

**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 23188**  
**May 9, 2018**  
**5:00 PM**

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**A. CALL TO ORDER**

**B. ROLL CALL**

**C. MINUTES**

1. Minutes from the April 11, 2018, work session
2. Minutes from the April 11, 2018, regular meeting

**D. PUBLIC HEARINGS**

1. CBE-18-074 : 233 Richard Brewster
2. CBE-18-086 : 153 North Quarter
3. CBE-18-088 : 1 Ensigne Spence

**E. BOARD CONSIDERATIONS**

1. Special Conditions Discussion

**F. MATTERS OF SPECIAL PRIVILEGE**

**G. ADJOURNMENT**

**ITEM SUMMARY**

DATE: 5/9/2018  
TO: Chesapeake Bay Board  
FROM: Michael Woolson, Senior Watershed Planner  
SUBJECT: Minutes from the April 11, 2018, work session

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**ATTACHMENTS:**

	Description	Type
☐	minutes	Cover Memo

**REVIEWERS:**

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	5/5/2018 - 2:09 PM
Chesapeake Bay Group	Geissler, Fran	Approved	5/7/2018 - 2:36 PM
Publication Management	Daniel, Martha	Approved	5/7/2018 - 3:09 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	5/8/2018 - 8:03 AM

**MINUTES**  
**JAMES CITY COUNTY CHESAPEAKE BAY BOARD**  
**SPECIAL MEETING**  
**County Government Center, Building D**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**April 11, 2018**  
**3:30 PM**

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**A. CALL TO ORDER**

The Chesapeake Bay Board Work Session meeting for April 11, 2018, was Called to Order.

**B. ROLL CALL**

**Board Members Present:**

David Gussman - Chair  
John Hughes  
Charles Roadley  
Louis Bott  
Larry Waltrip  
William Apperson

**Board Members Absent:**

None

**Others Present:**

Michael Woolson, Senior Watershed Planner, Stormwater and Resource Protection  
Trevor Long, Watershed Planner, Stormwater and Resource Protection  
Frances Geissler, Director, Stormwater and Resource Protection  
Liz Parman, Assistant County Attorney  
Janice Petty, Stormwater Assistant, Stormwater and Resource Protection

**C. PRESENTATIONS**

Mr. Michael Woolson made a brief presentation of three separate lots with varying degrees of environmental issues. The goal of the Work Session is to develop more consistent and cohesive case decisions. The Board deliberated the topic of Resource Protection Area (RPA) exceptions and administrative waivers in relation to the date lots were platted. Conclusions drawn from this discussion indicate that lots platted prior to 1990 were to continue to be allowed administrative exceptions.

Additionally, the Board set a goal of ensuring that a naturalized, 3-tiered mitigation system in the last 25 feet of the RPA be put in place for cases where the seaward 50-foot RPA is impacted. After the question arose of how the role of Homeowners Association requirements should be considered by the Board, it was concluded that the Board would maintain respect for these requirements in decision making. The importance of consistency in determining factors between cases was also urged by the Board.

The Board discussed a suggestion that cases which encroach into the wetlands receive a permit from the Army Corps of Engineers prior to appearing before the Board. The

Board agreed that this would provide reassurance to the Board that wetland impacts would not be detrimental. The topic of recording affidavits was discussed and the Board deliberated the pros and cons of this method of assurance. As the Board discussed this topic, it was proposed that the County require RPA features and affidavits be indicated on plats in order to ensure homeowners' knowledge of history on the lot. Members of the Board agreed with this notion, adding that it would best protect the buyer.

The Board requested that these issues be brought before the Board for discussion and that the discussion be publically advertised. County staff asked the Board if there were mitigation measures that the Board would prefer to see in cases where the 50-foot seaward RPA is impacted, such as infiltration measures. This suggestion was favored by the Board, and the Board showed support for such actions. The Board then suggested that a report of interaction with the applicant be explained during the presentation to better aid the Board in understanding the process.

#### **D. ADJOURNMENT**

The meeting was adjourned at 4:58 p.m.



**ITEM SUMMARY**

DATE: 5/9/2018  
TO: Chesapeake Bay Board  
FROM: Michael Woolson, Senior Watershed Planner  
SUBJECT: Minutes from the April 11, 2018, regular meeting

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**ATTACHMENTS:**

	Description	Type
☐	minutes	Cover Memo

**REVIEWERS:**

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	5/5/2018 - 2:09 PM
Chesapeake Bay Group	Geissler, Fran	Approved	5/7/2018 - 2:37 PM
Publication Management	Daniel, Martha	Approved	5/7/2018 - 3:08 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	5/8/2018 - 8:03 AM

**MINUTES**  
**JAMES CITY COUNTY CHESAPEAKE BAY BOARD**  
**REGULAR MEETING**  
**County Government Center, Building F**  
**101 Mounts Bay Road, Williamsburg VA 23185**  
**April 11, 2018**  
**5:00 PM**

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VIDEO    **A.    CALL TO ORDER**

The Chesapeake Bay Board meeting for April 11, 2018, 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.

VIDEO    **B.    ROLL CALL**

**Board Members Present:**

David Gussman - Chair  
Charles Roadley  
Larry Waltrip  
William Apperson

**Board Members Absent:**

John Hughes

**Others Present:**

Michael Woolson, Senior Watershed Planner, Stormwater and Resource Protection  
Trevor Long, Watershed Planner, Stormwater and Resource Protection  
Frances Geissler, Director, Stormwater and Resource Protection  
Liz Parman, Assistant County Attorney  
Janice Petty, Stormwater Assistant, Stormwater and Resource Protection

VIDEO    **C.    MINUTES**

VIDEO    1.    Minutes from the March 14, 2018, regular meeting

The minutes from the March 14, 2018, regular meeting were approved as written.

VIDEO    **D.    PUBLIC HEARINGS**

VIDEO    1.    CBE-18-083 : 125 Congressional

Mr. Trevor Long presented the exception request submitted by Mr. Larry Walk of Walk Wright Construction on behalf of Eric and Renee Gibson for the construction of a single-family dwelling with attached deck on property located at 125 Congressional in Section 7 of Ford's Colony subdivision within the Powhatan Creek Watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 3720400088. The

presentation described the current site conditions and the proposed project. Staff determined the impacts associated with the proposal to be major and recommended the conditions outlined in the Resolution be required for approval.

Mr. Gussman opened the Public Hearing.

