

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
December 9, 2020
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

1. Minutes from November 12, 2020, Regular Meeting

D. PUBLIC HEARINGS

1. Case No. CBPA 20-0132 : 124 Four Mile Tree
2. Case No. CBPA 20-0120 : 3468 Hunter's Ridge
3. Case No. CBPA 20-0105 : 2148 Benomi Drive

E. BOARD CONSIDERATIONS

F. MATTERS OF SPECIAL PRIVILEGE

G. ADJOURNMENT

ITEM SUMMARY

DATE: 12/9/2020
TO: Chesapeake Bay Board
FROM: Michael Woolson, Chesapeake Bay Board Secretary
SUBJECT: Minutes from November 12, 2020, Regular Meeting

ATTACHMENTS:

	Description	Type
📎	Minutes	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	12/2/2020 - 3:24 PM
Chesapeake Bay Group	Small, Toni	Approved	12/3/2020 - 8:23 AM
Publication Management	Daniel, Martha	Approved	12/3/2020 - 8:28 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	12/3/2020 - 8:45 AM

MINUTES
JAMES CITY COUNTY CHESAPEAKE BAY BOARD
REGULAR MEETING
County Government Center, Building F
101 Mounts Bay Road, Williamsburg, Virginia 23185
November 12, 2020
5:00 PM

A. CALL TO ORDER

The Chesapeake Bay Board meeting for November 12, 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
Halle Dunn
Michael O'Brien

Board Members Absent:

Larry Waltrip

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
Janice Petty, Stormwater Assistant, Stormwater and Resource Protection

C. MINUTES

1. Minutes from October 14, 2020, Regular Meeting

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

D. PUBLIC HEARINGS

1. Case No. CBPA 20-0092 : 4041 Bradshaw Ordinary

Staff withdrew this application.

2. Case No. CBPA 20-0096 : 289 Mill Stream Way

Mr. Trevor Long, Watershed Planner, presented the exception request submitted by Mr. Aaron Williams, Williams Landscaping & Design, Inc., on behalf of Mr. Kevin and Mrs. Tami Potter, for encroachments into the Resource Protection Area (RPA) buffer for the construction of a patio, three retaining walls with steps, landings, and a paver patio located at 289 Mill

Stream Way, within the Settlers Mill Subdivision and the Mill Creek watershed. The property is further identified as James City County Tax Map Parcel No. 4711800040. The presentation described the current and proposed site conditions. If the Board approved the request, staff asked that the suggested conditions be incorporated into the approval.

Mr. Gussman inquired how far the wall was moved from the wetlands from the previous submittal.

Mr. Woolson answered it is approximately 8 feet from the trees in the current configuration.

Discussion ensued concerning the varying width of disturbed area with the different sections of the wall. Also discussed were the concerns about sheet flow, erosion, and infiltration.

Mr. Gussman stated that the Public Hearing had been left open at the October 14, 2020, meeting and requested that anyone wishing to speak please approach the podium.

A. Mr. Kevin Potter, 289 Mill Stream Way, outlined the project for the Board.

Mr. Dunn inquired if the deck was part of this exception request.

Mr. Woolson replied that the deck was shown on the plan but was never called out as being included.

Mr. Long explained that there would be a deck overtop of the pavers.

Mr. Gussman stated that the water would not percolate through the pavers.

Mr. Roadley stated that there was concerns about the proposal last month, in part because of the amount of the disturbance and encroachment into the RPA. This Board's charge is to help maintain that 100-foot buffer to the maximum extent practical. There are conditions that the Board must follow in order to evaluate. Mr. Roadley had visited the site with Mr. Woolson and Mr. Long. The wetlands line is not too far beyond the silt fence line. Once the wall is built, there will be a very narrow band of grassland before one would get to the wetlands. Mr. Roadley would like to hear from the architect regarding how the infiltration was being treated.

B. Mr. Greg Whetzel, Williams Landscaping & Design, Inc., outlined the project for the Board and described the infiltration system that was proposed with the wall and how much of the area was being treated.

Mr. Apperson inquired how much fill must be moved to get back to the 10-foot distance from the trees.

B. Mr. Whetzel responded that the object is to maintain the natural slope and recover the original grade.

C. Mrs. Tami Potter, 289 Mill Stream Way, described the small deck that would be used for an exit from the addition.

A. Mr. Potter described that the original deck went back an additional 4 feet from where the edge of the house now stands. They now want an 8-foot deck, for an additional 4 feet of decking.

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

Mr. Gussman inquired if in the event if not approved by the Board, he asked for the sequence

of events to have the site restored.

Mr. Woolson replied if not approved by the Board, the disturbed area would be regraded so that it properly drains and the backyard matted to reduce the threat of erosion and stabilized. The slope would revert to native landscaping.

The Public Hearing was reopened.

C. Mrs. Potter described the erosion on both sides behind their home.

A. Mr. Kevin Potter described the rock drainage.

Mr. Gussman closed the Public Hearing for a second time, as no one else wished to speak.

The Board deliberated on the pros and cons of this application.

Mr. Dunn made a motion to Deny Chesapeake Bay Board Case No. CBPA 20-0096 at 289 Mill Stream Way.

A motion to Deny was made by Mr. Dunn, the motion result was:

AYES: 4 NAYS: 1 ABSTAIN: 0 ABSENT: 1

AYES: Gussman, Dunn, Roadley, O'Brien

NAYS: Apperson

ABSENT: Waltrip

Mr. Apperson left the Chesapeake Bay Board meeting.

3. Case No. CBPA 20-0102 : 233 Richard Brewster

Mr. Trevor Long, Watershed Planner, presented the exception request submitted by Mr. Chase Grogg, Landtech Resources, Inc. on behalf of Mr. Brian and Mrs. Diane Magoon, for encroachments into the RPA buffer for the construction of a deck and screened porch located at 233 Richard Brewster, within the Kingsmill Subdivision and the College Creek watershed. The property is further identified as James City County Tax Map Parcel No. 5030600044. The presentation described the current and proposed site conditions. If the Board approved the request, staff asked that the suggested 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. Chase Grogg, Landtech Resources, Inc., outlined the project to the Board.

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

Mr. Roadley made a motion to Adopt the resolution for Chesapeake Bay Board Case No. CBPA 20-0102 at 233 Richard Brewster.

A motion to Approve with Conditions was made by Mr. Roadley, the motion result was:

AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 2

AYES: Gussman, Dunn, Roadley, O'Brien

NAYS: None

ABSENT: Waltrip, Apperson

4. Case No. CBPA 20-0101 : 9230 Pocahontas Trail

Mr. Michael Woolson, Senior Watershed Planner, presented the exception request submitted by Mr. Anthony Loubier, Vanasse Hangen Brustlin (VHB), Inc., for encroachments into the RPA buffer for the construction of a sanitary sewer connection located at 9320 Pocahontas Trail, within the Skiffes Creek watershed. The property is further identified as James City County Tax Map Parcel No. 6010100006. The presentation described the current and proposed site conditions. If the Board approved the request, staff asked that the suggested 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. Anthony Loubier, VHB, Inc., outlined the project to the Board.

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

Mr. O'Brien made a motion to Adopt the resolution for Chesapeake Bay Board Case No. CBPA 20-0101 at 9320 Pocahontas Trail.

A motion to Approve with Conditions was made by Mr. O'Brien, the motion result was:
AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 2
AYES: Gussman, Dunn, Roadley, O'Brien
NAYS: None
ABSENT: Waltrip, Apperson

E. BOARD CONSIDERATIONS

1. Colonial Soil and Water Conservation District Presentation

Mr. Doug Hall, Director from James City County Colonial Soil and Water Conservation District, made a presentation to the Board. Mr. Jim Wallace, District Manager and Ms. Robyn Goad, Urban Conservationist, were available to answer any questions from the Board.

2. 2021 Calendar

Mr. Gussman made a motion to Adopt the 2021 Calendar. The 2021 Calendar was approved on a voice vote.

3. Election of Officers for 2021

Mr. Roadley nominated Mr. Gussman to serve as Chair. The nomination was approved: 4-0
Ayes: Gussman, Dunn, Roadley, O'Brien
Nays: None
Absent: Waltrip, Apperson

Mr. Roadley nominated Mr. Dunn to serve as Vice Chair. The nomination was approved: 4-0
Ayes: Gussman, Dunn, Roadley, O'Brien
Nays: None
Absent: Waltrip, Apperson

Mr. Gussman nominated Mr. Woolson to serve as Secretary. The nomination was approved:

4-0

Ayes: Gussman, Dunn, Roadley, O'Brien

Nays: None

Absent: Waltrip, Apperson

F. MATTERS OF SPECIAL PRIVILEGE

None

G. ADJOURNMENT

A motion to Adjourn was made by Mr. Roadley and approved on a voice vote. The meeting adjourned at 6:28 p.m.

ITEM SUMMARY

DATE: 12/9/2020
TO: Chesapeake Bay Board
FROM: Michael Woolson, Senior Watershed Planner
SUBJECT: CBPA 20-0132 : 124 Four Mile Tree

Brian and Stacy Solano have filed an exception request for encroachments into the RPA buffer for two retaining walls at 128 Four Mile Tree, JCC Parcel 1640500013.

ATTACHMENTS:

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

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	12/2/2020 - 3:18 PM
Chesapeake Bay Group	Small, Toni	Approved	12/3/2020 - 8:23 AM
Publication Management	Daniel, Martha	Approved	12/3/2020 - 8:35 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	12/3/2020 - 8:48 AM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA 20-0132. 128 Four Mile Tree
Staff Report for the December 9, 2020, Chesapeake Bay Board Public Hearing**

This staff report is prepared by the 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. Brian and Mrs. Stacy Solano

Agent: None

Location: 128 Four Mile Tree

Parcel Identification No.: 1640500013

Parcel: Lot 13, Section 1, Block A, Riverview Plantation

Lot Size: 0.47 acres

Area of Lot in Resource Protection Area (RPA): 0.44 acres +/- (94%)

Watershed: Skimino Creek (HUC YO 65)

Floodplain: Zone AE - The Special Flood Hazard Area subject to 1% annual chance flooding base elevations determined at elevation 9 feet

Zone VE - Coastal flood zone with velocity hazard (wave action). Base elevation determined at elevation 11 feet

Proposed Activity: Construction of two retaining walls

Impervious Cover: 47 square feet

RPA Encroachment: 11 square feet, seaward 50-foot RPA
36 square feet, landward 50-foot RPA

Staff Contact: Trevor A. Long, Watershed Planner Phone: 253-6789

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Brian and Mrs. Stacy Solano have applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of two retaining walls on property located at 128 Four Mile Tree within the Riverview Plantation subdivision and the Skimino Creek watershed. The property is further identified as James City County Tax Map Parcel No. 1640500013. The parcel was platted in 1969, before the adoption of the Chesapeake Bay Ordinance in 1990.

The total lot size of this property is 0.47 acres, of which 94% is located within the RPA. The applicant appeared before this Board on January 15, 2020, and was approved for the construction of a single-family dwelling. The addition of two retaining walls is now being proposed in order to alleviate grading and erosion and sediment control issues that the contractor is currently experiencing. The first retaining wall is proposed to extend 11 feet within the seaward 50-foot RPA and the second retaining wall is proposed to extend 36 square feet within the landward 50-foot RPA. Total impacts to the RPA equal 47 square feet. Mitigation requirements for this amount of impervious impacts equals the plantings of three shrubs.

STAFF EVALUATION

Staff has evaluated the application and exception request for the construction of two retaining walls. This application meets the Ordinance conditions in Sections 23-11 and 23-14 and should be heard by the Board because the retaining walls are accessory in nature and one retaining wall extends into the seaward 50-foot 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 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 meets all five of the conditions 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; and
2. A mitigation plan consisting of three shrubs be submitted to the Stormwater and Resource Protection Division; and
3. A surety of \$250 be submitted 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 December 9, 2021; and
5. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than October 28, 2021, six weeks prior to the expiration date

TAL/md
CBPA20-132-128RMileTree

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA 20-0132. 128 FOUR MILE TREE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Brian and Mrs. Stacy Solano (the “Applicants”) have applied to the Chesapeake Bay Board of James City County (the “Board”) on December 9, 2020, to request an exception to use of the Resource Protection Area (the “RPA”) on a parcel of property identified as James City County Real Estate Tax Parcel No. 1640500013 and further identified as 128 Four Mile Tree (the “Property”) as set forth in the application CBPA 20-0132 for the purpose of constructing two 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 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 mitigation plan consisting of three shrubs be submitted to the Stormwater and Resource Protection Division; and
 - c. A surety of \$250 be submitted 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 December 9, 2021; and
- e. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than October 28, 2021, six weeks prior to the expiration date.

William Apperson
Vice Chair, Chesapeake Bay Board

Michael Woolson
Senior Watershed Planner

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 9th day of December, 2020.

CBPA20-0132-1284MileTree-res

GENERAL NOTES

1. A TITLE REPORT HAS NOT BEEN FURNISHED TO THIS FIRM.
2. ELEVATION SHOWN HEREON ARE IN FEET AND ARE GPS DERIVED.
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 "???" ACCORDING TO COMMUNITY PANEL #51095C0068D, DATED DECEMBER 16, 2015.
6. LOT SERVED BY PUBLIC WATER AND SEWER.
7. CONTRACTOR SHALL PROVIDE POSITIVE DRAINAGE AWAY FROM BUILDINGS SHOWN HEREON.
8. TOPOGRAPHIC DATA AS SHOWN IS BASED ON A CURRENT FIELD SURVEY.
9. CONTRACTOR SHALL DETERMINE EXACT FINISHED FLOOR ELEVATION AFTER EXCAVATION.
10. ALL DIMENSIONS SHOWN HEREON ARE TO THE FRAMLINE OF THE BUILDING.

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.

