## 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

#### **AGENDA ITEM NO. C.1.**

#### **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

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

County Government Center, Building F 101 Mounts Bay Road, Williamsburg, 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. Teressa 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.

#### **AGENDA ITEM NO. D.1.**

#### **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
ם	Staff Report	Staff Report
ם	Resolution	Resolution
ם	Site Plan	Backup Material
ם	Presentation	Presentation
ם	Public Advertisement	Backup Material
ם	APO Letter	Backup Material
D	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	Michael D. Woolson
Chair, Chesapeake Bay Board	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





# Chesapeake Bay Board of James City County, Virginia

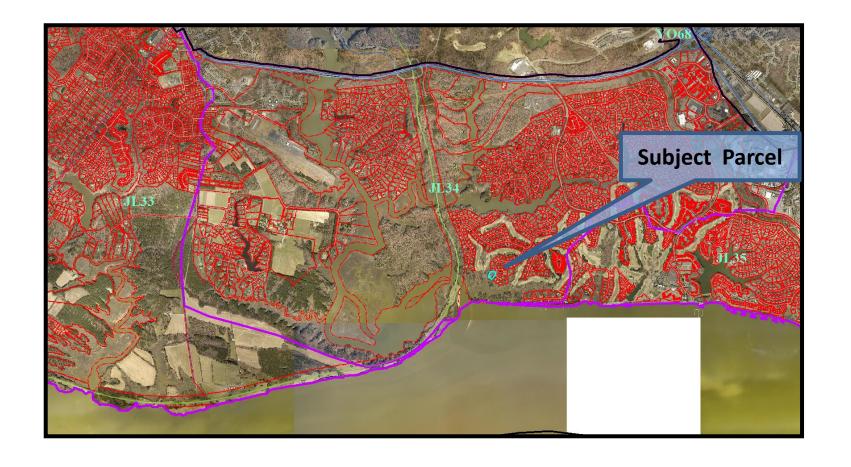
February 10, 2021

CBPA 20-0148
Christopher Hakim
236 William Barksdale



## **Applicant Request**

✓ Construction of two retaining walls.



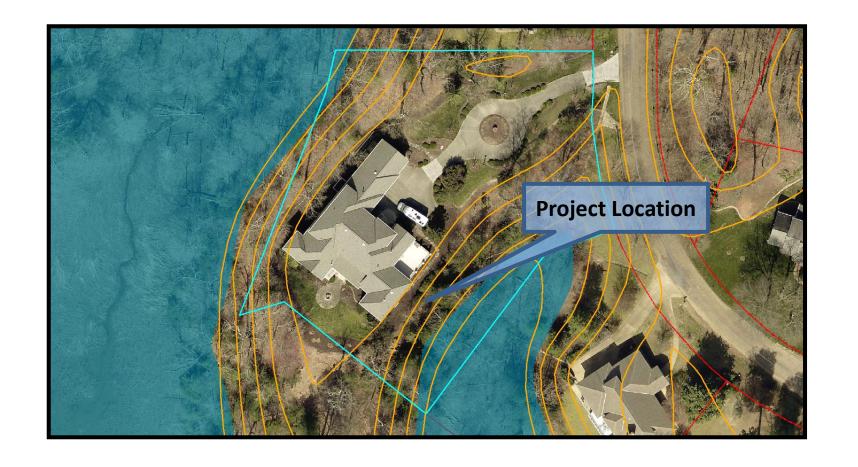
Vicinity Map
CBPA-20-0148
236 William Barksdale



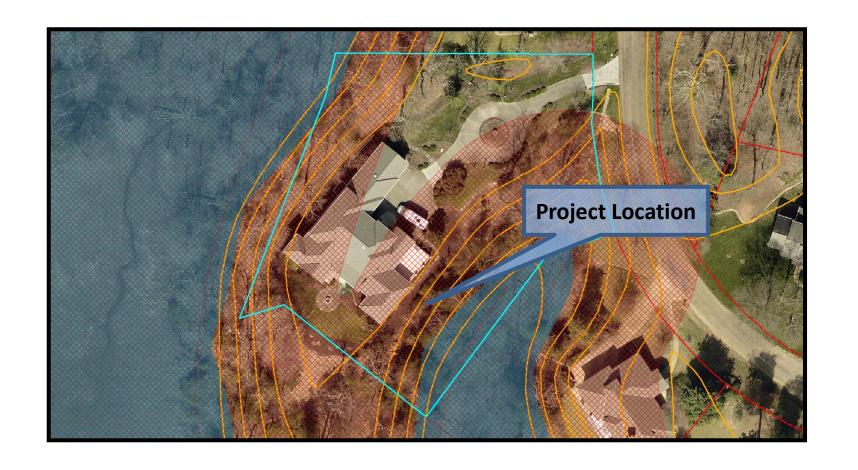
Aerial Photograph
CBPA-20-0148
236 William Barksdale



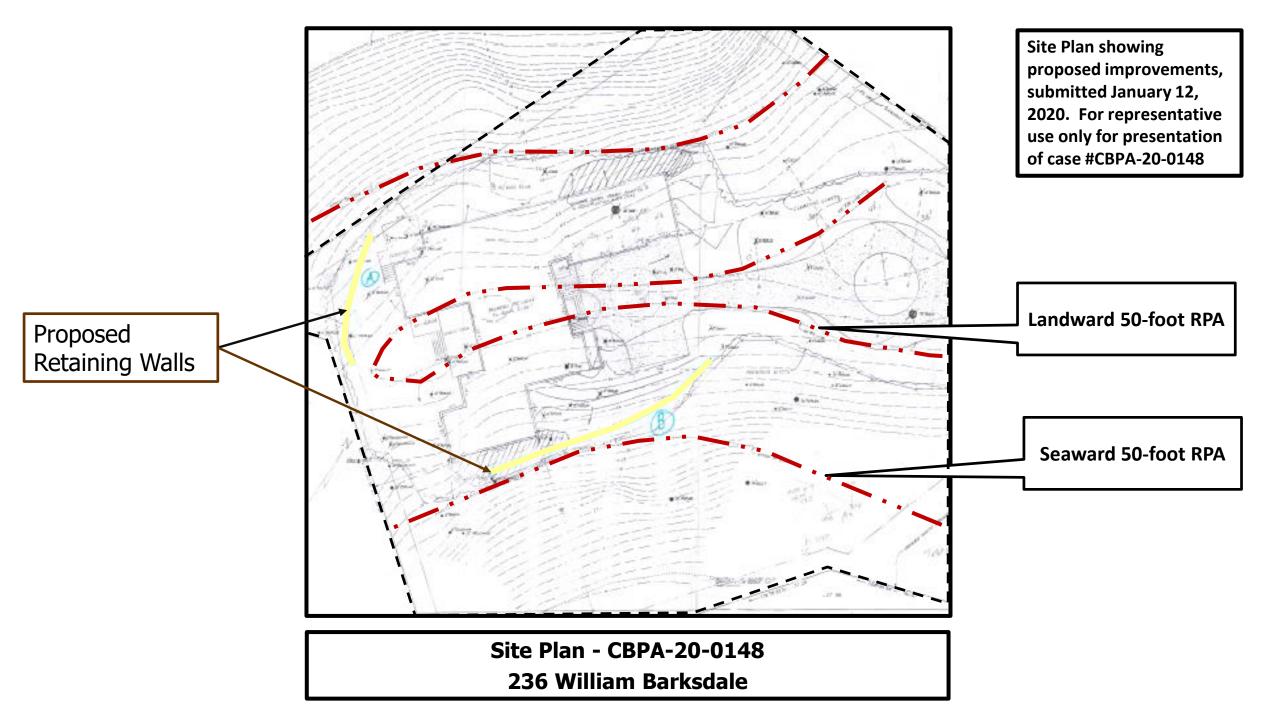
Topography
CBPA-20-0148
236 William Barksdale



Floodplain
CBPA-20-0148
236 William Barksdale



Resource Protection Area
CBPA-20-0148
236 William Barksdale

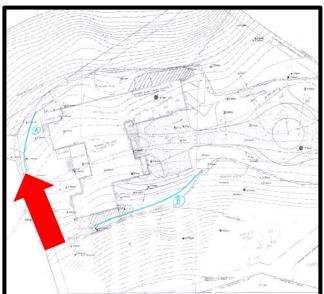




236 William Barksdale











## **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 Mansisidor 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 20-0148

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,

Míchael 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

4940300100

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

4940300098

Knight, Harry D & Leland K 240 William Barksdale Williamsburg, VA 23185-8210 4940300092A: 237 William Barksdale

Kingsmill Community Services Association

P.O. Box 348

Williamsburg, VA 23187-0348

5030100001: 300 Mounts Bay Road Escalante Kingsmill Resort, LLC 2930 Bledsoe Street, Suite 124 Fort Worth, TX 76107-2942

