

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
February 10, 2021
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

1. Minutes from January 13, 2021, Regular Meeting

D. PUBLIC HEARINGS

1. CBPA 20-0148 : 236 William Barksdale
2. CBPA 20-0153 : 164 West Landing
3. CBPA 20-0147 : 2416 Sarah Spence

E. BOARD CONSIDERATIONS

1. CBE-18-058 : 4447 Pleasant View Drive
2. 2020 Year in Review
3. CBPA Regulatory Amendments

F. MATTERS OF SPECIAL PRIVILEGE

G. ADJOURNMENT

ITEM SUMMARY

DATE: 2/10/2021
TO: Chesapeake Bay Board
FROM: Michael Woolson, Chesapeake Bay Board Secretary
SUBJECT: Minutes from January 13, 2021, Regular Meeting

ATTACHMENTS:

	Description	Type
📎	Minutes	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	2/5/2021 - 1:13 PM
Chesapeake Bay Group	Small, Toni	Approved	2/5/2021 - 1:38 PM
Publication Management	Daniel, Martha	Approved	2/5/2021 - 1:46 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	2/5/2021 - 1:54 PM

MINUTES
JAMES CITY COUNTY CHESAPEAKE BAY BOARD
REGULAR MEETING
County Government Center, Building F
101 Mounts Bay Road, Williamsburg, Virginia 23185
January 13, 2021
5:00 PM

A. CALL TO ORDER

The Chesapeake Bay Board meeting for January 13, 2021, 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:

Charles Roadley, Acting Chairman
William Apperson
Larry Waltrip
David Gussman - Remote Access
Robert Lukens - Remote Access after Case 2

A motion to allow the Remote Participation was made by Charles Roadley and approved on a voice vote.

Board Members Absent:

Halle Dunn

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 December 9, 2020, Regular Meeting

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

D. PUBLIC HEARINGS

1. Case No. CBPA 20-0142 : 8797 Pocahontas Trail

Mr. Trevor Long, Watershed Planner, presented the exception request submitted by Vanasse Hangen Brustlin, Inc. (VHB) on behalf of Carter's Grove Associates, LLC, for encroachments into the Resource Protection Area (RPA) buffer for the regrading of a ravine, regrading of a shoreline, and installation of outfall pipes and a spillway located at 8797 Pocahontas Trail, within the Skiffes Creek watershed. The property is further identified as James City County

Tax Map Parcel No. 5910100030. 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. Roadley opened the Public Hearing.

A. Mr. Neville Reynolds, VHB, outlined the project for the Board.

Mr. Roadley inquired if any of the bank material was to be used for fill.

A. Mr. Reynolds negatively responded. He clarified and discussed other areas of grading.

Mr. Roadley inquired if the tall banks were to be graded.

A. Mr. Reynolds negatively replied except for the area where the outfall pipe is located. He explained the configuration of the pipe area which would further control the downcutting from runoff.

Mr. Roadley 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 20-0142 at 8797 Pocahontas Trail.

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

AYES: 3 NAYS: 0 ABSTAIN: 1 ABSENT: 1

AYES: Roadley, Apperson, Gussman

NAYS: None

ABSTAIN: Waltrip

ABSENT: Dunn

2. Case No. CBPA 20-0141 : 137 Westbury

Mr. Michael Woolson, Senior Watershed Planner, presented the exception request submitted by Mr. Darrell Wahl, Wahl Builders, LLC, on behalf of Mr. John Murphy and Mrs. Teresa Murphy, for encroachments into the RPA buffer for the construction of a deck extension located at 137 Westbury within the Ford's Colony Subdivision and the Powhatan Creek watershed. The property is further identified as James City County Tax Map Parcel No. 3720600053. 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. Roadley opened the Public Hearing.

A. Mr. Darrell Wahl, Wahl Builders, LLC, outlined the project for the Board.

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

Mr. Waltrip made a motion to Adopt the resolution for Chesapeake Bay Board Case No. CBPA 20-0141 at 137 Westbury.

A motion to Approve with Conditions was made by Mr. Waltrip. The motion result was:
AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 1
AYES: Roadley, Apperson, Gussman, Waltrip
NAYS: None
ABSENT: Dunn

A motion to allow the Remote Participation for Robert Lukens was made by William Apperson and approved on a voice vote.

3. Case No. CBPA 20-0140 : 244 William Barksdale

Mr. Michael Woolson, Senior Watershed Planner, presented the exception request submitted by Mr. Mathew Roth, Roth Environmental, LLC, on behalf of Mr. Michael and Mrs. Catherine Hoyt, for encroachments into the RPA buffer for the construction of two retaining walls located at 244 William Barksdale, within the Kingsmill Subdivision and the College Creek watershed. The property is further identified as James City County Tax Map Parcel No. 4940300097. 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. Roadley inquired about the conditions of the location between the house, the channel, and the retaining wall.

Mr. Woolson deferred to the agent for the applicant to answer.

Mr. Roadley opened the Public Hearing.

A. Mr. Mathew Roth, Roth Environmental, LLC, outlined the project for the Board.

Mr. Roadley inquired if this was a stacked, block wall.

A. Mr. Roth affirmatively replied. The wall up near the house is replacing the existing failing timber wall.

Mr. Waltrip inquired about the height of the retaining wall and slope down the hill.

A. Mr. Roth replied that there still would be a slope and they would restabilize the hill with grass like it currently exists.

Mr. Waltrip inquired about provisions for catching the water.

A. Mr. Roth further explained there would be gravel behind the wall and a lot of the water would infiltrate behind the wall and come out the weep holes at the bottom.

B. Mr. Michael Hoyt, owner, was available to answer any questions from the Board.

Mr. Roadley 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 20-0140 at 244 William Barksdale.

A motion to Approve with conditions was made by Mr. Apperson. The motion result was:

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1
AYES: Roadley, Apperson, Gussman, Waltrip, Lukens
NAYS: None
ABSTAIN: None
ABSENT: Dunn

4. Case No. CBPA 20-0100 : 5520 North Mallard Run

Mr. Michael Woolson, Senior Watershed Planner, presented the exception request submitted by Mr. Emanuel Greenspon for encroachments into the RPA buffer for the construction of a retaining wall and river rock area located at 5520 North Mallard Run, within the Warhill Subdivision and the Powhatan Creek watershed. The property is further identified as James City County Tax Map Parcel No. 3120300039. 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. Roadley inquired about the location of the retaining wall in relation to the pilings.

Mr. Woolson explained that the retaining wall must be located outside of the floodway. The site plan did not show topography. On the Federal Emergency Management Agency (FEMA) map, the floodplain elevation is just below 43 feet mean sea level (MSL).

Mr. Lukens inquired if the FEMA floodplain map was a specific percentage of annual elevation.

Mr. Woolson replied that the blue area is the 1% annual rainfall event, otherwise known as the 100-year flood elevation. The green area is the 500-year flood elevation. That is why you see it going to elevation 44 MSL. The back third of the property is also in the floodplain.

Mr. Lukens inquired about the use of the river rock surface spread of a few inches which would basically slow down the water flow.

Mr. Woolson replied yes, explaining the stabilization technique of the river rock usage to slow down water and more importantly to stop the erosion that the applicant is experiencing. The backyard is densely canopied with very little sunlight reaching the backyard in the summertime and thus, the difficulty in getting grass established.

Mr. Roadley opened the Public Hearing.

A. Mr. Aaron Williams, Williams Landscape & Design, Inc., outlined the project for the Board.

Mr. Roadley commented that the drawings showed the location of the retaining wall with the vicinity of the deck which appeared to be less than five feet off from the edge of the deck.

A. Mr. Williams replied that the deck is cantilevered. He explained their objective was to stay inside or right at the footprint of the deck above, far enough away from the pilings so that the geogrid can be installed to help stabilize the wall.

Mr. Roadley 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 20-0100 at 5520 North Mallard Run.

A motion to Approve with conditions was made by Mr. Apperson. The motion result was:
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1
AYES: Roadley, Apperson, Gussman, Waltrip, Lukens
NAYS: None
ABSTAIN: None
ABSENT: Dunn

5. Case No. CBPA 20-0139 : 289 Mill Stream Way

Mr. Michael Woolson, Senior Watershed Planner, presented the exception request submitted by Mr. Kevin and Mrs. Tami Potter, for encroachments into the RPA buffer for the construction of a patio, two retaining walls, deck, and steps with paver landings 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.

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

Mr. Roadley opened the Public Hearing.

A. Mr. Aaron Williams, Williams Landscaping & Design, Inc., outlined the project for the Board.

Mr. Roadley commented that he appreciated the attention to detail and appreciated the effort to help minimize the impact to the RPA.

Mr. Gussman commented that this is a much better project and is happy to see the slope stabilized.

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

Mr. Waltrip made a motion to Adopt the resolution for Chesapeake Bay Board Case No. CBPA 20-0139 at 289 Mill Stream Way.

A motion to Approve with conditions was made by Mr. Waltrip. The motion result was:
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1
AYES: Roadley Apperson, Gussman, Waltrip, Lukens
ABSTAIN: None
NAYS: None
ABSENT: Dunn

E. BOARD CONSIDERATIONS

1. Case No. CBPA 19-0141 : 2552 William Tankard Drive

Mr. Michael Woolson, Senior Watershed Planner, presented the extension request submitted by Mr. Robert Fetter for a one-year extension of the exception request originally granted on January 20, 2020. The original exception request was for construction of a shed at 2552 William Tankard Drive in the Landfall subdivision and Powhatan Creek watershed. Staff concurs with this request and all other conditions of the approving resolution would still apply with a new expiration date of January 13, 2022.

Mr. Apperson made a motion to Adopt the resolution for Chesapeake Bay Board Case No. CBPA 19-0141 at 2552 William Tankard Drive.

A motion to Approve with conditions was made by Mr. Apperson. The motion result was:

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1

AYES: Roadley, Gussman, Apperson, Waltrip, Lukens

NAYS: None

ABSTAIN: None

ABSENT: Dunn

F. MATTERS OF SPECIAL PRIVILEGE

1. 2020 Year in Review

The End of Year Report has been postponed until the February 10, 2021, meeting.

G. ADJOURNMENT

A motion to Adjourn was made by Mr. Roadley and approved on a voice vote. The meeting adjourned at 6:22 p.m.

ITEM SUMMARY

DATE: 2/10/2021
TO: Chesapeake Bay Board
FROM: Michael Woolson, Senior Watershed Planner
SUBJECT: CBPA 20-0148 : 236 William Barksdale

Christopher Hakim has filed an exception request for encroachments into the RPA buffer for the construction of two retaining walls at 236 William Barksdale, JCC Parcel No. 4940300099.

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	2/5/2021 - 3:19 PM
Chesapeake Bay Group	Small, Toni	Approved	2/5/2021 - 3:54 PM
Publication Management	Burcham, Nan	Approved	2/5/2021 - 4:00 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	2/5/2021 - 4:21 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-20-0148. 236 William Barksdale
Staff Report for the February 10, 2021, 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. Christopher Hakim
Agent: None
Location: 236 William Barksdale
Parcel Identification No.: 4940300099
Parcel: Lot 99, Phase 2, Fairfax Woods
Lot Size: 1.19 acres
Area of Lot in Resource Protection Area (RPA): 0.92 acres +/- (77%)
Watershed: College Creek (HUC JL 34)
Floodplain: Zone AE - Base elevation determined at elevation 7
Proposed Activity: Construction of two retaining walls
Impervious Cover: 160 square feet
RPA Encroachment: 160 square feet, landward 50-foot RPA
Staff Contact: Trevor A. Long, Watershed Planner Phone: 253-6789

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Christopher Hakim has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of two retaining walls on property located at 236 William Barksdale within the Kingsmill subdivision and the College Creek watershed. The property is further identified as James City County Tax Map Parcel No. 4940300099. The parcel was platted in 1985, before the adoption of the Chesapeake Bay Ordinance in 1990.

The total lot size of this property is 1.19 acres, of which 77% is located within the RPA. Current site conditions include erosion of slopes in the rear and side of the property. The applicant is proposing to construct two retaining walls in order to alleviate this erosion equating to approximately 160 square feet of encroachments into the landward 50-foot RPA. Required mitigation for this amount of impact to the RPA equals one half unit (six shrubs). No mitigation plan has been submitted at this time.

STAFF EVALUATION

Staff has evaluated the application and exception request for the construction of the 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.

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 and is approvable. 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, to include a building permit if applicable, as required for the project; and
2. A mitigation plan consisting of six 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 to guarantee the plantings; and
4. This exception request approval shall become null and void if construction has not begun by February 10, 2022; and
5. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than December 30, 2021, six weeks prior to the expiration date.

TAL/md
CBPA20-148.236WmBksdale

Attachments:

1. Site Plan
2. Resolution

RESOLUTION

CASE NO. CBPA-20-0148. 236 WILLIAM BARKSDALE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Christopher Hakim (the “Applicant”) has applied to the Chesapeake Bay Board of James City County (the “Board”) on February 10, 2021, 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. 4940300099 and further identified as 236 William Barksdale (the “Property”) as set forth in the application CBPA-20-0148 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 applicant must obtain all other necessary federal, state, and local permits, to include a building permit if applicable, as required for the project; and
 - b. A mitigation plan consisting of six shrubs be submitted to the Stormwater and Resource Protection Division; and
 - c. 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 guarantee the required mitigation plantings; and

- d. This exception request approval shall become null and void if construction has not begun by February 10, 2022; and
- e. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than December 30, 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 10th day of February, 2021.

CBPA20-148.236WmBksdale-res

- NOTES:**
- BOUNDARY DATA TAKEN FROM SUBDIVISION PLAN NOT FIELD VERIFIED BY THIS PLAN.
 - PLANNED IMPROVEMENTS ARE PER INSTRUCTION.
 - CONSTRUCTION ENTRANCE - STABILIZE WITH N.Y.D.O.T. STANDARDS AND FILTER FABRIC.
 - SILT FENCE WITH WIRE REINFORCEMENT.
 - TREE PROTECTION.
 - FINISH EXTERIOR EROT GRADE ELEV.
 - DIST OF FINAL SURFACE DRAINAGE.
 - NATURAL TREES TO BE REMOVED.



