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 March 8, 2017 7:00 PM

- A. CALL TO ORDER
- B. ROLL CALL
- C. MINUTES
 - 1. Minutes from February 8, 2017 Board Meeting
- D. PUBLIC HEARINGS
 - 1. CBE-17-042: 115 Hurlston
 - 2. CBE-17-048: 7515 Oak Cove Road
 - 3. CBE-16-054: 137 Industrial Boulevard
- E. BOARD CONSIDERATIONS
- F. MATTERS OF SPECIAL PRIVILEGE
- G. ADJOURNMENT

AGENDA ITEM NO. C.1.

ITEM SUMMARY

DATE: 3/8/2017

TO: Chesapeake Bay Board

Chesapeake Bay Board Secretary FROM:

Mintues from February 8, 2017 Board meeting SUBJECT:

ATTACHMENTS:

Description Type

Minutes from February 8, 2017 Minutes D

Board Meeting

REVIEWERS:

Department Reviewer Action Date

Chesapeake Bay Group Approved 3/3/2017 - 2:51 PM Secretary, ChesBay

M I N U T E S JAMES CITY COUNTY CHESAPEAKE BAY BOARD REGULAR MEETING

County Government Center, Building F 101 Mounts Bay Road, Williamsburg, VA 23185 February 8, 2017 7:00 PM

A. CALL TO ORDER

The Chesapeake Bay Board meeting for February 8, 2017, was Called to Order.

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. ROLL CALL

Board Member Present:

Absent:

David Gussman

William Apperson - Vice Chair

John Hughes

Charles Roadley

Larry Waltrip

Louis Bott - Alternate

Others Present:

County Staff (Staff):

Michael Woolson, Senior Watershed Planner Maxwell Hlavin, Assistant County Attorney

Melanie Davis, Secretary to the Board

C. MINUTES

1. January 11, 2017, Regular Meeting Minutes

The minutes were approved as written.

D. PUBLIC HEARINGS

1. Chesapeake Bay Board Case No. CBE 17-041: 212 William Claiborne

Michael Woolson presented the exception request submitted by Ron Curtis Builder, on behalf of property owners, Harold and Marjorie Starling. The exception request was for encroachment into the Resource Protection Area (RPA) buffer for construction of a retaining wall associated with a new single-family dwelling on the property known as 212 William Claiborne in the Kingsmill on the James subdivision, within the College Creek, Halfway Creek watershed and further identified as James City County Tax Map Parcel No. 5030600020. The

presentation described the purpose and location of the proposed wall and the current site conditions. Because the proposed mitigation did not meet the County requirements, additional mitigation was made a condition for approval. Staff determined the associated impacts to be moderate and recommended approval with the conditions outlined in the Resolution.

Mr. Bott asked if there was current erosion on the site and if Staff considered possible erosion from the proposed outfall at the top of the slope.

Mr. Woolson had not observed erosion on the adjacent properties and said the outfall could be extended to the toe of the slope if the outfall at the top of the slope could not be adequately protected.

Mr. Apperson opened the Public Hearing.

 $\underline{\mathbf{A}}$. Mr. Ron Curtis stated the wall is required for the driveway to the side load garage, which is required in the Kingsmill neighborhood. It will also provide an egress area from the lower level of the home.

Mr. Roadley asked Mr. Curtis if he had considered measures to spread out the flow from the riprap apron at the end of the outfall. He also asked about the proposed landscape treatment beyond the deck.

<u>A</u>. Mr. Curtis said the runoff to the outfall was only from the sidewalk to the driveway and the remainder of the water on this lot would be spread out across the back. He said there would be ten feet of level turf to provide an area to walk and the remainder would remain natural.

Mr. Woolson asked if a level spreader at the end of the outfall would satisfy Mr. Roadley's concern.

Mr. Roadley said that would be his suggestion.

Mr. Apperson closed the Public Hearing as no one else wished to speak.

Mr. Bott said his only concern was the possibility of future erosion from the retaining wall.

Mr. Apperson and Mr. Waltrip felt the area beyond the wall would not erode if the runoff is concentrated to the proposed outfall and it is adequately protected.

Mr. Hughes made a motion to adopt the Resolution to Grant the Exception for Chesapeake Bay Board Case No. CBE-17-041 at 212 William Claiborne.

The motion result was: 5-0

Ayes: Hughes, Bott, Roadley, Waltrip, Apperson

Nays: None

2. Chesapeake Bay Board Case No. CBE 17-043: 178 The Maine

Michael Woolson presented the exception request submitted by David Chewey with Custom Gardens, on behalf of property owners, Robert and Jill Swain. The exception request was for encroachment into the RPA buffer for the expansion of an existing patio and the construction of a pool and retaining walls on the property known as 178 The Maine in the Greater First Colony subdivision, within the James River watershed and further identified as James City County Tax Map Parcel No. 4540200062. The presentation described the current site conditions as well as the proposed water quality treatment of runoff and the proposed restoration of the RPA buffer by eliminating the majority of existing lawn. Staff determined the associated impacts to be major and recommended approval with the conditions outlined in the Resolution.

Mr. Bott asked if there was a previous exception granted for the existing encroachment into the RPA. He also asked for clarification on the total impervious cover in the RPA and the stability of the mulch on the steep slope.

Mr. Woolson said no exceptions could be found however, the encroachment would have been done by the previous owners and the house had been vacant for some time before Mr. and Mrs. Swain purchased it last year. The entire impervious cover in the RPA will be 1,500 square feet, but only 40 square feet is additional to what already exists. Mr. Woolson explained that other sites have used mulch on steep slopes and it has been a successful stabilization measure. He also believed the applicants will maintain the area.

Mr. Apperson opened the Public Hearing.

<u>A.</u> Mr. David Chewey with Custom Gardens, described the entire back of the property as a bio-retention area that would provide an aesthetic view while filtering all currently unchecked runoff from the property.

Mr. Apperson asked what type of plantings would be used.

Mr. Roadley asked if the proposed pool was chlorine or brine.

<u>A</u>. Mr. Chewey described the native grasses, perennials and plants that would be used in the mitigation plan. He said they were suggesting a brine pool as that was what was most popular.

B. Mr. Matt Roth with Roth Environmental also worked on the plan and emphasized that although the plan added some additional impervious cover, the benefits of the mitigation plantings and removal of turf grass would be a net positive. He added that the heavy use of perennials as well as the rain gardens to catch the up-slope runoff would help to stabilize the mulch.

Mr. Apperson closed the Public Hearing as no one else wished to speak.

The Board members felt this was a well-designed mitigation plan and thanked the property owners and designers for their efforts.

Mr. Roadley made a motion to adopt the Resolution to Grant the Exception for Chesapeake Bay Board Case No. CBE-17-043 at 178 The Maine.

The motion result was: 5-0

Ayes: Roadley, Waltrip, Hughes, Bott, Apperson

Nays: None

E. BOARD CONSIDERATIONS

None

F. MATTERS OF SPECIAL PRIVILEGE

Mr. Hughes asked staff about a proposal at Cranston Mill Pond for water withdrawal and any possible impact to water quality below the dam.

Mr. Woolson acknowledged that a Joint Permit Application had been submitted and he was currently discussing it with the Virginia Marine Resource Commission. Although there were no proposed structures that would require Board approval, he would provide a presentation on the proposal at the March Wetlands Board meeting.

G. ADJOURNMENT

The meeting adjourned at 7:45 p.m.

William Apperson
Chesapeake Bay Board Vice Chair

Melanie Davis
Secretary to the Board

AGENDA ITEM NO. D.1.

ITEM SUMMARY

DATE: 3/8/2017

TO: Chesapeake Bay Board

FROM: Michael Woolson, Senior Watershed Planner

SUBJECT: CBE-17-042: 115 Hurlston

Bobby and Jennifer Lappas have filed an exception request for encroachment into the RPA buffer for construction of a patio, sitting wall, fire pit and built-in barbeque at 115 Hurlston in the Ford's COlony subdivision.

ATTACHMENTS:

	Description	Type
D	Staff Report	Staff Report
D	Mitigation Plan	Exhibit
D	Application	Backup Material
D	APO Notification and Ad	Backup Material
D	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
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Chesapeake Bay Group Secretary, ChesBay Approved 3/3/2017 - 2:51 PM

CHESAPEAKE BAY BOARD EXCEPTION No. CBE-17-042. 115 Hurlston Staff Report for the March 8, 2017, 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

Applicants: Bobby and Jennifer Lappas

Agent: Jim Gallagher, Green Side Up Landscaping

Location: 115 Hurlston

Tax Map/Parcel No.: 3811300023

Legal Description: Lot 23, Section 30, Ford's Colony

Lot Size: 1.86 acres

Area of Lot in Resource

Protection Area (RPA): 1.47 acres +/- (80%)

Watershed: Powhatan Creek (HUC Code JL31)

Floodplain: Panel 0117D

Zone X, outside the 0.2% annual chance floodplain

Proposed Activity: Construction of a paver patio, fire pit and seating wall.

Impervious Cover: Approximately 600 square feet

RPA Encroachment: Impervious cover within the landward 50-foot Resource Protection Area (RPA)

buffer.

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

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Jim Gallagher, of Green Side Up Landscaping, on behalf of Bobby and Jennifer Lappas, has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of a paver patio, fire pit and seating wall addition associated with a recently constructed single-family dwelling on property known as 115 Hurlston, in the Ford's Colony subdivision and within the Powhatan Creek watershed. The property is further identified as James City County Tax Map Parcel No. 3811300023. The parcel was platted prior to the re-adoption of the Chesapeake Bay Preservation Ordinance in 2004 and the house construction recently completed.

The back right corner of the house was administratively approved in the RPA, CBE-16-088, with the understanding that the mitigation required for that impact would be incorporated in a future plan. That mitigation requirement was one canopy tree and three shrubs. This proposal includes an additional 600 square feet of impervious cover within the RPA. The required mitigation for the new proposal is two units (two canopy trees, four understory trees and six shrubs). The mitigation proposal includes two canopy trees, species unknown; one understory tree, species unknown; and 15 shrubs, 3 hollies (native) and 12 cryptomeria (non-native).

STAFF EVALUATION

Staff has evaluated the application and exception request for the construction of the patio, fire pit and seating wall and finds that the application does not meet the conditions in Sections 23-11 and 23-14. The application should be heard by the Board because the improvements are accessory in nature.

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 submitted the majority of the required information as outlined in the *James City County Water Quality Impact Assessment Guidelines* and has submitted a mitigation proposal. The mitigation proposal consists of two canopy trees, one understory tree and 15 shrubs and does not meet the minimum County mitigation requirements. Furthermore, there was no discussion of any infiltration practices.

