

A G E N D A
JAMES CITY COUNTY CHESAPEAKE BAY BOARD
REGULAR MEETING
County Government Center, Building F
101 Mounts Bay Road, Williamsburg, Virginia 23185
May 13, 2020
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

1. Minutes from March 11, 2019, Regular Meeting

D. PUBLIC HEARINGS

1. Case No. CBPA 20-0009 : 108 Godspeed Lane
2. Case No. CBPA 20-0011 : 204 Riverview Plantation Drive
3. Case No. CBPA 20-0027 : 2 Staples Road
4. Case No. CBPA 20-0028 : 105 Abigail Lane

E. BOARD CONSIDERATIONS

1. Case No. CBPA 19-0033 : 221 Burtcher Court
2. Case No. CBPA 19-0035 : 106 Loxley Lane
3. Case No. CBPA 18-0138 : 108 Seven Oaks
4. Appeal - The Promenade
5. Remote Participation Policy

F. MATTERS OF SPECIAL PRIVILEGE

G. ADJOURNMENT

ITEM SUMMARY

DATE: 5/13/2020
TO: Chesapeake Bay Board
FROM: Michael Woolson, Chesapeake Bay Board Secretary
SUBJECT: Minutes from March 11, 2019, Regular Meeting

ATTACHMENTS:

	Description	Type
📎	Minutes	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	4/13/2020 - 1:37 PM
Chesapeake Bay Group	Small, Toni	Approved	5/5/2020 - 3:12 PM
Publication Management	Daniel, Martha	Approved	5/5/2020 - 3:23 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	5/10/2020 - 5:11 PM

MINUTES
JAMES CITY COUNTY CHESAPEAKE BAY BOARD
REGULAR MEETING
County Government Center, Building F
101 Mounts Bay Road, Williamsburg, Virginia, 23185
March 11, 2020
5:00 PM

A. CALL TO ORDER

The Chesapeake Bay Board meeting for March 11, 2020, 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 Members Present:

David Gussman, Chair
William Apperson, Vice Chair
Charles Roadley
Larry Waltrip
Halle Dunn

Board Members Absent:

John Hughes

Other Staff Present:

Toni Small, Director, Stormwater and Resource Protection
Liz Parman, Assistant County Attorney
Michael Woolson, Senior Watershed Planner, Stormwater and Resource Protection
Trevor Long, Watershed Planner, Stormwater and Resource Protection

C. MINUTES

1. Minutes from January 15, 2020, Regular Meeting

A motion to Approve the minutes was made by Mr. Gussman. The minutes from the meeting were approved on a voice vote.

2. Minutes from February 12, 2020, Regular Meeting

A motion to Approve the minutes was made by Mr. Gussman. The minutes from the meeting were approved on a voice vote.

3. Minutes from February 26, 2020, Special Meeting

A motion to Approve the minutes was made by Mr. Gussman. The minutes from the meeting were approved on a voice vote.

D. PUBLIC HEARINGS

1. Case No. CBPA 20-0003 : 168 Nottinghamshire

Mr. Michael Woolson, Senior Watershed Planner, presented the exception request submitted by Mr. Larry Walk of Walk Wright Construction on behalf of Mr. Edward Kionka for encroachments into the Resource Protection Area (RPA) buffer for the construction of a single-family dwelling located at 168 Nottinghamshire, within the Ford's Colony subdivision and the Powhatan Creek watershed. The property is further identified as James City County Tax Map Parcel No. 3233100017. The presentation described the current and proposed site conditions. If the Board approved the request, staff asked that the attached conditions be incorporated into the approval. The Board deliberated on the pros and cons of this application.

Mr. Gussman opened the Public Hearing.

A. Mr. Larry Walk, Walk Wright Construction, LLC outlined the project to the Board.

Mr. Roadley questioned the design for the roof runoff.

A. Mr. Walk answered that he would design the roof to have downspouts with popups installed ten feet away.

Mr. Apperson inquired if the potential runoff would be directed towards the sewer easement.

A. Mr. Walk affirmatively replied.

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

Mr. Apperson made a motion to Adopt the resolution for Chesapeake Bay Board Case No. CBPA 20-0003 at 168 Nottinghamshire.

A motion to Approve with Conditions was made by Mr. Apperson.

The motion result was: AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1
AYES: Gussman, Apperson, Roadley, Waltrip, Dunn
Absent: Hughes

E. BOARD CONSIDERATIONS

1. Case No. CBE 17-048 : 7515 Oak Cove Road

Mr. Michael Woolson presented the extension request for a two-year extension. All other conditions of the approved resolution would still apply with a new expiration date of March 11, 2022.

Mr. Gussman made a motion to Adopt the resolution for extension of Chesapeake Bay Board Case No. CBE 17-048 for 7515 Oak Cove Road.

A motion to Approve the extension with Conditions was made by Mr. Gussman and approved by voice vote.

2. Case No. CBE 18-058 : 4447 Pleasant View Drive

Mr. Michael Woolson presented the extension request for a one-year extension. All other conditions of the approved resolution would still apply with a new expiration date of March

11, 2021.

Mr. Gussman made a motion to Adopt the resolution for extension of Chesapeake Bay Board Case No. CBE 18-058 for 4447 Pleasant View Drive.

A motion to Approve the extension with Conditions was made by Mr. Gussman and approved by voice vote.

3. Case No. CBPA 19-0037 : 499 Jolly Pond Road

Mr. Michael Woolson presented the extension request for a one-year extension. All other conditions of the approved resolution would still apply with a new expiration date of May 13, 2021.

Mr. Gussman made a motion to Adopt the resolution for extension of Chesapeake Bay Board Case No. CBPA 19-0037 for 499 Jolly Pond Road.

A motion to Approve the extension with Conditions was made by Mr. Gussman and approved by voice vote.

4. Case No. SRP 19-0005 : 2529 William Tankard

Mr. Michael Woolson presented the Notice of Violation for pool construction.

Mr. Gussman made a motion to Accept the planted mitigation and no payment into the Chesapeake Bay Restoration Fund for Stormwater Violation Case No. SRP 19-0005 for 2529 William Tankard.

A motion to Accept the planted mitigation and no payment into the Chesapeake Bay Restoration Fund was made by Mr. Gussman and approved by voice vote.

F. MATTERS OF SPECIAL PRIVILEGE

Mr. Woolson proposed to move the August 2020, Chesapeake Bay Board meeting to the Building D Conference Room, 101 Mounts Bay Road.

G. ADJOURNMENT

A motion to Adjourn was made by Mr. Apperson and approved on voice vote.

The meeting adjourned at 6:32 p.m.

ITEM SUMMARY

DATE: 5/13/2020
TO: Chesapeake Bay Board
FROM: Michael Woolson, Senior Watershed Planner
SUBJECT: Case No. CBPA 20-0009 : 108 Godspeed Lane

David Chin has filed an exception request for encroachments into the RPA buffer for the construction of a deck and screened porch at 108 Godspeed Lane, in the Powhatan Shores subdivision, JCC Parcel No. 4730500050.

ATTACHMENTS:

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution	Resolution
☐	Presentation	Presentation
☐	Public Advertisement	Backup Material
☐	APO Letter	Backup Material
☐	APO Mailing List	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Small, Toni	Approved	5/5/2020 - 3:10 PM
Chesapeake Bay Group	Small, Toni	Approved	5/5/2020 - 3:10 PM
Publication Management	Daniel, Martha	Approved	5/5/2020 - 3:15 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	5/10/2020 - 2:55 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-20-0009. 108 Godspeed Lane
Staff Report for the May 13, 2020, Chesapeake Bay Board Public Hearing**

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.

EXISTING SITE DATA AND INFORMATION

Applicant: Mr. David Chin

Agent: Mr. Michael Haurand

Location: 108 Godspeed Lane

Parcel Identification No.: 4730500050

Parcel: Lot 50, Section 1, Powhatan Shores

Lot Size: 0.48 acres

Area of Lot in Resource Protection Area (RPA): 0.29 acres +/- (60%)

Watershed: Powhatan Creek (HUC JL 31)

Floodplain: Zone AE - The special flood hazard area subject to 1% annual chance flood. Base flood elevation determined at elevation 7 feet

Proposed Activity: Construction of a deck

Impervious Cover: 480 square feet (+/-)

RPA Encroachment: 480 square feet (+/-)

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

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Michael Haurand, Whitt Corporation, has applied for a Chesapeake Bay Exception on behalf of Mr. David Chin for encroachments into the RPA buffer for the construction of a deck on property located at 108 Godspeed Lane within the Powhatan Shores subdivision and the Powhatan Creek watershed. The property is further identified as James City County Tax Map Parcel No. 4730500050. The parcel was platted in 1975, prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The total lot size of this property is 0.48 acres, of which 60% is located within the RPA. The applicant is proposing to construct a 730-square-foot deck in order to accommodate for future access ability and includes a ramp to access the proposed upper deck from the proposed lower deck. A hot tub area is also included with the proposed lower deck. There is an existing 250-square-foot deck on property that the applicant intends to remove as part of this project equating to a total of 480 square feet of new impervious surface associated with this project proposal. During the review process for this proposal, staff questioned if there was a possibility to decrease the amount of additional impervious surface however, the applicant expressed that it is their opinion that the proposed plan is the minimum necessary to afford relief. Required mitigation for this amount of new impervious surface equate to the plantings of one canopy tree, two understory trees, and three shrubs. The applicant has proposed the plantings of two canopy trees, four

understory trees, and six shrubs.

STAFF EVALUATION

Staff has evaluated the application and exception request for the construction of a deck. This application meets the Ordinance conditions in Sections 23-11 and 23-14 and should be heard by the Board because the deck is accessory in nature.

CONSIDERATION BY THE CHESAPEAKE BAY BOARD

The Board may grant exceptions to Section 23-7 if the application meets the following five conditions:

1. The exception request is the minimum necessary to afford relief; and
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; and
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; and
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; and
5. Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality.

STAFF RECOMMENDATIONS

Staff's view of this application is that it does meet all five of the conditions as presented above. Should the Board also find that the exception request meets all five of the conditions above, staff suggests 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. This includes a James City County land disturbing permit, any required surety, and an approved erosion and sediment control plan; and
2. 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; and
3. A surety of \$1,000 be paid and in place prior to the commencement of work, in a form acceptable to the James City County Attorney's Office; and
4. This exception request approval shall become null and void if construction has not begun by May 13, 2021; and
5. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than April 1, 2021, six weeks prior to the expiration date.

MDW/md
CBPA20-9GodspdLn

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA 20-0009. 108 GODSPEED LANE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. David Chin (the “Applicant”) has applied to the Chesapeake Bay Board of James City County (the “Board”) on May 13, 2020, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property identified as James City County Real Estate Tax Map Parcel No. 4730500050 and further identified as 108 Godspeed Lane (the “Property”) as set forth in the application CBPA 20-0009 for the purpose of constructing a deck; 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. This includes a James City County land disturbing permit, any required surety, and an approved erosion and sediment control plan; and
 - b. 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; and

- c. The planting of two canopy trees, four understory trees, and six shrubs; and
- d. A surety of \$1,000 be paid and in place prior to the commencement of work, in a form acceptable to the James City County Attorney's Office; and
- e. This exception request approval shall become null and void if construction has not begun by May 13, 2021; and
- f. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than April 1, 2021, six weeks prior to the expiration date.

David Gussman
Chair, Chesapeake Bay Board

Michael D. Woolson
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 13th day of May, 2020.

CBPA20-9GodspdLn-res



Chesapeake Bay Board of James City County, Virginia

May 13, 2020

CBPA 20-0009

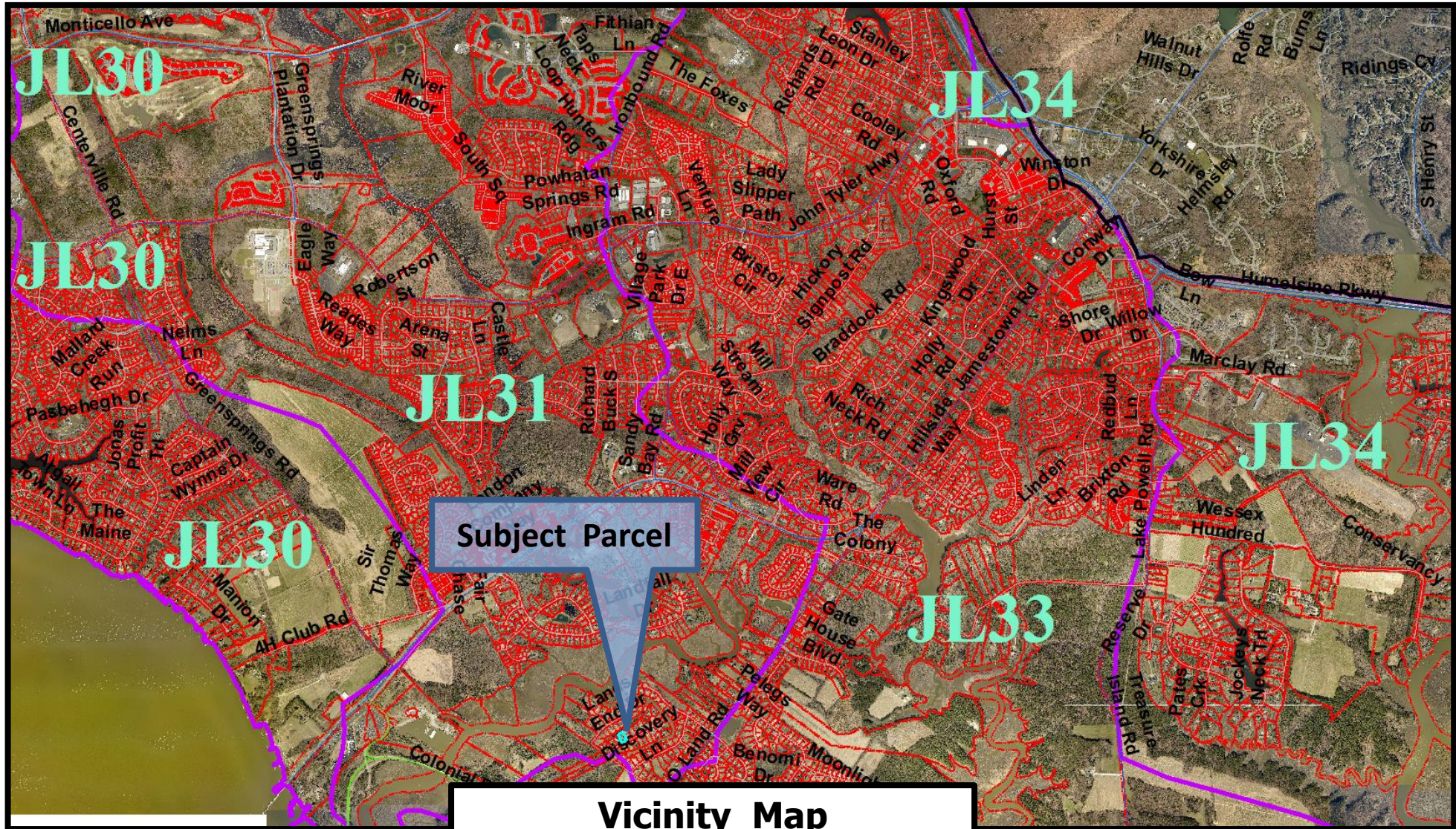
David Chin

108 Godspeed Lane



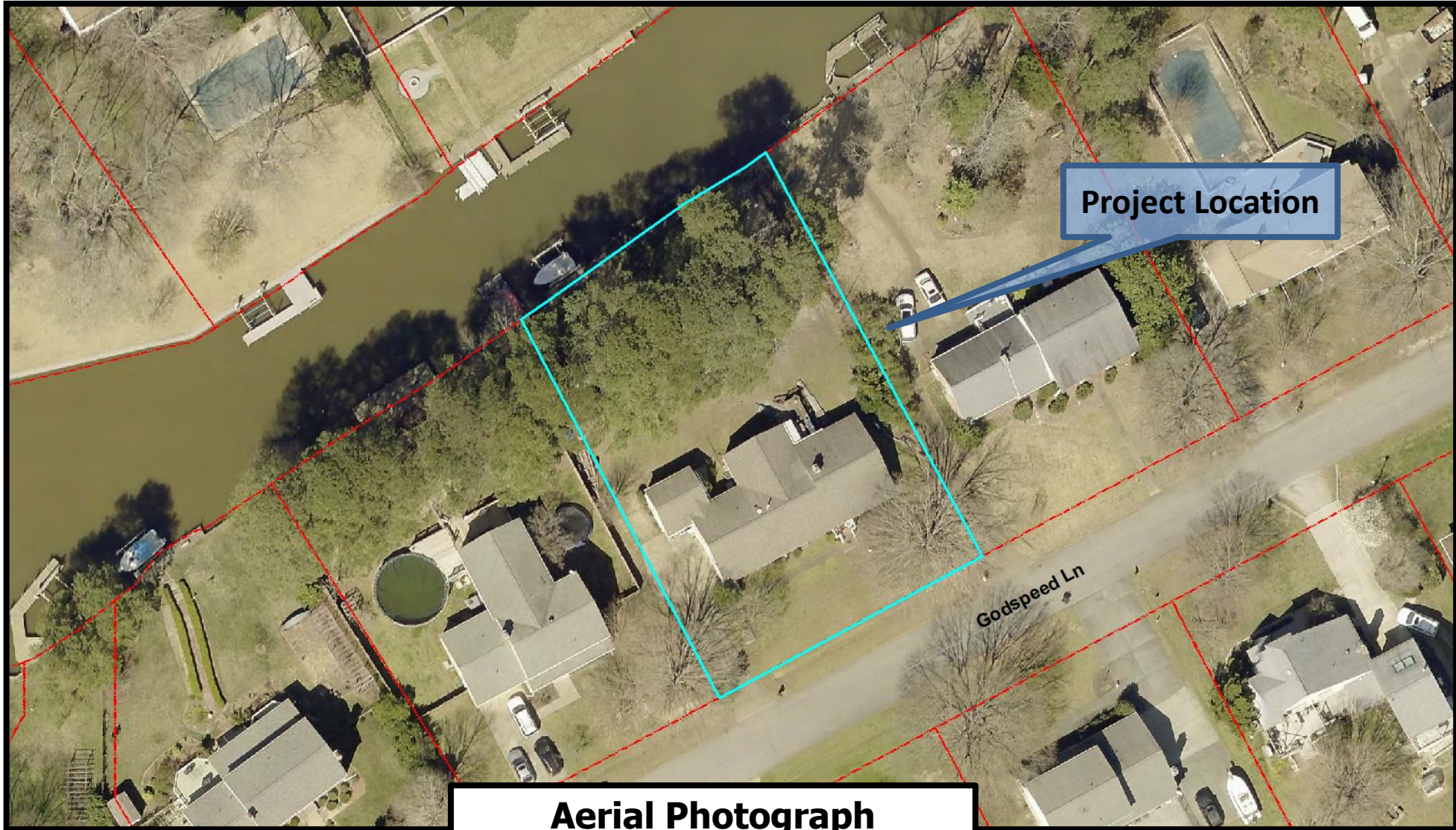
Applicant Request

- ✓ Construct a deck.