REVISED: SEPT 30, 2002
 REVISED: MAY 2, 2002
 REVISED: JUNE 4, 2001

SITE DEVELOPMENT PLAN
 KINGSMILL - ON-THE
 MAY 1, 2000
 JAMES CITY COVA

BOTTOM OF SLOPE AND APPROXIMATE
 LIMIT OF WETLANDS

PROPERTIES, INC.
 (PARTIAL)



Chesapeake Bay Board of James City County, Virginia

February 10, 2021

CBPA 20-0148

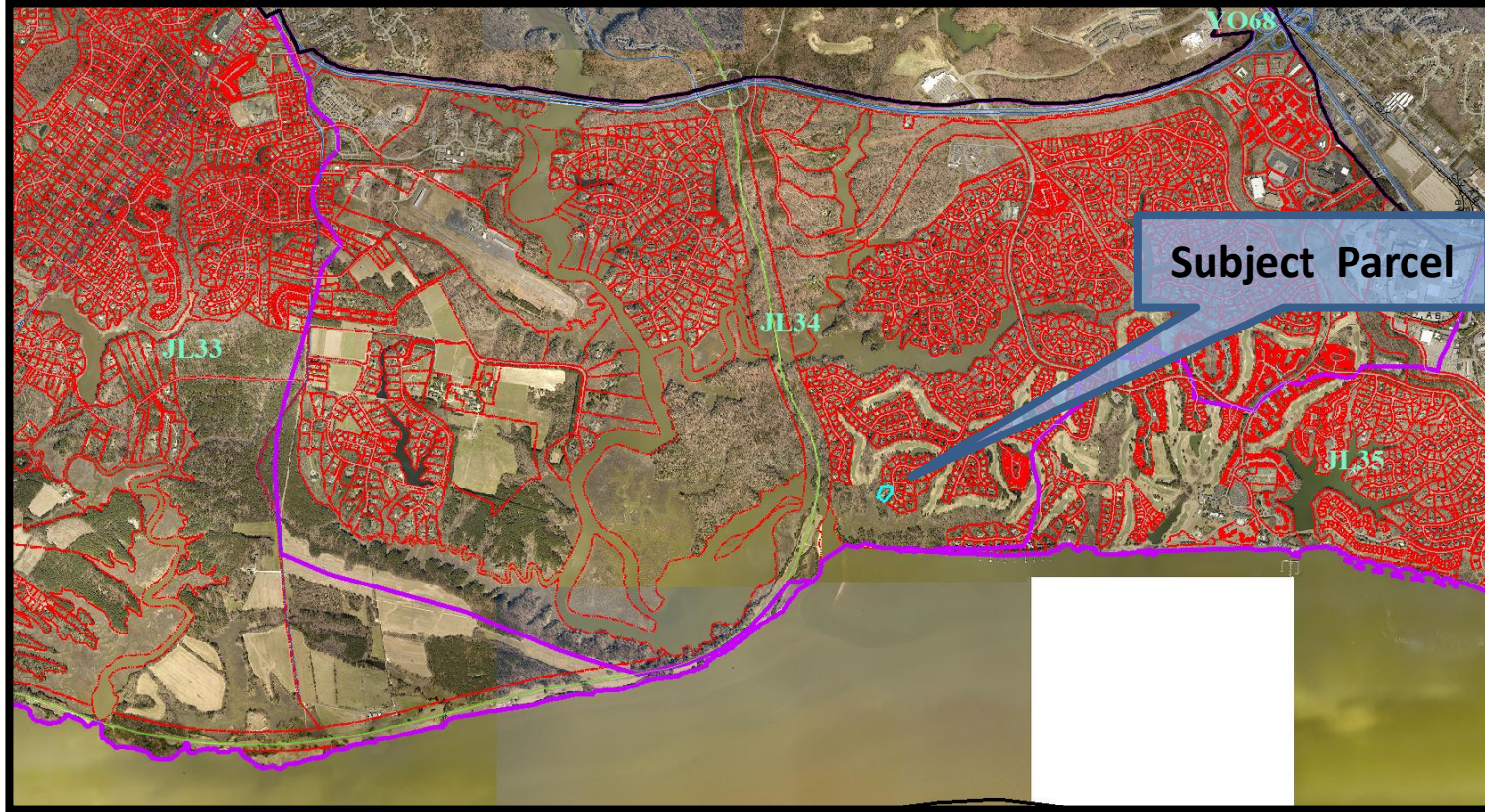
Christopher Hakim

236 William Barksdale

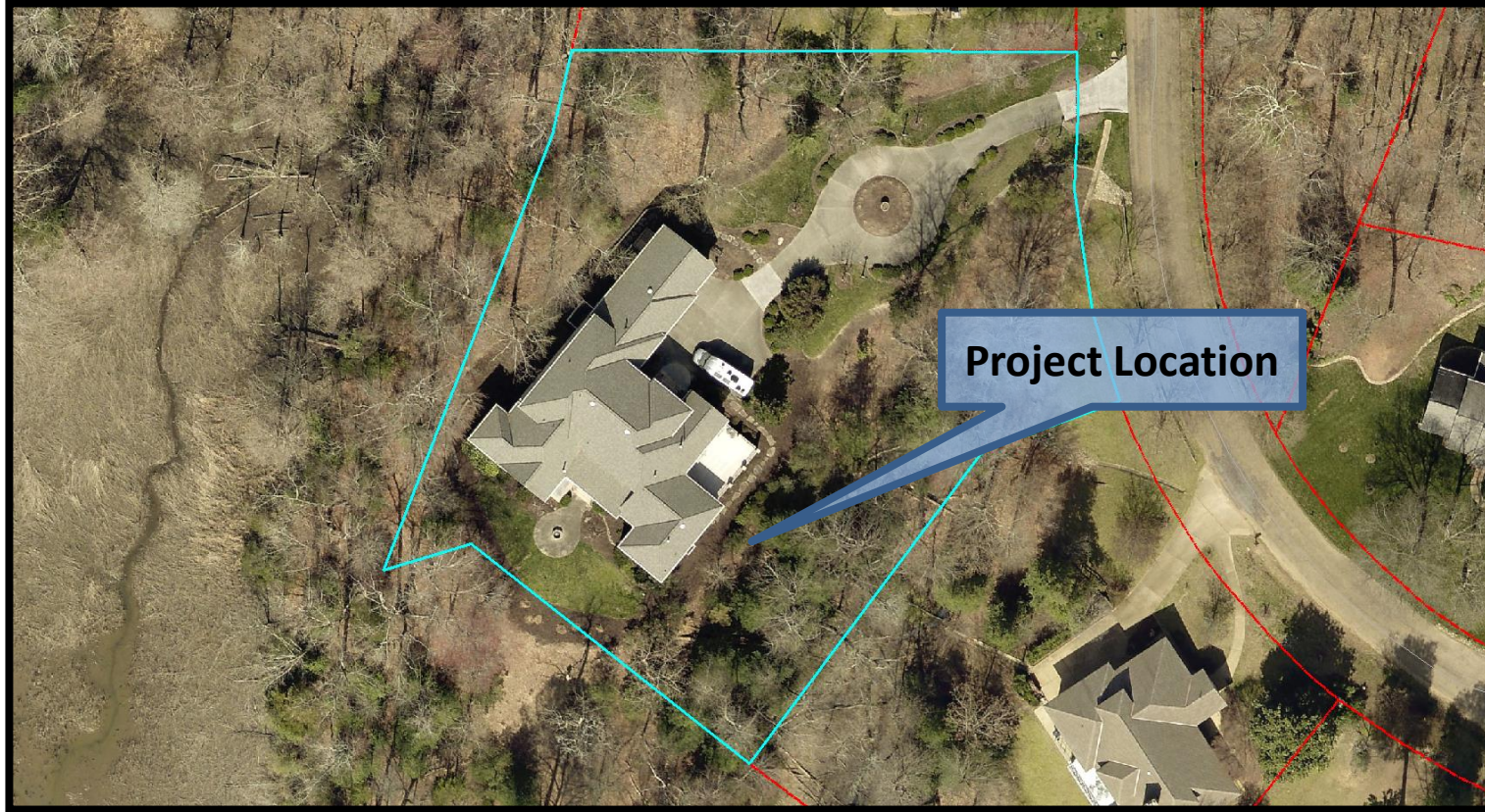


Applicant Request

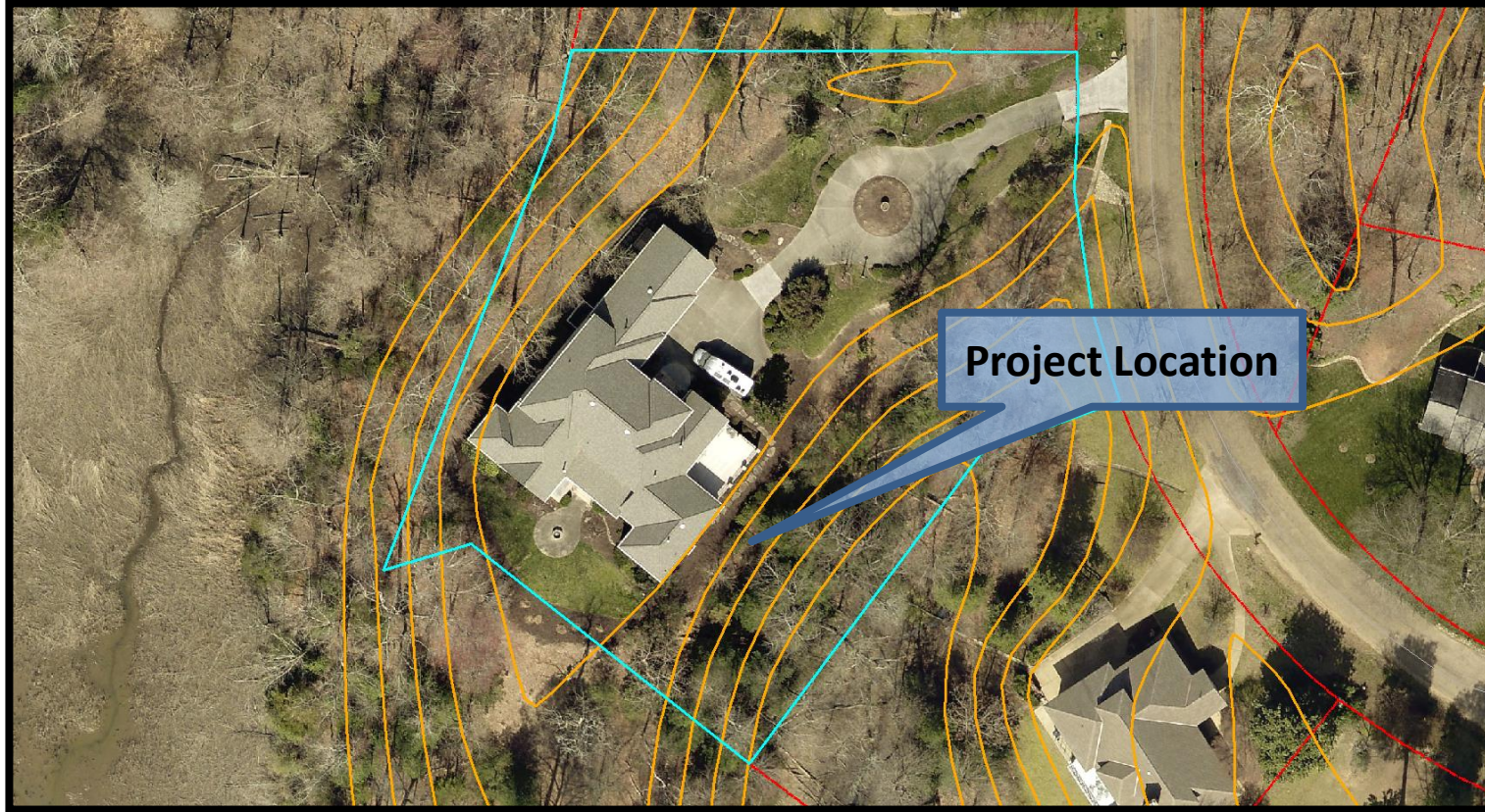
- ✓ Construction of two retaining walls.



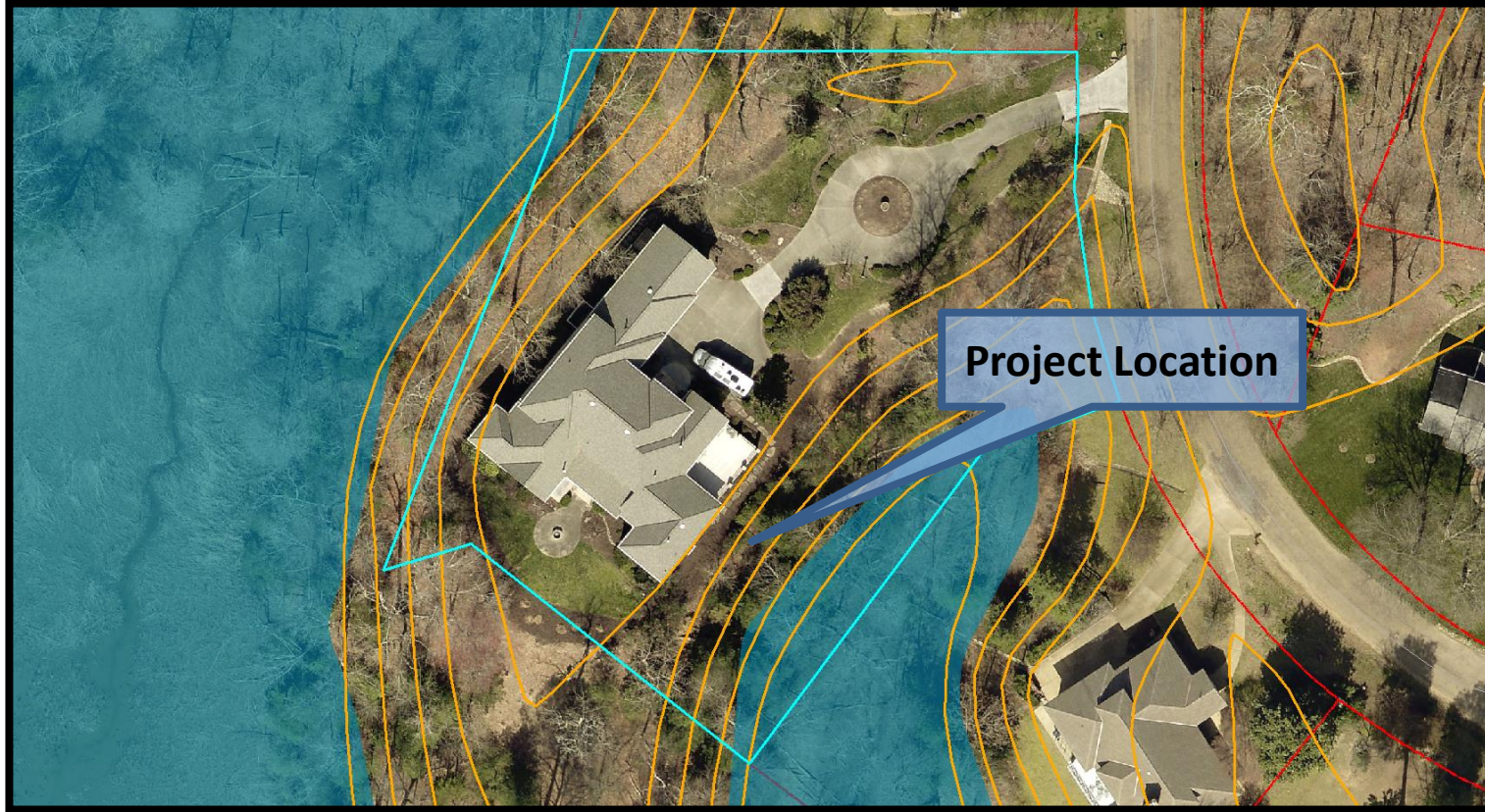
Vicinity Map
CBPA-20-0148
236 William Barksdale



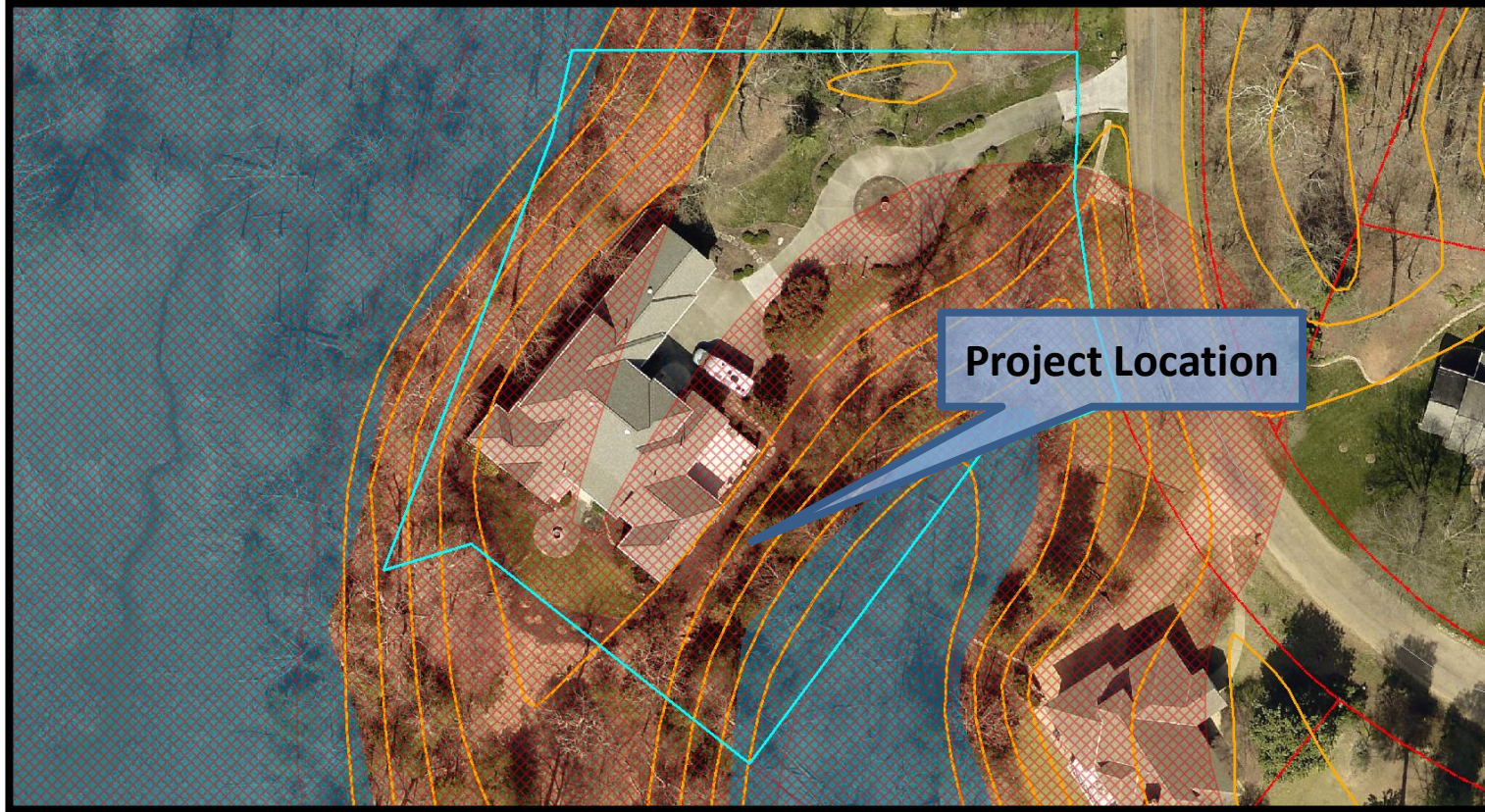
Aerial Photograph
CBPA-20-0148
236 William Barksdale