#### **AGENDA ITEM NO. D.2.**

#### **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
ם	Staff Report	Staff Report
ם	Resolution	Resolution
ם	Site Plan	Backup Material
ם	Public Advertisement	Backup Material
ם	APO Letter	Backup Material
ם	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

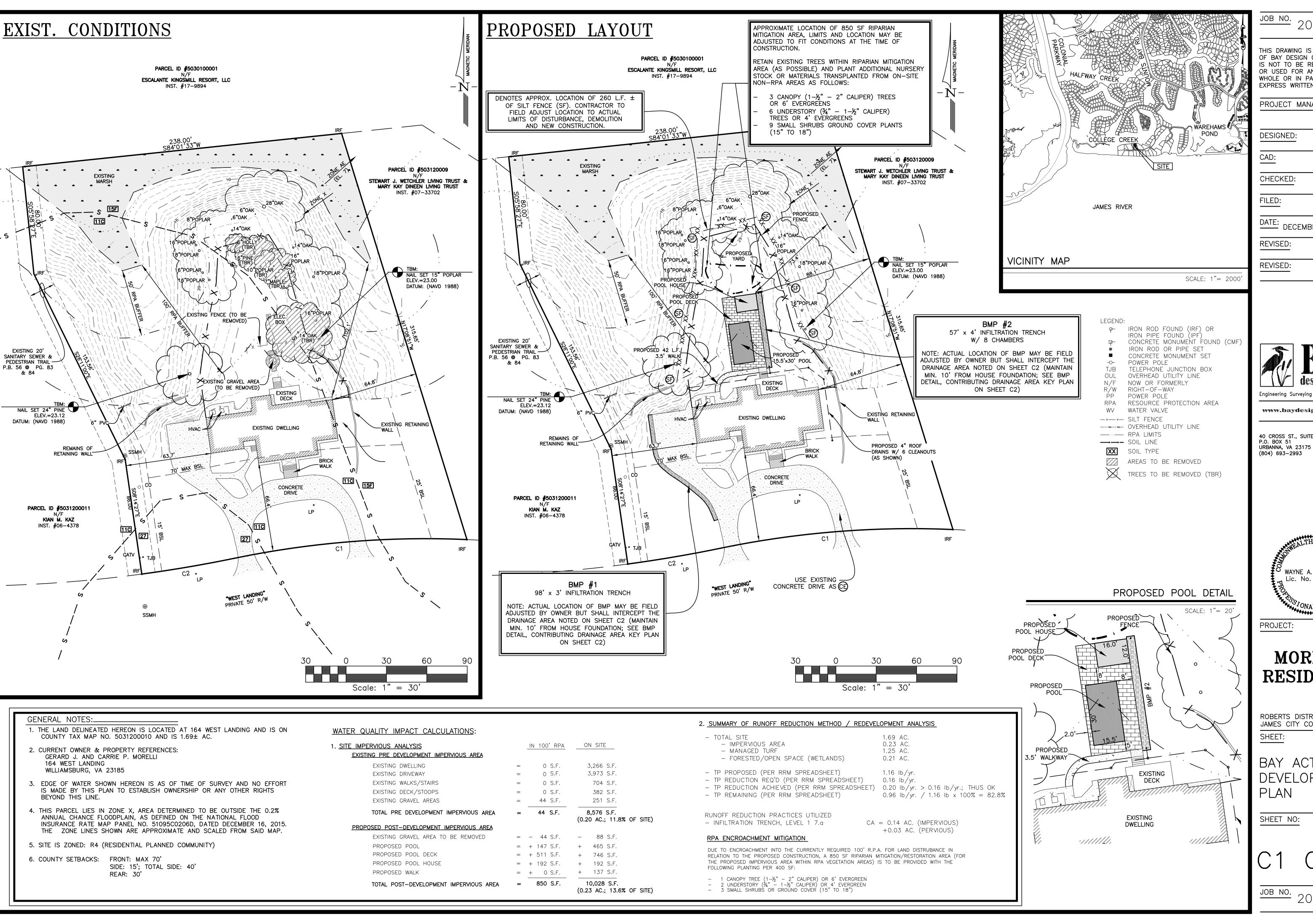
Practices, current version, and shall encompass at least 522 square feet of surface area; and

- 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	Michael D. Woolson	
Chair, Chesapeake Bay Board	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



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PROJECT MANAGER:

**DESIGNED:** BMW

BMW

DATE: DECEMBER 15, 2020

**REVISED:** 



Engineering Surveying & Land Planning

www.baydesigngroup.com

40 CROSS ST., SUITE 100 P.O. BOX 51

WAYNE A. SAVAGE Lic. No. 56830

PROJECT:

# **MORELLI** RESIDENCE

ROBERTS DISTRICT JAMES CITY COUNTY, VIRGINIA

BAY ACT DEVELOPMENT

SHEET NO:

JOB NO. 20179 - 02

## **EROSION CONTROL NOTES**

- LINIESS OTHERWISE INDICATED ALL VEGETATIVE AND STRUCTURAL FROSION AND SEDIMENTATION CONTROL PRACTICES WILL BE CONSTRUCTED AND MAINTAINED ACCORDING TO THE MINIMUM STANDARDS AND SPECIFICATIONS OF THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK AND VIRGINIA REGULATION VAC25-840-40 EROSION AND SEDIMENT CONTROL REGULATIONS. WHEN THE HANDBOOK CONFLICTS WITH THE REGULATIONS, THE REGULATIONS SHALL TAKE
- 2. A COPY OF THE APPROVED EROSION AND SEDIMENT CONTROL PLAN SHALL BE MAINTAINED ON THE SITE AT ALL TIMES. 3. PRIOR TO LAND DISTURBING ACTIVITIES IN AREAS OTHER THAN INDICATED ON THESE PLANS OR OFF—SITE FILL ACTIVITIES, THE CONTRACTOR SHALL SUBMIT A SUPPLEMENTARY EROSION CONTROL PLAN TO THE OWNER FOR REVIEW AND APPROVAL BY THE LOCAL JURISDICTION AT NO ADDITIONAL COST TO THE OWNER.
- 4. THE CONTRACTOR IS RESPONSIBLE FOR INSTALLATION OF ANY ADDITIONAL EROSION CONTROL MEASURES NECESSARY TO PREVENT EROSION AND SEDIMENTATION AS DETERMINED BY THE LOCAL JURISDICTION AT NO ADDITIONAL COST TO THE
- 5. SITE GRADING IS TO DRAIN TO THE PERIMETER CONTROLS AT ALL TIMES DURING LAND DISTURBING ACTIVITIES AND CONSTRUCTION, UNTIL FINAL STABILIZATION IS
- 6. DURING DEWATERING, WATER WILL BE PUMPED INTO SEDIMENT BASINS OR SILT
- 7. THE CONTRACTOR SHALL INSPECT ALL EROSION CONTROL MEASURES DAILY AND AFTER EACH RUNOFF PRODUCING RAINFALL. ANY NECESSARY REPAIRS OR CLEANUP TO MAINTAIN THE FFFECTIVENESS OF THE EROSION CONTROL DEVICES SHALL BE
- MADE IMMEDIATELY. A RECORD WILL BE MAINTAINED OF THE INSPECTIONS AND 8. SOIL STOCK PILES SHALL BE STABILIZED AND PROTECTED WITH SEDIMENT TRAPPING
- 9. PERMANENT OR TEMPORARY SOIL STABILIZATION SHALL BE APPLIED TO DENUDE AREAS WITHIN 7 DAYS AFTER FINAL GRADE IS REACHED ON ANY PORTION OF THE SITE. TEMPORARY SOIL STABILIZATION SHALL BE APPLIED WITHIN SEVEN DAYS TO DENUDED AREAS THAT MAY NOT BE FINAL GRADE OR WILL REMAIN DORMANT
- ÀPPLIED TO AREAS THAT ARE TO BE LEFT DORMANT FOR MORE THAN 1 YEAR 10 FROSION CONTROL MEASURES SHALL BE CONSTRUCTED AS A FIRST STEP AND BE MADE FUNCTIONAL BEFORE ANY LAND DISTURBING ACTIVITIES AND SHALL MAINTA FUNCTION THROUGH THE DURATION OF THE PROJECT TO FINAL APPROVAL AND

(UNDISTURBED) FOR LONGER THAN 30 DAYS. PERMANENT STABILIZATION SHALL BE

- 11. STABILIZATION MEASURES SHALL BE APPLIED TO EARTHEN STRUCTURES SUCH AS
- 12. BEFORE NEWLY CONSTRUCTED STORMWATER CONVEYANCE CHANNELS ARE MADE OPERATIONAL, ADEQUATE OUTLET PROTECTION AND ANY REQUIRED TEMPORARY OR PERMANENT CHANNEL LINING SHALL BE INSTALLED IN BOTH THE CONVEYANCE
- 13. ALL TEMPORARY EROSION CONTROL MEASURES SHALL BE REMOVED WITHIN 30 DAYS AFTER FINAL SITE STABILIZATION IS ACHIEVED, AS DETERMINED BY THE COUNTY ENVIRONMENTAL INSPECTOR.
- 14. ALL MINIMUM STANDARDS (MS) OF THE VIRGINIA EROSION AND SEDIMENT CONTROL