Subject Parcel

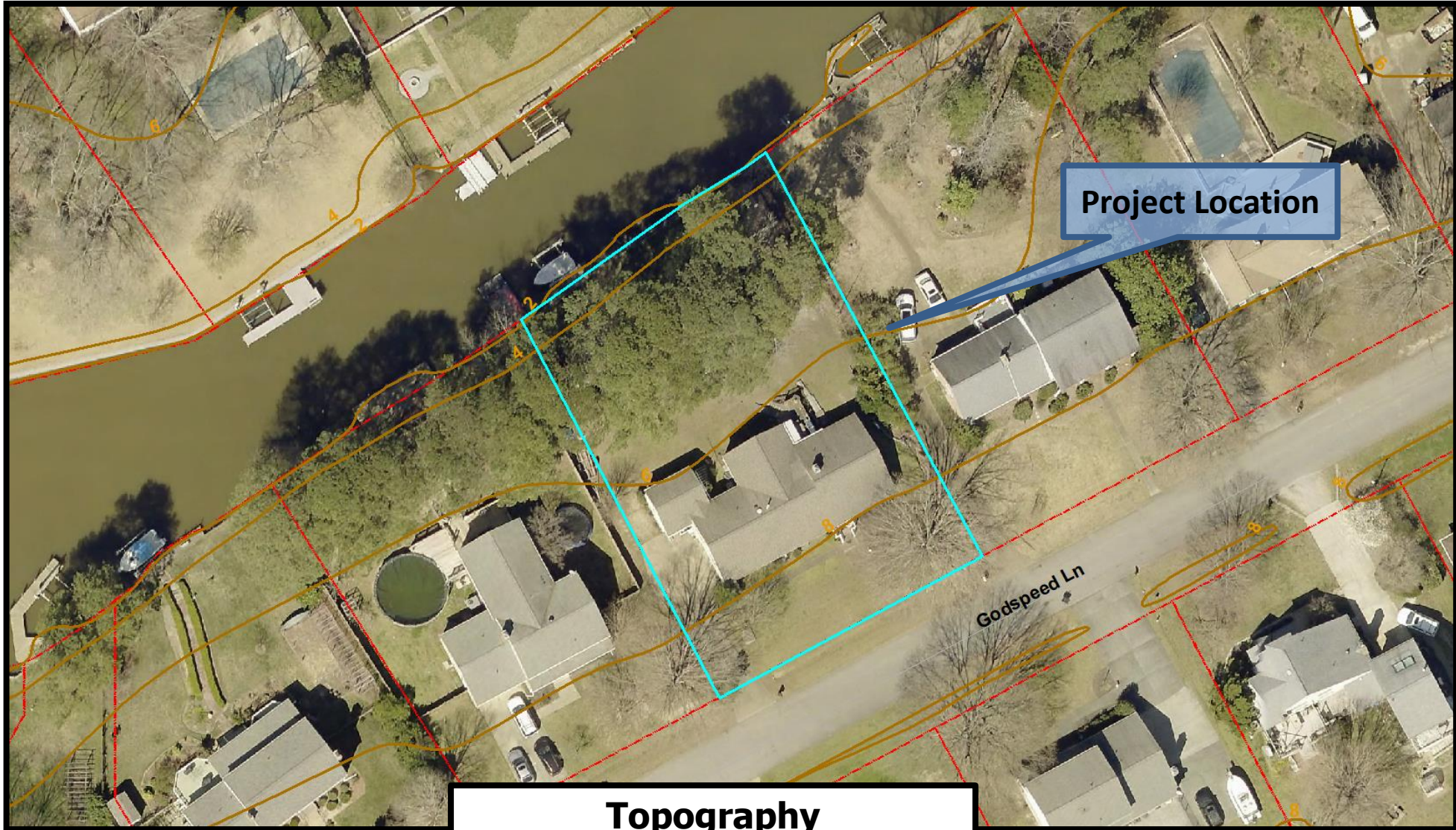
Vicinity Map
CBPA-20-0009
108 Godspeed



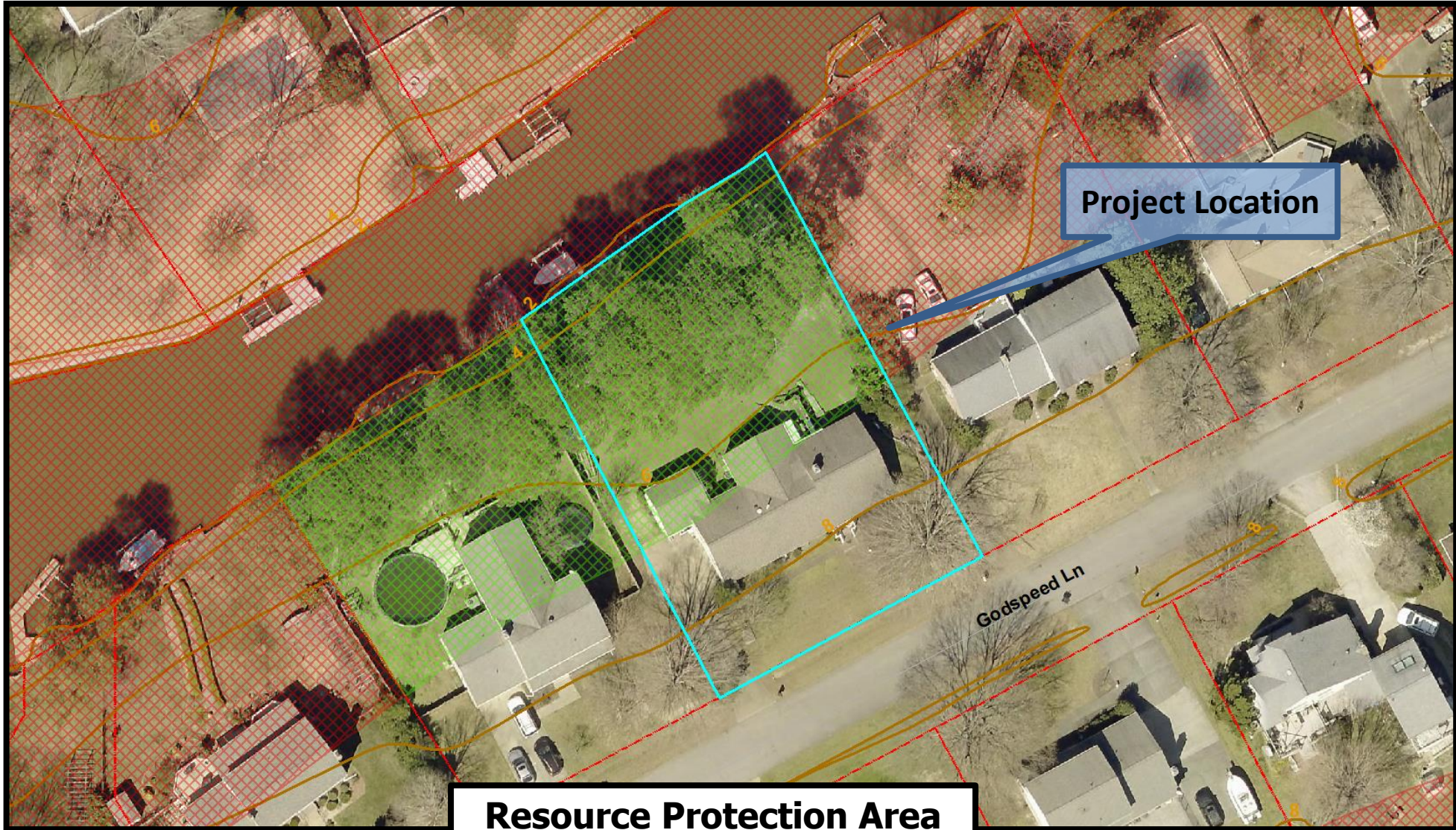
Project Location

Godspeed Ln

**Aerial Photograph
CBPA-20-0009
108 Godspeed**

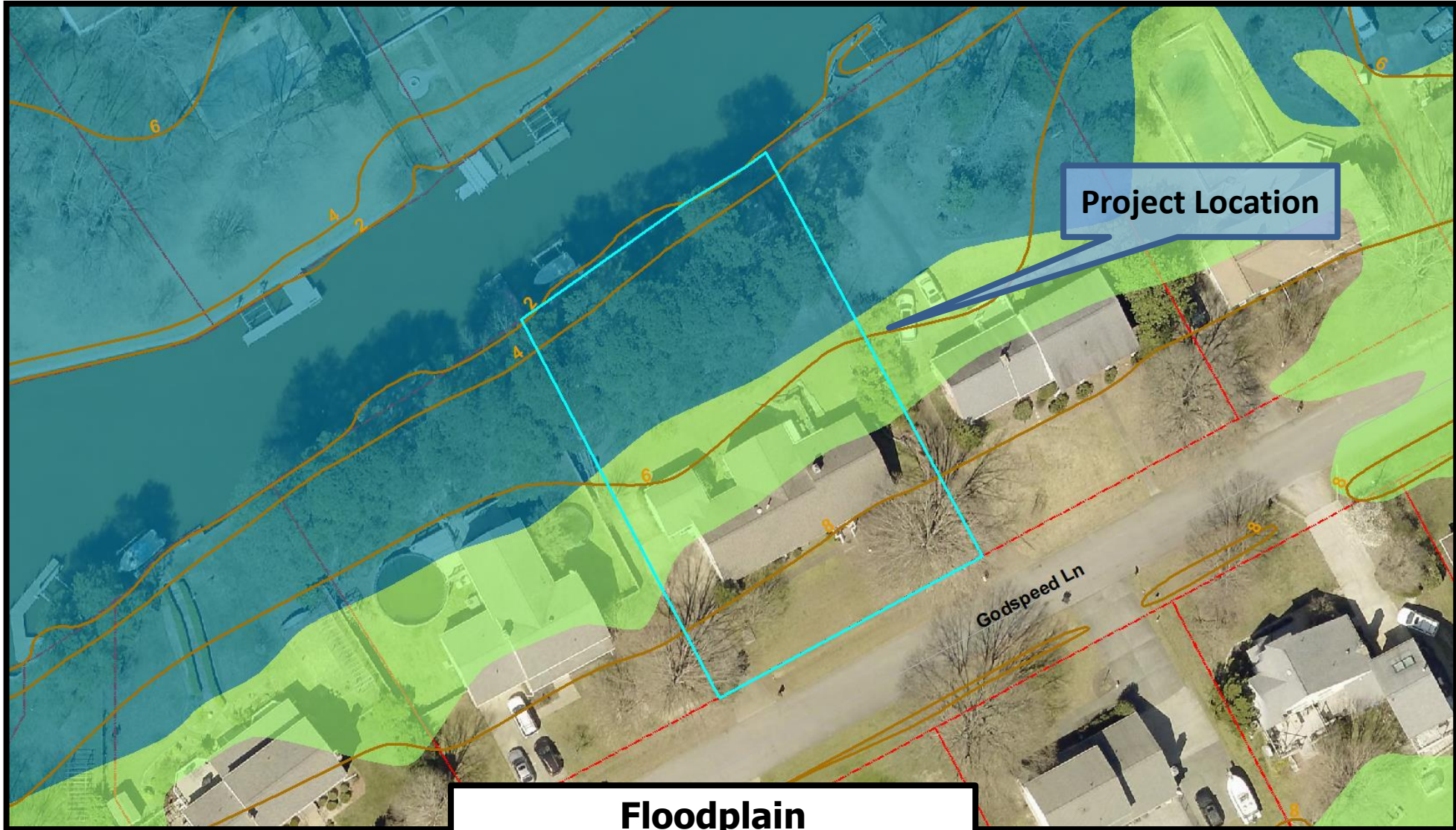


Topography
CBPA-20-0009
108 Godspeed



Project Location

Resource Protection Area
CBPA-20-0009
108 Godspeed

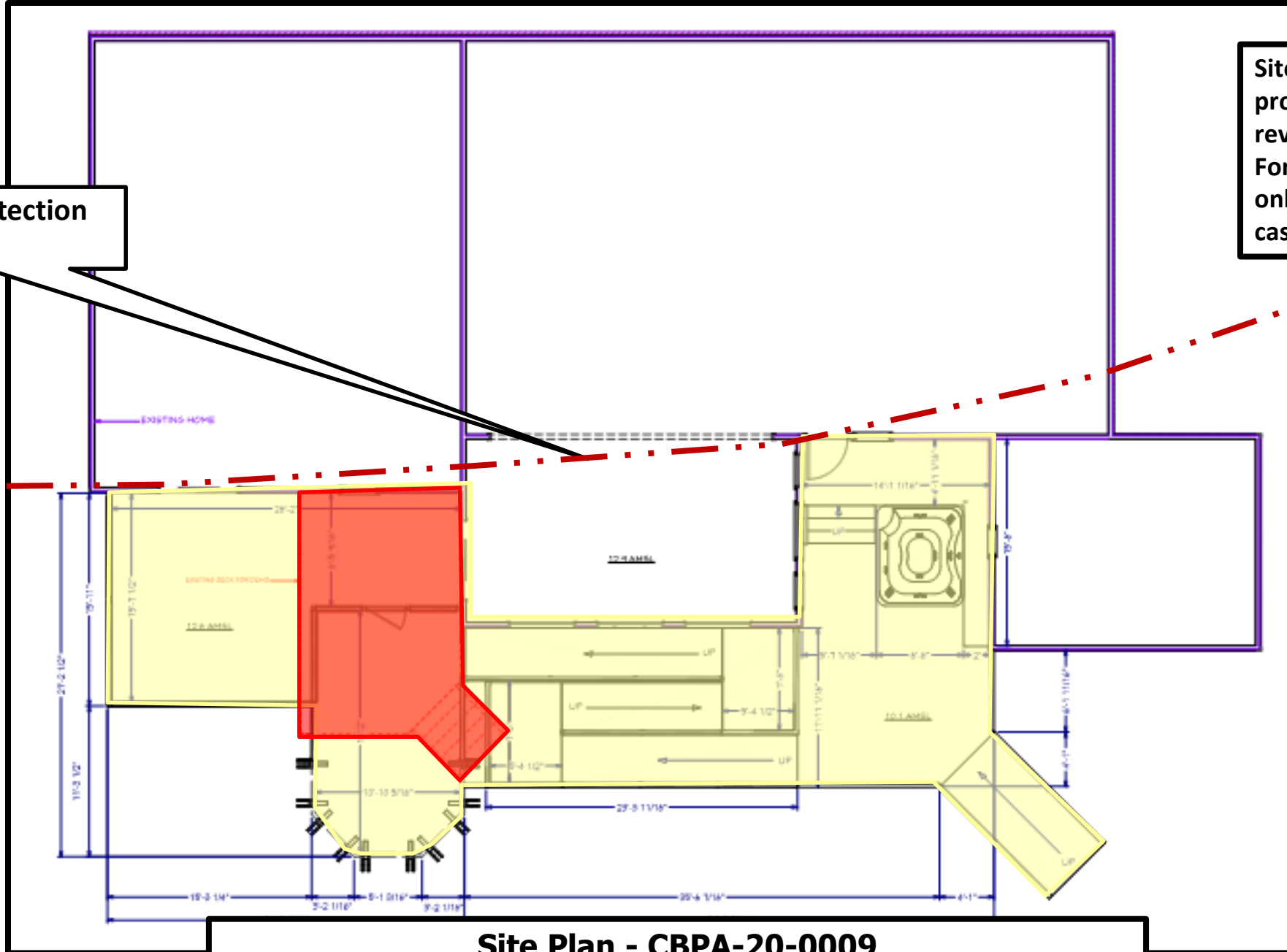


Project Location

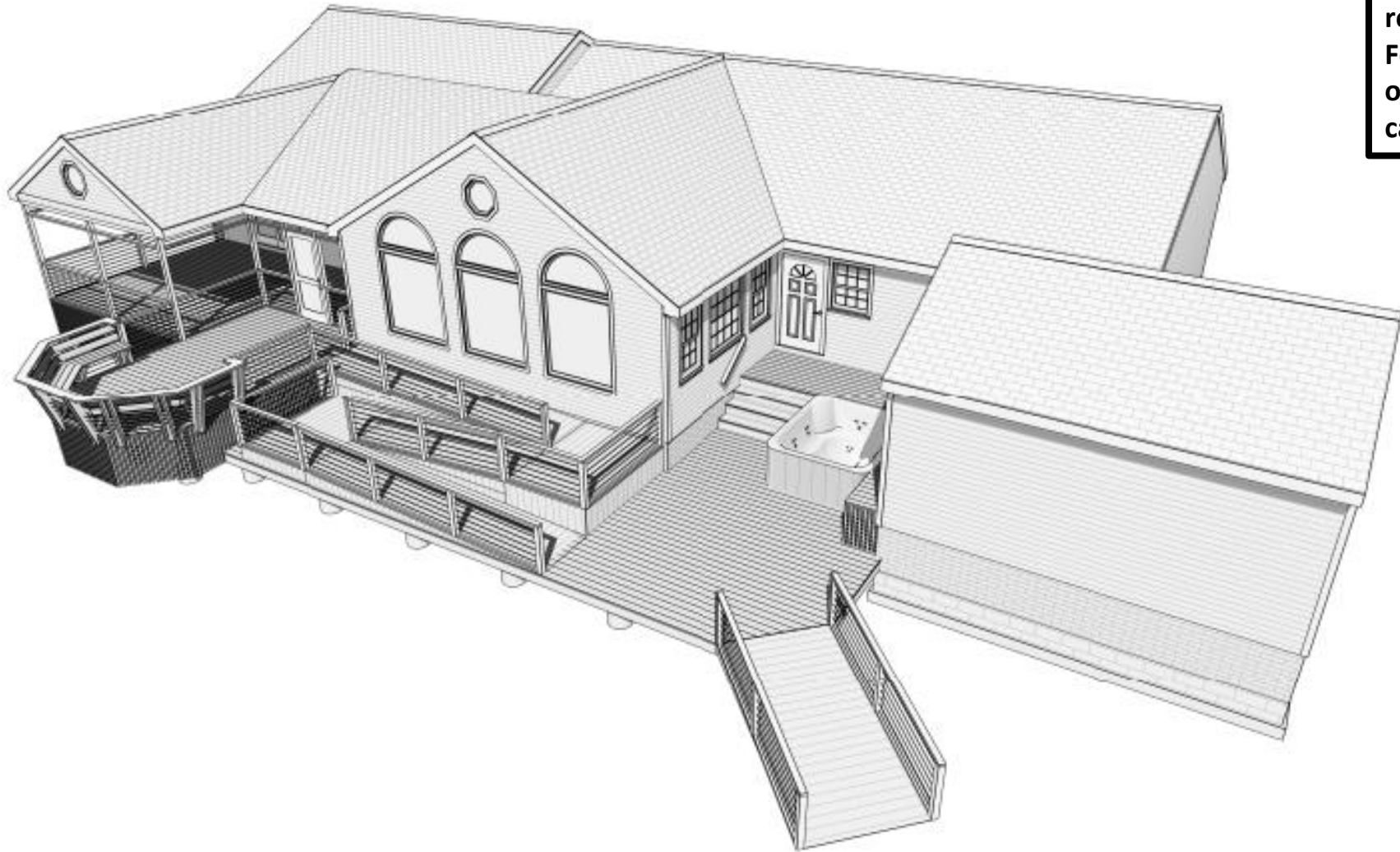
**Floodplain
CBPA-20-0009
108 Godspeed**

Resource Protection Area

Site Plan showing proposed improvements, revised January 29, 2020. For representative use only for presentation of case #CBPA-20-0009.

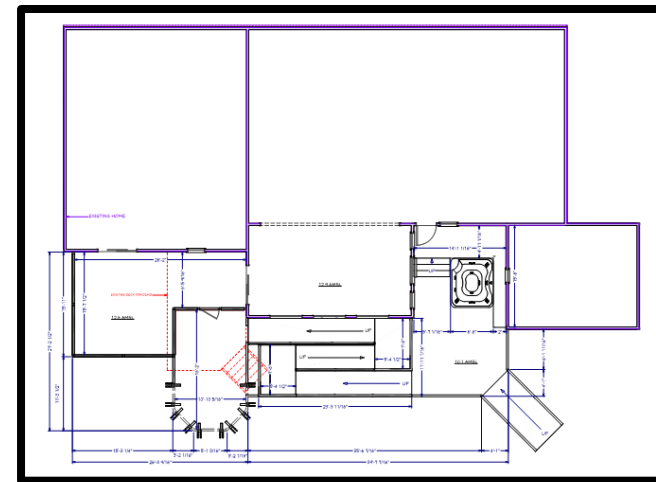


Site Plan - CBPA-20-0009
108 Godspeed

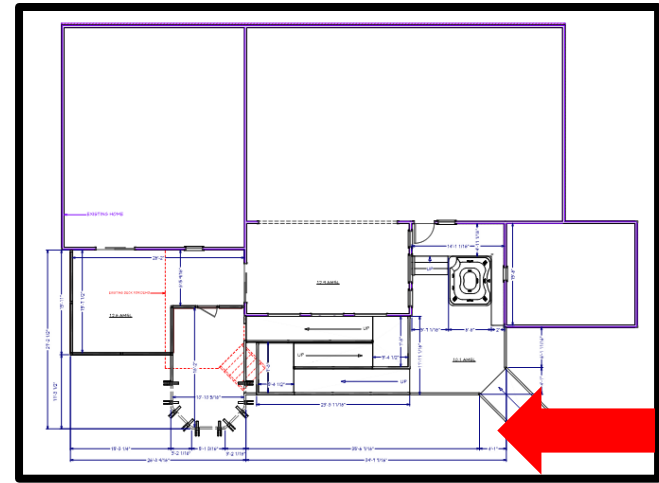


Site Plan showing
proposed improvements,
revised January 29, 2020.
For representative use
only for presentation of
case #CBPA-20-0009.

3D Site Plan - CBPA-20-0009
108 Godspeed



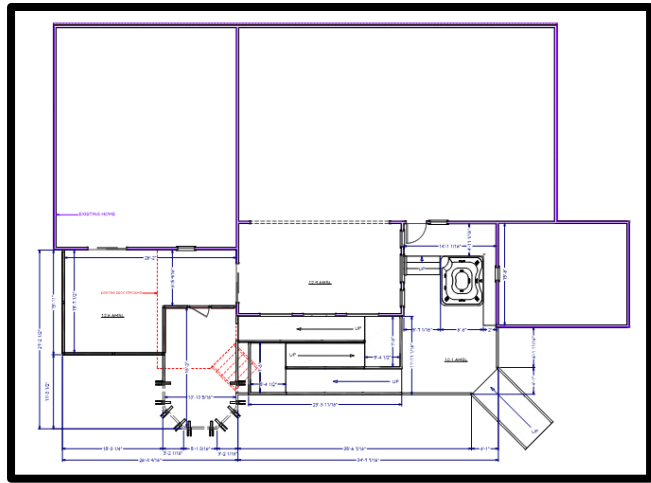
**Site Photograph #1 - CBPA-20-0009
108 Godspeed**



**Site Photograph #2 - CBPA-20-0009
108 Godspeed**

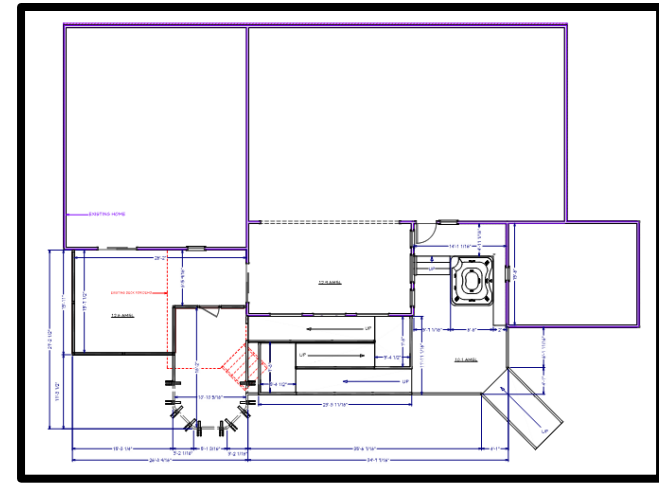


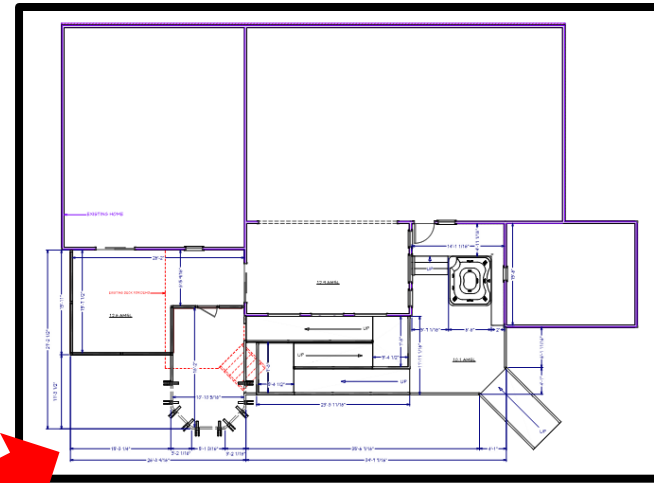
**Site Photograph #3 - CBPA-20-0009
108 Godspeed**





**Site Photograph #4 - CBPA-20-0009
108 Godspeed**





**Site Photograph #5 - CBPA-20-0009
108 Godspeed**

Permit Conditions



Staff Recommendation – Approval

- ✓ All other necessary local, state and federal permits
- ✓ All development activities located in the special flood hazard area shall comply with Article VI, Division 3, Floodplain Area Regulations
- ✓ A surety of \$1,000 to ensure the plantings

Permit Conditions



Staff Recommendation – Approval

- ✓ Mitigation of 2 canopy trees, four understory trees and six shrubs
- ✓ This exception request approval shall become null and void if construction has not begun by May 13, 2021
- ✓ Written requests for extension submitted no later than April 1, 2021



PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA WILL HOLD A PUBLIC HEARING **WEDNESDAY May 13, 2020 AT 5 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:

WJPA 20-0005/VMRC 20-0266: Timothy McLean, on behalf of The Colonial National Historic Park, has applied for a wetlands permit for emergency repairs of the shoreline near the College Creek bridge of the Colonial Parkway, JCC Parcel No. 5610100001.

WJPA 20-0008/VMRC 20-0373: John Wandling, on behalf of the Williamsburg Sailing Foundation, has applied for a wetlands permit for the construction of a floating dock at the Kingsmill Marina at 1010 Kingsmill Road, JCC Parcel No. 5040100002C.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING EXCEPTION REQUESTS FOR ENCROACHMENT INTO THE RPA BUFFER:

CBPA 20-0009: Kevin Whitt of Whitt Corporation, on behalf of David Chin, has filed an exception request for encroachments into the RPA buffer for the construction of a deck and screened porch at 108 Godspeed Lane, in the Powhatan Shores subdivision, JCC Parcel No. 4730500050.

CBPA 20-0011: Curtis Lemley has filed an exception request for encroachments into the RPA buffer for the construction of a home expansion at 204 Riverview Plantation Drive, in the Riverview Plantation subdivision, JCC Parcel No. 1640600029.

CBPA 20-0027: Mathew Roth of Roth Environmental, on behalf of Song Kuk and Hi-Sung Lim Kang, has filed an exception request for encroachments into the RPA buffer for the construction of a retaining wall and patio at 2 Staples Road, in the Kingsmill subdivision, JCC Parcel No. 5021100046.

CBPA 20-0028: Edward Podish of Edward Podish Custom Builder, on behalf of Amber Martens, has filed an exception request for encroachments into the RPA buffer for the construction of a retaining wall at 105 Abigail Lane, in the Kingsmill subdivision, JCC Parcel No. 5030400083.

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

All interested parties are invited to attend the meetings. There is also a call-in option for the

public hearings. To participate, call 757-253-6772 to record a comment that will be played during the meeting. Recorded comments must be submitted no later than noon on the day of the meeting. Please give your name and address for the public record and limit comments to five minutes or less. Questions? Call 757-253-6823.

The applications and plans are on file and may be viewed during normal office hours in the Stormwater and Resource Protection Division, 101-E Mounts Bay Road, James City County, Virginia.

NOT FOR PUBLICATION

DISPLAY: WEDNESDAY – April 29 and May 6, 2020.
ACCOUNT NO.: 0011350200 - VIRGINIA GAZETTE

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



General Services
107 Tewning Road
Williamsburg, VA 23188
P: 757-259-4080
General.Services@jamescitycountyva.gov
jamescitycountyva.gov

Capital Projects
107 Tewning Road
Williamsburg, VA 23188
757-259-4080

Fleet
103 Tewning Road
Williamsburg, VA 23188
757-259-4122

**Stormwater and
Resource Protection**
101-E Mounts Bay Road
Williamsburg, VA 23185
757-253-6670

Facilities & Grounds
113 Tewning Road
Williamsburg, VA 23188
757-259-4080

Solid Waste
1204 Jolly Pond Road
Williamsburg, VA 23188
757-565-0971

April 22, 2020

RE: CBPA-20-0009
108 Godspeed Lane
Deck and Screened Porch

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. Kevin Whitt of Whitt Corporation on behalf of Mr. David R. Chin for encroachment into the Resource Protection Area (RPA) buffer for the construction of a deck and screened porch. The project is located at 108 Godspeed Lane and further identified as JCC Parcel No. 4730500050.

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

The Chesapeake Bay Board will hold an advertised public hearing on **Wednesday, May 13, 2020 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,

Michael D. Woolson

Michael D. Woolson
Chesapeake Bay Board Secretary
757-253-6670
michael.woolson@jamescitycountyva.gov

cc: Whitt Corporation
Attn: Mr. Kevin Whitt

MDW: jep

Mailing List for: CBPA-20-0009– 108 Godspeed Ln – Deck & Screened Porch

Owner: 4730500050

Chin, David R
108 Godspeed Lane
Williamsburg, VA 23185-3108

4730500051

Schmidt, Michael L & Amy T
106 Godspeed Lane
Williamsburg, VA 23185-3108

4730500049

Hull, Carol W
110 Godspeed Lane
Williamsburg, VA 23185-3108

4730500029

Hilstrom, Charles & Sharyn
105 Godspeed Lane
Williamsburg, VA 23185-3171

4730500059

Hill, Geoffrey R.
109 Lands End Drive
Williamsburg, VA 23185-3125

Contractor:

Whitt Corporation
Attn: Mr. Kevin M. Whitt
4854 Longhill Road, Suite 11
Williamsburg, VA 23188-1520

4730500030

Pruitt, James S & Jessica S
107 Godspeed Lane
Williamsburg, VA 23185-3171

4730500058

Heyn, C Herman, Trustee & Helen M,
Trustee
107 Lands End Drive
Williamsburg, VA 23185-3125

4730500060

Rovelli, Ronald P & Sandra J
111 Lands End Drive
Williamsburg, VA 23185-3125

ITEM SUMMARY

DATE: 5/13/2020
TO: Chesapeake Bay Board
FROM: Michael Woolson, Senior Watershed Planner
SUBJECT: Case No. CBPA-20-0011 : 204 Riverview Plantation Drive

Curtis Lemley has filed an exception request for encroachments into the RPA buffer for the construction of a home expansion at 204 Riverview Plantation Drive, in the Riverview Plantation subdivision, JCC Parcel No. 1640600029.

ATTACHMENTS:

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution	Resolution
☐	Presentation	Presentation
☐	Site Plan	Backup Material
☐	Public Advertisement	Backup Material
☐	APO Letter	Backup Material
☐	APO Mailing List	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Small, Toni	Approved	5/5/2020 - 3:10 PM
Chesapeake Bay Group	Small, Toni	Approved	5/5/2020 - 3:11 PM
Publication Management	Daniel, Martha	Approved	5/5/2020 - 3:25 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	5/12/2020 - 8:58 AM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA 20-0011. 204 Riverview Plantation Drive
Staff Report for the May 13, 2020, Chesapeake Bay Board Public Hearing**

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.

EXISTING SITE DATA AND INFORMATION

Applicant: Mr. Curtis Lemley

Agent: None

Location: 204 Riverview Plantation Drive

Parcel Identification No.: 1640600029

Parcel: Lot 29, Section 3, B-D Riverview

Lot Size: 0.47 acres

Area of Lot in Resource Protection Area (RPA): 0.26 acres +/- (55%)

Watershed: Skimino Creek (HUC YO 65)

Floodplain: None affecting this property

Proposed Activity: Expansion of an existing bathroom

Impervious Cover: 228 square feet - Landward 50-foot RPA

RPA Encroachment: 228 square feet

Mitigation Proposal: One canopy tree and three shrubs

Surety Required: Yes; \$250

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

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Curtis Lemley has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the expansion of a bathroom on property located at 204 Riverview Plantation Drive within the Riverview Plantation subdivision and the Skimino Creek watershed. The property is further identified as James City County Tax Map Parcel No. 1640600029. The parcel was platted in 1963, prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The total lot size of this property is 0.47 acres, of which 55% is located within the RPA. The applicant is proposing to expand a bathroom on a currently existing single-family dwelling located on the property. The expansion equals a total of 228 square feet of additional impervious surface. Required mitigation for this amount of impervious surface within the RPA is one canopy tree and three shrubs. A mitigation surety will be required in the amount of \$250 in a form acceptable to the James City County Attorney's Office to guarantee the planting mitigation.

STAFF EVALUATION

Staff has evaluated the application and exception request for the bathroom expansion. This application meets the Ordinance conditions in Sections 23-11 and 23-14 and should be heard by the Board because the construction expands on a currently existing structure and encroaches further into the RPA.

CONSIDERATION BY THE CHESAPEAKE BAY BOARD

The Board may grant exceptions to Section 23-7 if the application meets the following five conditions:

1. The exception request is the minimum necessary to afford relief; and
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; and
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; and
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; and
5. Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality.

STAFF RECOMMENDATIONS

Staff's view of this application is that it does meet all five of the conditions as presented above and recommends approval of this exception request. Should the Board also find that the exception request meets all five of the conditions above, staff suggests 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. The planting of one canopy tree and three shrubs; and
3. A surety of \$250 in place prior to the commencement of work, in a form acceptable to the James City County Attorney's Office; and
4. This exception request approval shall become null and void if construction has not begun by May 13, 2021; and
5. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than April 1, 2021, six weeks prior to the expiration date.

MDW/nb
CBPA20-11-204RvrVwPIDr

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA 20-0011. 204 RIVERVIEW PLANTATION ROAD

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Curtis Lemley (the “Applicant”) has applied to the Chesapeake Bay Board of James City County (the “Board”) on May 13, 2020, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property identified as James City County Real Estate Tax Map Parcel No. 1640600029 and further identified as 204 Riverview Plantation Drive (the “Property”) as set forth in the application CBPA 20-0011 for the purpose of constructing a bathroom expansion; 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. The planting of one canopy tree and three shrubs; and
 - c. A surety of \$250 in place prior to the commencement of work, in a form acceptable to the James City County Attorney’s Office; and

- d. This exception request approval shall become null and void if construction has not begun by May 13, 2021; and
- e. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than April 1, 2021, six weeks prior to the expiration date.

David Gussman
Chair, Chesapeake Bay Board

Michael D. Woolson
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 13th day of May, 2020.

CBPA20-11-204RvrVwPIDr-res



Chesapeake Bay Board of James City County, Virginia

May 13, 2020

CBPA 20-0011

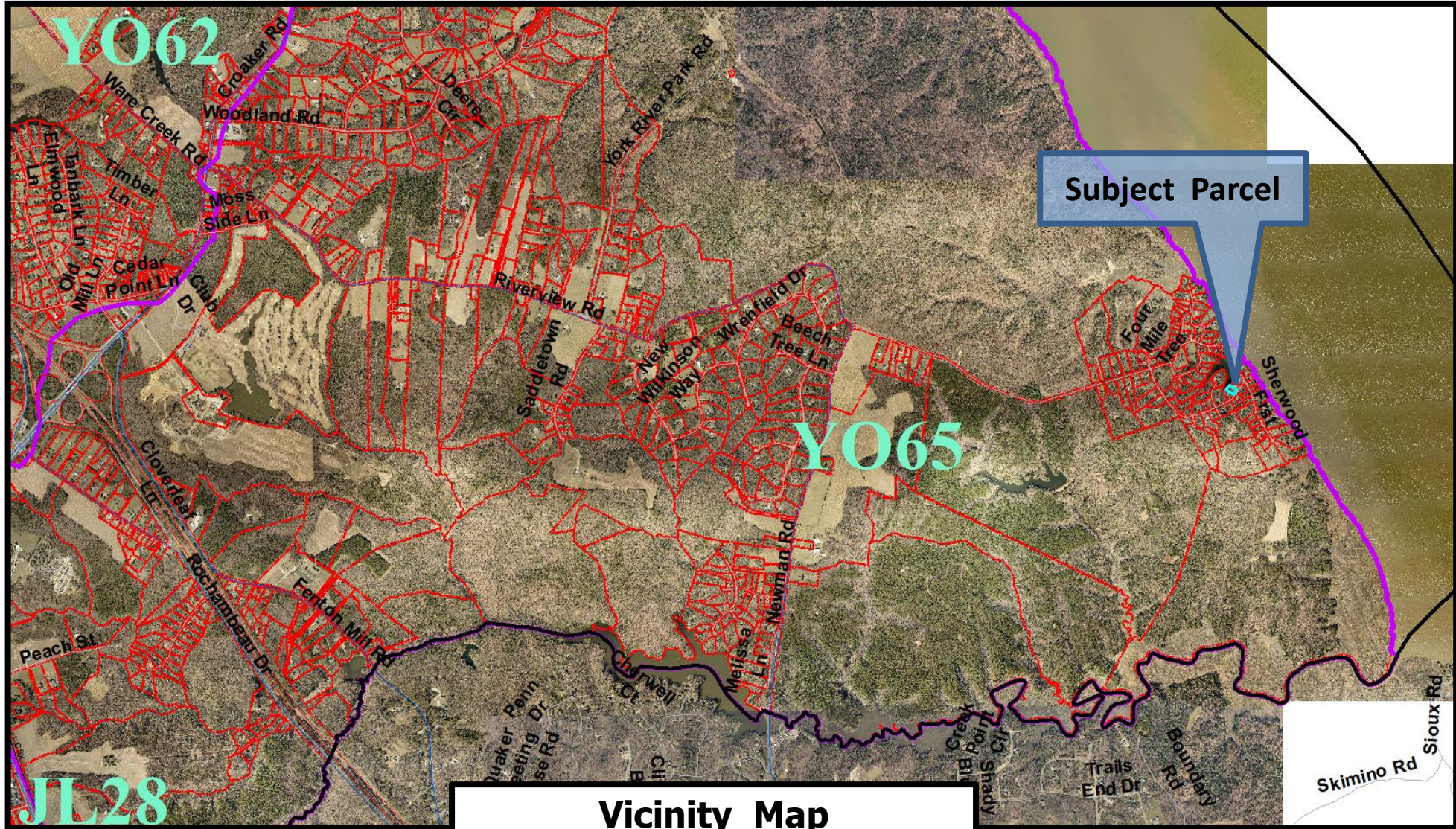
Curtis Lemley

204 Riverview Drive



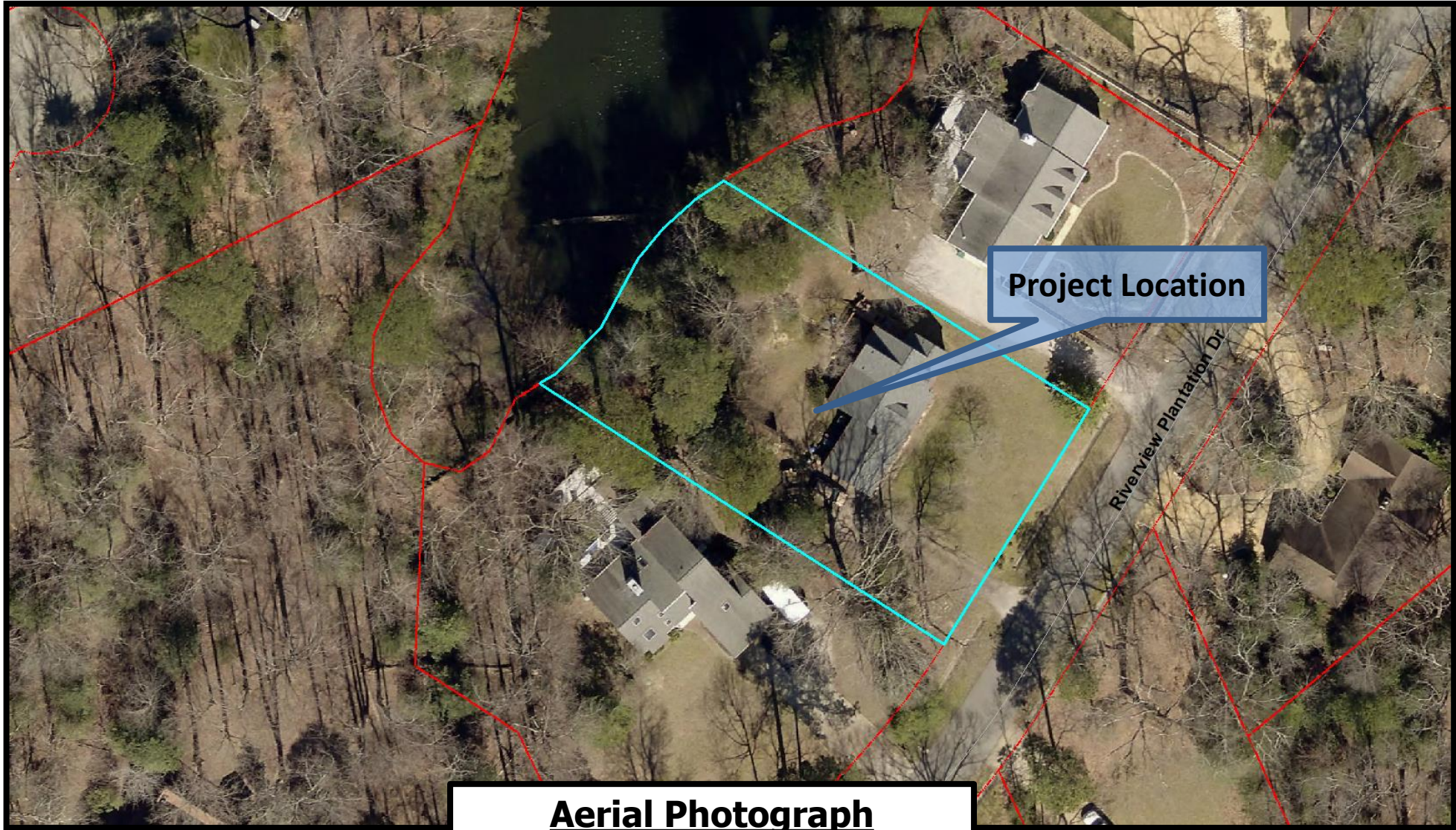
Applicant Request

- ✓ Expansion of a bathroom.

