A G E N D A JAMES CITY COUNTY CHESAPEAKE BAY BOARD REGULAR MEETING

County Government Center, Building F February 9, 2022 5:00 PM

- A. CALL TO ORDER
- B. ROLL CALL
- C. MINUTES
 - 1. Minutes from the January 12, 2022 Regular Meeting
- D. PUBLIC HEARINGS
 - 1. CBPA-21-0200 : 7581 Richmond Road
 - 2. CBPA-21-0211: 19 Windjammer Court
- E. BOARD CONSIDERATIONS
- F. MATTERS OF SPECIAL PRIVILEGE
- G. ADJOURNMENT

AGENDA ITEM NO. C.1.

ITEM SUMMARY

DATE: 2/9/2022

TO: Chesapeake Bay Board

FROM: Trevor Long, Chesapeake Bay Board Secretary

SUBJECT: Minutes from the January 12, 2022 Regular Meeting

ATTACHMENTS:

Description Type
Minutes Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	2/2/2022 - 5:10 PM
Chesapeake Bay Group	Small, Toni	Approved	2/3/2022 - 7:50 AM
Publication Management	Daniel, Martha	Approved	2/3/2022 - 8:17 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	2/3/2022 - 8:18 AM

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

County Government Center, Building F January 12, 2022 5:00 PM

A. CALL TO ORDER

The Chesapeake Bay Board meeting for January 12, 2022, was called to order.

The responsibility of this Board is to carry out locally the Commonwealth policy to protect against and minimize pollution and deposition of sediment in wetlands, streams, and lakes in James City County, which are tributaries of the Chesapeake Bay.

B. ROLL CALL

Board Members Present:

David Gussman, Chairman Halle Dunn William Apperson Charles Roadley Larry Waltrip

Board Members Absent:

None

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 Robin Benedict, Watershed Planner, Stormwater and Resource Protection

C. MINUTES

1. Minutes from November 10, 2021, Regular Meeting

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

The minutes were approved on a voice vote.

D. PUBLIC HEARINGS

1. CBPA 21-0164: 3041 Heritage Landing Road

Ms. Robin Benedict, Watershed Planner, presented the exception request submitted by Mr. Richard Schauffler, for encroachments into the Resource Protection Area (RPA) buffer for the replacement and expansion of an existing retaining wall located at 3041 Heritage Landing Road, within the Heritage Landing Subdivision and the James River watershed. The property is further identified as James City County Tax Map Parcel No. 4510500015. 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 opened the Public Hearing.

A. Mr. Richard Schauffler outlined the project for the Board.

B. Mr. Michael Halladay, 3037 Heritage Landing Road, offered support of this application.

Mr. Gussman closed the Public Hearing.

Mr. Dunn made a motion to Adopt the resolution for Chesapeake Bay Board Case No. CBPA 21-0164 at 3041 Heritage Landing Road.

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

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

AYES: Gussman, Dunn, Apperson, Roadley, Waltrip

NAYS: None ABSENT: None

2. CBPA 21-0178: 5508 Swan Road

Mr. Michael Woolson, Resource Protection Section Chief, presented the exception request submitted by Mr. Scott Marlow, Marlow's We Care Company, Inc. on behalf of Mr. Jason and Mrs. Aida Hoyle, for encroachments into the (RPA) buffer for the installation of a retaining wall located at 5508 Swan Road, within the Mallard Hill Subdivision and the Powhatan Creek watershed. The property is further identified as James City County Tax Map Parcel No. 3140600011. 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 opened the Public Hearing.

A. Mr. Scott Marlow, Marlow's We Care Company, Inc., outlined the project for the Board.

Mr. Gussman closed the Public Hearing.

Mr. Apperson made a motion to Adopt the resolution for Chesapeake Bay Board Case No. CBPA 21-0178 at 5508 Swan Road.

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

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

AYES: Gussman, Dunn, Apperson, Roadley, Waltrip

NAYS: None ABSENT: None

3. CBPA 21-0194: 4812 Bristol Circle

Ms. Robin Benedict, Watershed Planner, presented the exception request submitted by Mr. Kenneth Jefferson, for encroachments into the (RPA) buffer for the construction of a playhouse located at 4812 Bristol Circle, within the Westray Downs Subdivision and the Mill Creek watershed. The property is further identified as James City County Tax Map Parcel No. 4721700023. 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 opened the Public Hearing.

A. Mr. Kenneth Jefferson outlined the project for the Board.

Mr. Gussman closed the Public Hearing.

Mr. Apperson made a motion to Adopt the resolution for Chesapeake Bay Board Case No. CBPA 21-0194 at 4812 Bristol Circle.

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

AYES: 4 NAYS: 1 ABSTAIN: 0 ABSENT: 0 AYES: Gussman, Apperson, Roadley, Waltrip

NAYS: Dunn ABSENT: None

4. CBPA 21-0130: 115 Heathery

Ms. Robin Benedict, Watershed Planner, presented the exception request submitted by Mr. Chase Grogg, LandTech Resources, Inc. on behalf of Elite E and E Investments, LLC, for encroachments into the (RPA) buffer for the construction of a single-family dwelling located at 115 Heathery, within the Ford's Colony Subdivision and the Powhatan Creek watershed. The property is further identified as James City County Tax Map Parcel No. 3810400146. 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 inquired of the location of the wetlands and the distance of the wetlands line from the proposed edge of the house.

Ms. Benedict deferred an answer to the applicant.

Mr. Gussman inquired of the percentage of the house in the RPA.

Ms. Benedict replied, 100 percent.

Mr. Waltrip inquired of the elevation of the house verses the wetlands on the floodplain.

Ms. Benedict deferred an answer to the applicant.

Mr. Woolson explained the wetlands floodplain issue would be addressed at the Building Permits stage, which includes the finished floor elevation being 2' or greater than the floodplain elevation on that lot. The house will be built on a crawlspace with flood vents installed to allow any future floodwaters to go in and out without damaging the structural foundation and integrity of the home.

Mr. Gussman opened the Public Hearing.

A. Mr. Chase Grogg, LandTech Resources, Inc., outlined the project for the Board. The house is about 5' off the right edge of the wetlands. He further explained the house elevation verses the regulations.

Mr. Gussman closed the Public Hearing.