BUILDING INFORMATION

PROPOSED BUILDING IS A 2-STORY FRAME
 PROPOSED GARAGE IS FRONT LOADING

SITE INFORMATION

LOT NUMBER 13, BLOCK "C", SECTION 1A
 RIVERVIEW PLANTATION
 TOTAL AREA: 18,797 S.F. / 0.4315 AC.
 IMPERVIOUS AREA: 2,185 S.F. / .0502 AC.
 IMPERVIOUS AREA WITHIN 50' RPA: 299 S.F. / .007 AC.
 IMPERVIOUS AREA WITHIN 100' RPA: 1,436 S.F. / .033 AC.
 DISTURBED AREA: 6,983 S.F. / 0.1603 AC.
 DISTURBED AREA WITHIN RPA: 5,150 S.F. / 0.118 AC.
 PARCEL ID: 1640500013
 TAX MAP: 1640500013
 ZONING DISTRICT: R1 LIMITED RESIDENTIAL
 PROPERTY IS LOCATED IN AN RPA
 EXISTING SITE IS WOODED AS SHOWN

BUILDING SETBACK (SBL)

FRONT: 35'
 SIDE: 15'

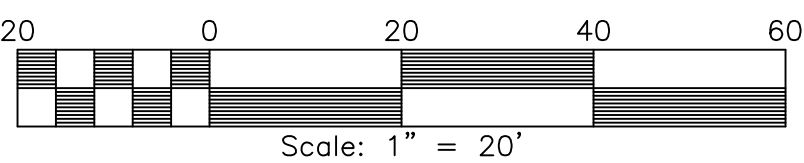
EXISTING ADDRESS:

128 FOUR MILE TREE
 JAMES CITY COUNTY, VIRGINIA

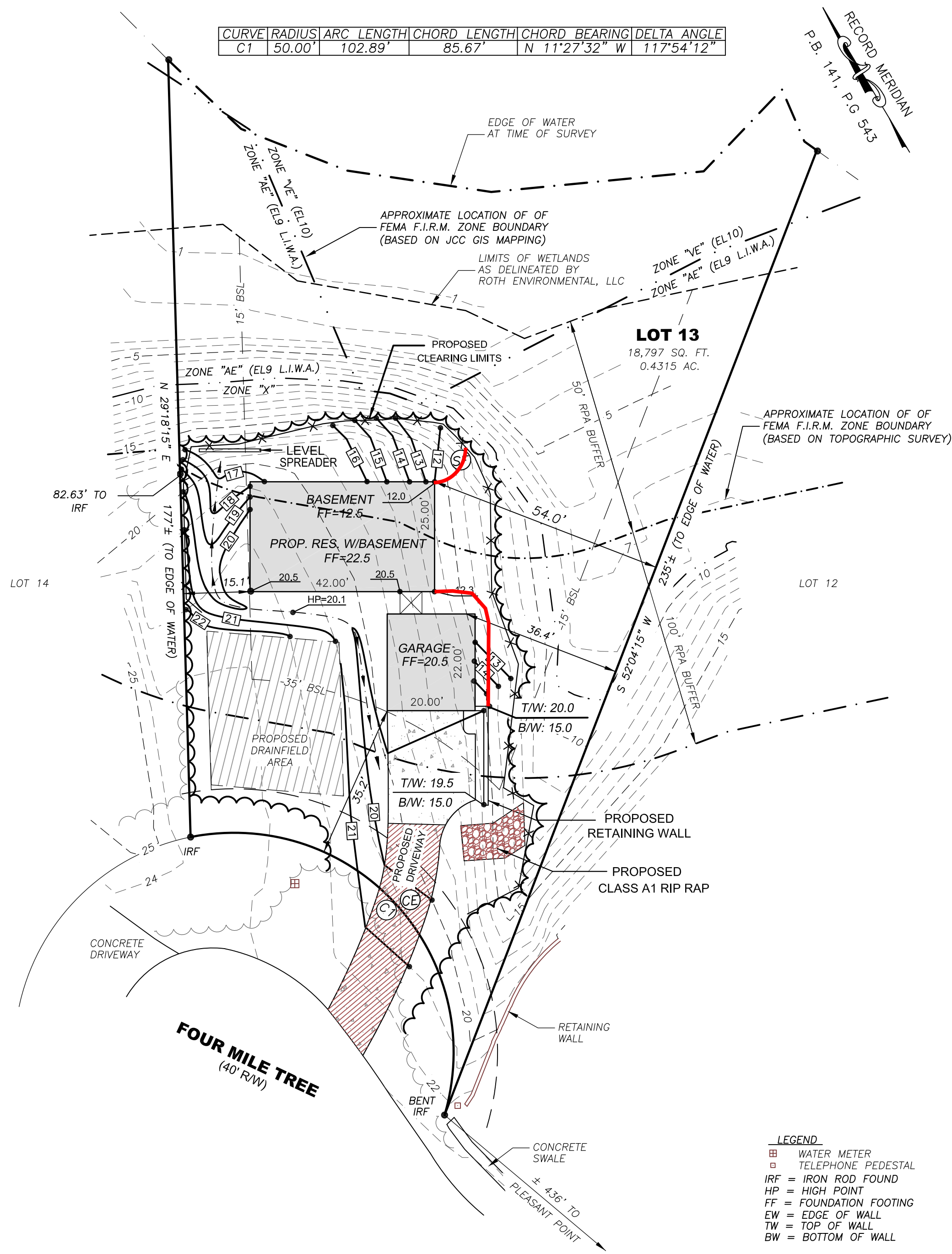
MITIGATION TABLE: 1,735 S.F. / 400 S.F. = 4.3 CREDITS

MITIGATION MEASURE	QTY.(NEEDED)
NATIVE CANOPY TREES	4
NATIVE UNDERSTORY TREES	9
NATIVE SHRUBS	13

* CONTRACTOR/OWNER TO COORDINATE WITH JAMES CITY COUNTY FOR REQUIREMENTS ON MITIGATION PLANTING.

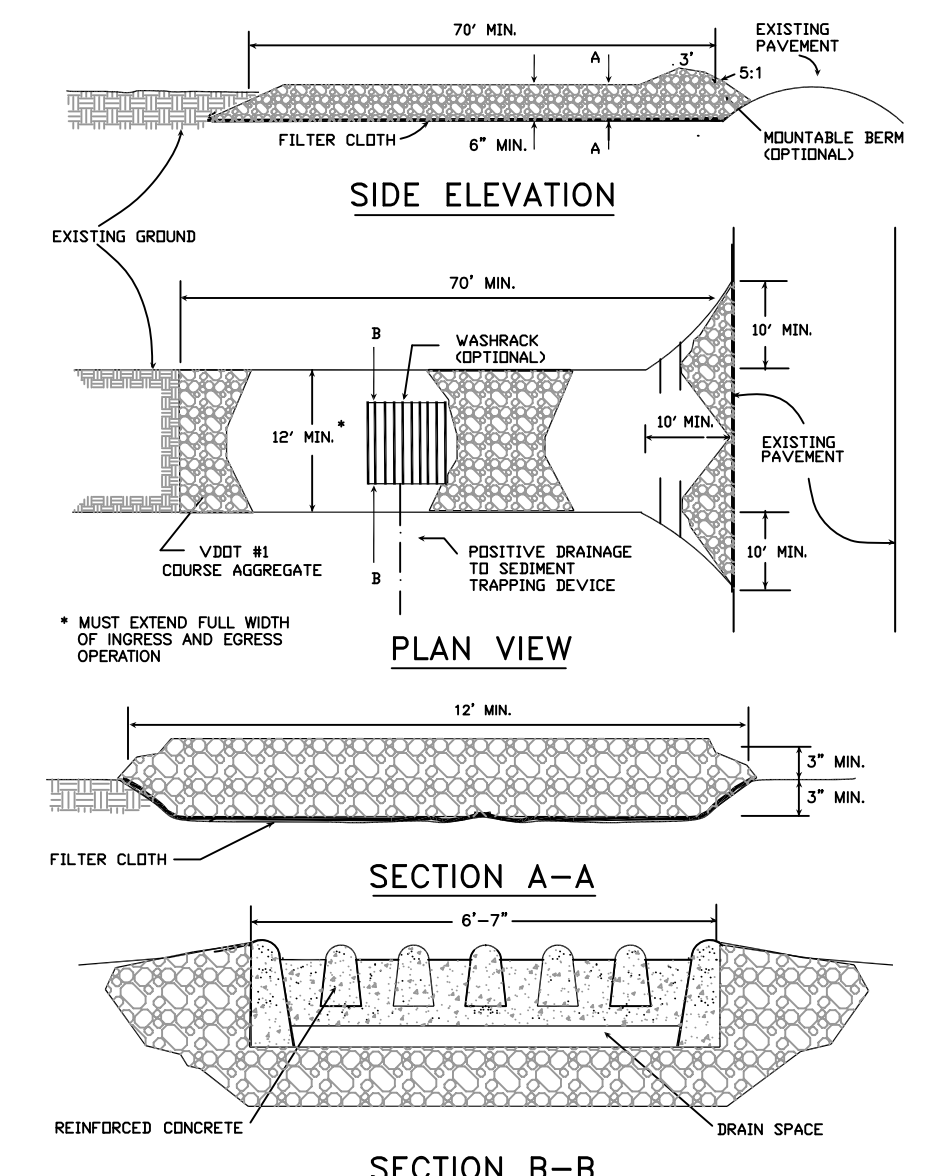


CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	50.00'	102.89'	85.67'	N 11°27'32" W	117°54'12"



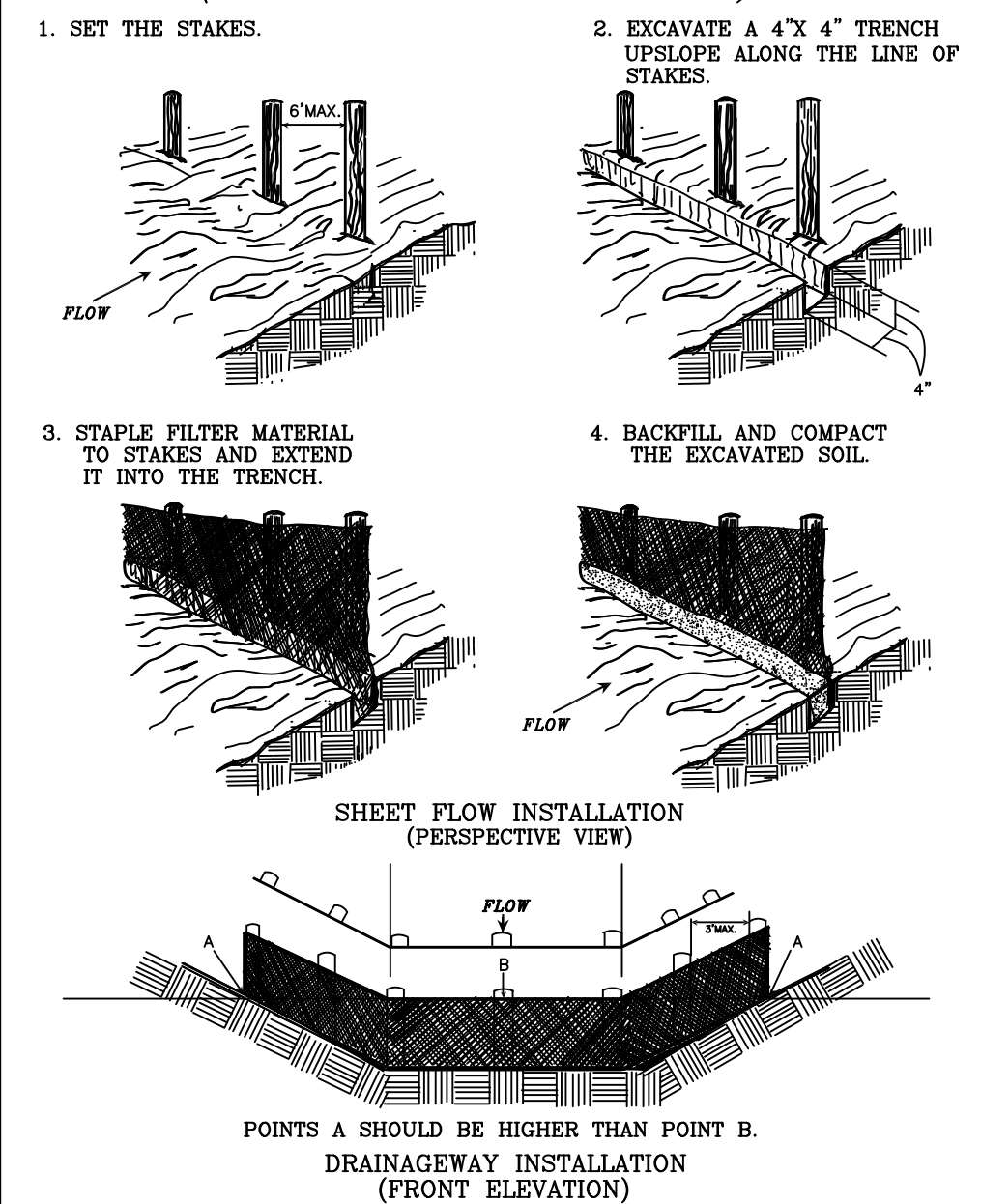
- LEGEND**
- ☐ WATER METER
 - ☐ TELEPHONE PEDESTAL
 - IRF = IRON ROD FOUND
 - HP = HIGH POINT
 - FF = FOUNDATION FOOTING
 - EW = EDGE OF WALL
 - TW = TOP OF WALL
 - BW = BOTTOM OF WALL

STONE CONSTRUCTION ENTRANCE

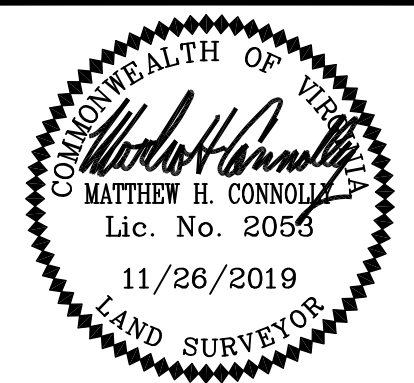


SOURCE: ADAPTED FROM 1983 Maryland Standards for Soil Erosion and Sediment Control, and Va. DSWC Plate 3.02-1

CONSTRUCTION OF A SILT FENCE (WITHOUT WIRE SUPPORT)



SOURCE: Adapted from Installation of Straw and Fabric Filter Barriers for Sediment Control, VA. DSWC Sherwood and Wyant PLATE 3.05-2



DATE: 11/26/2019
 DRAWN BY: AEQ
 PROJECT No. 19-386
 FILE NAME: 19-386.DWG
 REFERENCES:
 P.B. 141, PG. 543

LOT 13, BLOCK "C", SECTION 1A
 RIVERVIEW PLANTATION
 FOR
 STACY SOLANO
 JAMES CITY COUNTY VIRGINIA

NO.	DATE	REVISION / COMMENT / NOTE

LRI LANDTECH RESOURCES, INC.
 ENGINEERING • SURVEYING • GPS
 3925 Midlands Road Williamsburg, VA 23188
 Ph: (757) 565-1677 Fax: (757) 565-0782
 web: landtechresources.com