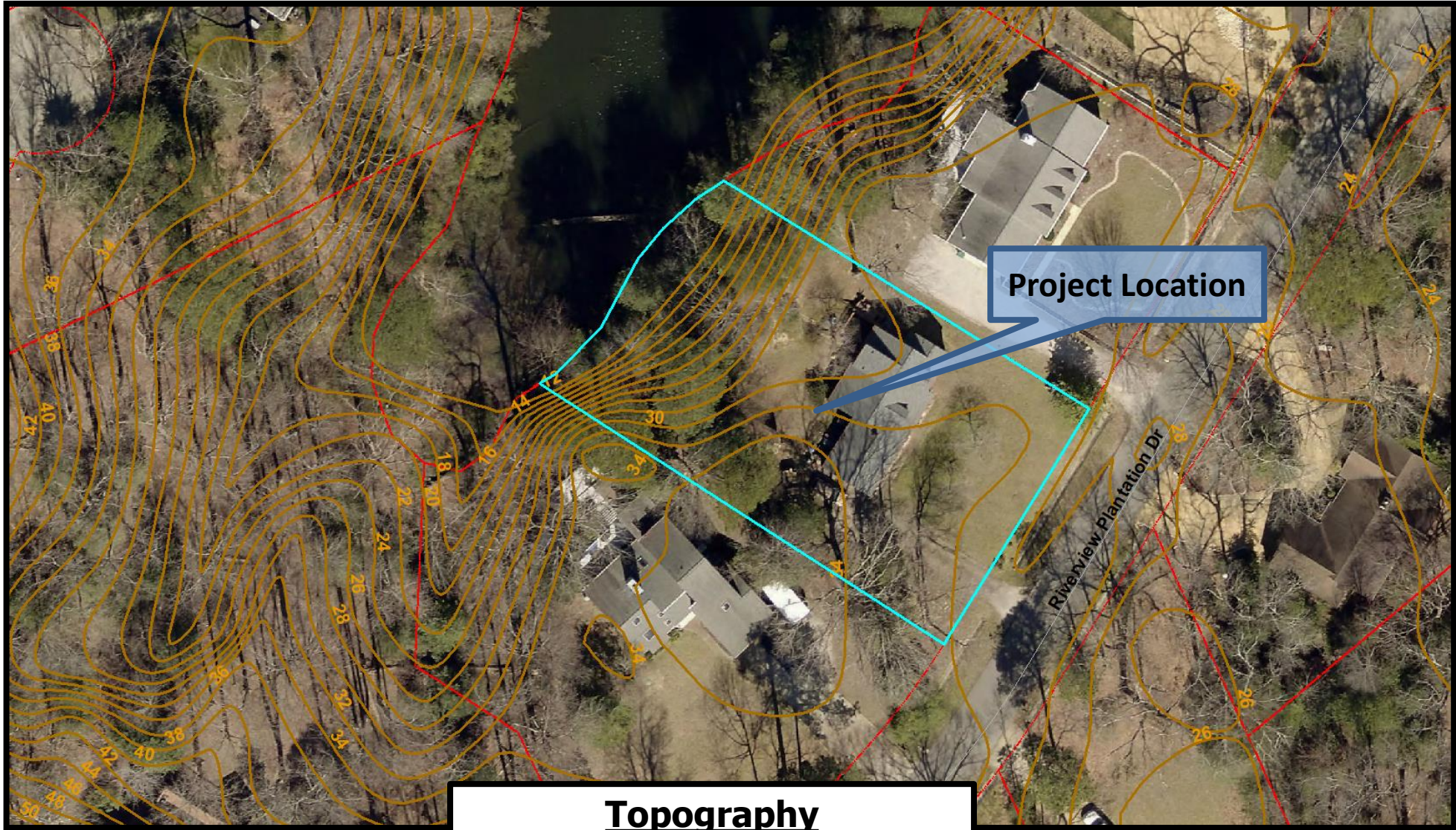


Subject Parcel

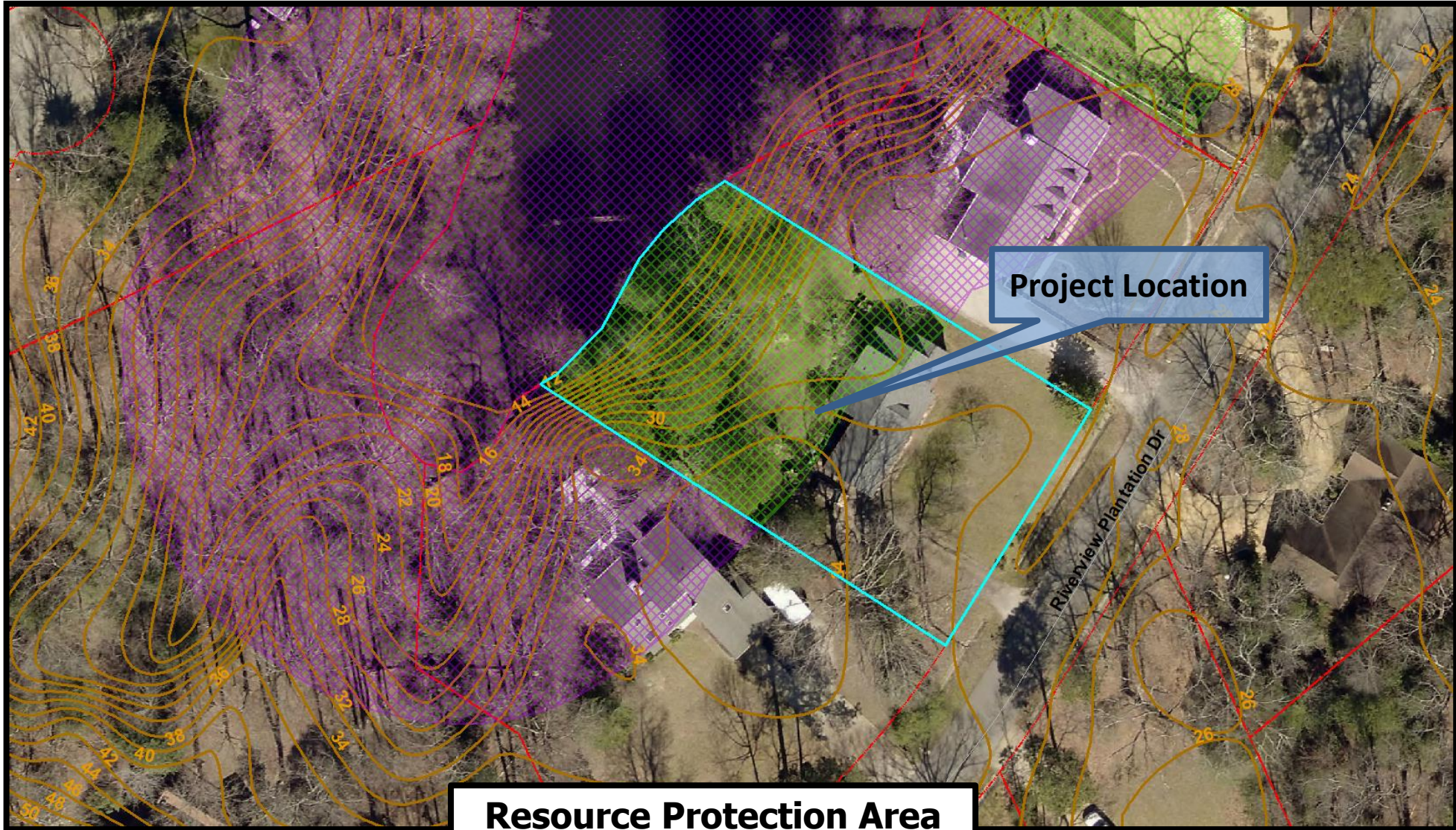
Vicinity Map
CBPA-20-0011
204 Riverview Plantation
Drive



Aerial Photograph
CBPA-20-0011
204 Riverview Plantation
Drive

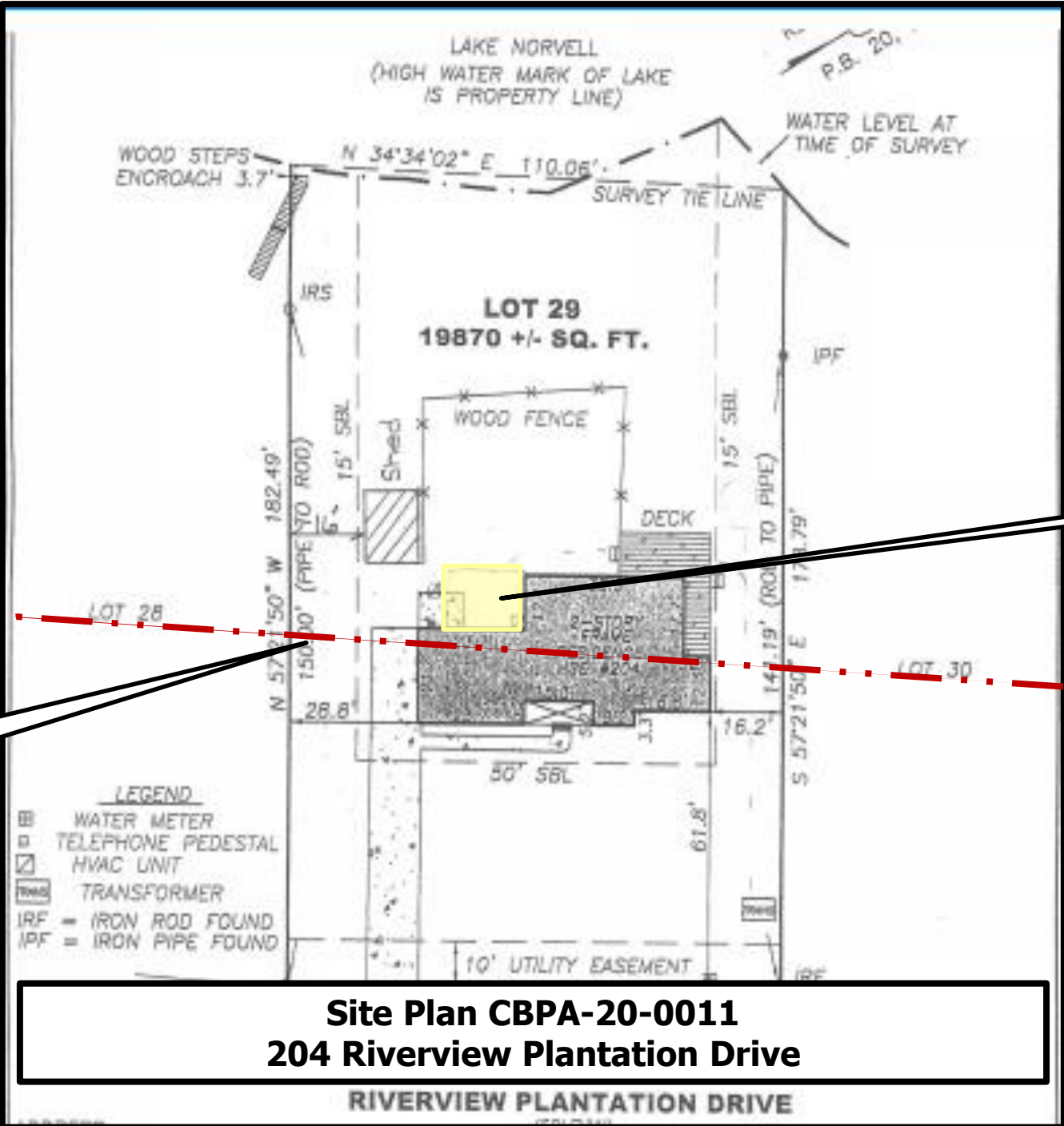


Topography
CBPA-20-0011
204 Riverview Plantation
Drive



**Resource Protection Area
CBPA-20-0011
204 Riverview Plantation
Drive**

Site Plan showing proposed improvements, revised January 29, 2020. For representative use only for presentation of case #CBPA-20-0011.



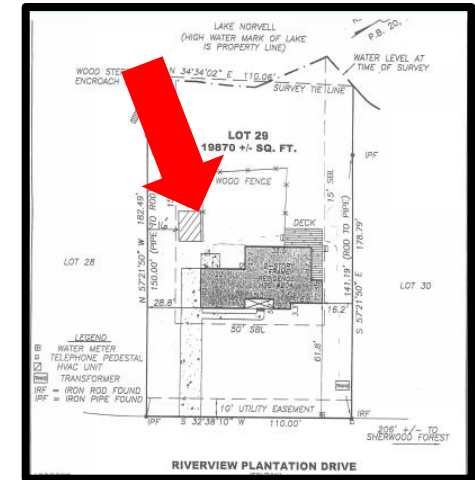
Resource Protection Area

Room Addition

Site Plan CBPA-20-0011
204 Riverview Plantation Drive

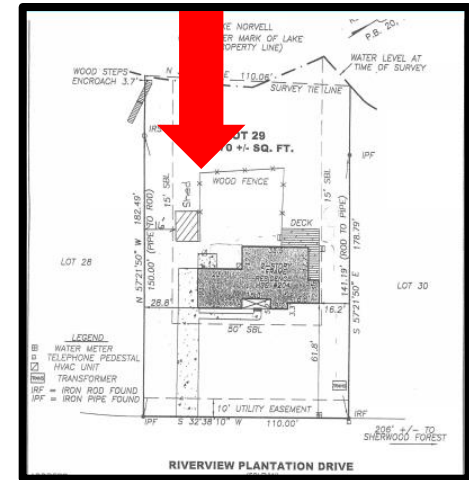


**Site Photograph #1 - CBPA-20-0011
204 Riverview Plantation Drive**



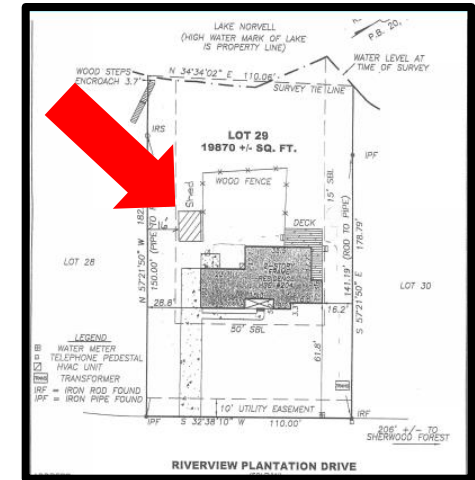


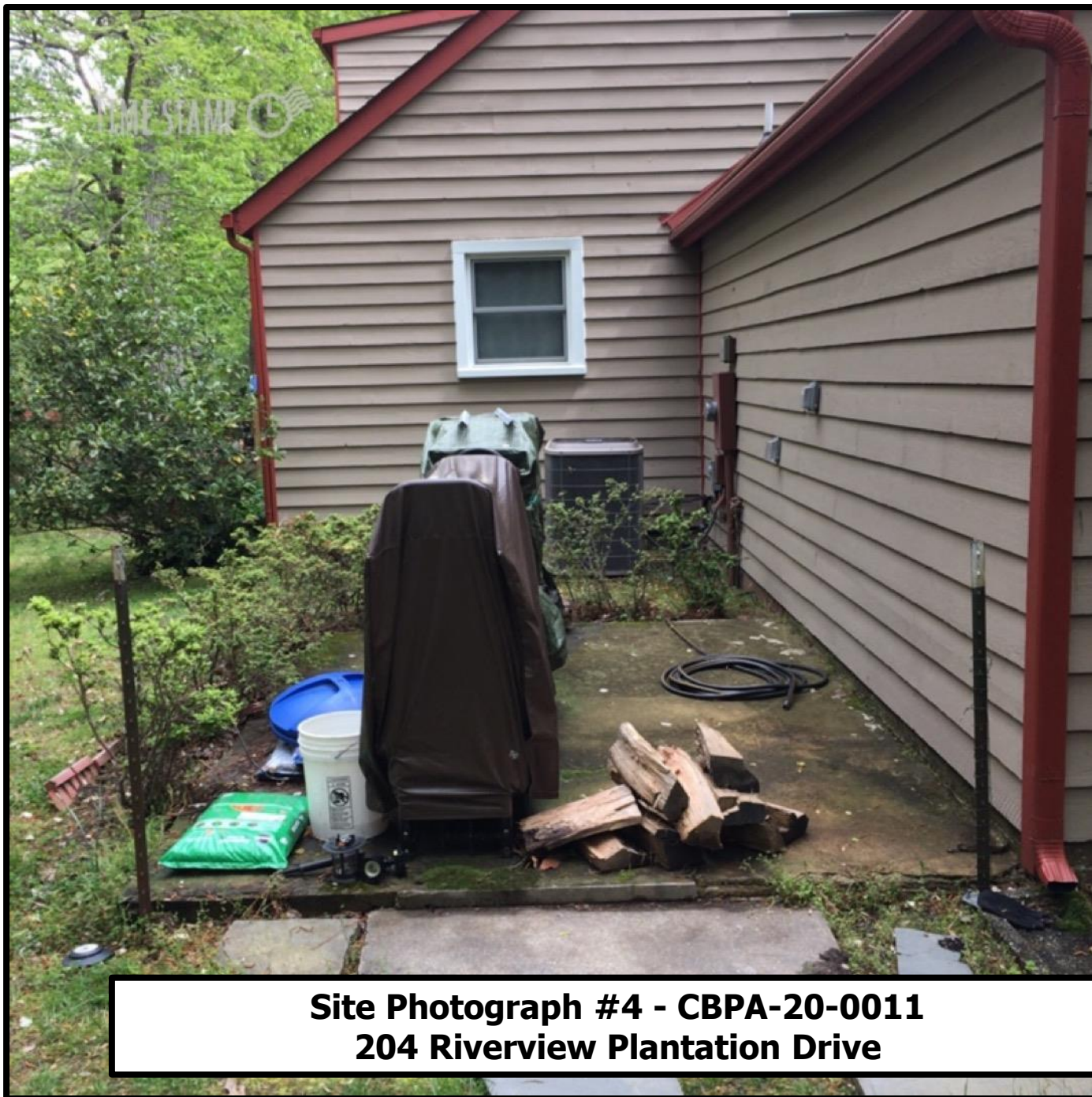
**Site Photograph #2 - CBPA-20-0011
204 Riverview Plantation Drive**



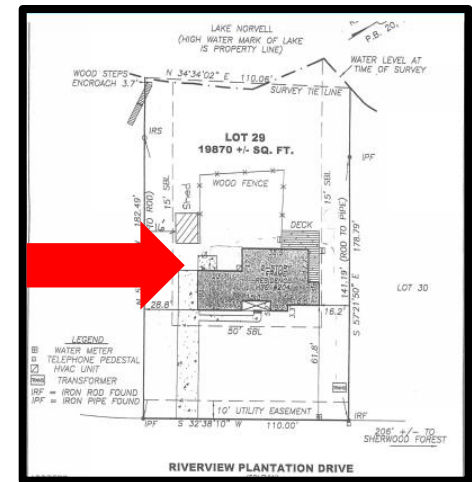


**Site Photograph #3 - CBPA-20-0011
204 Riverview Plantation Drive**





**Site Photograph #4 - CBPA-20-0011
204 Riverview Plantation Drive**



Permit Conditions



Staff Recommendation – Approval

- ✓ All other necessary local, state and federal permits
- ✓ Planting of one canopy tree and three shrubs
- ✓ A surety of \$250 to ensure the plantings

Permit Conditions



Staff Recommendation – Approval

- ✓ This exception request approval shall become null and void if construction has not begun by May 13, 2021
- ✓ Written requests for extension submitted no later than April 1, 2021

LAKE NORVELL
(HIGH WATER MARK OF LAKE
IS PROPERTY LINE)

P.B. 20

WATER LEVEL AT
TIME OF SURVEY

WOOD STEPS
ENCROACH 3.7'

N 34°34'02" E 110.06'

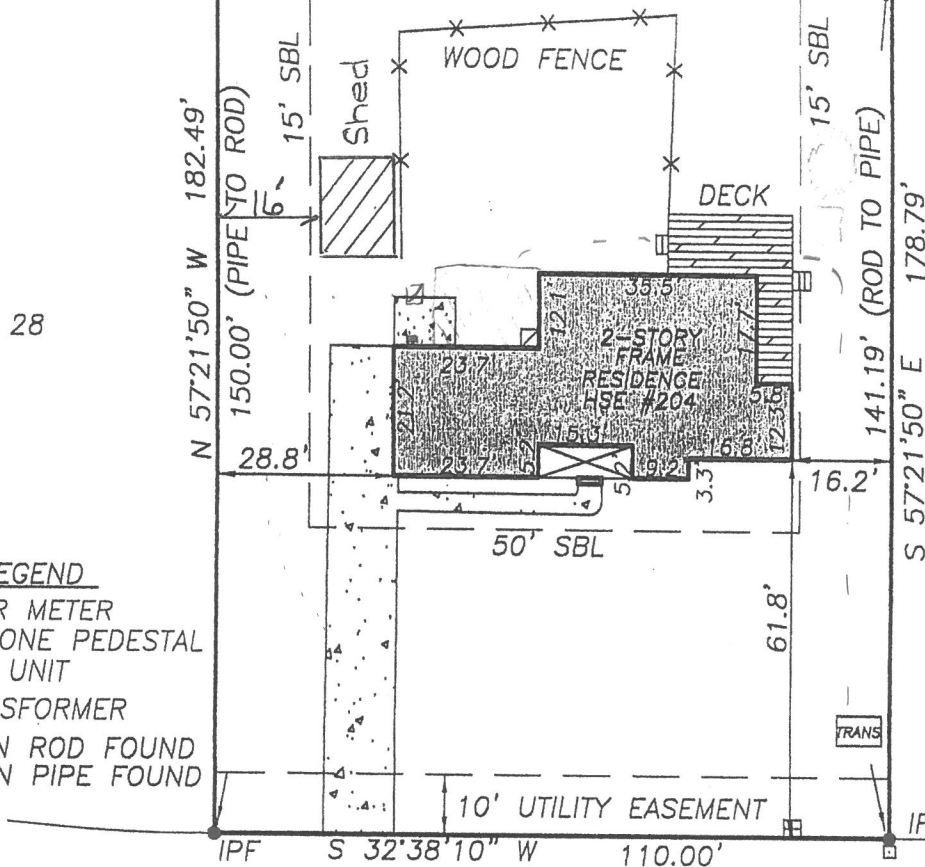
SURVEY TIE LINE

LOT 29
19870 +/- SQ. FT.

LOT 28

LOT 30

- LEGEND**
- ⊞ WATER METER
 - TELEPHONE PEDESTAL
 - ▣ HVAC UNIT
 - TRANS TRANSFORMER
 - IRF = IRON ROD FOUND
 - IPF = IRON PIPE FOUND



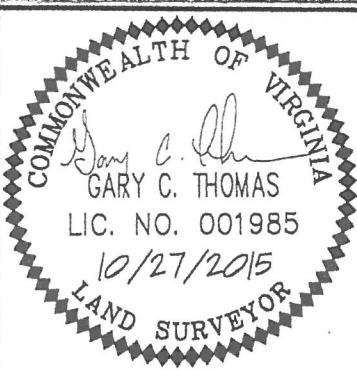
206' +/- TO
SHERWOOD FOREST

RIVERVIEW PLANTATION DRIVE

(50' R/W)

ADDRESS:

204 RIVERVIEW PLANTATION DRIVE
JAMES CITY COUNTY, VIRGINIA



REFERENCES:
P.B. 20 PG. 37

PHYSICAL SURVEY OF LOT 29, SECTION 3 BLOCK D
RIVERVIEW PLANTATION
For:
CURTIS G. & SONIA LEMLEY
JAMES CITY COUNTY VIRGINIA

DATE: 10/27/15
SCALE: 1"=30'
JOB# 15-570
CAD File
15-570.dwg

LandTech Resources, Inc.
Surveying • GPS • Engineering
3925 Midlands Road, Williamsburg, Virginia 23188
Telephone: 757-565-1677 Fax: 757-565-0782
Web: landtechresources.com



PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA WILL HOLD A PUBLIC HEARING **WEDNESDAY May 13, 2020 AT 5 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:

WJPA 20-0005/VMRC 20-0266: Timothy McLean, on behalf of The Colonial National Historic Park, has applied for a wetlands permit for emergency repairs of the shoreline near the College Creek bridge of the Colonial Parkway, JCC Parcel No. 5610100001.

WJPA 20-0008/VMRC 20-0373: John Wandling, on behalf of the Williamsburg Sailing Foundation, has applied for a wetlands permit for the construction of a floating dock at the Kingsmill Marina at 1010 Kingsmill Road, JCC Parcel No. 5040100002C.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING EXCEPTION REQUESTS FOR ENCROACHMENT INTO THE RPA BUFFER:

CBPA 20-0009: Kevin Whitt of Whitt Corporation, on behalf of David Chin, has filed an exception request for encroachments into the RPA buffer for the construction of a deck and screened porch at 108 Godspeed Lane, in the Powhatan Shores subdivision, JCC Parcel No. 4730500050.

CBPA 20-0011: Curtis Lemley has filed an exception request for encroachments into the RPA buffer for the construction of a home expansion at 204 Riverview Plantation Drive, in the Riverview Plantation subdivision, JCC Parcel No. 1640600029.

CBPA 20-0027: Mathew Roth of Roth Environmental, on behalf of Song Kuk and Hi-Sung Lim Kang, has filed an exception request for encroachments into the RPA buffer for the construction of a retaining wall and patio at 2 Staples Road, in the Kingsmill subdivision, JCC Parcel No. 5021100046.

CBPA 20-0028: Edward Podish of Edward Podish Custom Builder, on behalf of Amber Martens, has filed an exception request for encroachments into the RPA buffer for the construction of a retaining wall at 105 Abigail Lane, in the Kingsmill subdivision, JCC Parcel No. 5030400083.

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

All interested parties are invited to attend the meetings. There is also a call-in option for the

public hearings. To participate, call 757-253-6772 to record a comment that will be played during the meeting. Recorded comments must be submitted no later than noon on the day of the meeting. Please give your name and address for the public record and limit comments to five minutes or less. Questions? Call 757-253-6823.

The applications and plans are on file and may be viewed during normal office hours in the Stormwater and Resource Protection Division, 101-E Mounts Bay Road, James City County, Virginia.

NOT FOR PUBLICATION

DISPLAY: WEDNESDAY – April 29 and May 6, 2020.
ACCOUNT NO.: 0011350200 - VIRGINIA GAZETTE

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



General Services
107 Tewning Road
Williamsburg, VA 23188
P: 757-259-4080
General.Services@jamescitycountyva.gov
jamescitycountyva.gov

Capital Projects
107 Tewning Road
Williamsburg, VA 23188
757-259-4080

Fleet
103 Tewning Road
Williamsburg, VA 23188
757-259-4122

**Stormwater and
Resource Protection**
101-E Mounts Bay Road
Williamsburg, VA 23185
757-253-6670

Facilities & Grounds
113 Tewning Road
Williamsburg, VA 23188
757-259-4080

Solid Waste
1204 Jolly Pond Road
Williamsburg, VA 23188
757-565-0971

April 22, 2020

RE: CBPA-20-0011
204 Riverview Plantation Drive
Bathroom Expansion

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. Curtis G Lemley and Mrs. Sonia Lemley for encroachment into the Resource Protection Area (RPA) buffer for the construction of a bathroom expansion. The project is located at 204 Riverview Plantation Drive and further identified as JCC Parcel No. 1640600029.

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

The Chesapeake Bay Board will hold an advertised public hearing on **Wednesday, May 13, 2020 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,

Michael D. Woolson

Michael D. Woolson
Chesapeake Bay Board Secretary
757-253-6670
michael.woolson@jamescitycountyva.gov

cc:

MDW: jep

Mailing List for: CBPA-20-0011– 204 Riverview Plantation Drive – Home Expansion

Owner: 1640600029

Lemley, Curtis G & Sonia
204 Riverview Plantation Drive
Williamsburg, VA 23188-6820

1640600028

Jennings, L C, Jr. & Katharine W
206 Riverview Plantation Drive
Williamsburg, VA 23188-6820

1640600030

Kramer, Rolf B, Trustee
202 Riverview Plantation Drive
Williamsburg, VA 23188-6820

1640800004

Thomas, Carlin W, Jr. & Elizabeth A
205 Riverview Plantation Drive
Williamsburg, VA 23188-6822

1640800005

Dacier, Brian J, Trustee & McNelly, Nancy
A, Trustee
203 Riverview Plantation Drive
Williamsburg, VA 23188-6822

1640800006

Houston, Julia Faye
201 Riverview Plantation Drive
Williamsburg, VA 23188-6822

1640600023

McClure, Linda P
106 Shirley Drive
Williamsburg, VA 23188-6840

1640600025

Elliott, Barbara A
104 Shirley Drive
Williamsburg, VA 23188-6840

ITEM SUMMARY

DATE: 5/13/2020
TO: Chesapeake Bay Board
FROM: Michael Woolson, Senior Watershed Planner
SUBJECT: Case No. CBPA 20-0027 : 2 Staples Road

Song Kuk and Hi-Sung Lim Kang have filed an exception request for encroachments into the RPA buffer for the construction of a retaining wall and patio at 2 Staples Road, in the Kingsmill subdivision, JCC Parcel No. 5021100046

ATTACHMENTS:

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution	Resolution
☐	Presentation	Presentation
☐	Site Plan	Backup Material
☐	Demolition Plan	Backup Material
☐	WQIA	Backup Material
☐	Public Advertisement	Backup Material
☐	APO Letter	Backup Material
☐	APO Mailing List	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	5/6/2020 - 10:21 AM
Chesapeake Bay Group	Small, Toni	Approved	5/7/2020 - 11:24 AM
Publication Management	Burcham, Nan	Approved	5/7/2020 - 11:29 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	5/10/2020 - 2:27 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA 20-0027. 2 Staples Road
Staff Report for the May 13, 2020, Chesapeake Bay Board Public Hearing**

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.

EXISTING SITE DATA AND INFORMATION

Applicants: Mr. Song Kuk Kang and Mrs. Hi-Sung Lim Kang
Agent: Mr. Mathew Roth, Roth Environmental, LLC
Location: 2 Staples Road
Parcel Identification No.: 5021100046
Parcel: Hampton Key, Section 1, Lot 46
Lot Size: 0.85 acres
Area of Lot in Resource Protection Area (RPA): 0.61 acres +/- (72%)
Watershed: College Creek (HUC JL 34)
Floodplain: None affecting this property
Proposed Activity: Construction of a retaining wall and patio
Impervious Cover: 210 square feet - Landward 50-foot RPA
50 square feet - Seaward 50-foot RPA
Minus 20 square feet - Seaward 50-foot RPA
RPA Encroachment: 240 square feet
Mitigation Proposal: One canopy tree and three shrubs
Surety Required: Yes; \$250
Staff Contact: Michael D. Woolson, Senior Watershed Planner Phone: 253-6823

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Mathew Roth, Roth Environmental, LLC, has applied for a Chesapeake Bay Exception on behalf of Mr. Song Kuk Kang and Mrs. Hi-Sung Lim Kang for encroachments into the RPA buffer for the construction of a retaining wall and patio on property located at 2 Staples Road within the Kingsmill subdivision and the College Creek watershed. The property is further identified as James City County Tax Map Parcel No. 5021100046. The parcel was platted in 1974, prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The total lot size of this property is 0.85 acres, of which 72% is located within the RPA. The applicants are proposing the construction of a 50-foot retaining wall within the seaward 50-foot RPA in order to address erosion issues that the owners have been experiencing. Additionally, the applicants are proposing the construction of a 210-square-foot patio within the landward 50-foot RPA in order to accommodate a fire pit. Along with the addition of the proposed impervious surfaces, the applicants have agreed to remove 20 square feet of a wooden timber wall that currently surrounds a previous garden area. Total new impacts to the RPA equal 240 square feet. Required mitigation for this amount of impervious surface within the RPA

is the planting of one canopy tree and three shrubs. A mitigation surety will be required in the amount of \$250 in a form acceptable to the James City County Attorney's Office to guarantee the planting mitigation.

