activity Application**

Engineering & Resource Protection
MAR 29 2016
RECEIVED

For Office Use Only
CB Number CB E-16-086

A. Vegetation/ground cover enhancement of buffer (see Mitigation Rates Table on previous page).

- Number of native canopy trees 13
- Number of native understory trees _____
- Number of native shrubs 80
- Square feet of native ground cover _____
- Square feet of mulch 1425

B. Best Management Practices (BMPs)

- | | |
|---|---|
| <input type="checkbox"/> EC-2 (degradable) erosion control matting | <input type="checkbox"/> Bioretention or rain garden practice |
| <input type="checkbox"/> Dry Swale | <input type="checkbox"/> Infiltration Area/Trench/Drywell |
| <input checked="" type="checkbox"/> Silt fence | <input type="checkbox"/> Structural BMP (Wet or Dry Pond) |
| <input checked="" type="checkbox"/> Turf (Nutrient) Management Plan | <input type="checkbox"/> Rain Barrel |
| <input type="checkbox"/> Gravel under deck (3" of gravel over synthetic filter fabric under entire deck area) | |
| <input type="checkbox"/> Other: _____ | |

I understand that the following are approval conditions:

- 1) Mitigation for the above activity shall follow the approved mitigation plan and be guaranteed with a form of surety acceptable to the County Attorney.
- 2) Limits of disturbance as shown on the approved plan shall not be exceeded.
- 3) This approval shall become null and void if construction has not begun within 12 months of the approval date.
- 4) Surety will be released following the completion and inspection of mitigation plantings.

Property owner signature *[Signature]* Date 3-29-16
(Coastal Control, Inc. LLC)
 Program Administrator _____ Date _____
 Authorized Signature

For Office Use Only	Surety Amount: _____ Date/Rec No.: _____ Fee Paid? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Amount: <u>12500</u> Date/Rec No.: <u>3/29/16 # 2870</u>
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ROTH ENVIRONMENTAL, LLC

223 OAKMERE PARK – FORD’S COLONY PROJECT SUMMARY AND MITIGATION PLAN

The property located at 223 Oakmere Park in Section XII of the Ford’s Colony subdivision. The 0.83 acre wooded lot is located northwest of the end of the cul-de-sac. Residential lots border the property to the north, south, and west. A Greenway/Drainage Easement borders the site to the northeast. Nontidal wetlands associated with two drainageways are situated along the northern and southern property boundaries.

In general, the topography on the lot is at its highest on the southeastern side of the property. In this area the property is at elevation 65’. The site falls to the west. In this area the elevations on the site are as low as elevation 47’. The uplands on the property are situated in the central portion of the lot.

The RPA feature from which the RPA buffer is extended are the nontidal wetlands associated with drainage swales along the northern and southern property boundaries. These wetlands are contiguous and connected to perennial features (perennial streams) that flow to the west to a perennial tributary of Chisel Run. As such, 100’ RPA buffers are extended from the landward limit of the wetlands. Due to the location of the wetlands on the property, all of the lot is within the RPA buffer.

The proposed site plan shows the recently delineated wetland limit along with a shaded/hatched conservation easement. The conservation easement was recorded over the original delineated wetlands in this section of Ford’s Colony. Since the time of the original wetland delineation, the wetland limits have changed. This is a result of the Corps of Engineers modifying the wetland delineation manual with the approval of the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region (TR-10-20)* and the physical modifications to the drainage in the area in this part of the community. This explains the difference in the originally delineated wetlands and the recently delineated wetlands.

The proposed plan for the development on the lot includes the construction of a house, driveway, and patio. All of these features will encroach into the RPA buffer. As with many of the other lots in this section of Ford’s Colony, development of the lot cannot be accomplished without encroachment into the RPA buffer.

Impervious Encroachment in the RPA Buffer

The total impervious area within the RPA buffer for the proposed plan is 5,011 square feet. The impervious area of the house footprint is approximately 3,776 square feet. This accounts for the house, garage, screened porch, and the front porch. The rear patio is 180 square feet. The remainder of the impact (1,055 s.f.) is due to the driveway. The applicant has worked closely with Roth Environmental and AES to delineate the features and minimize the planned encroachment into the buffers. Originally, the owner was looking to position the house centrally on the lot in the uplands (farther to the west). Following the results of the wetland delineation effort, the applicant worked to reduce the impervious footprint on the lot and shifted the entire project to the east to minimize the impervious impacts in the RPA buffer.

As a comparison to other approved lots in this section of Ford’s Colony, the proposed impervious area on the subject site is similar to the impervious areas within the RPA buffers on the three nearby lots

(204 Kilton Forest, 128 Nottinghamshire, and 132 Nottinghamshire). According to the JCC GIS, these properties have RPA impacts of 4,750 s.f., 3,605 s.f., and 4,715 s.f. respectively. The impervious area of the subject site is not out of line with these properties that have been recently approved for their impervious areas in the RPA.

Each of these approved lots were required to be developed in such a way that the houses, sidewalks decks, and portions of their driveways were in the RPA buffer. As such, each property required similar approval prior to being constructed.

The proposed residence at 223 Oakmere Park has been designed to be as far east on the lot as possible and allow for a small to moderate driveway to the house. This position on the site locates the house in the center of the upland area.