Chesapeake Bay Board of James City County, Virginia

December 9, 2020

CBPA 20-0132

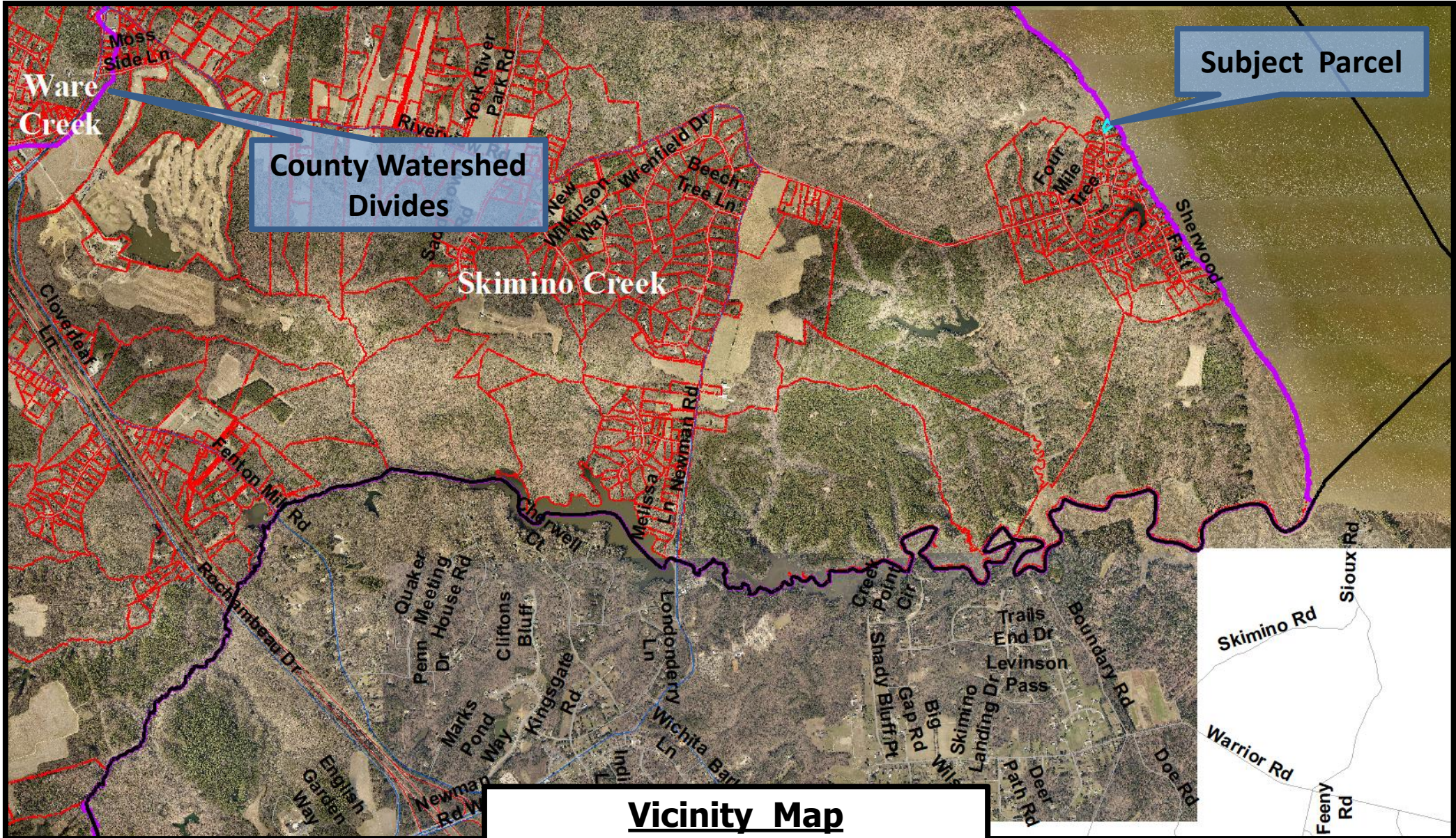
Brian and Stacy Solano

128 Four Mile Tree



Applicant Request

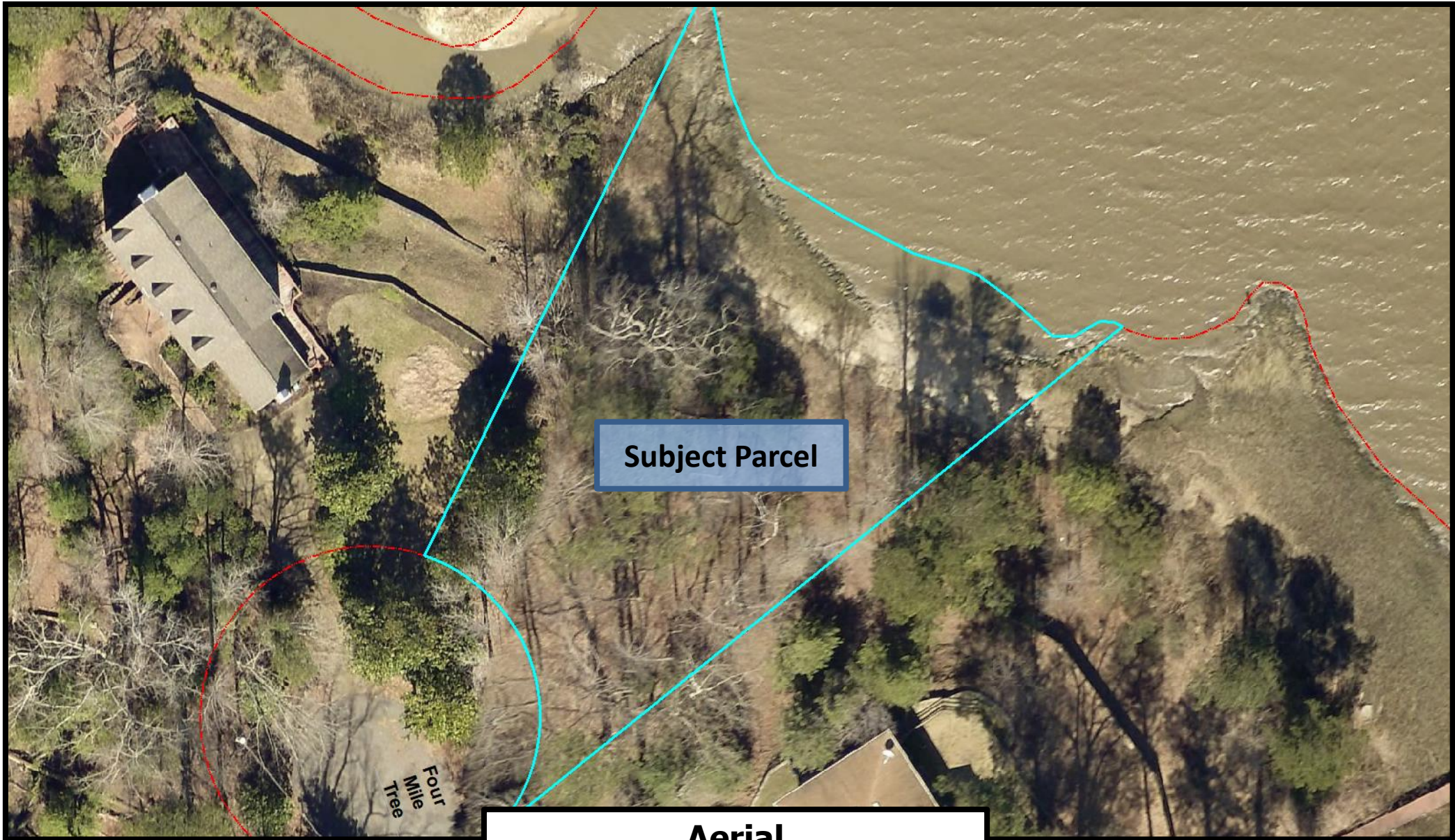
- ✓ To construct two retaining walls.



Subject Parcel

County Watershed Divides

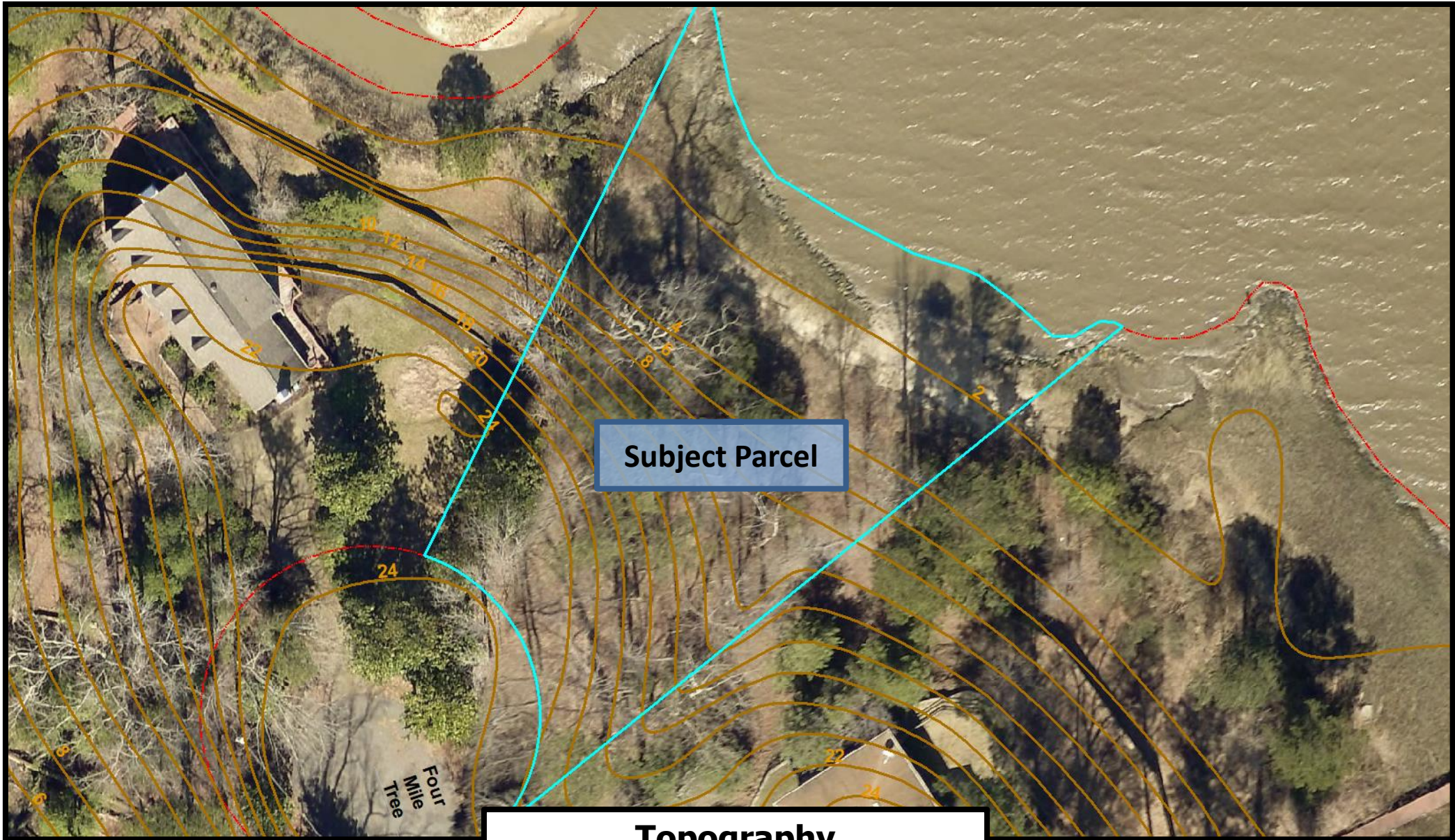
Vicinity Map
CBPA 20-0132
128 Four Mile Tree