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-17-042 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 minor for the proposed development. Staff does not recommend approval at this time of this exception request. Should the Board wish to approve, staff recommends that the following conditions be incorporated into the approval:

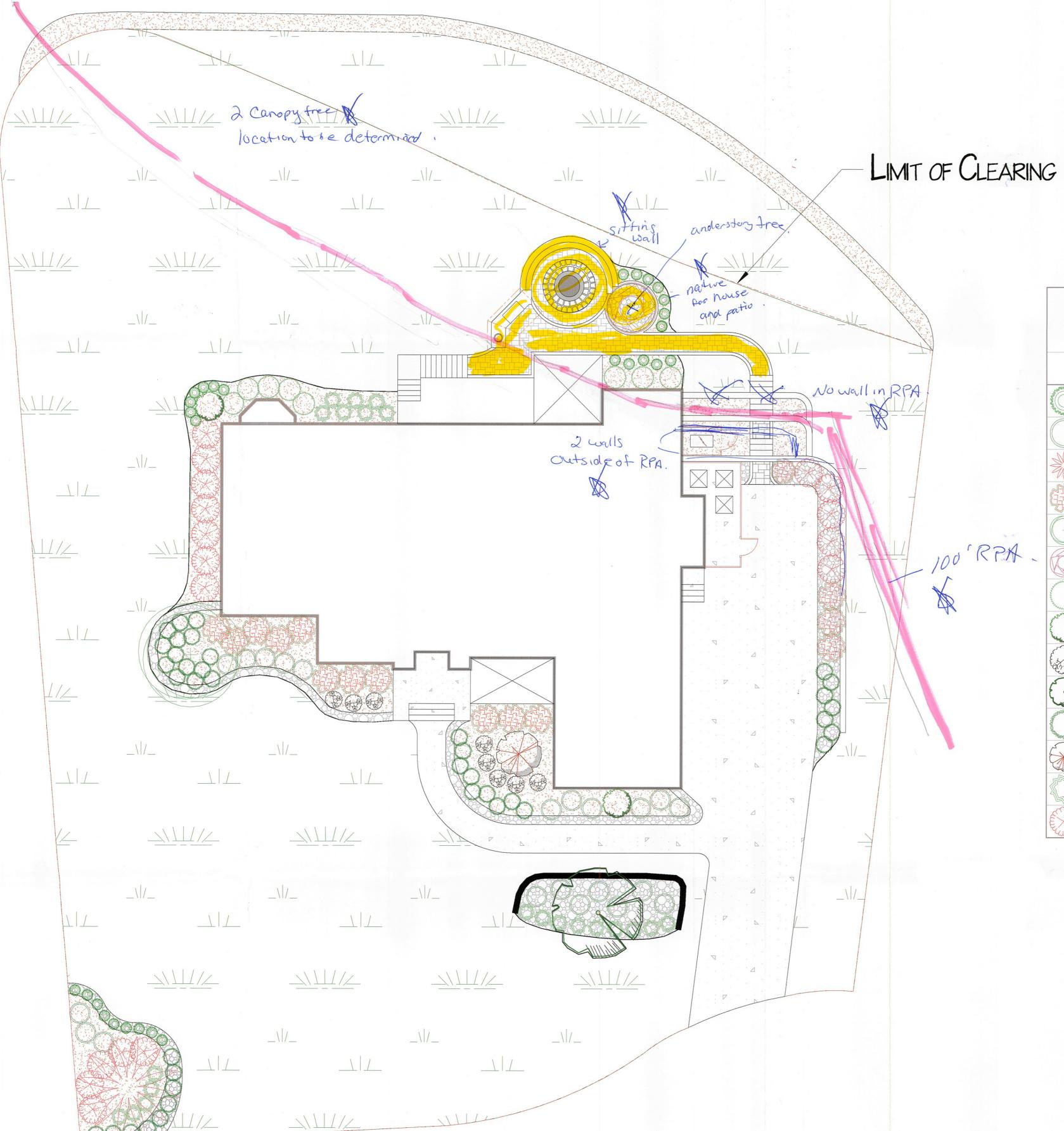
- 1. The applicant must obtain all other necessary federal, state and local permits and permissions as required for the project; and
- 2. Surety of \$1,000 will be required in a form acceptable to the County Attorney's office; and
- 3. Submit a mitigation plan that addresses the minimum County requirements for the new impervious plus the mitigation required for CBE-16-088. The minimum mitigation requirements are three canopy trees, four understory trees and nine shrubs. The mitigation shall also incorporate some infiltration measures, such as a rain garden, to the greatest extent practicable; and
- 4. This exception request approval shall become null and void if construction has not begun by March 8, 2018; and
- 5. 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.

MDW/nb CBE17-042Lappas-115Hurlston

Attachments:

- 1. Water Quality Impact Assessment Package
- 2. Site Plan





Full Planting list Not gust mitigation			
Plant List			
Common Name	Size	Qty	
Cryptomeria, 'Globosa' nana	3 Gal.	29	
Boxwood, Winter Gem	3 Gal.	21	
Cherry, Yoshino	15 Gal.	1	
Cleyera	7 Gal.	15	
Crepe Myrtle, Natchez	15 Gal.	1	
Crepemyrtle, Tonto	15 Gal.	1	
Bennetts Compactum Holly	3 Gal.	8	
Steeds Holly	7 Gal.	2	
Distylium	3 Gal.	8	
Japanese Maple Bloodgood	15 Gal.	1	
Juniper, Blue Rug	3 Gal.	39	
Maple Laceleaf Green	15 Gal.	1	
Gold Mop Cypress	3 Gal.	21	
Viburnum, Spring Bouquet	3 Gal.	17	
	Common Name Cryptomeria, 'Globosa' nana Boxwood, Winter Gem Cherry, Yoshino Cleyera Crepe Myrtle, Natchez Crepemyrtle, Tonto Bennetts Compactum Holly Steeds Holly Distylium Japanese Maple Bloodgood Juniper, Blue Rug Maple Laceleaf Green Gold Mop Cypress	Common Name Size Cryptomeria, 'Globosa' nana 3 Gal. Boxwood, Winter Gem 3 Gal. Cherry, Yoshino 15 Gal. Cleyera 7 Gal. Crepe Myrtle, Natchez 15 Gal. Crepemyrtle, Tonto 15 Gal. Crepemyrtle, Tonto 15 Gal. Bennetts Compactum Holly 3 Gal. Steeds Holly 7 Gal. Distylium 3 Gal. Japanese Maple Bloodgood 15 Gal. Juniper, Blue Rug 3 Gal. Maple Laceleaf Green 15 Gal. Gold Mop Cypress 3 Gal.	

Revision #:

Date: 12/1/2016

Scale:

3/32" = 1'

Landscape Plan:
Mr. & Mrs. Lappas
115 Hurlston





Chesapeake Bay Preservation Ordinance Sensitive Area Activity Application

E DEC 28 2016 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 ≥ 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:** Name: Address: Phone: Contact (if different from above): Phone: **Project Information:** Project Address: Subdivision Name, Lot, and Section No.: Parcel Identification No. or Tax Map No.: Date Lot was platted: 9/19/02 Line or Bldg Permit No.: Activity Location and Impacts (Square Feet - SF): (check all that apply) RPA - Landward 50' 600 Steep Slopes ≥ 25 percent Conservation Easement (SF) RPA - Seaward 50' (SF) Trees to be Removed Proposed Impervious Cover (000 Activity involves: (check all that apply)

New principal structure construction

Accessory (Detached) Structure or Patio

Permitted buffer modifications:

Redevelopment:

Other: participation sitting wall free pit builting il

Building addition to principal structure

Dead/diseased/dying tree removal

Invasive/noxious weed removal

Attached Deck

Access path/trail

Sightline

DEC 98 2016

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

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(In the description, plea					izes and dimensions
of feature. For decks or	expansions, indicat	e if ground floor, first fl	oor or other le	vels)	, N
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10iAt patio	tur buth	escess staic	ς ·		

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

J. A	are permits from other local, State or Federal agencies	s required for any portion of this project?	Yes	X N0
(I	If yes, please explain) not for patio-			

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

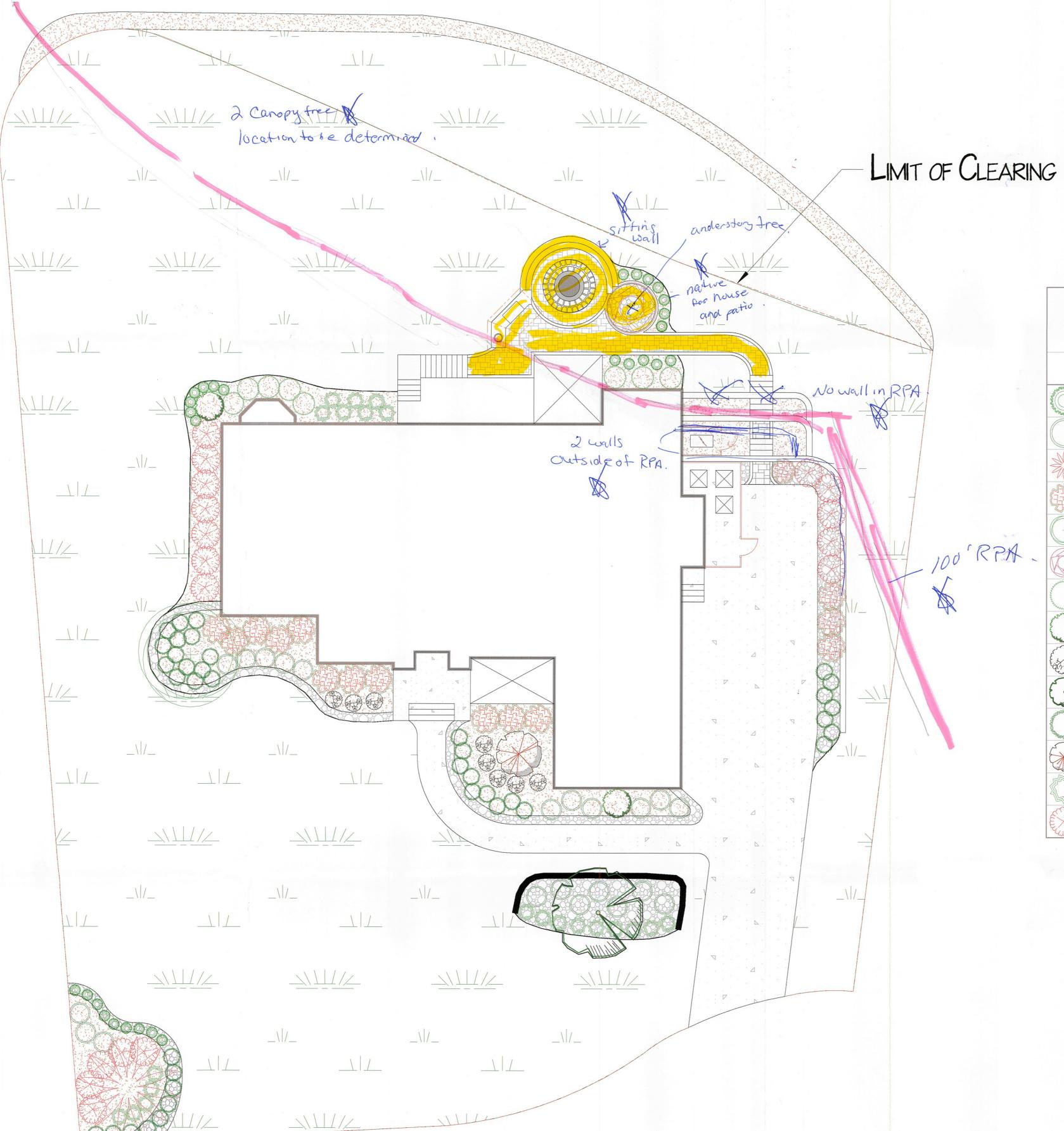
Note: All mitigation measures must be shown in detail on a mitigation plan. Show both location of mitigation measures and plant species if applicable. All mitigation plants must be native species and be located in the sensitive area (RPA or Conservation Easement).