Due to the orientation of the upland area on the lot, there is very little area in which adjust the house. The proposed plan utilizes a side loading garage (in the front of the house) and a small area to perform a three-point turn. This allows the owners to exit the driveway in a forward direction.

When manipulating the house design on the site plan, we attempted to move the house against the northern property limit and shift it to the southeast. This shortens the driveway, but requires it to be double the width. In attempting this, the impervious area of the driveway slightly increased.

Mitigation

Mitigation for the proposed impervious surface created by the proposed plan will include two elements. These are mitigative plantings and enrollment in the “Turf Love” program.

The first mitigation element is plantings. The applicant is requesting a modification for the plantings that make up the mitigation on the property.

The proposed mitigation plantings will consist of 12 mitigation units. Based on the landscape plan and the limited area that will be cleared, the applicant is proposing to modify the mitigation to include only canopy trees and shrubs. Roth Environmental consulted with county staff and agrees that 11 shrubs equates to one mitigative planting unit. We also agree that one canopy tree can replace four shrubs. The applicant will mitigate on-site with 13 trees and 80 shrubs to meet the planting requirements.

The total amount of plantings are listed in the table below:

Plant Type	Standard Mitigation Plantings for the Impervious Area of the Development (12 Units Required)	Proposed Modified Mitigation Units to be Planted (12 Units Required)
Canopy Tree	12	13
Understory Tree	24	0
Shrub	36	80
Total	72	93

All plantings will be located within the RPA buffer and will be incorporated into the landscape plan required by Ford’s Colony. As such, plantings will be located around the foundation of the house and

along the edges of the clearing limits. We specifically added the plants around the clearing limits so that they would have high opportunity to absorb nutrients and stabilize the soils around the lawn areas.

Canopy trees will be a minimum of 1.5” caliper or six feet tall. Shrubs will be a minimum of 3 gallons in size or 18” tall. The goal of the landscape plan is to achieve a minimum of 75% native species planted for the mitigation effort. The remainder of the species may be non-native ornamental species.

Native trees and shrubs will be selected by the property owner from the Native Plant List found on the James City County website. Canopy trees will include species such as red maple (*Acer rubrum*), willow oak (*Quercus phellos*), and bald cypress (*Taxodium distichum*). Shrubs will include species such as American beautyberry (*Callicarpa americana*), fetterbush (*Leucothoe racemosa*), possumhaw (*Viburnum nudum*), inkberry holly (*Ilex glabra*), and yaupon holly (*Ilex vomitoria*). At the time the landscaping will be installed, the owner substitute species from available local nursery stock if specific species specified are unavailable. It is recommended that all vegetation be planted in fall or early winter.

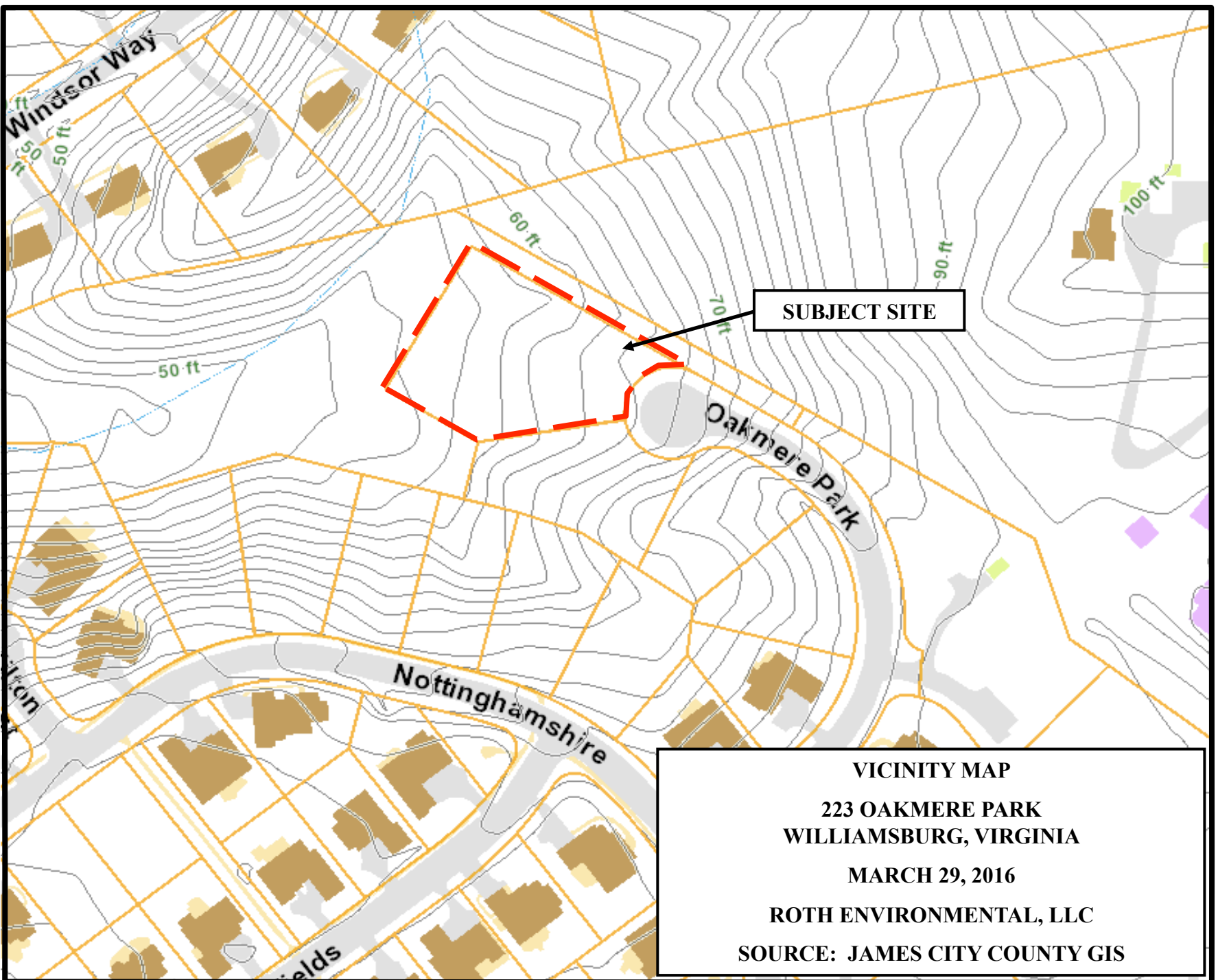
As part of the typical CBPA encroachment requirements, the applicant will post a surety for the proposed plantings. This surety will be determined by county staff and be returned to the applicant once the mitigative plantings are installed and the county verifies their installation. Additionally, the applicant will enter into an agreement to maintain the mitigative plantings.