Subject Parcel

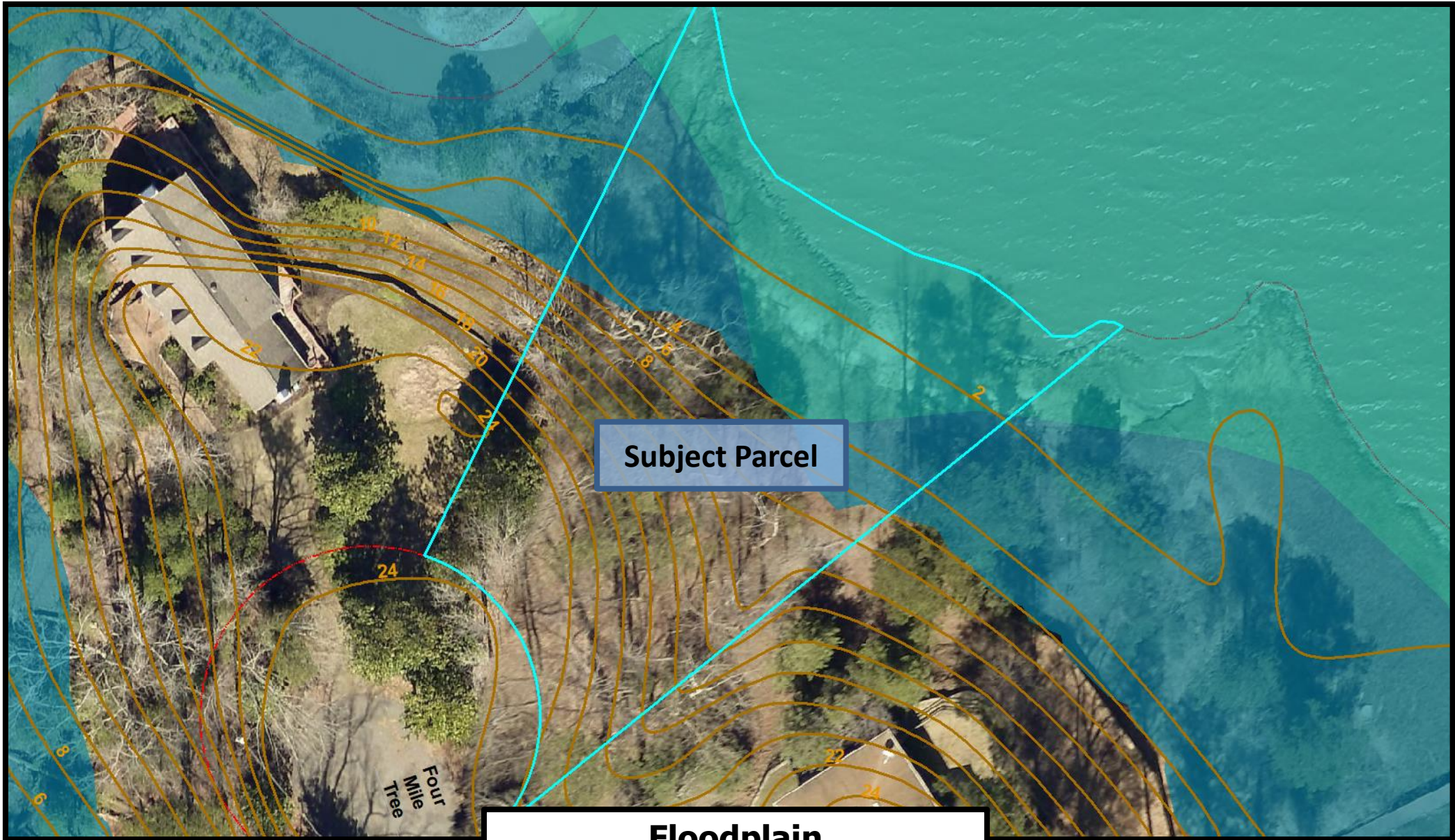
**Four
Mile
Tree**

**Aerial
CBPA 20-0132
128 Four Mile Tree**



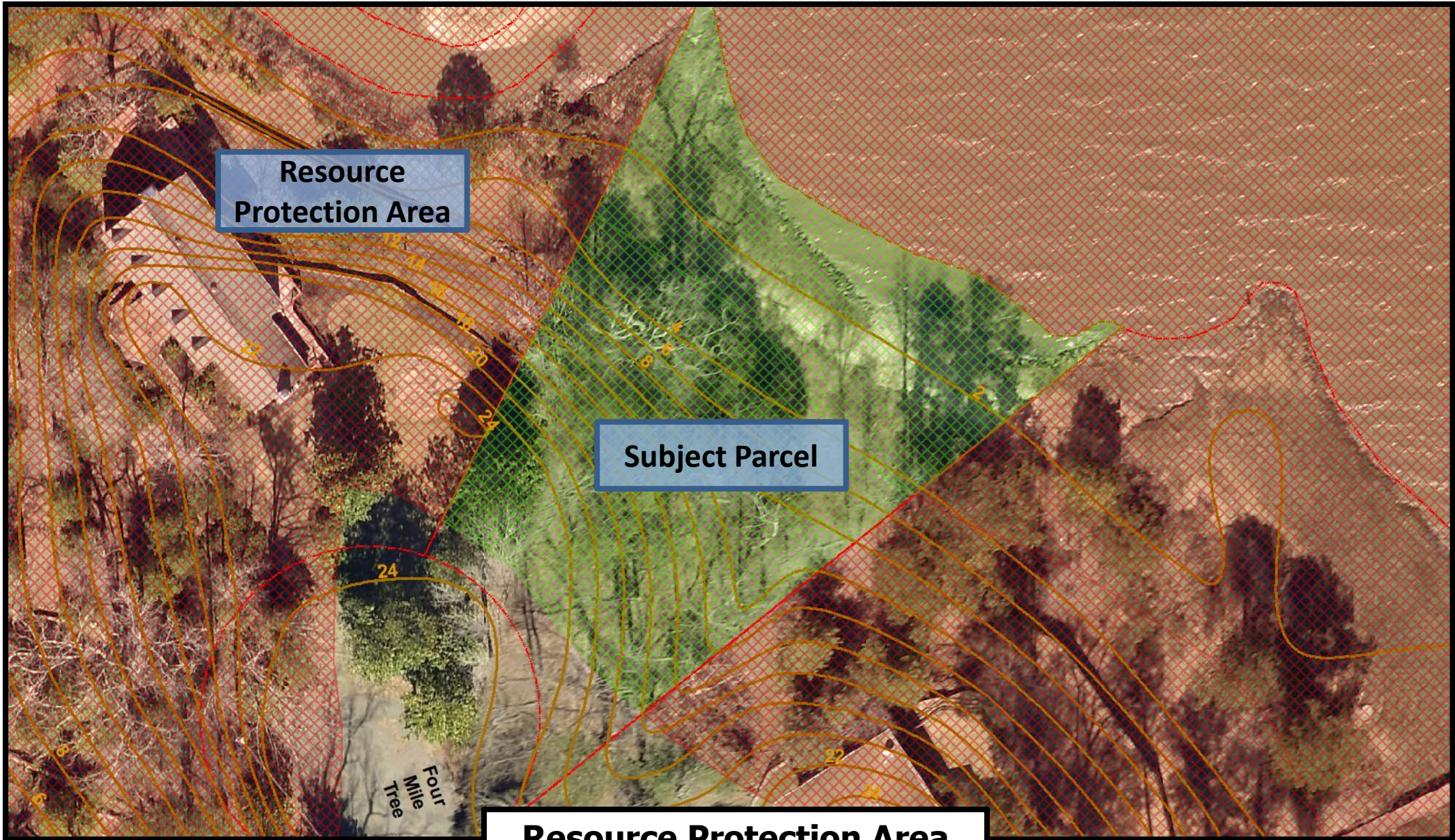
Subject Parcel

Topography
CBPA 20-0132
128 Four Mile Tree



Subject Parcel

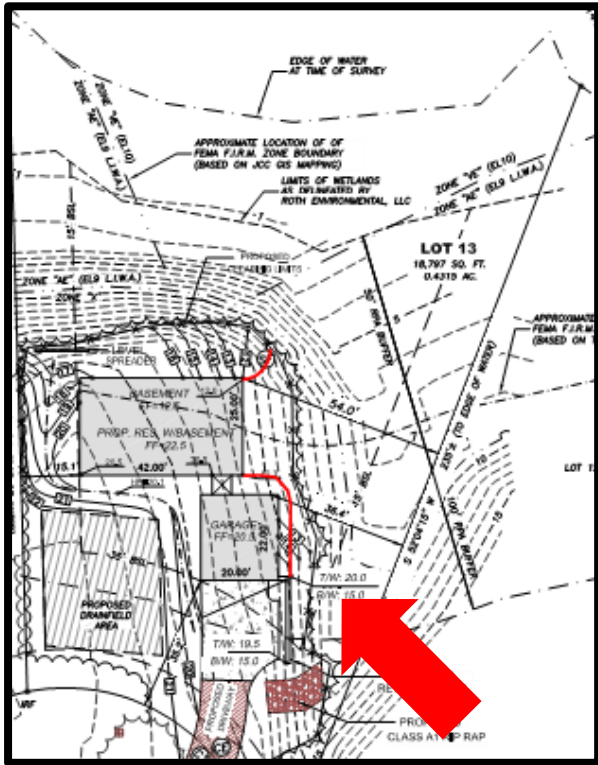
Floodplain
CBPA 20-0132
128 Four Mile Tree



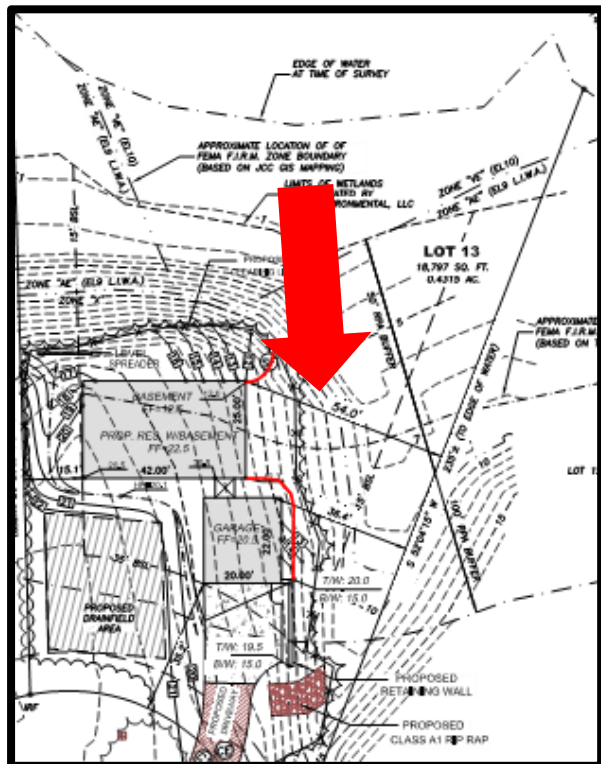
**Resource
Protection Area**

Subject Parcel

**Resource Protection Area
CBPA 20-0132
128 Four Mile Tree**



Site Photo #2
CBPA 20-0132
128 Four Mile Tree



Site Photo #3
CBPA 20-0132
128 Four Mile Tree

Permit Conditions



Staff Recommended Conditions

- ✓ The applicant must obtain all other necessary federal, state, and local permits as required for the project; and
- ✓ A mitigation plan equating to three shrubs; and
- ✓ A surety of \$250; and

Permit Conditions



Staff Recommended Conditions

- ✓ This exception request approval shall become null and void if construction has not begun by December 9, 2021; and
- ✓ Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than October 28, 2020, six weeks prior to the expiration date.



PUBLIC HEARING NOTICE

THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA WILL HOLD A PUBLIC HEARING **WEDNESDAY DECEMBER 9, 2020 AT 5 P.M.** IN THE BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA 20-0105: Mac and Tabitha Partlow have filed an exception request for encroachments into the RPA buffer for a shed at 2148 Benomi Drive, JCC Parcel 4741300084.

CBPA 20-0120: Michael and Linda Vergakis have filed an exception request for encroachments into the RPA buffer for the construction of a retaining wall and paver pad at 3468 Hunter's Ridge, JCC Parcel 4621300024.

CBPA 20-0132: Brian and Stacy Solano have filed an exception request for encroachments into the RPA buffer for two retaining walls at 128 Four Mile Tree, JCC Parcel 1640500013.

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 – November 25 and December 2, 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

November 18, 2020

RE: CBPA-20-0132
128 Four Mile Tree
Two Retaining Walls

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. Brian Solano and Mrs. Stacy Solano for encroachment into the Resource Protection Area (RPA) buffer for the construction of two retaining walls. The project is located at 128 Four Mile Tree and further identified as JCC Parcel No. 1640500013.

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, December 9, 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: None

MDW: jep

Mailing List for: CBPA-20-0132 – 128 Four Mile Tree -Two Retaining Walls

Owner: 1640500013-128 Four Mile Tree

Solano, David & Carolyn
27790 Crestview
Barstow, CA 92311-6381

Solano, Brian J & Stacy
104 Thomas Dale
Williamsburg, VA 23185-6545

1640300001

Forrest, Ronald Felton, Trustee
123 Four Mile Tree
Williamsburg, VA 23188-6835

1640500012

Jaissle, William F & Marilyn L M
126 Four Mile Tree
Williamsburg, VA 23188-6833

1640500014-129 Four Mile Tree

Wallig, Gregory W & Virginia G
2385 N Danville Street
Arlington, VA 22207-4923

0830100002-York River State Park-5526 Riverview Road

Commonwealth of Virginia, Division of Parks
Attn: Mr. Ronald D Sutton, Commissioner
203 Governor Street, Suite 306
Richmond, VA 23219-2049

0830100002 York River State Park Park-5526

Riverview Road

Commonwealth of VA, Division of Parks c/o York
River State Park
Attn: Mr. Jonathan Tustin
9801 York River Park Road
Williamsburg, VA 23188-6500

ITEM SUMMARY

DATE: 12/9/2020
TO: Chesapeake Bay Board
FROM: Michael Woolson, Senior Watershed Planner
SUBJECT: Case No. CBPA 20-0120 : 3468 Hunter's Ridge

Michael and Linda Vergakis have filed an exception request for encroachments into the RPA buffer for the construction of a retaining wall and paver pad at 3468 Hunter's Ridge, JCC Parcel 4621300024.

ATTACHMENTS:

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

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	12/2/2020 - 3:15 PM
Chesapeake Bay Group	Small, Toni	Approved	12/3/2020 - 8:23 AM
Publication Management	Daniel, Martha	Approved	12/3/2020 - 8:37 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	12/3/2020 - 8:45 AM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA 20-0120. 3468 Hunter's Ridge
Staff Report for the December 9, 2020, Chesapeake Bay Board Public Hearing**

This staff report is prepared by the 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. Michael Vergakis
Agent: None
Location: 3468 Hunter's Ridge
Parcel Identification No.: 4621300024
Parcel: Lot 24, Section 2, Powhatan Crossing
Lot Size: 0.36 acres
Area of Lot in Resource Protection Area (RPA): 0.20 acres +/- (55%)
Watershed: Powhatan Creek (HUC JL 31)
Floodplain: None
Proposed Activity: Construction of a retaining wall, fill, and a gravel pad
Impervious Cover: 231 square feet (+/-)
RPA Encroachment: 731 square feet (+/-)
Staff Contact: Michael D. Woolson, Senior Watershed Planner Phone: 253-6823

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Michael Vergakis has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of a retaining wall, fill, and a gravel pad to park a utility trailer on property located at 3468 Hunter's Ridge within the Powhatan Creek watershed. The property is further identified as James City County Tax Map Parcel No. 4621300024. The parcel was platted in 1987, prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The applicant has experienced subsidence in the rear of the property. For this reason, he is proposing a 39-linear-foot retaining wall in order to protect the structural integrity of the foundation of the house. Beyond the retaining wall, the applicant is proposing to fill in the depression in order to better stabilize the yard. There is approximately 500 square feet of fill associated with this proposal. Additionally, the applicant is proposing a 16-foot by 12-foot area to be utilized as a trailer pad on the property. Total impervious impacts to the RPA equal approximately 231 square feet. Required mitigation for this amount of impervious cover equals the plantings of one canopy tree, two understory trees, and three shrubs. The area of fill will also need to be stabilized.

STAFF EVALUATION

Staff has evaluated the application and exception request for the construction of a retaining wall, fill, and gravel pad. This application meets the Ordinance conditions in Sections 23-11 and 23-14 and should be heard by the Board because the retaining wall and paver trailer pad are considered 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 the request meets all five of the conditions as presented above and is approvable. Should the Board 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. A mitigation plan equal to the planting of one canopy tree, two understory trees, and three shrubs be submitted to the James City County Stormwater and Resource Protection Division; and
3. A surety of \$500 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 December 9, 2021; and
5. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than October 28, 2021, six weeks prior to the expiration date.

MDW/md
CBPA20-0120-3468HtrsRidge

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA 20-0120. 3468 HUNTER'S RIDGE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Michael Vergakis (the "Applicant") has applied to the Chesapeake Bay Board of James City County (the "Board") on December 9, 2020, to request an exception to use of the Resource Protection Area (the "RPA") on a parcel of property identified as James City County Real Estate Tax Parcel No. 4621300024 and further identified as 3468 Hunter's Ridge (the "Property") as set forth in the application CBPA 20-0120 for the purpose of constructing a retaining wall and a gravel pad; 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 mitigation plan equal to the planting of one canopy tree, two understory trees, and three shrubs be submitted to the James City County Stormwater and Resource Protection Division; and
 - c. A surety of \$500 be paid and in place prior to the commencement of work, in a form acceptable to the James City County Attorney's Office; and

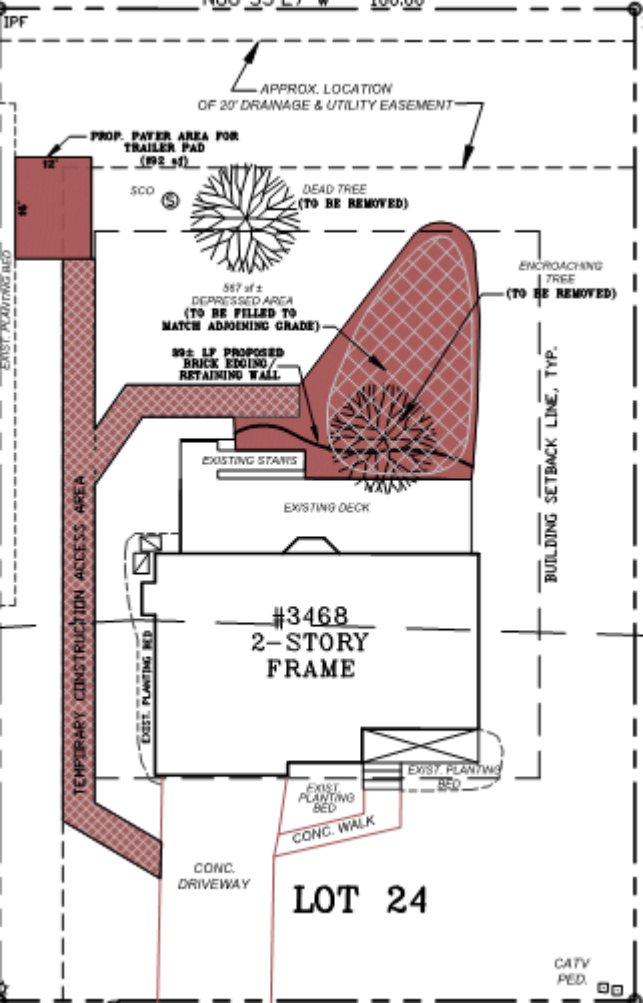
- d. This exception request approval shall become null and void if construction has not begun by December 9, 2021; and
- e. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than October 28, 2021, six weeks prior to the expiration date.

William Apperson
Vice Chair, Chesapeake Bay Board

Michael Woolson
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 9th day of December, 2020.

