

A G E N D A
JAMES CITY COUNTY CHESAPEAKE BAY BOARD
REGULAR MEETING
County Government Center, Building D
101 Mounts Bay Road, Williamsburg, Virginia 23188
August 11, 2021
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

1. Minutes from July 14, 2021, Regular Meeting

D. PUBLIC HEARINGS

1. CBPA 21-0089 : 105 Thorp's Parish
2. CBPA 21-0083 : 114 Constance Avenue
3. CBPA 21-0079 : 6015 Richmond Road

E. BOARD CONSIDERATIONS

F. MATTERS OF SPECIAL PRIVILEGE

G. ADJOURNMENT

ITEM SUMMARY

DATE: 8/11/2021
TO: Chesapeake Bay Board
FROM: Michael Woolson, Chesapeake Bay Board Secretary
SUBJECT: Minutes from July 14, 2021, Regular Meeting

ATTACHMENTS:

	Description	Type
📎	Minutes	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	8/4/2021 - 12:11 PM
Chesapeake Bay Group	Small, Toni	Approved	8/4/2021 - 12:26 PM
Publication Management	Daniel, Martha	Approved	8/4/2021 - 12:29 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	8/4/2021 - 12:44 PM

MINUTES
JAMES CITY COUNTY CHESAPEAKE BAY BOARD
REGULAR MEETING
County Government Center, Building F
101 Mounts Bay Road, Williamsburg, Virginia 23188
July 14, 2021
5:00 PM

A. CALL TO ORDER

The Chesapeake Bay Board meeting for July 14, 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:

Halle Dunn, Acting Chairperson
William Apperson
Charles Roadley
Larry Waltrip
Michael O'Brien

Board Members Absent:

David Gussman

Other Staff Present:

Toni Small, Director, Stormwater and Resource Protection
Liz Parman, Assistant County Attorney
Michael Woolson, Resource Protection Section Chief, Stormwater and Resource Protection
Trevor Long, Watershed Planner, Stormwater and Resource Protection
Robin Benedict, Watershed Planner, Stormwater and Resource Protection
Janice Petty, Stormwater Assistant, Stormwater and Resource Protection

C. MINUTES

1. Minutes from June 9, 2021 Regular Meeting

A motion to Approve the minutes was made by Mr. Dunn.

The minutes were approved on a voice vote.

D. PUBLIC HEARINGS

1. Case No. CBPA 21-0064 : 101 Abigail Lane

Ms. Robin Benedict, Watershed Planner, presented the exception request submitted by Ms. Susan Maida for encroachments into the Resource Protection Area (RPA) buffer for the construction of a retaining wall located at 101 Abigail Lane, within Tazewell's Hundred Phase 2, Kingsmill Subdivision and the College Creek watershed. This case was deferred from the

June 9, 2021 meeting. The property is further identified as James City County Tax Map Parcel No. 5030400082. 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 the pros and cons of this application.

Mr. Gussman previously opened the Public Hearing at the June 9, 2021 meeting.

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

Mr. Roadley made a motion to Adopt the resolution for Chesapeake Bay Board Case No. CBPA-21-0064 at 101 Abigail Lane.

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

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

AYES: Dunn, Apperson, Roadley, Waltrip, O'Brien

NAYS: None

ABSENT: Gussman

2. Case No. CBPA 21-0083 : 114 Constance Avenue

The Applicant requested that the case be deferred until the August 11, 2021, meeting.

Mr. Dunn opened the Public Hearing.

3. Case No. CBPA 21-0087 : 10007 Sycamore Landing Road

Mr. Trevor Long, Watershed Planner, presented the exception request submitted by Mr. Harold Breeden for encroachments into the RPA buffer for the addition of fill material located at 10007 Sycamore Landing Road within the Stephens Tract No. 2 Subdivision and the Ware Creek watershed. The property is further identified as James City County Tax Map Parcel No. 0720400011. 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 the pros and cons of this application.

Mr. Apperson inquired if Stormwater and Resource Protection staff managed the Erosion and Sediment and Control Plan.

Mr. Long affirmatively replied and added that staff would review that plan along with the Land Disturbing Permit and ensure if this plan were to be approved, that the appropriate erosion and sediment control measures were in place.

Mr. Roadley stated that staff does not have a well-defined site plan. He stated it would be nice to see a site plan that would show where the plantings were going to go so once the permit is issued and the work undertaken, the end result could be matched up to what was approved by the Board.

Mr. Long stated that staff could obtain that and share with the Board as well.

Mr. Dunn opened the Public Hearing.

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

Mr. Roadley stated that he would be willing to approve if staff would be provided the mitigation plans so the Board can judge compliance.

Mr. Waltrip and Mr. Dunn concurred.

Mr. Roadley made a motion to Adopt the resolution for Chesapeake Bay Board Case No. CBPA-21-0087 at 10007 Sycamore Landing Road subject to the condition that the applicant submit a mitigation plan acceptable to staff.

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

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

AYES: Dunn, Apperson, Roadley, Waltrip, O'Brien

NAYS: None

ABSENT: Gussman

4. Case No. CBPA 21-0075 : 10006 Sycamore Landing Road

Mr. Trevor Long, Watershed Planner, presented the exception request submitted by Mr. Daniel Winall, Waters Edge Construction on behalf of Mr. David Lambey and Mrs. Kim Lambey, for encroachments into the RPA buffer for bank grading located at 10006 Sycamore Landing Road within the York River and Ware Creek watersheds. The property is further identified as James City County Tax Map Parcel No. 0720100002. 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 the pros and cons of this application.

Mr. Roadley inquired of provision in the Chesapeake Bay Ordinance for shoreline projects that have already been duly authorized.

Mr. Long replied, he was not aware of one but that could be looked into.

Mr. Dunn opened the Public Hearing.

A. Mr. Daniel Winall, Waters Edge Construction, outlined the project for the Board.

Mr. Dunn closed the Public Hearing.

Mr. Apperson made a motion to Adopt the resolution for Chesapeake Bay Board Case No. CBPA-21- 0075 at 10006 Sycamore Landing Road.

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

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

AYES: Dunn, Apperson, Roadley, Waltrip, O'Brien

NAYS: None

ABSENT: Gussman

E. BOARD CONSIDERATIONS

Wetlands and Chesapeake Bay Board Meetings will be held in Building D for August 11, 2021.

F. MATTERS OF SPECIAL PRIVILEGE

None.

G. ADJOURNMENT

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

The meeting adjourned at 5:50 p.m.

ITEM SUMMARY

DATE: 8/11/2021
TO: Chesapeake Bay Board
FROM: Trevor Long, Watershed Planner
SUBJECT: CBPA 21-0089: 105 Thorp's Parish

CBPA 21-0089: Mr. Mark and Ms. Linda Wenger, have filed an exception request for encroachments into the RPA buffer for the construction of a deck at 105 Thorpe's Parish, JCC Parcel ID No. 5030300015.