## SEEDING NOTES

- 1. ALL STABILIZATION/SEEDING WILL BE ACCOMPLISHED IN ACCORDANCE WITH THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK.
- 2. ANY DISTURBED AREA NOT PAVED, SODDED, OR BUILT UPON WILL HAVE A MINIMUM OF 80% VEGETATIVE COVER PRIOR TO FINAL INSPECTION, AND IN THE OPINION OF THE DIVISION OF SOIL AND WATER CONSERVATION WILL BE MATURE ENOUGH TO CONTROL SOIL EROSION SATISFACTORILY AND SURVIVE
- 3. STREAM DIVERSION AREAS, WATERWAYS, BANKS AND RELATED AREAS WILL BE SEEDED AND MULCHED AFTER WORK IN WATERCOURSE IS COMPLETED.
- 4. WINTERIZATION ANY DISTURBED AREA NOT PAVED, SODDED OR BUILT UPON BY OCTOBER 15 IS TO BE SEEDED AND MULCHED ON THAT DATE UNLESS WAIVED BY THE DECISION OF SOIL AND WATER CONSERVATION.
- 5. TEMPORARY SEEDING WILL BE APPLIED WITHIN 7 DAYS TO DENUDED AREAS WHICH MAY NOT BE AT FINAL GRADE BUT WILL REMAIN DORMANT (UNDISTURBED) FOR LONGER THAN 14 DAYS. FOR TEMPORARY SEEDING USE 50% OF THE RECOMMENDED RATES OF FERTILIZER, LIME AND FULL AMOUNT OF SEED AND
- 6. ELECTRIC POWER, TELEPHONE, AND GAS SUPPLY TRENCHES ARE TO BE COMPACTED, SEEDED AND MULCHED WITHIN 7 DAYS AFTER BACKFILL.
- 7. ALL TEMPORARY EARTH BERMS, DIVERSIONS, AND DAMS ARE TO BE MULCHED AND SEEDED FOR VEGETATIVE COVER IMMEDIATELY AFTER GRADING. STRAW OR HAY MULCH IS REQUIRED. THE SAME APPLIES TO ALL STOCKPILES, ON SITE AS WELL AS SOIL (INTENTIONALLY) TRANSPORTED FROM THE PROJECT SITE.

8. PERMANENT SEEDING MIXTURE: KENTUCKY 31 TALL FESCUE 93-108 lbs./Ac. 2 lbs./Ac. 20 lbs./Ac. RED TOP GRASS SEASONAL NURSE CROP COMMON BERMUDAGRASS\*\* 0-15 lbs./Ac. <u>20 lbs./Ac.</u> TOTAL 150 lbs./Ac. SERICEA LESPEDEZA\*\*

SEASONAL NURSE CROP: FEBRUARY , MARCH THRU APRIL — ANNUAL RYE MAY 1 THRU AUGUST — FOXTAIL MILLET SEPTEMBER, OCTOBER THRU NOVEMBER 15 — ANNUAL RYE

NOVEMBER 16 THRU JANUARY - WINTER RYE \*\* MAY THRU OCTOBER, USE HULLED SEED. ALL OTHER SEEDING PERIODS, USE UNHULLED SEED. WEEPING LOVEGRASS MAY BE ADDED TO ANY SLOPE OR LOW-MAINTENANCE MIX DURING WARMER SEEDING

SEEDBED PREPARATION SEEDBED PREPARATION:
LIME AND FERTILIZER IS TO BE INCORPORATED INTO THE TOP 4 TO 6 INCHES
OF THE SOIL BY DISCING OR OTHER MEANS AT THE FOLLOWING RATE. LIME - PULVERIZED AGRICULTURAL GRADE LIMESTONE (OR EQUIVALENT) 2 TONS/Ac. FERTILIZER - 10-20-10 (OR EQUIVALENT) 1000 lbs./Ac.

ALL PERMANENT SEEDING MUST BE MULCHED IMMEDIATELY UPON COMPLETION OF SEED APPLICATION WITH STRAW, HAY OR WOOD CELLULOSE FIBER (OR EQUIVALENT) IN AN AMOUNT SUFFICIENT TO SHADE A MINIMUM OF 80% OF THE AREA SEEDED AND/OR AS MAY BE

## STANDARD NOTES

- 1. ALL CONSTRUCTION AND MATERIALS SHALL CONFORM WITH THE LATEST EDITION OF STANDARDS AND SPECIFICATIONS OF THE VIRGINIA DEPARTMENT OF TRANSPORTATION, EXCEPT WHERE COUNTY STANDARDS ARE APPLICABLE. 2. THE CONTRACTOR SHALL NOTIFY THE OWNER AT LEAST 48 HOURS PRIOR TO
- 3. ALL PERMITS, INSPECTIONS AND APPROVALS SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR AND AT HIS EXPENSE.
- 4. CONTRACTOR IS REQUIRED TO MAINTAIN ALL DITCHES, PIPE, AND OTHER DRAINAGE STRUCTURES FREE FROM OBSTRUCTION UNTIL ACCEPTED BY THE OWNER. THE CONTRACTOR IS RESPONSIBLE FOR ANY DAMAGE CAUSED BY FAILURE TO MAINTAIN THE WATERWAYS IN OPERABLE CONDITION.
- 5. CONTRACTOR SHALL DISPOSE OF ALL SURPLUS MATERIAL OFF—SITE IN AN APPROVED AREA AND MANNER AND IN ACCORDANCE WITH AN APPROVED EROSION
- 6. THE LOCATION OF ALL EXISTING UTILITIES MAY OR MAY NOT BE SHOWN; AND WHERE SHOWN IS APPROXIMATE ONLY. THE CONTRACTOR SHALL FIELD VERIFY THE LOCATION OF ALL EXISTING UTILITIES TO HIS SATISFACTION PRIOR TO
- 7. THE CONTRACTOR SHALL PROVIDE PROPER NOTIFICATION TO "MISS UTILITY" (1-800-552-7001) PRIOR TO COMMENCEMENT OF CONSTRUCTION. CONTRACTOR IS REQUIRED TO VISIT THE SITE PRIOR TO PRICING THE JOB. HE SHALL BRING TO THE ATTENTION OF THE ENGINEER ANY DISCREPANCIES NOTED IN HIS VISIT OR REVIEW OF THE CONTRACT DOCUMENTS.

## DEVICE MAINTENANCE

IN GENERAL, ALL EROSION AND SEDIMENT CONTROL MEASURES WILL BE CHECKED AILY AND AFTER EACH RUN-OFF PRODUCING RAINFALL. THE FOLLOWING ITEMS WILL BE CHECKED IN PARTICULAR:

1. THE GRAVEL OUTLETS AND INLETS TO ALL PIPES AND DRAINAGE STRUCTURES

- WILL BE CHECKED REGULARLY FOR SEDIMENT BUILDUP WHICH WILL PREVENT DRAINAGE. IF THE GRAVEL IS CLOGGED BY SEDIMENT, IT SHALL BE REMOVED AND CLEANED OR REPLACED. AT A MINIMUM, MONTHLY INSPECTIONS SHALL BE PERFORMED DURING THE FIRST YEAR AFTER INSTALLATION.
- 2. THE SILT FENCE BARRIER WILL BE CHECKED REGULARLY FOR UNDERMINING OR DETERIORATION OF THE FABRIC. SEDIMENT SHALL BE REMOVED WHEN THE LEVEL OF THE SEDIMENT DEPOSITION REACHES HALF WAY TO THE TOP OF THE BARRIER.
- 3. THE SEEDED AREAS WILL BE CHECKED REGULARLY TO ENSURE THAT A GOOD STAND IS MAINTAINED. AREAS WILL BE FERTILIZED AND RE— SEEDED AS NEEDED. MOWING OF ANY EMBANKMENTS WILL NOT OCCUR DURING THE FIRST YEAR OF GROWTH TO PERMIT SEEDED AREAS TO BECOME WELL ESTABLISHED.

## EROSION AND SEDIMENT CONTROL NARRATIVE

THIS PROJECT CONSISTS OF THE CONSTRUCTION OF A POOL, POOL DECK, POOL HOUSE AND WALKWAY. THE TOTAL LAND DISTURBANCE AS A RESULT OF THIS INSTALLATION WILL BE APPROXIMATELY 0.30± ACRES ON THE 1.69± ACRE PARCEL.