CBPA20-0120-3468HtrsRidge-res





Chesapeake Bay Board of James City County, Virginia

December 9, 2020

CBPA-20-0120

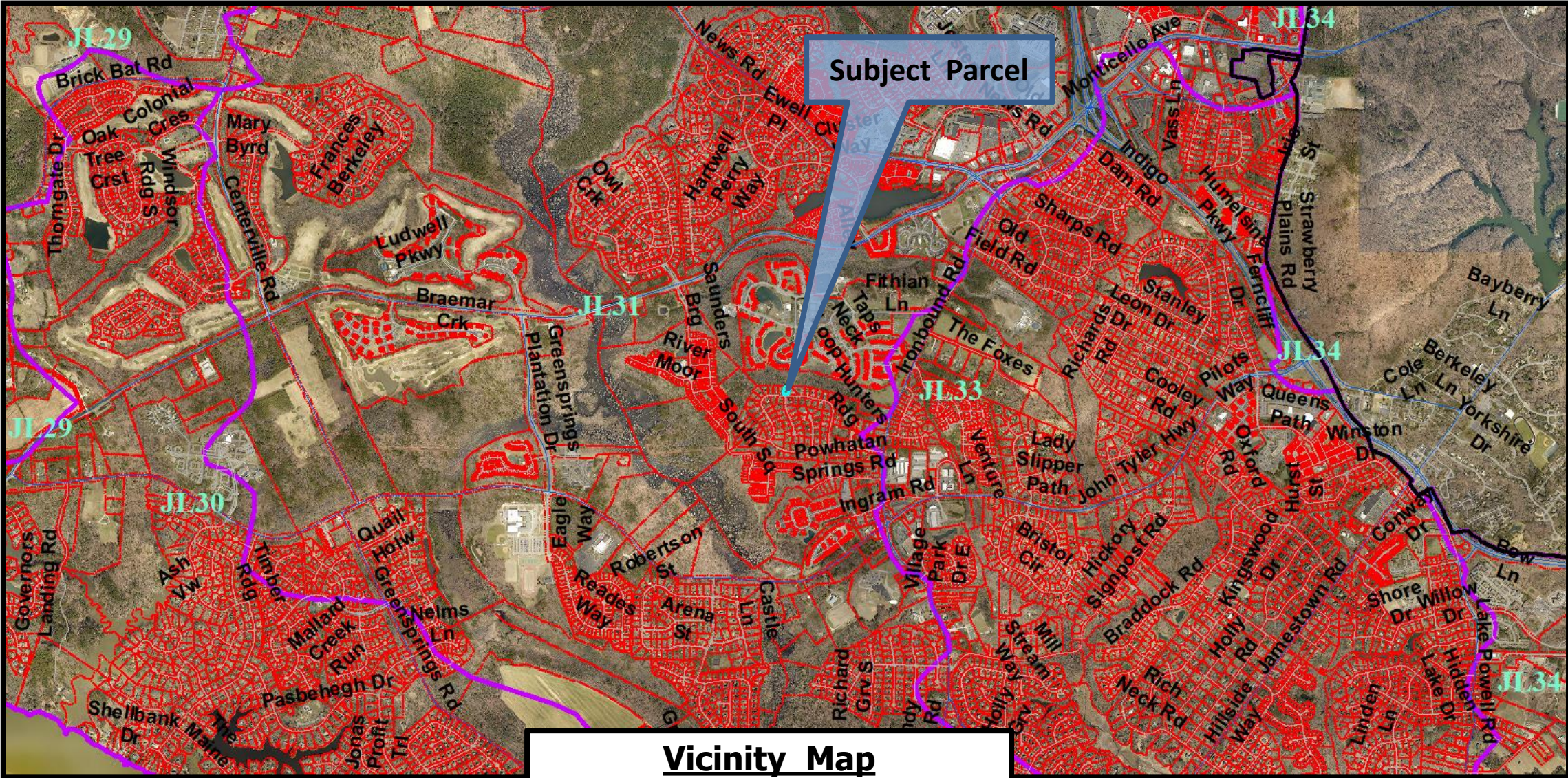
Michael Vergakis

3468 Hunter's Ridge



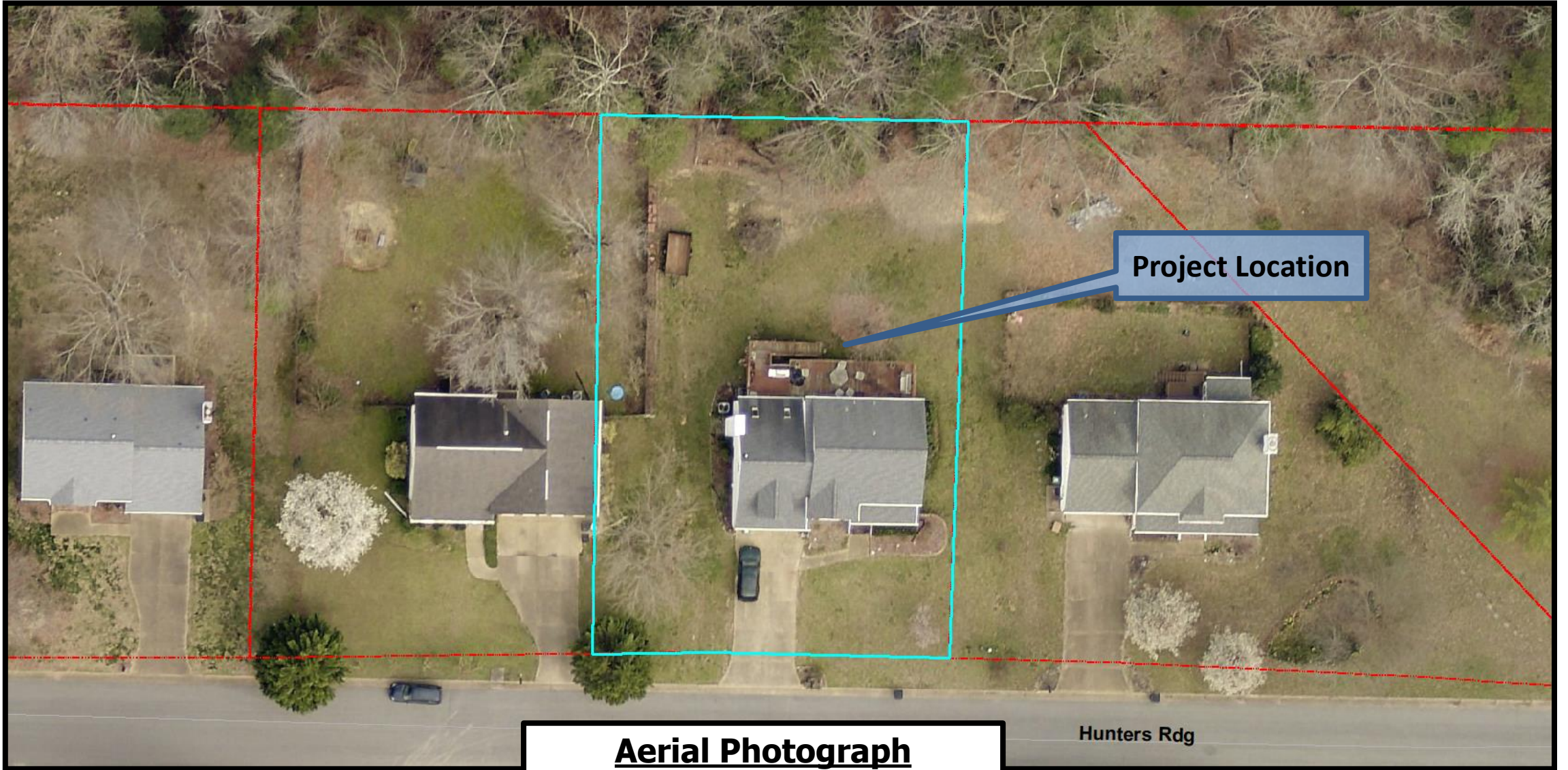
Applicant Request

- ✓ Construction of a retaining wall, fill, and paver pad.



Subject Parcel

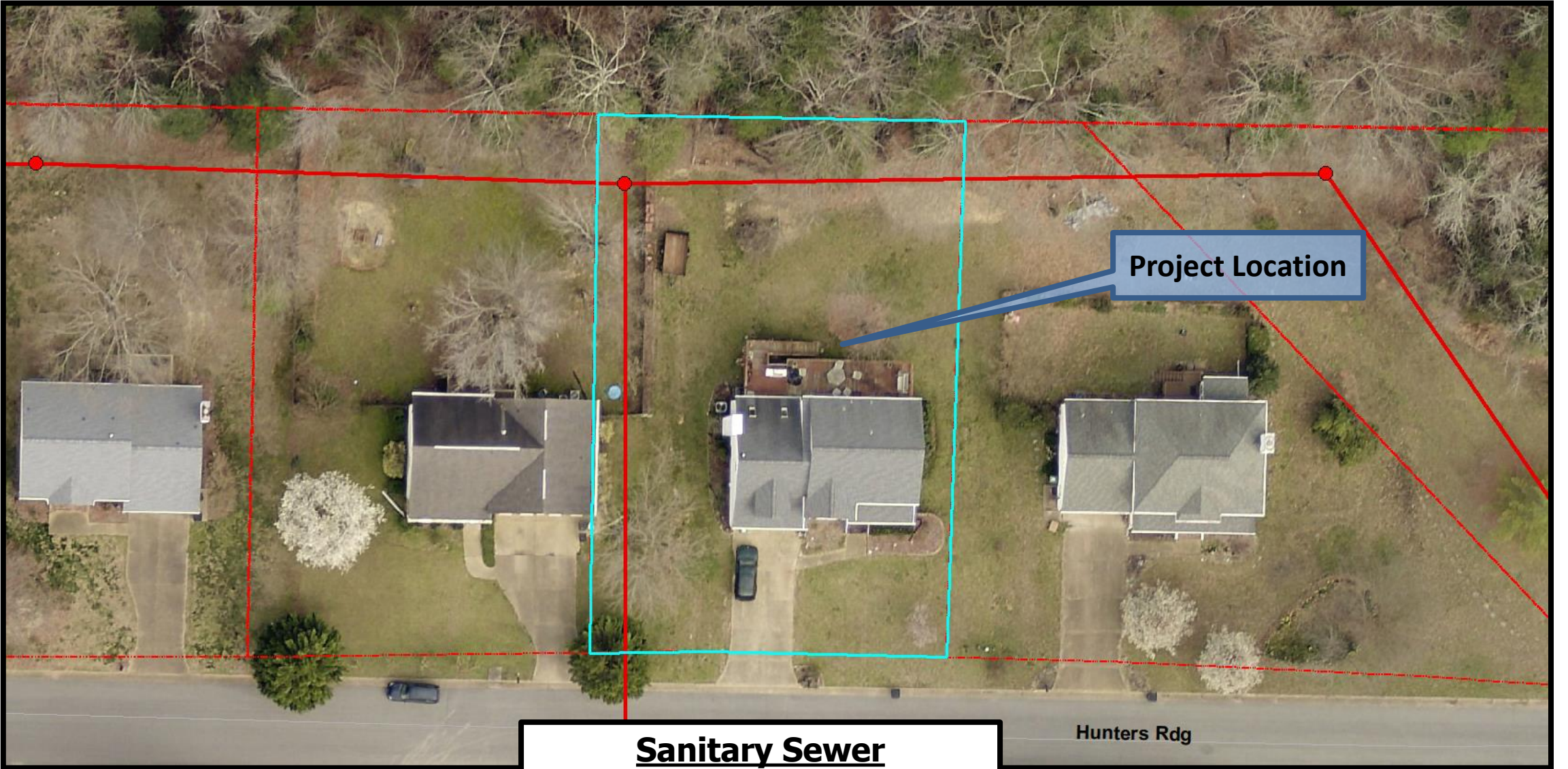
Vicinity Map
CBPA-20-0120
3468 Hunter's Ridge