Discussion ensued.

Mr. Dunn made a motion to Adopt the resolution for Chesapeake Bay Board Case No. CBPA 21-0130 at 115 Heathery.

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

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

AYES: Dunn, Apperson, Roadley, Waltrip

NAYS: Gussman ABSENT: None

5. CBPA 21-0185: 215 St. Cuthbert

Ms. Robin Benedict, Watershed Planner, presented the exception request submitted by Mr. Chase Grogg, LandTech Resources, Inc. on behalf of Mr. Daniel and Mrs. Jo Anna Wilson, for encroachments into the (RPA) buffer for the construction of a single-family dwelling with attached deck and patio, located at 215 St. Cuthbert, within the Ford's Colony Subdivision and the Powhatan Creek watershed. The property is further identified as James City County Tax Map Parcel No. 3721000051. 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 opened the Public Hearing.

A. Mr. Chase Grogg, LandTech Resources, Inc., outlined the project for the Board.

Mr. Gussman inquired of the pond being retention or a natural pond.

Mr. Woolson confirmed that the pond is a Best Management Practices (BMP) pond.

Mr. Gussman inquired if down spouts were to be buried.

Discussion ensued concerning down spouts, ground gutters, piping, and gravel for the reduction of uncontrolled runoff and erosion to protect the side swales.

B. Mr. Daniel and Mrs. Jo Anna Wilson, Wharton, VA, owners, were available for questions from the Board.

Mr. Gussman closed the Public Hearing.

Mr. Waltrip made a motion to Adopt the resolution for Chesapeake Bay Board Case No. CBPA 21-0185 at 215 St. Cuthbert.

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

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

AYES: Gussman, Dunn, Apperson, Roadley, Waltrip

NAYS: None ABSENT: None

E. BOARD CONSIDERATIONS

CBPA 20-0153 164 West Landing

Ms. Robin Benedict, Watershed Planner, presented the extension request submitted by Ms. Carrie Morelli for a one-year extension of the exception request originally granted on February 10, 2021. The exception request was for construction of a pool and pool house located at 164 West Landing in The Landing Subdivision and College Creek watershed. Staff concurred with this request and all other conditions of the approving resolution would still apply with a new expiration date of January 12, 2023.

Mr. Roadley made a motion to Adopt the resolution for Extension for Chesapeake Bay Board Case No. CBE 20-0153 at 164 West Landing.

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

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

AYES: Gussman, Dunn, Apperson, Roadley, Waltrip

NAYS: None ABSENT: None

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

Ms. Robin Benedict, Watershed Planner, presented the extension request submitted by Ms. Jennifer Privette, for a fourth extension of the exception request originally granted on March 8, 2017. The exception request was for construction of a room addition associated with an existing single-family dwelling located at 7515 Oak Cove Road in the Yarmouth Creek watershed. Staff concurred with this request and all other conditions of the approving resolution would still apply with a new expiration date of January 12, 2023.

Mr. Dunn made a motion to Adopt the resolution for Extension for Chesapeake Bay Board Case No. CBE-17-048 at 7515 Oak Cove Road.

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

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

AYES: Gussman, Dunn, Apperson, Roadley, Waltrip

NAYS: None ABSENT: None

3. Appeal of Notice of Violation: 5032 River Drive

Ms. Liz Parman, Assistant County Attorney, presented the two appeals of Notice of Violation of the Chesapeake Bay Ordinance at 5032 River Drive. Two deferrals were previously granted to Mr. Danny Patterson. Mr. R. A. Coleman, Inc., contractor also appealed the Notice of Violation. Here today on both of those appeals.

A. Mr. Greg Bean, Esquire, Gordon Rees Scully Mansukhani, LLP, outlined his concerns for the Board.

Ms. Parman requested the Board leave Resolutions as is, as she foresees litigation on this issue and she has drafted Resolutions to best serve James City County's position.

Mr. Dunn made a motion to Affirm the two Chesapeake Bay Violations issued to Mr. R. A. Coleman, Inc. and to Mr. Danny Patterson at 5032 River Drive pursuant to the Chesapeake Bay Ordinance.

A motion to Affirm the two Chesapeake Bay Violations issued to Mr. R. A. Coleman, Inc. and to Mr. Danny Patterson, pursuant to the Chesapeake Bay Ordinance was made by Mr. Dunn, the motion result was:

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

AYES: Gussman, Dunn, Apperson, Roadley, Waltrip

NAYS: None ABSENT: None

F. MATTERS OF SPECIAL PRIVILEGE

1. Colonial Soil and Water Conservation District – 2021 Update.

Presentation by Mr. Douglas Hall, Colonial Soil and Water Conservation District.

Highlights included, Williamsburg Community Growers Partnership,

Virginia Conservation Assistance Program, (VCAP).

Turf Love, Ms. Robyn Woolsey has 298 certified nutrient management plans for privately owned properties and 34 JCC owned properties with support from JCC/Williamsburg Master Gardeners, Ms. Judy McCormack, Mr. Dave Kleppinger and Ms. Wendy Hamrick, and

Shoreline Evaluation Program, shoreline assessment from District Staff and Master Gardener volunteers, covering 152 miles of shoreline. Training from Virginia

Institute of Marine Science (VIMS), JCC Stormwater & Resource Protect staff and Northern Neck Master Gardener leaders.

G. ADJOURNMENT

A motion to Adjourn was made by Mr. Roa	adley and approved on a voice vote.	
The meeting adjourned at 6:52 p.m.		
David Gussman	Michael Woolson	
Chair, Chesapeake Bay Board	Section Chief	

AGENDA ITEM NO. D.1.

ITEM SUMMARY

DATE: 2/9/2022

TO: Chesapeake Bay Board

FROM: Trevor Long

SUBJECT: CBPA-21-0200: 7581 Richmond Road

CBPA-21-0200: Mr. Ryan Stephenson, AES Consulting Engineers, has filed an exception request for encroachments into the Resource Protection Area (RPA) buffer for the construction of three temporary sediment traps at 7581 Richmond Road, JCC Parcel ID No. 2310100002.