Topography
CBPA-20-0148
236 William Barksdale



Floodplain
CBPA-20-0148
236 William Barksdale



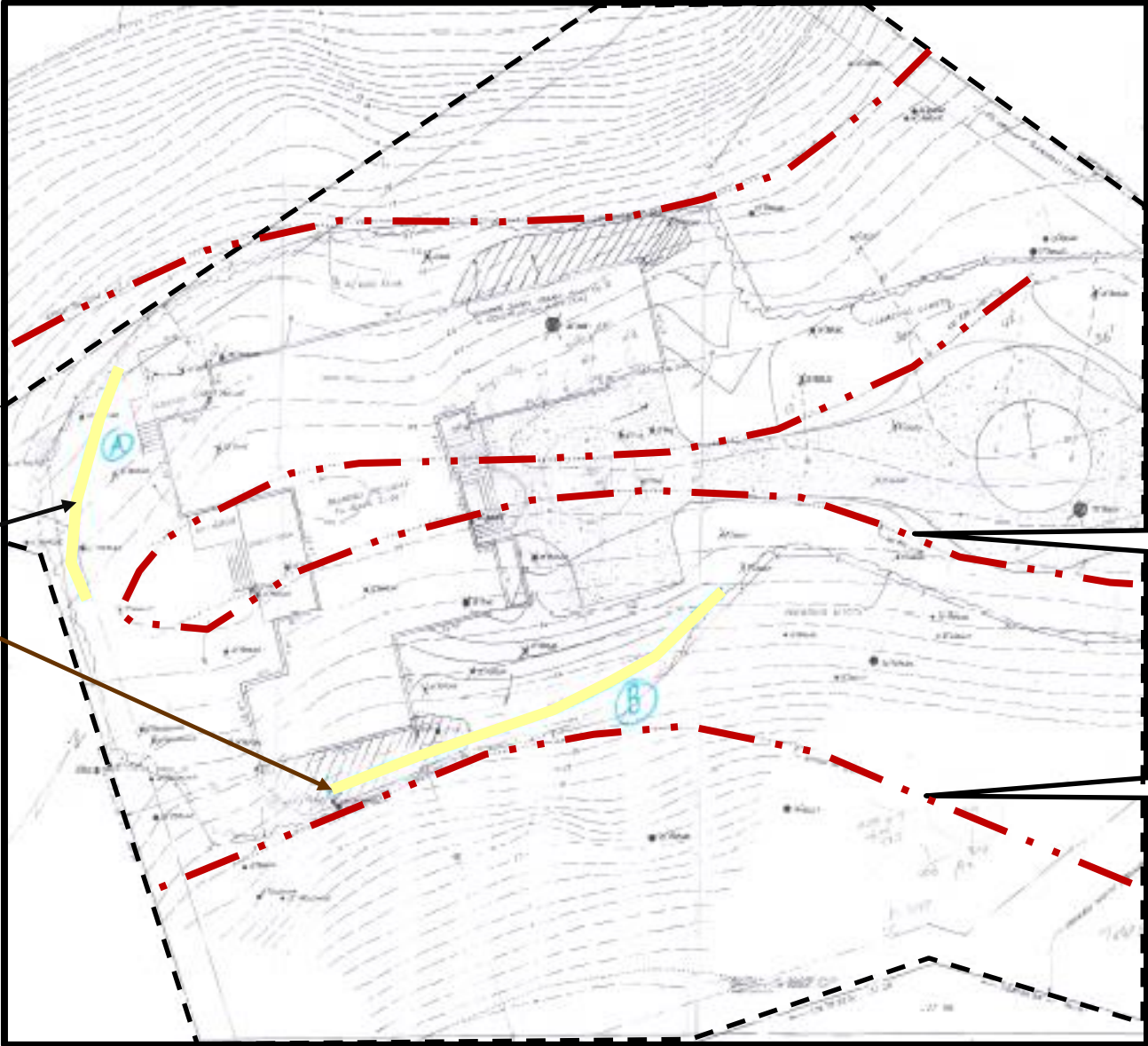
Resource Protection Area

CBPA-20-0148

236 William Barksdale

Site Plan showing proposed improvements, submitted January 12, 2020. For representative use only for presentation of case #CBPA-20-0148

Proposed Retaining Walls



Landward 50-foot RPA

Seaward 50-foot RPA

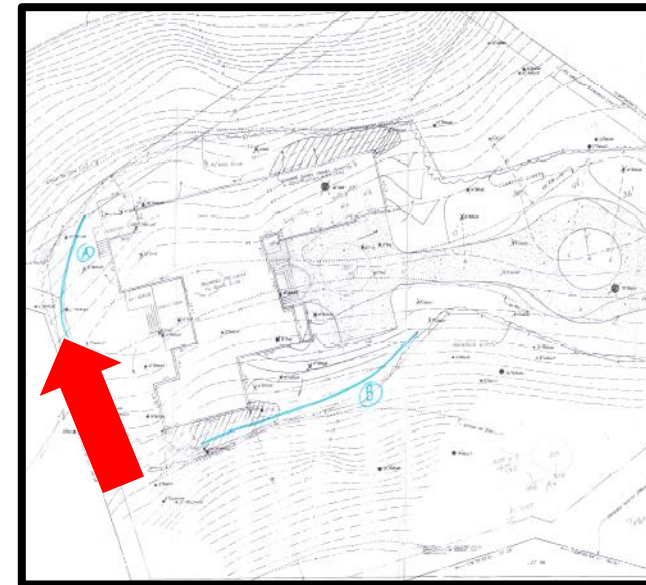
Site Plan - CBPA-20-0148
236 William Barksdale



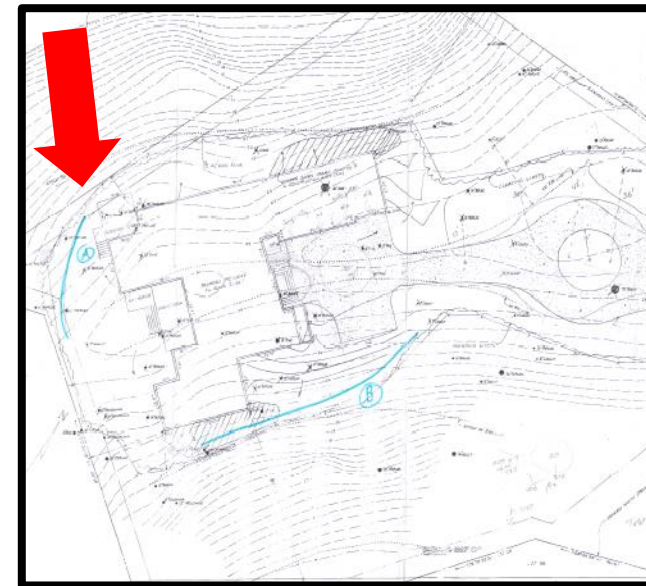
Site Photograph #1 - CBPA-20-0148
236 William Barksdale



Site Photograph #2 - CBPA-20-0148
236 William Barksdale



Site Photograph #3 - CBPA-20-0148
236 William Barksdale



Site Photograph #4 - CBPA-20-0148
236 William Barksdale

Permit Conditions



Staff Recommendation – Approval

- ✓ All other necessary local, state and federal permits.
- ✓ A mitigation plan of 6 shrubs.
- ✓ 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.

Permit Conditions



Staff Recommendation – Approval

- ✓ This exception request approval shall become null and void if construction has not begun by January 13, 2022.
- ✓ Written requests for extension submitted no later than December 2, 2021.



PUBLIC HEARING NOTICE

THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD A PUBLIC HEARING **WEDNESDAY FEBRUARY 10, 2021 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 20-0147: Jesus and Tracey Mansisor have filed an exception request for encroachments into the RPA buffer for the construction of a pool at 2416 Sarah Spence, JCC Parcel No. 4840200014.

CBPA 20-0148: Christopher Hakim has filed an exception request for encroachments into the RPA buffer for the construction of two retaining walls at 236 William Barksdale, JCC Parcel No. 4940300099.

CBPA 20-0153: Bay Design Group, on behalf of Gerald and Carrie Morelli, has filed an exception request for encroachments into the RPA buffer for the construction of a pool and pool house at 164 West Landing, JCC Parcel No. 5031200010.

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 – January 27, 2021 and February 3, 2021.
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
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January 20, 2021

RE: CBPA 20-0148
236 William Barksdale
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 Ms. Linda S. Petren, Trustee and Mr. Christopher A. Hakim Trustee, for encroachment into the Resource Protection Area (RPA) buffer for the construction of two retaining walls. The project is located at 236 William Barksdale and further identified as JCC Parcel No. 4940300099.

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, February 10, 2021 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-20-0148–236 William Barksdale – Two Retaining Walls

Owner: 4940300099

Petren, Linda S., Trustee & Hakim,
Christopher A., Trustee
236 William Barksdale
Williamsburg, VA 23185-8208

4940300092A: 237 William Barksdale

Kingsmill Community Services Association
P.O. Box 348
Williamsburg, VA 23187-0348

4940300100

Thibodeau, Daniel T & Inserra, Melissa A
232 William Barksdale
Williamsburg, VA 23185-8208

5030100001: 300 Mounts Bay Road

Escalante Kingsmill Resort, LLC
2930 Bledsoe Street, Suite 124
Fort Worth, TX 76107-2942

4940300098

Knight, Harry D & Leland K
240 William Barksdale
Williamsburg, VA 23185-8210

ITEM SUMMARY

DATE: 2/10/2021
TO: Chesapeake Bay Board
FROM: Michael Woolson, Senior Watershed Planner
SUBJECT: CBPA 20-0153 : 164 West Landing

Bay Design Group, on behalf of Gerald and Carrie Morelli, has filed an exception request for encroachments into the RPA buffer for the construction of a pool and pool house at 164 West Landing, JCC Parcel No. 5031200010.

ATTACHMENTS:

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution	Resolution
☐	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	2/5/2021 - 1:15 PM
Chesapeake Bay Group	Small, Toni	Approved	2/5/2021 - 1:38 PM
Publication Management	Daniel, Martha	Approved	2/5/2021 - 1:48 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	2/5/2021 - 1:53 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-20-0153. 164 West Landing
Staff Report for the February 10, 2021, 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. Gerard Morelli and Mrs. Carrie Morelli

Agent: Mr. Wayne Savage, Bay Design Group

Location: 164 West Landing

Parcel Identification No.: 5031200010

Parcel: Lot 10, The Landing

Lot Size: 1.69 acres

Area of Lot in Resource Protection Area (RPA): 1.34 acres +/- (79%)

Watershed: College Creek (HUC JL 34)

Floodplain: Zone AE - Base elevation determined at elevation 7

Proposed Activity: Construction of a pool and pool house

Impervious Cover: 1,531 square feet

RPA Encroachment: 1,061 square feet, landward 50-foot RPA

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

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Wayne Savage, Bay Design Group, has applied for a Chesapeake Bay Exception on behalf of Mr. Gerard and Mrs. Carrie Morelli for encroachments into the RPA buffer for the construction of a pool and pool house on property located at 164 West Landing within the Kingsmill subdivision and the College Creek watershed. The property is further identified as James City County Tax Map Parcel No. 5031200010. The parcel was platted in 1993, after the adoption of the Chesapeake Bay Ordinance in 1990.

The total lot size of this property is 1.69 acres, of which 79% is located within the RPA. The applicants are proposing to construct a pool and pool house located on the property equating to approximately 1,106 square feet of encroachments into the landward 50-foot RPA. There is an existing gravel area proposed to be removed of which 45 square feet are located within the landward 50-foot RPA. Therefore, total impacts to the landward 50-foot RPA equate to 1,061 square feet of new impervious area. The applicants are also proposing a new lawn area of approximately 750 square feet in the RPA and two infiltration Best Management Practices (BMPs). Required mitigation for this amount of impervious cover in the RPA equals three planting units: three canopy trees, six understory trees, and nine shrubs). No mitigation plan has been submitted at this time. It is noted that there is a public pool within the Kingsmill subdivision.

STAFF EVALUATION

Staff has evaluated the application and exception request for the construction of a pool and pool house. This application meets the Ordinance conditions in Sections 23-11 and 23-14 and should be heard by the Board because the pool and pool house are 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 meets all five of the conditions presented above and is approvable. 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, including submitting an Erosion and Sediment Control plan and a Land Disturbing permit; and
2. The Turf Love program be implemented for the property; and
3. The infiltration BMPs shall be built to the Department of Environmental Quality Stormwater Design Specification No. 8, Infiltration Practices, current version, and shall encompass at least 522 square feet of surface area; and
4. A vegetative mitigation plan consisting of three canopy trees, six understory trees, and nine shrubs be submitted to the Stormwater and Resource Protection Division; and
5. A surety of \$1,500 be submitted in a form acceptable to the James City County Attorney's Office to guarantee the plantings; and
6. This exception request approval shall become null and void if construction has not begun by February 10, 2022; and
7. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than December 30, 2021, six weeks prior to the expiration date.

TL/md
CBPA20-153.164WLndg

Attachments:

1. Site Plan
2. Resolution

RESOLUTION

CASE NO. CBPA-20-0153. 164 WEST LANDING

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Gerald Morelli and Mrs. Carrie Morelli (the “Applicants”) have applied to the Chesapeake Bay Board of James City County (the “Board”) on February 10, 2021, 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. 5031200010 and further identified as 164 West Landing (the “Property”) as set forth in the application CBPA-20-0153 for the purpose of constructing a pool and pool house; 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 as required for the project, including submitting an Erosion and Sediment Control plan and a Land Disturbing permit; and
 - b. The Turf Love program be implemented for the property; and
 - c. The infiltration Best Management Practices shall be built to the Department of Environmental Quality Stormwater Design Specification No. 8, Infiltration

Practices, current version, and shall encompass at least 522 square feet of surface area; and

- d. A vegetative mitigation plan consisting of three canopy trees, six understory trees, and nine shrubs be submitted to the Stormwater and Resource Protection Division; and
- e. A surety of \$1,500 be submitted in a form acceptable to the James City County Attorney's Office to guarantee the plantings; and
- f. This exception request approval shall become null and void if construction has not begun by February 10, 2022; and
- g. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than December 30, 2021, six weeks prior to the expiration date.