The applicants will also enroll in the “Turf Love” program administered by the Virginia Cooperative Extension for all areas within the buffer that are proposed for turf grass. As part of this program, a cooperative extension agent will perform an on-site lawn/site analysis and teach the residents how to produce healthy turf while reducing the use of fertilizers, pesticides and insecticides.

In discussing the plan with the applicant, the porch (screened in porch) will be constructed such that the brick foundation skirt will extend around this feature. As the area will be under a roof, we are not recommending gravel be placed under the porch.

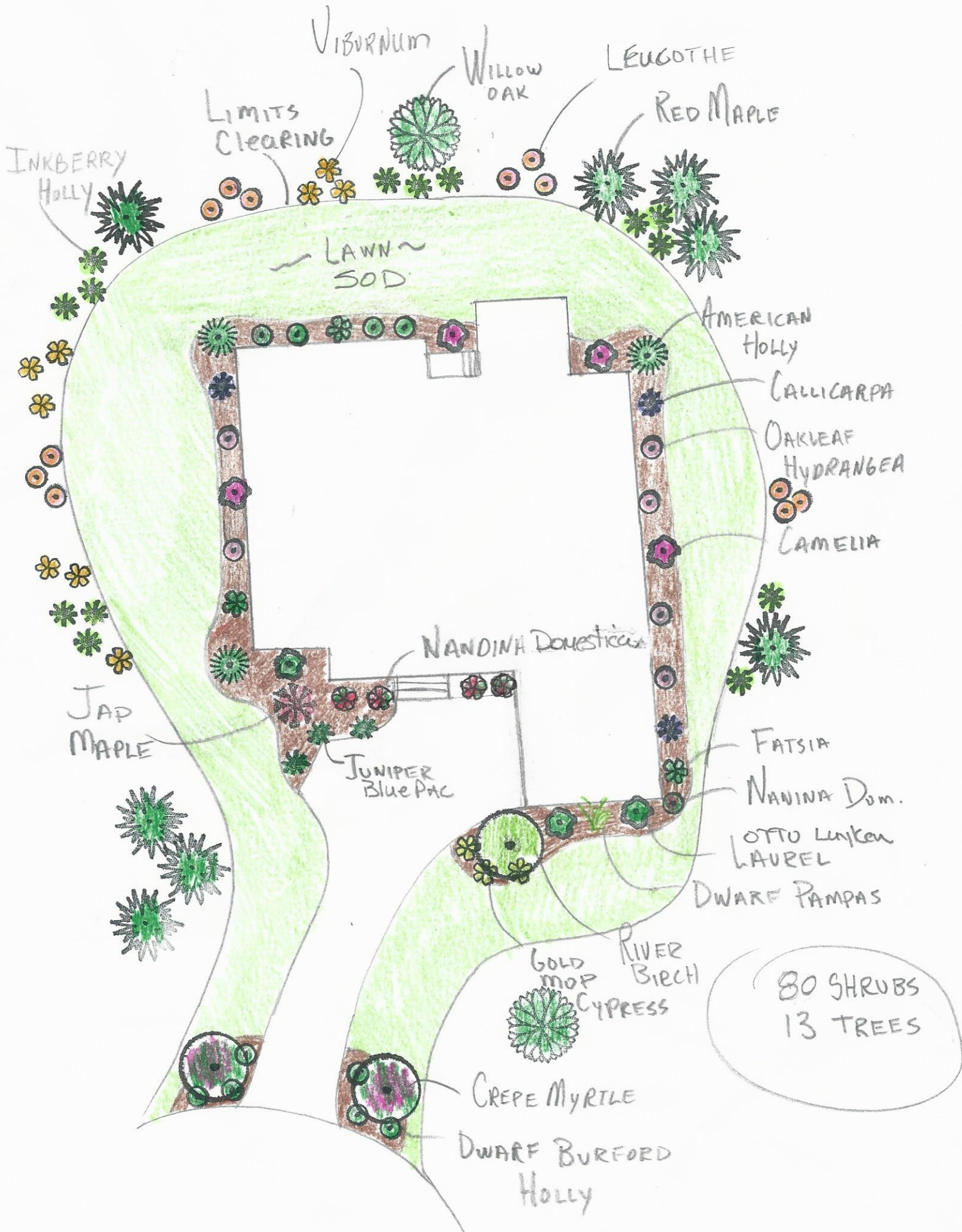
Additionally, infiltration was looked into as a possible way to mitigate water quality from the new impervious area. Unfortunately, the nontidal wetlands to the north and south of the upland area onsite keep the groundwater table near the surface for extended periods. These wetland areas have groundwater at or just above the soil surface for a good portion of the year, while the uplands have groundwater in the 12”-24” range during this same period.