ATTACHMENTS:

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution	Resolution
☐	Public Advertisement	Backup Material
☐	Adjacent Property Owner Letter	Backup Material
☐	Adjacent Property Owner List	Backup Material
☐	Site Plan	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	8/4/2021 - 12:09 PM
Chesapeake Bay Group	Small, Toni	Approved	8/4/2021 - 12:26 PM
Publication Management	Daniel, Martha	Approved	8/4/2021 - 12:35 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	8/4/2021 - 3:33 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA 21-0089. 105 Thorpe's Parish
Staff Report for the August 11, 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. Mark and Ms. Linda Wenger
Agent: None
Location: 105 Thorpe's Parish
Parcel Identification No.: 5030300015
Parcel: Lot 15, Tutter's Neck
Lot Size: 0.47 acres
Area of Lot in Resource Protection Area (RPA): 0.25 acres +/- (53%)
Watershed: College Creek (HUC JL 34)
Floodplain: None affecting this property
Proposed Activity: Construction of a deck
Impervious Cover: 588 square feet
RPA Encroachment: 588 square feet, landward 50-foot RPA
Staff Contact: Trevor A. Long, Watershed Planner Phone: 253-6789

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Mark and Ms. Linda Wenger have applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of a deck on property located at 105 Thorpe's Parish within the Kingsmill subdivision and the College Creek watershed. The property is further identified as James City County Tax Map Parcel No. 5030300015. The parcel was platted in 1978, prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The total lot size of this property is 0.47 acres, of which 53% is located within the RPA. The applicants are proposing to construct a deck to the rear of the existing house equating to approximately 588 square feet of impacts to the landward 50-foot RPA. Required mitigation of this amount of impervious impacts to the RPA equals the planting of 1.5 planting units (one canopy tree, two understory trees, and six shrubs).

STAFF EVALUATION

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

CONSIDERATION BY THE CHESAPEAKE BAY BOARD

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

1. The exception request is the minimum necessary to afford relief; and
2. Granting the exception will not confer upon the Applicants any special privileges denied by Chapter 23, Chesapeake Bay Preservation, of the James City County Code, to other property owners similarly situated in the vicinity; and
3. The exception request will be in harmony with the purpose and intent of Chapter 23 of the James City County Code and is not of substantial detriment to water quality; and
4. The exception request is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances, either permitted or non-conforming that are related to adjacent parcels; and
5. Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality.

STAFF RECOMMENDATIONS

Staff has reviewed the application and exception request and has determined the impacts associated with the proposal to be minor for the proposed development. Staff recommends approval for this exception request and if the Board wishes to approve this request, Staff recommends 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 a building permit if necessary; and
2. The submittal of a mitigation plan equating to one canopy tree, two understory trees, and six shrubs be submitted to the Stormwater and Resource Protection Division; and
3. A surety of \$500 be submitted in a form acceptable to the James City County Attorney's Office to guarantee the mitigation plantings; and
4. This exception request approval shall become null and void if construction has not begun by August 11, 2022; and
5. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than June 30, 2022, six weeks prior to the expiration date.

TAL/ap
CBPA21-89_105ThorpsPar

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA 21-0089. 105 THORPE'S PARISH

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Mark and Ms. Linda Wenger (the "Applicant") have applied to the Chesapeake Bay Board of James City County (the "Board") on August 11, 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. 5030300015 and further identified as 105 Thorpe's Parish (the "Property") as set forth in the application CBPA 21-0089 for the purpose of construction of a deck; and

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

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

1. The exception request is the minimum necessary to afford relief.
2. Granting the exception will not confer upon the Applicant any special privileges denied by Chapter 23, Chesapeake Bay Preservation, of the James City County Code, to other property owners similarly situated in the vicinity.
3. The exception request will be in harmony with the purpose and intent of Chapter 23 of the James City County Code and is not of substantial detriment to water quality.
4. The exception request is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels.
5. Reasonable and appropriate conditions are hereby imposed, as set forth below, which will prevent the exception request from causing a degradation of water quality.
6. In granting this exception, the following conditions are hereby imposed to prevent this exception request from causing degradation of water quality:
 - a. The applicant must obtain all other necessary federal, state, and local permits as required for the project, including a building permit if necessary; and
 - b. The submittal of a mitigation plan equaling one canopy tree, two understory trees, and six shrubs be submitted to the Stormwater and Resource Protection Division; and
 - c. A surety of \$500 be submitted in a form acceptable to the James City County Attorney's Office to guarantee the mitigation plantings; and

- d. This exception request approval shall become null and void if construction has not begun by August 11, 2022; and
- e. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than June 30, 2022, six weeks prior to the expiration date.

David Gussman
Chairman, Chesapeake Bay Board

Michael D. Woolson
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 11th day of August, 2021.

CBPA21-89_105ThorpesParish-res



PUBLIC HEARING NOTICE

THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY, AUGUST 11, 2021 AT 5 P.M.** IN THE COUNTY GOVERNMENT CONFERENCE ROOM OF BUILDING D, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA 21-0079: Wayne Harbin Builder, Inc., has filed an exception request for encroachments into the RPA buffer for sanitary sewer installation and Stormwater Management BMP construction at 6015 Richmond Road, JCC Parcel ID No. 3220100081.

CBPA 21-0089: Mr. Mark and Ms. Linda Wenger, have filed an exception request for encroachments into the RPA buffer for the construction of a deck at 105 Thorpe's Parish, JCC Parcel ID No. 5030300015.

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

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 – AUGUST 4, 2021 and JULY 28, 2021.
ACCOUNT NO. CU00015112
VIRGINIA GAZETTE
1/8 PAGE, VERTICAL, B/W
CARD # x9941

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

July 21, 2021

RE: CBPA 21-0089
105 Thorpe's Parish
Deck

Dear Adjacent Property Owner:

In accordance with State and County Codes, this letter is to notify you that a request has been filed with the James City County Chesapeake Bay Board by Mr. Mark and Ms. Linda Wenger for encroachment into the Resource Protection Area (RPA) buffer for the construction of a deck. The project is located at 105 Thorpe's Parish and further identified as JCC Parcel No. 5030300015.