#### **EXISTING SITE CONDITIONS**

THE SITE IS BOUNDED ON THE NORTH BY TIDAL WETLANDS, EAST AND WET BY OTHER RESIDENTIAL PARCELS,

AND SOUTH BY WEST LANDING.

15F- EMPORIA COMPLEX, SLOPING, 25 TO 50 PERCENT SLOPES

THE POTENTIAL FOR EROSION WILL EXIST IN THE DISTURBANCE AREA THAT IS NECESSARY FOR CONSTRUCTION AND SITE GRADING. TEMPORARY SILT FENCE WILL BE PLACED SO THAT SEDIMENT LADEN WATER IS FILTERED BEFORE OUTFALL INTO THE EXISTING WETLANDS. THE CONTRACTOR SHALL CHECK ALL CONTROL DEVICES REGULARLY FOR SIGNS OF ERODED MATERIALS AND NEEDED REPAIRS.

UNLESS OTHERWISE INDICATED, ALL VEGETATIVE AND STRUCTURAL EROSION AND SEDIMENT CONTROL PRACTICES WILL BE CONSTRUCTED AND MAINTAINED ACCORDING TO THE MINIMUM STANDARDS AND SPECIFICATIONS OF THE HANDBOOK. THE MINIMUM STANDARDS OF THE VESCH SHALL BE ADHERED TO UNLESS OTHERWISE WAIVED OR APPROVED BY A VARIANCE.

## STRUCTURAL PRACTICES

- SILT FENCE SEDIMENT BARRIERS WILL BE INSTALLED DOWNSLOPE OF AREAS WITH MINIMAL GRADES TO FILTER SEDIMENT-LADEN RUNOFF FROM SHEET FLOW AS
- 2. CONSTRUCTION ENTRANCE 3.02 THE EXISTING CONCRETE DRIVEWAY SHALL BE USED AS THE PROJECT CONSTRUCTION ENTRANCE. UNDERCARRIAGE WASHING MAY BE DETERMINED TO BE REQUIRED IF EXCESS SEDIMENT IS TRANSPORTED ONTO WEST LANDING.

### **VEGETATIVE PRACTICES**

- TOPSOIL WILL BE STRIPPED FROM AREAS TO BE GRADED AND TEMPORARILY STORED ON
- TEMPORARY SEEDING 3.31 ALL DENUDED AREAS WHICH WILL BE LEFT DORMANT FOR EXTENDED PERIODS OF TIME SHALL BE SEEDED WITH FAST GERMINATING TEMPORARY VEGETATION IMMEDIATELY FOLLOWING GRADING. SELECTION OF THE SEED MIXTURE WILL DEPEND ON THE TIME OF YEAR IT IS APPLIED.
- CONSTRUCTION WILL BE SEQUENCED SO THAT GRADING OPERATIONS CAN BEGIN AND END AS QUICKLY AS

- TEMPORARY SEED ALL DENUDED AREAS PER STATE EROSION AND SEDIMENT CONTROL REQUIREMENTS AS
- CONSTRUCT POOL, POOL DECK, POOL HOUSE, WALKWAY AND BMPS.
- ALLOW FOR PERMANENT SEEDING TO BECOME SUFFICIENTLY ESTABLISHED TO DETER EROSION.

## PERMANENT STABILIZATION

INSPECTION.

ALL AREAS DISTURBED BY CONSTRUCTION SHALL BE STABILIZED WITH PERMANENT SEEDING IMMEDIATELY WILL BE APPLIED PRIOR TO MULCHING.

THERE WILL BE AN INCREASE IN IMPERVIOUS AREA AS A RESULT OF THE CONSTRUCTION COMPARED TO THE CURRENTLY DEVELOPED CONDITION. DUE TO THE IMPACT TO THE RPA, TWO STRUCTURAL BMP FACILITIES ARE UTILIZED THAT WILL REDUCE THE TOTAL RUNOFF BY 579 CF. THE RESULTANT TOTAL RUNOFF IS DIRECTED TO COMPLIANCE WITH MS-19.

- SIGNIFICANT RAINFALL. THE FOLLOWING ITEMS WILL BE CHECKED IN PARTICULAR: THE SILT FENCE BARRIERS WILL BE CHECKED REGULARLY FOR UNDERMINING OR DETERIORATION OF THE FABRIC. SEDIMENT SHALL BE REMOVED WHEN THE LEVEL OF SEDIMENT DEPOSITION REACHES HALF
- 2. THE SEEDED AREAS WILL BE CHECKED REGULARLY TO ENSURE THAT A GOOD STAND IS MAINTAINED. AREAS SHOULD BE FERTILIZED AND RESEEDED AS NEEDED.

## THE EXISTING SITE IS DEVELOPED WITH R4 (RESIDENTIAL PLANNED COMMUNITY) ZONING. THE NATURAL

DRAIN TO COLLEGE CREEK, A TRIBUTARY OF THE JAMES RIVER WHICH LEADS TO THE CHESAPEAKE BAY.

TOPOGRAPHY OF THE SITE HAS SLOPES AND DRAINAGE PATTERNS LEADING TO EXISTING TIDAL WETLANDS WHICH

# THERE ARE NO OFFSITE AREAS NEEDED FOR THIS DEVELOPMENT.

11C- CRAVEN-UCHEE COMPLEX, SLOPING, 6 TO 10 PERCENT SLOPES 27- PEAWICK SILT LOAM, GENTLY SLOPING, 0 TO 3 PERCENT SLOPES

EROSION AND SEDIMENT CONTROL MEASURES

## SILT FENCE BARRIER - 3.05

INDICATED ON THE PLANS.

## TOP SOILING

- SITE (WITHIN DISTURBANCE AREA) FOR RE-USE IN FINAL GRADING/SEEDING.
- 3. EROSION CONTROL BLANKETS 3.36 OR MULCH 3.35 EROSION CONTROL BLANKETS WILL BE INSTALLED OVER FILL SLOPES WHICH HAVE BEEN BROUGHT TO FINAL GRADE AND HAVE BEEN SEEDED TO PROTECT THE SLOPES FROM RILL AND GULLY EROSION AND TO ALLOW SEED TO GERMINATE PROPERLY. MULCH (STRAW OR FIBER) WILL BE USED ON RELATIVELY FLAT AREAS AND WILL BE APPLIED AS A SECOND STEP IN THE SEEDING OPERATION.

### MANAGEMENT STRATEGIES

- SEDIMENT FENCING MEASURES WILL BE INSTALLED AS A FIRST STEP IN GRADING.
- TEMPORARY SEEDING OR OTHER STABILIZATION WILL FOLLOW IMMEDIATELY AFTER GRADING. THE JOB SUPERINTENDENT SHALL BE RESPONSIBLE FOR THE INSTALLATION AND MAINTENANCE OF ALL
- EROSION AND SEDIMENT CONTROL PRACTICES. AFTER ACHIEVING ADEQUATE STABILIZATION, THE TEMPORARY E & S CONTROLS WILL BE CLEANED UP AND REMOVED AND ANY AREAS DISTURBED DURING THIS OPERATION WILL BE FERTILIZED AND RESEEDED AS NEEDED.

## CONSTRUCTION SEQUENCE

- FLAG PRELIMINARY LIMITS OF DISTURBANCE.
- HOLD PRE CONSTRUCTION MEETING.
- NECESSARY PRIOR TO FINE GRADING AND FINAL SEEDING.
- FINE GRADE, SEED AND MULCH ALL DENUDED AREAS WITH PERMANENT SEEDING.
- ALL REMAINING EROSION CONTROL DEVICES SHALL BE REMOVED AFTER PERMANENT SEEDING ESTABLISHED.