ATTACHMENTS:

	Description	Type
D	Staff Report	Staff Report
D	Resolution	Resolution
D	WQIA & Site Plan	Backup Material
D	Presentation	Presentation
D	Adjacent Property Owner Letter	Backup Material
ם	Adjacent Property Owner List	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	2/2/2022 - 5:10 PM
Chesapeake Bay Group	Small, Toni	Approved	2/3/2022 - 7:48 AM
Publication Management	Daniel, Martha	Approved	2/3/2022 - 8:26 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	2/3/2022 - 10:52 AM

CHESAPEAKE BAY BOARD EXCEPTION No. CBPA 21-0200. 7581 Richmond Road Staff Report for the February 9, 2022, 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: Ms. Lisa Marston

Agent: Mr. Ryan Stephenson, AES Consulting Engineers

Location: 7581 Richmond Road

Parcel Identification No.: 2310100002

Parcel: Oakland Pointe

Lot Size: 14.54 acres

Area of Lot in Resource

Protection Area (RPA): 4.51 acres +/- (31%)

Watershed: Yarmouth Creek (HUC JL 28)

Floodplain: None

Proposed Activity: Construction of three sediment traps

Impervious Cover: 9,876 square feet

RPA Encroachment: 9,876 square feet, landward 50-foot RPA

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

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Ryan Stephenson, AES Consulting Engineers, has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of three sediment traps on property located at 7581 Richmond Road within the Stonehouse subdivision and the Yarmouth Creek watershed. The property is further identified as James City County Tax Map Parcel No. 2310100002. The parcel was platted in 1974 prior to the changes in the Chesapeake Bay Preservation Ordinance in 1990.

The total lot size of this property is 14.54 acres, of which 31% is located within the RPA. The applicant is proposing to construct three sediment traps for the construction of an apartment complex, equating to approximately 9,876 square feet of impacts in the landward 50-foot RPA. Runoff from the proposed sediment traps will discharge to the existing Best Management Practice (BMP), also known as Marston Pond. The applicant has stated that the proposed sediment traps are to be incorporated into the final drainage design and will be converted into sediment forebays to the existing BMP to help improve water quality onsite. Total impacts to the RPA equate to 9,876 square feet; therefore, required mitigation of this amount of impervious impacts equals 25 planting units (25 canopy trees, 50 understory trees, and 75 shrubs).

STAFF EVALUATION

Staff has evaluated the application and exception request for the construction of three temporary sediment traps. This application meets the Ordinance conditions in Sections 23-11 and 23-14 and should be heard by the Board because the construction can 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 major 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; and
- 2. The plantings of 25 planting units (25 canopy trees, 50 understory trees, and 75 shrubs); and
- 3. A surety of \$12,500 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 February 9, 2024; and
- 5. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than December 29, 2023, six weeks prior to the expiration date.

TAL/ap CBPA21-200_7581RichmdRd

Attachments:

- 1. Resolution
- 2. Site Plan

RESOLUTION

CASE NO. CBPA 21-0200. 7581 RICHMOND ROAD

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

- WHEREAS, Mr. Ryan Stephenson, AES Consulting Engineers, on behalf of Ms. Lisa Marston (the "Applicant"), has applied to the Chesapeake Bay Board of James City County (the "Board") on February 9, 2022, 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. 2310100002 and further identified as 7581 Richmond Road (the "Property") as set forth in the application CBPA 21-0200 for the construction of three temporary sediment traps; 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; and
 - b. The plantings of 25 planting units (25 canopy trees, 50 understory trees, and 75 shrubs); and
 - c. A surety of \$12,500 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 February 9, 2024; and
- e. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than December 29, 2023, six weeks prior to the expiration date.

David Gussman	Trevor Long
Chair, Chesapeake Bay Board	Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 9th day of February, 2022.

CBPA21-200_7581RichmdRd-res

WATER QUALITY IMPACT ASSESSMENT for Site Plan Blaine Landing Apartments

SITE:

7581 Richmond Road Williamsburg, Virginia 23188

SUBMITTED TO:

James City County

Prepared By:

AES Consulting Engineers 5248 Olde Towne Road, Suite 1 Williamsburg, Virginia 23188

Original: October 1, 2021

AES Project No.: W10503-02 JCC Case No.: SP-21-0110





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- I INTRODUCTION
- II MAJOR WATER QUALITY IMPACT ASSESSMENT
 - A. IDENTIFICATION OF IMPACTS AND REQUIRED INFORMATION FOR REVIEW
 - B. PROPOSED MITIGATION
- III CONCLUSION

APPENDICES

APPENDIX A

SUPPORTING DOCUMENTS

I INTRODUCTION

This project is for the construction of four (4) apartment buildings serving 119 residential units, along with a clubhouse, pool and numerous amenities at 7581 Richmond Road within Williamsburg, Virginia. Additionally, this project includes accompanying drive aisles, parking, utilities, and sediment forebays to the existing BMP (Marston Pond).

The purpose of this assessment is to summarize and organize information pertaining to the proposed impacts within the Chesapeake Bay Preservation Area(s) (CBPAs), which are reasonably necessary for the re-development of this property, and to identify the proposed mitigation that addresses such impacts accordingly.

There are various specific areas of CBPA impacts related to the proposed re-development; Sections 23-7(b) and 23-11 of the James City County Chesapeake Bay Preservation Ordinances generally categorize these impacts. The Environmental Inventory, provided within Appendix A, identifies the locations of these CBPA impacts. The proposed mitigation described in this assessment has been incorporated into the 1st Submittal Site Plan, Drainage Plan, and Landscape Plan, which have also been provided within Appendix A.

The total CBPA impact is approximately 50,448 S.F. (1.16 AC.), which shall be considered as a Major Water Quality Impact.

II MAJOR WATER QUALITY IMPACT ASSESSMENT

A. IDENTIFICATION OF IMPACTS AND REQUIRED INFORMATION FOR REVIEW

The existing site is currently partially developed and mostly wooded. There is an existing residence with a driveway leading to Richmond Road along an existing stormwater management BMP (Marston Pond). Elevations range from $55\pm$ to $105\pm$ feet, with existing slopes onsite ranging from 0 to 25+ percent. The majority of stormwater runoff from the existing site discharges directly into Marston Pond.