Project Location

Aerial Photograph
CBPA-20-0120
3468 Hunter's Ridge

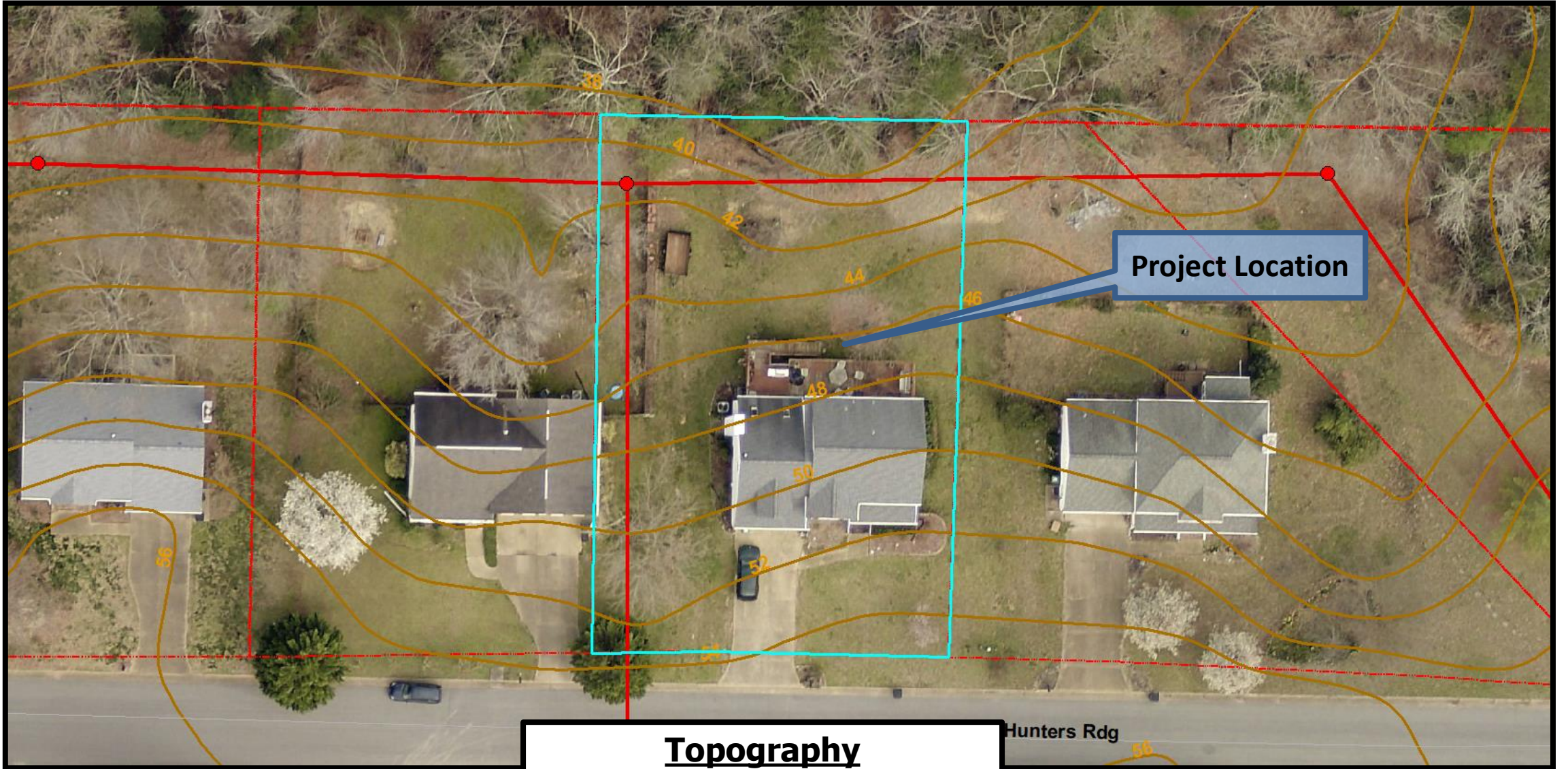
Hunters Rd



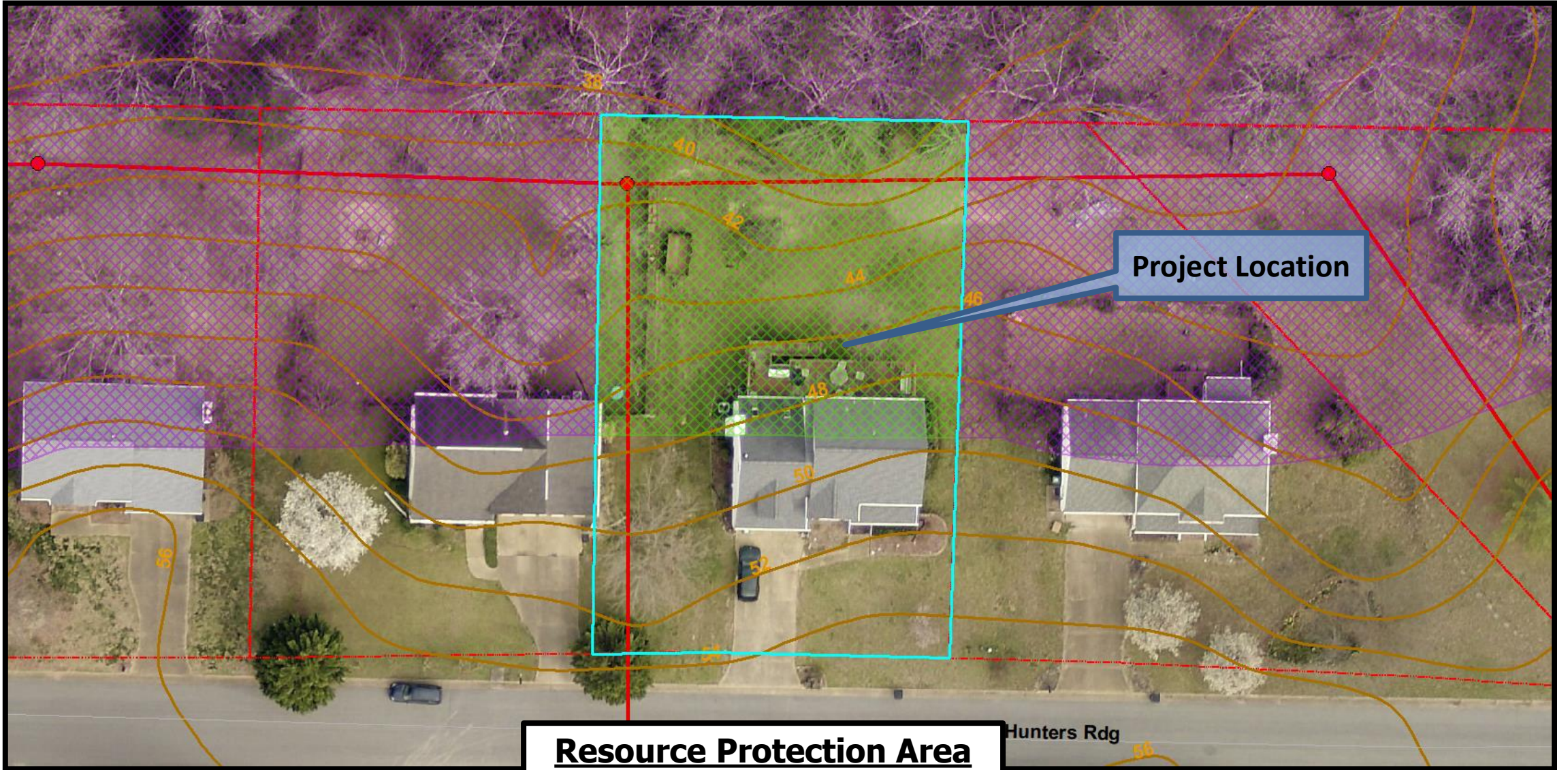
Project Location

**Sanitary Sewer
CBPA-20-0120
3468 Hunter's Ridge**

Hunters Rd



Topography
CBPA-20-0120
3468 Hunter's Ridge



Resource Protection Area
CBPA-20-0120
3468 Hunter's Ridge

Project Location

Hunters Rd

Site Plan showing proposed improvements, submitted October 29, 2020. For representative use only for presentation of case # CBPA-20-0120.

Proposed Paver Landing

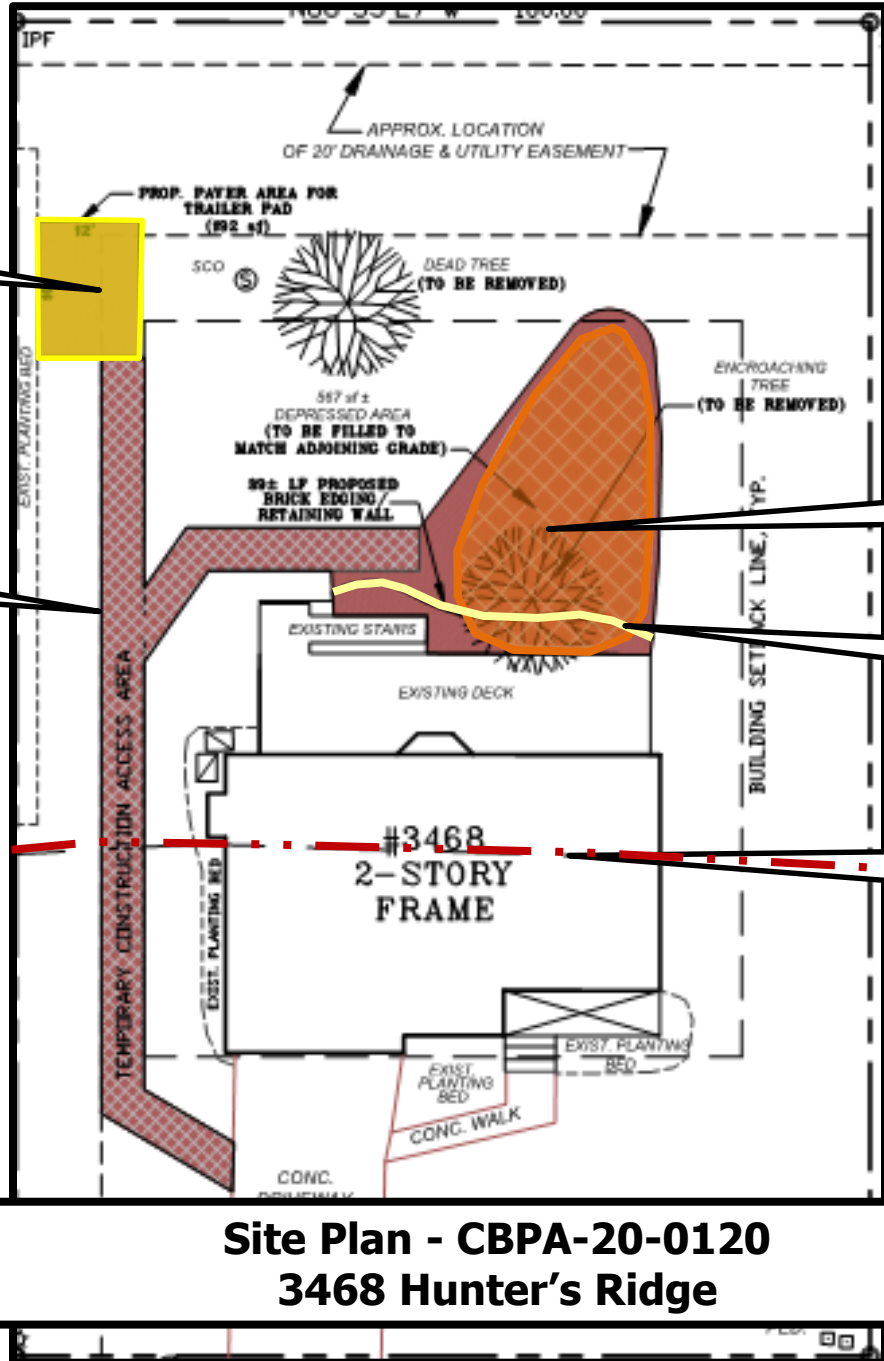
Construction Access

Proposed Area of Fill

Proposed Retaining Wall

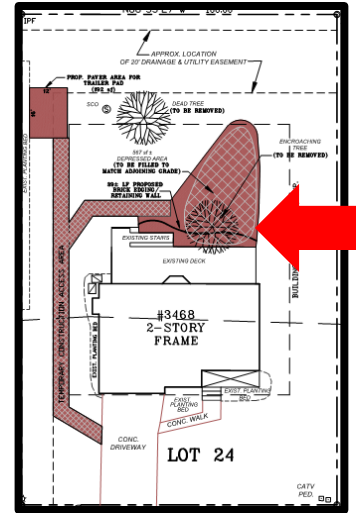
Resource Protection Area

Site Plan - CBPA-20-0120
3468 Hunter's Ridge



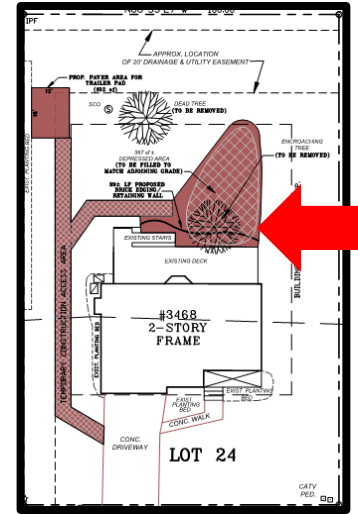


Site Photograph #1 - CBPA-20-0120
3468 Hunter's Ridge



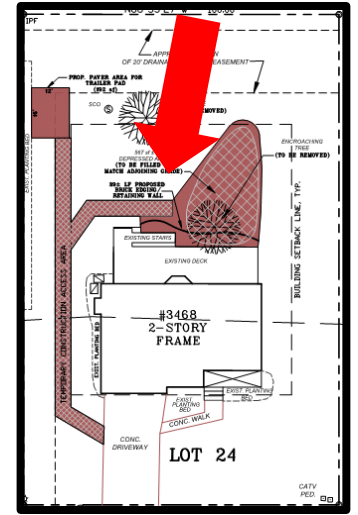


**Site Photograph #2 - CBPA-20-0120
3468 Hunter's Ridge**



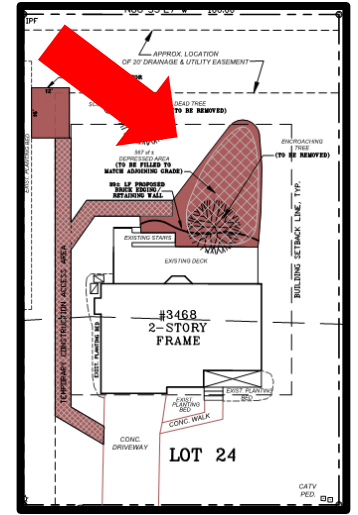


**Site Photograph #3 - CBPA-20-0120
3468 Hunter's Ridge**





**Site Photograph #4 - CBPA-20-0120
3468 Hunter's Ridge**



Permit Conditions



Staff Recommendation – Approval

- ✓ All other necessary local, state and federal permits
- ✓ A mitigation plan of one canopy tree, two understory trees, and three shrubs
- ✓ A surety of \$500 in a form acceptable to the James City County Attorney to ensure mitigation
- ✓ Null and Void if not started by December 9, 2021
- ✓ Extension request no later than 6 weeks prior to expiration



PUBLIC HEARING NOTICE

THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA WILL HOLD A PUBLIC HEARING **WEDNESDAY DECEMBER 9, 2020 AT 5 P.M.** IN THE BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA 20-0105: Mac and Tabitha Partlow have filed an exception request for encroachments into the RPA buffer for a shed at 2148 Benomi Drive, JCC Parcel 4741300084.

CBPA 20-0120: Michael and Linda Vergakis have filed an exception request for encroachments into the RPA buffer for the construction of a retaining wall and paver pad at 3468 Hunter's Ridge, JCC Parcel 4621300024.

CBPA 20-0132: Brian and Stacy Solano have filed an exception request for encroachments into the RPA buffer for two retaining walls at 128 Four Mile Tree, JCC Parcel 1640500013.

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 – November 25 and December 2, 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

November 18, 2020

RE: CBPA-20-0120
3468 Hunter's Ridge
Retaining Wall and Paver Pad.

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. Michael Vergakis and Mrs. Linda Vergakis for encroachment into the Resource Protection Area (RPA) buffer for the construction of a retaining wall and paver pad. The project is located at 3468 Hunter's Ridge and further identified as JCC Parcel No. 4621300024.

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, December 9, 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
757-253-6823
michael.woolson@jamescitycountyva.gov

MDW: jep

Mailing List for: CBPA-20-0120–3468 Hunter’s Ridge – Retaining Wall and Paver Pad

Owner: 4621300024

Vergakis, Michael D & Linda F
3468 Hunter’s Ridge
Williamsburg, VA 23188-2492

4621300006

Wade, James N, III & Kelly L S
3401 Indian Path
Williamsburg, VA 23188-2498

4621300023

Sullivan, Andrew G & Gray-Sullivan
3472 Hunter’s Ridge
Williamsburg, VA 23188-2492

3830100019- 315 Lake Forest Drive

The Historic Powhatan Resort Owners
Association
10600 West Charleston Boulevard
Las Vegas, NV 89135-1014

4621300025

Keller, Stephen H & Amanda
3464 Hunter’s Ridge
Williamsburg, VA 23188-2492

4621300022:

Hayes, Russell H & Kimberly S E
3400 Indian Path
Williamsburg, VA 23188-2498

ITEM SUMMARY

DATE: 12/9/2020
TO: Chesapeake Bay Board
FROM: Michael Woolson, Senior Watershed Planner
SUBJECT: Case No. CBPA 20-0105 : 2148 Benomi Drive

Mac and Tabitha Partlow have filed an exception request for encroachments into the RPA buffer for a shed at 2148 Benomi Drive, JCC Parcel 4741300084.

ATTACHMENTS:

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

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	12/2/2020 - 9:01 AM
Chesapeake Bay Group	Small, Toni	Approved	12/3/2020 - 8:23 AM
Publication Management	Daniel, Martha	Approved	12/3/2020 - 8:43 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	12/3/2020 - 8:52 AM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA 20-0105. 2148 Benomi Drive
Staff Report for the December 9, 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: Tabitha and Robert Partlow

Agent: None

Location: 2148 Benomi Drive

Tax Map/Parcel No.: 4741300084

Parcel: Peleg's Point, Section 5, Lot 84

Lot Size: 0.53 acre

Area of Lot in Resource Protection Area (RPA): 0.32 acre +/- (60%)

Watershed: Mill Creek, (HUC JL33)

Floodplain: Zone AE - Special Flood Hazard Area subject to 1% annual chance flood

Proposed Activity: Construction of a shed

Impervious Cover: 150 square feet

RPA Encroachment: 150 square feet, landward 50-foot RPA buffer

Staff Contact: Trevor A. Long, Watershed Planner Phone: 253-6789

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Tabitha and Robert Partlow have applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of a shed on property located at 2148 Benomi Drive within the Peleg's Point subdivision and the Mill Creek watershed. The property is further identified as James City County Tax Map Parcel No. 4741300084. The parcel was platted in 2002 after the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The applicants are proposing to construct an approximate 8-foot by 12-foot shed equaling a total of 150 square feet of impervious cover within the landward 50-foot RPA. There is a 20-foot drainage easement that affects this lot and a conservation easement covering the area of the RPA. To date, the applicants have not proposed any mitigation plantings. The required mitigation for this amount of impact would be the planting of three shrubs.

STAFF EVALUATION

Staff has evaluated the application and exception request for the construction of a shed and finds that the application meets the conditions in Sections 23-11 and 23-14 and that the application should be heard by

the Board because the proposed shed is considered accessory. Therefore, this request must be considered by the Board following a public hearing under the formal exception process.