**A.** Mr. Matt Connelley of LandTech Resources, Inc. addressed the Board and responded to questions.

**B.** Dr. H. Stanley Bolding, 112 Southern Hills, presented slides, pictures and comments concerning drainage, erosion and runoff of surrounding properties. He asked questions about runoff and potential flooding of greenway.

**C.** Mrs. Virginia Bolding, 112 Southern Hills, provided additional clarity concerning questions of runoff from storms, clear cutting of lot, and erosion and sediment control measures during construction.

Mr. Gussman questioned staff concerning flooding.

Mr. Woolson answered questions about erosion and sediment control measures. Impervious cover would not accelerate flooding problems during a significant rainfall event.

**D.** Mrs. Diane Kelly, 116 Southern Hills, had questions about tree removal and runoff during construction.

**E.** Mr. Paul Kelly, 116 Southern Hills, had questions responsibility for maintenance of wetlands and fallen wood.

Mr. Roadley addressed the concerns raised.

Mr. Gussman commented to call County staff if necessary for inspections of super silt fence.

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

The Board deliberated the pros and cons of the application.

Mr. Roadley made a motion to adopt the Resolution to grant the exception request for CBE-18-083 at 125 Congressional.

The motion was approved: 4-0  
Ayes: Roadley, Apperson, Waltrip, Gussman  
Absent: Hughes

VIDEO **E. BOARD CONSIDERATIONS**

NONE

VIDEO **F. MATTERS OF SPECIAL PRIVILEGE**

NONE

VIDEO **G. ADJOURNMENT**

The meeting was Adjourned at 6:08 p.m.

**ITEM SUMMARY**

DATE: 5/9/2018  
TO: Chesapeake Bay Board  
FROM: Michael Woolson, Senior Watershed Planner  
SUBJECT: CBE-18-074 : 233 Richard Brewster

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Brian and Diane Magoon have filed an exception request for encroachment into the RPA buffer for the construction of a retaining wall at 233 Richard Brewster in the Kingsmill subdivision.

**ATTACHMENTS:**

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution	Resolution
☐	Water Quality Impact Assessment	Backup Material
☐	Site Plan	Backup Material
☐	KSCA Letter	Backup Material
☐	Public Hearing Notice	Backup Material
☐	APO Notification Letter	Backup Material
☐	APO Notification List	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	5/5/2018 - 2:08 PM
Chesapeake Bay Group	Geissler, Fran	Approved	5/7/2018 - 1:56 PM
Publication Management	Daniel, Martha	Approved	5/7/2018 - 2:46 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	5/7/2018 - 2:52 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBE-18-074. 233 Richard Brewster  
Staff report for the May 9, 2018, Chesapeake Bay Board Public Hearing**

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*This staff report is prepared by James City County Stormwater 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.*

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**EXISTING SITE DATA AND INFORMATION**

Applicants: Diane and Brian Magoon  
Agent: Dogwood Contracting  
Location: 233 Richard Brewster  
Tax Map/Parcel No.: 5030600044  
Parcel: Lot 44, Colston's Crossing, Kingsmill  
Lot Size: 0.70 acres  
Area of Lot in Resource Protection Area (RPA): 0.48 acre +/- (69%)  
Watershed: College Creek, (HUC JL34)  
Floodplain: None  
Proposed Activity: Construction of a retaining wall to help stop and prevent on-going erosion  
Impervious Cover: 106 square feet  
RPA Encroachment: 106 square feet, landward 50-foot RPA  
Staff Contact: Trevor Long, Watershed Planner Phone: 253-6789

**BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES**

Mr. James Sizemore of Dogwood Contracting has applied for a Chesapeake Bay Exception on behalf of Brian and Diane Magoon for encroachment into the RPA buffer for the construction of a retaining wall on property located at 233 Richard Brewster, within the Colston's Crossing section of the Kingsmill subdivision and the College Creek watershed. The property is further identified as James City County Tax Map Parcel No. 5030600044. The parcel was platted in 1983 prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The applicant has proposed to enroll in the Turf Love program once construction is complete. This program will help alleviate problems associated with over-fertilization through the use of soil testing, timing and rate of application of any fertilizers and other soil amendments, and proper turf grass selection. Additionally, the applicant has proposed to use pipe gutters in order to minimize the effects of impervious areas. Staff also requests the applicant record an affidavit in the land records of the Williamsburg-James City County Circuit Court regarding the environmental resource restrictions on this lot.

## **STAFF EVALUATION**

Staff has evaluated the application and exception request for the construction of a single-family dwelling with deck and finds that the application meets the conditions in Sections 23-11 and 23-14, and that the application should be heard by the Board because the retaining wall is considered an accessory structure. 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. To date, the applicant has submitted the required information as outlined in the *James City County Water Quality Impact Assessment Guidelines*. The mitigation plan as described above exceeds County 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-18-074 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 \$250 will be required in a form acceptable to the County Attorney's office to guarantee the mitigation, including plantings; and
3. The Applicant must record an affidavit in the land records of the Williamsburg-James City County Circuit Court regarding the environmental resource restrictions on this lot. The approved resolution and the approved site plan shall be attached to such affidavit; and
4. This exception request approval shall become null and void if construction has not begun by May 9, 2019; and
5. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than six weeks prior to the expiration date.

TL/nb  
CBE18-074Magoon

### Attachments:

1. Resolution
2. Water Quality Impact Assessment Package
3. Site Plan
4. Mitigation Plan

## RESOLUTION

CASE NO. CBE-18-074. 233 RICHARD BREWSTER

### JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Brian and Diane Magoon (the “Applicants”) have applied to the Chesapeake Bay Board of James City County (the “Board”) on May 9, 2018, 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. 5030600044 and further identified as 233 Richard Brewster in the Kingsmill subdivision (the “Property”) as set forth in the application CBE-18-074 for the purpose of constructing a retaining 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 \$250 will be required in a form acceptable to the County Attorney’s office to guarantee the mitigation, including plantings; and
  - c. The Applicants must record an affidavit in the land records of the Williamsburg-James City County Circuit Court regarding the environmental resource

restrictions on this lot. This Resolution and the approved site plan shall be attached to such affidavit; and

- d. This exception request approval shall become null and void if construction has not begun by May 9, 2019; and
- e. 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 9th day of May, 2018.

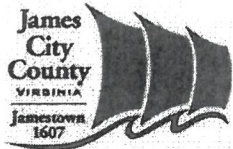
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_ IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF JAMES CITY.