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, August 11, 2021 at 5:00 p.m.**, in the Conference Room of Building D, 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-21-0089–105 Thorpe's Parish:- Deck

Owner: 5030300015

Wenger, Mark J & Linda C
105 Thorpe's Parish
Williamsburg, VA 23185-5119

5030300011

Fraley, Jack L, Jr. & Cheryl A
104 Thorpe's Parish
Williamsburg, VA 23185-5119

5030300010

Dal Pozzol, Anna G, Trustee
100 Thorpe's Parish
Williamsburg, VA 23185-5120

5030300012

Bell, Walter A & Lara K
108 Thorpe's Parish
Williamsburg, VA 23185-5120

5030300016

Manos, Dennis M & Cynthia A
101 Thorpe's Parish
Williamsburg, VA 23185-5119

5030300014

Tankersley, Ken L, Trustee & Christy
109 Thorpe's Parish
Williamsburg, VA 23185-5119

5030300017

Longo, Daniele A
140 Tutters Neck
Williamsburg, VA 23185-5137

5030300019

McLendon, Paul Bryon & Aimee
104 Colonel's Way
Williamsburg, VA 23185-5105

ITEM SUMMARY

DATE: 8/11/2021
TO: Chesapeake Bay Board
FROM: Trevor Long, Watershed Planner
SUBJECT: CBPA 21-0083 : 114 Constance Avenue

CBPA 21-0083: Acelution, Inc., on behalf of Mr. Stephen and Mrs. Jessica Smith, has filed an exception request for encroachments into the RPA buffer for the construction of a landing at 114 Constance Avenue, JCC Parcel ID No. 4730500026.

ATTACHMENTS:

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution	Resolution
☐	Site Plan	Backup Material
☐	Public Advertisement	Backup Material
☐	Adjacent Property Owner List	Backup Material
☐	Adjacent Property Owner Letter	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	8/4/2021 - 12:11 PM
Chesapeake Bay Group	Small, Toni	Approved	8/4/2021 - 12:26 PM
Publication Management	Daniel, Martha	Approved	8/4/2021 - 12:43 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	8/4/2021 - 3:32 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA 21-0083 114 Constance Avenue
Staff Report for the August 11, 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. Stephen and Ms. Jessica Smith
Agent: Ms. Brittany Hulstine, Acelution, Inc.
Location: 114 Constance Avenue
Parcel Identification No.: 4730500026
Parcel: Lot 26, Section 1, Powhatan Shores
Lot Size: 0.55 acres
Area of Lot in Resource Protection Area (RPA): 0.24 acres +/- (44%)
Watershed: Powhatan Creek (HUC JL 31)
Floodplain: Zone AE - Base flood elevation determined at 7 feet
Proposed Activity: Construction of a landing
Impervious Cover: 495 square feet
RPA Encroachment: 495 square feet, seaward 50-foot RPA
Staff Contact: Trevor A. Long, Watershed Planner Phone: 253-6789

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Ms. Brittany Hulstine, Acelution, has applied for a Chesapeake Bay Exception on behalf of Mr. Stephen and Ms. Jessica Smith for encroachments into the RPA buffer for the construction of a landing on property located at 114 Constance Avenue within the Powhatan Shores subdivision and the Powhatan Creek watershed. The property is further identified as James City County Tax Map Parcel No. 4730500026. The parcel was platted in 1975, prior the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The total lot size of this property is 0.55 acres, of which 44% is located within the RPA. The applicants are proposing to construct a landing towards the rear of the existing house equaling approximately 495 square feet of impacts to the seaward 50-foot RPA. The property has an existing retaining wall and staircase leading to a dock and boatlift on property. The applicants are proposing to construct the landing between the existing retaining wall and bulkhead for the purpose of seating. Required mitigation of this amount of impervious impacts to the RPA equals the plantings of one planting unit (one canopy tree, two understory trees, and three shrubs).

STAFF EVALUATION

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

CONSIDERATION BY THE CHESAPEAKE BAY BOARD

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

1. The exception request is the minimum necessary to afford relief; and
2. Granting the exception will not confer upon the Applicants any special privileges denied by Chapter 23, Chesapeake Bay Preservation, of the James City County Code, to other property owners similarly situated in the vicinity; and
3. The exception request will be in harmony with the purpose and intent of Chapter 23 of the James City County Code and is not of substantial detriment to water quality; and
4. The exception request is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances, either permitted or non-conforming that are related to adjacent parcels; and
5. Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality.

STAFF RECOMMENDATIONS

Staff has reviewed the application and exception request and has determined the impacts associated with the proposal to be minor for the proposed development. Staff recommends approval for this exception request and if the Board wishes to approve this request, staff recommends the following conditions be incorporated into the approval:

1. The applicants must obtain all other necessary federal, state, and local permits as required for the project, including a building permit if necessary; and
2. The submittal of a mitigation plan equaling one canopy tree, two understory trees, and three shrubs be submitted to the Stormwater and Resource Protection Division; and
3. A surety of \$500 be submitted in a form acceptable to the James City County Attorney's Office to guarantee the mitigation plantings; and
4. This exception request approval shall become null and void if construction has not begun by August 11, 2022; and
5. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than June 30, 2022, six weeks prior to the expiration date.

TAL/ap
CBPA21-83_114ConstAve

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA 21-0083. 114 CONSTANCE AVENUE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Acelution, Inc., on behalf of Mr. Stephen Smith and Mrs. Jessica Smith (the “Applicants”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on August 11, 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. 4730500026 and further identified as 114 Constance Avenue (the “Property”) as set forth in the application CBPA 21-0083 for the purpose of construction of a landing; 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 a building permit if necessary; and
 - b. The submittal of a mitigation plan equaling one canopy tree, two understory trees, and three shrubs be submitted to the Stormwater and Resource Protection Division; and

- c. A surety of \$500 be submitted in a form acceptable to the James City County Attorney's Office to guarantee the mitigation plantings; and
- d. This exception request approval shall become null and void if construction has not begun by August 11, 2022; and
- e. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than June 30, 2022, 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 11th day of August, 2021.

CBPA21-83_114ConstAve-res





PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY, JULY 14, 2021 AT 5 P.M.** IN THE COUNTY GOVERNMENT CENTER BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE WETLANDS BOARD WILL CONSIDER THE FOLLOWING CASE:

WJPA 21-0027/VMRC-2021-1060: Water's Edge Construction, on behalf of Mr. J. Barry Davidson, Jr. and Mrs. Laura Davidson, and Mr. Richard Costello and Mrs. Nina Costello, has applied for a wetlands permit for the construction of an offshore sill with beach nourishment and the repair of a rip rap revetment at 10016 and 10020 Sycamore Landing Road, JCC Parcel ID No. 0720400002 and JCC Parcel ID No. 0720400004.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA 21-0075: Water's Edge Construction, on behalf of Mr. David and Mrs. Kim Lambey have filed an exception request for encroachments into the RPA buffer for bank grading at 10006 Sycamore Landing Road, JCC Parcel ID No. 0720100002.