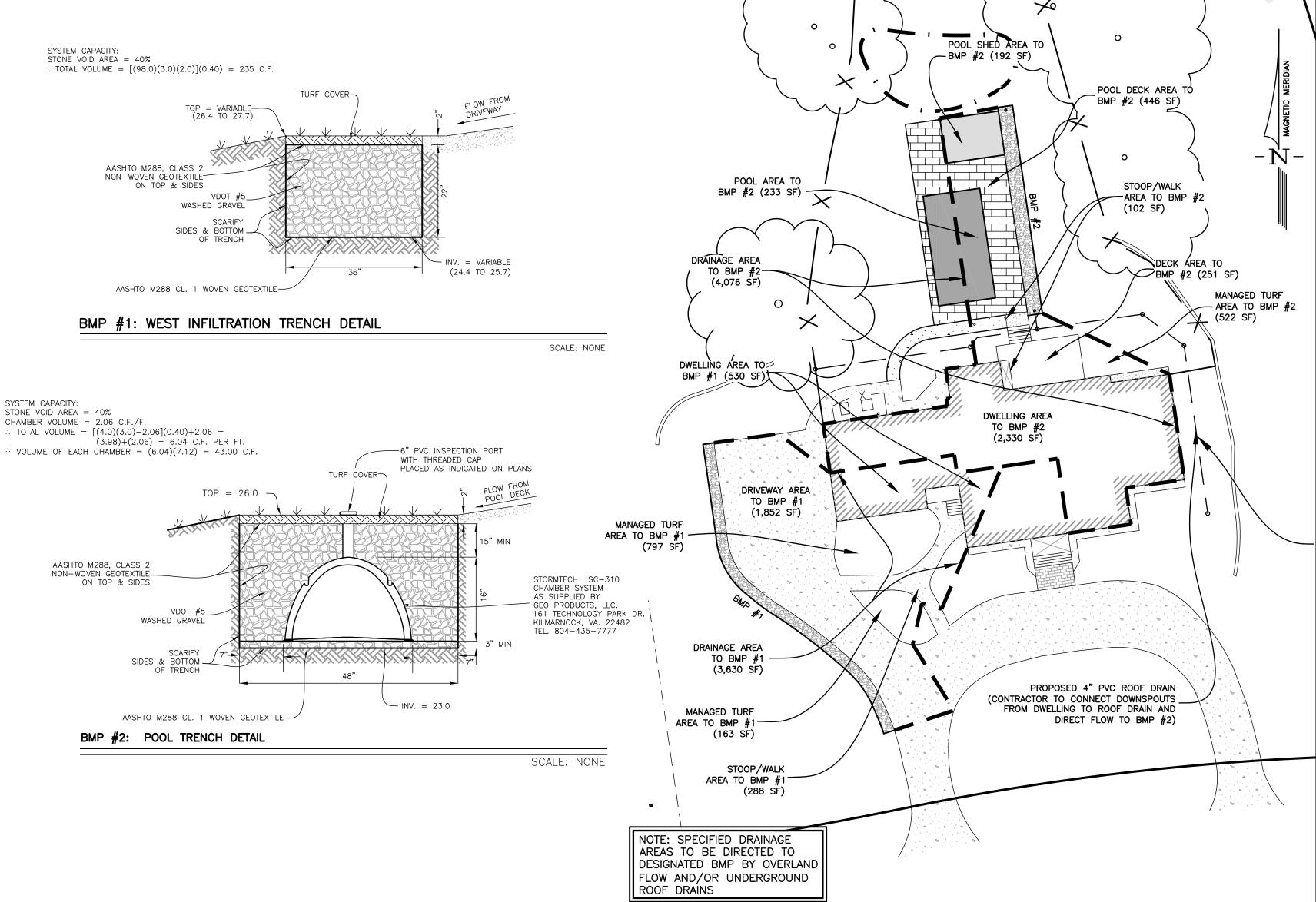
9. COUNTY ENGINEER AND/OR BAY DESIGN GROUP ENGINEER SHALL PERFORM "FINAL CONFORMANCE"

FOLLOWING FINAL GRADING. SEEDING SHALL BE DONE WITH KENTUCKY 31 TALL FESCUE ACCORDING TO STD. & SPEC. 3.32, PERMANENT SEEDING, OF THE HANDBOOK. EROSION CONTROL BLANKETS WILL BE INSTALLED OVER FILL SLOPES WHICH HAVE BEEN BROUGHT TO FINAL GRADE AND HAVE BEEN SEEDED TO PROTECT THE SLOPES FROM RILL AND GULLY EROSION AND TO ALLOW SEED TO GERMINATE PROPERLY. MULCH (STRAW OR FIBER) WILL BE USED ON RELATIVELY FLAT AREAS. IN ALL SEEDING OPERATIONS, SEED, FERTILIZER AND LIME

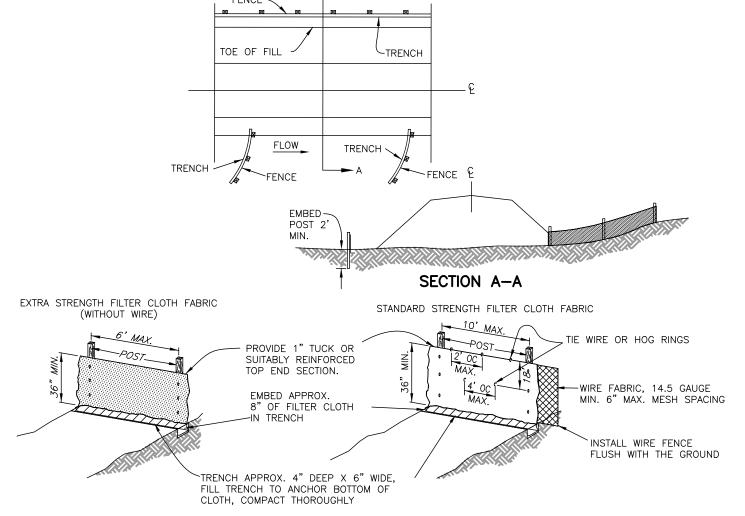
## STORM WATER MANAGEMENT

THE EXISTING WETLANDS, A NATURAL TIDAL OUTFALL THAT IS CONSIDERED ADEQUATE. THUS, THE PROJECT IS IN

- IN GENERAL, ALL EROSION AND SEDIMENT CONTROL MEASURES WILL BE CHECKED DAILY AND AFTER EACH



## BMP CONTRIBUTING DRAINAGE AREA KEY PLAN



SILT FENCE INSTALLATION

- SILT FENCE AND FILTER MUST BE ENTRENCHED. POST FOR SILT FENCES SHALL BE EITHER 2.5 X 2 INCH DIAMETER WOOD OR 1.25 POUNDS PER LINEAR FOOT STEEL WITH A MINIMUM LENGTH OF 5 FEET. STEEL POST SHALL HAVE PROJECTIONS FOR FASTENING WIRE TO THEM.
- 2. WIRE FENCE REINFORCEMENT FOR SILT FENCES USING STANDARD STRENGTH FILTER CLOTH SHALL BE A MINIMUM OF 42 INCHES IN HEIGHT, A MINIMUM OF 14 GAUGE AND SHALL HAVE A MAXIMUM MESH SPACING OF 6 INCHES.

3. POST SHALL BE SPACED A MAXIMUM OF 10 FEET APART AT THE BARRIER

WHEN EXTRA STRENGTH FABRIC IS USED. WITHOUT THE WIRE SUPPORT

LOCATION AND DRIVEN SECURELY INTO THE GROUND (MIN. OF 12 INCHES)

- FENCE, POST SHALL NOT EXCEED 6 FEET. 4. WHEN EXTRA STRENGTH FILTER FABRIC AND CLOSER POST SPACING ARE USED, THE WIRE MESH SUPPORT FENCE MAY BE ELIMINATED. IN SUCH A
- CASE, THE FILTER FABRIC IS STAPLED OR WIRED DIRECTLY TO THE POST. 5. SEDIMENT MUST BE REMOVED WHEN DEPOSITS REACH APPROXIMATELY ONE-HALF THE HEIGHT OF THE BARRIER.
- 6. ANY SEDIMENT DEPOSITS REMAINING IN PLACE AFTER THE SILT FENCE OR FILTER BARRIER IS NO LONGER REQUIRED SHALL BE DRESSED TO CONFORM WITH THE EXISTING GRADE, PREPARED AND SEEDED.
- 7. UNDER NO CIRCUMSTANCES SHOULD SILT FENCE BE CONSTRUCTED IN LIVE
- 8. SILT FENCE SHALL BE REMOVED UPON COMPLETION OF THE PROJECT.

SCALE: NONE

**DESIGNED:** BMW BMW

CHECKED: WAS

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OF BAY DESIGN GROUP AND

IS NOT TO BE REPRODUCED

WHOLE OR IN PART WITHOUT

PROJECT MANAGER:

EXPRESS WRITTEN PERMISSION.