\_\_\_\_\_  
 NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_

CBE18-074Magoon-res





# Chesapeake Bay Preservation Ordinance Sensitive Area Activity Application

RECEIVED

For Office Use Only  
CB Number CBE 18-074

**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: 3/22/2018

Name: DIANE & BRIAN MACDON  
 Address: 233 Richard Brewster, Williamsburg VA 23185  
 Phone: 757-639-6395 Fax: \_\_\_\_\_ Email: dianeclayton@comcast.net

**Contact (if different from above):**

Name: Dogwood Contracting Phone: 757-641-9751  
 Email: james@dogwoodcontracting.com

**Project Information:**

Project Address: 233 Richard Brewster  
 Subdivision Name, Lot, and Section No.: Colston's Crossing Lot 44  
 Parcel Identification No. or Tax Map No.: 5030600044  
 Date Lot was platted: 12/9/83 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 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 type="checkbox"/> Invasive/noxious weed removal            | <input type="checkbox"/> Access path/trail |
| <input type="checkbox"/> Accessory (Detached) Structure or Patio        | <input type="checkbox"/> Redevelopment: _____                     |  |
| <input checked="" type="checkbox"/> Other: <u>Retaining Wall + fill</u> |   |  |

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

For Office Use Only CB Number <u>18-074</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)*

erosion of pillars & back yard. See plans

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) \_\_\_\_\_

**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?  
\_\_\_\_\_  
\_\_\_\_\_

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**

<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**

For Office Use Only
CB Number <u>LOB 18-074</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.

Property owner signature Daxel Clayton Magoon Date 3/22/2018

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>2/14/18 #329625.00</u> <u>2/14/18 #3297100</u>
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**Instructions for the JCC Single-Family Sensitive Area Activity Application**

**1. When do I need to submit an application?**

This application is for any activity in the Resource Protection Area (RPA), on 25 percent or greater slopes or in Conservation Easements, on single-family, residential lots. Activities include grading, filling, building, removal of vegetation, and any other disturbances. If you are proposing to do any activities in these sensitive and protected areas, you must fill out this application. The application will be reviewed and either approved or disapproved. If the application is approved, you may proceed with the activity after receiving a letter of approval.

**2. What activities can be approved administratively and which ones need to go to the James City County Chesapeake Bay Board?**

All sensitive area activities require administrative review. Activities that must go to the Board are:

- Construction of a new principal structure within the seaward 50-foot RPA buffer.
- Construction of an accessory structure (such as a shed, garage, patio, etc.) anywhere in the 100-foot RPA.
- Any application administratively determined to exceed the minimum necessary to afford relief.
- Appeals of an administrative decision.

Activities that can be approved administratively by the Engineering and Resource Protection Division are:

- Construction of certain new principal structures within the landward 50-foot RPA buffer.
- Expansions and alterations to an existing, non-conforming (built prior to adoption of the ordinance), principal structure anywhere in the RPA buffer.
- Disturbance of steep slopes.
- Tree/vegetation removal for a sight line, path, or because the plants are dead, diseased or dying.

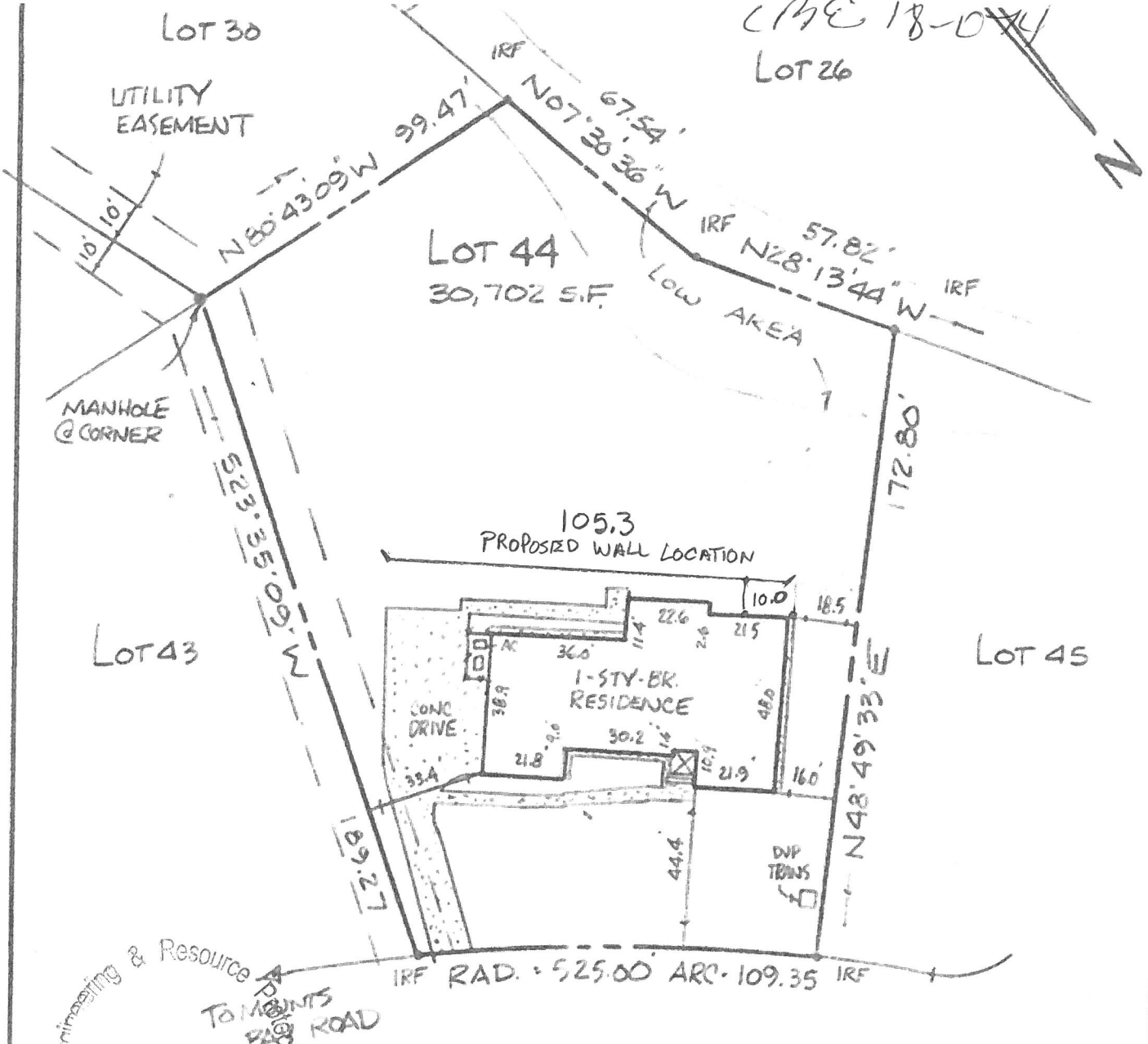
**3. What other permits may be needed?**

If you are proposing activity in tidal wetlands, you will need to file a Joint Permit Application (JPA) for the James City County Wetlands Board with the Virginia Marine Resources Commission (VMRC). If you are proposing activity in US Army Corps of Engineers jurisdictional wetlands, you will need to obtain a permit from them or the Department of Environmental Quality. These activities will also require the filing of a JPA. Most work involving a principal or accessory structure will require a building permit from the James City County Building Safety and Permits. The applicant is responsible for obtaining all necessary permits for the activity they are proposing.