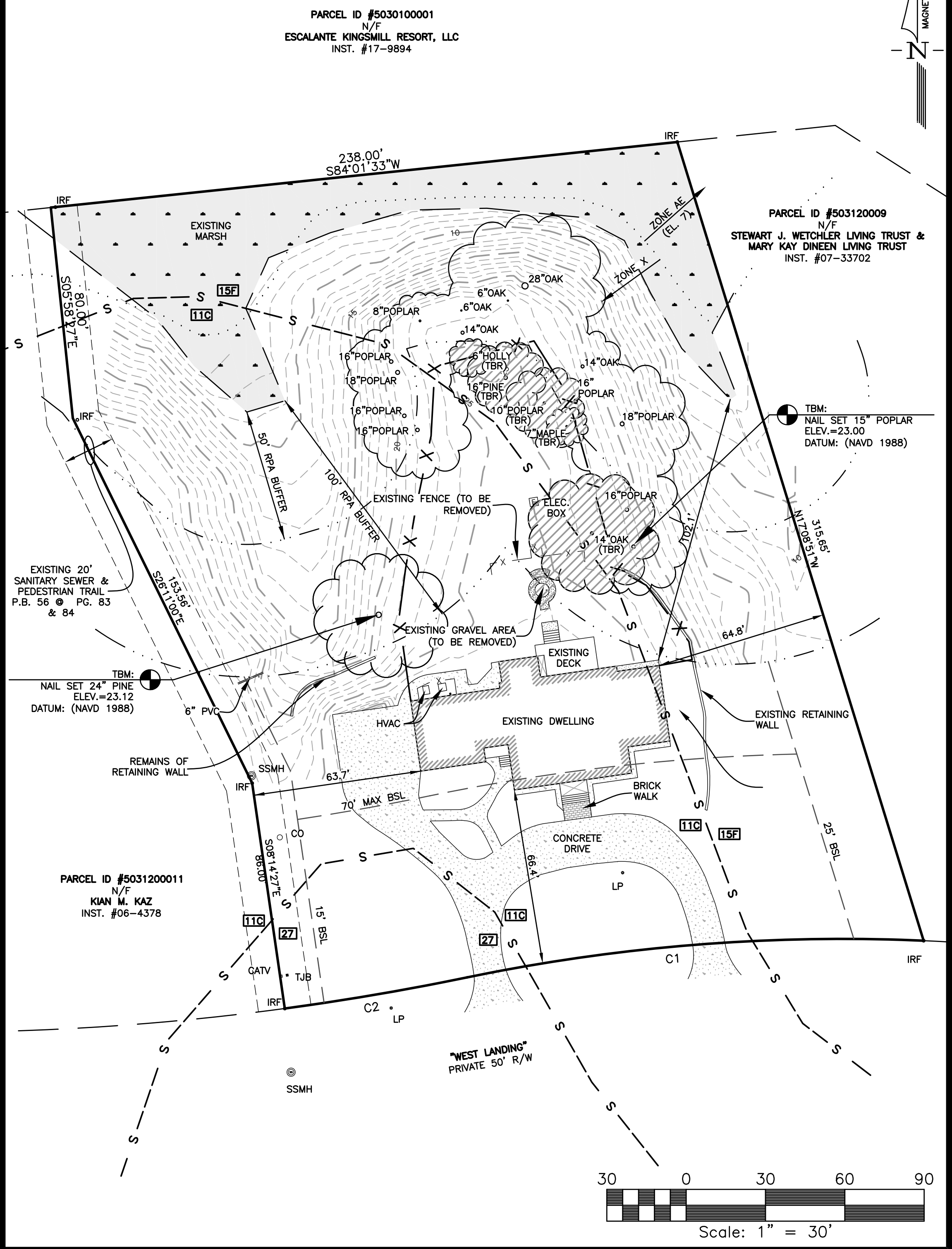
David Gussman
Chair, Chesapeake Bay Board

Michael D. Woolson
Secretary to the Board

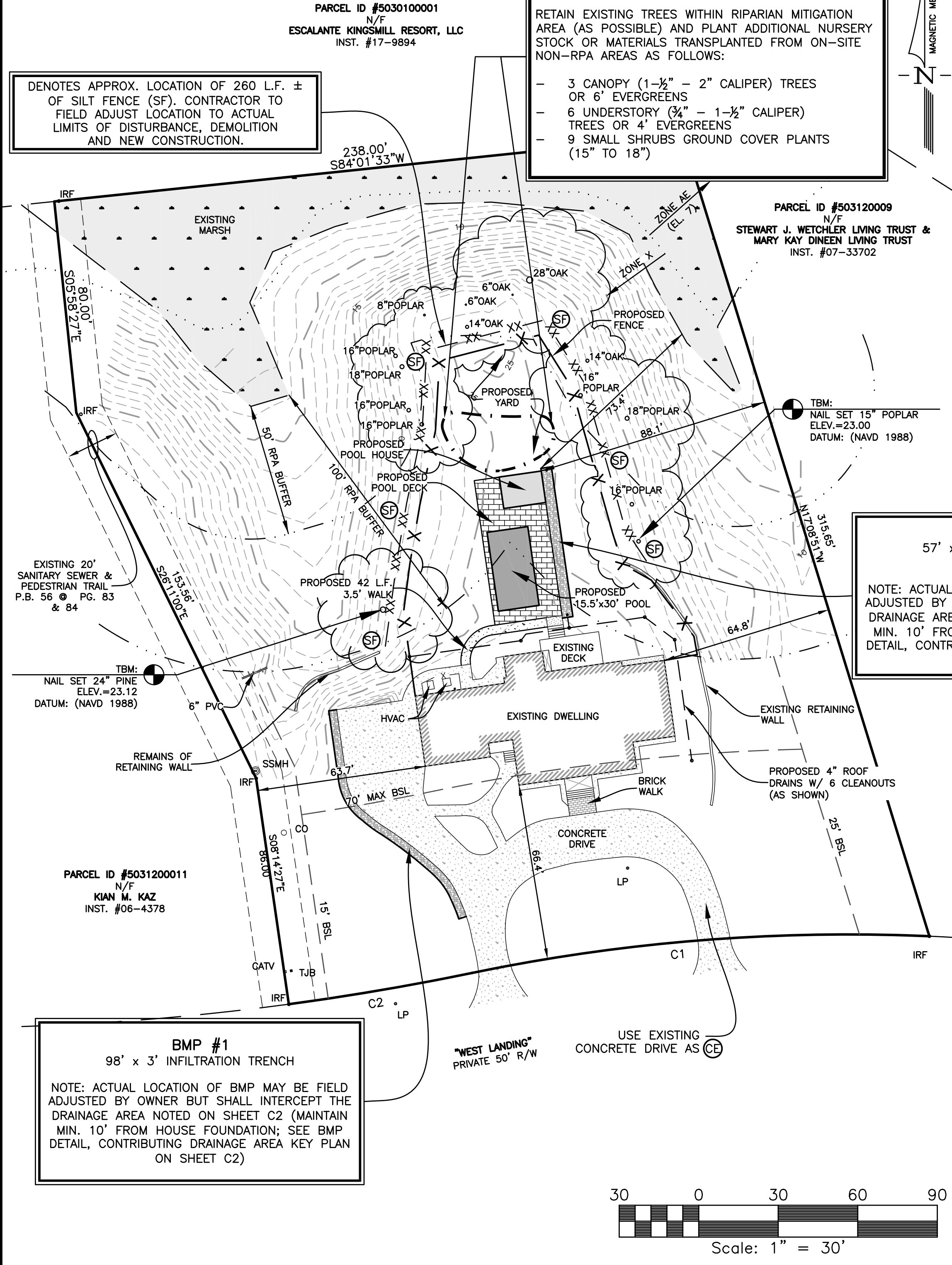
Adopted by the Chesapeake Bay Board of James City County, Virginia, this 10th day of February, 2021.

CBPA20-153.164WLndg-res

EXIST. CONDITIONS



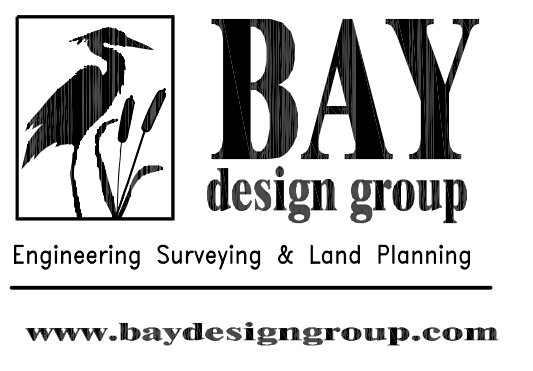
PROPOSED LAYOUT



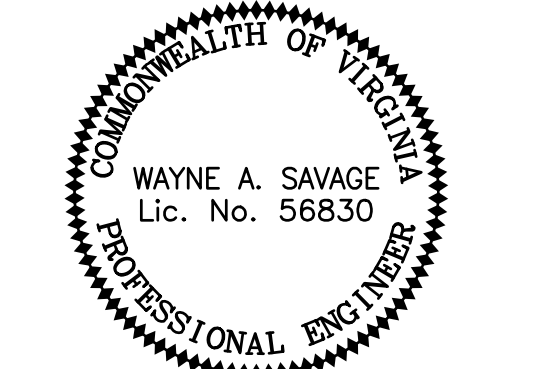
JOB NO. 20179-02

THIS DRAWING IS THE PROPERTY OF BAY DESIGN GROUP AND IS NOT TO BE REPRODUCED OR USED FOR ANY PROJECT IN WHOLE OR IN PART WITHOUT EXPRESS WRITTEN PERMISSION.

PROJECT MANAGER: WAS
 DESIGNED: BMW
 CAD: BMW
 CHECKED: WAS
 FILED:
 DATE: DECEMBER 15, 2020
 REVISED:
 REVISED:



40 CROSS ST., SUITE 100
 P.O. BOX 51
 URBANNA, VA 23175
 (804) 693-2993



PROJECT:

MORELLI RESIDENCE

ROBERTS DISTRICT
 JAMES CITY COUNTY, VIRGINIA
 SHEET:

BAY ACT DEVELOPMENT PLAN

SHEET NO:

C1 OF 2

JOB NO. 20179-02

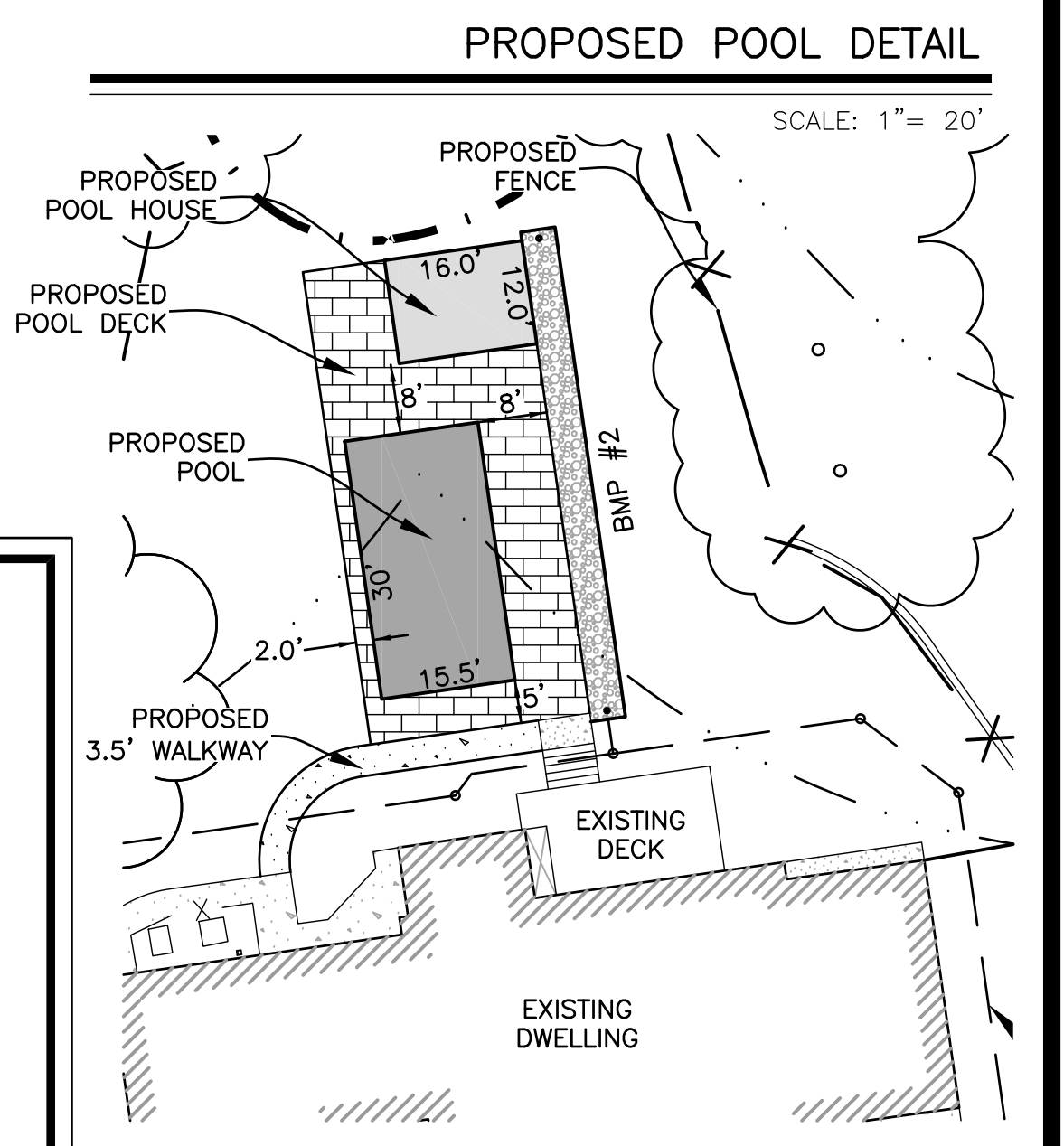
- GENERAL NOTES:**
- THE LAND DELINEATED HEREON IS LOCATED AT 164 WEST LANDING AND IS ON COUNTY TAX MAP NO. 5031200010 AND IS 1.69± AC.
 - CURRENT OWNER & PROPERTY REFERENCES: GERARD J. AND CARRIE P. MORELLI, 164 WEST LANDING, WILLIAMSBURG, VA 23185
 - EDGE OF WATER SHOWN HEREON IS AS OF TIME OF SURVEY AND NO EFFORT IS MADE BY THIS PLAN TO ESTABLISH OWNERSHIP OR ANY OTHER RIGHTS BEYOND THIS LINE.
 - THIS PARCEL LIES IN ZONE X, AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS DEFINED ON THE NATIONAL FLOOD INSURANCE RATE MAP PANEL NO. 51095C0206D, DATED DECEMBER 16, 2015. THE ZONE LINES SHOWN ARE APPROXIMATE AND SCALED FROM SAID MAP.
 - SITE IS ZONED: R4 (RESIDENTIAL PLANNED COMMUNITY)
 - COUNTY SETBACKS: FRONT: MAX 70'
 SIDE: 15'; TOTAL SIDE: 40'
 REAR: 30'

WATER QUALITY IMPACT CALCULATIONS:

1. **SITE IMPERVIOUS ANALYSIS**

	IN 100' RPA	ON SITE
EXISTING PRE-DEVELOPMENT IMPERVIOUS AREA		
EXISTING DWELLING	= 0 S.F.	3,266 S.F.
EXISTING DRIVEWAY	= 0 S.F.	3,973 S.F.
EXISTING WALKS/STAIRS	= 0 S.F.	704 S.F.
EXISTING DECK/SOOPS	= 0 S.F.	382 S.F.
EXISTING GRAVEL AREAS	= 44 S.F.	251 S.F.
TOTAL PRE-DEVELOPMENT IMPERVIOUS AREA	= 44 S.F.	8,576 S.F.
		(0.20 AC.; 11.8% OF SITE)
PROPOSED POST-DEVELOPMENT IMPERVIOUS AREA		
EXISTING GRAVEL AREA TO BE REMOVED	= - 44 S.F.	- 88 S.F.
PROPOSED POOL	= + 147 S.F.	+ 465 S.F.
PROPOSED POOL DECK	= + 511 S.F.	+ 746 S.F.
PROPOSED POOL HOUSE	= + 192 S.F.	+ 192 S.F.
PROPOSED WALK	= + 0 S.F.	+ 137 S.F.
TOTAL POST-DEVELOPMENT IMPERVIOUS AREA	= 850 S.F.	10,028 S.F.
		(0.23 AC.; 13.6% OF SITE)