DECEMBER 15, 2020

**REVISED:** 

**REVISED:** 

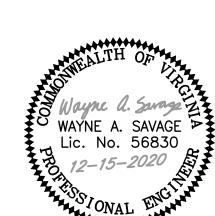
CAD:

FILED:



www.baydesigngroup.com

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



PROJECT:

# **MORELLI** RESIDENCE

ROBERTS DISTRICT JAMES CITY COUNTY, VIRGINIA

BAY ACT DEVELOPMENT

SHEET NO:

SHEET:

JOB NO. 20179 - 02



#### 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 Mansisidor 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 Williamsburg, VA 23188 757-259-4080

Fleet 103 Tewning Road 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

#### **AGENDA ITEM NO. D.3.**

#### **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 Mansisidor 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
ם	Staff Report	Staff Report
ם	Resolution	Resolution
ם	Site Plan	Backup Material
ם	Presentation	Presentation
ם	Public Advertisement	Backup Material
ם	APO Letter	Backup Material
ם	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

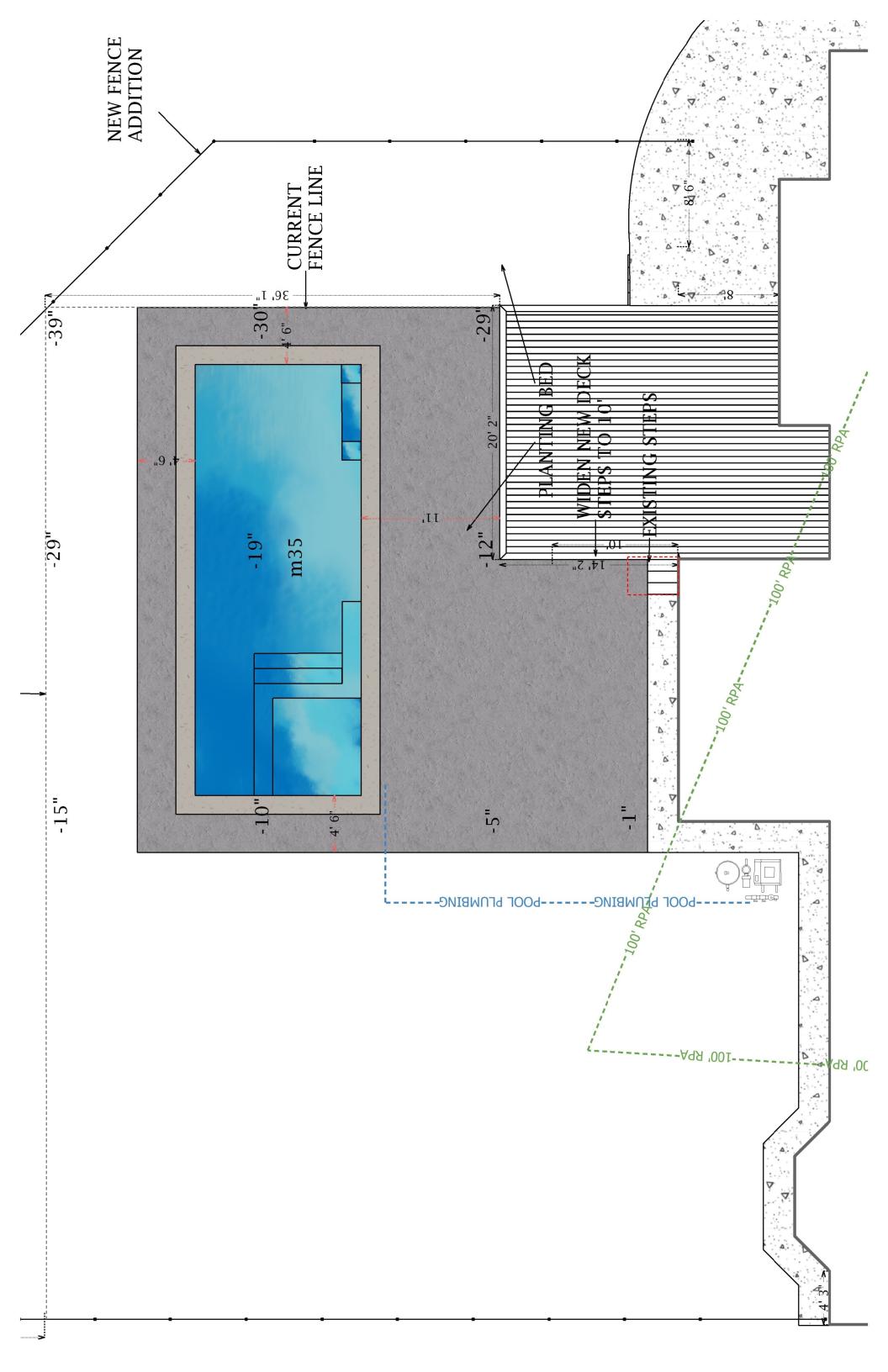
- WHEREAS, Mr. Jesus Mansisidor (the "Applicant") has applied to the Chesapeake Bay Board of James City County (the "Board") on February 10, 2021, to request an exception to use the Resource Protection Area (the "RPA") on a parcel of property identified as James City County Real Estate Tax Map Parcel 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	Michael D. Woolson
Chair, Chesapeake Bay Board	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





# Chesapeake Bay Board of James City County, Virginia

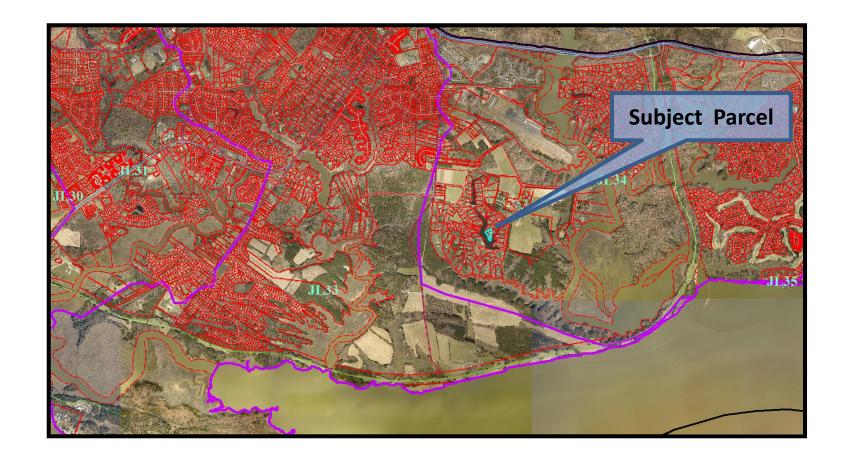
February 10, 2021

CBPA 20-0147
Jesus Mansisidor
2416 Sarah Spence

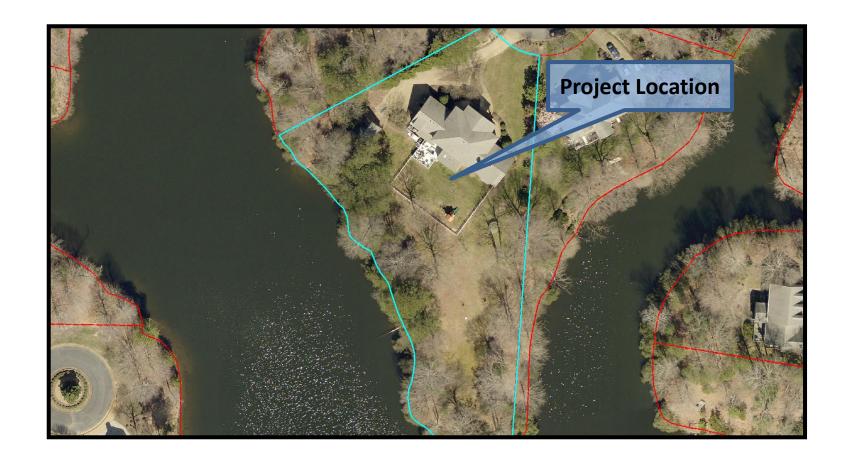


# **Applicant Request**

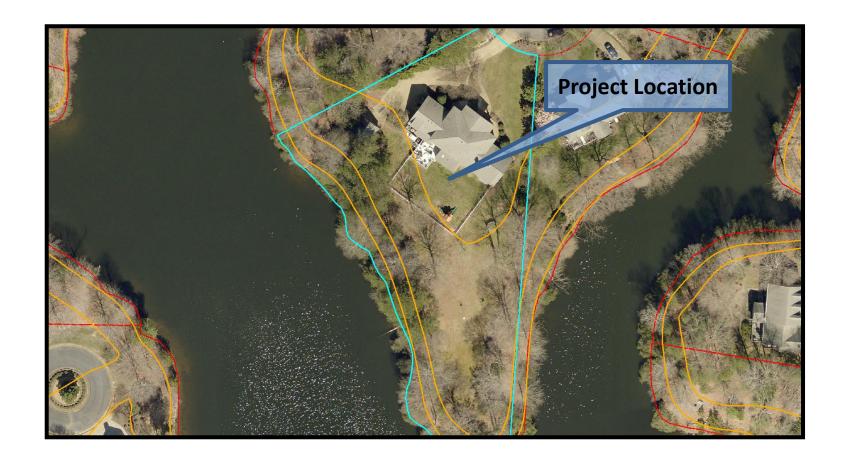
✓ Construction of a pool.