CBPA 21-0083: Acelution, Inc., on behalf of Mr. Stephen and Mrs. Jessica Smith, has filed an exception request for encroachments into the RPA buffer for the construction of a landing at 114 Constance Avenue, JCC Parcel ID No. 4730500026.

CBPA 21-0087: Mr. Harold Breeden has filed an exception request for encroachments into the RPA buffer for the addition of fill material at 10007 Sycamore Landing Road, JCC Parcel ID No. 0720400011.

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

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 – JULY 7, 2021 and JUNE 30, 2021.
ACCOUNT NO. CU00015112
VIRGINIA GAZETTE
1/8 PAGE, VERTICAL, B/W
CARD # x9941

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

Mailing List for: CBPA-21-0083-114 Constance Avenue:- Deck

Owner: 4730500026

Smith, Stephen T & Jessica D
114 Constance Avenue
Williamsburg, VA 23185-3145

4730500027 - 116 Constance Avenue

Parks, James N, Trustee & Ruth D, Trustee
1201 Fearrington Post
Pittsboro, NC 27312-5025

4730500025

Haywood, John C
112 Constance Avenue
Williamsburg, VA 23185-3145

Contractor:

Acelution, Inc.
Attn: Ms. Brittany Hulstine
632 Hampton Highway
Yorktown, VA 23693-4100

4730500031

Flynn, Francis Marion, II, Trustee & Virginia O,
Trustee
109 Godspeed Lane
Williamsburg, VA 23185-3171

4730500030

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



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

June 23, 2021

RE: CBPA 21-0083
114 Constance Avenue
Landing

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. Brittany Hulstine, Acelution, Inc. on behalf of Mr. Stephen Smith and Mrs. Jessica Smith for encroachment into the Resource Protection Area (RPA) buffer for construction of a landing. The project is located at 114 Constance Avenue and further identified as JCC Parcel No. 4730500026.

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, July 14, 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: Acelution, Inc.
Attn: Ms. Brittany Hulstine

MDW: jep

ITEM SUMMARY

DATE: 8/11/2021
TO: Chesapeake Bay Board
FROM: Trevor Long, Watershed Planner
SUBJECT: CBPA 21-0079: 6015 Richmond Road

CBPA 21-0079: Wayne Harbin Builder, Inc., has filed an exception request for encroachments into the RPA buffer for sanitary sewer installation and Stormwater Management BMP construction at 6015 Richmond Road, JCC Parcel ID No. 3220100081.

ATTACHMENTS:

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution	Resolution
☐	Water Quality Impact Assessment Report	Backup Material
☐	Water Quality Impact Assessment Site Plan	Backup Material
☐	Water Quality Impact Assessment Exhibit A	Backup Material
☐	Public Advertisement	Cover Memo
☐	Adjacent Property Owner Letter	Backup Material
☐	Adjacent Property Owner List	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	8/4/2021 - 12:06 PM
Chesapeake Bay Group	Small, Toni	Approved	8/4/2021 - 12:26 PM
Publication Management	Daniel, Martha	Approved	8/4/2021 - 12:50 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	8/4/2021 - 3:32 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA 21-0079. 6015 Richmond Road
Staff Report for the August 11, 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. Wayne Harbin, Wayne Harbin Builder, Inc.
Agent: Mr. Greg Warren, LandTech Resources, Inc.
Location: 6015 Richmond Road
Parcel Identification No.: 3220100081
Parcel: Lots E & F, D Warren Marstons Property Subdivision
Lot Size: 11.42 acres
Area of Lot in Resource Protection Area (RPA): 1.73 acres +/- (15%)
Watershed: Powhatan Creek (HUC JL 31)
Floodplain: Zone A - the special flood hazard area
Proposed Activity: Sanitary sewer installation and Stormwater Management Best Management Practices (BMPs) construction
Impervious Cover: 0 square feet
RPA Encroachment: 6,000 square feet, landward 50-foot RPA
Staff Contact: Trevor A. Long, Watershed Planner Phone: 253-6789

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Greg Warren, LandTech Resources Inc., has applied for a Chesapeake Bay Exception on behalf of Mr. Wayne Harbin, Wayne Harbin Builder, Inc., for encroachments into the RPA buffer for the installation of a sanitary sewer and the construction of a Stormwater Management BMP on property located at 6015 Richmond Road within the Forest Heights subdivision and the Powhatan Creek watershed. The property is further identified as James City County Tax Map Parcel No. 3220100081. The parcel was platted in 2014, after the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The total lot size of this property is 11.42 acres, of which 15% is located within the RPA. The applicant has submitted a formal site plan to the County as part of the overall construction for Phase III of the Forest Heights subdivision. The applicant is proposing to install a sanitary sewer connection and construct a BMP which will impact the RPA. The proposed construction is broken up into four areas of impacts to the RPA as it relates to this project. The first and second areas of impacts are in regards to the sanitary sewer construction, resulting in 2,200 square feet of impacts to the RPA and 265 square feet of impacts to non-tidal wetlands. Impacts to the non-tidal wetlands are not to be considered by this Board as they are outside of the Board's jurisdiction. The third area of impact is in regards to the construction of a proposed BMP

embankment resulting in 745 square feet of impacts to the RPA. The fourth area of impact is in regards to the construction of the BMP outfall resulting in approximately 3,055 square feet of impacts to the RPA. Total amount of impacts to the RPA for the proposed project equate to approximately 6,000 square feet of disturbance within the RPA.

Required mitigation of this amount of impervious impacts to the RPA would normally equate to the plantings of 15 planting units. Because there is no room on this site for the plantings of such mitigation requirements, staff instead requires the placement of a conservation easement, equal to 12,000 square feet, on-site and outside of the RPA.

STAFF EVALUATION

Staff has evaluated the application and exception request for the installation of a sanitary sewer connection and the construction of a stormwater BMP. This application meets the Ordinance conditions in Sections 23-11 and 23-14 and should be heard by the Board because the proposed project impacts the seaward 50-foot RPA and could be moved outside of the RPA.

CONSIDERATION BY THE CHESAPEAKE BAY BOARD

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

1. The exception request is the minimum necessary to afford relief; and
2. Granting the exception will not confer upon the Applicant any special privileges denied by Chapter 23, Chesapeake Bay Preservation, of the James City County Code, to other property owners similarly situated in the vicinity; and
3. The exception request will be in harmony with the purpose and intent of Chapter 23 of the James City County Code and is not of substantial detriment to water quality; and
4. The exception request is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances, either permitted or non-conforming that are related to adjacent parcels; and
5. Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality.