**4. What else needs to be submitted with the Sensitive Area Application?**

The plans submitted must be drawn to scale and the following items must be clearly shown on the overhead plan view:

- Any existing buildings/structures on the property (house, garage, pool, deck, patio, retaining wall etc).
- Location and dimensions of proposed activity.
- Type of materials to be used (examples: timber retaining wall, brick paver patio, frame shed on concrete, etc).
- Any perennial streams, wetlands or ponds on or adjacent to the property.
- The 50-ft (seaward) and 100-ft (landward) RPA buffer areas and/or the Conservation Easement.
- Approximate contours on the land (topography).
- Location of slopes  $\geq$  25 percent.
- All trees greater than 12" in diameter (measured 4.5' above the ground); include diameter and species or an outline of the wood lines if there are clumps of trees.
- Any vegetation proposed for removal or alteration.
- Erosion and sediment controls if necessary.
- Mitigation plan with surety (see page 6, Item 7).



CPE 18-044

LOT 30  
UTILITY EASEMENT

LOT 26

LOT 44  
30,702 S.F.

LOT 45

LOT 43

RICHARD BREWSTER  
50' R/W

Engineering & Resource  
To: MOUNTS  
BAYLOR ROAD  
MAR 22 2018

RECEIVED

THIS IS TO CERTIFY THAT ON OCT. 24, 2017, I SURVEYED THE PROPERTY SHOWN ON THIS PLAT AND FOUND THE PROPERTY LINES TO BE CORRECT AS SHOWN HEREON. THERE ARE NO VISIBLE ENCROACHMENTS EITHER WAY ACROSS THE LINES EXCEPT AS SHOWN. THE PROPERTY IS SUBJECT TO EASEMENTS, SERVITUDES AND COVENANTS OF RECORD.

THIS SURVEY WAS DONE WITHOUT BENEFIT OF A CURRENT TITLE REPORT.

FLOOD ZONE: X  
FLOOD INSURANCE RATE MAP: 51095C  
DATE OF F.I.R.M.: 12/16/15  
NOTE: UNDERGROUND UTILITIES

# 233 RICHARD BREWSTER

PLAT OF THE PROPERTY OF  
BRIAN A & DIANE C. MAGOON

DAVID P. CAMPBELL, C.L.S. 1419B

- LEGEND**
- I.R.F. IRON ROD FOUND
  - I.P.F. IRON PIPE FOUND
  - I.R.S. IRON ROD SET
  - C.M.F. CONCRETE MONUMENT FOUND
  - PROPERTY LINE

COMMONWEALTH OF VIRGINIA  
DAVID P. CAMPBELL

LOT 44  
COLSTON'S CROSSING  
JAMES CITY COUNTY, VIRGINIA

# **ENVIRONMENTAL PRESERVATION BOARD**

*Kingsmill Community Services Association*

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309 McLaws Circle, Suite D

P. O. Box 348

Williamsburg VA 23187

April 13, 2018

Mr. & Mrs. Brian Magoon  
233 Richard Brewster  
Williamsburg VA 23185

Dear Mr. & Mrs. Magoon:

This letter is to inform you that the Environmental Preservation Board (EPB) reviewed your application on April 10, 2018, and has returned the following decision.

Item / Description: Landscape/Hardscape

Add retaining wall. Tallest portion of wall to be 30", with length of approximately 105.3'. Build with 2 x 6 treated landscape timbers. All work to be performed only on homeowner's property.

Status: Approved as submitted. Water may not be diverted to any neighboring property.

Approval is good for 180 days from the date of this letter. Any deviation from the originally approved plan must be re-submitted to the EPB for approval.

All Building & other Codes enforced by James City County must be complied with.

**Certain sections of Kingsmill have been set aside by James City County as Resource Protection Areas, which are to remain in their undisturbed natural state. If applicable, it is the responsibility of the homeowner to obtain approval for fence installation, or other projects, from James City County. They may be contacted at (757) 253-6670.**

**Any deviation from the originally approved plan must be re-submitted to the EPB for approval.**

Please retain this letter for your files. Should you have any questions regarding this letter, please feel free to contact me at 757-603-6016 or via e-mail at [djones@kingsmillcommunity.org](mailto:djones@kingsmillcommunity.org).

Sincerely,

*Dorothy Jones*

Dorothy Jones  
EPB Coordinator



## **PUBLIC HEARING NOTICE**

THE WETLANDS AND CHESAPEAKE BAY BOARDS OF JAMES CITY COUNTY, VIRGINIA WILL HOLD A PUBLIC HEARING ON **WEDNESDAY, MAY 9, 2018, AT 5 P.M.** IN THE BOARD ROOM OF BUILDING E, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE WETLANDS BOARD WILL CONSIDER THE FOLLOWING CASE:

W-22-18/VMRC 18-0317: Water's Edge Construction, on behalf of Mr. & Mrs. Mark Gillespie has applied for a wetlands permit for installation of two low profile sills with beach nourishment at 7624 Uncles Neck in the River's Bend at Uncles Neck subdivision, JCC Parcel No. 2030200031.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBE-18-074: Dogwood Contracting, on behalf of Mr. and Mrs. Brian Magoon, has filed an exception request for encroachment into the RPA buffer for the construction of a retaining wall at 233 Richard Brewster in the Colston's Crossing, Kingsmill subdivision, JCC Parcel No. 5030600044.

CBE-18-086: Ron Curtis Builder, on behalf of Mr. and Mrs. Neil Jesuel, has filed an exception request for encroachment into the RPA buffer for the construction of a house and deck addition at 153 North Quarter in the North Quarter, Kingsmill subdivision, JCC Parcel No. 5010700013.