2. **SUMMARY OF RUNOFF REDUCTION METHOD / REDEVELOPMENT ANALYSIS**
- TOTAL SITE: 1.69 AC.
 - IMPERVIOUS AREA: 0.23 AC.
 - MANAGED TURF: 1.25 AC.
 - FORESTED/OPEN SPACE (WETLANDS): 0.21 AC.
 - TP PROPOSED (PER RRM SPREADSHEET): 1.16 lb./yr.
 - TP REDUCTION REQ'D (PER RRM SPREADSHEET): 0.16 lb./yr.
 - TP REDUCTION ACHIEVED (PER RRM SPREADSHEET): 0.20 lb./yr. > 0.16 lb./yr.; THUS OK
 - TP REMAINING (PER RRM SPREADSHEET): 0.96 lb./yr. / 1.16 lb. x 100% = 82.8%
- RUNOFF REDUCTION PRACTICES UTILIZED
 - INFILTRATION TRENCH, LEVEL 1 7.0 CA = 0.14 AC. (IMPERVIOUS)
 +0.03 AC. (PERVIOUS)
- RPA ENCROACHMENT MITIGATION**
- DUE TO ENCROACHMENT INTO THE CURRENTLY REQUIRED 100' R.P.A. FOR LAND DISTURBANCE IN RELATION TO THE PROPOSED CONSTRUCTION, A 850 SF RIPARIAN MITIGATION/RESTORATION AREA (FOR THE PROPOSED IMPERVIOUS AREA WITHIN RPA VEGETATION AREAS) IS TO BE PROVIDED WITH THE FOLLOWING PLANTING PER 400 SF:
- 1 CANOPY TREE (1-1/2" - 2" CALIPER) OR 6' EVERGREEN
 - 2 UNDERSTORY (3/4" - 1-1/2" CALIPER) OR 4' EVERGREEN
 - 3 SMALL SHRUBS OR GROUND COVER (15" TO 18")





PUBLIC HEARING NOTICE

THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD A PUBLIC HEARING **WEDNESDAY FEBRUARY 10, 2021 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 20-0147: Jesus and Tracey Mansisor have filed an exception request for encroachments into the RPA buffer for the construction of a pool at 2416 Sarah Spence, JCC Parcel No. 4840200014.

CBPA 20-0148: Christopher Hakim has filed an exception request for encroachments into the RPA buffer for the construction of two retaining walls at 236 William Barksdale, JCC Parcel No. 4940300099.

CBPA 20-0153: Bay Design Group, on behalf of Gerald and Carrie Morelli, has filed an exception request for encroachments into the RPA buffer for the construction of a pool and pool house at 164 West Landing, JCC Parcel No. 5031200010.

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 – January 27, 2021 and February 3, 2021.
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

January 20, 2021

RE: CBPA 20-0153
164 West Landing
Pool, Deck & Pool House

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. Wayne Savage of Bay Design Group on behalf of Mr. Gerard J Morelli and Mrs. Carrie P. Morelli for encroachment into the Resource Protection Area (RPA) buffer for the construction of a pool, pool deck and pool house. The project is located at 164 West Landing and further identified as JCC Parcel No. 5031200010.

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, February 10, 2021 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

cc: Bay Design Group.,
Attn: Mr. Wayne Savage

MDW: jep

Mailing List for: CBPA-20-0153-164 West Landing : Pool, Pool Deck & Pool House

Owner: 5031200010

Morelli, Gerard J & Carrie P
164 West Landing
Williamsburg, VA 23185-8255

5030200137

Morelli, Carrie P & Gerard J
137 Macaulay Road
Williamsburg, VA 23185-5521

5031200011

Kaz, Kian M
168 West Landing
Williamsburg, VA 23185-8255

5031200009

Wetchler, Stewart J, Trustee & Dineen,
Mary Kay, Trustee
156 West Landing
Williamsburg, VA 23185-8255

Contractor:

Bay Design Group
Attn: Wayne Savage
P.O. Box 51
Urbanna, VA 23175-0051

5031200016

Ball, Stephen E & Michele Z
163 West Landing
Williamsburg, VA 23185-8255

5031200017

Mercer, James C & Donna M
159 West Landing
Williamsburg, VA 23185-8255

5030100001: 300 Mounts Bay Road

Escalante Kingsmill Resort, LLC
2930 Bledsoe Street, Suite 124
Fort Worth, TX 76107-2942

ITEM SUMMARY

DATE: 2/10/2021
TO: Chesapeake Bay Board
FROM: Michael Woolson, Senior Watershed Planner
SUBJECT: CBPA 20-0147 : 2416 Sarah Spence

Jesus and Tracey Mansidor have filed an exception request for encroachments into the RPA buffer for the construction of a pool at 2416 Sarah Spence, JCC Parcel No. 4840200014.

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	2/5/2021 - 3:18 PM
Chesapeake Bay Group	Small, Toni	Approved	2/5/2021 - 3:54 PM
Publication Management	Burcham, Nan	Approved	2/5/2021 - 3:58 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	2/5/2021 - 4:21 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-20-0147. 2416 Sarah Spence
Staff Report for the February 10, 2021, 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. Jesus Mansisidor
Agent: None
Location: 2416 Sarah Spence
Parcel Identification No.: 4840200014
Parcel: Lot 14, Parcel 2, Vineyards at Jockey's Neck
Lot Size: 1.18 acres
Area of Lot in Resource Protection Area (RPA): 0.89 acres +/- (75%)
Watershed: College Creek (HUC JL 34)
Floodplain: None
Proposed Activity: Construction of a pool
Impervious Cover: 1,850 square feet
RPA Encroachment: 1,850 square feet, landward 50-foot RPA
Staff Contact: Trevor A. Long, Watershed Planner Phone: 253-6789

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Jesus Mansisidor has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of a pool on property located at 2416 Sarah Spence within the Vineyards at Jockey's Neck subdivision and the College Creek watershed. The property is further identified as James City County Tax Map Parcel No. 4840200014. The parcel was platted in 1997, before the adoption of the changes in the Chesapeake Bay Ordinance in 2004.

The total lot size of this property is 1.18 acres, of which 75% is located within the RPA. The applicant is proposing to construct a pool located on the property equating to approximately 650 square feet of encroachments into the landward 50-foot RPA. Additionally, the applicant is proposing a paver patio area surrounding the pool equating to approximately 1,200 square feet of impervious area. Required mitigation for this amount of impact to the RPA equals five canopy trees, 10 understory trees, and 15 shrubs. It is noted that there is a public pool within the Vineyards at Jockeys Neck subdivision. The pool location will be within a currently fenced-in portion of the backyard. No mitigation plan has been submitted at this time.

STAFF EVALUATION

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

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, including submitting an Erosion and Sediment Control plan and a Land Disturbing permit; and
2. A mitigation plan consisting of five canopy trees, 10 understory trees, and 15 shrubs be submitted to the Stormwater and Resource Protection Division; and
3. A surety of \$2,500 be submitted in a form acceptable to the James City County Attorney's Office to guarantee the plantings; and
4. This exception request approval shall become null and void if construction has not begun by February 10, 2022; and
5. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than December 30, 2021, six weeks prior to the expiration date.

TAL/md
CBPA20-147.2416Sarah Spence

Attachments:

1. Site Plan
2. Resolution

RESOLUTION

CASE NO. CBPA-20-0147. 2416 SARAH SPENCE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Jesus Mansisidor (the “Applicant”) has applied to the Chesapeake Bay Board of James City County (the “Board”) on February 10, 2021, 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. 4840200014 and further identified as 2416 Sarah Spence (the “Property”) as set forth in the application CBPA-20-0147 for the purpose of constructing a 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 applicant must obtain all other necessary federal, state, and local permits as required for the project, including submitting an Erosion and Sediment Control plan and a Land Disturbing permit; and
 - b. A mitigation plan consisting of five canopy trees, 10 understory trees, and 15 shrubs be submitted to the Stormwater and Resource Protection Division; and

- c. A surety of \$2,500 be paid and in place prior to the commencement of work, in a form acceptable to the James City County Attorney's Office to guarantee the required mitigation plantings; and
- d. This exception request approval shall become null and void if construction has not begun by February 10, 2022; and
- e. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than December 30, 2021, six weeks prior to the expiration date.

David Gussman
Chair, Chesapeake Bay Board

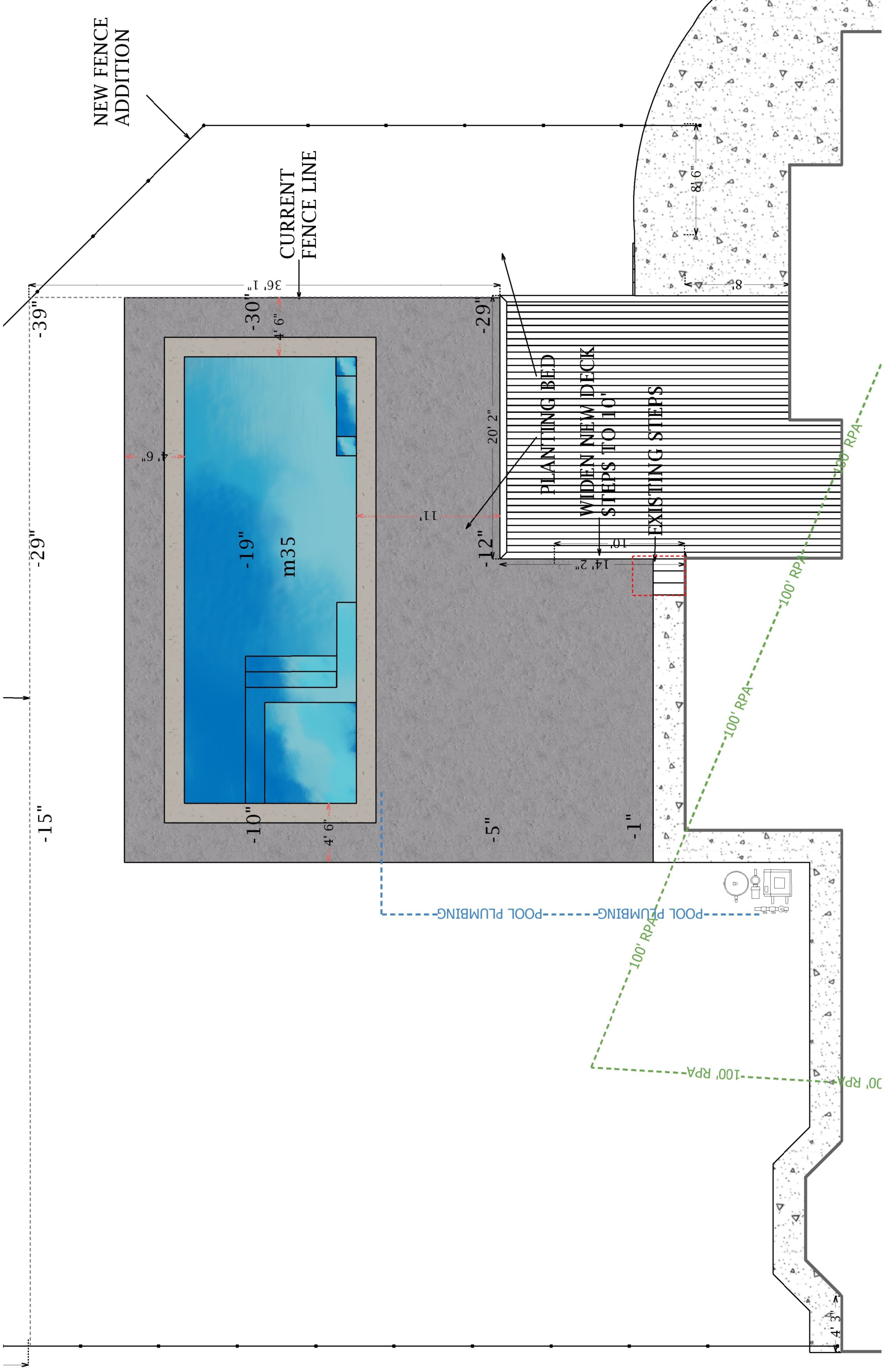
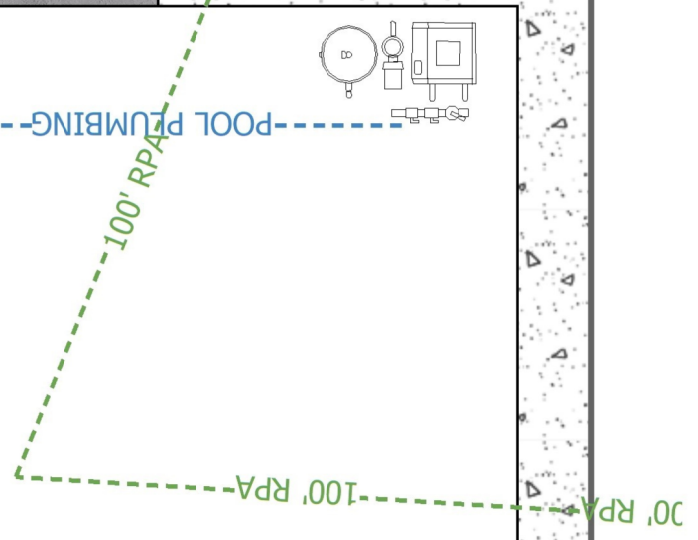
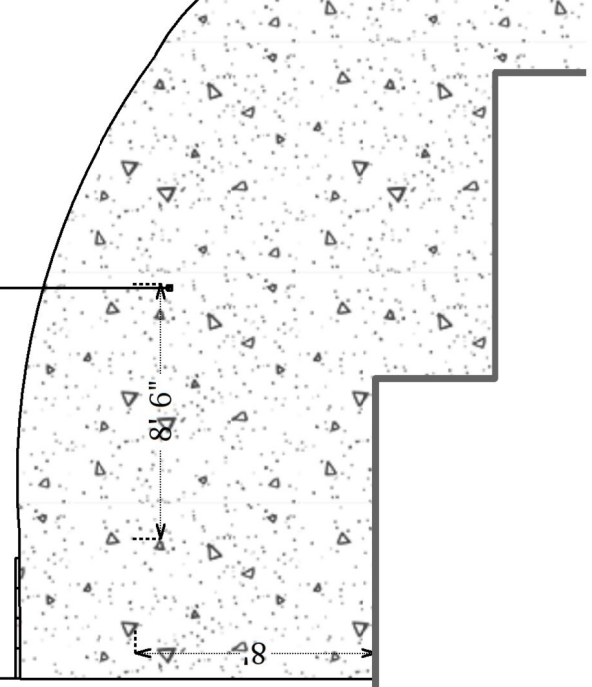
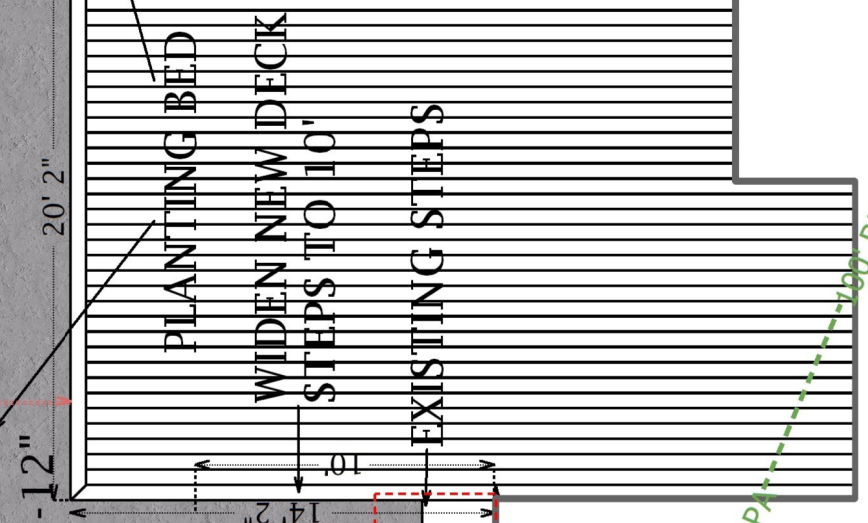
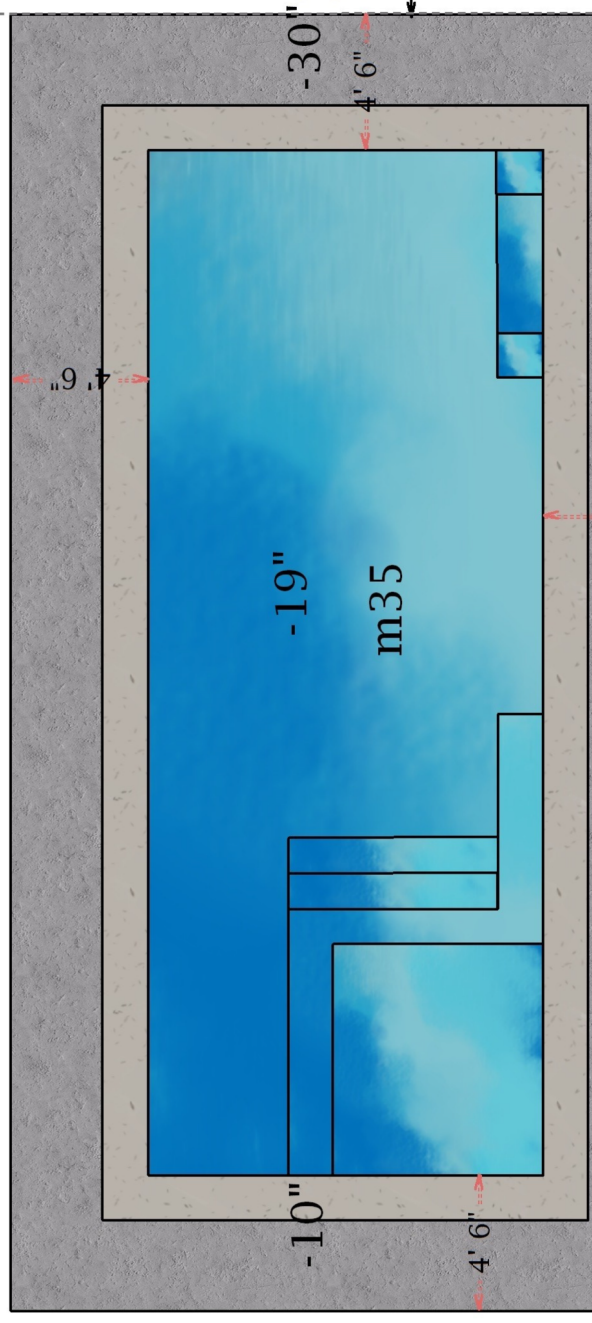
Michael D. Woolson
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 10th day of February, 2021.