STAFF EVALUATION

Staff has evaluated the application and exception request for the construction of a retaining wall and patio. This application meets the Ordinance conditions in Sections 23-11 and 23-14 and should be heard by the Board because the construction of a retaining wall and patio are accessory structures.

CONSIDERATION BY THE CHESAPEAKE BAY BOARD

The Board may grant exceptions to Section 23-7 if the application meets the following five conditions:

1. The exception request is the minimum necessary to afford relief; and
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; and
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; and
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; and
5. Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality.

STAFF RECOMMENDATIONS

Staff's view of this application is that it does meet all five of the conditions as presented above and recommends approval of this exception request. Should the Board also find that the exception request meets all five of the conditions above, staff suggests 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. The planting of one canopy tree and three shrubs; and
3. A surety of \$250 in place prior to the commencement of work, in a form acceptable to the James City County Attorney's Office; and
4. This exception request approval shall become null and void if construction has not begun by May 13, 2021; and
5. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than April 1, 2021, six weeks prior to the expiration date.

MDW/md
CBPA20-27-2StaplesRd

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA 20-0027. 2 STAPLES ROAD

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Song Kuk Kang and Mrs. Hi-Sung Lim Kang (the “Applicants”) have applied to the Chesapeake Bay Board of James City County (the “Board”) on May 13, 2020, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property identified as James City County Real Estate Tax Map Parcel No. 5021100046 and further identified as 2 Staples Road (the “Property”) as set forth in the application CBPA 20-0027 for the purpose of constructing a retaining wall and patio; 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. The planting of one canopy tree and three shrubs; and
 - c. A surety of \$250 in place prior to the commencement of work, in a form acceptable to the James City County Attorney’s Office; and

- d. This exception request approval shall become null and void if construction has not begun by May 13, 2021; and
- e. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than April 1, 2021, six weeks prior to the expiration date.

David Gussman
Chair, Chesapeake Bay Board

Michael D. Woolson
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 13th day of May, 2020.

CBPA20-27.2StaplesRd-res



Chesapeake Bay Board of James City County, Virginia

May 13, 2020

CBPA 20-0027

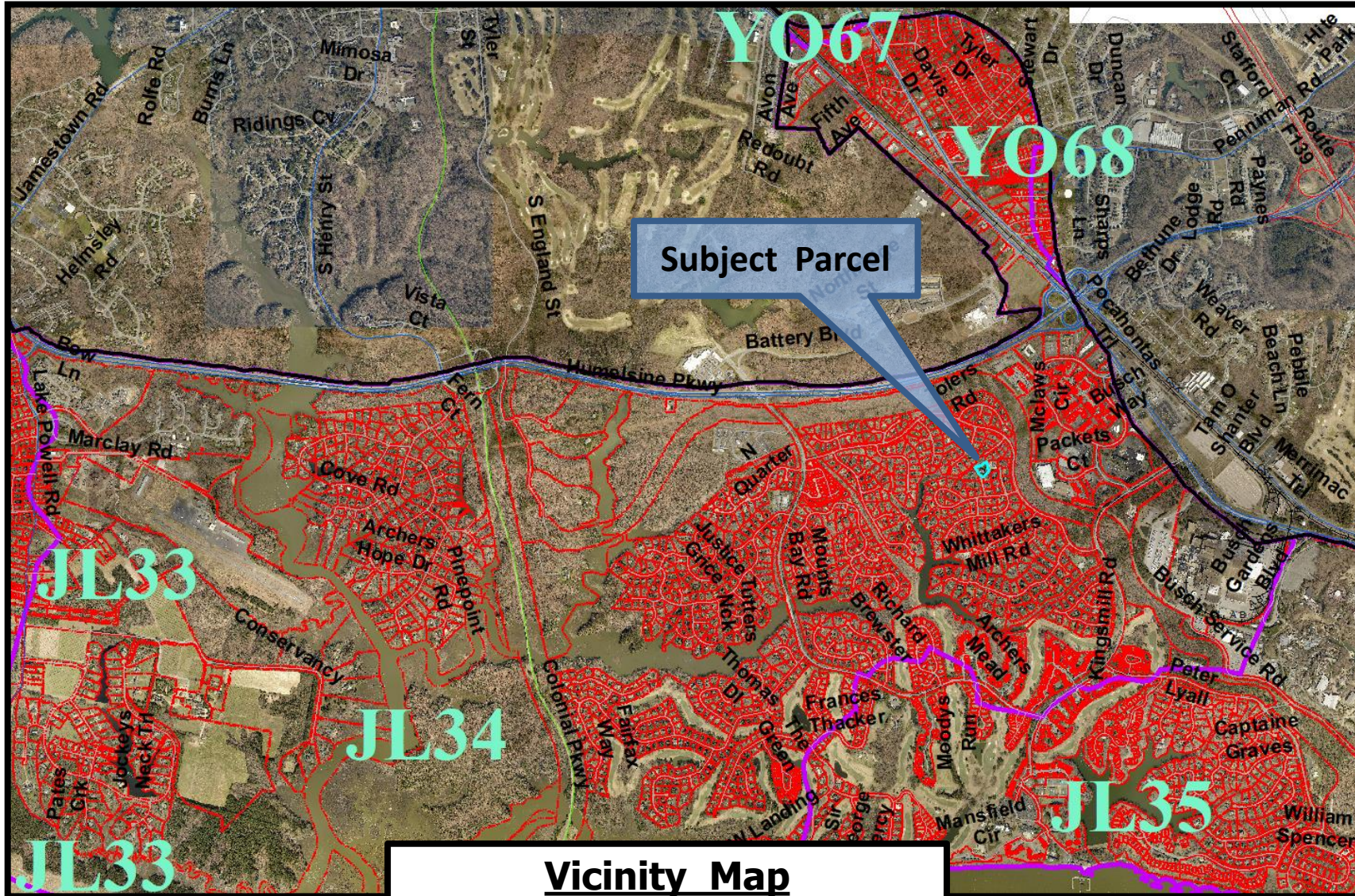
Song Kuk Kang and Hi-Sung Lim Kang

2 Staples Road

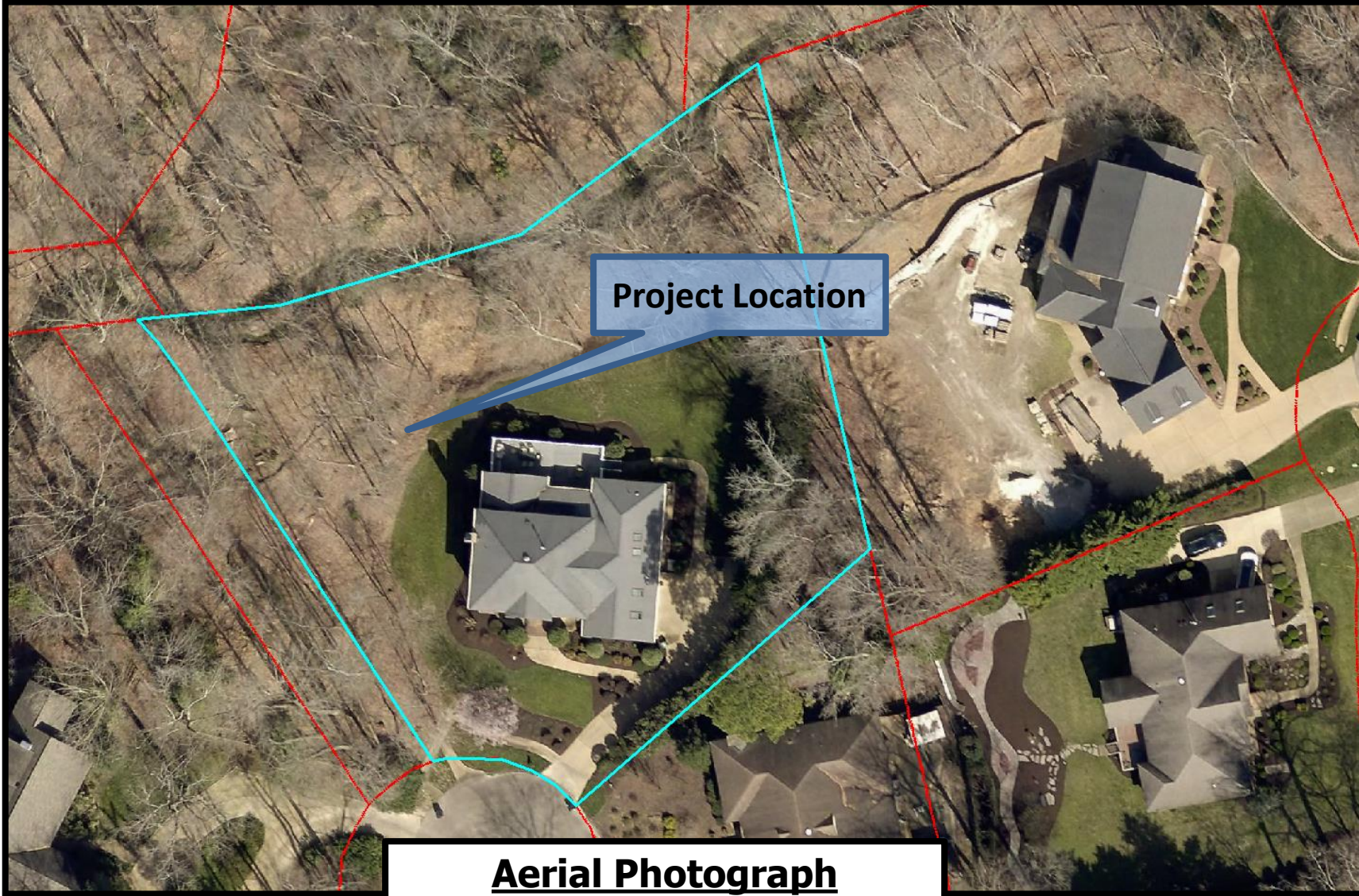


Applicant Request

- ✓ Construct a retaining wall and patio.

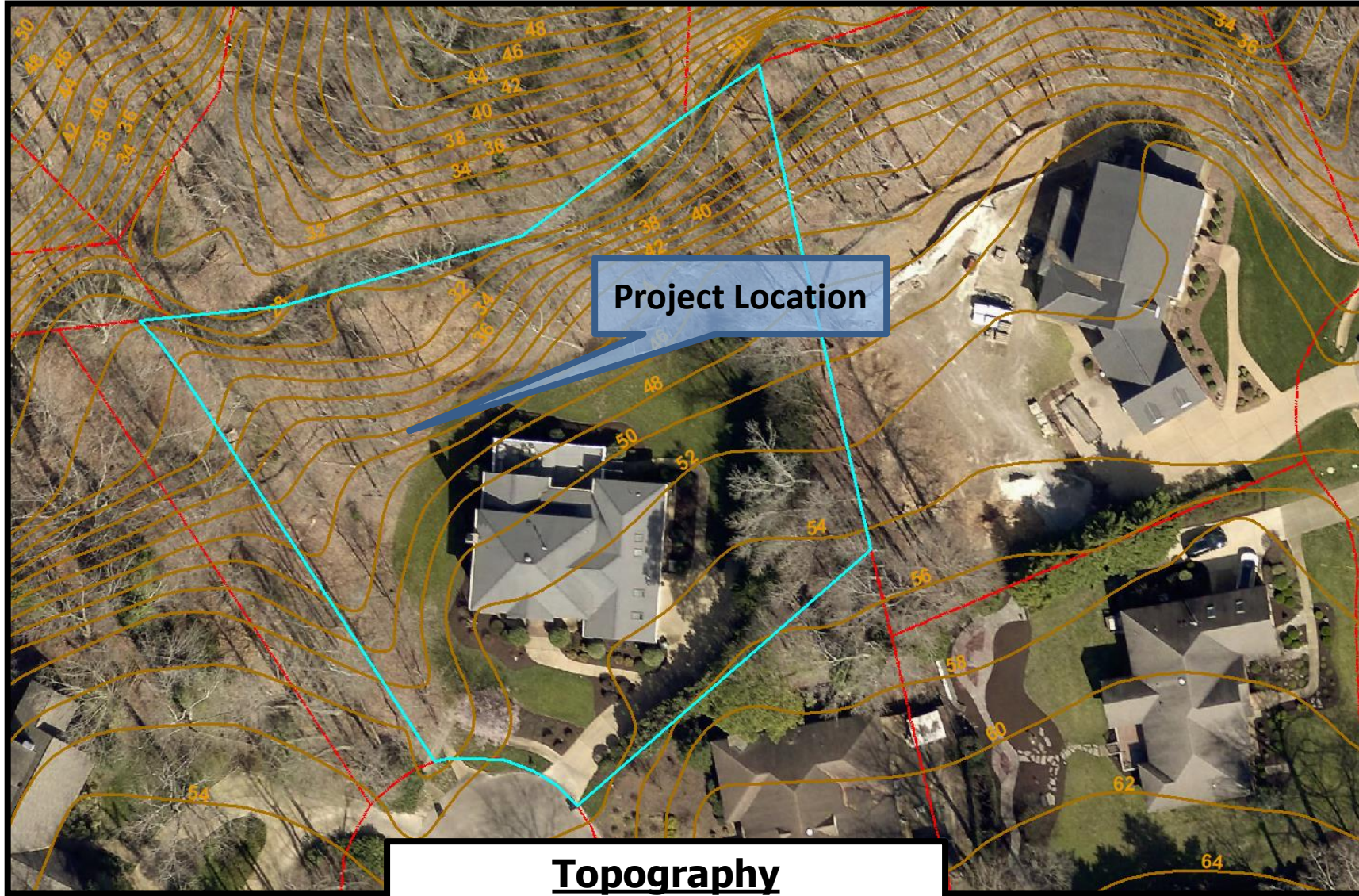


Vicinity Map
CBPA-20-0027
2 Staples Road



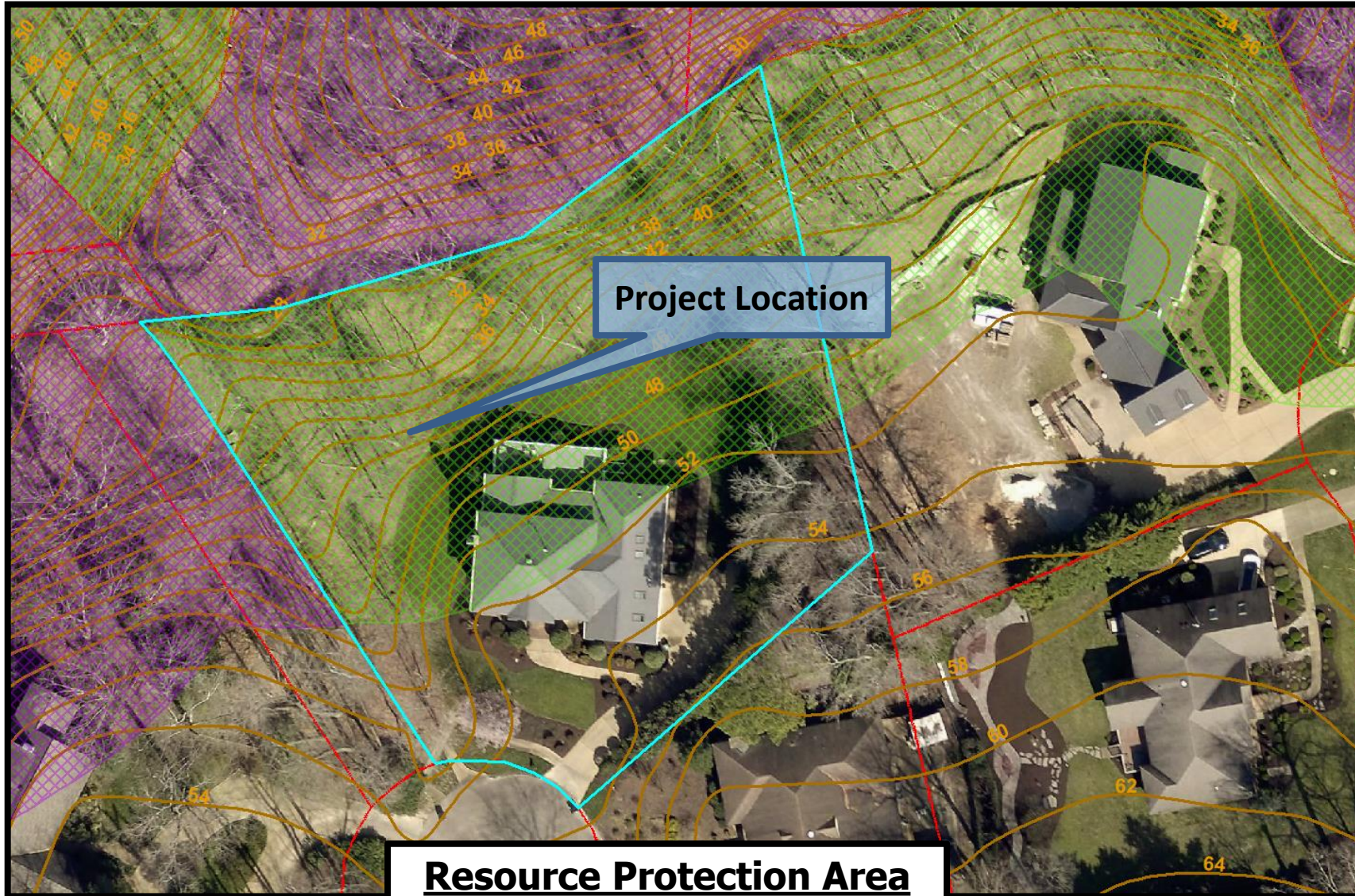
Project Location

Aerial Photograph
CBPA-20-0027
2 Staples Road



Project Location

Topography
CBPA-20-0027
2 Staples Road

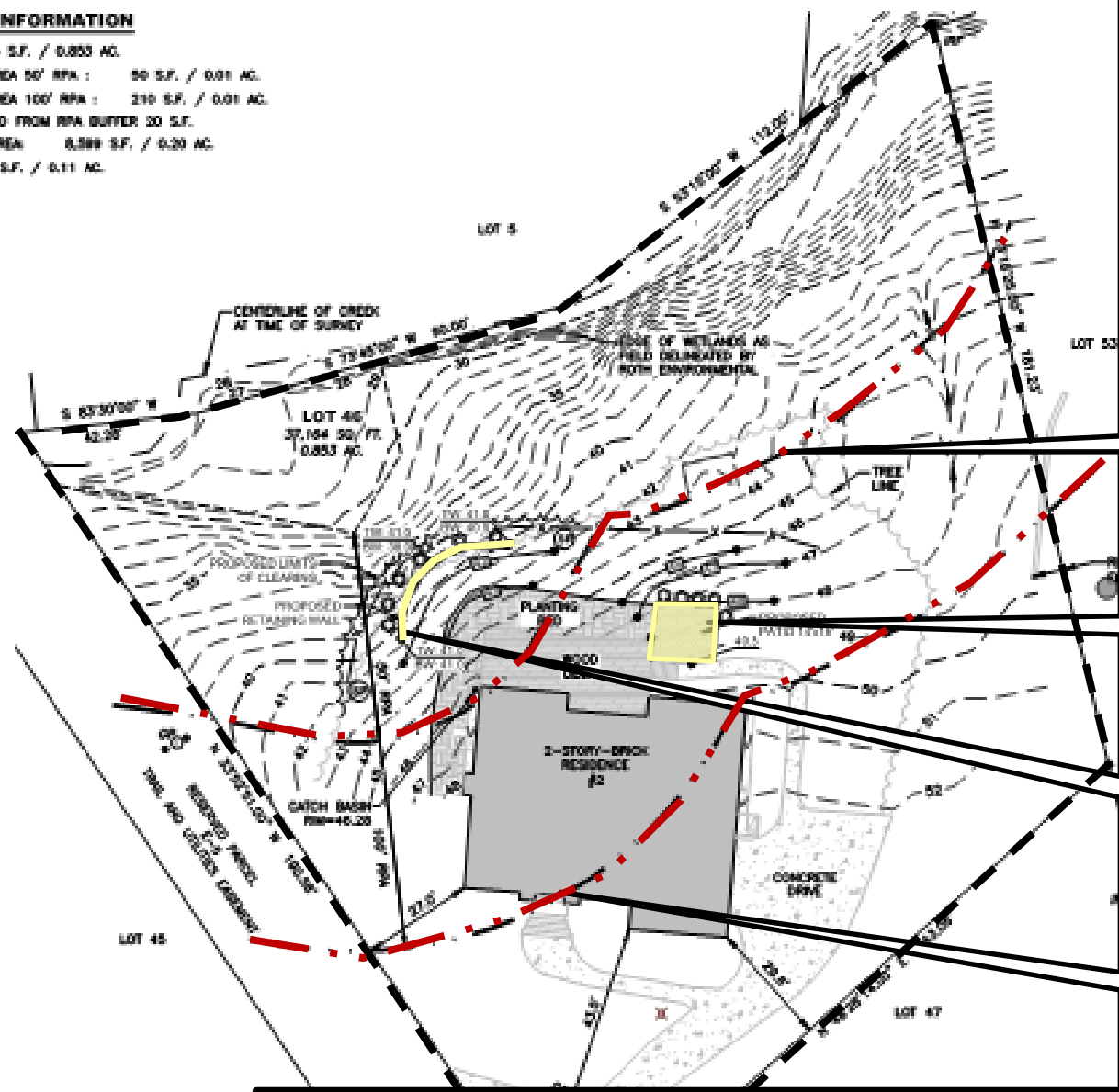


Project Location

Resource Protection Area
CBPA-20-0027
2 Staples Road

PROPOSED SITE INFORMATION

TOTAL AREA: 37,184 S.F. / 0.853 AC.
PROPOSED IMPERVIOUS AREA 50' RPA : 50 S.F. / 0.01 AC.
PROPOSED IMPERVIOUS AREA 100' RPA : 210 S.F. / 0.01 AC.
IMPERVIOUS AREA REMOVED FROM RPA BUFFER 30 S.F.
TOTAL SITE IMPERVIOUS AREA 0.989 S.F. / 0.23 AC.
DISTURBED AREA: 4,833 S.F. / 0.11 AC.



Site Plan showing proposed improvements, submitted April 1, 2020. For representative use only for presentation of case #CBPA-20-0027

50 foot Resource Protection Area

Proposed Patio

Drainage and Utility Easement

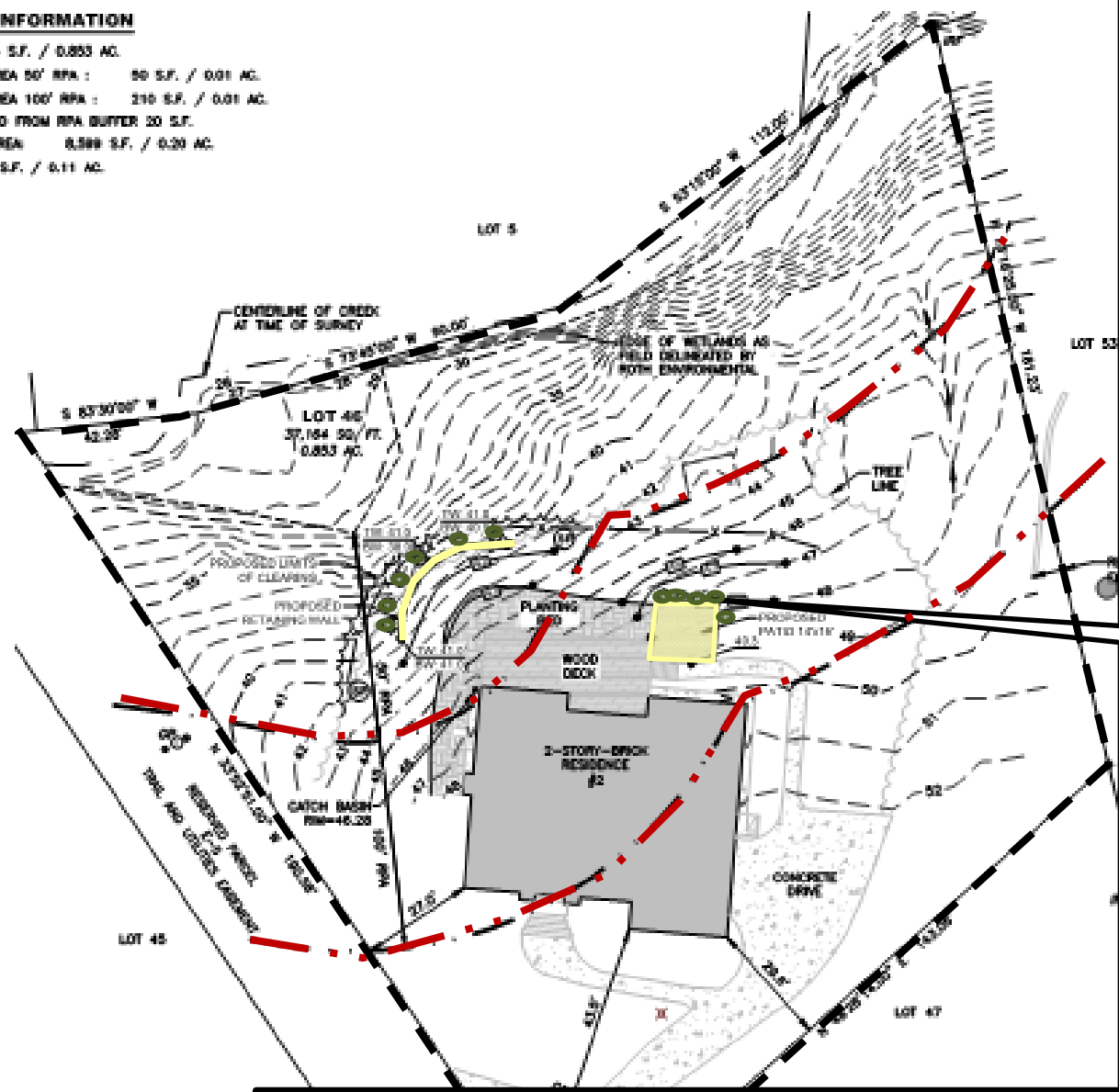
100 foot Resource Protection Area

Site Plan - CBPA-20-0027
2 Staples Road



PROPOSED SITE INFORMATION

TOTAL AREA: 37,184 S.F. / 0.853 AC.
PROPOSED IMPERVIOUS AREA 50' RPA : 50 S.F. / 0.01 AC.
PROPOSED IMPERVIOUS AREA 100' RPA : 210 S.F. / 0.01 AC.
IMPERVIOUS AREA REMOVED FROM RPA BUFFER 30 S.F.
TOTAL SITE IMPERVIOUS AREA 0.989 S.F. / 0.29 AC.
DISTURBED AREA: 4,833 S.F. / 0.11 AC.