An infiltration feature would traditionally be constructed in the lower elevations of a property or in an area that slopes away from the house or other impervious area. Constructing an infiltration trench in the north, south, or western portion of the yard was not recommended by the engineer. In these areas the groundwater is very high and will fill the void spaces that are supposed to collect the runoff. In this instance, the stormwater would flow over the infiltration trench and not into it. All potential to treat stormwater using this type of BMP would be ineffective in this situation.



SUBJECT SITE

VICINITY MAP
223 OAKMERE PARK
WILLIAMSBURG, VIRGINIA
MARCH 29, 2016
ROTH ENVIRONMENTAL, LLC
SOURCE: JAMES CITY COUNTY GIS



223 Oakmere Park

Mitigation Plants & Shrubs

10-Dwarf Bufford
3-Gold Mop Cypress
3- Otto Luyken Laurel
1-Dwarf Pampas
5-Nandina Domestica
3-Blue Pac Juniper
1-Bloodgood Jap maple
3-American Holly
3-Fatsia
6-Oakleaf Hydrangea
4-Camellia
3-Callicarpa
12-Leucothe
9-Viburnum
14-Inkberry Holly
8-Red maple
2-Willow Oak
1-River Birch
2-Crepe Myrtle

80 Shrubs/13 Trees

Mulch Beds– 1425 sq.feet

Frankie Cottee
757-880-2033
Hampton Roads lawn & landscapes
Hrlawns@cox.net



**Development Management
Engineering and Resource
Protection Division**
P O Box 8784
Williamsburg, VA 23187
Resource.Protection@jamescitycountyva.gov

Building Safety and Permits
757-253-6620

Engineering and Resource Protection
757-253-6670

Planning
757-253-6685

Zoning Enforcement
757-253-6671

April 20, 2016

RE: CBE-16-086 – 223 Oakmere Park
Single Family Dwelling

Dear Adjacent Property Owner:

In accordance with State and County Codes, this letter is to notify you that a request has been filed with the James City County Chesapeake Bay Board by Coastal Construction and Development for encroachment into the Resource Protection Area (RPA) associated with construction of a single family dwelling at 223 Oakmere Park in the Fords Colony subdivision. The property is further identified by James City County Real Estate as Parcel No. 3233100041.

A complete description, plan, and other information are on file in the Engineering and Resource Protection Division and are available for inspection during normal business hours, should anyone desire to review them.

The Chesapeake Bay Board will hold an advertised public hearing on **Wednesday, May 11, 2016 at 7 p.m.** in the Board Room of Building F, 101 Mounts Bay Road, James City County, Virginia, at which time you may request to speak on the above referenced project.

Sincerely,

Melanie Davis

Melanie Davis
Chesapeake Bay Board Secretary
757-253-6866

cc: Coastal Construction and Development
Roth Environmental, LLC

Mailing List for: CBE-16-086 – 223 Oakmere Park – Coastal Construction - SFD

Owner - 3233100041 – 223 Oakmere Park

Coastal Construction and Development

Attn: Stan Stinnett

1100 Hillwell Road

Chesapeake VA 23322

Roth Environmental, LLC

700 Prescott Circle

Newport New, VA 23602

3233100040 – 219 Oakmere Park

Wayne Harbin Builder, Inc

3705 Strawberry Plains Rd, Suite D

Williamsburg, VA 23188

3233100039

Harold Curtis

215 Oakmere Park

Williamsburg, VA 23188

3230100011A Outparcel Greenways S-12

Fords Colony at Williamsburg Homeowners Assoc.

100 Manchester Dr

Williamsburg, VA 23188



PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA WILL HOLD PUBLIC HEARINGS **WEDNESDAY MAY 11, 2016 AT 7 p.m.** IN THE BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE WETLANDS BOARD WILL CONSIDER THE FOLLOWING CASE:

W-14-16/VMRC 16-0313: Henry S Branscome II has applied for a wetlands permit to construct multiple sills and beach nourishment on his property 3018 & 3020 N Riverside Dr in the Chickahominy Haven subdivision, JCC Parcel Nos 1820300007 & 1820300006.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBE-16-086: Coastal Construction and Development has filed an exception request for encroachment into the RPA buffer for construction of a single family dwelling at 223 Oakmere Park in the Fords Colony subdivision, JCC Parcel No 3233100041.

CBE-16-089: Arthur D Echoles has filed an exception request for encroachment into the RPA buffer for construction of storage shed at 159 Jackson St in the Wallace Woods subdivision, JCC Parcel No 5231000009.

Appeals from decisions under the Chesapeake Bay Preservation Ordinance may also be heard.