CBPA20-147.2416SarahSpence-res

NEW FENCE ADDITION

CURRENT FENCE LINE





Chesapeake Bay Board of James City County, Virginia

February 10, 2021

CBPA 20-0147

Jesus Mansisidor

2416 Sarah Spence



Applicant Request

- ✓ Construction of a pool.



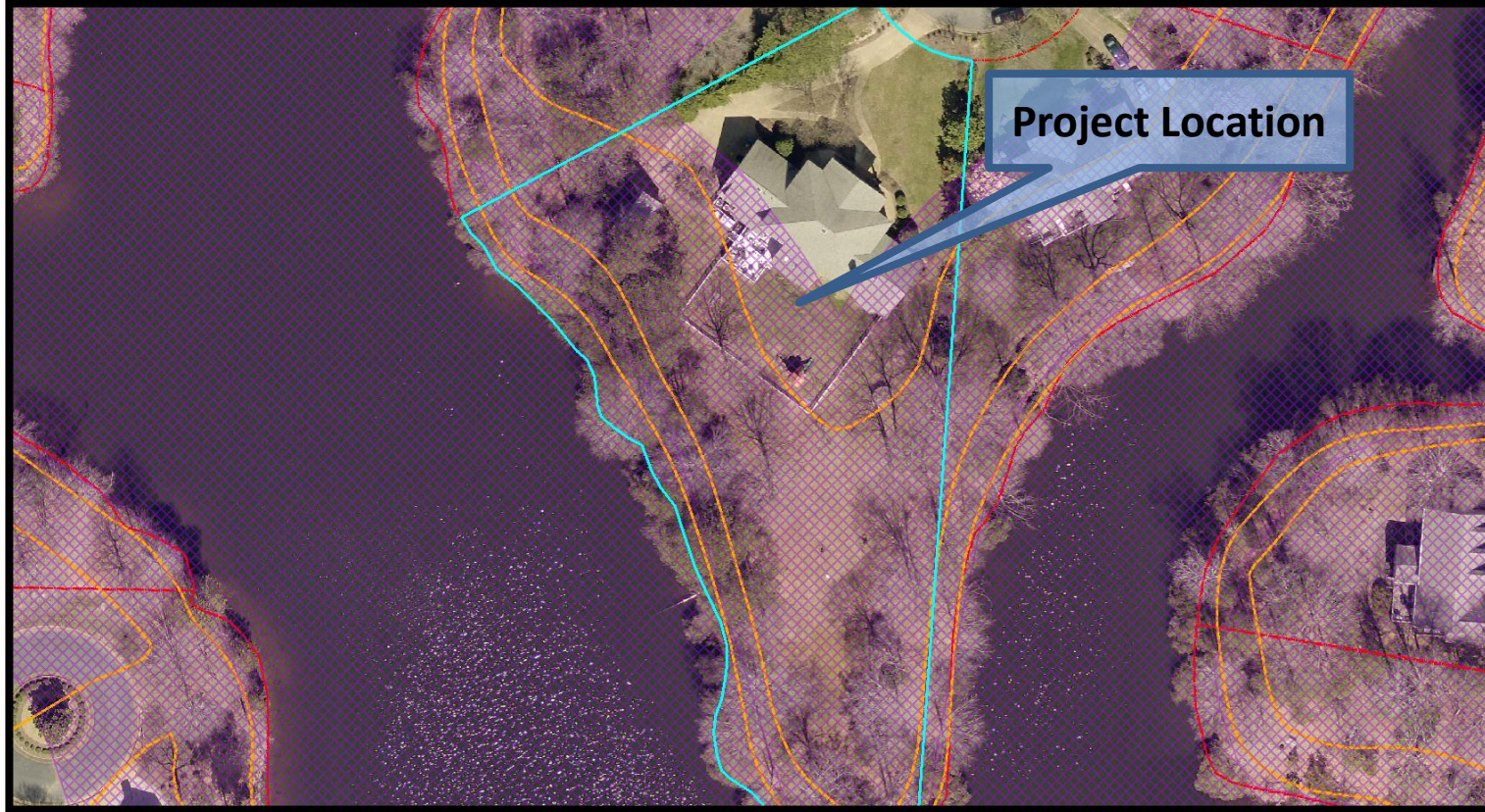
Vicinity Map
CBPA-20-0147
2416 Sarah Spence



Aerial Photograph
CBPA-20-0147
2416 Sarah Spence



Topography
CBPA-20-0147
2416 Sarah Spence

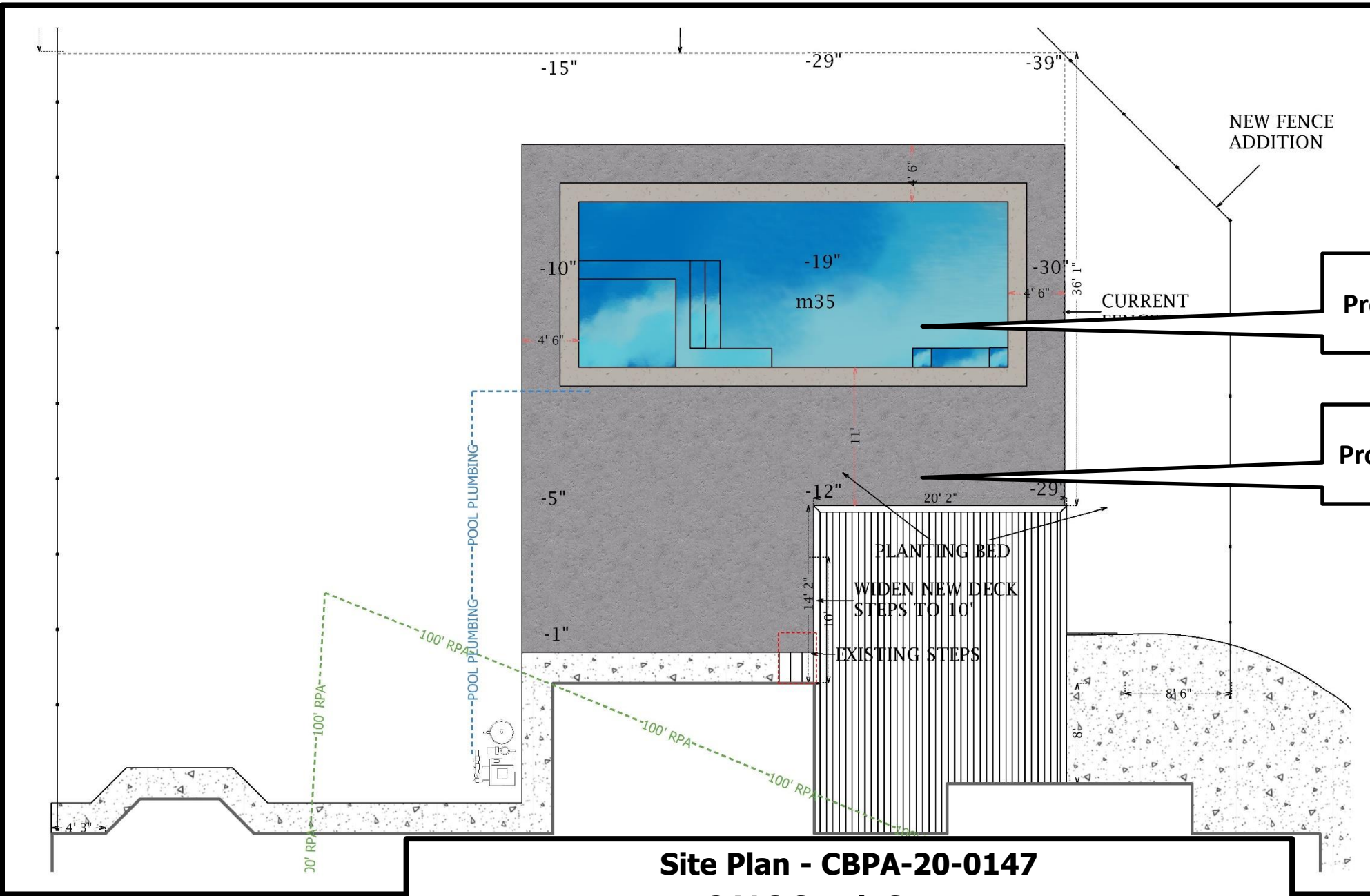


Resource Protection Area

CBPA-20-0147

2416 Sarah Spence

Site Plan showing proposed improvements, submitted December 9, 2020. For representative use only for presentation of case #CBPA-20-0147



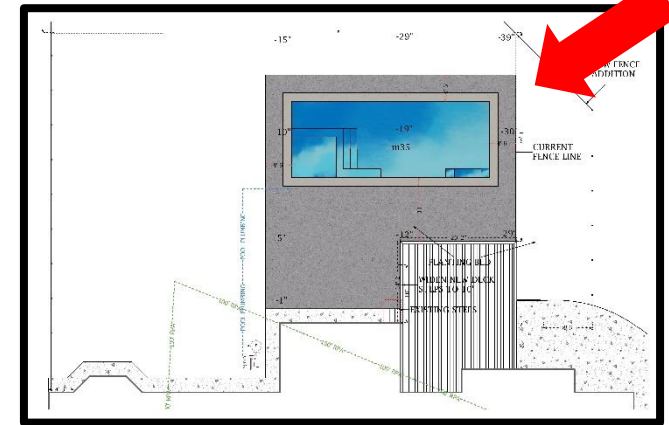
Proposed Pool

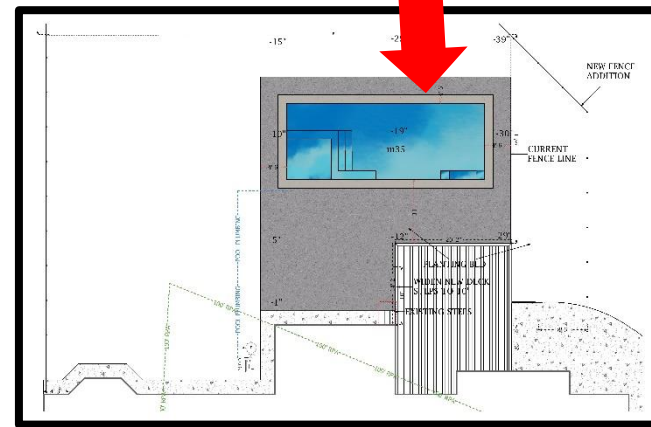
Proposed Patio

Site Plan - CBPA-20-0147
2416 Sarah Spence



Site Photograph #1 - CBPA-20-0147
2416 Sarah Spence

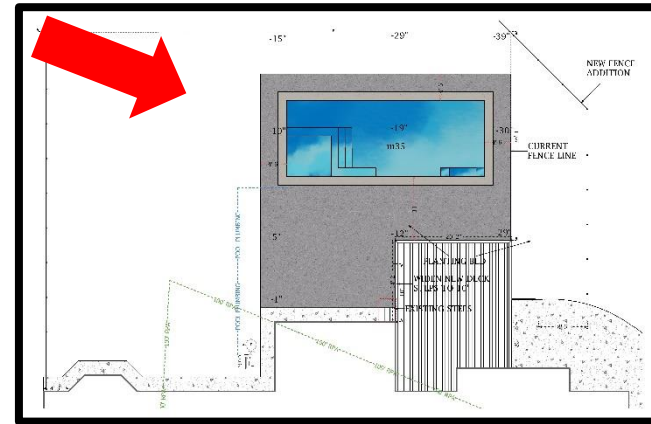




Site Photograph #2 - CBPA-20-0147
2416 Sarah Spence



Site Photograph #3 - CBPA-20-0147
2416 Sarah Spence



Permit Conditions



No Staff Recommendation

- ✓ All other necessary local, state and federal permits.
- ✓ A mitigation plan of 5 planting units.
- ✓ A surety of \$2,500 be paid and in place prior to the commencement of work, in a form acceptable to the James City County Attorney.

Permit Conditions



- ✓ This exception request approval shall become null and void if construction has not begun by February 10, 2022.
- ✓ Written requests for extension submitted no later than December 22, 2021.



PUBLIC HEARING NOTICE

THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD A PUBLIC HEARING **WEDNESDAY FEBRUARY 10, 2021 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 20-0147: Jesus and Tracey Mansisor have filed an exception request for encroachments into the RPA buffer for the construction of a pool at 2416 Sarah Spence, JCC Parcel No. 4840200014.

CBPA 20-0148: Christopher Hakim has filed an exception request for encroachments into the RPA buffer for the construction of two retaining walls at 236 William Barksdale, JCC Parcel No. 4940300099.

CBPA 20-0153: Bay Design Group, on behalf of Gerald and Carrie Morelli, has filed an exception request for encroachments into the RPA buffer for the construction of a pool and pool house at 164 West Landing, JCC Parcel No. 5031200010.

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 – January 27, 2021 and February 3, 2021.
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

January 20, 2021

RE: CBPA 20-0147
2416 Sarah Spence
Pool

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. Jesus R. Mansisor and Mrs. Tracey G. Mansisor for encroachment into the Resource Protection Area (RPA) buffer for the construction of a pool. The project is located at 2416 Sarah Spence and further identified as JCC Parcel No. 4840200014.