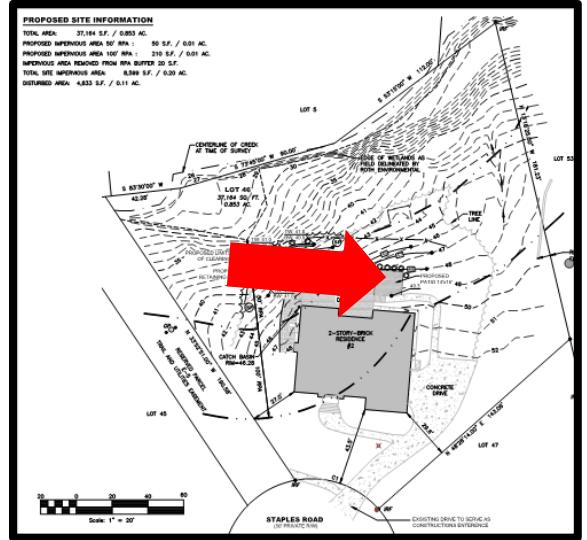
Site Plan showing proposed improvements, submitted April 1, 2020. For representative use only for presentation of case #CBPA-20-0027

Mitigation Plantings

Site Plan - CBPA-20-0027
2 Staples Road

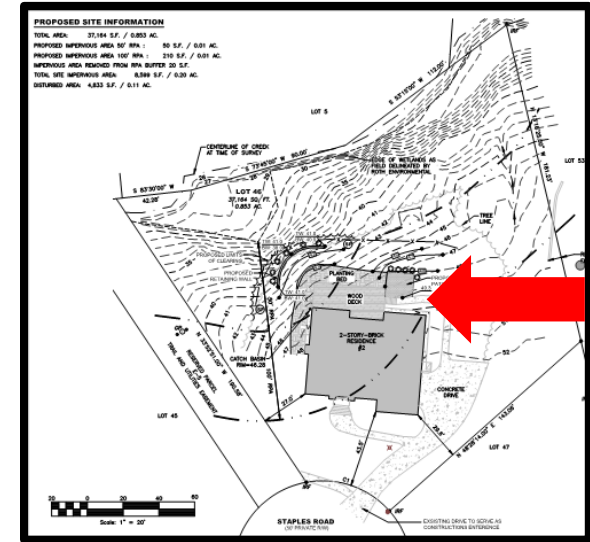


**Site Photograph #1 - CBPA-20-0027
2 Staples Road**





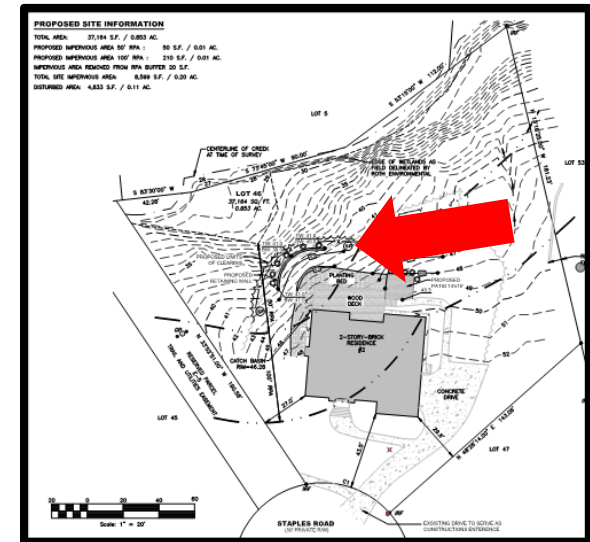
**Site Photograph #2 - CBPA-20-0027
2 Staples Road**



PROPOSED SITE INFORMATION	
TOTAL AREA	37,184 SF / 0.853 AC
PROPOSED IMPROVEMENT AREA 10' R/W	90 SF / 0.001 AC
PROPOSED IMPROVEMENT AREA 10' R/W	210 SF / 0.001 AC
IMPROVEMENT AREA REDUCED FROM R/W BUFFER 20 SF	
TOTAL SITE IMPROVEMENT AREA	6,300 SF / 0.143 AC
DISTURBED AREA	4,833 SF / 0.111 AC

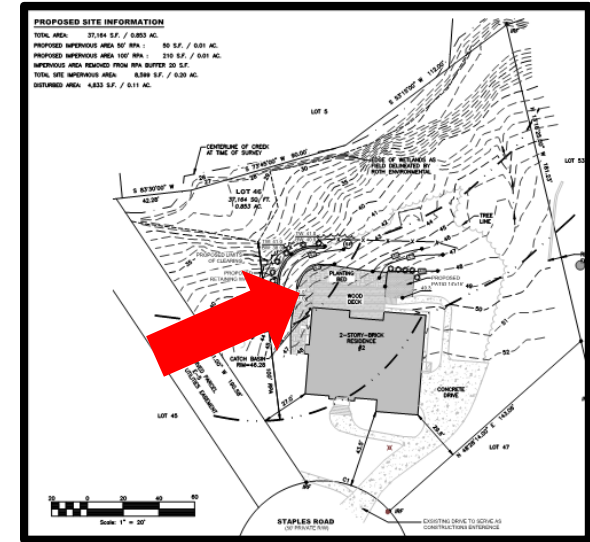


**Site Photograph #3 - CBPA-20-0027
2 Staples Road**



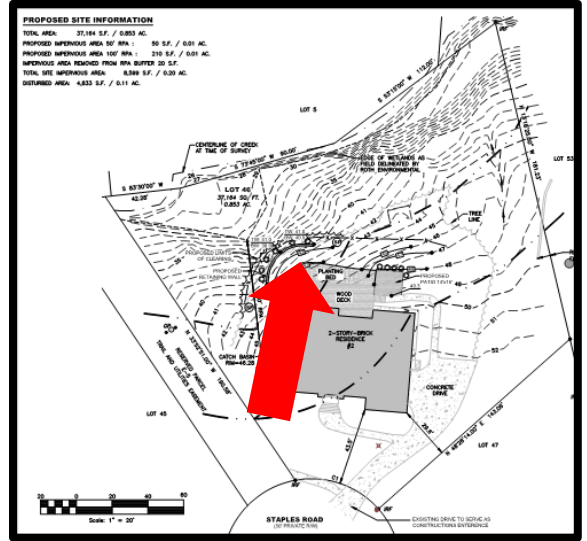


**Site Photograph #4 - CBPA-20-0027
2 Staples Road**



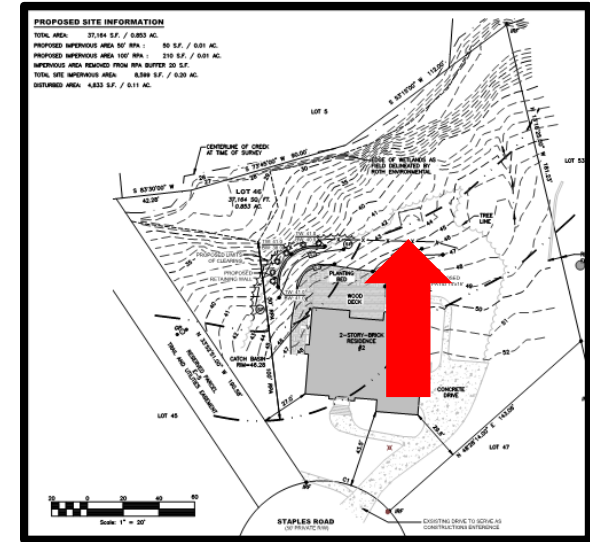


Site Photograph #5 - CBPA-20-0027
2 Staples Road





**Site Photograph #7 - CBPA-20-0027
2 Staples Road**



Permit Conditions



Staff Recommendation – Approval

- ✓ All other necessary local, state and federal permits
- ✓ The plantings of 1 canopy tree and 3 shrubs.
- ✓ A surety of \$250 to ensure the plantings

Permit Conditions

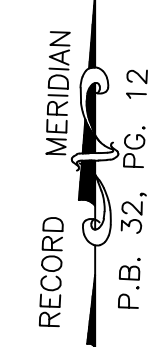
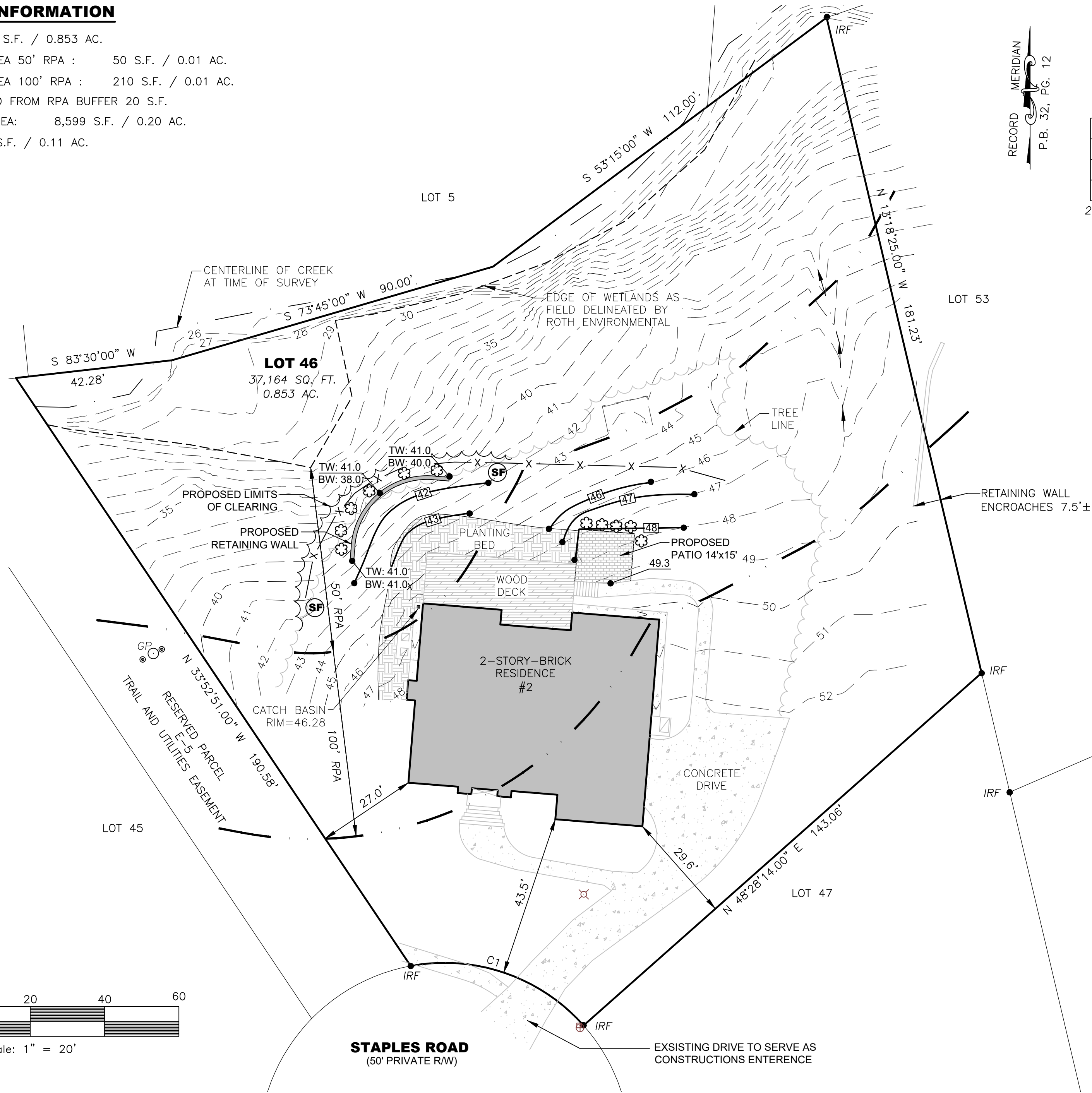


Staff Recommendation – Approval

- ✓ This exception request approval shall become null and void if construction has not begun by May 13, 2021
- ✓ Written requests for extension submitted no later than April 1, 2021

PROPOSED SITE INFORMATION

TOTAL AREA: 37,164 S.F. / 0.853 AC.
 PROPOSED IMPERVIOUS AREA 50' RPA : 50 S.F. / 0.01 AC.
 PROPOSED IMPERVIOUS AREA 100' RPA : 210 S.F. / 0.01 AC.
 IMPERVIOUS AREA REMOVED FROM RPA BUFFER 20 S.F.
 TOTAL SITE IMPERVIOUS AREA: 8,599 S.F. / 0.20 AC.
 DISTURBED AREA: 4,833 S.F. / 0.11 AC.



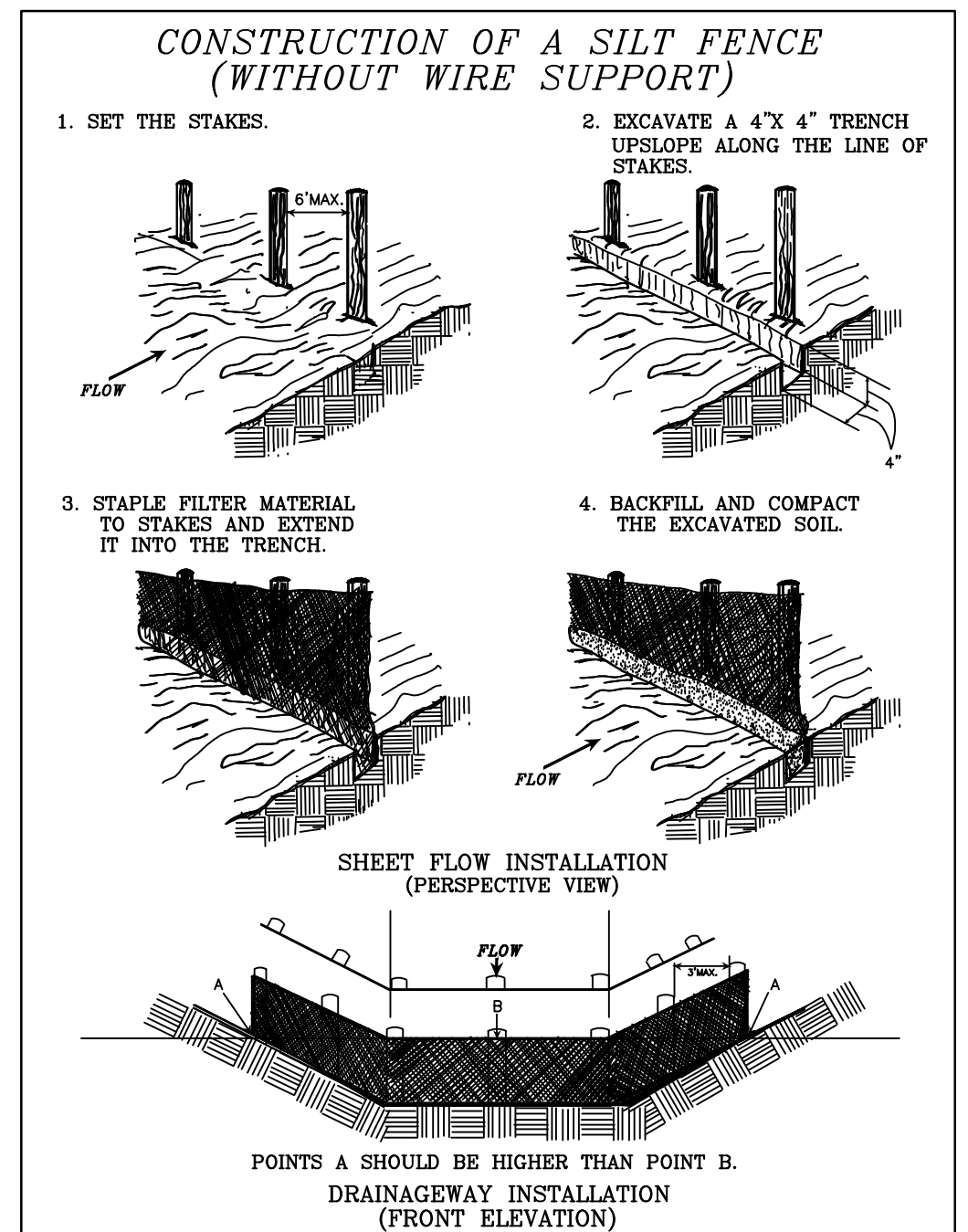
MITIGATION TABLE

MITIGATION MEASURE	QTY.(NEEDED)	QTY. (PROPOSED)
NATIVE CANOPY TREES	1	0
NATIVE UNDERSTORY TREES	2	0
NATIVE SHRUBS	3	11

2 SHRUBS PER UNDERSTORY TREE AND 4 SHRUBS PER CANOPY TREE

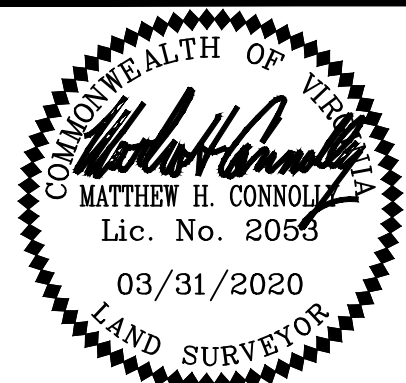
MITIGATION LEGEND

☼ SHRUB (11)



SOURCE: Adapted from Installation of Straw and Fabric Filter Barriers for Sediment Control, VA. DSWC Sherwood and Wyant PLATE 3.06-2

SHEET 2 OF 2



DATE: 3/31/2020
 DRAWN BY: CG
 PROJECT No. 20-060
 FILE NAME: 20-060.DWG
 REFERENCES:
 P.B. 32, PG. 12

PROPOSED IMPROVEMENTS OF
 LOT 46, HAMPTON KEY
 KINGSMILL
KANG RESIDENCE
 JAMES CITY COUNTY VIRGINIA

NO.	DATE	REVISION / COMMENT / NOTE



GENERAL NOTES

1. A TITLE REPORT HAS NOT BEEN FURNISHED TO THIS FIRM.
2. ELEVATION SHOWN HEREON ARE IN FEET AND ARE CLOSELY RELATED TO JCC GIS.
3. WETLANDS, IF ANY, WERE NOT RESEARCHED OR LOCATED FOR THIS PLAT.
4. THIS FIRM MADE NO ATTEMPT TO LOCATE UNDERGROUND UTILITIES.
5. PARCEL LIES IN F.I.R.M. ZONE "X" ACCORDING TO COMMUNITY PANEL #51095C0206D, DATED DECEMBER 16, 2015.
6. CONTRACTOR SHALL PROVIDE POSITIVE DRAINAGE AWAY FROM BUILDINGS SHOWN HEREON.
7. TOPOGRAPHIC DATA AS SHOWN IS BASED ON A CURRENT FIELD SURVEY.

EROSION & SEDIMENT CONTROL NOTES

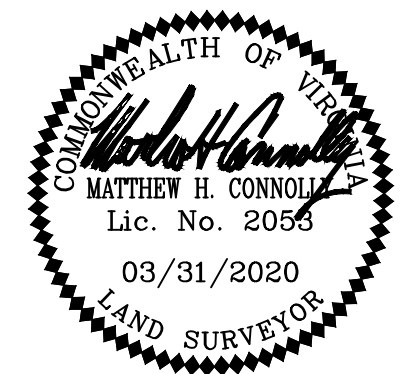
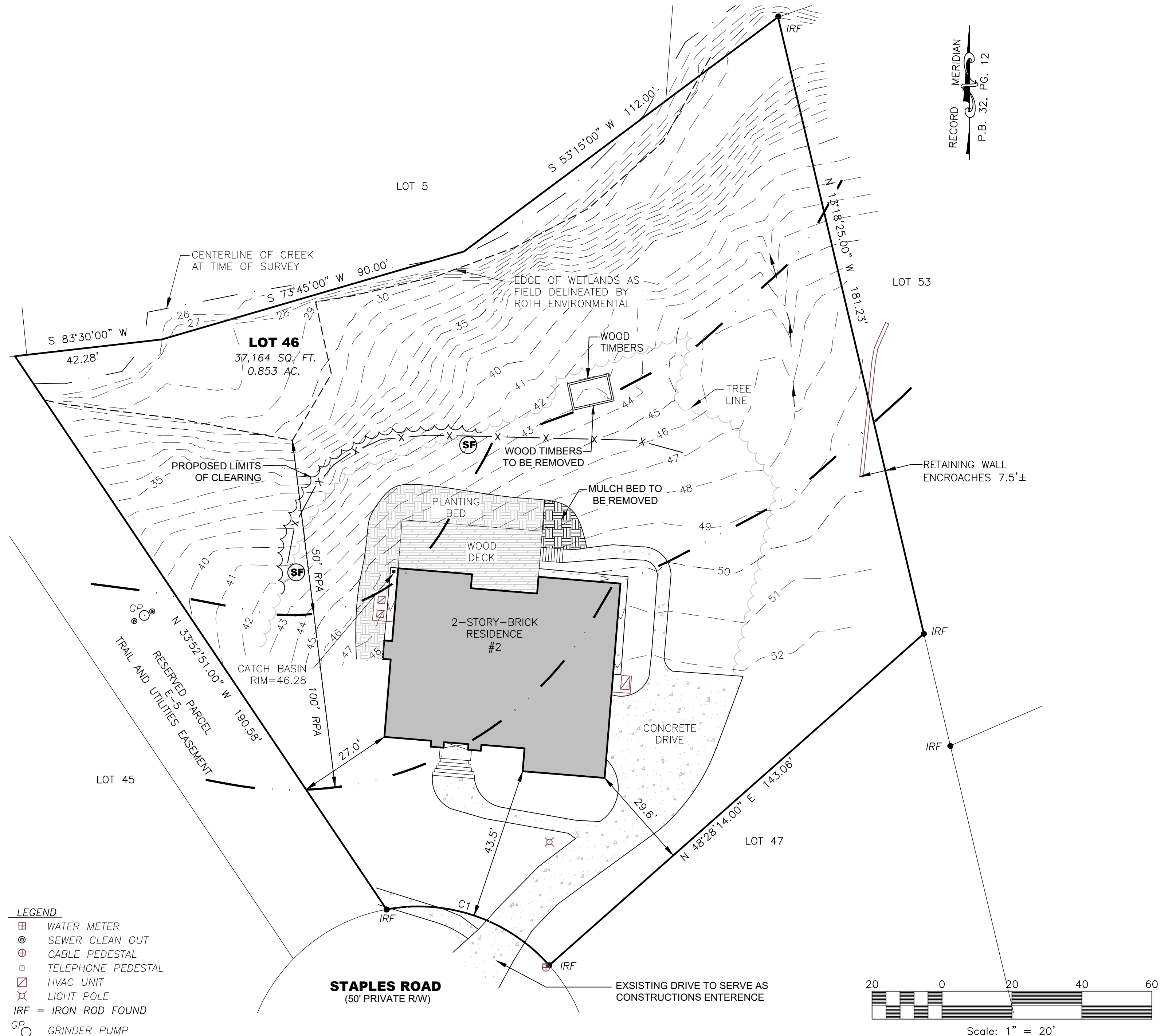
ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE "VIRGINIA EROSIONS AND SEDIMENT CONTROL HANDBOOK 1992 THIRD EDITION". THE CONTRACTOR SHALL BE THOROUGHLY FAMILIAR WITH ALL APPLICABLE MEASURES CONTAINED THEREIN WHICH MAY BE PERTINENT TO THIS PROJECT.

SITE INFORMATION

TOTAL AREA: 37,164 S.F. / 0.853 AC.
 IMPERVIOUS AREA: 8,359 S.F. / 0.192 AC.
 TOTAL AREA: 37,164 S.F. / 0.853 AC.
 PARCEL ID: 5021100046
 ZONING DISTRICT: R4
 PROPERTY IS LOCATED IN AN RMA & RPA

EXISTING ADDRESS:

2 STAPLES ROAD
 WILLIAMSBURG, VIRGINIA



DATE: 3/31/2020
 DRAWN BY: CG
 PROJECT No. 20-060
 FILE NAME: 20-060.DWG
 REFERENCES:
 P.B. 32, PG. 12

EXISTING CONDITIONS & DEMO PLAN
**LOT 46, HAMPTON KEY
 KINGSMILL**
KANG RESIDENCE
 JAMES CITY COUNTY VIRGINIA

NO.	DATE	REVISION / COMMENT / NOTE

LRI
LANDTECH
RESOURCES, INC.
 SURVEYING AND ENGINEERING CONSULTANTS
 205 Bullfants Blvs, Suite E, Williamsburg, VA 23188
 Ph: (757) 565-1677 Fax: (757) 565-0782
 web: landtechresources.com



ROTH ENVIRONMENTAL, LLC

2 STAPLES ROAD
WATER QUALITY IMPACT ASSESSMENT AND MITIGATION PLAN
KANG RESIDENCE
APRIL 1, 2020

The subject property is located at 2 Staples Road. This is within the Hampton Key section of the Kingsmill subdivision. The 0.85-acre lot is situated at the northern end of a cul-de-sac. The property was subdivided in 1974 and developed into its current configuration in 2003.

The site currently contains a single-family house, driveway, deck, and walkways.

General Project Information

The house on the subject site is located on the southern portion of the lot. A perennial stream and associated wetlands are found along the northern edge of the site. Drainage off the site is to the north and west to the stream and wetland systems.

As viewed on the site plan and aerial photographs of the site, the yard area that surrounds the house is not extensive. The yard is planted in fescue and is kept maintained. Additionally, the residence has extensive mulch beds that have been planted in shrubs and small trees.

The property has very steep slopes upon entering the wooded area. The general regional slope of the lot is to the northwest to a nontidal wetland area.

Drainage from the house flows to the northwest to nontidal wetlands. The wetlands are best described as nontidal, bottomland forest. The wetland is directly connected to the perennial stream that flows along the northern property limit. It occasionally acts as a floodplain to the stream during exceptionally high flows of stormwater.

The 100' Resource Protection Area (RPA) buffer extends from the perennial stream and the nontidal wetlands that are connected and contiguous to it. For this reason, the 100' RPA buffer extends over the majority of the property. The only area outside the RPA buffer is front and eastern side yards. The RPA buffers are shown on the attached site plans.

Over the years, the Kangs have had a difficult time with erosion in their rear yard. Stormwater flows to the northeast and down the steep slope adjacent to the northwestern corner of their house. Several times a year, they repair the rills in their yards that form from moderate to strong storms and stormwater flows. When this happens, they bring in topsoil or sand and replant the area in fescue seed. This continuous flow of soils from the yard can be mitigated by the installation of the retaining wall.

In addition, the Kangs have had an issue with the footers for their deck due to erosion. In lessening the slopes in the northwestern corner of their deck, they will be able to stabilize the footers and provide a more secure platform for their deck.

Proposed Development

The proposed development involves the installation of a small retaining wall along the northwestern edge of the tree line in the backyard. By installing the retaining wall, the slopes in the rear yard can be reduced. This will aid in slowing the stormwater flow to the wetlands. In the area above the retaining wall, the slopes will be lessened by backfilling with clean soil. The area will be seeded and strawed to stabilize it. All work will be above the wetland limit. This work will not increase the area of the yard.

The decreased slope will also allow for the footers of the deck to be reinforced and will lessen the potential erosion in this area.

The impervious area associated with the retaining wall is 50 square feet.

The Kangs are also proposing to install a fire pit in their rear yard. While they have a wooden deck, they are reluctant to putting a fire pit feature on this type of building material. Therefore, they are proposing to add a small concrete patio just east of their existing wooden deck. This will allow them to add the fire pit feature and a small sitting area around it. By locating the fire pit on the concrete patio, concern with fire on flammable building materials is resolved. The concrete patio will be placed immediately north of the existing sidewalk that provides access to the deck. The total impervious area associated with the concrete patio is 210 square feet.

In an effort to remove impervious area in the rear yard, the applicants are proposing to remove the wooden timber wall around their former garden. In removing these timbers, the applicant will be removing 20 square feet of impervious area.

The total proposed new impervious area in the RPA buffer is 240 square feet.

Mitigation

The goal of the mitigation plan is to protect the environmental resources downstream. The greatest potential for degradation of the downstream resources caused by the proposed plan is nonpoint source pollution.

Mitigation for the new impervious surface created by the proposed plan will include two elements. These are mitigative plantings and removal of impervious area around the garden. Both of these mitigative elements will be within the RPA buffer. By incorporating these elements into the site plan, the applicant will decrease the potential for nonpoint source pollutants associated with the project. Downstream wetlands and waters will not be adversely impacted by the project.

Table 1: Nonpoint source pollutants identified in the Chesapeake Bay Preservation Act, their potential to affect the downstream resources, and the mitigation proposed to offset these potential impacts are shown in the table below.

Pollutant	Main Potential to Affect Downstream Resources	Measures to Control Pollutants
Sediment	Low to moderate during construction. Moderate to high sedimentation potential if area slope is left unstabilized	During construction – DEQ approved erosion and sediment controls. Following construction – seeding, plantings, and mulching.
Nutrients	Low as part of lawn care	As the rear yard of the project site is relatively small, there is not a significant area of lawn that flows to the stream. The mitigative plantings will be installed below the retaining wall and around the patio.
Bacteria	No significant sources of bacteria	N/A
Viruses	No significant sources of viruses	N/A
Oxygen Depletion	This could potentially be caused downstream by very high application of fertilizers	With the limited area of grass on the subject site the over-application of fertilizers is not likely.
Hydrocarbons	Minimal - Potentially caused by leaks from construction equipment during land disturbing activities	Standard DEQ pollution prevention controls will be utilized during heavy equipment use on-site. This includes a spill prevention kit on-site during land disturbing activities
Toxic Metals	None – no toxic metals are anticipated to be used on the site	N/A
Toxic Chemicals	None – no toxic chemicals are anticipated to be used on the site	N/A
Chlorides/Chlorinated Water	None	N/A
Increases in Water Temperature	Low from new patio	The proposed patio does not add a significant area of imperviousness that would increase the temperature of the stream.

Mitigative Plantings

The first mitigation element is plantings. The applicant is offering one mitigation unit as recommended in the Riparian Buffer Restoration Guide to offset up to 400 square feet of impervious area.

Traditional vegetative mitigation accounts for 1 canopy tree, 2 understory trees, and 3 shrubs. Due to the limited area in the rear yard, we are asking for a modification to this ratio by substituting eleven shrubs for the one mitigation unit.

All mitigative plantings will be located within the RPA buffer and have been incorporated into the site plan.

Shrubs will be a minimum of 3 gallons in size or 18” tall. All mitigation shrubs will be native species. Any additional plantings provided by the applicant may be non-native/ornamental species. It is recommended that all plantings be installed in the fall or early winter.

Native shrubs will be selected from the Native Plant List found on the James City County website. Recommended species include the following:

Shrubs:

American beautyberry (*Callicarpa americana*), inkberry holly (*Ilex glabra*), winterberry (*Ilex verticillata*), sweetspire (*Itea virginica*), New Jersey tea (*Ceanothus americanus*), waxmyrtle (*Morella cerifera*), and red chokeberry (*Aronia arbutifolia*).

The Site Plan included with the submission package shows the approximate location of these plantings. Once the applicant has selected the specific species for these locations, they will coordinate the final landscape plan with the CBPA Board’s Staff Liaison, Michael Woolson, for review and approval.

Should specified native species not be available from local nursery stock, the applicant will coordinate with Mr. Woolson prior to purchase of substitute plant materials.

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

Removal of Impervious Area in the RPA Buffer

As previously stated, the applicant has a garden in the rear portion of the yard that has an impervious boarder. In an effort to reduce the total impervious area in the RPA buffer area, they will remove the impervious boarder. This accounts for 20 square feet.

/Users/Roth/Documents/Roth Environmental, LLC/Projects/2019/19-201.2 Staples Road/CBPA Submission/2020.04.01.Project Description and Mitigation Plan.2 Staples Road.docx



PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA WILL HOLD A PUBLIC HEARING **WEDNESDAY May 13, 2020 AT 5 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:

WJPA 20-0005/VMRC 20-0266: Timothy McLean, on behalf of The Colonial National Historic Park, has applied for a wetlands permit for emergency repairs of the shoreline near the College Creek bridge of the Colonial Parkway, JCC Parcel No. 5610100001.

WJPA 20-0008/VMRC 20-0373: John Wandling, on behalf of the Williamsburg Sailing Foundation, has applied for a wetlands permit for the construction of a floating dock at the Kingsmill Marina at 1010 Kingsmill Road, JCC Parcel No. 5040100002C.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING EXCEPTION REQUESTS FOR ENCROACHMENT INTO THE RPA BUFFER:

CBPA 20-0009: Kevin Whitt of Whitt Corporation, on behalf of David Chin, has filed an exception request for encroachments into the RPA buffer for the construction of a deck and screened porch at 108 Godspeed Lane, in the Powhatan Shores subdivision, JCC Parcel No. 4730500050.

CBPA 20-0011: Curtis Lemley has filed an exception request for encroachments into the RPA buffer for the construction of a home expansion at 204 Riverview Plantation Drive, in the Riverview Plantation subdivision, JCC Parcel No. 1640600029.

CBPA 20-0027: Mathew Roth of Roth Environmental, on behalf of Song Kuk and Hi-Sung Lim Kang, has filed an exception request for encroachments into the RPA buffer for the construction of a retaining wall and patio at 2 Staples Road, in the Kingsmill subdivision, JCC Parcel No. 5021100046.

CBPA 20-0028: Edward Podish of Edward Podish Custom Builder, on behalf of Amber Martens, has filed an exception request for encroachments into the RPA buffer for the construction of a retaining wall at 105 Abigail Lane, in the Kingsmill subdivision, JCC Parcel No. 5030400083.

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

All interested parties are invited to attend the meetings. There is also a call-in option for the

public hearings. To participate, call 757-253-6772 to record a comment that will be played during the meeting. Recorded comments must be submitted no later than noon on the day of the meeting. Please give your name and address for the public record and limit comments to five minutes or less. Questions? Call 757-253-6823.

The applications and plans are on file and may be viewed during normal office hours in the Stormwater and Resource Protection Division, 101-E Mounts Bay Road, James City County, Virginia.