Mitigation Rates Table

	1-92000 NOUSE FOR GOOS9-1	
Impervious Area (SF)	Mitigation Required	<u>Surety</u>
<400	1 tree and 3 shrubs	\$250
400-1,000	1 canopy free, 2 understory frees 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

	CB Number CBE 17-042
A Variation I am 1	Control of the Contro
A. Vegetation/ground cover enhancement of buffer (see Mitigation Number of native canopy trees	
B. Best Management Practices (BMPs)	
EC-2 (degradable) erosion control matting Dry Swale Silt fence Turf (Nutrient) Management Plan Gravel under deck (3" of gravel over synthetic filter fabr Other:	Bioretention or rain garden practice Infiltration Area/Trench/Drywell Structural BMP (Wet or Dry Pond) Rain Barrel ic under entire deck area)
I understand that the following are approval conditions:	
 Mitigation for the above activity shall follow the approved form of surety acceptable to the County Attorney. 	
 Limits of disturbance as shown on the approved plan shall not approved shall become null and void if construction approval date. Surety will be released following the completion and inspection. 	ot be exceeded. has not begun within 12 months of the
2) Limits of disturbance as shown on the approved plan shall no 3) This approval shall become null and void if construction approval date. 4) Surety will be released following the completion and inspection. Property owner signature	ot be exceeded. has not begun within 12 months of the on of mitigation plantings. Date 12-28-16.
2) Limits of disturbance as shown on the approved plan shall not approval shall become null and void if construction approval date. 4) Surety will be released following the completion and inspection a	ot be exceeded. has not begun within 12 months of the on of mitigation plantings.
Property owner signature Program Administrator Authorized Signature CBE-16-088 approved 1 Campy tree 3 3 Shabs. Posted 1 Campy tree 3 3 Shabs.	ot be exceeded. has not begun within 12 months of the on of mitigation plantings.
2) Limits of disturbance as shown on the approved plan shall no 3) This approval shall become null and void if construction approval date. 4) Surety will be released following the completion and inspection. Property owner signature Program Administrator	ot be exceeded. has not begun within 12 months of the on of mitigation plantings. Date





Full Planting list Not gust mitigation			
Plant List			
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Revision #:

Date: 12/1/2016

Scale:

3/32" = 1'

Landscape Plan:
Mr. & Mrs. Lappas
115 Hurlston



Community Development
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

February 15, 2017

RE: CBE-17-042 – 115 Hurlston

Patio, sitting wall, fire pit and built in barbeque

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 Bobby and Jennifer Lappas, for encroachment into the Resource Protection Area (RPA) associated with construction of a patio, sitting wall, fire pit and built in barbeque on their property at 115 Hurlston in the Ford's Colony subdivision. The property is further identified by James City County Real Estate as Parcel No. 3811300023.

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**, **March 8, 2017 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: Bobby and Jennifer Lappas

Green Side Up Landscaping, Inc

Mailing List for: CBE-17-042 – 115 Hurlston - Patio, sitting wall, fire pit and built in barbeque

Owner - 3811300023- 115 Hurlston

Bobby and Jennifer Lappas

107 Dyke

Williamsburg, VA 231889135

Green Side Up Landscaping, Inc.

Jim Gallagher

jim@gsulandsaping.com

119 Montrose

Williamsburg, VA 231887402

3811300022 - 119 Hurlston

Robert and Kathleen Malanga

3652 Holly Harbor Drive

Southport, NC 28461

3811300024

Jeffrey and Deborah Ambrose

109 Hurlston

Williamsburg, VA 231888940

3811300021

Howard and Maria Hopkins

120 Hurlston

Williamsburg, VA 231888940

3811300020

Ralph and Deborah Abrams

116 Hurlston

Williamsburg, VA 231888940

3811300019

Gregory and Susan Russell

108 Hurlston

Williamsburg, VA 231888940

3811300031

Richard and Colleen Horne

105 Mossock

Williamsburg, VA 231888939

3811300033

Mark and Ann Chisam

184 Southport

Williamsburg, VA 231888937

3811000020

Ahmed Hassan and Dawn Foxwell

112 Dunes

Williamsburg, VA 231888906

3811000021

James and Sheila Wheaton

108 Dunes

Williamsburg, VA 231888906

3811000001A - Common Area

Ford's Colony at Williamsburg Homeowners

Association

100 Manchester Drive

Williamsburg, VA 231887404



PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY,

VIRGINIA WILL HOLD PUBLIC HEARINGS WEDNESDAY MARCH 8, 2017 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 CASES:

W-14-15/VMRC 15-0679: Michael and Maureen O'Brien have re-applied for a wetlands permit for installation of a stone sill with associated beach nourishment at 7588 Uncles Neck in the River's Bend at Uncles Neck subdivision, JCC Parcel No 2010200022.

W-17-17/VMRC 17-0074: Shawn and Dawn Lemon have applied for a wetlands permit to construct a 5ft x 240ft open-pile pier at 7596 Uncles Neck in the River's Bend at Uncles Neck subdivision, JCC Parcel No 2010200024.

W-19-17/VMRC 17-0176: Richard and Myra Nuzzo have applied for a wetlands permit to install a stone revetment at 7600 Uncles Neck in the River's Bend at Uncles Neck subdivision, JCC Parcel No 2010200025.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBE-16-054: Nice Commercial Properties, LLC has filed an exception request for encroachment into the RPA buffer for installation of a BMP at 137 Industrial Blvd in Hankins Industrial Park, JCC Parcel No 1240100062.

CBE-17-042: Bobby and Jennifer Lappas have filed an exception request for encroachment into the RPA buffer for construction of a patio, sitting wall, fire pit and built in barbeque at 115 Hurlston in the Ford's Colony subdivision, JCC Parcel No 3811300023.

CBE-17-048: Patricia Overman and Jennifer Privette have filed an exception request for encroachment into the RPA buffer for construction of an addition to the principal structure at 7515 Oak Cove Road, JCC Parcel No 1910100013.

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 Mounts Bay Road, Bldg E, James City County, Virginia.

NOT FOR PUBLICATION

DISPLAY: WEDNESDAY – February 22, and March 1, 2017.

ACCOUNT NO.: 0011040200 - VIRGINIA GAZETTE

COPIES: PLANNING

ASSISTANT COUNTY ATTORNEY

WETLAND/CHESAPEAKE BAY BOARD MEMBERS

RESOLUTION

CASE NO. CBE-17-042. 115 HURLSTON

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

- WHEREAS, Jim Gallagher, of Green Side Up Landscaping, on behalf of Bobby and Jennifer Lappas (the "Applicant"), has applied to the Chesapeake Bay Board of James City County (the "Board"), 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. 3811300023 and further identified as 115 Hurlston in the Ford's Colony subdivision (the "Property") as set forth in the application CBE-17-042 for the purpose of constructing a paver patio, fire pit and seating wall; 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. Surety of \$1,000 will be required in a form acceptable to the County Attorney's office; and
 - c. This exception request approval shall become null and void if construction has not begun by March 8, 2018; and

expiration date.

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

Davis Gussman	Michael Woolson
Chair, Chesapeake Bay Board	Senior Watershed Planner
Adopted by the Chesapeake Bay Board of James	es City County, Virginia, this 8th day of March, 2017.
	KNOWLEDGED BEFORE ME THIS DAY OF CONWEALTH OF VIRGINIA, IN THE COUNTY OF
JAMES CITY.	
NOTARY PUBLIC	
MY COMMISSION EXPIRES:	
CBE17-042Lappas-115Hurlston-res	

AGENDA ITEM NO. D.2.

ITEM SUMMARY

DATE: 3/8/2017

TO: Chesapeake Bay Board

FROM: Michael Woolson, Senior Watershed Planner

SUBJECT: CBE-17-048: 7515 Oak Cove Road

Patricia Overman and Jennifer Privette have filed an exception request for encroachment into the RPA buffer for construction of an addition to the principal structure at 7515 Oak Cove Road.

ATTACHMENTS:

	Description	Type
ם	Staff Report	Staff Report
ם	Application	Backup Material
D	APO Notification and Ad	Backup Material
ם	Resolution	Resolution

REVIEWERS:

Department Reviewer Action Date

Chesapeake Bay Group Secretary, ChesBay Approved 3/3/2017 - 2:51 PM

CHESAPEAKE BAY BOARD EXCEPTION No. CBE-17-048. 7515 Oak Cove Road Staff Report for the March 8, 2017, 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

Applicants: Patricia Overman and Jennifer Privette

Agent: Same

Location: 7515 Oak Cove Road

Tax Map/Parcel No.: 1910100013

Legal Description: Lot on Chickahominy River

Lot Size: 0.52 acres +/-

Area of Lot in Resource

Protection Area (RPA): 0.51 acres +/- (99%)

Watershed: Chickahominy River (HUC Code JL28)

Floodplain: Panel 0082D

Zone AE, base flood elevation 7 mean sea level

Proposed Activity: Construction of room addition associated with an existing single-family

dwelling.

Impervious Cover: Approximately 624 square feet. Approximately 224 square feet additional (room

built over top of existing driveway)

RPA Encroachment: Impervious cover within the seaward 50-foot Resource Protection Area (RPA)

buffer

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

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Ms. Jennifer Privette, on behalf of her mother Patricia Overman, has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of a room addition associated with a single-family dwelling property known as 7515 Oak Cove Road, within the Chickahominy River watershed. The property is further identified as James City County Tax Map Parcel No. 1910100013. The parcel was platted prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990 and the house built in 1950.

In this location, Oak Cove Road runs north-south. The house is sited between the road the Chickahominy River to the west. The room addition is on the north side of the existing structure and will be built over top of an existing driveway. The room addition cannot be built on the south side of the structure, due to zoning setback limitations and cannot be built on the east side of the structure, due to the location of the septic fields. If built on the west side of the structure, there is actually more impervious cover created than in the proposed location.

The applicant is proposing one understory tree and three shrubs as mitigation for the additional RPA impacts. The proposed mitigation meets the minimum County requirements.

STAFF EVALUATION

Staff has evaluated the application and exception request for the construction of the room addition and finds that the application meets the conditions in Sections 23-11 and 23-14, and should be heard by the Board because the improvement is within the seaward 50-foot RPA. Therefore, this request must be considered by the Board, following a public hearing under the formal exception process.

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 submitted the required information as outlined in the *James City County Water Quality Impact Assessment Guidelines* and has submitted a mitigation proposal. The mitigation proposal consists of planting three shrubs and one understory tree and meets the minimum County mitigation 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. The Chesapeake Bay Board should fully consider Chesapeake Bay Exception CBE-17-048 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 moderate 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 and permissions as required for the project; and
- 2. Surety of \$250 will be required in a form acceptable to the County Attorney's office; and
- 3. This exception request approval shall become null and void if construction has not begun by March 8, 2018; 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.

MDW/nb CBE17-048-7515OakCove

Attachments:

- 1. Water Quality Impact Assessment Package
- 2. Site Plan





Chesapeake Bay Preservation Ordinance Sensitive Area Activity Application

For Office Use Only

CB Number CBE 17-048

		CD Manuel Clark	
Submission Requirements: (Check all appli	icable)	<u> </u>	
A \$25 non-refundable processing fee pay RPA - landward 50' - Complete Items 1 RPA - seaward 50' - Complete Item 5 RPA - seaward 50' - Complete Item	- 5, and sign on Pa 1 - 5, sign on Pag , for the Chesapeak s 1, 2, 3, and 5, and ms 1, 2, 3, and 5, a on Page 4, Item 4). ion (see Mitigation	ge 3. e 3 and submit an additional \$100 note Bay Board. sign on Page 3. nd sign on Page 3. Rates Table on Page 2).	
<u>Upon completion, please return pages 1-3</u> Property Owner Information:	to the JCC Engine		<u>u</u>
Name: Patricia Overman & Jennifer Privette			
Address: 7515 Oak Cove Road, Lanexa, VA			
Phone: <u>757-592-2753</u> Fax:	WESTER .	Email: <u>privetteop@cox.net</u>	
Contact (if different from above):			
Contact (II different Hom above).			
Name:		Phone:	
		Email:	
Project Information: Project Address: 7515 Oak Cove Road, Lane			
Subdivision Name, Lot, and Section No.: Ac		ıtan	
Parcel Identification No. or Tax Map No.: 19		I m wat	
Date Lot was platted:	Line or Bi	dg Permit No.:	
Activity Location and Impacts (Square Feet	-SF): (check all the	at apply)	
Steep Slopes ≥ 25 percent	(SF)	√RPA - Landward 50' 41	(SF)
Conservation Easement		RPA - Seaward 50'	
Trees to be Removed	(#)	Proposed Impervious Cover 62	<u>24</u> (SF)
Activity involves: (check all that apply)			
New principal structure construction Permitted buffer modifications:	Dead/diseas	dition to principal structure ed/dying tree removal kious weed removal	Attached Deck Sightline Access path/trai
Accessory (Detached) Structure or Patio Other:		ent:	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
Other:	•		

For Office Use Only
CB Number <u>CBE-17-048</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)
T	he proposed structure is a room addition to the existing house. The proposed addition will be 26'x24' and will be
cc	onstructed on piles above the existing impervious driveway. There will be no slab on grade or foundation walls resulting
	minimal disturbance to the existing site.
<u>?</u> .	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 is the past five years? Yes No
3.	Are permits from other local, State or Federal agencies required for any portion of this project? Yes Vo (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 needed to provide an expansion of the house in order to add a new room addition. It cannot be relocated as there are no other locations on the site for placement of the room addition.