CBE-18-088: Roth Environmental, on behalf of Mr. Jay Napoleon, has filed an exception request for encroachment into the RPA buffer for the construction of a retaining wall with patio at 1 Ensigne Spence in the Hampton Key, Kingsmill subdivision, JCC Parcel No. 5021100053.

Consideration of proposed exception conditions will be heard.

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 Stormwater and Resource Protection Division, 101 Mounts Bay Road, Building E, James City County, Virginia.



General Services  
Stormwater and Resource  
Protection Division  
101-E Mounts Bay Road  
Williamsburg, VA 23185

Resource.Protection@jamescitycountyva.gov

April 18, 2018

RE: 120 Nottinghamshire  
CBE-18-074  
Retaining Wall

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 Dogwood Contracting on behalf of Mr. Brian A Magoon and Mrs. Diane Magoon for encroachment into the Resource Protection Area (RPA) buffer associated with the construction of a retaining wall. The project is located at 233 Richard Brewster in the Colston's Crossing Section of the Kingsmill subdivision. The properties are further identified by James City County Real Estate as Parcel No. 5030600044.

A complete description, plan, and other information are on file in the Stormwater 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 9, 2018 at 5:00 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,

*Janice Petty*

Janice Petty  
Stormwater Assistant

cc: Dogwood Contracting  
Attn: Mr. James Sizemore



Mailing List for: CBE-18-074 – 233 Richard Brewster – Dogwood Contracting – Retaining Wall

Owner: 5030600044 for 233 Richard Brewster

Magoon, Brian A & Diane  
233 Richard Brewster  
Williamsburg, VA 23185-6533

5030600044 for 233 Richard Brewster - Contractor

Dogwood Contracting  
Attn: James Sizemore  
16320 Putnam Point Road  
Lanexa, VA 23089

5030600047

McLaughlin, Mark Joseph & Asha Tyska  
228 Richard Brewster  
Williamsburg, VA 23185-6532

5030600043

Mahnke, Randall M & Dana A  
229 Richard Brewster  
Williamsburg, VA 23185-6533

5030600045

Mone, Frederick P, Trustee & Mone, Ju, Trustee  
237 Richard Brewster  
Williamsburg, VA 23185-6533

5030600026

Watkins, William T, III, Trustee & Lynne M, Trustee  
108 John Paine  
Williamsburg, VA 23185-6534

5030600030

Hudson, Donald J & Dorothy E  
124 William Claiborne  
Williamsburg, VA 23185-6535

5030600031

Kenney, Patricia M, Trustee  
120 William Claiborne  
Williamsburg, VA 23185-6535

**ITEM SUMMARY**

DATE: 5/9/2018  
TO: Chesapeake Bay Board  
FROM: Michael Woolson, Senior Watershed Planner  
SUBJECT: CBE-18-086 : 153 North Quarter

---

Neil and Sandy Jesuele have filed an exception request for encroachment into the RPA buffer for the construction of a home addition and a deck extension at 153 North Quarter in the Kingsmill subdivision.

**ATTACHMENTS:**

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution	Resolution
☐	Water Quality Impact Assessment	Backup Material
☐	Site Plan	Backup Material
☐	Public Hearing Notice	Backup Material
☐	APO Notification Letter	Backup Material
☐	APO Notification List	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	5/5/2018 - 2:08 PM
Chesapeake Bay Group	Geissler, Fran	Approved	5/7/2018 - 1:49 PM
Publication Management	Daniel, Martha	Approved	5/7/2018 - 2:39 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	5/7/2018 - 2:52 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBE-18-086. 153 North Quarter  
Staff report for the May 9, 2018, Chesapeake Bay Board Public Hearing**

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*This staff report is prepared by James City County Stormwater 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.*

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**EXISTING SITE DATA AND INFORMATION**

Applicants: Neil and Sandy Jesuele

Agent: Ronald Curtis Builder

Location: 153 North Quarter

Tax Map/Parcel No.: 5010700013

Parcel: Lot 13, North Quarter, Kingsmill

Lot Size: 1.11 acre

Area of Lot in Resource Protection Area (RPA): .61 Acre +/- (55%)

Watershed: College Creek (HUC JL34)

Floodplain: None

Proposed Activity: Construction of home addition and deck extension

Impervious Cover: Approximately 146 square feet

RPA Encroachment: 146-square-foot landward RPA buffer

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

**BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES**

Mr. Ron Curtis, Ronald Curtis Builder, has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of a home addition and deck extension on behalf of Neil and Sandy Jesuele. The property is located at 153 North Quarter, within the North Quarter section of the Kingsmill subdivision and the College Creek watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 5010700013. The parcel was platted in 1995, after the adoption of the Chesapeake Bay Preservation Ordinance in 1990 and prior to the re-adoption of the Ordinance in 2004.

RPA impacts associated with the proposal equate to 146 square feet of encroachment into the landward RPA. Due to the internal layout of the home, the room addition cannot be added elsewhere on the home. The applicants are also proposing a deck extension. The applicants have surveyed the wetlands for this application and the improvements encroachment into the RPA by 146 square feet. For these encroachments, the applicant has proposed two planting units for this project consisting of two canopy trees, four understory trees and six shrubs. Required mitigation for this amount of encroachment equals one planting unit. The applicant has exceeded County requirements.

## **STAFF EVALUATION**

Staff has evaluated the application and exception request for the construction of a home addition and deck extension 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 encroachments are towards the wetlands. 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 was submitted, per Sections 23-11 and 23-14 of the County Ordinance, for the proposed land disturbing activity resulting from development or redevelopment within RPAs. The applicants have submitted the required information as outlined in the *James City County Water Quality Impact Assessment Guidelines* and have submitted a mitigation proposal which doubles County 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-18-086 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 moderate for the proposed development. Staff does recommend approval of this exception request. Should the Board wish to approve this exception request, staff recommends that the following conditions be 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 \$500 is required in a form acceptable to the County Attorney's office to guarantee the mitigation plantings; and
3. The Applicant must record an affidavit in the land records of the Williamsburg-James City County Circuit Court regarding the environmental resource restrictions on this lot. This Resolution and the approved site plan shall be attached to such affidavit; and
4. This exception request approval shall become null and void if construction has not begun by May 9, 2019; and
5. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than six weeks prior to the expiration date.