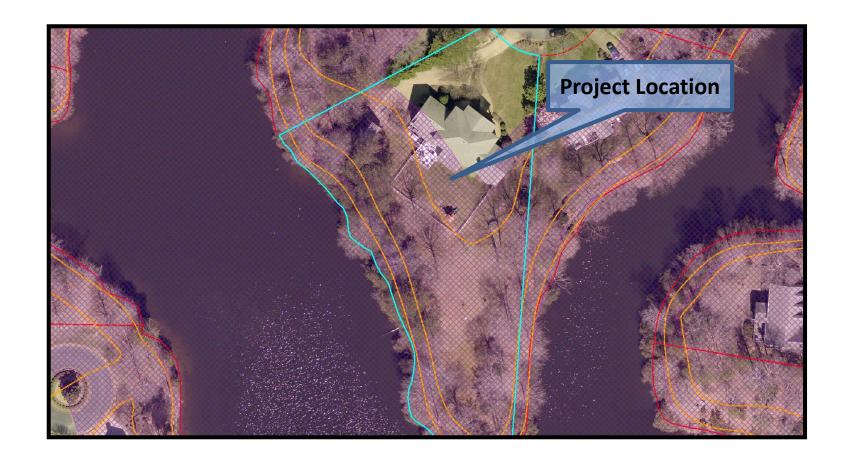
Vicinity Map
CBPA-20-0147
2416 Sarah Spence



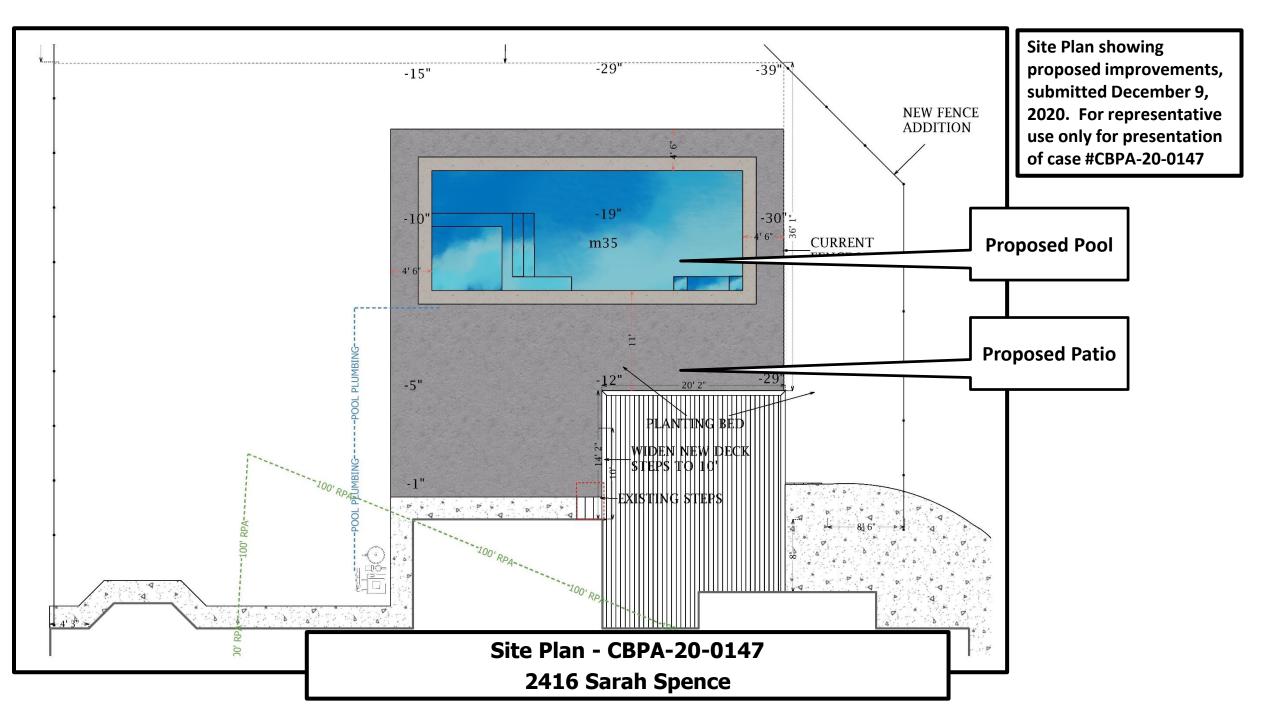
Aerial Photograph
CBPA-20-0147
2416 Sarah Spence



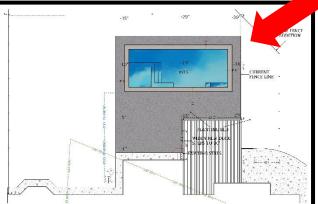
Topography
CBPA-20-0147
2416 Sarah Spence



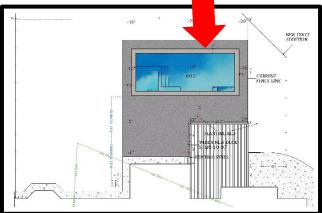
Resource Protection Area
CBPA-20-0147
2416 Sarah Spence



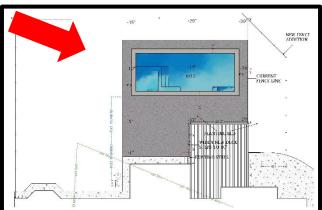












# **Permit Conditions**



## **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 Mansisidor 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. Mansisidor and Mrs. Tracey G. Mansisidor 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 4840200016

Mansisidor, Jesus R & Tracey G Eshelman, Carolyn B, Trustee

2416 Sarah Spence 2409 Sarah Spence

Williamsburg, VA 23185-8060 Williamsburg, VA 23185-8060

4840200013 4840100011: 2630 Lake Powell Rd

Alpino, Robert J & Lisa Odabasi 4848300001C: 2651 Jockey's Neck Trail

2412 Sarah Spence Vineyards Homeowners Association, Inc.

Williamsburg, VA 23185-8060 907 Richmond Road

Williamsburg, VA 23186-0001

4840200015 4840200024 : 2677 Jockey's Neck Trail

Lyon, Charles W & Karen M Lacasse, Steven E & Margaret L

2413 Sarah Spence 505 Glynn Springs Drive

Williamsburg, VA 23185-8060 Williamsburg, VA 23188-2828

<u>4840300001</u> <u>4840200023</u>

Goldberg, Milton, Trusteee & E Delores

Barnes, Jeffrey P & Lauren E

2412 Burnwether Lane 2681 Jockey's Neck Trail

Williamsburg, VA 23185-8069 Williamsburg, VA 23185-8058

#### **AGENDA ITEM NO. E.1.**

#### **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
D	Memorandum	Cover Memo
D	Resolution	Resolution
D	Extension Request	Backup Material
D	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	Michael D. Woolson
Chair, Chesapeake Bay Board	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

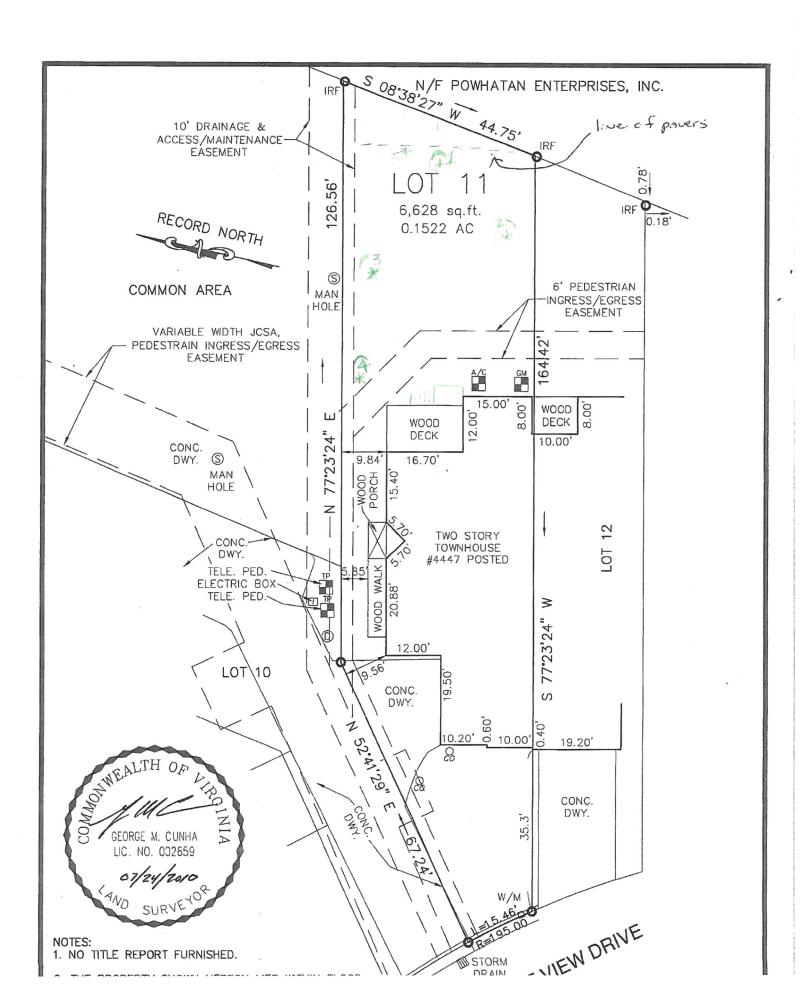
To: Michael Woolson
Subject: [External] Extension