The predominant soils onsite consist of the following:

- 11B Craven-Uchee Complex: HSG B/D with typical slopes ranging from 2-6%
- 11C Craven-Uchee Complex: HSG B/D with typical slopes ranging from 6-10%
- 15D Emporia Complex: HSG B with typical slopes ranging from 10-15%
- 15F Emporia Complex: HSG B with typical slopes ranging from 25-50%
- 17 Johnston Complex: HSG A/D with typical slopes ranging from 0-2%
- 19B Kempsville-Emporia Fine Sandy Loam: HSG A/B with typical slopes ranging from 2-6%
- 29B Slagle Fine Sandy Loam: HSG C with typical slopes ranging from 2-6%
- 31B Suffolk Fine Sandy Loam: HSG B with typical slopes ranging from 2-6%

The critical erosion areas, as it pertains to the overall subject property, are associated with the existing wetlands, RPA buffers, and slopes of 25% or greater. There are wetlands and RPA buffers located onsite associated with the existing Marston Pond.

RPA Buffer Impact

The total CBPA impact for the removal of the aforementioned existing driveway, addition of three sediment forebays, addition of a mulch 'soft' trail, addition of a multi-use trail, addition of a sidewalk path, and addition of various plantings within the RPA buffer is approximately 50,448 S.F. (1.16 AC.).

Careful consideration has been taken in order to minimize the impacts for the proposed redevelopment. The Environmental Inventory, provided within Appendix A, identifies the locations of these RPA buffer impacts. The proposed mitigation described in this assessment has been incorporated into the 1st Submittal Site Plan, Drainage Plan, and Landscape Plan, which have also been provided within Appendix A.

Although not dependent on the review and approval of this assessment, required permits necessary to develop this project include the following: a local Land Disturbing/Stormwater Construction Permit, Siltation Agreement with Surety, VDPES General Construction Permit, Building Permit, Wetlands Impact Permit, and VDOT Right-of-Way Permit. These permits as well as any other required permits shall be applied for upon site plan approval.

B. PROPOSED MITIGATION

In order to mitigate the RPA buffer impact associated with the proposed improvements listed above, three main design features shall be utilized. The existing driveway located within the RPA buffer shall be removed, thus reducing the amount of impervious area associated with this planimetric land feature within the CBPA. Three sediment forebays that shall act as pretreatment devices for the existing Marston Pond shall be incorporated into the drainage design for the proposed site. Lastly, an enhanced landscape planting plan shall be proposed in order to provide as much canopy cover within the RPA buffer as possible.

Mitigation for the installation of the aforementioned site improvements shall include as minimal disturbance to existing vegetation as possible. Initial mitigation efforts for the proposed RPA buffer impacts shall include, but are not limited to, the following Erosion and Sediment Control measures as described in the Virginia Erosion and Sediment Control Handbook: Tree Protection, Super Silt Fence, Rip Rap Protection, Temporary Seeding, and Permanent Seeding. These measures have been designed such that the preservation of existing vegetation shall be preserved to the greatest extent possible. Please refer to the Phase I & Phase II Erosion and Sediment Control Plans, which have been provided within Appendix A, for the location of these Erosion and Sediment Control measures.

III CONCLUSION

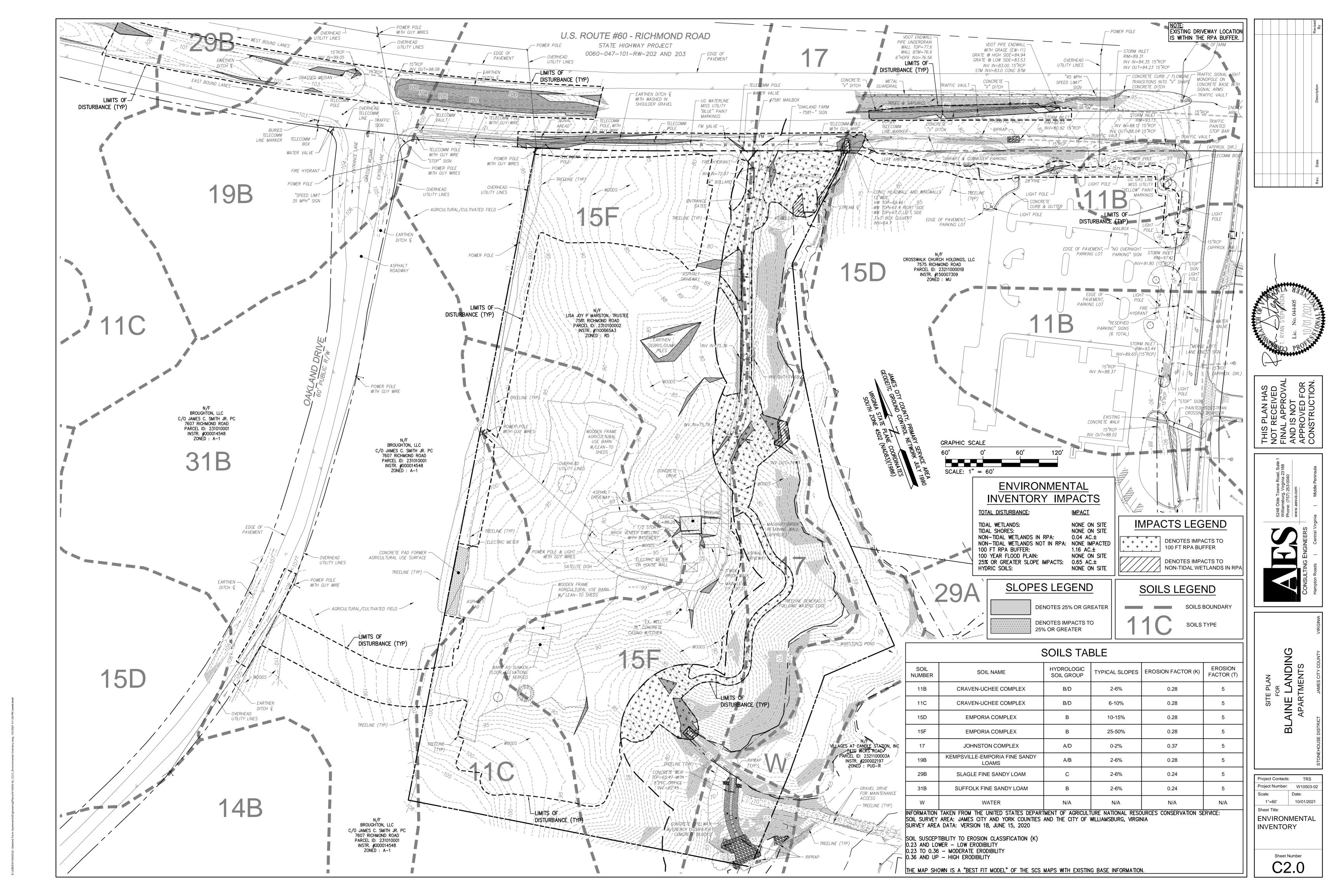
In conclusion, the findings of this Major Water Quality Impact Assessment indicate the following:

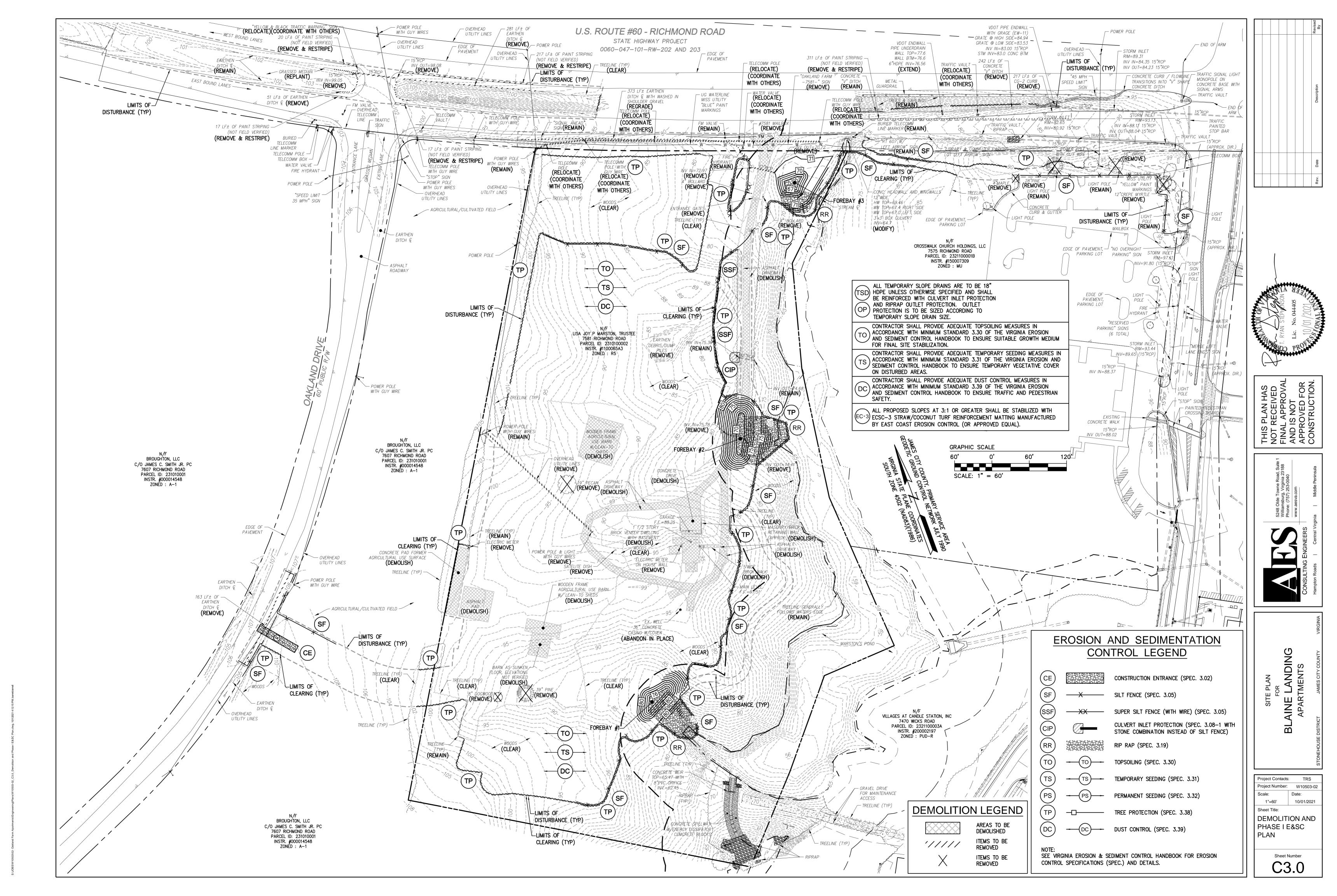
- 1. All measures or methods have been explored in order to avoid any impact to the specified CBPA. When unavoidable, the impacted area has been minimized to the greatest extent possible.
- 2. Extensive measures have also been employed to minimize the effects of the subsequent stormwater runoff to the receiving wetlands within the RPA buffer.
- 3. Erosion and Sediment Control measures and additional design features have been provided in order to mitigate the impacts described above.