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 room addition is being proposed over a section of existing impervious driveway that will be removed. The result will be an increase in impervious area of approximately 224 SF, (ex driveway approx 400 SF, proposed addition 624 SF)

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	

· ·	For Office Use Only CB Number OBE 17-048
A. Vegetation/ground cover enhancement of buffer (see Mitigation I	
Number of native canopy trees Number of native understory trees 1 Number of native shrubs 3 Square feet of native ground cover Square feet of mulch	
B. Best Management Practices (BMPs)	
EC-2 (degradable) erosion control matting Dry Swale Silt fence Turf (Nutrient) Management Plan Gravel under deck (3" of gravel over synthetic filter fabr	Bioretention or rain garden practice Infiltration Area/Trench/Drywell Structural BMP (Wet or Dry Pond) Rain Barrel ric under entire deck area)
I understand that the following are approval conditions:	
1) Mitigation for the above activity shall follow the approved form of surety acceptable to the County Attorney. 2) Limits of disturbance as shown on the approved plan shall n 3) This approval shall become null and void if construction approval date. 4) Surety will be released following the completion and inspects Property owner signature Program Administrator Authorized Signature	not be exceeded. In has not begun within 12 months of the
For Office Use Only	Surety Amount:
	Pate/Rec No.: Fee Paid? Yes No Amount: Date/Rec No.:



PAR. I.D. 1910100013 - 715 OAK COVE ROAD

JAN 12 2017

RECEIVED



Community Development
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

February 15, 2017

RE: CBE-17-048 – 7515 Oak Cove Rd

Addition

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 Patricia Overman and Jennifer Privette, for encroachment into the Resource Protection Area (RPA) associated with construction of an addition to the existing single family dwelling, on their property at 7515 Oak Cove Road. The property is further identified by James City County Real Estate as Parcel No. 1910100013

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**, **March 8**, **2017 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: Patricia Overmann and Jennifer Privette

Mailing List for: CBE-17-048 – 7515 Oak Cove Road - Addition

Owner - 1910100013- 7515 Oak Cove Rd

Patricia Overman and Jennifer Privette 114 Leslie Drive Newport News, VA 236062227

1910100014 - 7513 Oak Cove Rd

John and Judith Anton 10433 SW 120th Street Miami, VL 331764702

1910100012 - 7517 Oak Cove Rd

Willie & Annie Parsley 6445 Sommerton Place Sandston, VA 231505447

1910100020 - 3162 N Riverside Dr

W A Jr, Rebecca & Clevenge Branson and John Phillips P O Box 908 Mechanicsville, VA 231110908



PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY,

VIRGINIA WILL HOLD PUBLIC HEARINGS WEDNESDAY MARCH 8, 2017 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 CASES:

W-14-15/VMRC 15-0679: Michael and Maureen O'Brien have re-applied for a wetlands permit for installation of a stone sill with associated beach nourishment at 7588 Uncles Neck in the River's Bend at Uncles Neck subdivision, JCC Parcel No 2010200022.

W-17-17/VMRC 17-0074: Shawn and Dawn Lemon have applied for a wetlands permit to construct a 5ft x 240ft open-pile pier at 7596 Uncles Neck in the River's Bend at Uncles Neck subdivision, JCC Parcel No 2010200024.

W-19-17/VMRC 17-0176: Richard and Myra Nuzzo have applied for a wetlands permit to install a stone revetment at 7600 Uncles Neck in the River's Bend at Uncles Neck subdivision, JCC Parcel No 2010200025.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBE-16-054: Nice Commercial Properties, LLC has filed an exception request for encroachment into the RPA buffer for installation of a BMP at 137 Industrial Blvd in Hankins Industrial Park, JCC Parcel No 1240100062.

CBE-17-042: Bobby and Jennifer Lappas have filed an exception request for encroachment into the RPA buffer for construction of a patio, sitting wall, fire pit and built in barbeque at 115 Hurlston in the Ford's Colony subdivision, JCC Parcel No 3811300023.

CBE-17-048: Patricia Overman and Jennifer Privette have filed an exception request for encroachment into the RPA buffer for construction of an addition to the principal structure at 7515 Oak Cove Road, JCC Parcel No 1910100013.

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 Mounts Bay Road, Bldg E, James City County, Virginia.

NOT FOR PUBLICATION

DISPLAY: WEDNESDAY – February 22, and March 1, 2017.

ACCOUNT NO.: 0011040200 - VIRGINIA GAZETTE

COPIES: PLANNING

ASSISTANT COUNTY ATTORNEY

WETLAND/CHESAPEAKE BAY BOARD MEMBERS

RESOLUTION

CASE NO. CBE-17-048. 7515 OAK COVE ROAD

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

- WHEREAS, Ms. Jennifer Privette, on behalf of her mother Patricia Overman (the "Applicant"), has applied to the Chesapeake Bay Board of James City County (the "Board"), 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. 1910100013 and further identified as 7515 Oak Cove Road (the "Property") as set forth in the application CBE-17-048 for the purpose of constructing a room addition associated with an existing single-family dwelling; 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. Surety of \$250 will be required in a form acceptable to the County Attorney's office; and
 - c. This exception request approval shall become null and void if construction has not begun by March 8, 2018; and

expiration date.

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

Davis Gussman	Michael Woolson
Chair, Chesapeake Bay Board	Senior Watershed Planner
Adopted by the Chesapeake Bay Board of James	es City County, Virginia, this 8th day of March, 2017.
	CKNOWLEDGED BEFORE ME THIS DAY OF COUNTY
JAMES CITY.	
NOTARY PUBLIC	
MY COMMISSION EXPIRES:	
CBE17-048-7515OakCove-res	

AGENDA ITEM NO. D.3.

ITEM SUMMARY

DATE: 3/8/2017

TO: Chesapeake Bay Board

FROM: Michael Woolson, Senior Watershed Planner

SUBJECT: CBE-16-054: 137 Industrial Boulevard

Nice Commerical Properties, LLC has filed an exception request for encroachment into the RPA buffer for installation of a BMP at 137 Industrial Boulevard in the Hankins Industrial Park.

ATTACHMENTS:

	Description	Type
ם	Staff Report	Staff Report
ם	Impacts Map	Exhibit
ם	Grading Plan	Exhibit
ם	BMP Details	Exhibit
ם	WQIA Application	Backup Material
D	APO Notification and Ad	Backup Material
ם	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
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Chesapeake Bay Group Secretary, ChesBay Approved 3/3/2017 - 2:51 PM

CHESAPEAKE BAY BOARD EXCEPTION No. CBE-16-054. 129 & 137 Industrial Boulevard Staff Report for the March 8, 2017, 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: Nice Commercial Properties, LLC

Agent: Graham Corson, AES Consulting Engineers

Location: 137 Industrial Boulevard

Tax Map/Parcel No.: 1240100062

Legal Description: Parcel 1, Hankins Industrial Park

Lot Size: 13.01

Area of Lot in Resource

Protection Area (RPA): 4.4 acres +/- (34%)

Watershed: Ware Creek (HUC Code YO62)

Floodplain: Panel 0043D

Zone X, outside the 0.2% annual chance floodplain

Proposed Activity: Construct an extended detention wet pond.

Impervious Cover: Approximately 600 square feet for outlet protection.

Approximately 1.3 acres of clearing and grading.

RPA Encroachment: Impervious cover within the seaward 50-foot Resource Protection Area (RPA)

buffer

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

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Graham Corson, of AES Consulting Engineers, on behalf of Nice Commercial Properties, LLC, has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of an extended detention wet pond BMP on property known as 137 Industrial Boulevard, in the Hankins Industrial Park and within the Ware Creek watershed. The property is further identified as James City County Tax Map Parcel No. 1240100062.

Nice Commercial Properties has a plan of development under review that incorporates both 129 Industrial Boulevard and 137 Industrial Boulevard. The development proposal includes the construction of a new Extended Detention Wet Pond BMP and the elimination of three existing BMPs, in various states of upkeep, providing for a more regional approach to stormwater management in this portion of the industrial park. The developer will be required to obtain a wetlands permit for unavoidable impact to wetlands and waters of the United States from the Corps of Engineers. The mitigation proposal for this impact is to dedicate a conservation easement to the County at a minimum of twice the RPA impact (1.3 acres), the final location of the easement to be determined during County review of the plans.

STAFF EVALUATION

Staff has evaluated the application and exception request for the construction of an extended detention wet pond BMP and finds that the application does meet the conditions in Sections 23-11 and 23-14. The application should be heard by the Board because the improvements are not water dependent.

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 submitted the majority of the required information as outlined in the *James City County Water Quality Impact Assessment Guidelines* and has submitted a mitigation proposal. The mitigation proposal consists of a conservation easement dedicated to the County of an area at least equal to twice the RPA impact area, final location to be determined prior to County plan approval.

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-16-054 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

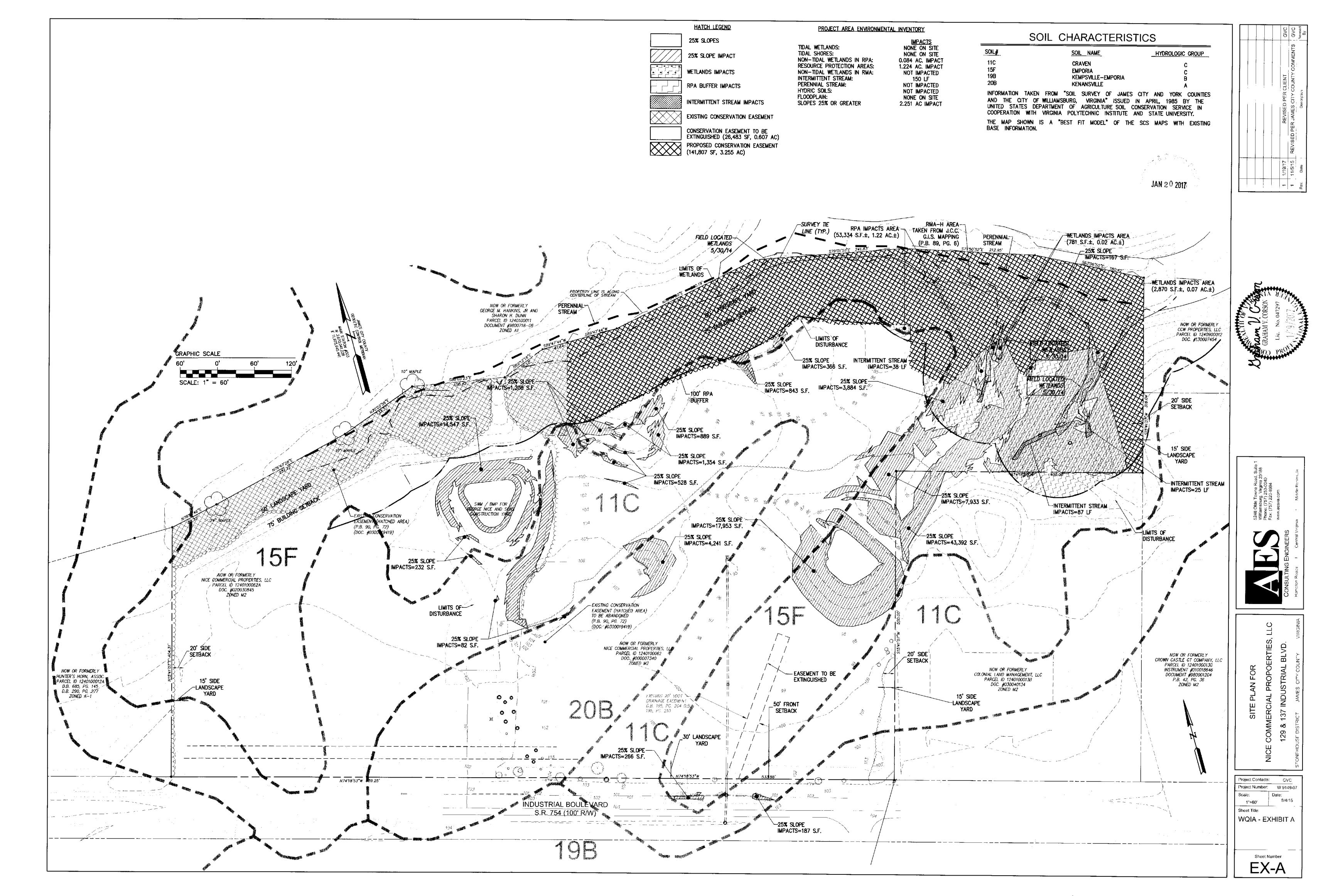
Staff has reviewed the application and exception request and has determined impacts associated with the proposal to be major for the proposed development. Staff recommends approval of this exception request. Should the Board wish to approve, staff recommends that the following conditions be incorporated into the approval:

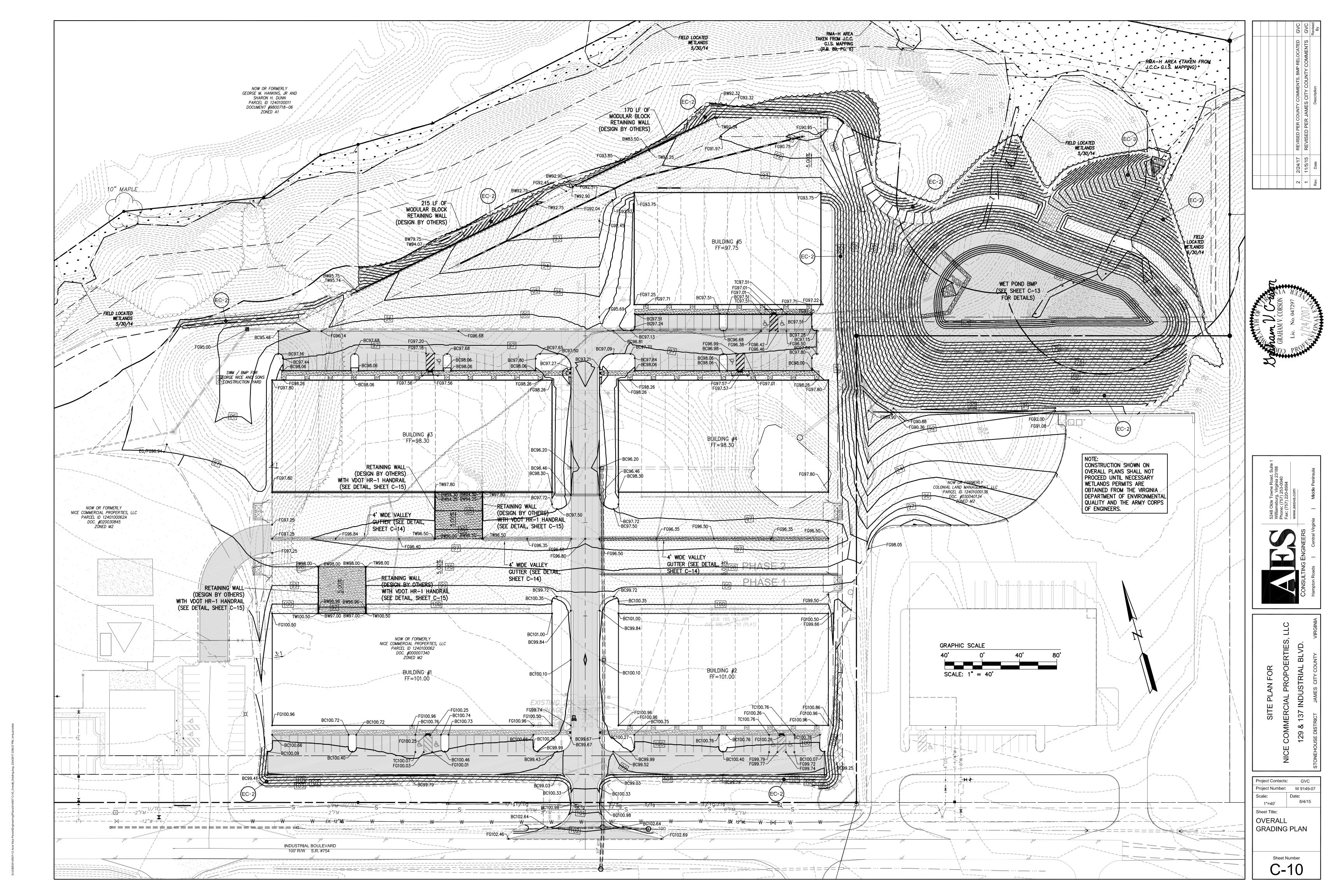
- 1. The applicant must obtain all other necessary federal, state and local permits and permissions as required for the project; and
- 2. Surety of \$5,000 will be required in a form acceptable to the County Attorney's office and incorporated into the development bonds that will be required for this project. The surety will be released once a plat of conservation easement and the Deed of Easement have been recorded at the County courthouse and proof provided to the Engineering and Resource Protection Division; and
- 3. Provide evidence that the wetlands permit required by the Corps of Engineers for impacts to wetlands and waters of the United States has been issued; and
- 4. This exception request approval shall run concurrent with the Corps of Engineers permit, once obtained. This approval shall expire if either the Corps of Engineers permit expires or site plan approval expires. If site plan approval is not obtained by March 8, 2019, this exception request is expired.

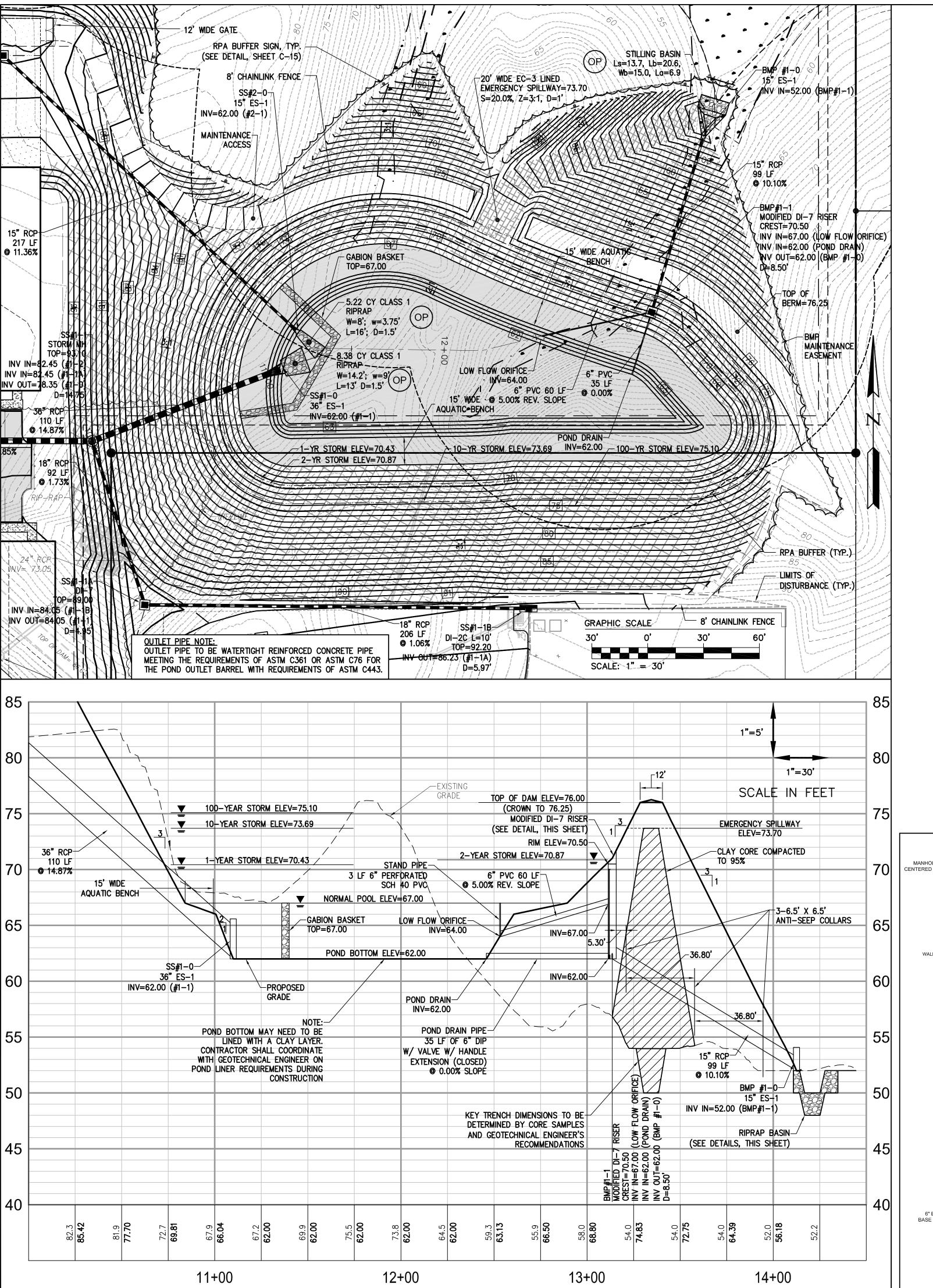
MDW/nb CBE16-054-127-139IndustrialBlvd

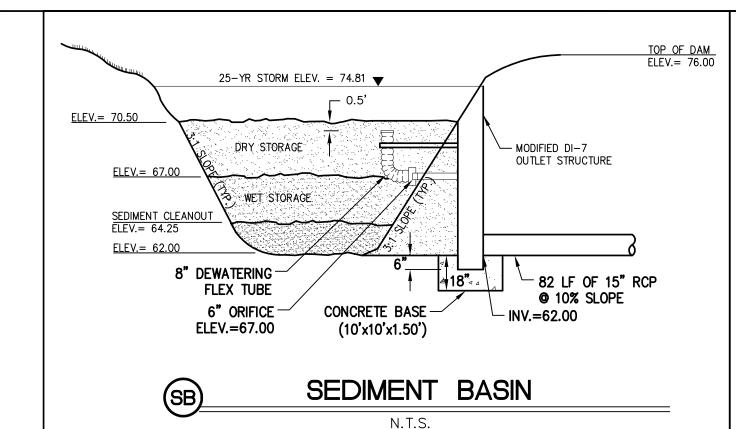
Attachments:

- 1. Water Quality Impact Assessment Package
- 2. Site Plan Package





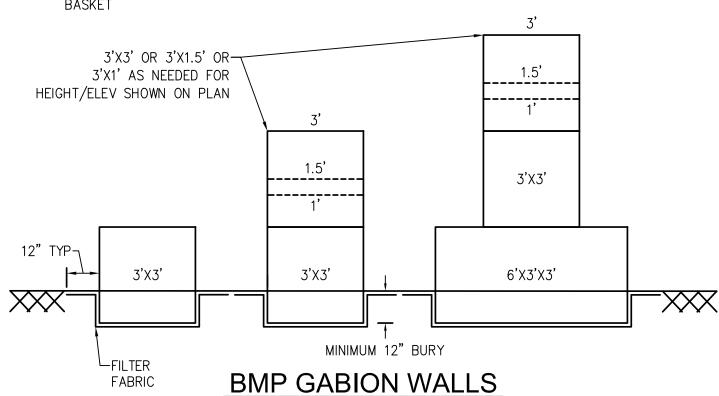




BOTTOM BASKETS SHALL BE BURIED A MINIMUM OF 12".