All interested parties are invited to attend the meetings. The applications and plans are on file and may be viewed during normal office hours in the Engineering and Resource Protection Division, 101-E Mounts Bay Road, James City County, Virginia.

NOT FOR PUBLICATION

DISPLAY: WEDNESDAY – April 27, and May 4, 2016.
ACCOUNT NO.: 0011040200 - VIRGINIA GAZETTE

COPIES: PLANNING
ASSISTANT COUNTY ATTORNEY
WETLAND/CHESAPEAKE BAY BOARD MEMBERS

ITEM SUMMARY

DATE: 5/11/2016
TO: Chesapeake Bay Board
FROM: Michael Woolson, Senior Watershed Planner
SUBJECT: CBE-16-089 : 159 Jackson Street

Arthur Echoles has applied for a Chesapeake Bay Exception for the installation of a shed within the RPA.

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Application (SAAA Form)	Backup Material
▣	APO Notification and Ad	Backup Material
▣	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay	Thomas, Scott	Approved	5/4/2016 - 4:46 PM
Chesapeake Bay	Thomas, Scott	Approved	5/4/2016 - 4:47 PM
Publication Management	Burcham, Nan	Approved	5/4/2016 - 4:56 PM
Chesapeake Bay	Secretary, ChesBay	Approved	5/5/2016 - 3:12 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBE-16-089. 159 Jackson Street
Staff report for the May 11, 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 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 AND INFORMATION

Applicant: Mr. Arthur Echoles
Agent: Same
Location: 159 Jackson Street
Tax Map/Parcel No.: 5231000009
Parcel: Wallace Woods Subdivision, Lot 9
Lot Size: 0.20 acre
Area of Lot in Resource Protection Area (RPA): 0.20 acre +/- (100%)
Watershed: Skiffes Creek (HUC Code JL35)
Floodplain: Zone X, outside the 0.2% annual chance floodplain
Proposed Activity: Installation of a 224-square-foot storage shed
Impervious Cover: 224 square feet from shed
RPA Encroachment: 224 square foot (landward 50-foot RPA buffer)
Staff Contact: Michael Woolson, Senior Watershed Planner Phone: 253-6823

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Arthur Echoles applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the installation of a storage shed on property located at 159 Jackson Street, within the Skiffes Creek watershed. The property is further identified as James City County Tax Map Parcel No. 5231000009. The lot was platted before the 2004 re-adoption of the Chesapeake Bay Preservation Ordinance. The house was built in 1991.

The entire lot is within the RPA buffer. Mr. Echoles has positioned the shed as far away from the wetland resource as the lot restrictions will allow. While he has not provided a mitigation plan, he is aware that planting mitigation is required and has already planted one canopy tree and three shrubs.

STAFF EVALUATION

Staff has evaluated the application and exception request for the shed, and finds that the application has met the conditions in Sections 23-11 and 23-14, and that the application should be heard by the Board because the shed is an accessory structure. Therefore, the exception request must be considered by the Board following a public hearing under the formal exception process. The exception request before the Board is for encroachment into the RPA buffer for the installation of a storage shed.

WATER QUALITY IMPACT ASSESSMENT (WQIA)

A WQIA must be submitted, per Sections 23-11 and 23-14 of the County ordinance, for any proposed land disturbing activity resulting from development or redevelopment within RPAs. The applicant has already planted the required mitigation.

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. The Chesapeake Bay Board should fully consider Chesapeake Bay Exception CBE-16-089 as outlined and presented above and review the request for exception along with the WQIA. The Board may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of the County's Chesapeake Bay Preservation Ordinance.

STAFF RECOMMENDATIONS

Staff has reviewed the application and exception request and has determined impacts associated with the proposal to be minimal for the proposed development. Staff recommends approval of this exception request with the following conditions incorporated into the approval:

1. The applicant must obtain all other necessary federal, state and local permits as required for the project; and
2. This exception request approval shall become null and void if construction has not begun by May 11, 2017; and
3. Written requests for an extension to an exception shall be submitted to the Engineering and Resource Protection Division no later than six weeks prior to the expiration date.

MW/nb
CBE16-089JacksonSt

Attachment:

1. Water Quality Impact Assessment Package



Chesapeake Bay Preservation Ordinance Sensitive Area Activity Application

For Office Use Only

CB Number CBE76-089

Submission Requirements: (Check all applicable)

- A \$25 non-refundable processing fee payable to Treasurer, James City County.
- RPA - landward 50' - Complete Items 1 - 5, and sign on Page 3.
- RPA - seaward 50' - Complete Items 1 - 5, sign on Page 3 and submit an additional \$100 non-refundable fee payable to Treasurer, James City County, for the Chesapeake Bay Board.
- Conservation Easement - Complete Items 1, 2, 3, and 5, and sign on Page 3.
- Steep Slopes \geq 25 percent - Complete Items 1, 2, 3, and 5, and sign on Page 3.
- Attach plans as required (see instruction on Page 4, Item 4).
- Applicable surety as required for mitigation (see **Mitigation Rates Table** on Page 2).