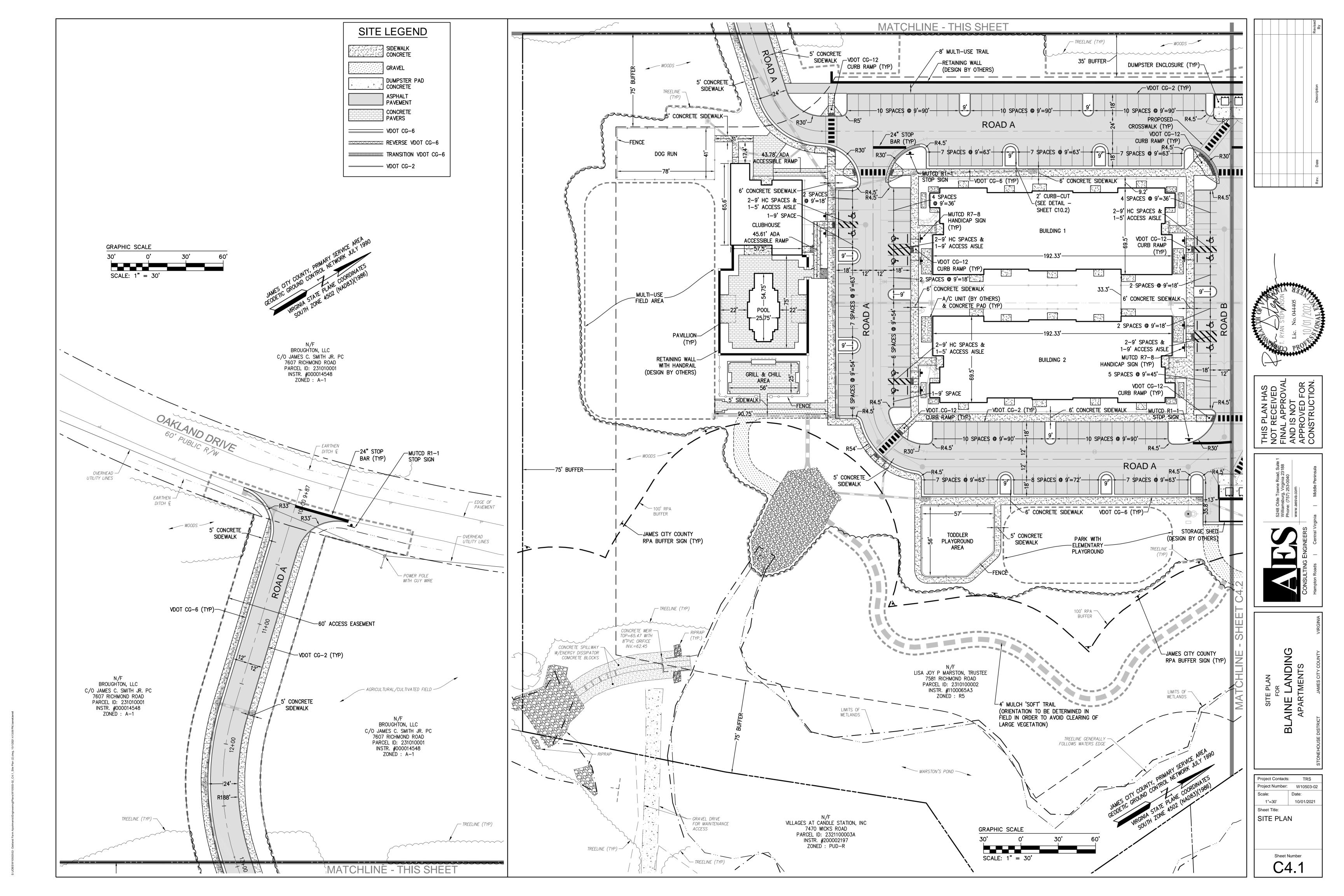
APPENDIX A

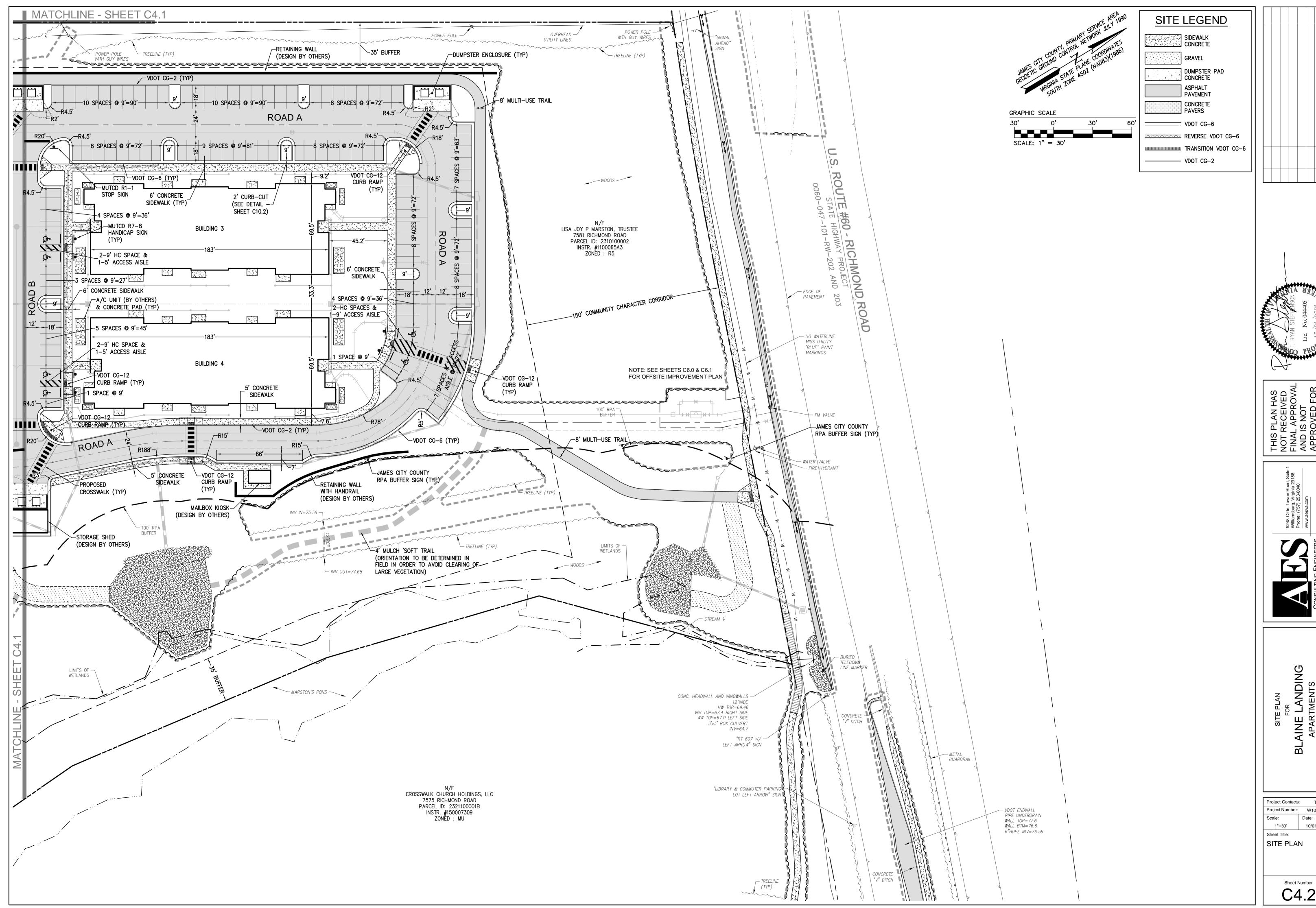
SUPPORTING DOCUMENTS

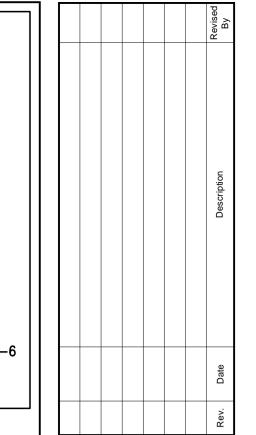
Environmental Inventory
Demolition and Phase I E&SC Plan
Site Plan
Drainage and Phase II E&SC Plan
Landscape Plan