MW/md  
CBE18-086Jesuele

### Attachments:

1. Resolution
2. Water Quality Impact Assessment Package
3. Site Plan

## RESOLUTION

CASE NO. CBE-18-086. 153 NORTH QUARTER

### JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Neil and Sandy Jesuele (the “Applicants”) have applied to the Chesapeake Bay Board of James City County (the “Board”) on May 9, 2018, 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. 5010700013 and further identified as 153 North Quarter in the Kingsmill subdivision (the “Property”) as set forth in the application CBE-18-086 for the purpose of constructing a home addition and deck extension; 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 Applicants 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 \$500 will be required in a form acceptable to the County Attorney’s office to guarantee the mitigation plantings; and
  - c. The Applicant must record an affidavit in the land records of the Williamsburg-James City County Circuit Court regarding the environmental resource

restrictions on this lot. This Resolution and the approved site plan shall be attached to such affidavit; and

- d. This exception request approval shall become null and void if construction has not begun by May 9, 2019; and
- e. 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 9th day of May, 2018.

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2018 IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF JAMES CITY.

\_\_\_\_\_  
NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_



Engineering & Resource Protection  
MAR 27 2018  
RECEIVED

# Chesapeake Bay Preservation Ordinance Sensitive Area Activity Application

For Office Use Only

Case # 19-096  
CB Number \_\_\_\_\_

**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: 3/27/2018

Name: Neil and Sandy Jesuel  
 Address: 153 North Quarter, Williamsburg VA, 23185  
 Phone: 202-302-4750 Fax: \_\_\_\_\_ Email: \_\_\_\_\_

**Contact (if different from above):**

Name: Ronald Curtis Phone: 757-880-5223  
 Email: roncurtisbuilder@verizon.net

**Project Information:**

Project Address: 153 North Quarter Williamsburg VA, 23185  
 Subdivision Name, Lot, and Section No.: North Quarter, Lot 13  
 Parcel Identification No. or Tax Map No.: 5010700013  
 Date Lot was platted: December, 1997 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 checked="" type="checkbox"/> RPA - Landward 50' <u>146</u> _____ (SF) |
| <input type="checkbox"/> Conservation Easement _____ (SF)            | <input type="checkbox"/> RPA - Seaward 50' _____ (SF)                        |
| <input checked="" type="checkbox"/> Trees to be Removed <u>2</u> (#) | <input type="checkbox"/> Proposed Impervious Cover _____ (SF)                |

**Activity involves: (check all that apply)**

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> New principal structure construction    | <input checked="" type="checkbox"/> Building addition to principal structure | <input checked="" 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**

<p><b>For Office Use Only</b>                  CPE # 18-096                  CB Number _____</p>
--

**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)*

~~Homeowner is adding an addition and deck extension to the rear of the house~~ \_\_\_\_\_

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) Building Permit \_\_\_\_\_

**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?

~~Rear of property is located in an 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

~~2 mitigation units of planting will be installed even though impervious cover is only 146 Sq. Ft.~~ \_\_\_\_\_

**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**

<b><u>Impervious Area (SF)</u></b>	<b><u>Mitigation Required</u></b>	<b><u>Surety</u></b>
<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 CP# 8-096

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

- Number of native canopy trees 2
- Number of native understory trees 4
- Number of native shrubs 6
- 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 fabric under entire deck area)
- Other: \_\_\_\_\_
- Bioretention or rain garden practice
- Infiltration Area/Trench/Dry well
- Structural BMP (Wet or Dry Pond)
- Rain Barrel

**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 *Neil Jensen* Date 3/27/18  
Program Administrator \_\_\_\_\_ Date \_\_\_\_\_  
Authorized Signature

For Office Use Only

Surety Amount: \_\_\_\_\_  
Date/Rec No.: \_\_\_\_\_  
Fee Paid?  Yes  No  
Amount: 175.00  
Date/Rec No.: 3/27/18-3321

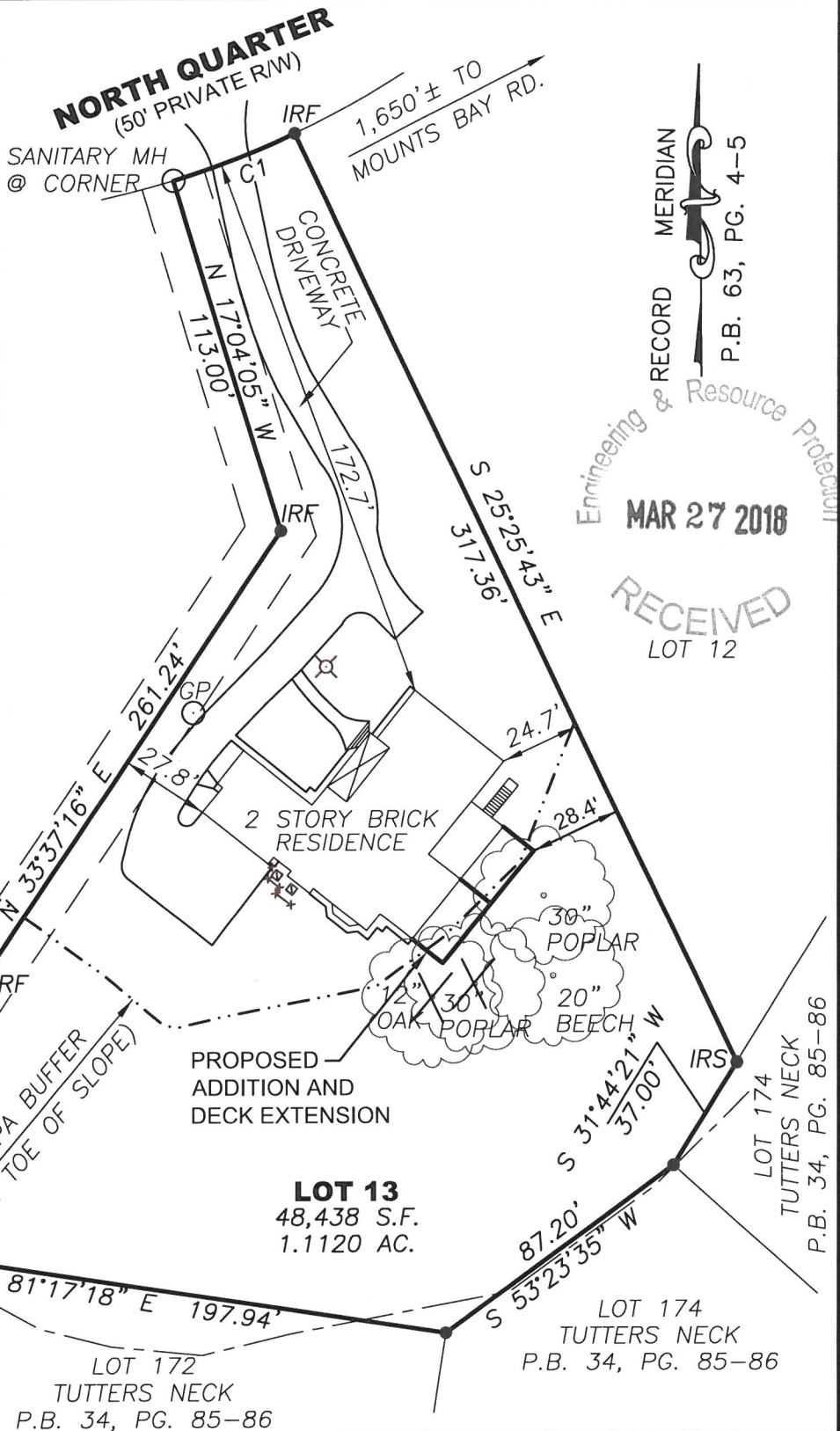
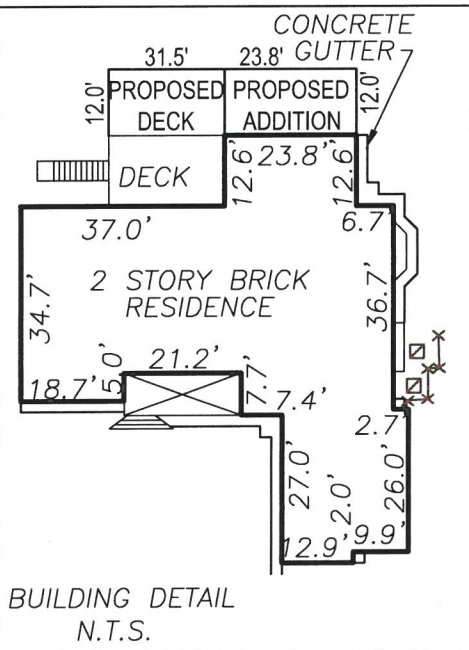