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 the request meets all five of the conditions as presented above and is approvable. Should the Board find that the exception request meets all five of the conditions above, staff suggests the following conditions be incorporated into the approval:

1. The applicants must obtain all other necessary federal, state, and local permits as required for the project, including homeowners association approval; and
2. The applicants submit a mitigation plan equaling three shrubs and a \$250 surety to guarantee the plantings; and
3. This exception request approval shall become null and void if construction has not begun by December 9, 2021; and
4. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than October 28, 2021, six weeks prior to the expiration date.

TAL/md
CBPA20-0105-2148BenomiDr

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA 20-0105. 2148 BENOMI DRIVE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Tabitha and Robert Partlow (the “Applicants”) have applied to the Chesapeake Bay Board of James City County (the “Board”) on December 9, 2020, to request an exception to use of the Resource Protection Area (the “RPA”) on a parcel of property identified as James City County Real Estate Tax Parcel No. 4741300084 and further identified as 2148 Benomi Drive (the “Property”) as set forth in the application CBPA 20-0105 for the purpose of constructing a shed; and

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

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

1. The exception request is the minimum necessary to afford relief.
2. Granting the exception will not confer upon the 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, including homeowner association approval; and
 - b. The applicants submit a mitigation plan with one planting unit, along with a \$250 surety to guarantee the mitigation; and
 - c. This exception request approval shall become null and void if construction has not begun by December 9, 2021; and

- d. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than October 28, 2021, six weeks prior to the expiration date.

William Apperson
Vice Chair, Chesapeake Bay Board

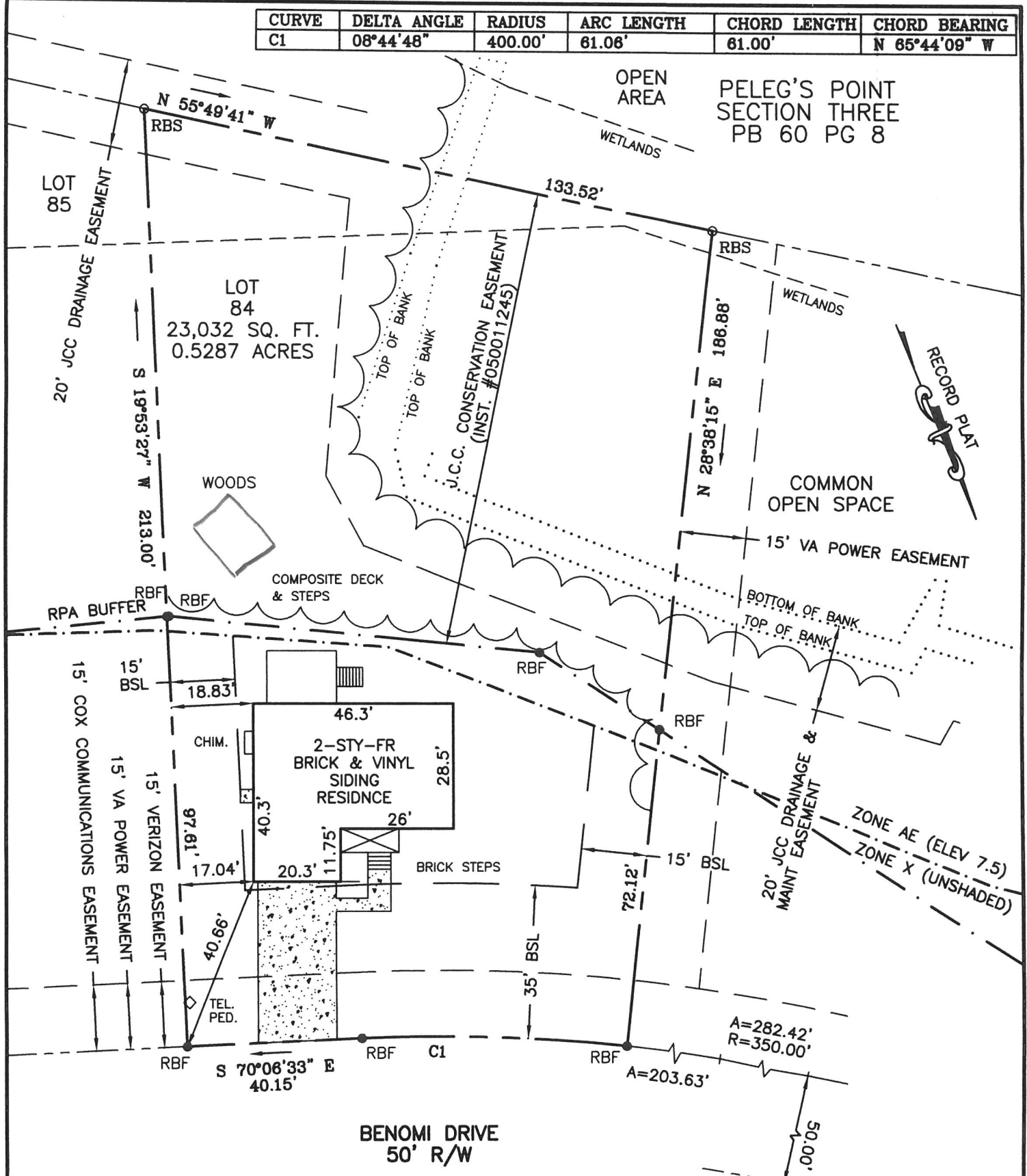
Michael Woolson
Senior Watershed Planner

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 9th day of December, 2020.

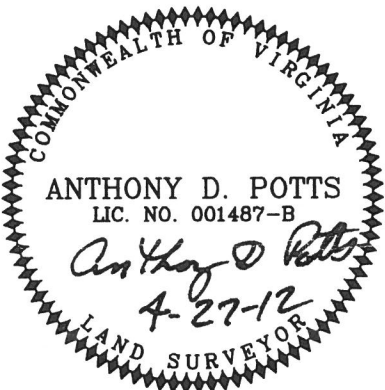
CBPA20-0105-2148BenomiDr-res

CAD PA-18-0122
CDE#18-091

CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	08°44'48"	400.00'	61.06'	61.00'	N 65°44'09" W



NOTES: UNDERGROUND UTILITIES
 THIS PROPERTY IS LOCATED IN FIRM ZONE X, (UNSHADED)(AREAS OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD), & ZONE AE, (ELEV. 7.5)(BASE FLOOD ELEVATIONS DETERMINED), AS SHOWN ON COMMUNITY PANEL NO. 510201 0185 C DATED SEPTEMBER 28, 2007 (INDEX DATE SEPTEMBER 28, 2007)
 REF: INST. #050014087
 NO TITLE REPORT PROVIDED
 ALL EASEMENTS MAY NOT BE SHOWN



THIS IS TO CERTIFY THAT ON APRIL 27, 2012 I PERFORMED A CURRENT FIELD SURVEY OF THE PROPERTY SHOWN ON THIS PLAT, AND THAT THE TITLE LINES AND THE WALLS OF THE BUILDINGS ARE AS SHOWN ON THIS PLAT.
 THE BUILDINGS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OF OTHER BUILDINGS ON THE PROPERTY EXCEPT AS SHOWN.

Anthony D. Potts
 ANTHONY D. POTTS, L.S.

#2148 BENOMI DRIVE

PHYSICAL SURVEY OF THE PROPERTY OF
TABITHA C. PARTLOW

LOT 84

PELEG'S POINT SECTION FIVE

JAMESTOWN DISTRICT
 JAMES CITY COUNTY, VIRGINIA

ADPA

A.D. POTTS & ASSOCIATES, INC.

11524 JEFFERSON AVENUE
 NEWPORT NEWS, VIRGINIA 23601
 PHONE: (757)-595-4610

SCALE: 1"=30'

DATE: 4/27/12



Chesapeake Bay Board of James City County, Virginia

December 9, 2020

CBPA-20-0105

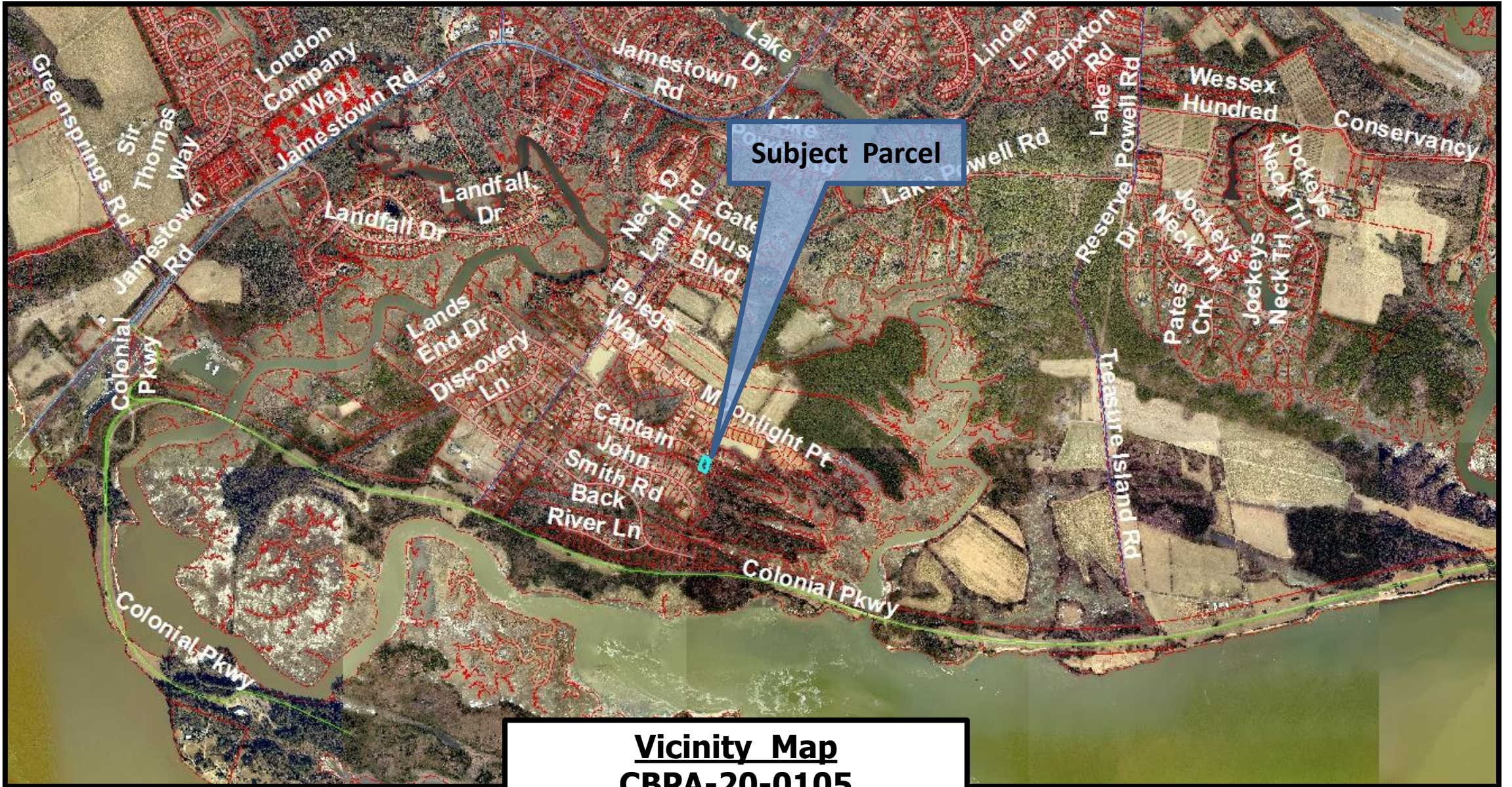
Tabitha and Robert Partlow

2148 Benomi Drive



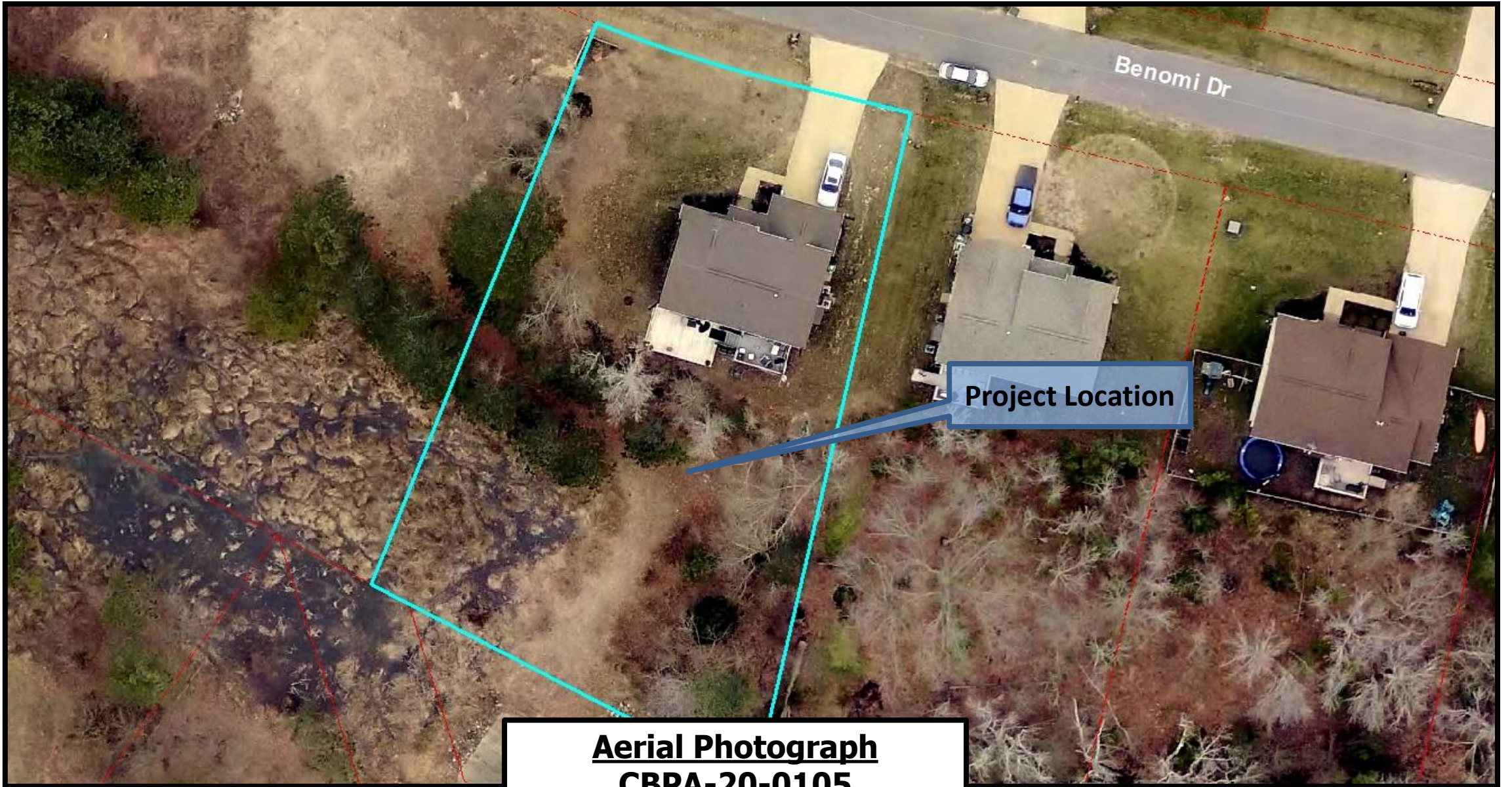
Applicant Request

- ✓ Construction of a new shed.