STAFF RECOMMENDATIONS

Staff has reviewed the application and exception request and has determined the impacts associated with the proposal to be moderate for the proposed development. Staff does not recommend approval for this exception request because the BMP can be relocated to avoid impacts to the RPA. If the Board wishes to approve this request, staff recommends 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 a Land Disturbing Permit; and
2. The recordation of a Deed of Natural Open Space equaling to 12,000 square feet outside of the RPA plus the remainder of the undisturbed RPA for this project; and
3. A surety of \$5,000 be submitted in a form acceptable to the James City County Attorney's Office to guarantee the recordation of the Deed of Natural Open Space. This surety shall be included in the bonding requirements of the project unless the easement is recorded prior to the start of the project; and

4. This exception request approval shall become null and void if construction has not begun by August 11, 2022; and
5. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than June 30, 2022, six weeks prior to the expiration date.

TAL/ap
CBPA21-79_6015RichRd

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA 21-0079. 6015 RICHMOND ROAD

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Wayne Harbin, Wayne Harbin Builder, Inc. and Mr. Greg Warren, LandTech Resources (the “Applicant”) have applied to the Chesapeake Bay Board of James City County (the “Board”) on August 11, 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. 3220100081 and further identified as 6015 Richmond Road (the “Property”) as set forth in the application CBPA 21-0079 for the purpose of sanitary sewer installation and Stormwater Management Best Management Practices (BMP) construction; and

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

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

1. The exception request is the minimum necessary to afford relief.
2. Granting the exception will not confer upon the Applicant any special privileges denied by Chapter 23, Chesapeake Bay Preservation, of the James City County Code, to other property owners similarly situated in the vicinity.
3. The exception request will be in harmony with the purpose and intent of Chapter 23 of the James City County Code and is not of substantial detriment to water quality.
4. The exception request is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels.
5. Reasonable and appropriate conditions are hereby imposed, as set forth below, which will prevent the exception request from causing a degradation of water quality.
6. In granting this exception, the following conditions are hereby imposed to prevent this exception request from causing degradation of water quality:
 - a. The applicant must obtain all other necessary federal, state, and local permits as required for the project, including a Land Disturbing Permit; and
 - b. The recordation of a Deed of Easement for Natural Open Space equaling to 12,000 square feet outside of the RPA plus the remainder of the undisturbed RPA for this project; and

- c. A surety of \$5,000 will be required in a form acceptable to the County Attorney's Office to guarantee the recordation of the Deed of Easement for Natural Open Space. This surety shall be included in the bonding requirements of the project unless the easement is recorded prior to the start of the project; and
- d. This exception request approval shall become null and void if construction has not begun by August 11, 2022; and
- e. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than June 30, 2022, six weeks prior to the expiration date.

David Gussman
Chairman, Chesapeake Bay Board

Michael D. Woolson
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 11th day of August, 2021.

CBPA21-79_105RichmondRd-res

LRI

LANDTECH RESOURCES, INC.

Water Quality Impact Assessment

For

Forest Heights Neighborhood

Phase III

JCC SP-20-0083

6015 Richmond Road

May 28, 2021

ENGINEERING • SURVEYING • GPS

205-E Bulifants Boulevard - Williamsburg, VA 23188

Ph.: (757) 565-1677 Fax: (757) 565-0782

Web: landtechresources.com

Table of Contents

I. INTRODUCTION.....3
II. WATER QUALITY IMPACT ASSESSMENT.....3
 A. Identification of Impacts and Required Information for Review.....3
 B. Proposed Mitigation.....4
III. CONCLUSION.....5
IV. APPENDIX.....6

I. INTRODUCTION

Wayne Harbin Builders, Inc., is proposing the development of a 46-unit multi-family townhouse development (Parcel A) and a 50-unit senior living apartment complex (Parcel B), associated roadways, utilities, storm drainage and stormwater management facilities. This project will be divided into two (2) sections, Section A and Section B, with Section A consisting of the townhome development. Section B will consist of the senior living apartment complex. The overall site totals 496,852 S.F./11.41 acres and is zoned R-3 (Residential Redevelopment District). A Master Plan Amendment with proffers (Z-19-0012) for this development was approved by the James City County Board of Supervisors on December 10, 2019 (SUP 19-0020). The site is located at 6015 Richmond Road.

The purpose of this assessment is to summarize the impacts within the Chesapeake Bay Preservation Area (CBPA) which are reasonably necessary for the development of this property and to identify proposed mitigation to address these impacts.

For the purposes of this report, there are three (2) types of impacts proposed with this project; stormwater management BMP construction, and sanitary sewer installation. Within these areas, four (4) specific areas of CBPA impacts are within the project area. As part of this report we have provided Exhibit A which identifies the impact locations. The total area of these impacts within the RPA is approximately 6,000± square feet or 0.14± acres. These impacts include non-tidal wetlands disturbance, and 100' RPA buffer disturbance. There is 312,240± S.F. of land disturbance associated with Section A and an additional 105,490± S.F. anticipated with Section B. All of the CBPA impacts occur within the Section A townhome development.

Upon approval of the formal exception, the proposed mitigation described in this assessment will be incorporated into the submitted subdivision plans, which are required as part of the development review process.

II. WATER QUALITY IMPACT ASSESSMENT

A. Identification of Impacts and Required Information for Review

The areas of impact are limited to the western portion of the site along Longhill Swamp. There are non-tidal wetlands along the bottom of the ravine with an associated 100-foot RPA buffet measured from the field delineated wetlands that extends into the property. The majority of lands within RPA buffer are sloped 10-30%. The hydrologic soil groups found to be located on this site are primarily Hydrologic Group D, which generally indicates a low infiltration rate. Exhibit A delineates the various soils and their relative hydrological classification, erosive characteristics, and typical slopes.

Impact #1 – 100’ RPA Buffer

This impact is for the construction of the proposed sanitary sewer. The area of this impact is 2,200 square feet or 0.051 acres.

Impact #2 – Non-Tidal Wetlands

This impact is for the construction of the proposed sanitary sewer within the non-tidal wetlands. The area of this impact is 265 square feet or 0.006 acres.

Impact #3 – 100’ RPA Buffer

This impact is for the construction of the proposed BMP embankment. The area of this impact is 745 square feet or 0.017 acres.

Impact #4 – 100’ RPA Buffer

This impact is for the construction of the proposed BMP outfall. The area of this impact is 3,055 square feet or 0.070 acres.

Careful consideration has been taken to minimize the impacts caused by the proposed development. Please see Exhibit A for identified impact locations. The proposed mitigation described in the next section of this assessment has been incorporated into the construction plans for the subdivision, which are required as part of the development review process.

Please note that the required permits necessary to develop this project include, but are not limited to, Virginia Stormwater Program (VSMP) General Permit, 17-State Programmatic General Permit (SPGP)-01 (17-SPGP-01), Virginia Department of Environmental Quality (DEQ) General Permit WP4, Land-Disturbing Permit and Siltation Agreement. These and any other required permits that have not already been applied for shall be applied for at the appropriate time.