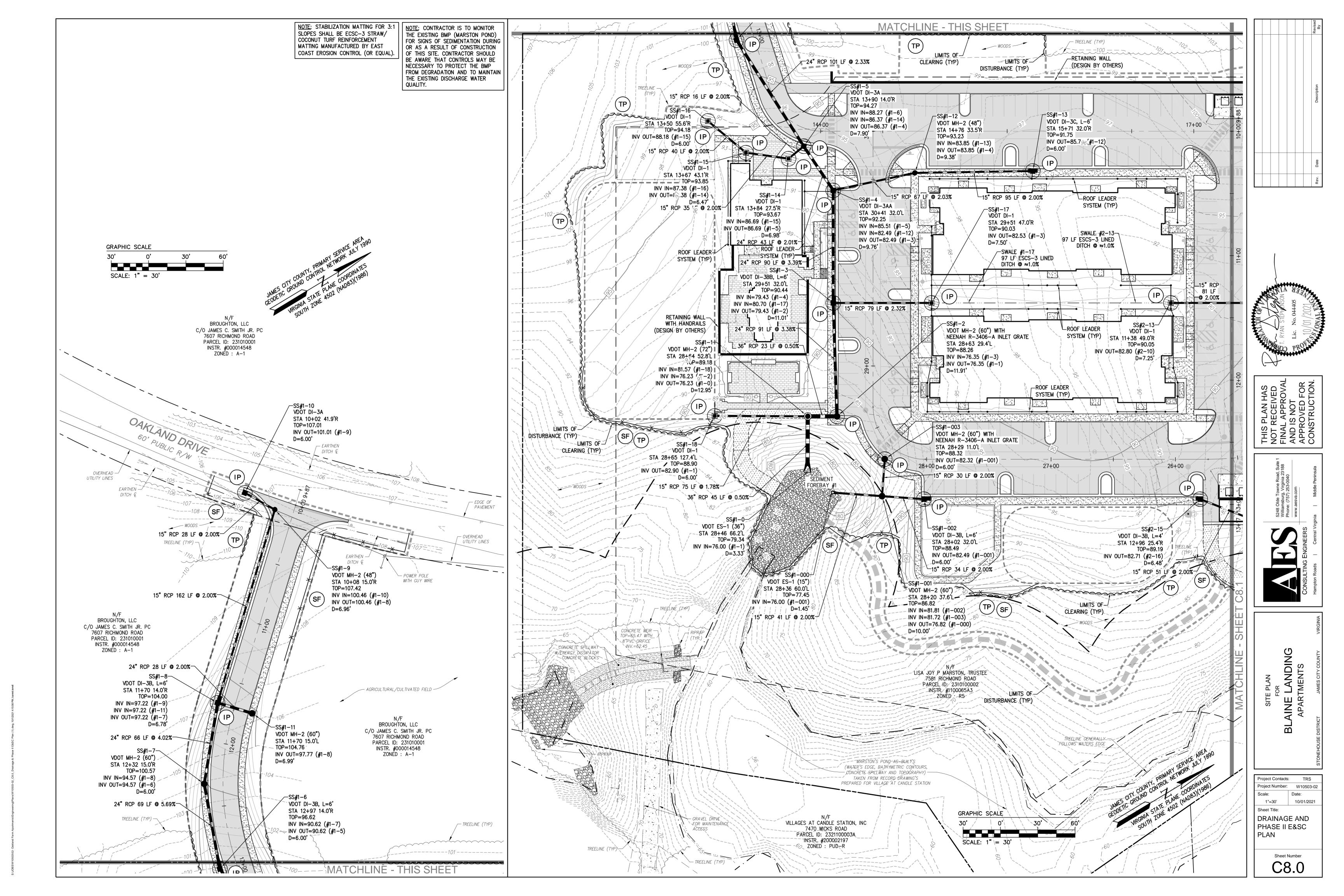


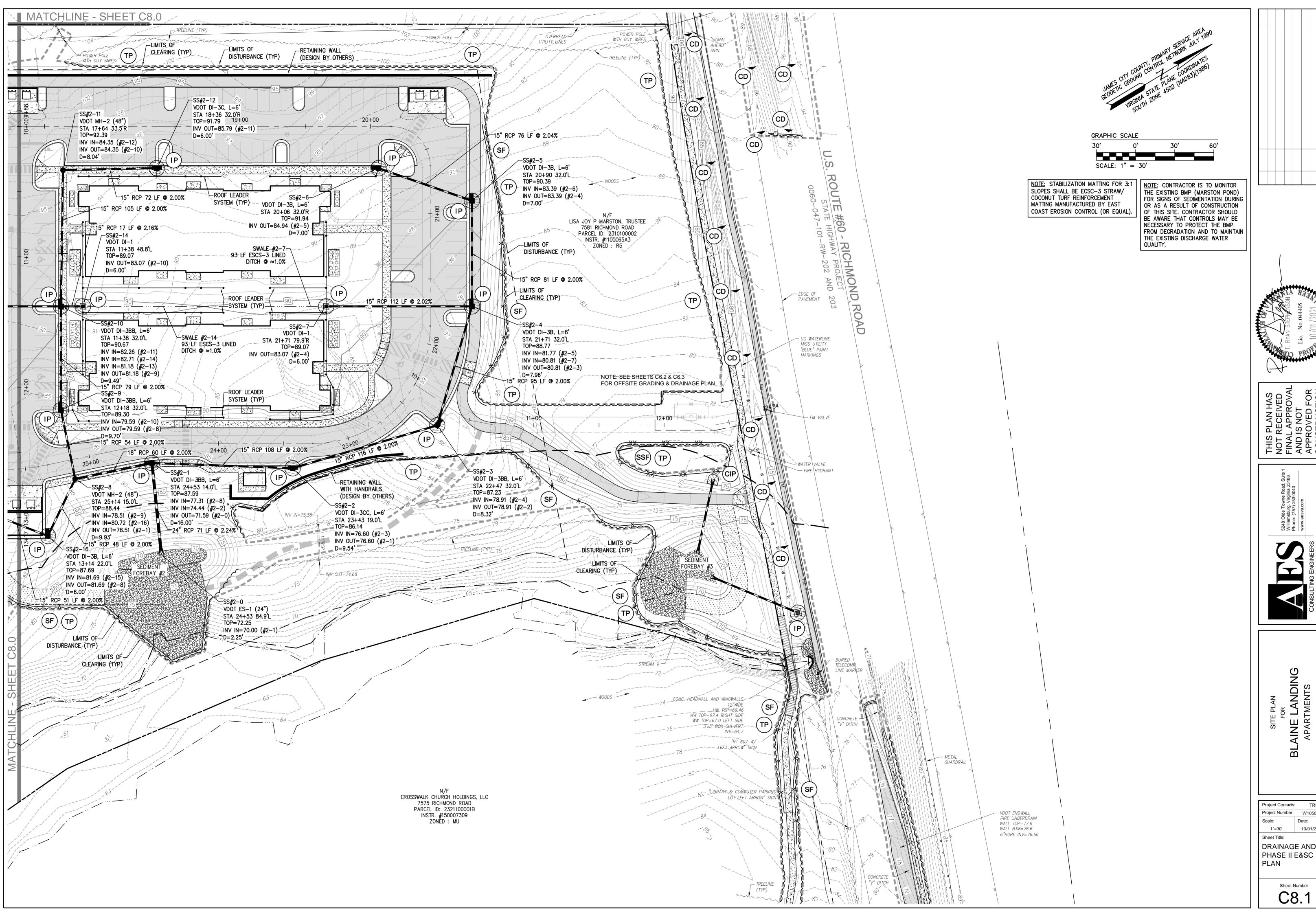