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



#### **AGENDA ITEM NO. E.2.**

#### **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



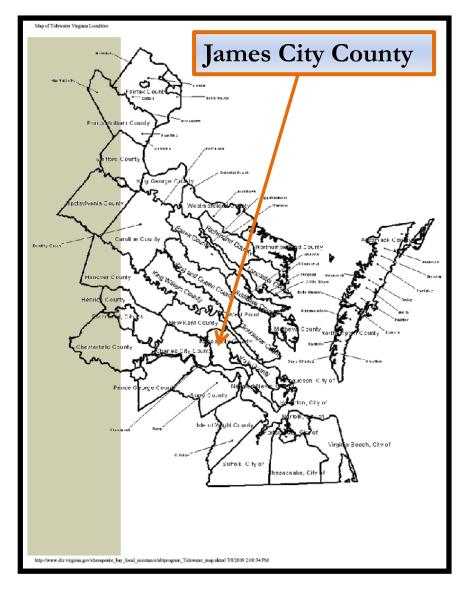
# Wetlands & Chesapeake Bay Board of James City County, Virginia

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 6<sup>th</sup> 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

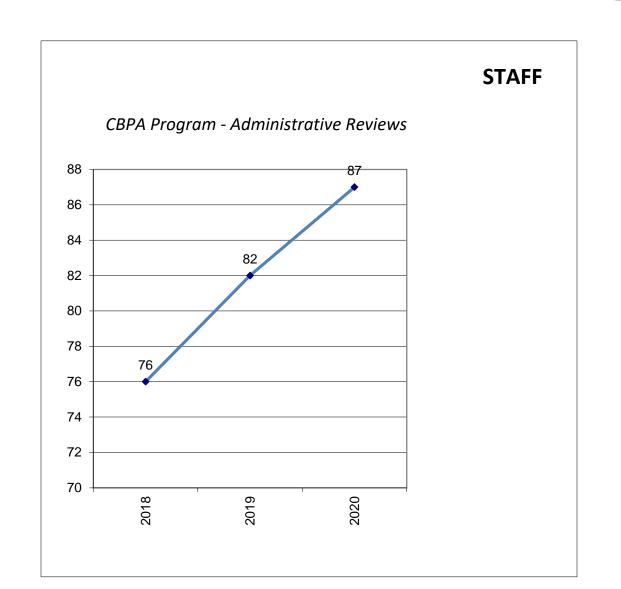


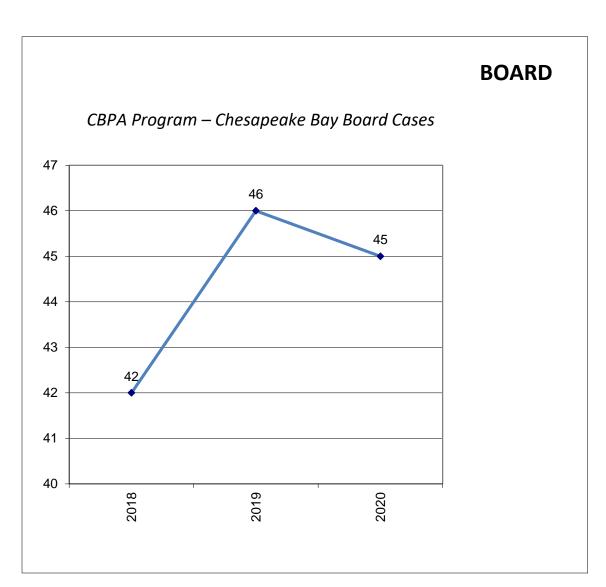


- State Code of Virginia authorizes the Virginia Marine Resources Commission and local Wetland Board to process wetland permit applications.
- Localities may regulate local tidal wetlands through a citizen wetlands board with oversight from the VMRC.
- Chapter 22 of the County Code is our local wetlands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



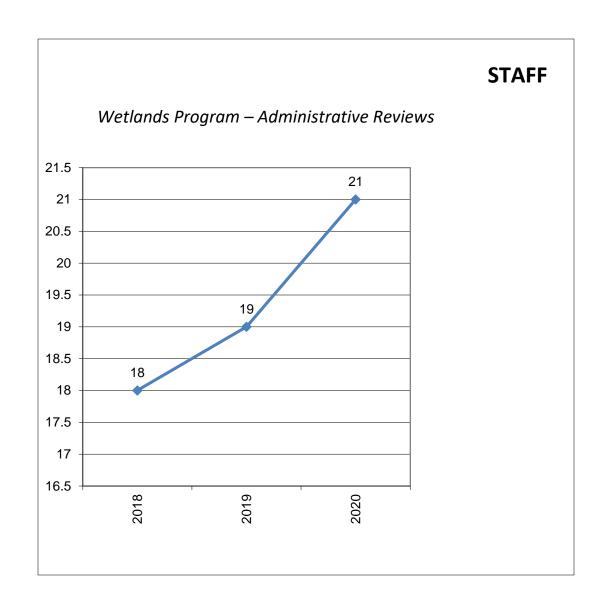
# CBPA Program

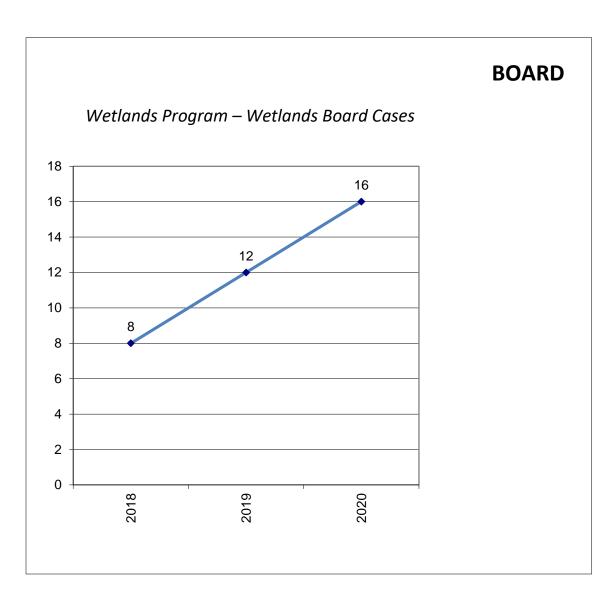






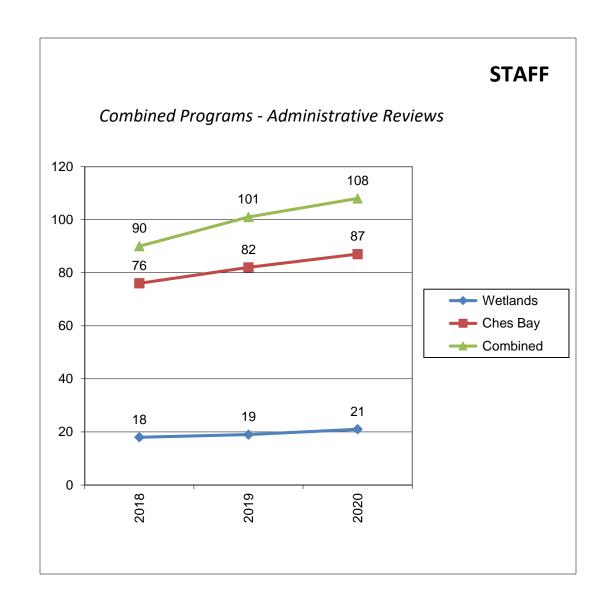
# Wetlands Program

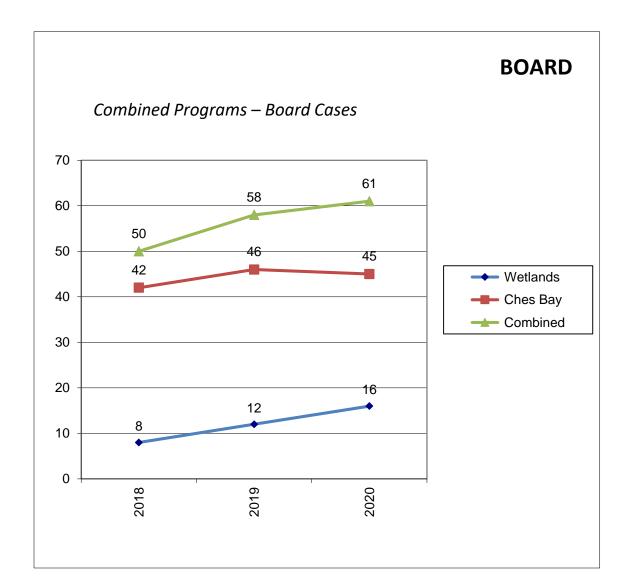






# **Combined Programs**







# End of Report

#### **AGENDA ITEM NO. E.3.**

#### **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



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



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.



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	•	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.



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