Upon completion, please return pages 1-3 to the JCC Engineering and Resource Protection Division

Property Owner Information:

Date: April 6, 2016

Name: Echoles, Arthur D.
 Address: 159 Jackson St. Williamsburg/Jame City Co., VA 23185
 Phone: (757) 229-8632 Fax: _____ Email: aecholes@Cox.net

Contact (if different from above):

Name: same Phone: _____
 Email: _____

Project Information:

Project Address: 159 Jackson
 Subdivision Name, Lot, and Section No.: Wallace Woods/Drive Lot 9
 Parcel Identification No. or Tax Map No.: 523100009
 Date Lot was platted: _____ Line or Bldg Permit No.: N/A

Activity Location and Impacts (Square Feet - SF): (check all that apply)

- | | |
|---|--|
| <input type="checkbox"/> Steep Slopes \geq 25 percent _____ (SF) | <input checked="" type="checkbox"/> RPA - Landward 50' <u>224</u> (SF) |
| <input type="checkbox"/> Conservation Easement _____ (SF) | <input type="checkbox"/> RPA - Seaward 50' _____ (SF) |
| <input checked="" type="checkbox"/> Trees to be Removed <u>none</u> (#) | <input type="checkbox"/> Proposed Impervious Cover _____ (SF) |

Activity involves: (check all that apply)

- | | | |
|---|---|--|
| <input type="checkbox"/> New principal structure construction | <input type="checkbox"/> Building addition to principal structure | <input type="checkbox"/> Attached Deck |
| <input type="checkbox"/> Permitted buffer modifications: | <input type="checkbox"/> Dead/diseased/dying tree removal | <input type="checkbox"/> Sightline |
| <input checked="" type="checkbox"/> Accessory (Detached) Structure or Patio | <input type="checkbox"/> Invasive/noxious weed removal | <input type="checkbox"/> Access path/trail |
| <input type="checkbox"/> Other: <u>Storage Shed</u> | <input type="checkbox"/> Redevelopment: _____ | |

**Chesapeake Bay Preservation Ordinance
Sensitive Area Activity Application**

For Office Use Only CB Number <u>CBE16-087</u>

1. Description of requested sensitive area activity and reason for request:

(In the description, please indicate the reason for the proposed structure or activity, the location, sizes and dimensions of feature. For decks or expansions, indicate if ground floor, first floor or other levels)

Storage shed

2. As per Section 23-9 of the Chesapeake Bay Preservation Ordinance, if there is an on-site sewage disposal system on this property, has it been inspected and/or pumped out in the past five years? Yes No

3. Are permits from other local, State or Federal agencies required for any portion of this project? Yes No
(If yes, please explain) no

4. Water Quality Impact Assessment

The purpose of a water quality impact assessment is to demonstrate that the project will result in the removal of no less than 75 percent of sediments and 40 percent of nutrients from post-development stormwater run-off and that it will retard runoff, prevent accelerated erosion, promote infiltration, and filter non-point source pollution equivalent to the full undisturbed 100-foot buffer.

A. Why is this encroachment necessary? Can it be relocated to avoid RPA impacts?

entire lot in RPA

B. What measures will be used to minimize impervious area? Examples: pervious pavers, removal of existing impervious surfaces (concrete, pavement, etc.) in the RPA not needed for the project

5. Proposed mitigation measures:

Note: All mitigation measures must be shown in detail on a mitigation plan. Show both location of mitigation measures and plant species if applicable. All mitigation plants must be native species and be located in the sensitive area (RPA or Conservation Easement).

Mitigation Rates Table

Impervious Area (SF)	Mitigation Required	Surety
<400	1 tree and 3 shrubs	\$250
400-1,000	1 canopy tree, 2 understory trees and 3 shrubs per 400 SF (or fraction thereof)	\$1,000
>1,000	Plant at same rate as 400 – 1,000; or may be determined by Director of Engineering and Resource Protection Division	To be determined

**Chesapeake Bay Preservation Ordinance
Sensitive Area Activity Application**

For Office Use Only CB Number <u>CBE 16-089</u>
--

A. Vegetation/ground cover enhancement of buffer (see Mitigation Rates Table on previous page).

- Number of native canopy trees _____
- Number of native understory trees _____
- Number of native shrubs _____
- Square feet of native ground cover _____
- Square feet of mulch _____

B. Best Management Practices (BMPs)

- | | |
|---|---|
| <input type="checkbox"/> EC-2 (degradable) erosion control matting | <input type="checkbox"/> Bioretention or rain garden practice |
| <input type="checkbox"/> Dry Swale | <input type="checkbox"/> Infiltration Area/Trench/Drywell |
| <input type="checkbox"/> Silt fence | <input type="checkbox"/> Structural BMP (Wet or Dry Pond) |
| <input type="checkbox"/> Turf (Nutrient) Management Plan | <input type="checkbox"/> Rain Barrel |
| <input type="checkbox"/> Gravel under deck (3" of gravel over synthetic filter fabric under entire deck area) | |
| <input type="checkbox"/> Other: _____ | |

I understand that the following are approval conditions:

- 1) Mitigation for the above activity shall follow the approved mitigation plan and be guaranteed with a form of surety acceptable to the County Attorney.
- 2) Limits of disturbance as shown on the approved plan shall not be exceeded.
- 3) This approval shall become null and void if construction has not begun within 12 months of the approval date.
- 4) Surety will be released following the completion and inspection of mitigation plantings.