CBE 18-096

NOTES:

1. THIS PLAT WAS PRODUCED WITHOUT THE BENEFIT OF A TITLE REPORT AND REFLECTS ONLY THOSE ENCUMBRANCES, EASEMENTS AND SETBACKS AS SHOWN IN P.B. 63 PG. 4-5.
2. THIS FIRM IS NOT RESPONSIBLE FOR THE LOCATION OF ANY STRUCTURE, MANHOLE, VALVE, ETC., HIDDEN OR OBSTRUCTED AT THE TIME THE FIELD SURVEY WAS PERFORMED.
3. LOT LIES IN F.I.R.M. ZONE "X" ACCORDING TO FLOOD INSURANCE RATE MAP #51095C0206D, DATED DECEMBER 16, 2015.
4. WETLANDS, IF ANY, WERE NOT LOCATED FOR THIS SURVEY.
5. UNDERGROUND UTILITIES WERE NOT LOCATED.

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	275.00'	40.13'	40.09'	N 68°45'06" E	8°21'40"



- LEGEND**
- GP GRINDER PUMP
  - HVAC UNIT
  - IRF = IRON ROD FOUND
  - IRS = IRON ROD SET

ADDRESS:  
153 NORTH QUARTER  
JAMES CITY COUNTY, VIRGINIA

Engineering & RECORD MERIDIAN  
 P.B. 63, PG. 4-5  
 RECEIVED  
 LOT 12  
 MAR 27 2018

	<b>REFERENCES:</b> P.B. 63, PG. 4-5	SURVEY TO SHOW PROPOSED ADDITION ON LOT 13 <b>NORTH QUARTER</b> For: <b>RONALD CURTIS BUILDERS</b> JAMES CITY COUNTY VIRGINIA
	<b>DATE:</b> 03/27/18 <b>SCALE:</b> 1"=50' <b>JOB#</b> 18-096 <b>CAD File</b> 18-096.dwg	<b>LandTech Resources, Inc.</b> Engineering & Surveying Consultants 3925 Midlands Road, Williamsburg, Virginia 23188 Telephone: 757-565-1677 Fax: 757-565-0782 Web: landtechresources.com



## **PUBLIC HEARING NOTICE**

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THE WETLANDS BOARD WILL CONSIDER THE FOLLOWING CASE:

W-22-18/VMRC 18-0317: Water's Edge Construction, on behalf of Mr. & Mrs. Mark Gillespie has applied for a wetlands permit for installation of two low profile sills with beach nourishment at 7624 Uncles Neck in the River's Bend at Uncles Neck subdivision, JCC Parcel No. 2030200031.

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Consideration of proposed exception conditions will be heard.

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 Stormwater and Resource Protection Division, 101 Mounts Bay Road, Building E, James City County, Virginia.



**General Services  
Stormwater and Resource  
Protection Division**  
101-E Mounts Bay Road  
Williamsburg, VA 23185

Resource.Protection@jamescitycountyva.gov

April 18, 2018

RE: 153 North Quarter  
CBE-18-086  
Addition and deck

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 Ronald Curtis Builder on behalf of Mr. Neil Jesuel and Mrs. Sandy Jesuel for encroachment into the Resource Protection Area (RPA) buffer associated with the installation of an addition and deck. The project is located at 153 North Quarter in the North Quarter Section of the Kingsmill subdivision. The properties are further identified by James City County Real Estate as Parcel No. 5010700013.