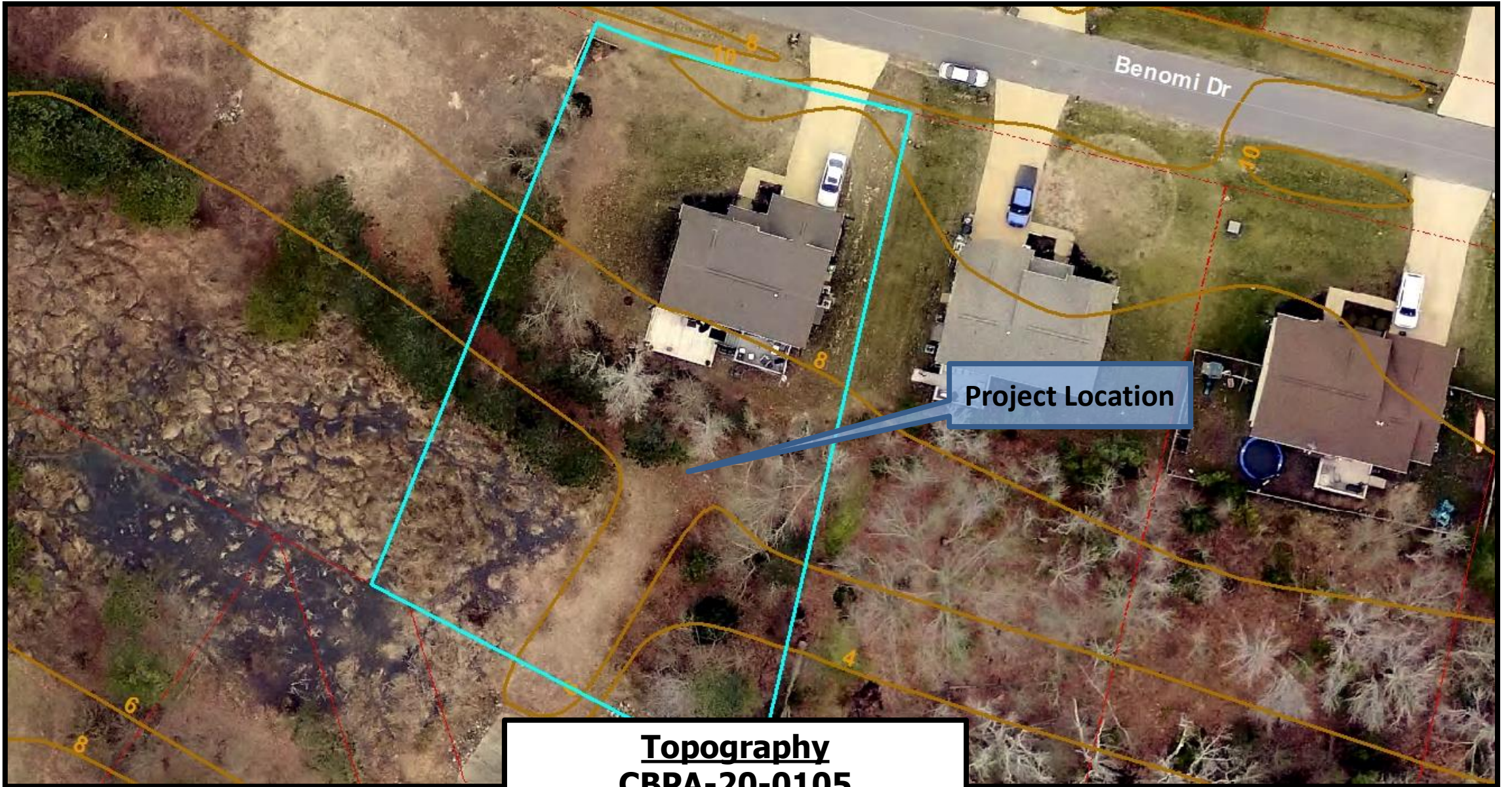


Subject Parcel

Vicinity Map
CBPA-20-0105
2148 Benomi Drive

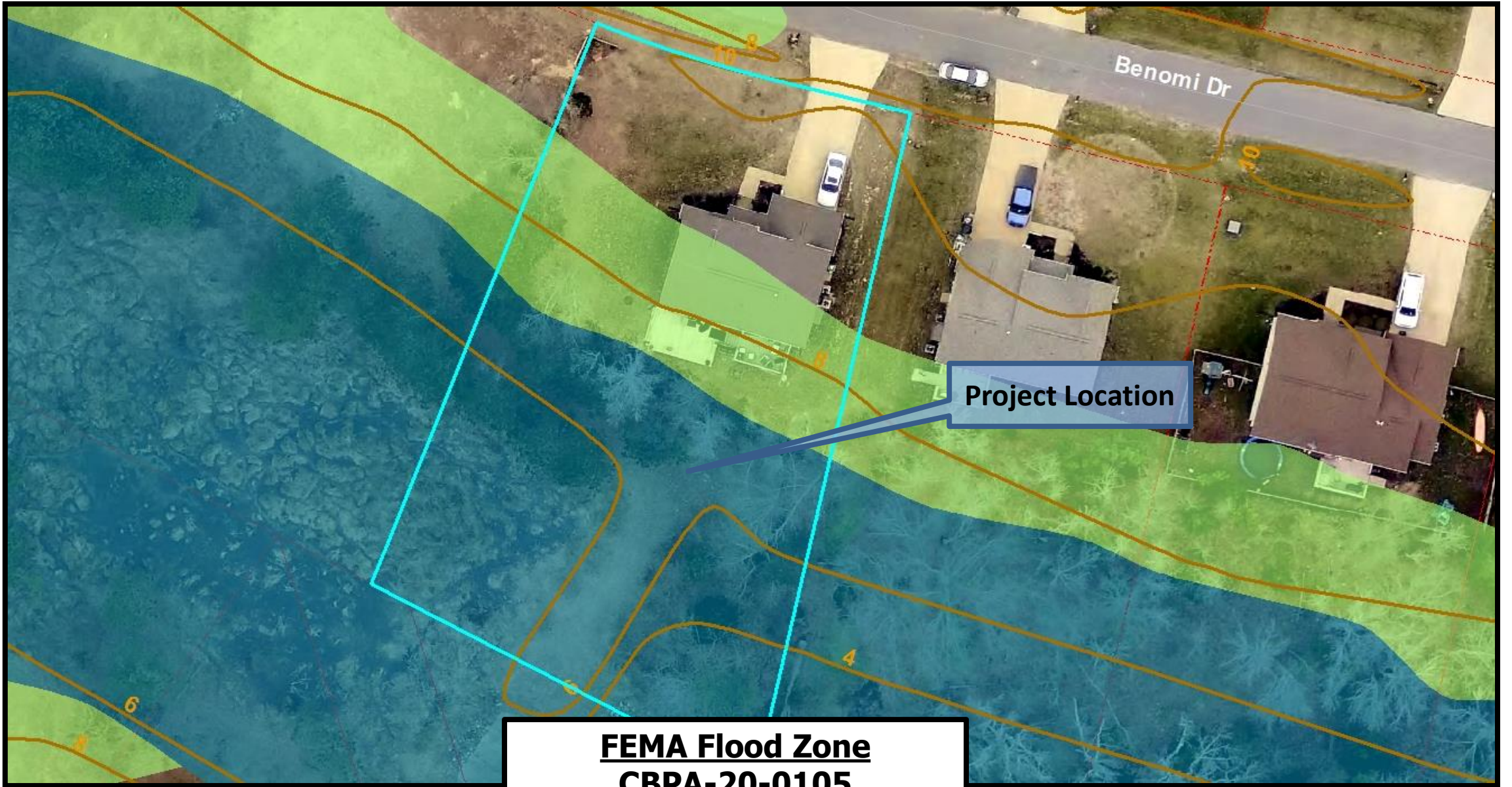


Aerial Photograph
CBPA-20-0105
2148 Benomi Drive



Project Location

Topography
CBPA-20-0105
2148 Benomi Drive



Project Location

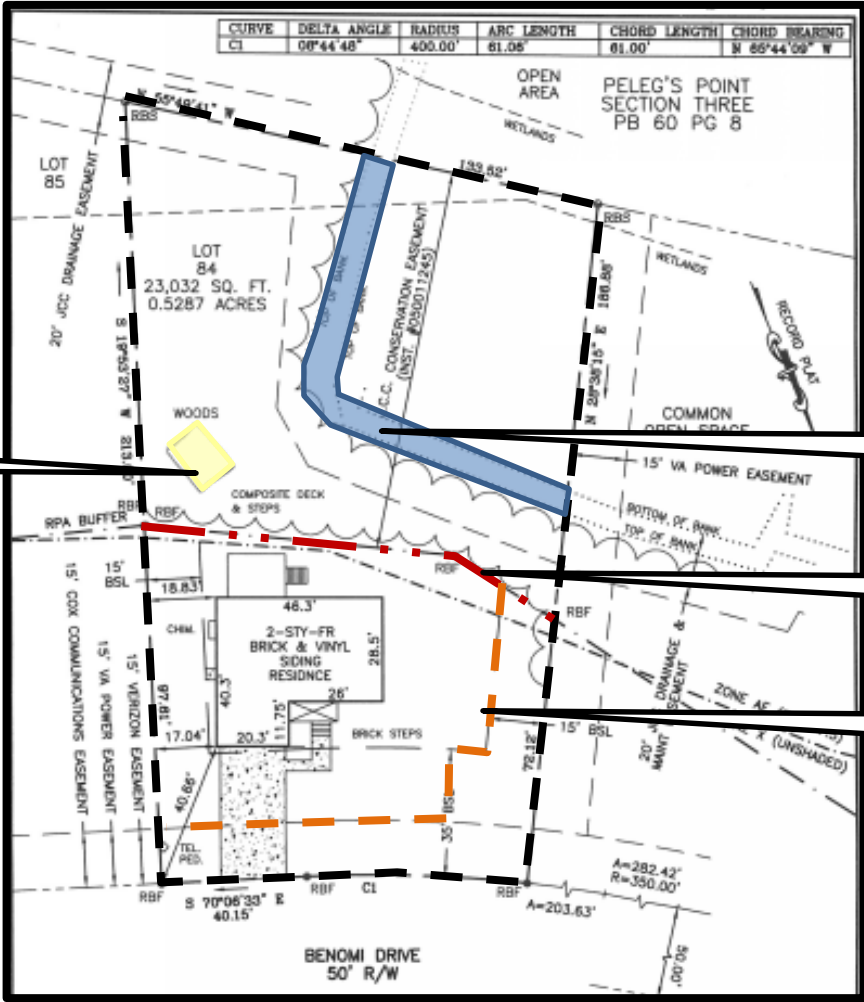
**FEMA Flood Zone
CBPA-20-0105
2148 Benomi Drive**



Project Location

Resource Protection Area
CBPA-20-0105
2148 Benomi Drive

Site Plan showing proposed improvements, submitted July 6, 2018. For representative use only for presentation of case # CBPA-18-0122.



Proposed Shed

BMP Drainage Easement

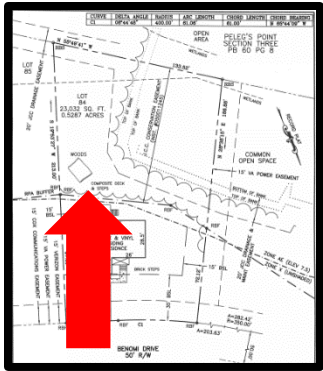
100 ft. RPA

Building Setback

Site Plan - CBPA-20-0105
2148 Benomi Drive

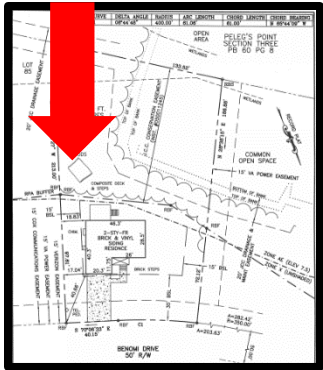


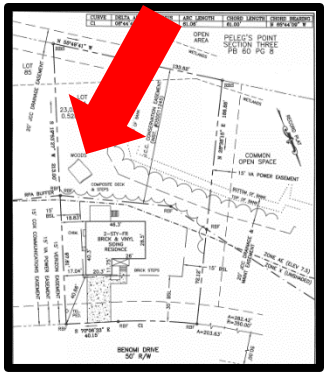
**Site Photograph #1 - CBPA-20-0105
2148 Benomi Drive**





**Site Photograph #2 - CBPA-20-0105
2148 Benomi Drive**





**Site Photograph #3 - CBPA-20-0105
2148 Benomi Drive**



**Site Photograph #5 - CBPA-20-0105
2148 Benomi Drive**

Permit Conditions



Staff Recommendation – Approval

- ✓ All other necessary local, state and federal permits
- ✓ A surety of \$250 in a form acceptable to the James City County Attorney to ensure mitigation
- ✓ Null and Void if not started by December 9, 2021
- ✓ Extension request no later than 6 weeks prior to expiration



PUBLIC HEARING NOTICE

THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA WILL HOLD A PUBLIC HEARING **WEDNESDAY DECEMBER 9, 2020 AT 5 P.M.** IN THE BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA 20-0105: Mac and Tabitha Partlow have filed an exception request for encroachments into the RPA buffer for a shed at 2148 Benomi Drive, JCC Parcel 4741300084.

CBPA 20-0120: Michael and Linda Vergakis have filed an exception request for encroachments into the RPA buffer for the construction of a retaining wall and paver pad at 3468 Hunter's Ridge, JCC Parcel 4621300024.

CBPA 20-0132: Brian and Stacy Solano have filed an exception request for encroachments into the RPA buffer for two retaining walls at 128 Four Mile Tree, JCC Parcel 1640500013.

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 – November 25 and December 2, 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

November 18, 2020

RE: CBPA-20-0105
2148 Benomi Drive
Shed

Dear Adjacent Property Owner:

In accordance with State and County Codes, this letter is to notify you that a request has been filed with the James City County Chesapeake Bay Board by Mr. Mac Partlow and Mrs. Tabitha C. Partlow for encroachment into the Resource Protection Area (RPA) buffer for the construction of a shed. The project is located at 2148 Benomi Drive and further identified as JCC Parcel No. 4741300084.

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, December 9, 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
757-253-6823
michael.woolson@jamescitycountyva.gov

MDW: jep

Mailing List for: CBPA-20-0105–2148 Benomi Drive – Shed

Owner: 4741300084

Partlow, Tabitha C
2148 Benomi Drive
Williamsburg, VA 23185-2116

4741300093

Hammett, Michael B & Judith I
2147 Benomi Drive
Williamsburg, VA 23185-2116

Applicant: 4741300084

Partlow, Mac
2148 Benomi Drive
Williamsburg, VA 23185-2116

4741300092

Moss, Jonathan A & Karen L
2151 Benomi Drive
Williamsburg, VA 23185-2116

4741300001A – 2144 Benomi Drive
5520300001A – 4821 Williamsburg Glade
Pelegs Point Owners Association, Inc.
2136 Benomi Drive
Williamsburg, VA 23185-2116

4830100042 - 151 Smokehouse Lane
Gilley, R Edwin, II & Leigh Ann & Terri Lynn
227 Gate House Boulevard
Williamsburg, VA 23185-3169

4741300085

Haggerty, Jerry L & Davis, Kristina L
2152 Benomi Drive
Williamsburg, VA 23185-2116