2. SUBGRADE SHALL BE COMPACTED TO 95% DRY DENSITY PER ASTM D 1557 3. BASKETS SHALL BE FILLED WITH STONE THAT IS 4"-8" IN SIZE - GABION STONE.

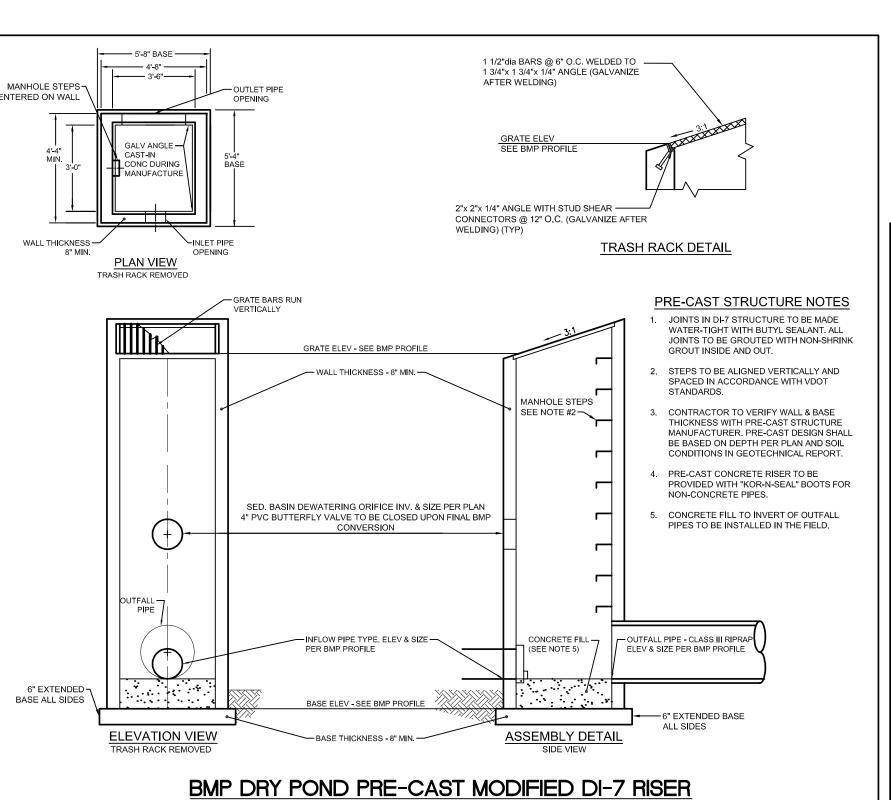
- 4. LENGTH OF BASKETS OTHER THAN 6'X3'X3' BASE BASKET SHOWN BELOW (6', 9', OR 12') IS AT THE
- OPTION OF THE CONTRACTOR. 5. BASKETS SHALL BE TERRA AQUA GALVANIZED GABIONS OR EQUAL.
- 6. BASKETS SHALL BE EMBEDDED OVER 4 OZ NONWOVEN FILTER FABRIC THAT EXTENDS 1' OUTSIDE THE



THE STORMWATER MANAGEMENT/BMP FACILITY AS PROPOSED FOR THIS PROJECT WILL REQUIRE SUBMISS REVIEW, AND APPROVAL OF A RECORD DRAWING (AS-BUILT) AND CONSTRUCTION CERTIFICATION PRIOR TO RELEASE OF THE POSTED BOND/SURETY CONTRACTOR SHALL COORDINATE WITH GEOTECHNICAL ENGINEER TO VIEW CONSTRUCTION. CONTRACTOR SHALL PROVIDE RECORD DRAWINGS AND CONSTRUCTION CERTIFICATION IN ACCORDANCE WITH JAMES CITY COUNTY

CONVERSION OF SEDIMENT BASIN INTO BMP FACILITIES

BMP FACILITY WILL INITIALLY BE CONSTRUCTED AS SEDIMENT BASINS REQUIRING EXCAVATION TO PROVIDE ADEQUATE STORAGE. ONCE J.C.C. ENGINEERING AND RESOURCE DIVISION GIVES CONCURRENCE TO REMOVE THE SEDIMENT BASIN FACILITIES, ANY EXCESS EARTH OR SEDIMENT SHALL BE REMOVED AND DISPOSED OF BY CONTRACTOR.



DAM CONSTRUCTION NOTES

1. GEOTECHNICAL ENGINEER: A GEOTECHNICAL ENGINEER SHALL BE ON SITE DURING CONSTRUCTION OF THE DAM TO ENSURE PROPER MATERIALS AND DAM CONSTRUCTION METHODS ARE UTILIZED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING THE DAM CONSTRUCTION SCHEDULE WITH THE GEOTECHNICAL CONSULTANT IN ORDER TO ENSURE ON-SITE MONITORING.

THE CONTRACTOR SHALL STRIP ALL AREAS OF THE PERMANENT COVER IN CONSTRUCTION AREA TO REMOVE ALL UNSUITABLE MATERIALS. THE UNSUITABLE MATERIALS TO BE REMOVED BY STRIPPING SHALL INCLUDE ALL TOPSOIL, DEBRIS AND VEGETABLE MATTER, INCLUDING STUMPS AND ROOTS, AND ALL OTHER MATERIALS WHICH MAY BE UNSUITABLE FOR USE IN THE PERMANENT CONSTRUCTION.

THE EXPOSED SUB GRADE SOILS SHALL BE CAREFULLY INSPECTED BY THE GEOTECHNICAL ENGINEER ANY UNSUITABLE MATERIALS THUS EXPOSED SHALL BE REMOVED AND REPLACED WITH A WELL COMPACTED, SUITABLE MATERIAL. DENSITY TESTING, AT THE DISCRETION OF THE OWNER/GEOTECHNICAL ENGINEER, SHALL BE PERFORMED AT THIS TIME. THE EMBANKMENT SHALL BE KEYED INTO THE UNDISTURBED (EXISTING) SOIL STRATUM. EMBANKMENT SHOULD BE KEYED AT LEAST 4 FOOT INTO THE STRATUM OR AS SPECIFIED BY THE GEOTECHNICAL ENGINEER (WIDTH=6 FT. MIN.) THE EMBANKMENT FOUNDATION SHALL BEAR ON FIRM AND STABLE EXISTING SUB-GRADÉ WHICH HAS BEEN PREPARED SO AS TO REMOVE ALL ORGANIC, LOOSE, AND GENERALLY UNSUITABLE MATERIAL. ALL MATERIALS TO BE USED FOR BACKFILL OR COMPACTED FILL SHALL BE INSPECTED AND, IF NECESSARY, TESTED BY THE GEOTECHNICAL ENGINEER IN ACCORDANCE WITH ASTM D2487 PRIOR TO PLACEMENT, TO DETERMINE IF THEY ARE SUITABLE FOR THE INTENDED USE.

FILL USED TO BACKFILL AROUND THE SPILLWAY STRUCTURES AND HEIGHTEN THE EMBANKMENT SHOULD CONSIST OF AN INORGANIC, NON-EXPANSIVE SOIL MATERIAL CLASSIFIED AS CLAY (CL AND CH) WITH AT LEAST 50% PASSING THE NO. 200 SIEVE. THE FILL SOILS SHOULD CONTAIN A MAXIMUM OF 5% GRAVEL SIZE PARTICLES. MAXIMUM GRAVEL SIZE SHOULD BE LIMITED TO 3 INCHES. IT APPEARS THAT SOME OF THE SOILS ENCOUNTERED (AND PRESENTED ON THE BORING LOGS BMP-1, BMP-2, BMP-3) ARE NOT SUITABLE FOR THIS PURPOSE (SILTY AND CLAYEY SANDS-SM AND SC). SANDY CLAY (CL) MAY BE AN ACCEPTABLE MATERIAL FOR USE.

ALL DAM EMBANKMENT FILL SHOULD BE PLACED IN MAXIMUM 8-INCH LOOSE LIFTS (4 INCHES FOR LIGHT COMPACTION EQUIPMENT) AND MOISTURE CONDITIONED TO WITHIN -1 TO +3% OF THE SOIL'S OPTIMUM MOISTURE CONTENT INDICATED BY STANDARD PROCTOR TESTS (OF FILL MATERIAL) IN ACCORDANCE WITH ASTM D698 PRIOR TO COMPACTION. COMPACTION SHOULD BE ACCOMPLISHED USING SHEEPSFOOT ROLLERS UNTIL A MINIMUM DENSITY OF 95% OF THE SOIL'S STANDARD PROCTOR MAXIMUM DRY DENSITY (ASTM D698) IS ACHIEVED. CARE SHOULD BE EXERCISED TO ACHIEVE THOROUGH COMPACTION AROUND AND ABOVE THE SPILLWAY WALLS AND DITCHES USING TAMPERS. A QUALIFIED SOILS TECHNICIAN UNDER THE DIRECTION OF A GEOTECHNICAL ENGINEER SHOULD BE CALLED ON TO PROVIDE COMPACTION TESTING DURING THE FILL PLACEMENT TO ASSURE THAT THE MINIMUM COMPACTION REQUIREMENTS ARE BEING MET. AT LEAST 1 TEST PER 5,000 SQUARE FEET PER LIFT, BUT NOT LESS THAN 1 TEST PER LIFT, SHOULD BE PERFORMED. COMPACTION TESTING IN TRENCHES SHOULD BE PERFORMED AT A RATE OF AT LEAST 1 TEST PER 50 LINEAR FEET PER LIFT, BUT NOT LESS THAN 1 TEST PER LIFT.

THE TRENCH SHALL BE EXCAVATED ALONG THE CENTERLINE OF THE DAM. THE MINIMUM DEPTH SHALL BE 4 FT. THE BOTTOM WIDTH SHALL BE THE GREATER OF 6 FEET WIDE OR WIDE ENOUGH TO PERMIT OPERATION OF COMPACTING EQUIPMENT. THE SIDE SLOPES SHALL

4. CUTOFF TRENCH/KEY TRENCH:

THE BOTTOM OF THE SPILLWAY RISER FOUNDATION BASE EXCAVATION SHALL BE OBSERVED BY THE GEOTECHNICAL ENGINEER TO ENSURE THAT ALL UNSUITABLE AND LOOSE MATERIALS ARE REMOVED AND THAT ACCEPTABLE BEARING CONDITIONS EXIST IN THE FOUNDATION'S BASE. ALL JOINTS IN THE PRINCIPAL SPILLWAY STRUCTURE SHALL BE WATERTIGHT CONSTRUCTION. PERVIOUS MATERIALS SUCH AS SAND, GRAVEL OR CRUSHED STONE SHALL NOT BE USED AS BACKFILL AROUND THE BARREL OR ANTI-SEEP COLLAR. FILL MATERIAL SHALL BE PLACED AROUND THE PIPE IN 4 INCH LAYERS AND COMPACTED BY HAND TO THE SAME DENSITY AS THE EMBANKMENT. A MINIMUM OF TWO FEET OF FILL SHALL BE HAND-COMPACTED OVER THE BARREL BEFORE CROSSING IT WITH CONSTRUCTION EQUIPMENT.