B. Proposed Mitigation

Overall mitigation practices were incorporated into the project to minimize disturbances to the streams, wetlands and the RPA. Areas of specific importance include:

- Mitigation to the grading shall include minimal disturbance to existing vegetation. Initial mitigation efforts for these impacts shall include erosion and sediment control measures as described in the Virginia Erosion & Sediment Control Handbook (VESCH), such as permanent seeding that will incorporate a conservation seed mix applicable to the special requirements of the RPA, super silt fencing, and ECSC-3 straw/coconut turf reinforcement matting manufactured by US Construction Fabrics, LLC, or approved equal. These elements have been designed to preserve existing vegetation to the greatest extent possible. These stabilization measures are located in the construction plans for Forest Heights Neighborhood – Phase III, dated February 22, 2021.

- Additional mitigation will be provided by dedicating conservation easements along the RPA that amount to twice the disturbed area within the RPA buffer. The total land disturbance within the RPA buffer is 6,000 square feet and therefore 12,000 square feet of conservation easement is provided.

III. CONCLUSION

In summary, the findings of this Water Quality Impact Analysis indicate that:

- All measures or methods have been explored to avoid impact to the CPBA. When unavoidable, the impacted area has been minimized to the greatest extent possible.
- Extensive measures were employed to minimize the effects of the subsequent discharge of stormwater to the receiving channel and wetlands.
- Erosion and sediment control measures, conservation seeding, and any additional natural open space have been provided in order to mitigate the impacts noted.
- Conservation easement shall be platted and recorded.

IV. APPENDIX

Exhibit A: Forest Heights Neighborhood – Phase III WQIA Impacts

SANITARY SEWER
NON-TIDAL WETLANDS
265 S.F. (0.006 AC.)

SAN. MANHOLE
TOP=54.20
INV IN=49.25
INV OUT=48.70

EDGE OF WETLANDS
DELINEATED BY ROTH
ENVIRONMENTAL, LLC

15E

RECORDED AT D.B. 142, PG. 133
NOT RECORDED AT INSTRUMENT NO.
20280 CALL FOR CENTERLINE OF
STREAM TO BE PARCEL BOUNDARY;
SUBDIVISION PLAT RECORDED AT
D.B. 6, PG. 29 AND CURRENT PLAT
AT INSTRUMENT NO. 160003088
CALL FOR PARCEL BOUNDARY ALONG
CREEK AS SHOWN HEREON.

IMPACT #1
SANITARY SEWER
(RPA BUFFER)
2,200 S.F. (0.051 AC.)

15D

SAN. MANHOLE
TOP=55.99
INV IN=48.06
INV OUT=47.56

N/F
VILLAGES AT WESTMINSTER
HOMEOWNERS ASSOCIATION
OPEN SPACE P-1, SECTION 1
VILLAGES AT WESTMINSTER
4820 WELLESLEY BLVD.
INST. #32210000014
PARCEL ID: 32215000021
ZONED: R-2

IMPACT #3
BMP CONSTRUCTION
(RPA BUFFER)
745 S.F. (0.017 AC.)

11C

UTILITY EASEMENT
D.B. 188, PG. 545
EXCEPTION #9

IMPACT #4
BMP CONSTRUCTION
(RPA BUFFER)
3,055 S.F. (0.070 AC.)

15E

N33°57'00"W
0.22'
FLOOD ZONE X
FLOOD ZONE X

N/F
VILLAGES AT WESTMINSTER
HOMEOWNERS ASSOCIATION
OPEN SPACE P-1, SECTION 1
VILLAGES AT WESTMINSTER
4820 WELLESLEY BLVD.
INST. #32210000014
PARCEL ID: 32215000021
ZONED: R-2