NOT FOR PUBLICATION

DISPLAY: WEDNESDAY – April 29 and May 6, 2020.
ACCOUNT NO.: 0011350200 - VIRGINIA GAZETTE

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



General Services
107 Tewning Road
Williamsburg, VA 23188
P: 757-259-4080
General.Services@jamescitycountyva.gov
jamescitycountyva.gov

Capital Projects
107 Tewning Road
Williamsburg, VA 23188
757-259-4080

Fleet
103 Tewning Road
Williamsburg, VA 23188
757-259-4122

**Stormwater and
Resource Protection**
101-E Mounts Bay Road
Williamsburg, VA 23185
757-253-6670

Facilities & Grounds
113 Tewning Road
Williamsburg, VA 23188
757-259-4080

Solid Waste
1204 Jolly Pond Road
Williamsburg, VA 23188
757-565-0971

April 22, 2020

RE: CBPA-20-0027
2 Staples Road
Retaining Wall and Concrete Patio

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. Matt Roth of Roth Environmental on behalf of Mr. Song Kuk Kang and Mrs. Hi-Sung Lim Kang for encroachment into the Resource Protection Area (RPA) buffer for the construction of a retaining wall and small concrete patio. The project is located at 2 Staples Road and further identified as JCC Parcel No. 5021100046.

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

The Chesapeake Bay Board will hold an advertised public hearing on **Wednesday, May 13, 2020 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,

Michael D. Woolson

Michael D. Woolson
Chesapeake Bay Board Secretary
757-253-6670
michael.woolson@jamescitycountyva.gov

cc: Roth Environmental
Attn: Mr. Matt Roth

MDW: jep

Mailing List for: CBPA-20-0027– 2 Staples Road – Retaining Wall & Concrete Patio

Owner: 5021100046

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

Contractor:

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

5021100005A

5021000008A
Kingsmill Community Services Association
Attn: Mr. Harry Knight
100 Kingsmill Road
Williamsburg, VA 23185-5579

5021100044

Grasinger, Rolanda, MD
3 Staples Road
Williamsburg, VA 23185-5528

50211000045

Wolfe, Charles C & Susan G
1 Staples Road
Williamsburg, VA 23185-5528

5021100053

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

5021100047

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

5021000005

Kiniry, William J & Page Hayhurst
116 Barrett Place
Williamsburg, VA 23185-5503

5021000004-112 Barrett Place

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

ITEM SUMMARY

DATE: 5/13/2020
TO: Chesapeake Bay Board
FROM: Michael Woolson, Senior Watershed Planner
SUBJECT: Case No. CBPA 20-0028 : 105 Abigail Lane

Amber Martens has filed an exception request for encroachments into the RPA buffer for the construction of a retaining wall at 105 Abigail Lane, in the Kingsmill subdivision, JCC Parcel No. 5030400083.

ATTACHMENTS:

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution	Resolution
☐	Presentation	Presentation
☐	Site Plan	Backup Material
☐	Public Advertisement	Backup Material
☐	APO Letter	Backup Material
☐	APO Mailing List	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	5/6/2020 - 10:25 AM
Chesapeake Bay Group	Small, Toni	Approved	5/7/2020 - 11:24 AM
Publication Management	Burcham, Nan	Approved	5/7/2020 - 11:31 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	5/10/2020 - 5:10 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA 20-0028. 105 Abigail Lane
Staff Report for the May 13, 2020, Chesapeake Bay Board Public Hearing**

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.

EXISTING SITE DATA AND INFORMATION

Applicant: Ms. Amber Martens

Agent: Mr. Edward Podish, Edward Podish Custom Builder, LLC

Location: 105 Abigail Lane

Parcel Identification No.: 5030400083

Parcel: Lot 83, Part 2, Tazwells Hundred

Lot Size: 0.43 acres

Area of Lot in Resource Protection Area (RPA): 0.32 acres +/- (74%)

Watershed: College Creek (HUC JL 34)

Floodplain: None affecting this property.

Proposed Activity: Construction of tiered retaining walls

Impervious Cover: 137 square feet - Landward 50-foot RPA

RPA Encroachment: 137 square feet

Mitigation Proposal: Three shrubs

Surety Required: Yes; \$250

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

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Edward Podish, Edward Podish Custom Building LLC, has applied for a Chesapeake Bay Exception on behalf of Ms. Amber Martens for encroachments into the RPA buffer for the construction of two retaining walls on property located at 105 Abigail Lane within the Kingsmill subdivision and the College Creek watershed. The property is further identified as James City County Tax Map Parcel No. 5030400083. The parcel was platted in 1981, prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The total lot size of this property is 0.43 acres, of which 74% is located within the RPA. The applicant is proposing the construction of two retaining walls equating to a total of 137 square feet within the landward 50-foot RPA in order to address erosion issues that the owner has been experiencing. Staff made two site visits with the applicant during 2019 to discuss the issue. Required mitigation for this amount of impervious surface within the RPA equates to the plantings of three shrubs. A mitigation surety will be required in the amount of \$250 in a form acceptable to the James City County Attorney's Office to guarantee the planting mitigation.

STAFF EVALUATION

Staff has evaluated the application and exception request for the construction of the tiered retaining walls. This application meets the Ordinance conditions in Sections 23-11 and 23-14 and should be heard by the Board because the construction of the tiered retaining walls are an accessory structure.

CONSIDERATION BY THE CHESAPEAKE BAY BOARD

The Board may grant exceptions to Section 23-7 if the application meets the following five conditions:

1. The exception request is the minimum necessary to afford relief; and
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; and
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; and
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; and
5. Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality.

STAFF RECOMMENDATIONS

Staff's view of this application is that it does meet all five of the conditions as presented above and recommends approval of this exception request. Should the Board also find that the exception request meets all five of the conditions above, staff suggests 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. The planting of three shrubs; and
3. A surety of \$250 in place prior to the commencement of work, in a form acceptable to the James City County Attorney's Office; and
4. No portion of the retaining walls shall be within the JCSA easement; and
5. This exception request approval shall become null and void if construction has not begun by May 13, 2021; and
6. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than April 1, 2021, six weeks prior to the expiration date.

MDW/nb
CBPA20-28-105AbigailLn

Attachments:

1. Resolution

2. Site Plan

RESOLUTION

CASE NO. CBPA 20-0028. 105 ABIGAIL LANE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Ms. Amber Martens (the “Applicant”) has applied to the Chesapeake Bay Board of James City County (the “Board”) on May 13, 2020, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property identified as James City County Real Estate Tax Map Parcel No. 5030400083 and further identified as 105 Abigail Lane (the “Property”) as set forth in the application CBPA 20-0028 for the purpose of constructing tiered retaining walls; 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. The planting of three shrubs; and
 - c. A surety of \$250 in place prior to the commencement of work, in a form acceptable to the James City County Attorney’s Office; and
 - d. No portion of the retaining walls shall be within the JCSA easement; and

- e. This exception request approval shall become null and void if construction has not begun by May 13, 2021; and
- f. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than April 1, 2021, six weeks prior to the expiration date.

David Gussman
Chair, Chesapeake Bay Board

Michael D. Woolson
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 13th day of May, 2020.

CBPA20-28-105AbigailLn-res



Chesapeake Bay Board of James City County, Virginia

May 13, 2020

CBPA 20-0028

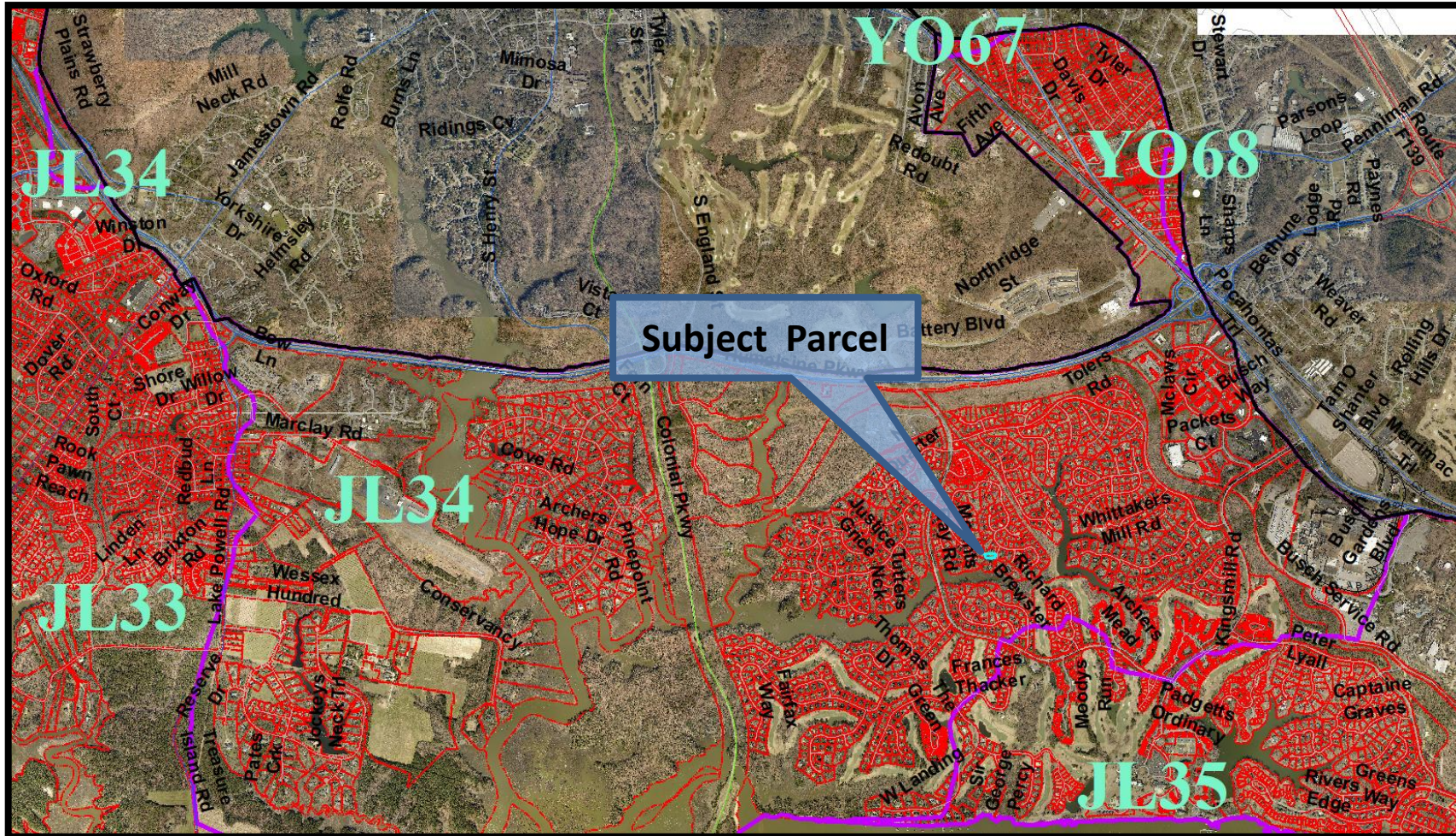
Amber Martens

105 Abigail Lane

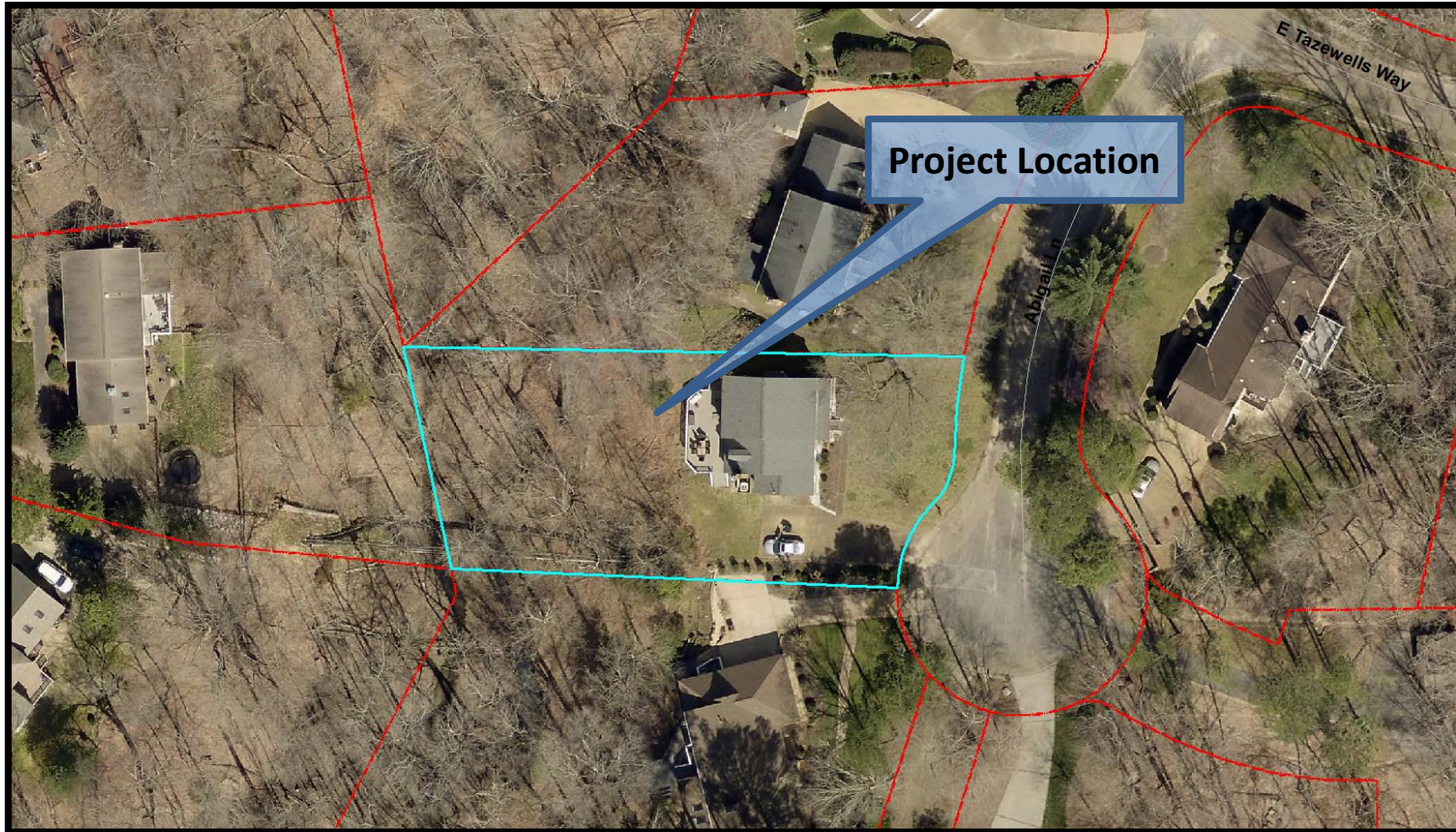


Applicant Request

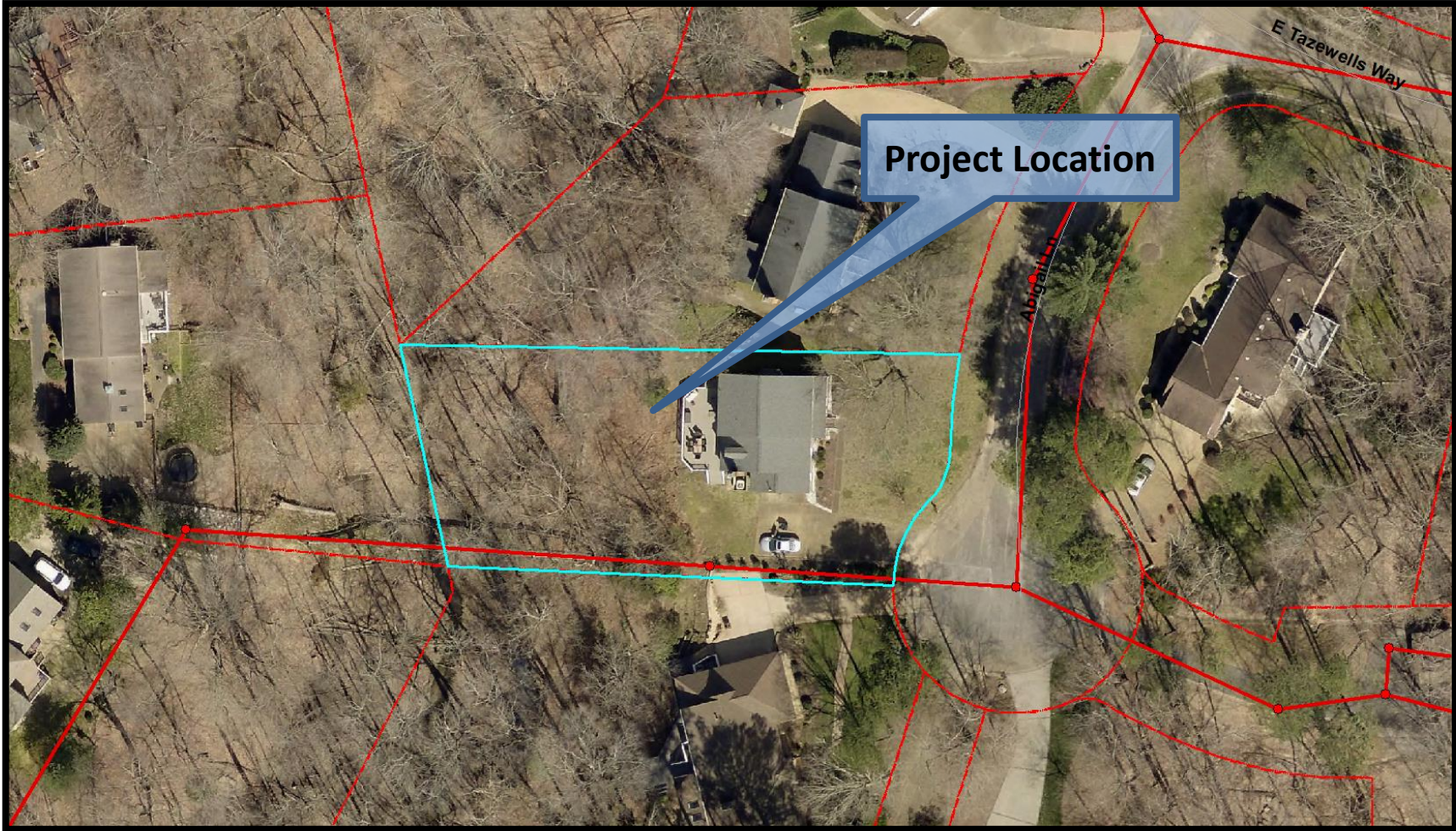
- ✓ Construct two retaining wall.



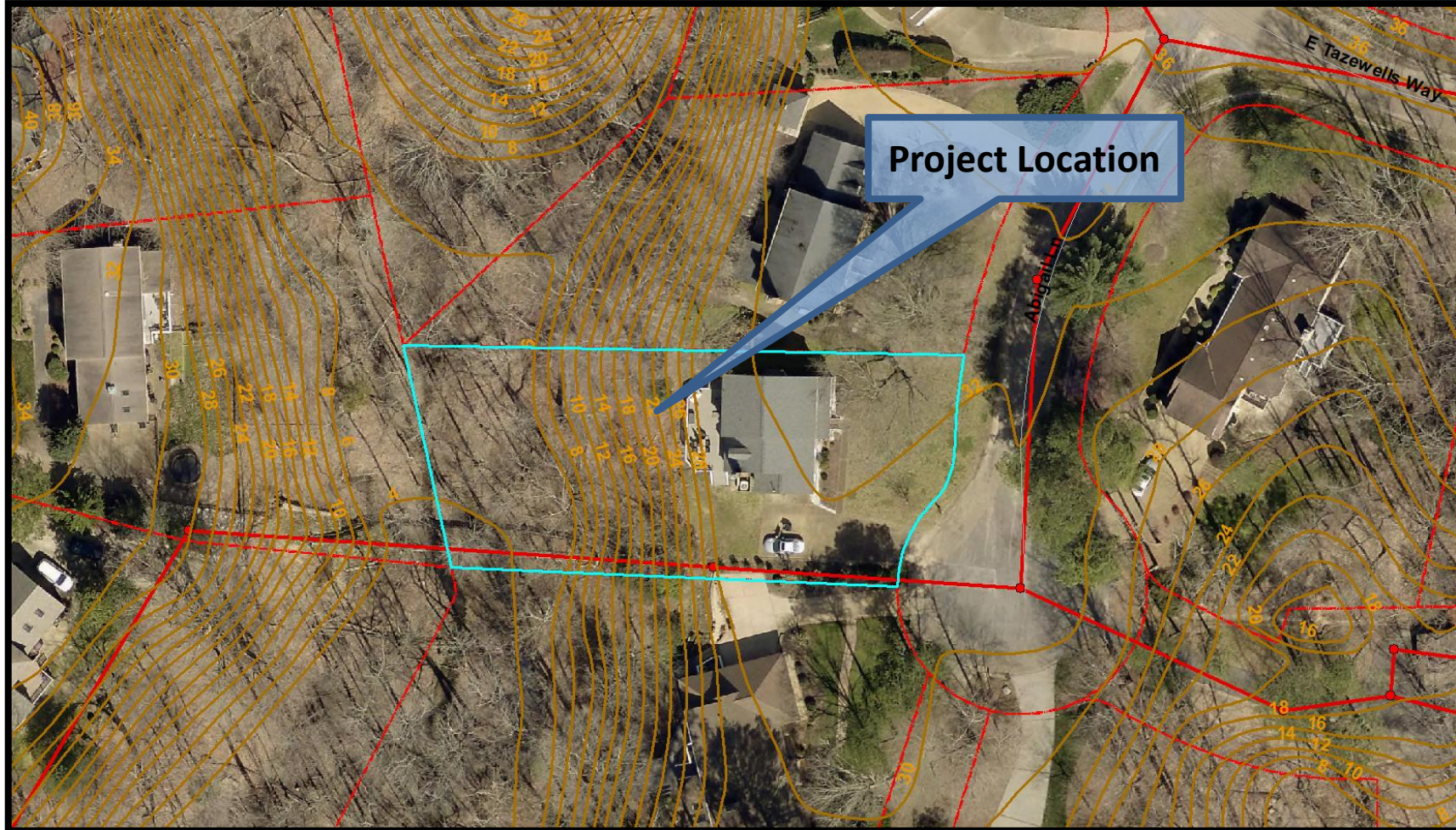
Vicinity Map
CBPA-20-0028
105 Abigail Lane



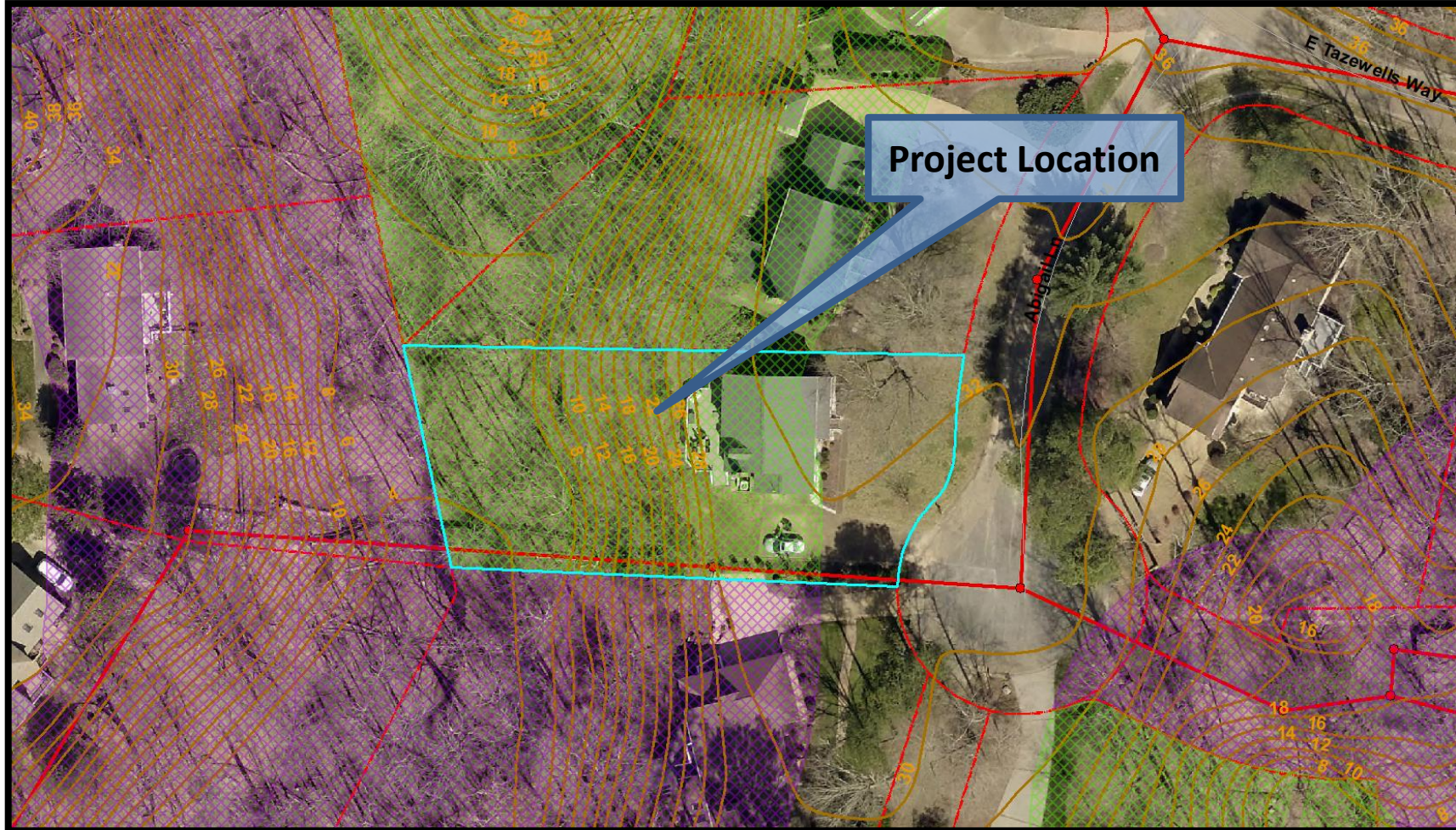
Aerial Photograph
CBPA-20-0028
105 Abigail Lane



Sanitary Sewer
CBPA-20-0028
105 Abigail Lane

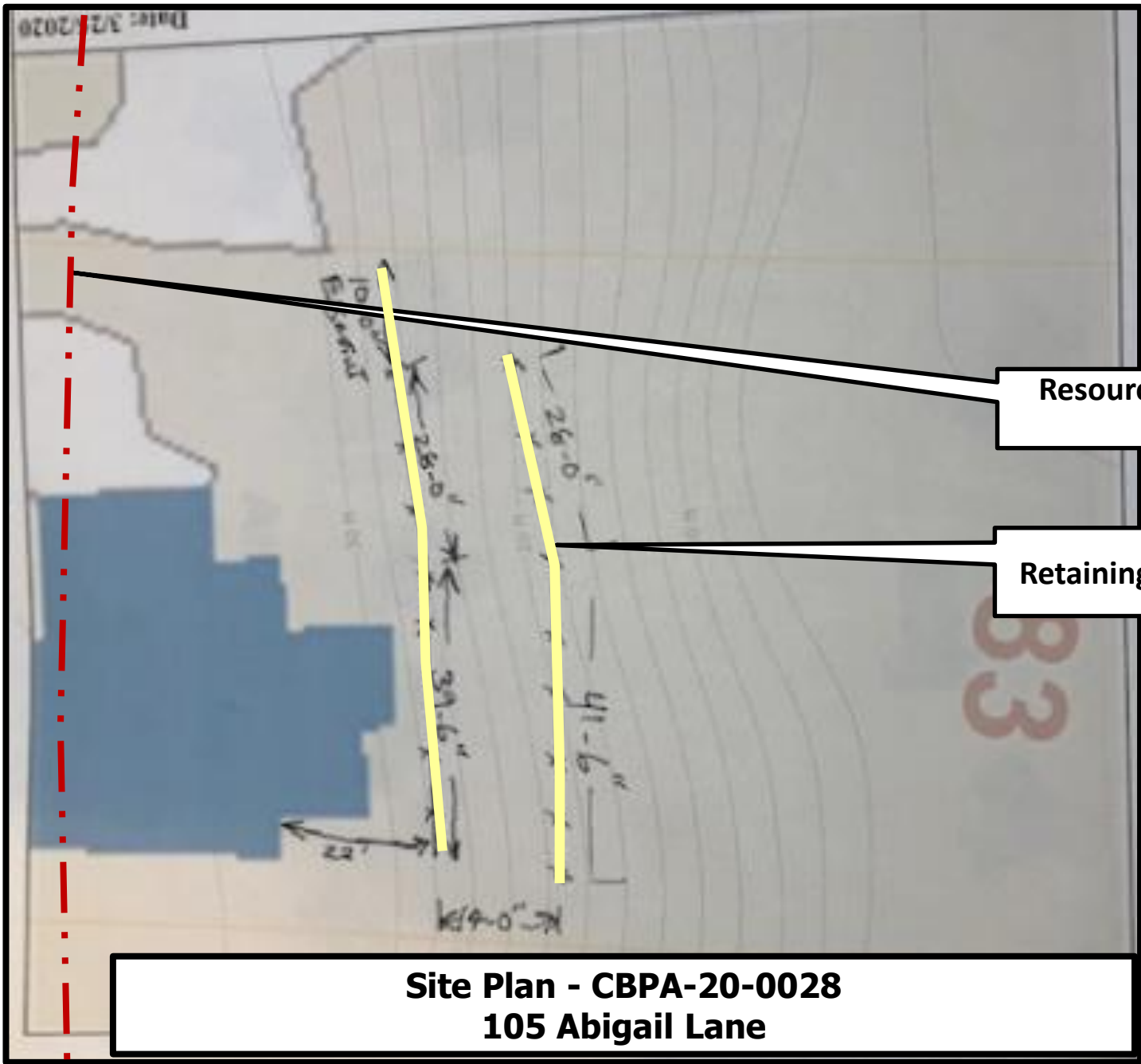


Topography
CBPA-20-0028
105 Abigail Lane



Resource Protection Area
CBPA-20-0028
105 Abigail Lane

Site Plan showing proposed improvements, submitted April 1, 2020. For representative use only for presentation of case #CBPA-20-0028.