BMP/DAM MAINTENANCE AND INSPECTION REQUIREMENTS THE EMBANKMENT AND MAINTENANCE RIGHT OF WAY SHOULD BE MOWED PERIODICALLY DURING THE GROWING SEASON, ENSURING THAT THE LAST CUTTING OCCURS AT THE END OF THE SEASON. THE GRASS SHOULD NOT BE CUT LESS THAN 6 TO 8 INCHES IN HEIGHT.

AFTER THE GROWING SEASON. LIME AND FERTILIZER APPLICATION RATES SHOULD BE CONSISTENT WITH THAT ORIGINALLY SPECIFIED ON THE CONSTRUCTION PLANS.

IF NECESSARY, THE EMBANKMENT SHOULD BE LIMED, FERTILIZED AND SEEDED IN THE FALL,

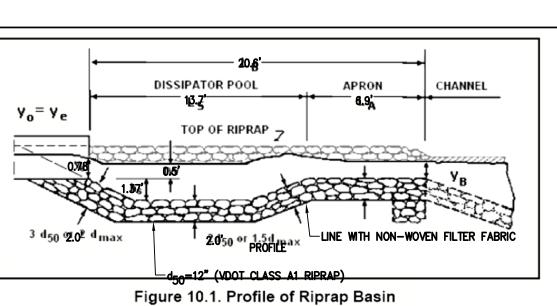
ALL EROSION GULLIES NOTED DURING THE GROWING SEASON SHOULD BE BACKFILLED WITH TOPSOIL, RESEEDED AND PROTECTED (MULCHED) UNTIL VEGETATION IS ESTABLISHED.

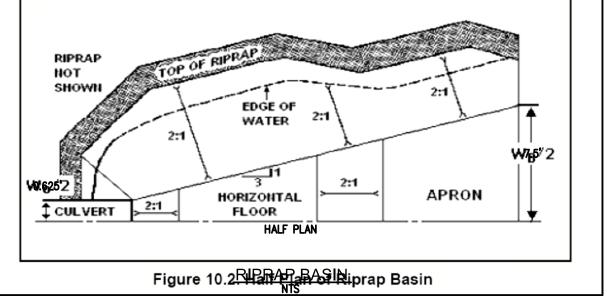
ALL BARE AREAS AND PATHWAYS ON THE EMBANKMENT SHOULD BE PROPERLY SEEDED AND PROTECTED (MULCHED) OR OTHERWISE STABILIZED TO ELIMINATE THE POTENTIAL FOR EROSION ALL ANIMAL BURROWS SHOULD BE BACKFILLED AND COMPACTED.

ALL TREES, WOODY VEGETATION AND OTHER DEEP-ROOTED GROWTH, INCLUDING STUMPS AND ASSOCIATED ROOT SYSTEMS, SHOULD BE REMOVED FROM THE EMBANKMENT AND ADJACENT AREAS EXTENDING TO AT LEAST 25 FEET BEYOND THE EMBANKMENT TOE AND ABUTMENT CONTACTS. THE ROOT SYSTEMS SHOULD BE EXTRACTED AND THE EXCAVATED VOLUME REPLACED AN COMPACTED WITH MATERIAL SIMILAR TO THE SURROUNDING AREA. ALL SEEDLINGS SHOULD BE REMOVED AT THE FIRST OPPORTUNITY. SIMILARLY, ANY VINE COVER AND BRUSH SHOULD BE REMOVED FROM THE EMBANKMENT TO ALLOW FOR INSPECTIONS.

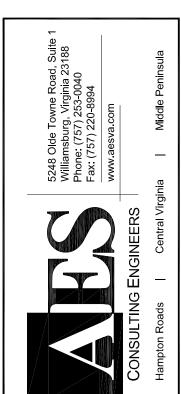
ANY REPAIRS MADE TO THE PRINCIPAL SPILLWAY (RISER OR BARREL) SHALL BE REVIEWED BY A PROFESSIONAL ENGINEER. VERTICAL TRENCHING TO EXPOSE THE BARREL SHALL NOT BE ALLOWED UNDER ANY CIRCUMSTANCES. THE TRENCH SIDE SLOPES SHOULD BE STEPPED BACK AT A 2:1 SLOPE, MINIMUM.

SEDIMENT REMOVAL IN THE FOREBAY SHALL OCCUR EVERY 5 TO 7 YEARS OR AFTER 50% OF TOTAL FOREBAY CAPACITY HAS BEEN LOST, OR AT ELEVATION=55.00. SHOULD THE POND EVER NEED TO BE DRAINED, THE DRAIN PIPE SHALL BE UTILIZED AND ANY REMAINING WATER SHALL BE MECHANICALLY PUMPED OUT OF THE BASIN.









SITE

oject Contacts: Project Number: W 9149-07 8/4/15 NO SCALE Sheet Title: STORM WATER **MANAGEMENT NOTES AND** DETAILS

Sheet Number C-13

CBE-16-054

Water Quality Impact Assessment

For

Nice Commercial Properties, LLC 129 & 137 Industrial Blvd.



JAN 20 2017

Original: November 5, 2015 Revised: January 20, 2017



AES Consulting Engineers

5248 Olde Towne Road. Suite 1 Williamsburg, VA 23188 (757) 253-0040 Fax: (757) 220-8994 http://www.aesva.com

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V.

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 - A. Identification of the impact and the required information for review
 - B. Proposed mitigation
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- IV. APPENDIX
 - Exhibit A

I. INTRODUCTION

Nice Commercial Properties, LLC, is proposing the development of 13.01 acres adjacent to the existing development of the 8.35 acre construction yard and corporate headquarters for George Nice & Sons, Inc., located on Industrial Boulevard in Toano.

The purpose of this assessment is to summarize and organize information about the proposed impacts to the Chesapeake Bay Preservation Area(s) (CBPAs) which are reasonably necessary for the development of this property and to identify proposed mitigation that addresses such impacts.

For the purposes of this report, there is one specific area of CBPA impacts in the project area; Exhibit A, submitted with this report, identifies the relative location of the impact. Upon approval of the formal exception, the proposed mitigation described in this assessment will be incorporated into the submitted site plans, which are required as part of the development review process.

The total area of RPA buffer impacted approximately amounts to 1.224 acres, in which case this assessment shall be considered a Major Water Quality Impact.

II. MAJOR WATER QUALITY IMPACT ASSESSMENT

A. Identification of Impacts and Required Information for Review

A majority of the site is moderately sloped, averaging 2-10%, with smaller areas exceeding 10%. A majority of lands sloped 10-25% are located in RPA buffers and (with the exceptions listed below) shall not be disturbed. The hydrologic soil groups found to be located on the area of the impacts are primarily Hydrologic Group C that generally indicates a low infiltration rate, with a majority of these soils being located in RPA buffers and wetlands. Exhibit A more clearly delineates the various soils and their relative hydrological classification, erosive characteristics and typical slopes.

100' RPA Buffer Impact

Impact is for the construction of the proposed Extended Detention Wet Pond BMP. The area of this impact is 53,334 square feet or 1.224 acres.

RPA Wetlands Impact

Impact is for the construction of the proposed Extended Detention Wet Pond BMP. The area of this impact is 3,651 square feet or 0.084 acres.

Careful consideration has been taken to minimize the impacts for the proposed development. Exhibit A, submitted with this report, identifies the location of these impacts. The proposed mitigation described in this assessment has been incorporated into the construction plans for the subdivision, which are required as part of the development review process.

Although not dependent on the review and approval of this assessment, required permits necessary to develop this project include, but are not limited to: General Virginia Stormwater Management Program (VSMP) Permit, Corps of Engineers Wetland Disturbance Permit, Virginia Department of Environmental Quality's Virginia Water Protection General Permit, Land-Disturbing Permit and Siltation Agreement. These and any other permits that may be required shall be (if not already) applied for at the appropriate time. It should be noted that the developer plans to construct the project in two phases as shown in the development plans. The first phase would include no impact to RPA wetlands or buffer. It is the desire of the developer to postpone obtaining the Wetland Disturbance Permit until the second phase of construction, in which the impacts to the RPA wetlands and buffer is included.

Currently, the site is approximately 41.2% wooded (8.80 acres). This project proposes clearing an additional 22.2% (4.75 acres) of woodlands, leaving the site 19.0% (4.05 acres) wooded. The site currently has 4.02 acres of impervious surfaces (constituting 18.8% of site), including asphalt parking lots, buildings, and gravel areas. The proposed site will provide an additional 4.68 acres of impervious surfaces (constituting 40.7% of site). These additional impervious surfaces include asphalt parking areas and drive aisles, gravel loading areas, buildings, and the water surface of the proposed BMP. Fill material

to be used in the construction of the BMP is to be procured directly from the proposed site.

There are additional improvements that will occur on the adjacent Henderson property that includes filling of the existing BMP, grading and other drainage modifications. The total site area for this property is 4.59 acres, including 2.45 acres of impervious.

Listed below is the anticipated sequence of construction for both phases of the project:

Phase 1

10

- 1. The contractor shall take note of all underground utilities at the site.
- 2. The contractor shall secure all bonds or letters of credit required for the pending construction activities at this site.
- 3. Contractor shall retain a geotechnical engineer for subgrade testing, soil evaluations, compaction and backfill testing, and guidance / consulting during the placement of fill.
- 4. The contractor is responsible for possessing the most recent edition of the Virginia Erosion and Sediment Control Handbook (VESCH) on the construction site during construction activities,
- 5. The contractor is responsible for daily and periodic inspections of erosion control measures. Damaged measures shall be repaired immediately. Erosion and sediment control measures with evidence of failure shall be replaced, repaired or reinforced with supplemental measures.
- 6. The contractor shall maintain and be active in maintaining any logs of earthmoving activity in accordance with the conditions of the Virginia Stormwater Management Permit (VSMP) and the Stormwater Prevention Pollution Plan (SWPP).
- 7. After every rainfall event of 0.1 inch or more, the contractor shall inspect the site immediately (or the next work day if rainfall occurs at night or during a non-working day) for failures in the erosion control measures, or to maintain installed erosion control measures.
- 8. Prior to any construction activity, the contractor shall have all areas of tree removal well marked. Individual trees or perimeter treelines to remain shall be indicated with tree protection measures in accordance with VESCH.
- 9. The contractor shall contract "Miss Utility" and the property owner to mark for any underground infrastructure prior to ground disturbing activities.
- 10. The contractor shall arrange for a preconstruction meeting with the appropriate James City County representatives prior to disturbance of any ground surfaces.
- 11. Upon the pre-construction meeting, the contractor shall have perimeter erosion and sediment control measures installed and functional. These measures include: silt fencing, construction entrance, check dams, and additional tree protection measures.
- 12. The contractor shall clear the site as shown in the construction plans.
- 13. The contractor shall strip the site of topsoil and haul it to the topsoil storage area as shown in the construction plans.

- 14. Upon topsoil stripping, the contractor shall monitor the site for dust control. Dry site condition shall warrant dust control activities. Contractor shall provide dust control measures in anticipation of windy days. The contractor shall make daily determinations on the implementation of dust control measures.
- 15. Upon approval by the geotechnical engineer, the contractor shall fine grade the site.
- 16. The contractor shall construct the parking lot, gravel areas, concrete areas, and install utilities and storm system as depicted in the plans.
- 17. Contractor shall construct building pads.
- 18. The contractor shall fine grade all denuded areas, and shall distribute topsoil across all remaining denuded areas to a depth of 4-inches minimum. The contractor shall seed the site with appropriate permanent seed. The contractor shall be responsible for watering and maintaining seeded areas until the seeding provide a 90% permanent ground cover.
- 19. Upon completion of the work and within 30 days of final site stabilization, the contractor shall removal all erosion and sediment measures from the site upon approval of the representative of James City County.
- 20. This is a generalized sequence of construction, and may be amended with notice to the owner and James City County representative so long as the intent of the work remains unchanged.
- 21. Any alterations or deviations from this sequence of construction are to be approved through the James City County Engineering and Resource Protection Division.