SAN. MANHOLE
TOP=52.10
INV IN=47.39(W)
INV IN=47.25(N)
INV OUT=47.14

15D

LOT 21

LOT 22

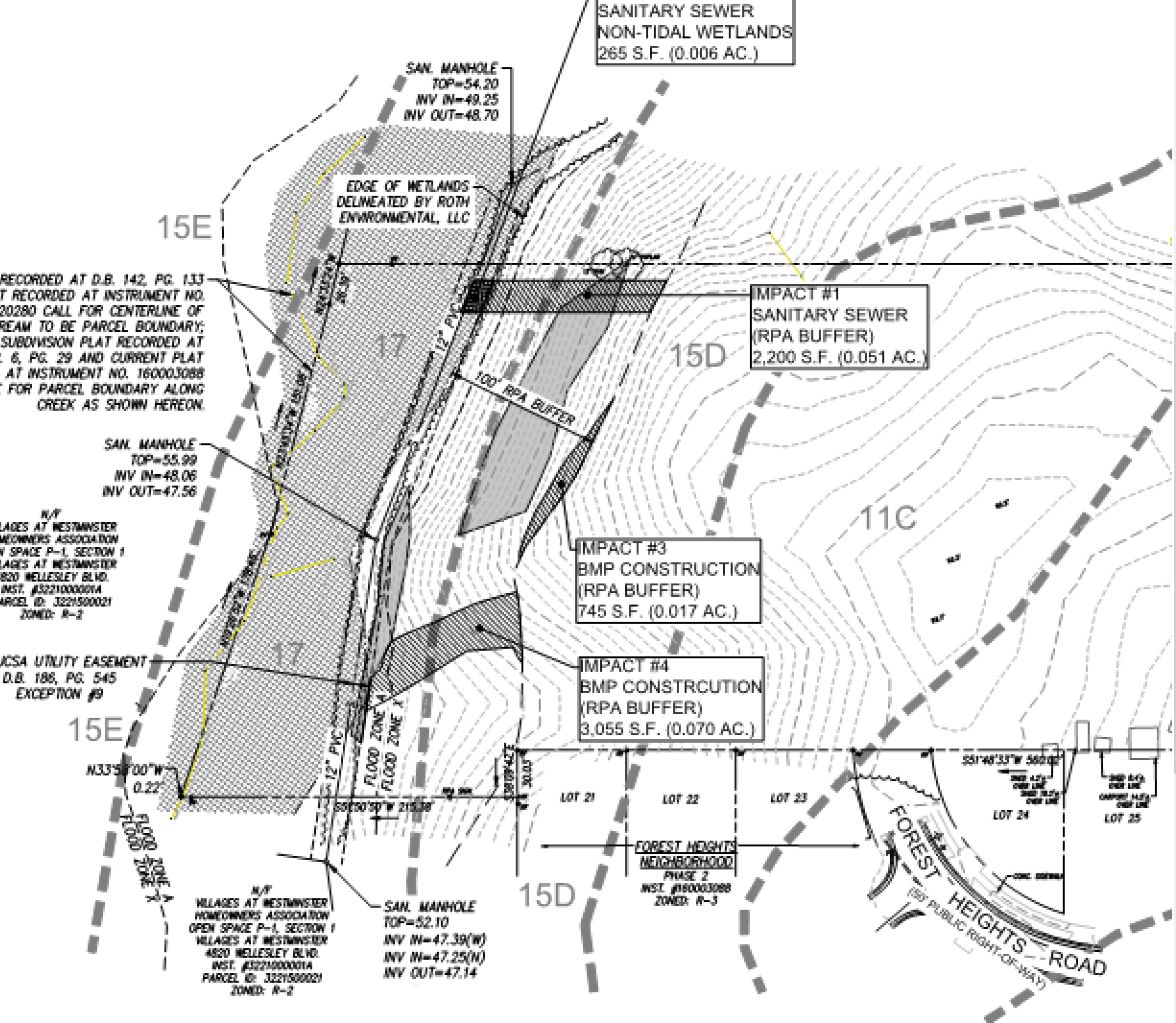
LOT 23

LOT 24

LOT 25

FOREST HEIGHTS
NEIGHBORHOOD
PHASE 2
INST. #160003088
ZONED: R-3

FOREST
HEIGHTS
ROAD
100' PUBLIC RIGHT-OF-WAY



SOILS LEGEND	
SOILS BOUNDARY	SOILS TYPE
	15D

SOIL No.	SOIL NAME	HYDROLOGIC SOIL GROUP	TYPICAL SLOPES	EROSION FACTOR (K)	EROSION FACTOR (T)
11C	CRAVEN-UCHEE COMPLEX	D	6-10%	0.32-0.37	3
14B	EMPORIA FINE SANDY LOAM	B	2-6%	0.20-0.28	4
15D	EMPORIA COMPLEX	B	10-15%	0.20-0.28	4
17	JOHNSON COMPLEX	A/D	0-2%	0.17-0.20	5
29B	SLAGLE FINE SANDY LOAM	C	2-6%	0.24-0.24	3

INFORMATION TAKEN FROM "SOIL SURVEY OF JAMES CITY AND YORK COUNTIES AND THE CITY OF WILLIAMSBURG, VIRGINIA" ISSUED IN APRIL, 1985, BY THE UNITED STATES DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE IN COOPERATION WITH VIRGINIA POLYTECHNIC INSTITUTE

SOIL SUSCEPTIBILITY TO EROSION CLASSIFICATION (K)
 0.23 AND LOWER - LOW ERODIBILITY
 0.23 TO 0.36 - MODERATE ERODIBILITY
 0.36 AND UP - HIGH ERODIBILITY

THE MAP SHOWN IS A "BEST FIT MODEL" OF THE SCS MAPS WITH EXISTING BASE INFORMATION.

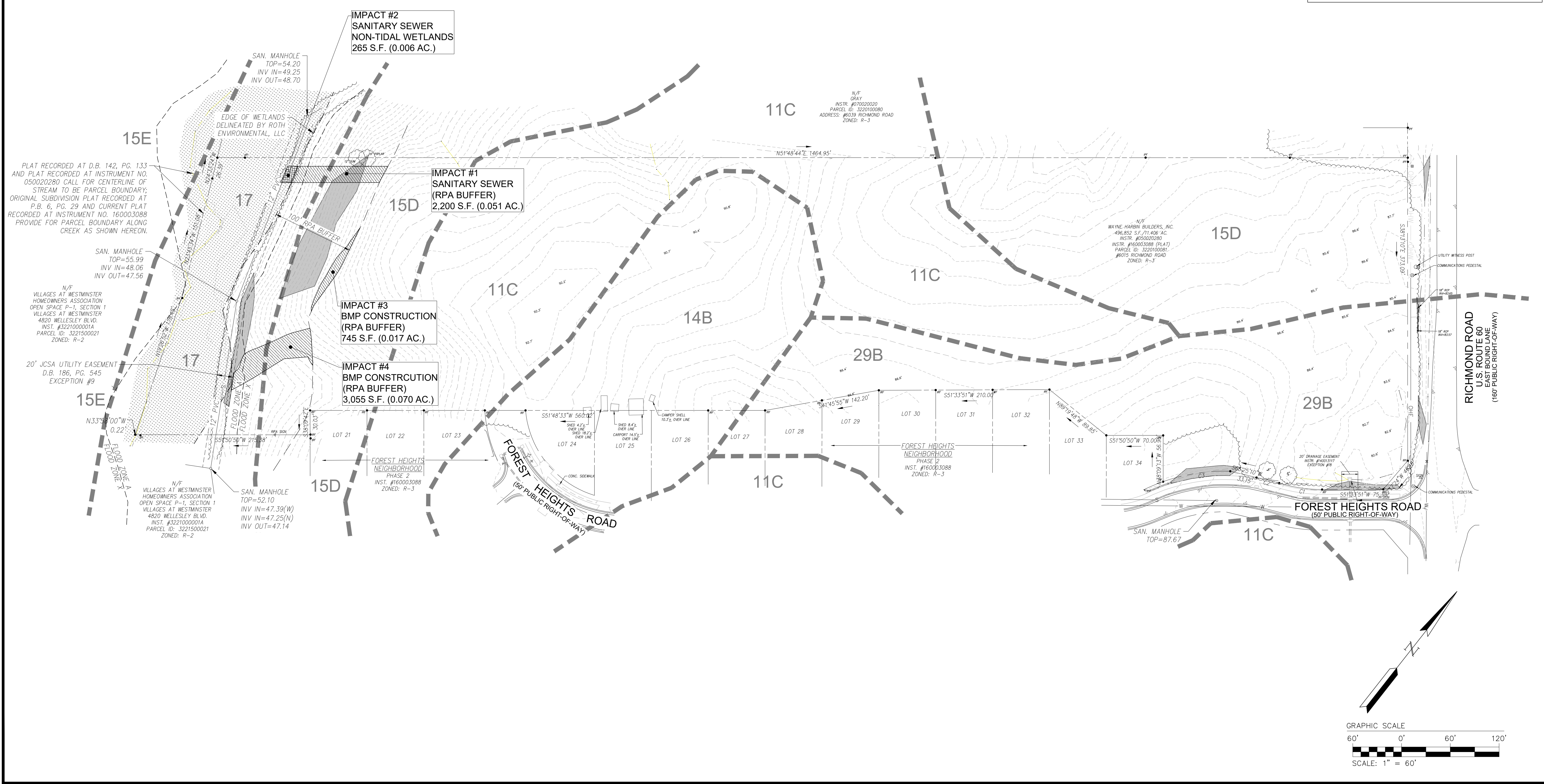
ENVIRONMENTAL INVENTORY IMPACTS	
TIDAL WETLANDS:	NONE ON SITE
TIDAL SHORES:	NONE ON SITE
NON-TIDAL WETLANDS:	0.006 ACRES
100 FT RPA BUFFER:	0.138 ACRES
NON TIDAL WETLANDS IN RMA:	NONE ON SITE
HYDRIC SOILS:	0.05 ACRES

NOTE: THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE "A" AND "X" AS SHOWN ON MAP NUMBER 51095001280, PANEL 0128, FOR COMMUNITY NUMBER 51095, DATED 12/16/15 OF THE FLOOD INSURANCE RATE MAPS FOR JAMES CITY COUNTY, VIRGINIA. ZONE "A" IS A SPECIAL FLOOD HAZARD AREA WITHOUT BASE FLOOD FLOOD ELEVATION, AND ZONE "X" IS DEFINED AS AREAS TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN.