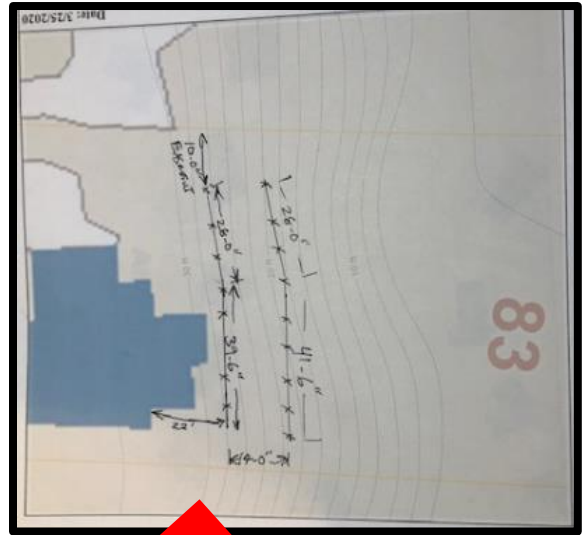
Resource Protection Area

Retaining Walls

Site Plan - CBPA-20-0028
105 Abigail Lane

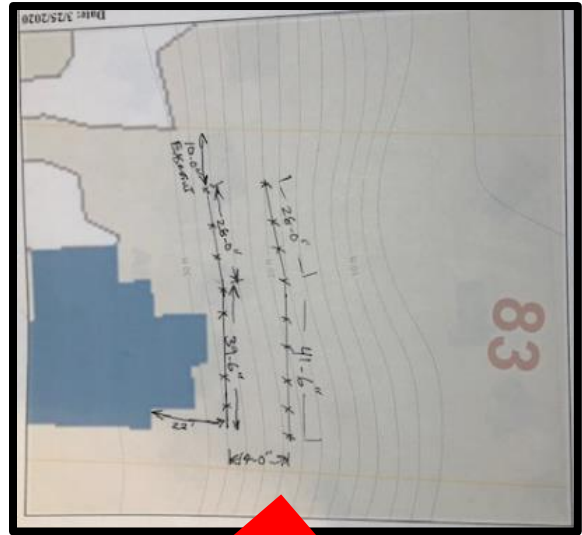


**Site Photograph #1 - CBPA-20-0028
105 Abigail Lane**





**Site Photograph #2 - CBPA-20-0028
105 Abigail Lane**



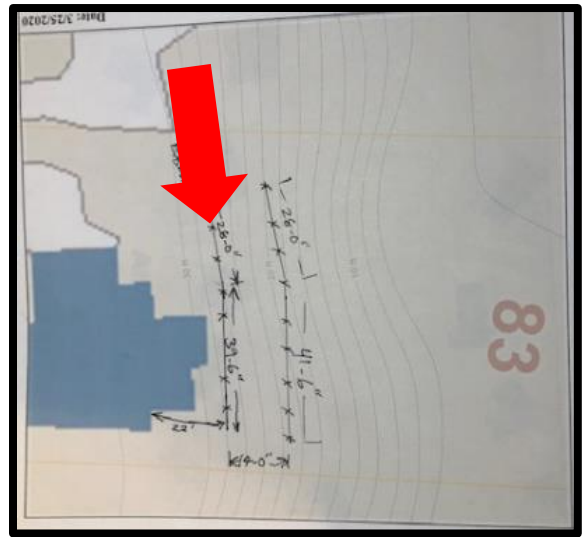


**Site Photograph #3 - CBPA-20-0028
105 Abigail Lane**





**Site Photograph #3 - CBPA-20-0028
105 Abigail Lane**



Permit Conditions



Staff Recommendation – Approval

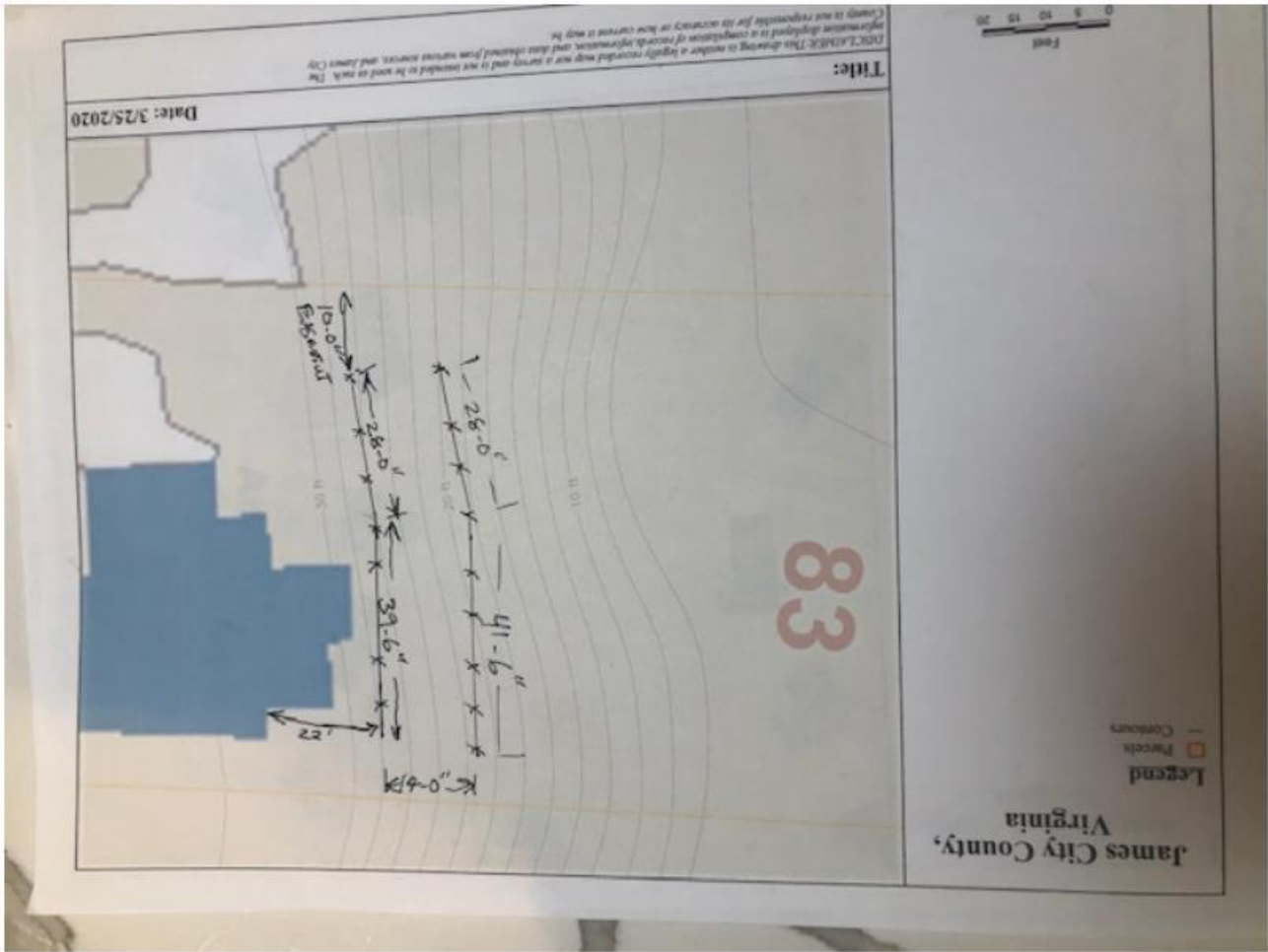
- ✓ All other necessary local, state and federal permits
- ✓ The plantings of 3 shrubs.
- ✓ A surety of \$250 to ensure the plantings

Permit Conditions



Staff Recommendation – Approval

- ✓ This exception request approval shall become null and void if construction has not begun by May 13, 2021
- ✓ Written requests for extension submitted no later than April 1, 2021



Amber Martens



PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA WILL HOLD A PUBLIC HEARING **WEDNESDAY May 13, 2020 AT 5 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:

WJPA 20-0005/VMRC 20-0266: Timothy McLean, on behalf of The Colonial National Historic Park, has applied for a wetlands permit for emergency repairs of the shoreline near the College Creek bridge of the Colonial Parkway, JCC Parcel No. 5610100001.

WJPA 20-0008/VMRC 20-0373: John Wandling, on behalf of the Williamsburg Sailing Foundation, has applied for a wetlands permit for the construction of a floating dock at the Kingsmill Marina at 1010 Kingsmill Road, JCC Parcel No. 5040100002C.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING EXCEPTION REQUESTS FOR ENCROACHMENT INTO THE RPA BUFFER:

CBPA 20-0009: Kevin Whitt of Whitt Corporation, on behalf of David Chin, has filed an exception request for encroachments into the RPA buffer for the construction of a deck and screened porch at 108 Godspeed Lane, in the Powhatan Shores subdivision, JCC Parcel No. 4730500050.

CBPA 20-0011: Curtis Lemley has filed an exception request for encroachments into the RPA buffer for the construction of a home expansion at 204 Riverview Plantation Drive, in the Riverview Plantation subdivision, JCC Parcel No. 1640600029.

CBPA 20-0027: Mathew Roth of Roth Environmental, on behalf of Song Kuk and Hi-Sung Lim Kang, has filed an exception request for encroachments into the RPA buffer for the construction of a retaining wall and patio at 2 Staples Road, in the Kingsmill subdivision, JCC Parcel No. 5021100046.

CBPA 20-0028: Edward Podish of Edward Podish Custom Builder, on behalf of Amber Martens, has filed an exception request for encroachments into the RPA buffer for the construction of a retaining wall at 105 Abigail Lane, in the Kingsmill subdivision, JCC Parcel No. 5030400083.

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

All interested parties are invited to attend the meetings. There is also a call-in option for the

public hearings. To participate, call 757-253-6772 to record a comment that will be played during the meeting. Recorded comments must be submitted no later than noon on the day of the meeting. Please give your name and address for the public record and limit comments to five minutes or less. Questions? Call 757-253-6823.

The applications and plans are on file and may be viewed during normal office hours in the Stormwater and Resource Protection Division, 101-E Mounts Bay Road, James City County, Virginia.

NOT FOR PUBLICATION

DISPLAY: WEDNESDAY – April 29 and May 6, 2020.
ACCOUNT NO.: 0011350200 - VIRGINIA GAZETTE

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



General Services
107 Tewning Road
Williamsburg, VA 23188
P: 757-259-4080
General.Services@jamescitycountyva.gov
jamescitycountyva.gov

Capital Projects
107 Tewning Road
Williamsburg, VA 23188
757-259-4080

Fleet
103 Tewning Road
Williamsburg, VA 23188
757-259-4122

**Stormwater and
Resource Protection**
101-E Mounts Bay Road
Williamsburg, VA 23185
757-253-6670

Facilities & Grounds
113 Tewning Road
Williamsburg, VA 23188
757-259-4080

Solid Waste
1204 Jolly Pond Road
Williamsburg, VA 23188
757-565-0971

April 22, 2020

RE: CBPA-20-0028
105 Abigail Lane
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 Mr. Edward Podish of Edward Podish Custom Builder, LLC on behalf of Ms. Amber Martens for encroachment into the Resource Protection Area (RPA) buffer for the construction of a retaining wall. The project is located at 105 Abigail Lane and further identified as JCC Parcel No. 5030400083.

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

The Chesapeake Bay Board will hold an advertised public hearing on **Wednesday, May 13, 2020 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,

Michael D. Woolson

Michael D. Woolson
Chesapeake Bay Board Secretary
757-253-6670
michael.woolson@jamescitycountyva.gov

cc: Edward Podish Custom Builder, LLC
Attn: Mr. Edward Podish

MDW: jep

Mailing List for: CBPA-20-0028– 105 Abigail Lane – Retaining Wall

Owner: 5030400083

Martens, Amber
105 Abigail Lane
Williamsburg, VA 23185-6506

Contractor:

Edward Podish Custom Builder, LLC
Attn: Mr. Edward Podish
233 Nina Lane
Williamsburg, VA 23188-1045

5030400084

Boppe, Charles W & Ann B
109 Abigail Lane
Williamsburg, VA 23185-6506

5030400087- 102 Abigail Lane

James City Service Authority
119 Tewning Road
Williamsburg, VA 23188-2639

5030400082

Maida, Susan Jean, Trustee
101 Abigail Lane
Williamsburg, VA 23185-6506

5030400080

Collins, Daniel R & Elizabeth M
508 E Tazewells Way
Williamsburg, VA 23185-6516

5030400088-100 Abigail Lane

Manfredonia, Fred & Sharyn R
22 Monarch Way
Kinnelon, NJ 07405-2981

5030400032

Hart, Bradford M & Amy F
224 W Tazewells Way
Williamsburg, VA 23185-6524

5030400031

Clark, Jerry D & Vanessa G
228 W Tazewells Way
Williamsburg, VA 23185-6524

ITEM SUMMARY

DATE: 5/13/2020
TO: Chesapeake Bay Board
FROM: Michael Woolson, Senior Watershed Planner
SUBJECT: Case No. CBPA 19-0033 : 221 Burtcher Court

Mr. Scott Peto has requested a one-year extension to the exception that expires on May 8, 2020. This is his first extension request.

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Resolution
☐	Extension Request	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	4/28/2020 - 9:49 AM
Chesapeake Bay Group	Small, Toni	Approved	5/5/2020 - 3:10 PM
Publication Management	Daniel, Martha	Approved	5/5/2020 - 3:14 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	5/10/2020 - 5:01 PM

MEMORANDUM

DATE: May 13, 2020
TO: The Chesapeake Bay Board
FROM: Michael D. Woolson, Senior Watershed Planner
SUBJECT: Chesapeake Bay Board Exception No. CBPA 19-0033. 221 Burtcher Court

Mr. Scott Peto is requesting a one-year extension to CBPA 19-0033, originally granted on May 8, 2019.

Staff administratively extended the approval from May 8 to May 13, 2020, so that the Chesapeake Bay Board could act on the request. Staff concurs with this request, with the stipulation that all permit conditions, except the expiration date, be reauthorized and that the new date of expiration be May 13, 2021.

MDW/md
CBPA19-33BurtcherCt-mem

Attachment

RESOLUTION

CASE NO. CBPA 19-0033. 221 BURTCHER COURT

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION

ORDINANCE EXCEPTION EXTENSION

WHEREAS, Mr. and Mrs. Scott and Jennifer Peto (the “Applicants”) have applied to the Chesapeake Bay Board of James City County (the “Board”) on May 8, 2019, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property identified as James City County Real Estate Tax Parcel No. 5130300039 and further identified as 221 Burtcher Court (the “Property”) as set forth in the application CBPA 19-0033 for the purpose of constructing a single-family dwelling, patio, and pool; 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 applicants must obtain all other necessary federal, state, and local permits required for the project; and
 - b. A surety of \$4,000 be paid and in place prior to the commencement of work, in a form acceptable to the James City County Attorney’s Office to ensure the mitigation requirements; and

- c. This exception request approval shall become null and void if construction has not begun by May 13, 2021; and
- d. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than April 1, 2021, six weeks before the expiration date.

David Gussman
Chair, Chesapeake Bay Board

Michael Woolson
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 13th of May, 2020.

CBPA19-33BurtcherCt-res

Michael Woolson

From: Scott Peto <scottpeto@icloud.com>
Sent: Tuesday, March 24, 2020 6:44 PM
To: Michael Woolson
Subject: [External] extension of CBB resolution
Attachments: CBPA-19-0033 Resolution Signed.pdf

Mike - I hope you and your family are weathering this season in good health.

I would like to request that our CBB resolution be given an extension. At this point I am not sure of the timing for our project. Could you please facilitate requesting that extension?

Thanks so much Mike. Stay well.

Scott Peto

757 561 9047
scottpeto@icloud.com

ITEM SUMMARY

DATE: 5/13/2020
TO: Chesapeake Bay Board
FROM: Michael Woolson, Senior Watershed Planner
SUBJECT: Case No. CBPA 19-0035 : 106 Loxley Lane

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Resolution
☐	Extension Request	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	4/28/2020 - 11:13 AM
Chesapeake Bay Group	Small, Toni	Approved	5/5/2020 - 3:11 PM
Publication Management	Daniel, Martha	Approved	5/5/2020 - 3:24 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	5/10/2020 - 5:01 PM

MEMORANDUM

DATE: May 13, 2020
TO: The Chesapeake Bay Board
FROM: Michael D. Woolson, Senior Watershed Planner
SUBJECT: Chesapeake Bay Board Exception No. CBPA 19-0035. 106 Loxley Lane

Mr. and Mrs. Thomas and Heather Mundy are requesting a one-year extension to CBPA 19-0035, originally granted on May 8, 2019.

Staff administratively extended the approval from May 8 to May 13, 2020, so that the Chesapeake Bay Board could act on the request. Staff concurs with this request, with the stipulation that all permit conditions, except the expiration date, be reauthorized and that the new date of expiration be May 13, 2021.

MDW/md
CBPA19-35LoxleyLn-mem

Attachment

RESOLUTION

CASE NO. CBPA 19-0035. 106 LOXLEY LANE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION

ORDINANCE EXCEPTION EXTENSION

WHEREAS, Mr. Thomas Mundy and Mrs. Heather Mundy (the “Applicants”) have applied to the Chesapeake Bay Board of James City County (the “Board”) on May 8, 2019, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property identified as James City County Real Estate Tax Parcel No. 4510400061 and further identified as 106 Loxley Lane (the “Property”) as set forth in the application CBPA 19-0035 for the purpose of the construction of 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 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 applicants must obtain all other necessary federal, state, and local permits required for the project; and
 - b. A surety of \$250 be paid and in place prior to the commencement of work, in a form acceptable to the James City County Attorney’s Office to ensure the mitigation requirements; and

- c. This exception request approval shall become null and void if construction has not begun by May 13, 2021; and
- d. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than April 1, 2021, six weeks before the expiration date.

David Gussman
Chair, Chesapeake Bay Board

Michael Woolson
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 13th day of May, 2020.

CBPA19-35LoxleyLn-res

Michael Woolson

From: Trevor Long
Sent: Wednesday, April 8, 2020 9:49 AM
To: Michael Woolson
Subject: FW: [External] Re: [External] Mitigation question

From: Heather Mundy <heathermundy@yahoo.com>
Sent: Wednesday, April 8, 2020 9:37 AM
To: Trevor Long <Trevor.Long@jamescitycountyva.gov>
Subject: [External] Re: [External] Mitigation question

Got it - thanks! We want to apply for the 6-week extension. Date of original approval was 5/8/19.

[Sent from Yahoo Mail for iPhone](#)

On Wednesday, April 8, 2020, 8:29 AM, Trevor Long <Trevor.Long@jamescitycountyva.gov> wrote:

No cost. And yes you may do two trees instead

From: Heather Mundy <heathermundy@yahoo.com>
Sent: Wednesday, April 8, 2020 8:13 AM
To: Trevor Long <Trevor.Long@jamescitycountyva.gov>
Subject: [External] Mitigation question

Trevor,

Our retaining wall mitigation is 1 tree & 2 shrubs. Can we do 2 trees instead?

Is there a cost to extend the RPA approval for 6 weeks?

Thanks,

Heather Mundy

[Sent from Yahoo Mail for iPhone](#)

ITEM SUMMARY

DATE: 5/13/2020
TO: Chesapeake Bay Board
FROM: Michael Woolson, Chesapeake Bay Board Secretary
SUBJECT: Case No. CBPA 18-0138 : 108 Seven Oaks

Mr. Ronald Nervitt is requesting a modification to the Chesapeake Bay Board approved mitigation plan.

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Presentation, original	Backup Material
☐	Mitigation, approved	Backup Material
☐	Resolution, signed	Backup Material
☐	Extension Request #1 granted	Backup Material
☐	Extension Request #2 granted	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Small, Toni	Approved	5/7/2020 - 11:24 AM
Chesapeake Bay Group	Small, Toni	Approved	5/7/2020 - 11:24 AM
Publication Management	Burcham, Nan	Approved	5/7/2020 - 11:28 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	5/10/2020 - 5:02 PM

MEMORANDUM

DATE: May 13, 2020

TO: The Chesapeake Bay Board

FROM: Michael D. Woolson, Senior Watershed Planner

SUBJECT: Case No. CBPA-18-0138, formerly CBE-15-105. 108 Seven Oaks - James City County Chesapeake Bay Preservation Ordinance Modification to an Approved Mitigation Plan

Mr. Ronald Nervitt is requesting a modification to the mitigation plan approved with CBPA-18-0138 (formerly CBE-15-105). The exception request was granted on August 12, 2015, and a one-year and a two-year extension were granted. The Board-approved a mitigation package included 18 planting units and a rain garden. The proposed mitigation plan includes nine planting units.

Factors in support of approval include the elimination of the approved swimming pool at 800 square feet of impervious cover, planting of 35 ornamental grasses, planting of 33 wetland grasses at the pond edge, planting of 1,100 square feet of liriopie grass in a 10-foot perimeter along the pond edge, not planting any sod to the pond edge, and making a one-time payment of \$2,000 into the James City County Chesapeake Bay Restoration Fund.

The Board must approve, reject, or modify the revisions, as they are substantially different than what had been approved.

MDW/md
CBPA18-138Nervitt-mem



Chesapeake Bay Board of James City County, Virginia

August 12, 2015

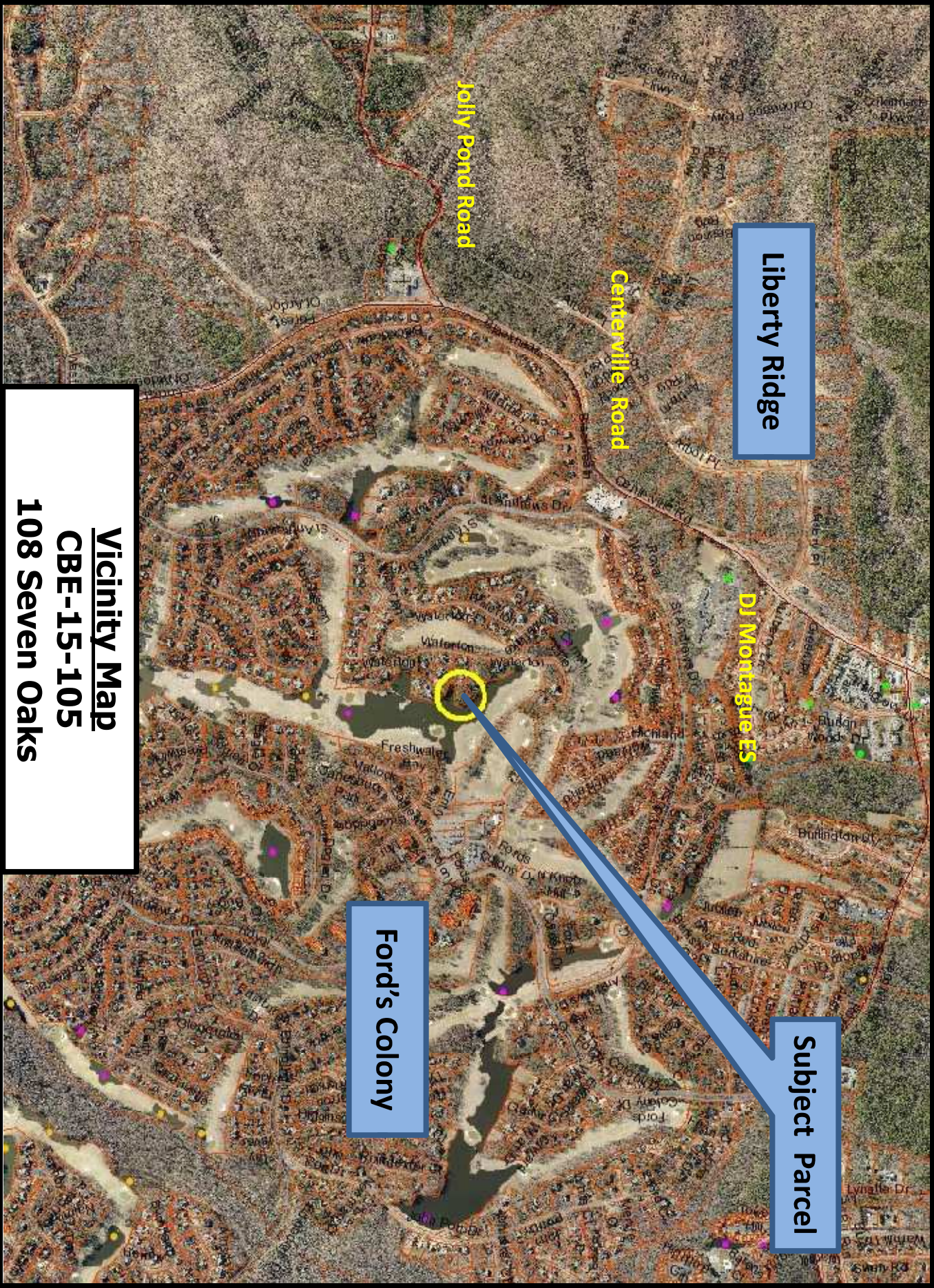
CBE-15-105

108 Seven Oaks



Applicant Request

- ✓ To construct a single-family principal dwelling structure with an accessory terrace pool.



Liberty Ridge

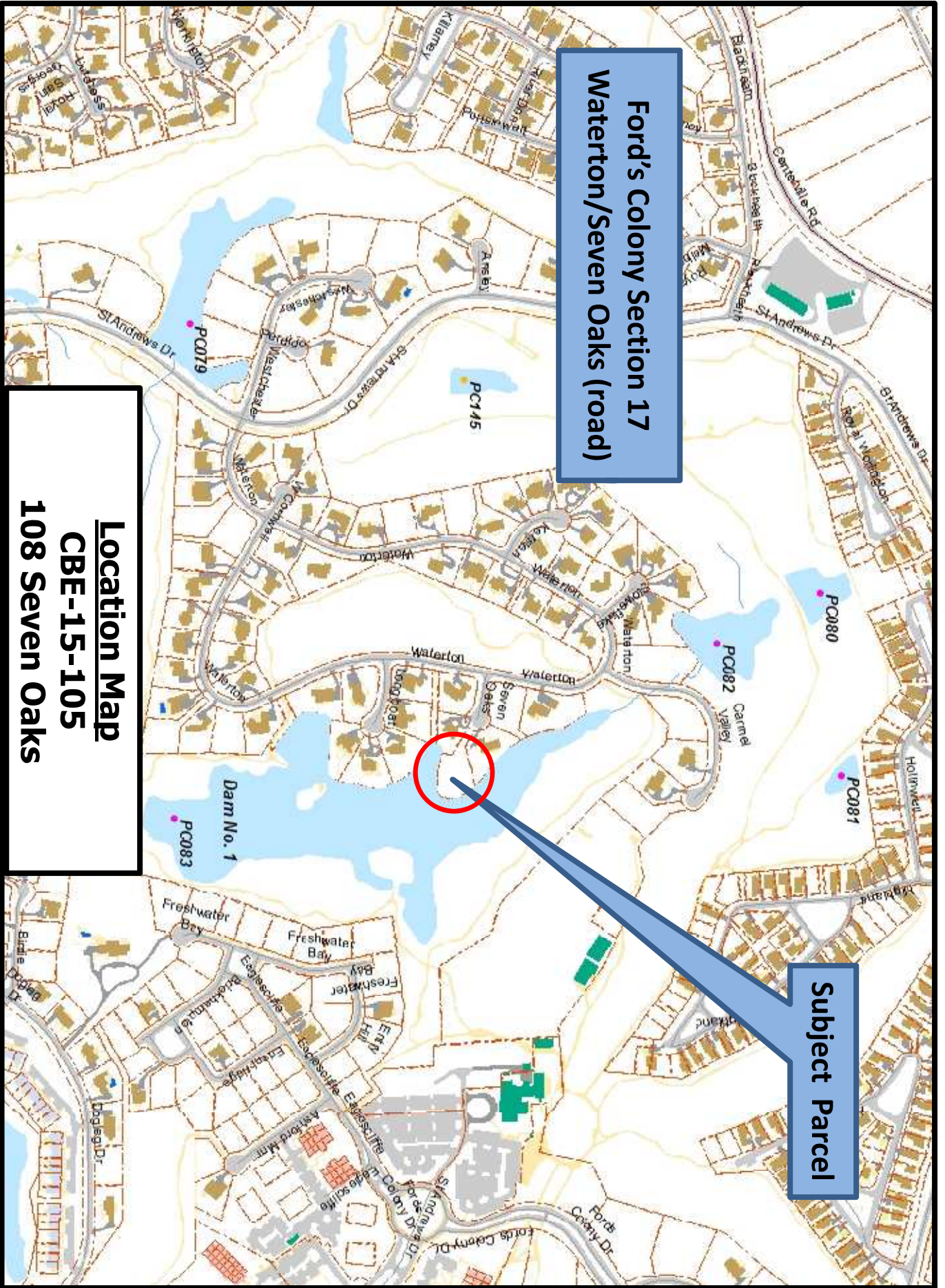
Centerville Road

D.J. Montague ES

Ford's Colony

Subject Parcel

Vicinity Map
CBE-15-105
108 Seven Oaks



Ford's Colony Section 17
Waterton/Seven Oaks (road)