A complete description, plan, and other information are on file in the Stormwater 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 9, 2018 at 5:00 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,

*Janice Petty*

Janice Petty  
Stormwater Assistant

cc: Ronald Curtis Builder  
Attn: Mr. Ron Curtis

Mailing List for: CBE-18-086 – 153 North Quarter – Ron Curtis Builder – Addition with Deck

Owner: 5010700013

Jesuele, Neil J, Trustee & Alexandra  
153 North Quarter  
Williamsburg, VA 23185-5152

Owner: 5010700013

Jesuele, Neil J, Trustee & Alexandra  
43841 Goshen Farm Court  
Leesburg, VA 20176-1629

5010700013 for 153 North Quarter - Contractor

Ron Curtis Builder  
22 Whittakers Mill Road  
Williamsburg, VA 23185-5534

5010600047

Johnson, Roy & Joan L  
149 North Quarter  
Williamsburg, VA 23185-5152

5010700021

Maryan, Norman E, Trustee & E Caroline, Trustee  
156 North Quarter  
Williamsburg, VA 23185-5152

5010700014

Miner, Scott E & April P  
157 North Quarter  
Williamsburg, VA 23185-5152

5030300172

Adams, Ruth M  
108 Richard Burbydge  
Williamsburg, VA 23185-5114

5010500174 for 100 Richard Burbydge

Fass, Matthew A & West, Heather O  
3683 Bridgewater Drive  
Williamsburg, VA 23188-2596

5030600031

Hairfield, Myrl L & Alice G  
121 Tutter's Neck  
Williamsburg, VA 23185-5121

**ITEM SUMMARY**

DATE: 5/9/2018  
TO: Chesapeake Bay Board  
FROM: Michael Woolson, Senior Watershed Planner  
SUBJECT: CBE-18-088 : 1 Ensigne Spence

---

**ATTACHMENTS:**

	Description	Type
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CBE-18-074: Dogwood Contracting, on behalf of Mr. and Mrs. Brian Magoon, has filed an exception request for encroachment into the RPA buffer for the construction of a retaining wall at 233 Richard Brewster in the Colston's Crossing, Kingsmill subdivision, JCC Parcel No. 5030600044.

CBE-18-086: Ron Curtis Builder, on behalf of Mr. and Mrs. Neil Jesuel, has filed an exception request for encroachment into the RPA buffer for the construction of a house and deck addition at 153 North Quarter in the North Quarter, Kingsmill subdivision, JCC Parcel No. 5010700013.

CBE-18-088: Roth Environmental, on behalf of Mr. Jay Napoleon, has filed an exception request for encroachment into the RPA buffer for the construction of a retaining wall with patio at 1 Ensigne Spence in the Hampton Key, Kingsmill subdivision, JCC Parcel No. 5021100053.

Consideration of proposed exception conditions will be heard.

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 Stormwater and Resource Protection Division, 101 Mounts Bay Road, Building E, James City County, Virginia.



General Services  
Stormwater and Resource  
Protection Division  
101-E Mounts Bay Road  
Williamsburg, VA 23185

Resource.Protection@jamescitycountyva.gov

April 18, 2018

RE: CBE-18-088  
1 Ensigne Spence  
Retaining Wall, Access Stairs, Slope Stabilization

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. Matthew Roth of Roth Environmental on behalf of Mr. Jay Napoleon for encroachment into the Resource Protection Area (RPA) buffer and Open Space Easement associated with installation of a retaining wall and patio. The project is located at 1 Ensigne Spence in the Hampton Key Section of the Kingsmill subdivision. The property is further identified by James City County Real Estate as Parcel No 5021100053.

A complete description, plan and other information are on file in the Stormwater 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 9, 2018 at 5:00 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,

*Janice Petty*

Janice Petty  
Stormwater Assistant

cc: Roth Environmental  
Roth, Matthew



Mailing List for: CBE-18-088 – 1 Ensigne Spence – Roth Environmental, LLC – Retaining Wall & Patio

Owner: 5021100053

Napoleon, Jay L & Patricia L  
1 Ensigne Spence  
Williamsburg, VA 23185-5560

5021100053 for 1 Ensigne Spence - Contractor

Roth Environmental, LLC  
Attn: Matthew Roth  
700 Prescott Circle  
Newport News, VA 23602-7019

5021100054

Rothschild, Richard K & Mary  
2 Ensigne Spence  
Williamsburg, VA 23185-5512

5021100052

Branch, William J, Trustee & Anne E T  
3 Ensigne Spence  
Williamsburg, VA 23185-5560

5021000003

Francum, Johnson C & Leslie M  
108 Barrett Place  
Williamsburg, VA 23185-5503

5021000004 for 112 Barrett Place

Pilcher, Melinda  
148 John Browning  
Williamsburg, VA 23185-8928

5021100046

Kang, Song Kuk, Trustee & Hi-Sung Lim  
2 Staples Road  
Williamsburg, VA 23185-5529

5021100047

Arndt, Janice O  
4 Staples Road  
Williamsburg, VA 23185-5529

**ITEM SUMMARY**

DATE: 5/9/2018  
TO: Chesapeake Bay Board  
FROM: Michael Woolson, Senior Watershed Planner  
SUBJECT: Special Conditions Discussion

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**ATTACHMENTS:**

	Description	Type
☐	Memorandum	Cover Memo

**REVIEWERS:**

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	5/7/2018 - 1:53 PM
Chesapeake Bay Group	Geissler, Fran	Approved	5/7/2018 - 1:58 PM
Publication Management	Daniel, Martha	Approved	5/7/2018 - 4:15 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	5/8/2018 - 8:02 AM

## MEMORANDUM

DATE: May 9, 2018  
TO: The Chesapeake Bay Board  
FROM: Michael D. Woolson, Senior Watershed Planner  
SUBJECT: Conditions for Legislative Chesapeake Bay Exceptions

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At the April 11, 2018, Chesapeake Bay Board work session, it was requested that staff compile a list of conditions for the Board to review and approval. These conditions are to be used, when applicable, on every case seeking an exception from the Board. These conditions are as follows:

- a. The applicant must obtain all other necessary local, state and/or federal permits required for the project.
- b. A surety in a form acceptable to the County Attorney's Office to guarantee the nutrient management plan preparation.
- c. The mitigation plantings shall have a survivability of at least 90% at one year post planting prior to final surety release. Up to 50% of the surety may be released once mitigation has been planted.
- d. The applicant must execute an Affidavit at the Williamsburg/James City County Courthouse and provide evidence of such to the County.
- e. Execute a Declaration of Covenants, Inspection/Maintenance of Drainage Systems with James City County and record said document at the Williamsburg-James City County Courthouse and provide evidence to the County.
- f. Design and construction of the on-lot runoff reduction/pollutant removal practice proposed shall follow infiltration specifications found in the Virginia Department of Environmental Quality Stormwater Clearinghouse.
- g. All development activities located in the special flood hazard area shall comply with Article VI Division 3 Floodplain Area Regulations of the James City County Zoning Ordinance and receive all required approvals and permits prior to commencement of such activities.
- h. The exception request approval for this project shall expire 12 months from the hearing date, if construction has not begun.
- i. If an extension of the permit is needed, a written request shall be submitted to the Stormwater and Resource Protection Division no later than six weeks prior to the expiration date.

Staff respectfully requests any feedback the Board may have on these conditions.

MDW/md  
CBB-spec.cond.list-mem

Attachment