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, February 10, 2021 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-20-0147–2416 Sarah Spence – Pool

Owner: 4840200014

Mansisor, Jesus R & Tracey G
2416 Sarah Spence
Williamsburg, VA 23185-8060

4840200016

Eshelman, Carolyn B, Trustee
2409 Sarah Spence
Williamsburg, VA 23185-8060

4840200013

Alpino, Robert J & Lisa Odabasi
2412 Sarah Spence
Williamsburg, VA 23185-8060

4840100011: 2630 Lake Powell Rd

4848300001C : 2651 Jockey's Neck Trail
Vineyards Homeowners Association, Inc.
907 Richmond Road
Williamsburg, VA 23186-0001

4840200015

Lyon, Charles W & Karen M
2413 Sarah Spence
Williamsburg, VA 23185-8060

4840200024 : 2677 Jockey's Neck Trail

Lacasse, Steven E & Margaret L
505 Glynn Springs Drive
Williamsburg, VA 23188-2828

4840300001

Goldberg, Milton, Trustee & E Delores
2412 Burnwether Lane
Williamsburg, VA 23185-8069

4840200023

Barnes, Jeffrey P & Lauren E
2681 Jockey's Neck Trail
Williamsburg, VA 23185-8058

ITEM SUMMARY

DATE: 2/10/2021
TO: Chesapeake Bay Board
FROM: Michael Woolson, Senior Watershed Planner
SUBJECT: CBE-18-058 : 4447 Pleasant View Drive

Ms. Renie Andrews has requested an extension to her previously approved exception for a memorial garden at 4447 Pleasant View Drive, James City County Real Estate Tax Map Parcel No. 3741400011.

ATTACHMENTS:

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

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Secretary, ChesBay	Approved	2/5/2021 - 10:01 PM

MEMORANDUM

DATE: February 10, 2020

TO: The Chesapeake Bay Board

FROM: Michael D. Woolson, Senior Watershed Planner

SUBJECT: Chesapeake Bay Board Exception No. CBE-18-058. 4447 Pleasant View Drive

Ms. Renie Andrews is requesting an extension to CBE-18-058, originally granted on March 14, 2018 and extended twice to March 11, 2021. She has been unable to proceed on her project and complete the required mitigation due to issues with the Homeowners Association and sink holes in the rear yard. Staff concurs with this request, with the stipulation that all permit conditions, except for the expiration date, be reauthorized and that the new date of expiration be March 11, 2023. If granted, this will be the third extension for this project.

RESOLUTION

CASE NO. CBE-18-058. 4447 PLEASANT VIEW DRIVE

GRANTING AN EXTENSION OF AN EXCEPTION

WHEREAS, Ms. Renie Andrews (the “Applicant”) has requested an extension of the exception granted by the Chesapeake Bay Board of James City County (the “Board”) on March 14, 2018. The exception request is for use of the Resource Protection Area (the “RPA”) on a parcel of property identified as James City County Real Estate Tax Parcel No. 3741400011 and further identified as 4447 Pleasant View Drive in the Powhatan Village subdivision (the “Property”) as set forth in the application CBE-18-058, for the construction of a memorial 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 on March 14, 2018, 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. Surety of \$250 will be required in a form acceptable to the County Attorney’s office to guarantee the mitigation plantings; and

- c. This exception request approval shall become null and void if construction has not begun by March 11, 2023; and
- d. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than six weeks prior to the expiration date.

David Gussman
Chair, Chesapeake Bay Board

Michael D. Woolson
Senior Watershed Planner

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 10th day of February, 2021.

Michael Woolson

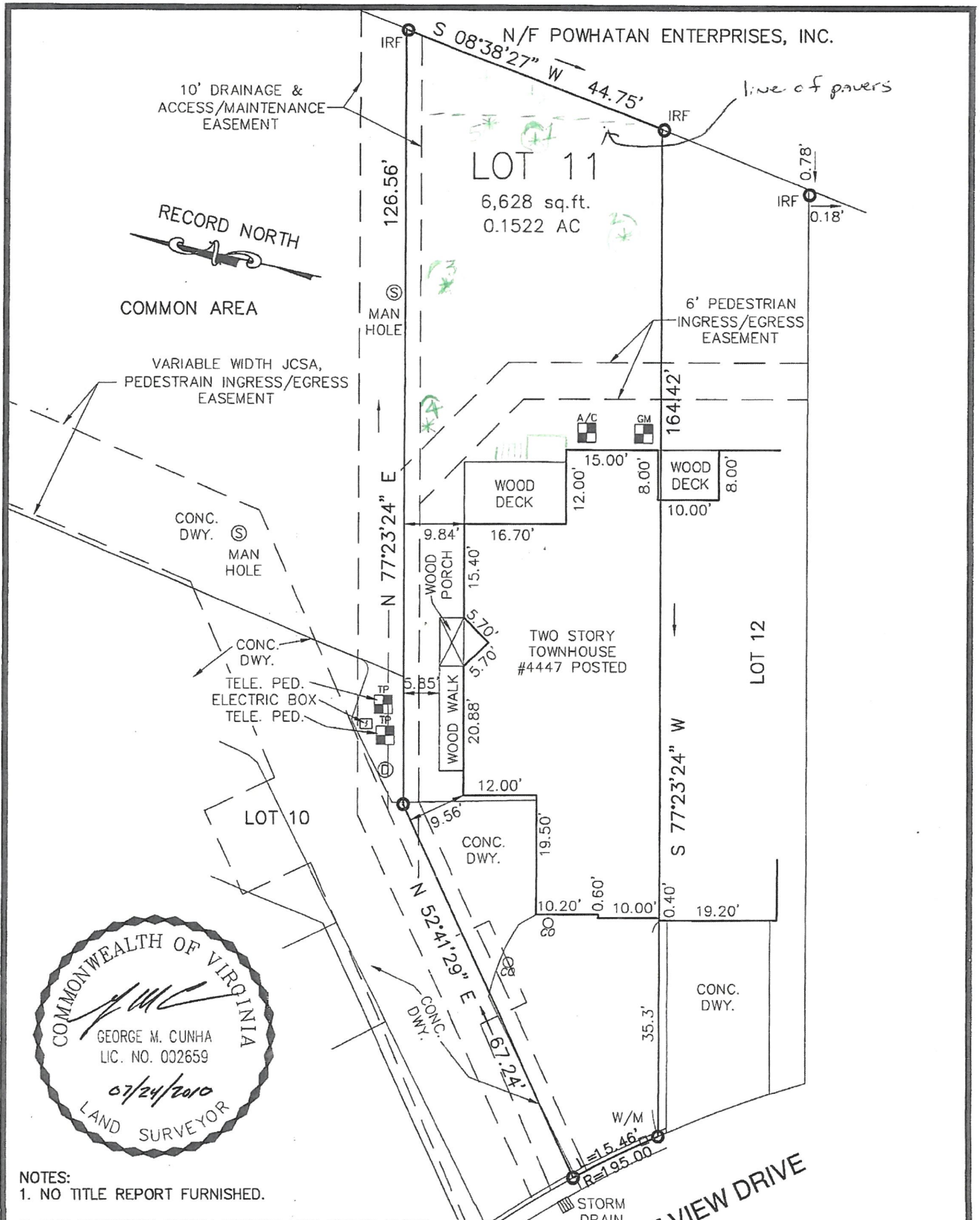
From: R Anderson <rawmbg1@yahoo.com>
Sent: Friday, February 5, 2021 4:06 PM
To: Michael Woolson
Subject: [External] Extension

Hello Michael
Just received a message about my memorial garden CBe. Yes please have it extended.

Thank you
Renie Andrews

[Sent from Yahoo Mail for iPhone](#)

CP# 18-058



NOTES:
 1. NO TITLE REPORT FURNISHED.

ITEM SUMMARY

DATE: 2/10/2021
TO: Chesapeake Bay Board
FROM: Michael Woolson, Chesapeake Bay Board and Wetlands Board Secretary
SUBJECT: 2020 Year in Review

The 2020 year end report of cases heard before the Wetlands Board and the Chesapeake Bay Board.

ATTACHMENTS:

	Description	Type
☐	Presentation	Presentation

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Secretary, ChesBay	Approved	2/5/2021 - 1:20 PM

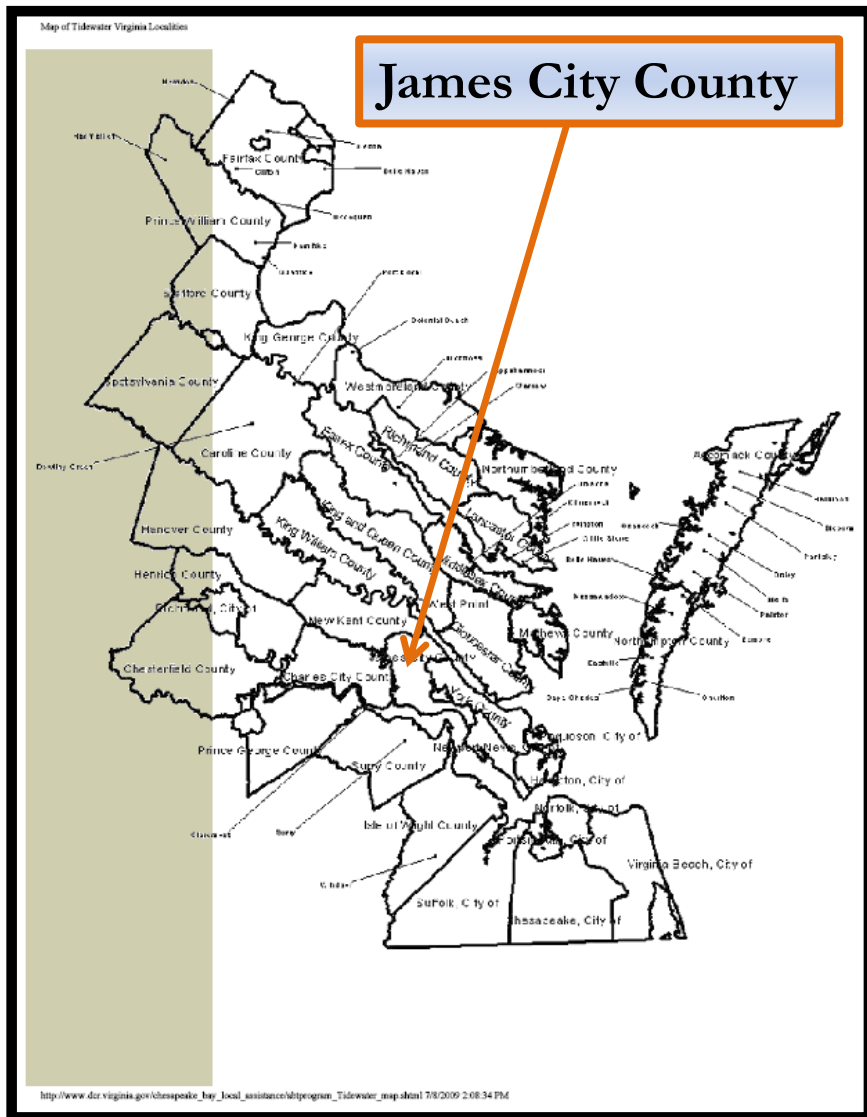


Wetlands & Chesapeake Bay Board of James City County, Virginia

February 10, 2021

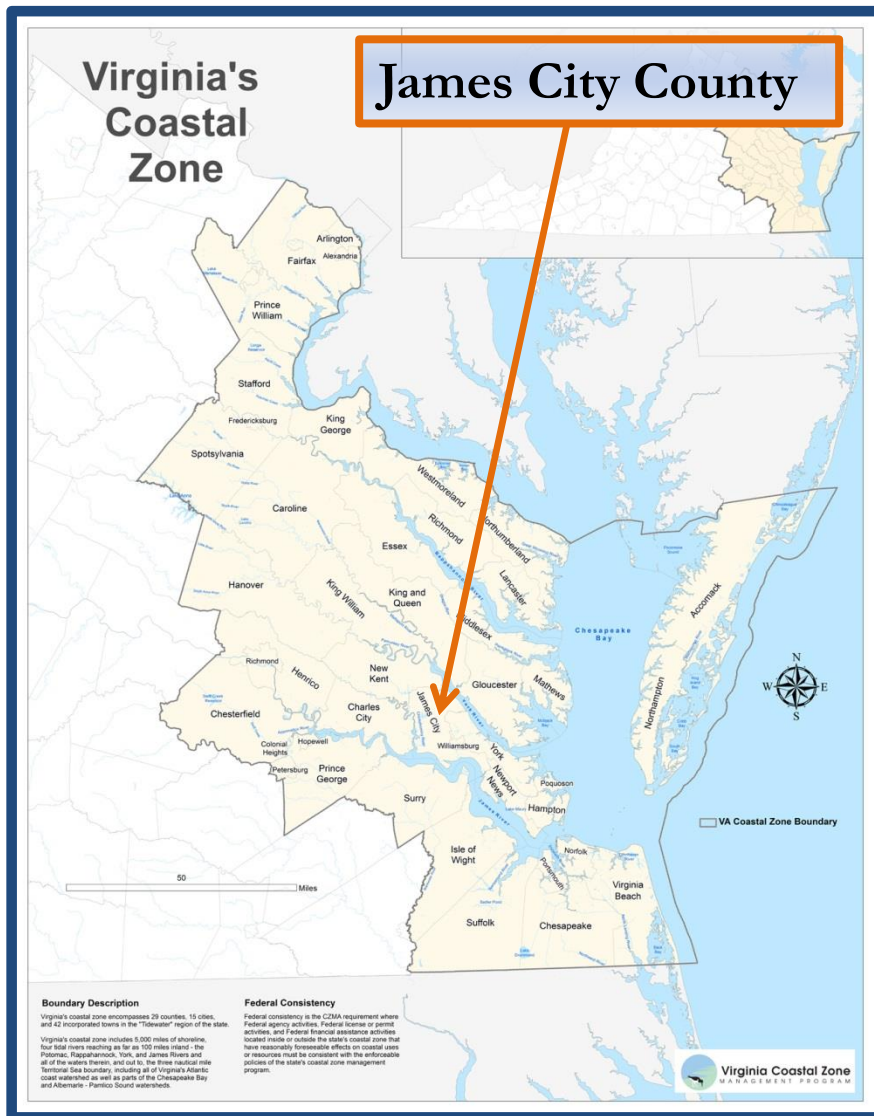
End of Year Summary

Local Bay Act Program



- James City County is one of 84 Virginia jurisdictions subject to the provisions of Virginia’s Chesapeake Bay Preservation Act and the Chesapeake Bay Preservation Area Designation and Management Regulations.
- On August 6th 1990 the County became the first Virginia locality to adopt a local Chesapeake Bay Preservation Ordinance.
- Chapter 23 of the County Code is our local Chesapeake Bay Preservation Ordinance

Local Wetlands Program

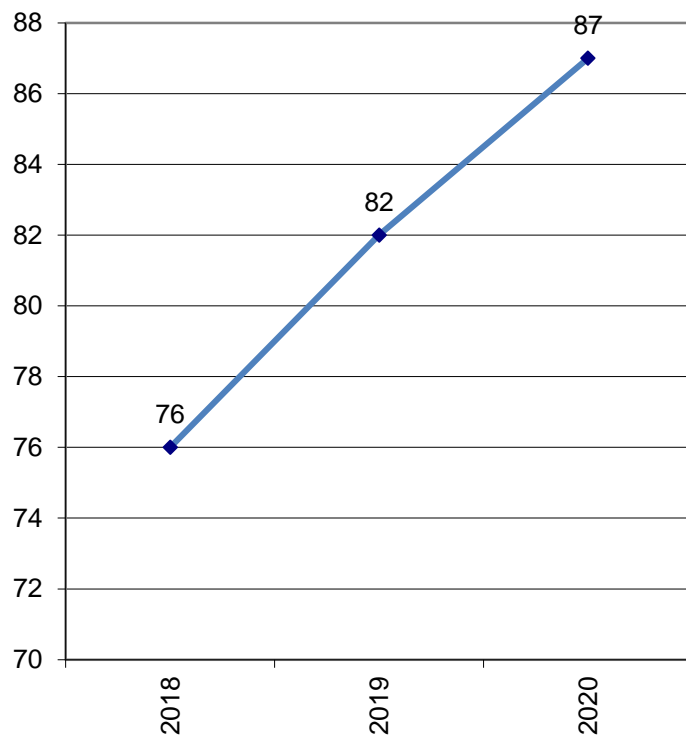


- State Code of Virginia authorizes the Virginia Marine Resources Commission and local Wetland Board to process wetland permit applications.
- Localities may regulate local tidal wetlands through a citizen wetlands board with oversight from the VMRC.
- Chapter 22 of the County Code is our local wetlands ordinance.