X Property owner signature Echoles, Arthur D Date 4-6-16

Program Administrator _____ Date _____
Authorized Signature

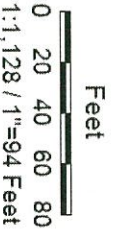
For Office Use Only	Surety Amount: _____ Date/Rec No.: _____ Fee Paid? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Amount: <u>125.00</u> Date/Rec No.: <u>4/6/16 #2875</u>
---------------------	--

CBE-16-089



R2

- Legend**
- Parcels
 - Street Names
 - FEMA Zones
 - AO
 - 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
 - A
 - AE
 - VE
 - OPEN WATER
 - X



Title:

Date: 4/6/2016

DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and James City County is not responsible for its accuracy or how current it may be.

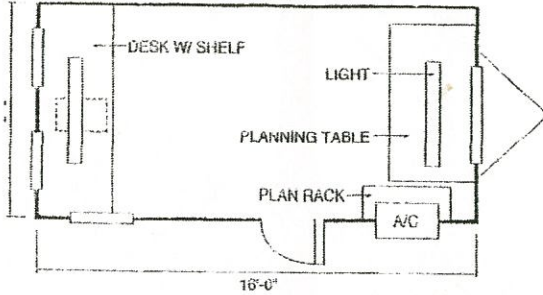
Allied Trailers

CBE 16-089.

8' Wide Trailers

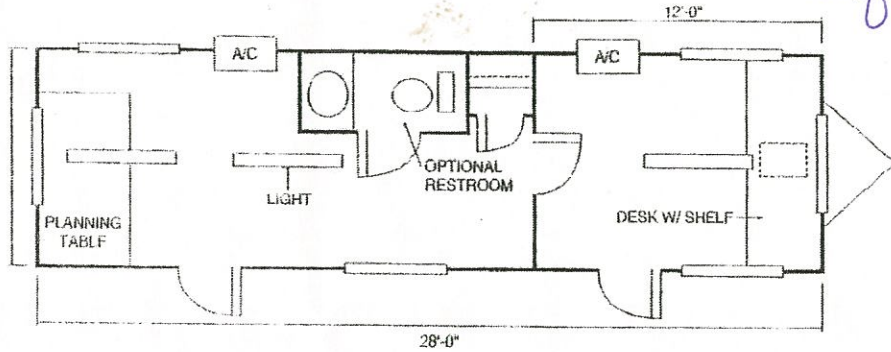
Call now for special pricing and immediate delivery.

AM-820
Office Trailer

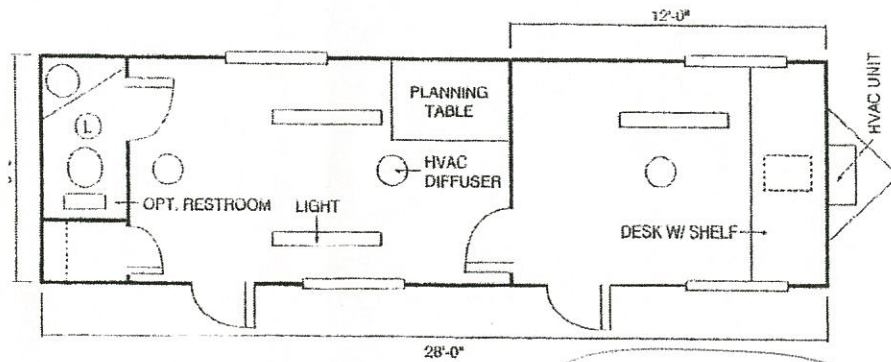


Anything less than 256 sq ft does not require a permit

AM-832
Office Trailer

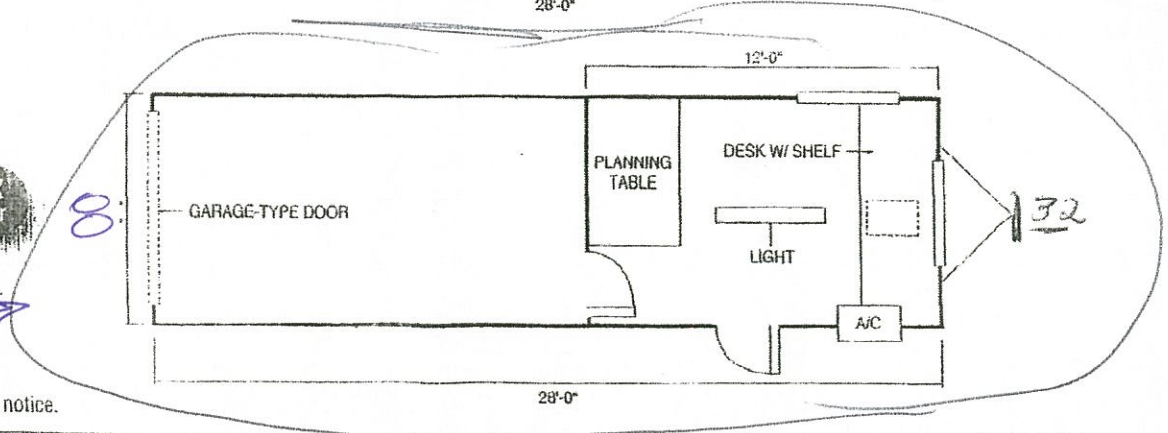


AM-832C
Office Trailer



AM-3212X
Office Trailer

224 sq ft →



Floorplans subject to change without notice.