Phase 2

1,

- 1. Repeat steps 1 through 11 from Phase 1 sequence of construction.
- 2. The contractor shall clear the area of the proposed sediment basin/BMP.
- 3. The contractor shall construct the sediment basin/BMP as shown in the construction plans.
- 4. The contractor shall clear the remainder of site as shown in the plans.
- 5. The contractor shall install storm system as shown in the construction plans. Note that the storm pipe from SS#1-47 to SS#1-42 must be installed after the existing bmp has been filled.
- 6. Contractor shall perform demolition of outlet structures, outlet barrel pipes protections aprons, and stormwater features associated with the two existing BMPs.
- 7. The contractor shall fill and stabilize existing BMPs only after completion of storm system as shown in the construction plans and confirmation that proposed sediment basin/BMP is online.
- 8. The contractor shall strip the site of topsoil and haul it to the topsoil storage area as shown on sheet c-03.
- 9. Upon topsoil stripping, the contractor shall monitor the site for dust control. Dry site condition shall warrant dust control activities. Contractor shall provide dust control measures in anticipation of windy days. The contractor shall make daily determinations on the implementation of dust control measures.

- 10. Upon approval by the geotechnical engineer, the contractor shall fine grade the site.
- 11. The contractor shall construct the parking lot, concrete areas, and install utilities and remaining storm system as depicted in the plans.
- 12. Contractor shall construct building pads.

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- 13. The contractor shall fine grade all denuded areas, and shall distribute topsoil across all remaining denuded areas to a depth of 4-inches minimum. The contractor shall seed the site with appropriate permanent seed. The contractor shall be responsible for watering and maintaining seeded areas until the seeding provide a 90% permanent ground cover.
- 14. Upon completion of the work and within 30 days of final site stabilization, the contractor shall removal all erosion and sediment measures from the site upon approval of the representative of James City County.
- 15. This is a generalized sequence of construction, and may be amended with notice to the owner and James City County representative so long as the intent of the work remains unchanged.
- 16. Any alterations or deviations from this sequence of construction are to be approved through the James City County Engineering and Resource Protection Division.

B. Mitigation Measures

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Mitigation to the grading shall include minimal disturbance to existing vegetation and the use of an Extended Detention Wet Pond BMP. Initial mitigation efforts for these impacts shall include E&S measures as described in the Virginia Erosion & Sediment Control Handbook, such as permanent seeding that will incorporate a conservation seed mix applicable to the special requirements of the RPA, silt fencing, and ECSC-2 straw/coconut turf reinforcement matting (manufactured by East Coast Erosion Control or equal). These elements have been designed such that the preservation of existing vegetation will be preserved to the greatest extent possible. Additionally, as shown in Exhibit A of this report, Conservation Easement is being provided within all areas of RPA buffer and wetlands that is not disturbed by the construction of the BMP. These stabilization measures are located in the construction plans for Nice Commercial Properties, LLC-129 & 137 Industrial Blvd. plan.

As discussed with the James City County Engineering and Resource Protection Division, the stormwater management associated with this project has been grandfathered in to the old stormwater regulations. Because of this, the site will conform to the James City County BMP Point System for water quality control and water quantity control will be provided by attenuating runoff to pre-development rates.

This project will be constructed in two phases. The first phase consists of the two buildings closest to Industrial Boulevard and their associated parking lots and loading areas. During this phase of construction the runoff from the proposed site will be collected and treated by an existing Wet Pond BMP. There will be no impacts to the RPA Buffer or Wetlands during this phase of construction.

The second phase of the project will add the remaining building and site infrastructure, remove the existing Wet Pond BMPs, and provide a new Wet Pond BMP that will treat the entire site, including both the George Nice and Sons Construction Yard and the Henderson property. The proposed BMP consists of a Wet Pond that serves 26.97 acres of drainage area. The impervious cover for this drainage area is 17.22 acres. 1" per impervious acre is provided within the permanent pool of the BMP as noted in calculations. In addition 1" per impervious acre is provided in the extended detention portion of the facility as required by James City County BMP Manual. The 1 year 24 hour storm for channel protection volume requirements is provided by the Kerplunk Method as shown in Appendix C. The 1 year storm is contained within the BMP facility and released over the 24 hour time period through a proposed 5.5" orifice. The Kerplunk method indicates that the storage for the 1 year channel protection volume is provided at elevation 70.22. When routed through the BMP, the volume provides a maximum elevation of 70.43 for the 1 year storm event. Therefore the riser is set at 70.50 for detention of the 1 year storm event. The 2 and 10 year storm events are contained within the BMP facility and released at or below pre development runoff rates at the outflow of the BMP in accordance with MS-19 criteria. An Emergency Spillway is provided above the 10 year storm event to allow the 100 year storm to pass through the BMP without overtopping the dam. This BMP has a top of dam elevation of 76.00. A clay core is

required within the dam structure of the BMP. A 15' aquatic bench/safety bench is provided at the normal water surface elevation. The outfall from the BMP consists of a 15" water tight Class III RCP.

The point of concern used for checking pre-development and post-development flow is located at the outfall of the proposed Wet Pond BMP. The pre development flows at this point of concern consist only of the area that drains to this point. The post development flows at this location will consist of the flows from the BMP. A summary of the Hydraflow routing for the proposed BMP is provided below.

Proposed Wet Pond BMP

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	Pre-Dev. Flow (cfs)	Post- Dev. Flow to BMP (cfs)	Post- Dev.Flow Routed through BMP (cfs)	BMP Water Surface Elevation (ft)
1-Year	4.56	49.97	1.42	70.43
2-Year	9.72	59.36	9.10	70.87
10-Year	31.99	135.36	19.58	73.69
100-Year	57.01	199.19	105.91	75.10

In this phase, the proposed Wet Pond BMP will constitute an Extended Detention Wet Pond (A3) and is a 10 Point BMP. The total site is 21.36 acres and the BMP will treat 26.97 acres of drainage area, which means the Wet Pond will provide 12.63 points for the site.

III. CONCLUSION

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In summary, the findings of this Water Quality Impact Analysis indicate that:

- All measures or methods have been explored to avoid any impact to the CBPA. When unavoidable, the impacted area has been minimized to the greatest extent possible.
- Extensive measures were also employed to minimize the effects of the subsequent discharge of stormwater to the receiving channel and wetlands.
- E&S measures, conservation seeding and additional natural open space have been provided in order to mitigate for the impacts noted.

IV. APPENDIX

(Please refer to attached Exhibit A)



Community Development
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

February 15. 2017

RE: CBE-16-054 – 137 Industrial Blvd

BMP

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 Nice Commercial Properties, LLC, for encroachment into the Resource Protection Area (RPA) associated with a BMP associated with the proposed development at 137 Industrial Blvd in Hankins Industrial Park. The property is further identified by James City County Real Estate as Parcel No. 1240100062.

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 <u>Wednesday</u>, <u>March 8, 2017 at 7 p.m.</u> 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: Nice Commercial Properties, LLC AES Engineering Consultants

Mailing List for: CBE-16-054 – 137 Industrial Blvd - Nice Commercial Properties - BMP

Owner - 1240100062 - 137 Industrial Blvd And 1240100062A - 129 Industrial Blvd Nice Commercial Properties, LLC 129 Industrial Blvd Toano, VA 23168-9216 AES Consulting Engineers Attn: Graham Corson, PE 5248 Olde Towne Rd, Suite 1 Williamsburg, VA 23188

1240100013B - 177 Industrial Blvd Colonial Land Management, LLC P O Box BM Williamsburg, VA 23187-3517

1240100013G - 185 Industrial Blvd Crown Castle GT Company, LLC 4017 Washington Rd PMB 353-816093 McMurray, PA 15317-2520

12409000120- 201 Industrial Blvd CCW Properties, LLC 15980 Kent Flatts Lane Lanexa, VA 23089-5346

1240100011 - 8290 Richmond Rd George M Hankins Jr and Sharon H Dunn 3408 Lynnwood Dr Virginia Beach, VA 23452-6042

1240100015 - 150 Industrial Blvd Owens-Brockway Glass Container, Inc One O-I Plaza Tax Dept 1 Michael Owens Way Perrysburg, OH 43551-2999



PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY,

VIRGINIA WILL HOLD PUBLIC HEARINGS WEDNESDAY MARCH 8, 2017 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 CASES:

W-14-15/VMRC 15-0679: Michael and Maureen O'Brien have re-applied for a wetlands permit for installation of a stone sill with associated beach nourishment at 7588 Uncles Neck in the River's Bend at Uncles Neck subdivision, JCC Parcel No 2010200022.

W-17-17/VMRC 17-0074: Shawn and Dawn Lemon have applied for a wetlands permit to construct a 5ft x 240ft open-pile pier at 7596 Uncles Neck in the River's Bend at Uncles Neck subdivision, JCC Parcel No 2010200024.

W-19-17/VMRC 17-0176: Richard and Myra Nuzzo have applied for a wetlands permit to install a stone revetment at 7600 Uncles Neck in the River's Bend at Uncles Neck subdivision, JCC Parcel No 2010200025.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBE-16-054: Nice Commercial Properties, LLC has filed an exception request for encroachment into the RPA buffer for installation of a BMP at 137 Industrial Blvd in Hankins Industrial Park, JCC Parcel No 1240100062.

CBE-17-042: Bobby and Jennifer Lappas have filed an exception request for encroachment into the RPA buffer for construction of a patio, sitting wall, fire pit and built in barbeque at 115 Hurlston in the Ford's Colony subdivision, JCC Parcel No 3811300023.

CBE-17-048: Patricia Overman and Jennifer Privette have filed an exception request for encroachment into the RPA buffer for construction of an addition to the principal structure at 7515 Oak Cove Road, JCC Parcel No 1910100013.

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 Mounts Bay Road, Bldg E, James City County, Virginia.

NOT FOR PUBLICATION

DISPLAY: WEDNESDAY – February 22, and March 1, 2017.

ACCOUNT NO.: 0011040200 - VIRGINIA GAZETTE

COPIES: PLANNING

ASSISTANT COUNTY ATTORNEY

WETLAND/CHESAPEAKE BAY BOARD MEMBERS

RESOLUTION

CASE NO. CBE-16-054. 129 & 137 INDUSTRIAL BOULEVARD

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

- WHEREAS, Graham Corson, of AES Consulting Engineers, on behalf of Nice Commercial Properties, LLC (the "Applicant"), has applied to the Chesapeake Bay Board of James City County (the "Board"), 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. 1240100062 and further identified as 137 Industrial Boulevard in Hankins Industrial Park (the "Property") as set forth in the application CBE-16-054 for the purpose of constructing an extended detention wet pond; 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. Surety of \$5,000 will be required in a form acceptable to the County Attorney's office and incorporated into the development bonds that will be required for this project. The surety will be released once a plat of conservation easement and the Deed of Easement have been recorded at the County courthouse and proof provided to the Engineering and Resource Protection Division; and

- c. Provide evidence that the wetlands permit required by the Corps of Engineers for impacts to wetlands and waters of the United States has been issued; and
- d. This exception request approval shall run concurrent with the Corps of Engineers permit, once obtained. This approval shall expire if either the Corps of Engineers permit expires or site plan approval expires. If site plan approval is not obtained by March 8, 2019, this exception request is expired.

Davis Gussman	Michael Woolson		
Chair, Chesapeake Bay Board	Senior Watershed Planner	Senior Watershed Planner	
Adopted by the Chesapeake Bay Board of Jan	mes City County, Virginia, this 8th day of Marc	ch, 2017.	
	ACKNOWLEDGED BEFORE ME THIS MONWEALTH OF VIRGINIA, IN THE CO	_	
JAMES CITY.			
NOTARY PUBLIC			
MY COMMISSION EXPIRES:			

CBE16-054-129-13IndustrialBlvd-res