CBPA Program

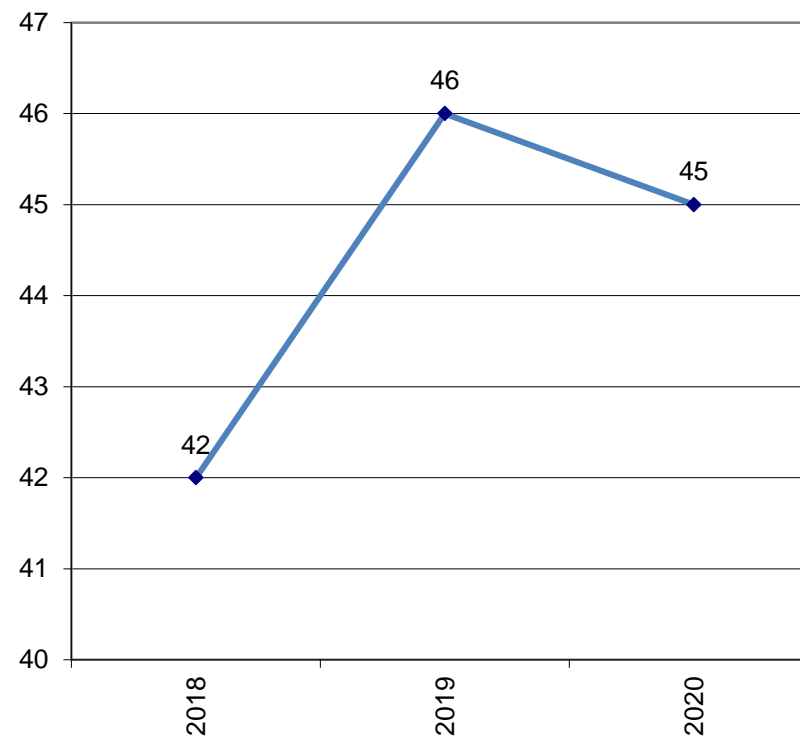
STAFF

CBPA Program - Administrative Reviews



BOARD

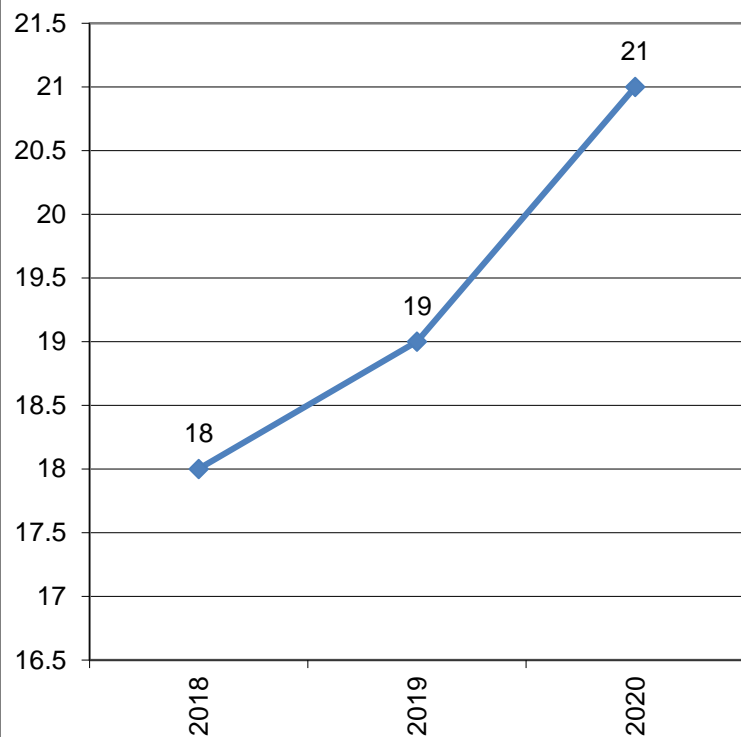
CBPA Program – Chesapeake Bay Board Cases



Wetlands Program

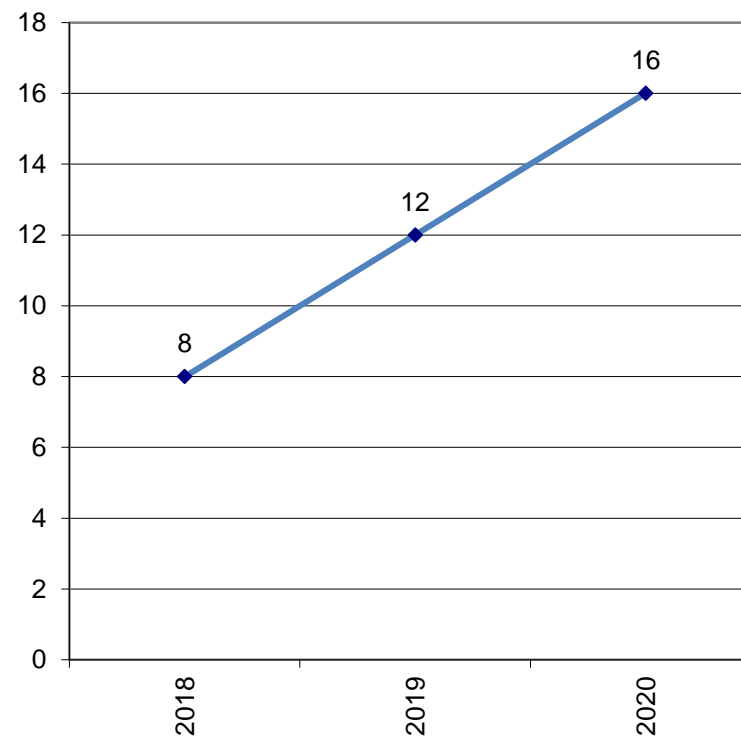
STAFF

Wetlands Program – Administrative Reviews



BOARD

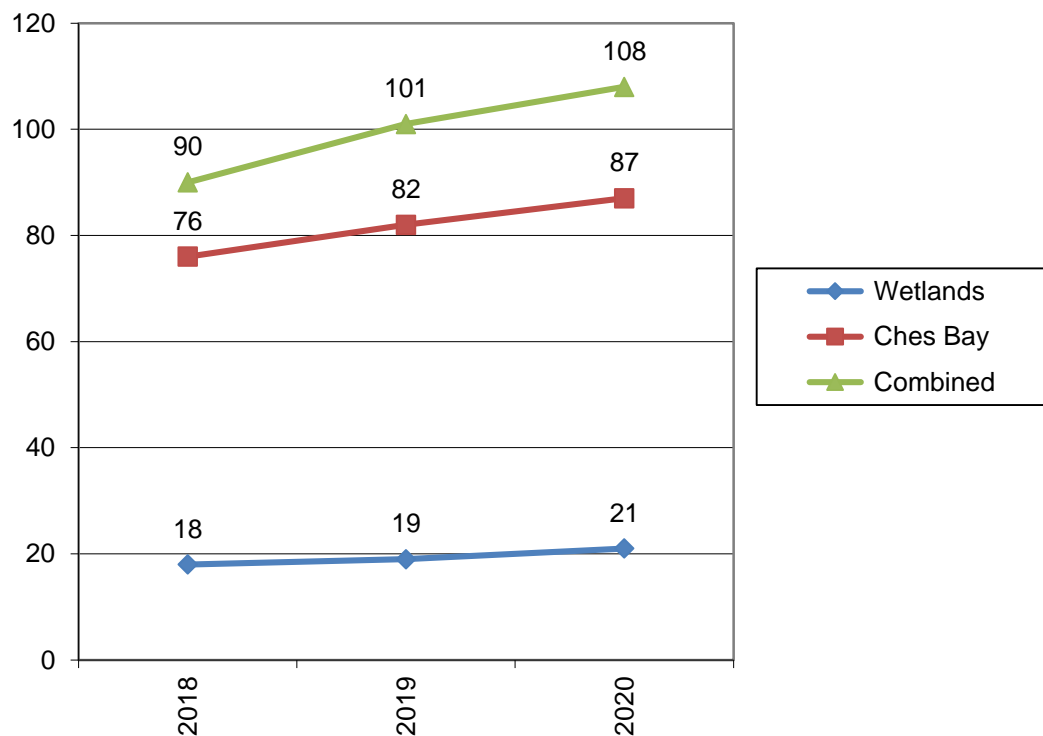
Wetlands Program – Wetlands Board Cases



Combined Programs

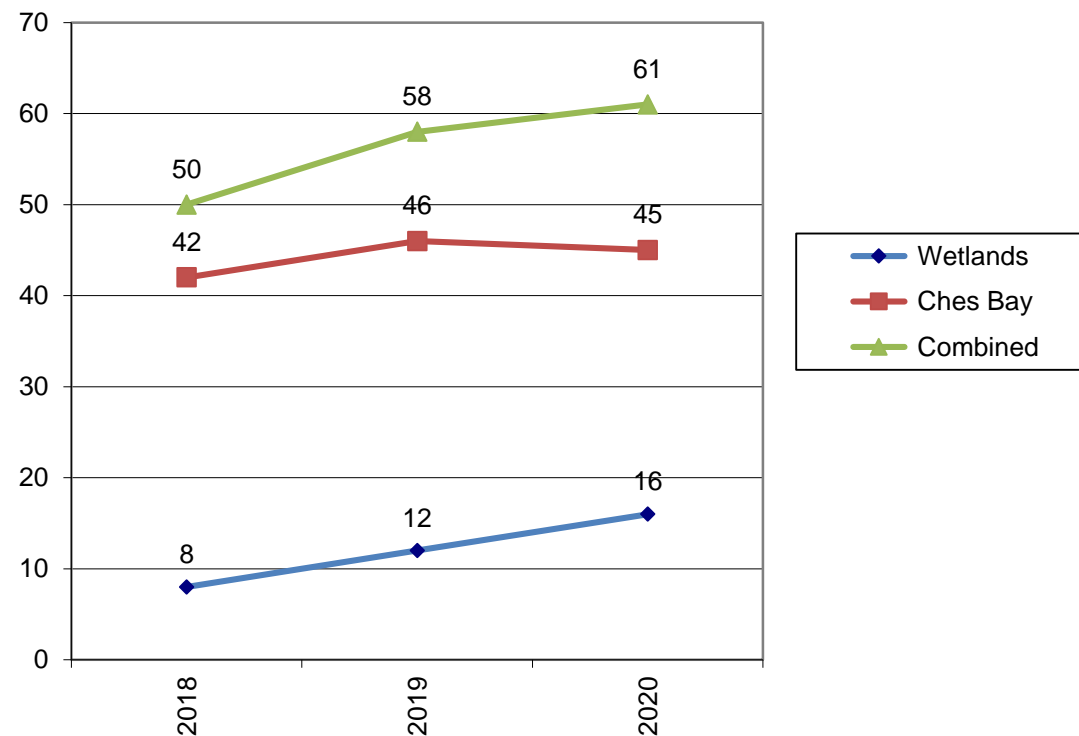
STAFF

Combined Programs - Administrative Reviews



BOARD

Combined Programs – Board Cases





End of Report

ITEM SUMMARY

DATE: 2/10/2021
TO: Chesapeake Bay Board
FROM: Michael Woolson, Wetlands Board Secretary
SUBJECT: CBPA Regulatory Amendments

ATTACHMENTS:

	Description	Type
☐	Presentation	Presentation

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Secretary, ChesBay	Approved	2/10/2021 - 1:00 PM



CBPA Regulatory Amendments

Proposed Amendments to 9 VAC 25-830

February 10, 2021

Overview of Proposed Regulatory Amendments

- Chesapeake Bay Preservation Act Amendments (2020 General Assembly)
- Amended Virginia Code § 62.1-44.15:72
- Added criteria for local government programs to encourage and promote:
 - Coastal resilience and adaptation to sea-level rise and climate change.
 - Preservation of mature trees or planting of trees as a water quality protection tool and as a means of providing other natural resource benefits.

Regulatory Amendment

Climate Adaptation



- **Creates a new subsection 9 VAC 25-830-155**
 - **9 VAC 20-830-155(A)**
 - Provides a three year time-frame for incorporation upon adoption
 - **9 VAC 20-830-155(B)**
 - Specifically recognizes allowance of adaptation measures in CBPA areas
 - Not intended to limit the locality's ability to take additional actions consistent with requirements and policy of CBPA in response to climate change impacts

Regulatory Amendment

Climate Adaptation



- **9 VAC 20-830-155(C)**

- Provides for the consideration of climate change impacts on activities in the Resource Protection Area
- Use of model or forecast for use in review
 - 30 year projection
 - Use or incorporates most updated 2017 National Oceanographic and Atmospheric Administration (NOAA) Intermediate-High scenario projection curve
- Examine impacts on projects and water quality projection
- Include measures, conditions, or alterations due to impacts

Regulatory Amendment

Climate Adaptation



- **9 VAC 20-830-155(D)**

- Provides for exception limitations
- Ensure consideration of climate change impacts
- Limit allowance of solely using fill in projects
- Limit development in seaward 50 foot buffer except for adaptation measures and existing allowed activities

- **9 VAC 20-830-155(E)**

- Provides relief from WQIA in certain circumstances
- Non-Point Source Pollution Program BMPs
- To encourage living shorelines and consideration of jurisdictional overlap, reduced review of living shoreline projects

Regulatory Amendment Trees



- Specifically recognizes mature trees within the existing framework of existing vegetation.
- Modifies the existing General Performance Criteria and Criteria for RPAs.

Regulatory Amendment Trees



Section Amended	Current Requirement	Additional Amendment Language
9 VAC 25-830-130	Indigenous vegetation shall be preserved to the maximum extent practicable.	Mature trees shall only be removed where determined to be necessary to provide for the proposed use or development and protected during development to the maximum extent practicable.
9 VAC 25-830-140	Allowance for tree pruning or removal for sight lines and vistas.	Mature trees should be preserved and not removed to the maximum extent practicable and where trees are removed they should be replaced by trees.
9 VAC 25-830-140	The alignment and design of the road or driveway are optimized, consistent with other applicable requirements, to minimize (i) encroachment in the Resource Protection Area and (ii) adverse effects on water quality.	The alignment and design of the road or driveway are optimized, consistent with other applicable requirements, to minimize (i) encroachment in the Resource Protection Area, (ii) adverse effects on water quality; and (iii) removal of mature trees.

Regulatory Amendment Trees



Section Amended	Current Requirement	Additional Amendment Language
9 VAC 25-830-140	Requirement to reestablish buffer.	Where such buffer must be established, the planting of trees should be utilized to the maximum extent practicable and appropriate to site conditions.
9 VAC 25-830-140	Requirement to reestablish buffer on agricultural land converted to other uses.	Such measures should include, to the maximum extent practicable and appropriate to site conditions, the planting of trees in reestablishing the buffer.
9 VAC 25-830-140	Requirement of vegetated areas on certain permitted encroachment parcels.	Such vegetated area where established should include the planting of trees to the maximum extent practicable.

Regulatory Amendment Trees



Section Amended	Current Requirement	Additional Amendment Language
9 VAC 25-830-140	Allowance for removal of trees for sight lines and vistas.	Mature trees should be preserved and not removed to the maximum extent practicable under this provision. When trees are removed, the other vegetation to replace the tree should be a tree, to maximum extent practicable.
9 VAC 25-830-140	Allowance for tree removal for shoreline erosion projects.	Mature trees should be preserved to the maximum extent practicable consistent with the best available technical advice and permit conditions or requirements and trees should be utilized in the projects to the maximum extent practicable.
9 VAC 25-830-140	Consideration of implementing measures for establishing vegetated areas in IDAs.	In considering such measures, the local government should consider the planting of trees as a part of any such measures.

Timeline

- February 1, 2021 - Public Comment Begins
- May 3, 2021 - Public Comment Period Closes
- Late June - State Water Control Board Meeting