**Development Management
Engineering and Resource
Protection Division**
P O Box 8784
Williamsburg, VA 23187
Resource.Protection@jamescitycountyva.gov

Building Safety and Permits
757-253-6620

Engineering and Resource Protection
757-253-6670

Planning
757-253-6685

Zoning Enforcement
757-253-6671

April 20, 2016

RE: CBE-16-089 – 159 Jackson Street
Storage Shed

Dear Adjacent Property Owner:

In accordance with State and County Codes, this letter is to notify you that a request has been filed with the James City County Chesapeake Bay Board by Mr. Arthur D Echoles for encroachment into the Resource Protection Area (RPA) associated with construction of a storage shed, on his property at 159 Jackson Street in the Wallace Woods subdivision. The property is further identified by James City County Real Estate as Parcel No. 5231000009.

A complete description, plan, and other information are on file in the Engineering and Resource Protection Division and are available for inspection during normal business hours, should anyone desire to review them.

The Chesapeake Bay Board will hold an advertised public hearing on **Wednesday, May 11, 2016 at 7 p.m.** in the Board Room of Building F, 101 Mounts Bay Road, James City County, Virginia, at which time you may request to speak on the above referenced project.

Sincerely,

Melanie Davis

Melanie Davis
Chesapeake Bay Board Secretary
757-253-6866

cc: Arthur D Echoles

Mailing List for: CBE-16-089 – 159 Jackson St – Echoles, storage shed

Owner - 5231000009

Arthur D Echoles
159 Jackson Street
Williamsburg, VA 23185

5231000008

Vona M Lewis
157 Jackson Street
Williamsburg, VA 23185

5231000001

Shirley and Sherry Piggott
165 Howard Drive
Williamsburg, VA 23185

5231000010

Mary B Jones
161 Jackson Street
Williamsburg, VA 23185

5230200025 – 146 Jackson St

Daniel Roberts c/o Patricia Chappelle
50 Sheffield Road
Tewksbury, MA 01876-1367



PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA WILL HOLD PUBLIC HEARINGS **WEDNESDAY MAY 11, 2016 AT 7 p.m.** IN THE BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE WETLANDS BOARD WILL CONSIDER THE FOLLOWING CASE:

W-14-16/VMRC 16-0313: Henry S Branscome II has applied for a wetlands permit to construct multiple sills and beach nourishment on his property 3018 & 3020 N Riverside Dr in the Chickahominy Haven subdivision, JCC Parcel Nos 1820300007 & 1820300006.

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CBE-16-086: Coastal Construction and Development has filed an exception request for encroachment into the RPA buffer for construction of a single family dwelling at 223 Oakmere Park in the Fords Colony subdivision, JCC Parcel No 3233100041.

CBE-16-089: Arthur D Echoles has filed an exception request for encroachment into the RPA buffer for construction of storage shed at 159 Jackson St in the Wallace Woods subdivision, JCC Parcel No 5231000009.

Appeals from decisions under the Chesapeake Bay Preservation Ordinance may also be heard.

All interested parties are invited to attend the meetings. The applications and plans are on file and may be viewed during normal office hours in the Engineering and Resource Protection Division, 101-E Mounts Bay Road, James City County, Virginia.

NOT FOR PUBLICATION

DISPLAY: WEDNESDAY – April 27, and May 4, 2016.
ACCOUNT NO.: 0011040200 - VIRGINIA GAZETTE

COPIES: PLANNING
ASSISTANT COUNTY ATTORNEY
WETLAND/CHESAPEAKE BAY BOARD MEMBERS

RESOLUTION

CASE NO. CBE-16-089. 159 JACKSON STREET

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Arthur Echoles, (the “Applicant”) has applied to the Chesapeake Bay Board of James City County (the “Board”) on May 11, 2016, to request an exception to use of the Resource Protection Area (the “RPA”) on a parcel of property identified as James City County Real Estate Tax Parcel No. 5231000009 and further identified as 159 Jackson Street in the Wallace Woods subdivision (the “Property”) as set forth in the application CBE-16-089 for the purpose of building a storage shed; and

WHEREAS, the Board has listened to the arguments presented and has carefully considered all evidence entered into the record.

NOW, THEREFORE, BE IT RESOLVED that the Chesapeake Bay Board of James City County, Virginia, following a public hearing, by a majority vote of its members FINDS that:

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 Chapter 23, Chesapeake Bay Preservation, of the James City County Code, to other property owners similarly situated in the vicinity.
3. The exception request will be in harmony with the purpose and intent of Chapter 23 of the James City County Code, 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.
5. Reasonable and appropriate conditions are hereby imposed, as set forth below, which will prevent the exception request from causing a degradation of water quality.
6. In granting this exception, the following conditions are hereby imposed to prevent this exception request from causing degradation of water quality:
 - a. The applicant must obtain all other necessary federal, state and local permits required for the project; and
 - b. This exception request approval shall become null and void if construction has not begun by May 11, 2017; and
 - c. Written requests for an extension to an exception shall be submitted to the Engineering and Resource Protection Division no later than six weeks prior to the expiration date.

David Gussman
Chair, Chesapeake Bay Board

Michael Woolson
Senior Watershed Planner

Adopted by the Chesapeake Bay Board of James City County, Virginia, this ____ day of _____,
20__

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF
_____, 20__ IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF
JAMES CITY.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

CBE-16-089-159JacksonStreet-res