Subject Parcel

Location Map
CBE-15-105
108 Seven Oaks

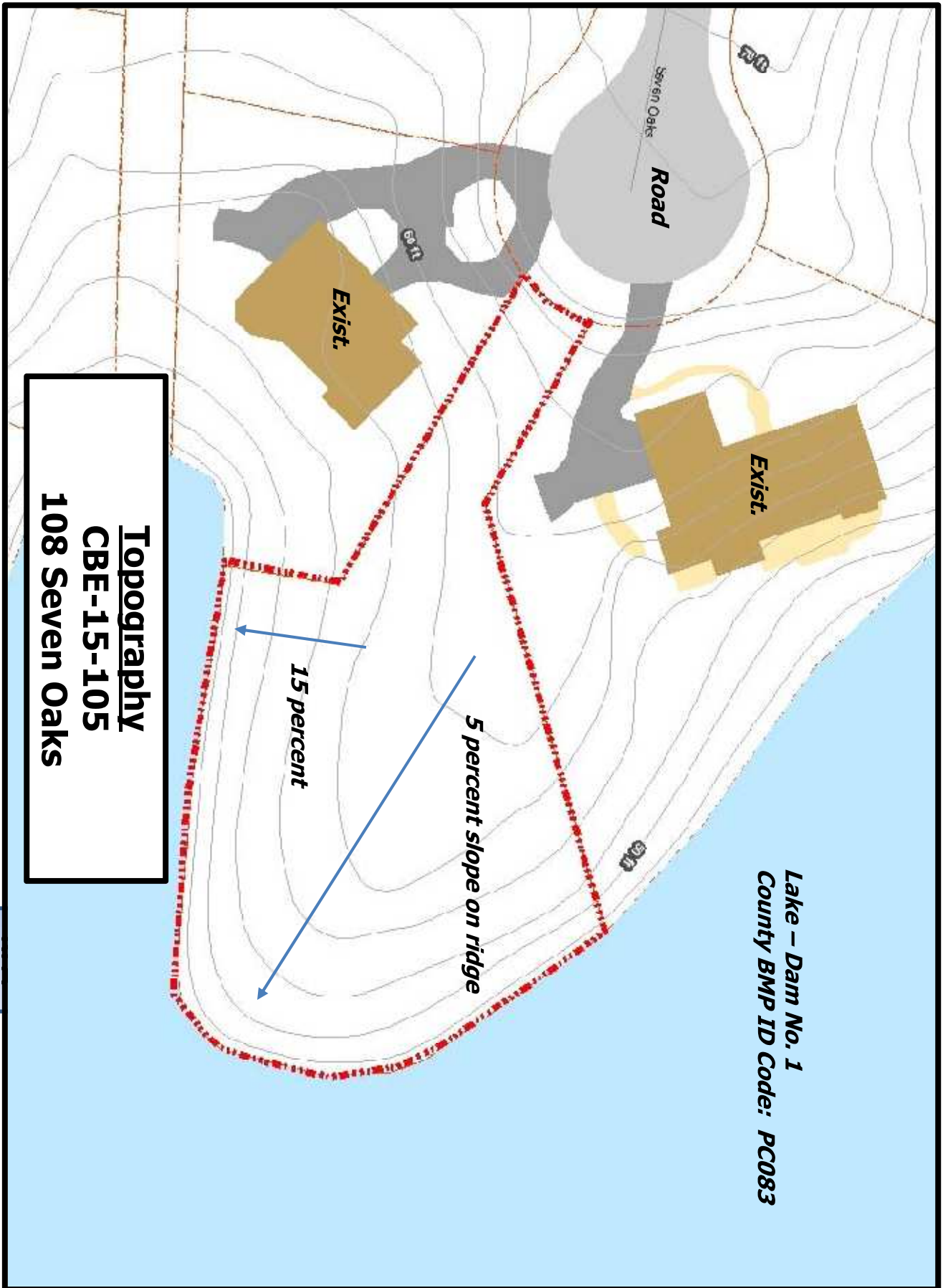


**Subject
Parcel**

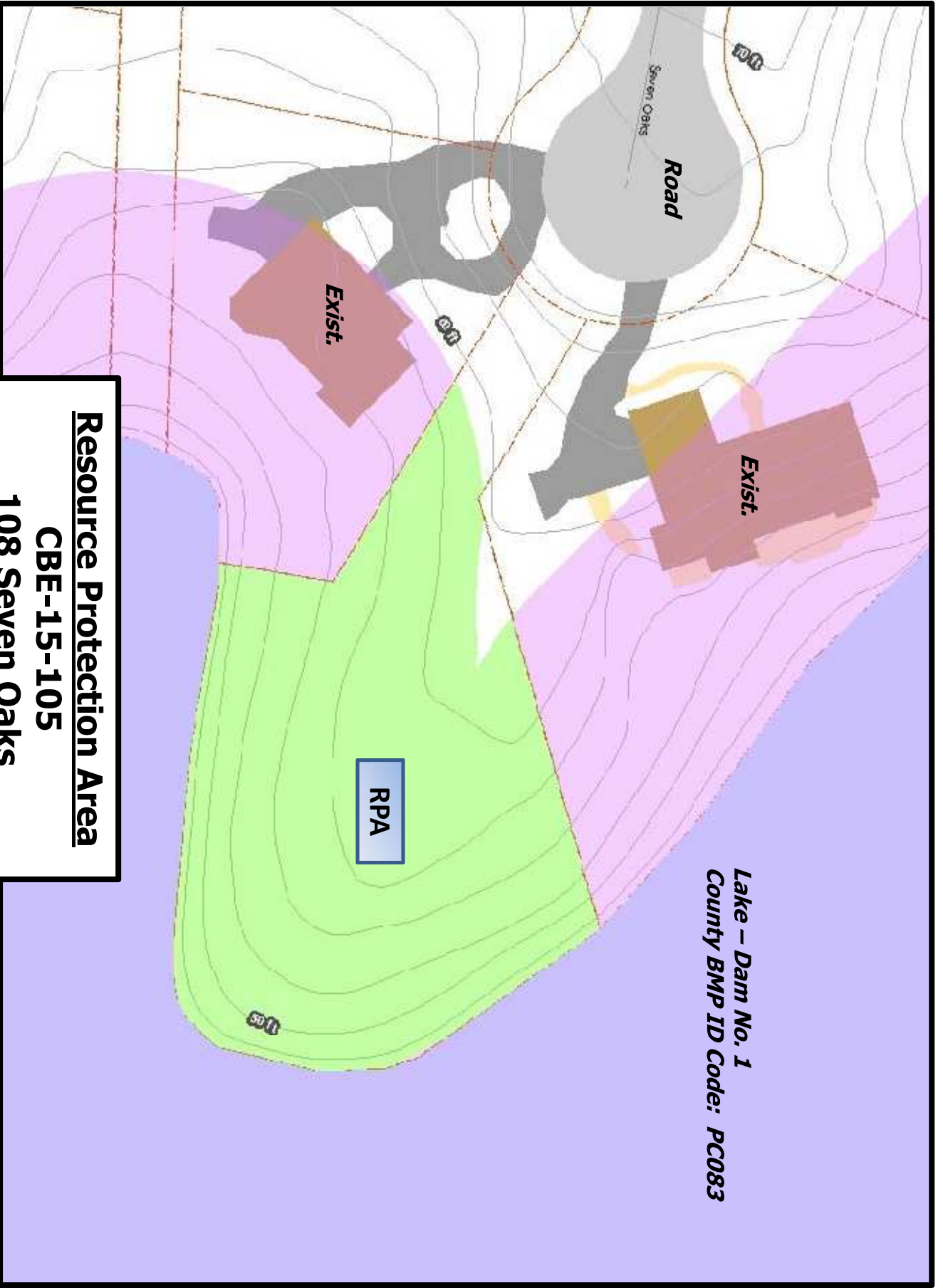
Aerial Photograph
CBE-15-105
108 Seven Oaks

*Lake - Dam No. 1
County BMP ID Code: PC083*

Note: Slopes across lot range from 5-16% with steeper slopes at lake edge.

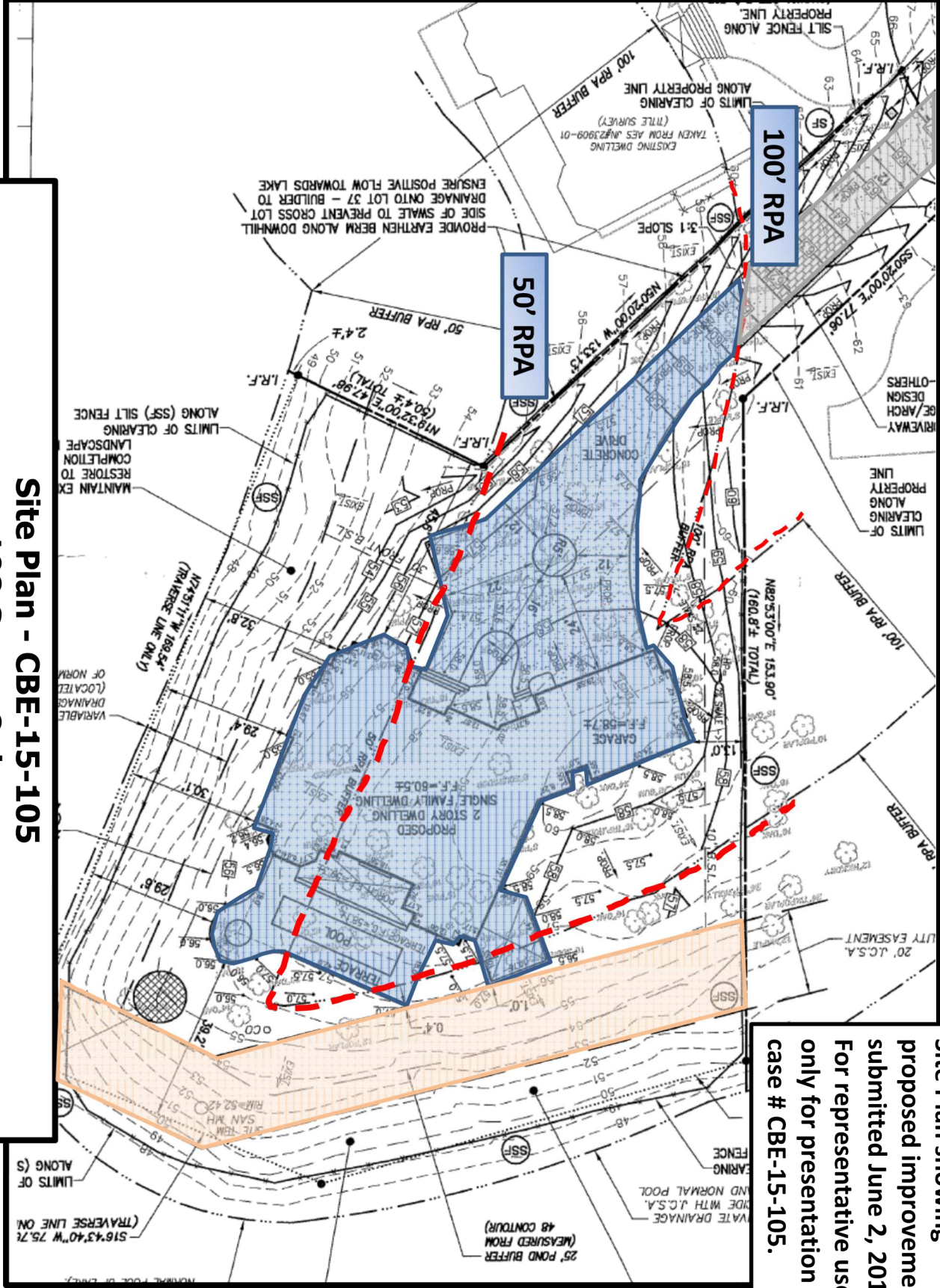


Topography
CBE-15-105
108 Seven Oaks



Lake – Dam No. 1
County BMP ID Code: PC083

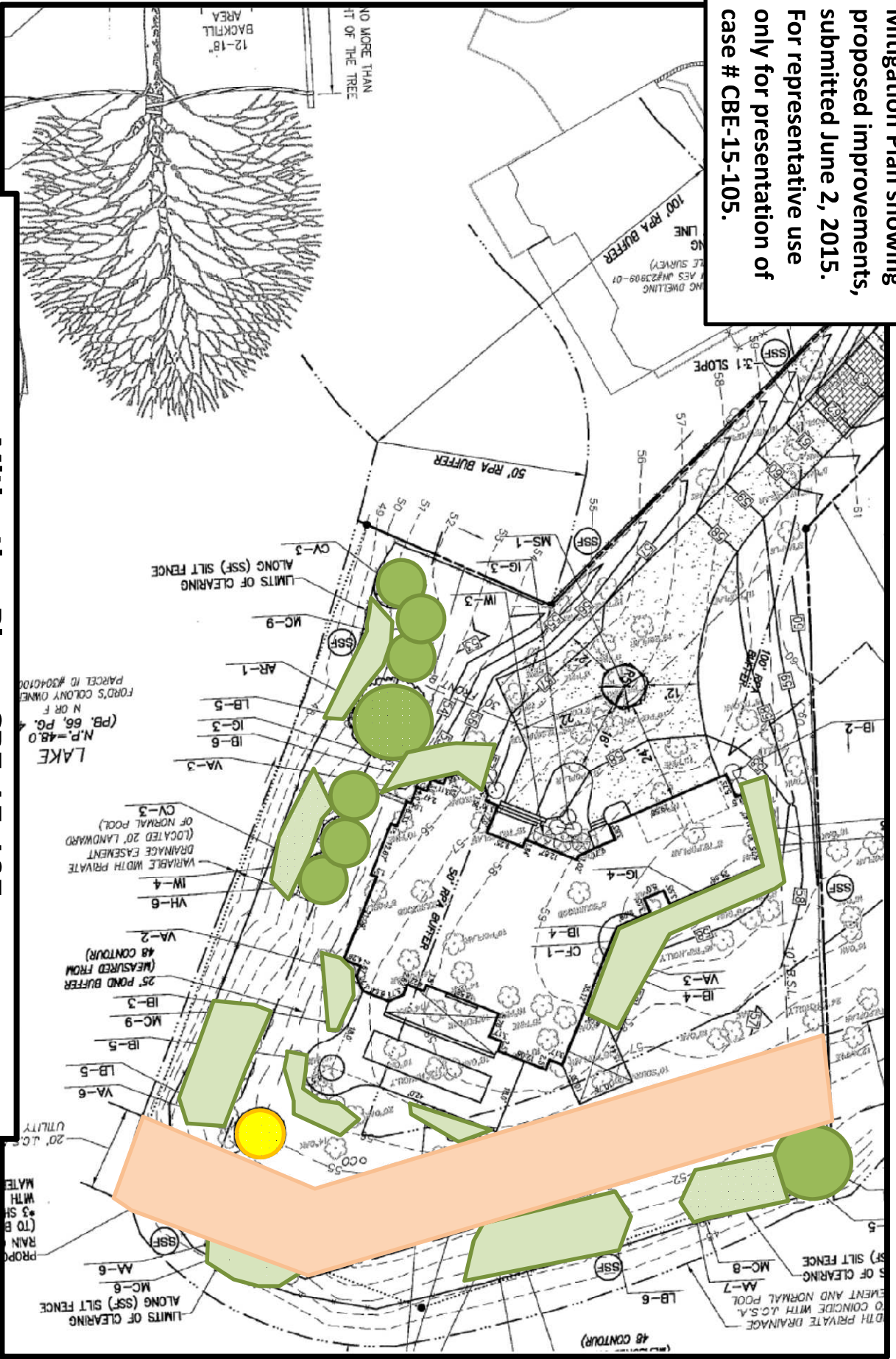
Resource Protection Area
CBE-15-105
108 Seven Oaks



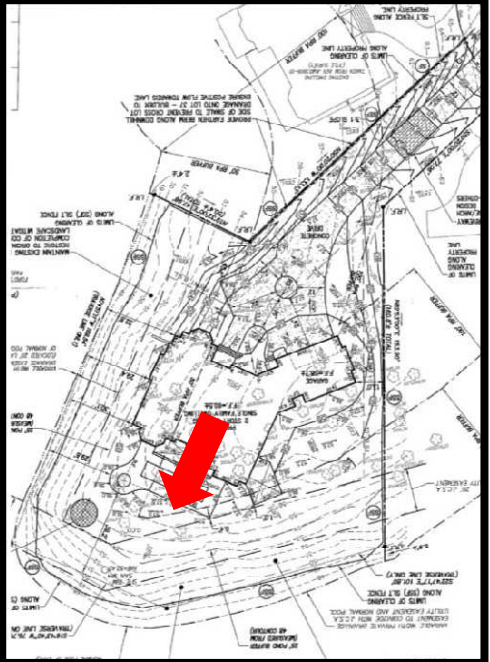
Site Plan - CBE-15-105
108 Seven Oaks

Site Plan showing proposed improvements, submitted June 2, 2015. For representative use only for presentation of case # CBE-15-105.

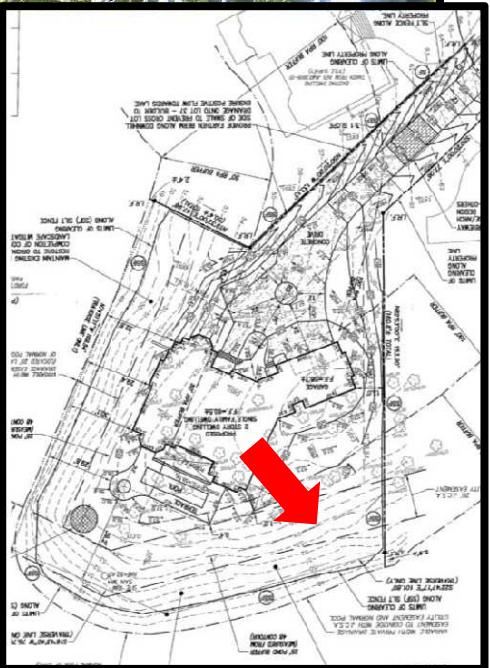
Mitigation Plan showing proposed improvements, submitted June 2, 2015. For representative use only for presentation of case # CBE-15-105.



Mitigation Plan - CBE-15-105
108 Seven Oaks



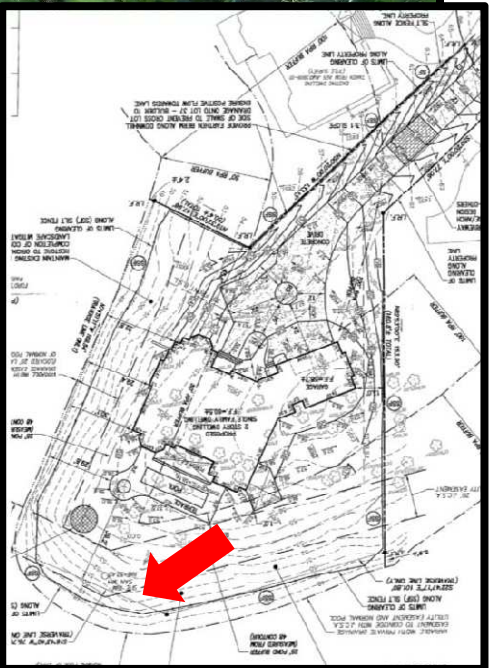
**Site Photograph #1 - CBE-15-105
108 Seven Oaks**

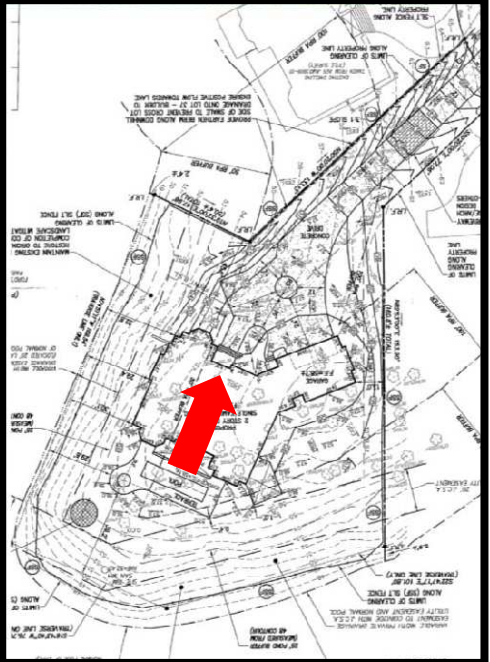


**Site Photograph #2 - CBE-15-105
108 Seven Oaks**



**Site Photograph #3 - CBE-15-105
108 Seven Oaks**





**Site Photograph #4 - CBE-15-105
108 Seven Oaks**

Permit Conditions



Staff Recommendation - Approval

- ✓ All other necessary federal, state and local permits
- ✓ On-lot rain garden design approved by Division prior to construction
- ✓ Pond Buffer waiver, if necessary
- ✓ A \$4,000 surety in a form acceptable to the County Attorney's Office to guarantee mitigation
- ✓ Null and void if not started by August 12, 2016
- ✓ Extension request no later than 6 weeks prior to expiration

(48 CONTOUR)

IDTH PRIVATE DRAINAGE TO COINCIDE WITH J.C.S.A. EMENT AND NORMAL POOL S OF CLEARING (SF) SILT FENCE

MC-8
AA-7

LB-6

SSF

LIMITS OF CLEARING ALONG (SSF) SILT FENCE
MC-6
AA-6

SSF

PROPOSED RAIN GART (TO BE DE #3 SHRUB WITH HERRI MATERIAL

20' J.C.S.A. UTILITY EASEM.

SSF

57

IB-4
VA-3

58

IB-4
CF-1

59

IG-4

58

57

56

55

54

53

52

51

50

49

SITE TBM SAN MH RIM=52.42

55

54

53

52

51

50

49

48

NOT CLE ACT PRC SH/ PEF ALL REC PLA

VARIABLE WIDTH PRIVATE DRAINAGE EASEMENT (LOCATED 20' LANDWARD OF NORMAL POOL.)
CV-3

VA-3

IB-6
IG-3

LB-5

VA-2

IB-5
LB-5

VA-6

IB-5

LB-5

VA-6

IB-5

LB-5

VA-6

IB-5

LB-5

VA-6

IB-5

LB-5

VA-6

IB-5

LB-5

LAKE
N.P.=48.0
(PB. 66, PG. 40)
N OR F
FORD'S COLONY OWNER, LLC
PARCEL ID #3040100002

50' RPA BUFFER

50' RPA BUFFER

100' RPA BUFFER

100' RPA BUFFER

LIMITS OF CLEARING ALONG PROPERTY LINE

EXISTING DWELLING TAKEN FROM AES JN#23309-01 (TITLE SURVEY)

3:1 SLOPE

SF

SSF

SSF

SSF

SSF

SSF

SSF

SSF

SSF

SSF

SSF

SSF

SSF

SSF

MIN. BUT NO MORE THAN THE HEIGHT OF THE TREE

12-18" BACKFILL AREA

LOT 37
PARCEL ID #3130900037

RESOLUTION

GRANTING AN EXCEPTION ON JCC RE TAX PARCEL 3130900038

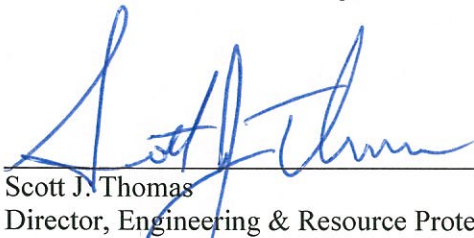
WHEREAS, Ronald A. and Lois S. Nervitt, 101 Stone Bridge Drive Williamsburg, VA (the "Applicant") has applied to the Chesapeake Bay Board of James City County (the "Board") to request an exception to the use of the Resource Protection Area (the "RPA") on a parcel of property identified as JCC RE Tax Parcel 3130900038 and further identified as 108 Seven Oaks in the Ford's Colony subdivision (the "Property") as set forth in the application CBE-15-105 for the purpose of constructing a single family dwelling with a terrace pool; and

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

NOW, THEREFORE, following a public hearing on August 12, 2015, the Chesapeake Bay Board of James City County 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:
 - 1) The applicant must obtain all other necessary federal, state, and local permits as required for the project.
 - 2) Design and construction of the onlot runoff reduction/pollutant removal practice proposed shall generally follow micro-scale specifications found in Virginia DEQ Stormwater Design Specifications No. 1 (Rooftop Disconnection), No. 8 (Infiltration), or No. 9 (Bioretention); or alternatively, an equivalent and acceptable published and agreed upon standard for onlot residential practices. Final design/construction information for the practice as labeled on the mitigation plan as "Proposed Rain Garden Area (To Be Designed)" shall be submitted to the Engineering and Resource Protection Division for review and approval prior to installation.

- 3) At the time of building permit application for the single-family residence dwelling, if there is any encroachment into the 25 foot pond buffer/setback, defined as the zone 25 feet landward from the 100-year design high water elevation of the lake (Dam No. 1; County BMP ID Code: PC083; Normal Pool Elevation 48.0; DHW Elevation 50.45), a Pond Buffer/Setback waiver request will need to be submitted, reviewed, and approved by the County in accordance with those specific County program guidelines and procedures.
- 4) A surety of \$4,000 will be required in a form acceptable to the County Attorney's office to guarantee the mitigation plan including canopy tree, understory trees and shrub/ground cover plantings and the onlot rain garden practice.
- 5) This exception request approval shall become null and void if construction has not begun by August 12, 2016.
- 6) Written requests for an extension to an exception shall be submitted to the Engineering and Resource Protection Division no later than 6 weeks prior to the expiration date.



 Scott J. Thomas
 Director, Engineering & Resource Protection



 David Gussman
 Chair, Chesapeake Bay Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 12th day of August 2015.

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 12th DAY OF August 2015 IN THE COMMONWEALTH OF VIRGINIA IN THE COUNTY OF JAMES CITY.



 NOTARY PUBLIC

7014335

 REGISTRATION

MY COMMISSION EXPIRES 12/31/18

MELANIE J. DAVIS NOTARY PUBLIC REG. #7014335 COMMONWEALTH OF VIRGINIA MY COMMISSION EXPIRES DECEMBER 31, 2018

RESOLUTION

CASE NO. CBE-15-105. 108 SEVEN OAKS

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE

EXTENSION OF AN EXCEPTION

WHEREAS, Ronald A. and Lois S. Nervitt, (the "Applicant") has requested an extension of the exception granted by the Chesapeake Bay Board of James City County (the "Board") on July 13, 2016. The exception request is for encroachment into the Resource Protection Area (the "RPA") on a parcel of property identified as James City County Real Estate Tax Parcel No. 3130900038 and further identified as 108 Seven Oaks in the Ford's Colony subdivision (the "Property") as set forth in the application CBE-16-074 for the purpose of constructing a single-family dwelling with a terrace pool; and

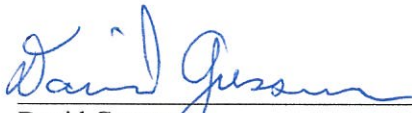
WHEREAS, the Board has listened to the arguments presented and has carefully considered all evidence entered into the record.

NOW, THEREFORE, BE IT RESOLVED that the Chesapeake Bay Board of James City County, Virginia, following a public hearing on August 12, 2015, 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 and permissions as required for the project; and
 - b. Design and construction of the on-lot runoff reduction/pollutant removal practice proposed shall generally follow micro-scale specifications found in Virginia

Department of Environmental Quality Stormwater Design Specifications No. 1 (Rooftop Disconnection), No. 8 (Infiltration), or No. 9 (Bioretention); or alternatively, an equivalent and acceptable published and agreed upon standard for on-lot residential practices. Final design/construction information for the practice as labeled on the mitigation plan as "Proposed Rain Garden Area (To Be Designed)" shall be submitted to the Engineering and Resource Protection Division for review and approval prior to installation; and

- c. At the time of building permit application for the single-family residence dwelling, if there is any encroachment into the 25-foot-pond buffer/setback, defined as the zone 25 feet landward from the 100-year design high water elevation of the lake (Dam No. 1; County Best Management Practice ID Code: PC083; Normal Pool Elevation 48.0; Design High Water Elevation 50.45), a Pond Buffer/Setback Waiver request will need to be submitted, reviewed, and approved by the County in accordance with those specific County program guidelines and procedures; and
- d. Surety of \$4,000 will be required in a form acceptable to the County Attorney's office to guarantee the mitigation plan including canopy tree, understory trees and shrub/ground cover plantings and the on-lot rain garden practice; 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; and
- f. This exception request approval shall become null and void if construction has not begun by June 14, 2019.



David Gussman
Chair, Chesapeake Bay Board



Michael Woolson
Senior Watershed Planner

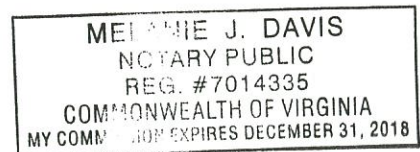
Adopted by the Chesapeake Bay Board of James City County, Virginia, this 14th day of June, 2017.

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 14th DAY OF June, 2017 IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF JAMES CITY.



NOTARY PUBLIC

MY COMMISSION EXPIRES: 12/31/18



RESOLUTION

CASE NO. CBE-15-105. 108 SEVEN OAKS

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE

EXTENSION OF AN EXCEPTION

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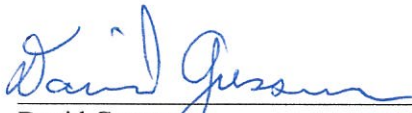
WHEREAS, the Board has listened to the arguments presented and has carefully considered all evidence entered into the record.

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 - b. Design and construction of the on-lot runoff reduction/pollutant removal practice proposed shall generally follow micro-scale specifications found in Virginia

Department of Environmental Quality Stormwater Design Specifications No. 1 (Rooftop Disconnection), No. 8 (Infiltration), or No. 9 (Bioretention); or alternatively, an equivalent and acceptable published and agreed upon standard for on-lot residential practices. Final design/construction information for the practice as labeled on the mitigation plan as "Proposed Rain Garden Area (To Be Designed)" shall be submitted to the Engineering and Resource Protection Division for review and approval prior to installation; and

- c. At the time of building permit application for the single-family residence dwelling, if there is any encroachment into the 25-foot-pond buffer/setback, defined as the zone 25 feet landward from the 100-year design high water elevation of the lake (Dam No. 1; County Best Management Practice ID Code: PC083; Normal Pool Elevation 48.0; Design High Water Elevation 50.45), a Pond Buffer/Setback Waiver request will need to be submitted, reviewed, and approved by the County in accordance with those specific County program guidelines and procedures; and
- d. Surety of \$4,000 will be required in a form acceptable to the County Attorney's office to guarantee the mitigation plan including canopy tree, understory trees and shrub/ground cover plantings and the on-lot rain garden practice; 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; and
- f. This exception request approval shall become null and void if construction has not begun by June 14, 2019.



David Gussman
Chair, Chesapeake Bay Board



Michael Woolson
Senior Watershed Planner

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 14th day of June, 2017.

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 14th DAY OF June, 2017 IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF JAMES CITY.



NOTARY PUBLIC

MY COMMISSION EXPIRES: 12/31/18

MELANIE J. DAVIS
NOTARY PUBLIC
REG. #7014335
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES DECEMBER 31, 2018

ITEM SUMMARY

DATE: 5/13/2020
TO: Chesapeake Bay Board
FROM: Michael Woolson, Senior Watershed Planner
SUBJECT: Appeal - The Promenade

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Secretary, ChesBay	Approved	5/12/2020 - 9:01 AM

ITEM SUMMARY

DATE: 5/13/2020
TO: The Chesapeake Bay Board
FROM: Liz Parman, Assistant County Attorney
SUBJECT: Remote Participation Policy

ATTACHMENTS:

	Description	Type
☐	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Small, Toni	Approved	5/5/2020 - 3:11 PM
Chesapeake Bay Group	Small, Toni	Approved	5/5/2020 - 3:13 PM
Publication Management	Burcham, Nan	Approved	5/5/2020 - 3:14 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	5/10/2020 - 5:00 PM

RESOLUTION

JAMES CITY COUNTY CHESAPEAKE BAY BOARD

ADOPTION OF A POLICY FOR REMOTE PARTICIPATION IN MEETINGS

WHEREAS, Virginia Code Section 2.2-3708.2 permits remote participation in meetings by members of a public body upon adoption of a policy governing such participation; and

WHEREAS, the Chesapeake Bay Board of James City County, Virginia, desires to adopt a policy in conformance with the requirements of Virginia Code Section 2.2-3708.2.

NOW, THEREFORE, BE IT RESOLVED that the Chesapeake Bay Board of James City County, Virginia, does hereby adopt the following policy for remote participation in meetings:

Pursuant to § 2.2-3708.1 of the Code of Virginia, the following policy is established for members' remote electronic participation in Chesapeake Bay Board meetings due to:

1. A personal matter
 - a. On or before the day of a meeting, the member shall notify the chair of the James City County Board of Supervisors (the "Board") that the member is unable to attend the meeting due to a personal matter. The member must identify with specificity the nature of the personal matter and the public body holding the meeting must record in its minutes the specific nature of the personal matter and the remote location from which the member is participating.
 - b. A quorum of the Board must be physically assembled at the primary or central meeting location. The Board members must approve the participation by a majority vote. The decision shall be based solely on the criteria in this resolution, without regard to the identity of the member or matters that will be considered or voted on during the meeting. The Clerk of the Board of Supervisors shall record in the Board's minutes the specific nature of the personal matter and the remote location from which the absent member participated. If the absent member's remote participation is disapproved because such participation would violate this policy, such disapproval shall be recorded in the Board's minutes.
 - c. Participation by the absent member due to a personal matter shall be limited in each calendar year to two (2) meetings.
2. A temporary or permanent disability
 - a. On or before the day of a meeting, the member shall notify the chair of the public body that the member is unable to attend the meeting due to a temporary or permanent disability or medical condition that prevents his or her physical presence.

- b. A quorum of the Board must be physically assembled at the primary or central meeting location. The Clerk of the Board shall record in the Board's minutes the fact of the disability or other condition and the remote location from which the absent member participated.
3. For any remote participation, the Board shall make arrangements for the voice of the absent member or members to be heard by all persons in attendance at the meeting location.

David Gussman
Chair, Chesapeake Bay Board

Michael D. Woolson
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 13th day of May, 2020.

RemotePartic-CBB-res