NOTE: PHASE I ENVIRONMENTAL SITE ASSESSMENT CONDUCTED BY ROTH ENVIRONMENTAL IN JANUARY 2020.

NOTE: PRELIMINARY JURISDICTIONAL NON-TIDAL WETLANDS, U.S. ARMY CORPS OF ENGINEERS PERMIT #NAO-2020-00388 (LONGHILL SWAMP), VALID UNTIL 03/18/2025 PER U.S. ARMY CORPS OF ENGINEERS, NORFOLK DISTRICT LETTER DATED 03/19/2020; 32,670 S.F./0.75 ACRES; 380 L.F.

LEGEND	
	DENOTES 25% OR GREATER SLOPES
	DENOTES JURISDICTIONAL NON-TIDAL WETLANDS
	DENOTES IMPACT TO JURISDICTIONAL NON-TIDAL WETLANDS
	DENOTES IMPACT TO 100' RPA BUFFER



NO.	DATE	REVISION / COMMENT / NOTE



WATER QUALITY IMPACT ASSESSMENT
 FOR
 FOREST HEIGHTS NEIGHBORHOOD
 PHASE II
 PROPOSED TOWNHOMES
 JAMES CITY COUNTY POWHATAN MAGISTERIAL DISTRICT VIRGINIA

Scale: 1"=60'
Date: May 28, 2021
Job Number: 17-268
Designed By: GSW
Sheet Title:
EXHIBIT A
Sheet Number: 1



PUBLIC HEARING NOTICE

THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY, AUGUST 11, 2021 AT 5 P.M.** IN THE COUNTY GOVERNMENT CONFERENCE ROOM OF BUILDING D, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA 21-0079: Wayne Harbin Builder, Inc., has filed an exception request for encroachments into the RPA buffer for sanitary sewer installation and Stormwater Management BMP construction at 6015 Richmond Road, JCC Parcel ID No. 3220100081.

CBPA 21-0089: Mr. Mark and Ms. Linda Wenger, have filed an exception request for encroachments into the RPA buffer for the construction of a deck at 105 Thorpe's Parish, JCC Parcel ID No. 5030300015.

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

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 – AUGUST 4, 2021 and JULY 28, 2021.
ACCOUNT NO. CU00015112
VIRGINIA GAZETTE
1/8 PAGE, VERTICAL, B/W
CARD # x9941

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

July 21, 2021

RE: CBPA 21-0079
6015 Richmond Road
Sanitary Sewer Installation and Stormwater Management BMP construction

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 Wayne Harbin Builder, Inc. for encroachment into the Resource Protection Area (RPA) buffer for the construction of a sanitary sewer installation and Stormwater Management BMP. The project is located at 6015 Richmond Road and further identified as JCC Parcel No. 3220100081.

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, August 11, 2021 at 5:00 p.m.**, in the Conference Room of Building D, 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: Wayne Harbin Builder, Inc.
Attn: Mr. Brad Harbin

MDW: jep

Mailing List for: CBPA-21-0079–6015 Richmond Road:- Sanitary Sewer Installation and Stormwater Management BMP

Owner & Contractor:: 3220100081- 6015

Richmond Road

Wayne Harbin Builder, Inc.

Attn: Mr. Brad Harbin

3705 Strawberry Plains Road, Suite D

Williamsburg, VA 23188-3423

3220100080- 6039 Richmond Road

Gray, Mel & Shanise Kotina

102 Allyson Drive

Williamsburg, VA 23188-1703

3221000001A – 4820 Wellesley Boulevard

Villages at Westminster Homeowners Assoc.

c/o Berkeley Realty Property Management

150 Strawberry Plains Road #A1

Williamsburg, VA 23188-3408

3220100042A

Brown, William A, Jr. & Lakisha D

177 Clark Lane

Williamsburg, VA 23188-1704

3220400003

Johnson, India

115 Forest Heights Road

Williamsburg, VA 23188-1706

3221500027- 141 Forest Heights Road

Barlett, Betty J

P.O. Box 435

Lightfoot, VA 23090-0435

3221500026

Barlett, Betty J

145 Forest Heights Road

Williamsburg, VA 23188-1706

3221500022

Wilhoit, Todd A & Picazo, Christian

169 Forest Heights Road

Williamsburg, VA 23188-1706

Engineer:

Landtech Resources, Inc.

Attn: Mr. Greg Warren

205-E Bulifants Boulevard

Williamsburg, VA 23188-5740

3001500033- 119 Forest Heights Road

3221500032- 123 Forest Height Road

3221400030- 129 Forest Heights Road

3221500029- 133 Forest Heights Road

Habitat For Humanity Peninsula & Greater

Williamsburg

P.O. Box 1443

Newport News, VA 23601-0443

3221500025- 149 Forest Heights Road

3221500024- 153 Forest Heights Road

Billups, Allen J & Earldean N

P.O. Box 112

Lightfoot, VA 23090-0112

3221500028

Anderson, Doris

137 Forest Heights Road

Williamsburg, VA 23188-1706

3221500031- 127 Forest Heights Road

Washington, Clara

429 Emerald Trail Way

Horizon City, TX 79928-6474

3221500023

Jordan, Robert C & Sarah O

165 Forest Heights Road

Williamsburg, VA 23188-1706

3221500021-173 Forest Heights Road

Gutierrez, Ruben Arroyo, Trustee

c/o Ginsberg, Caryn

6553 Orland Street

Falls Church, VA 22043-1813

3220100040-179 Clark Lane
Talley, Lillian F, Trustee
10381 Smithport Drive
Mechanicsville, VA 23116-4708

3220100111
Jackson, Cynthia
171 Clark Lane
Williamsburg, VA 23188-1704

3220100042-175 Clark Lane
Frazier, Alexander Jose
4810 Moss Side Lane
Williamsburg, VA 23188-6703

3220100048-167 Clark Lane
McGilvary, Cynthia Alberta
7824 Vermont Road
West Point, VA 23181-3203