Project Number: W10503-02 10/01/2021

C4.2

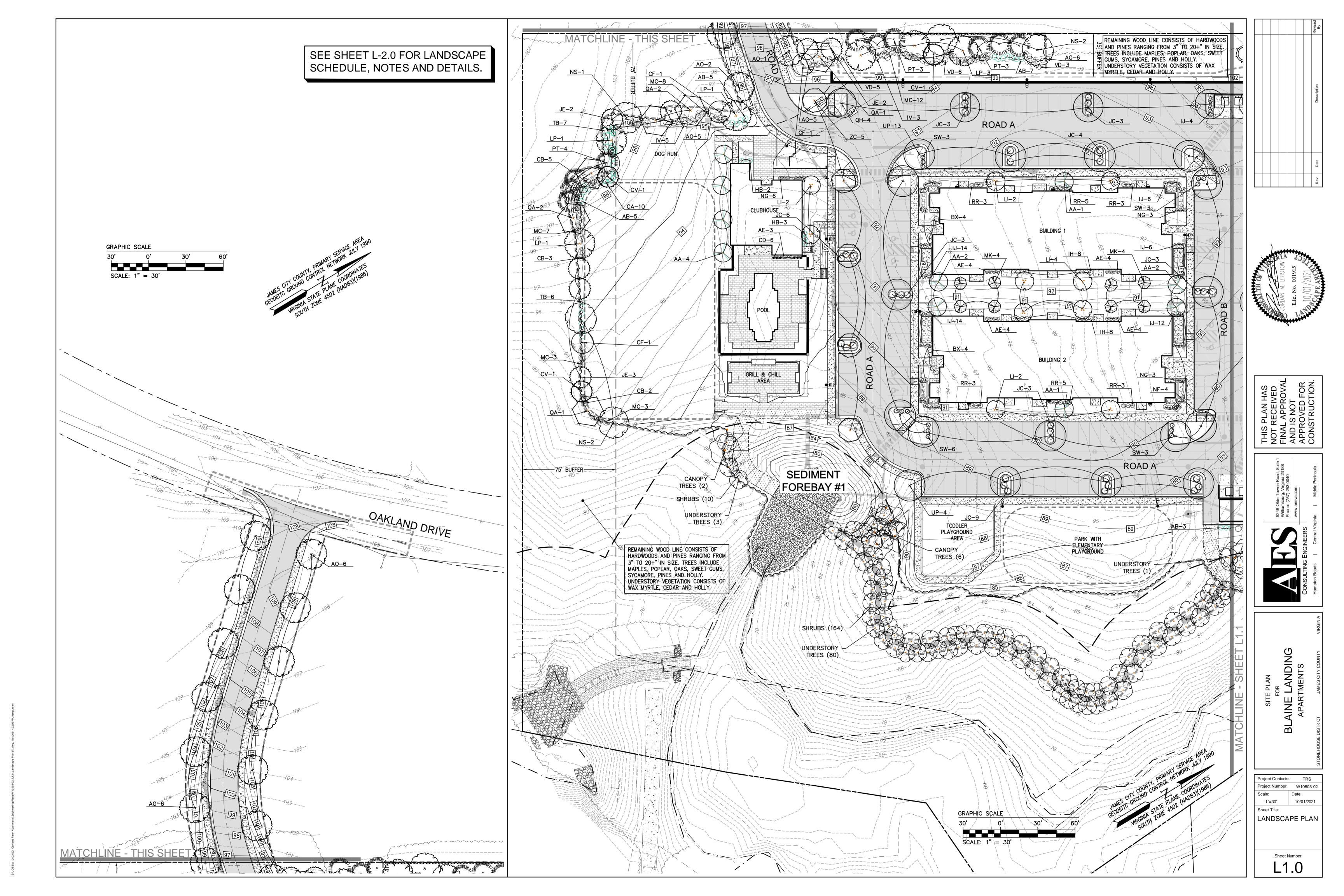


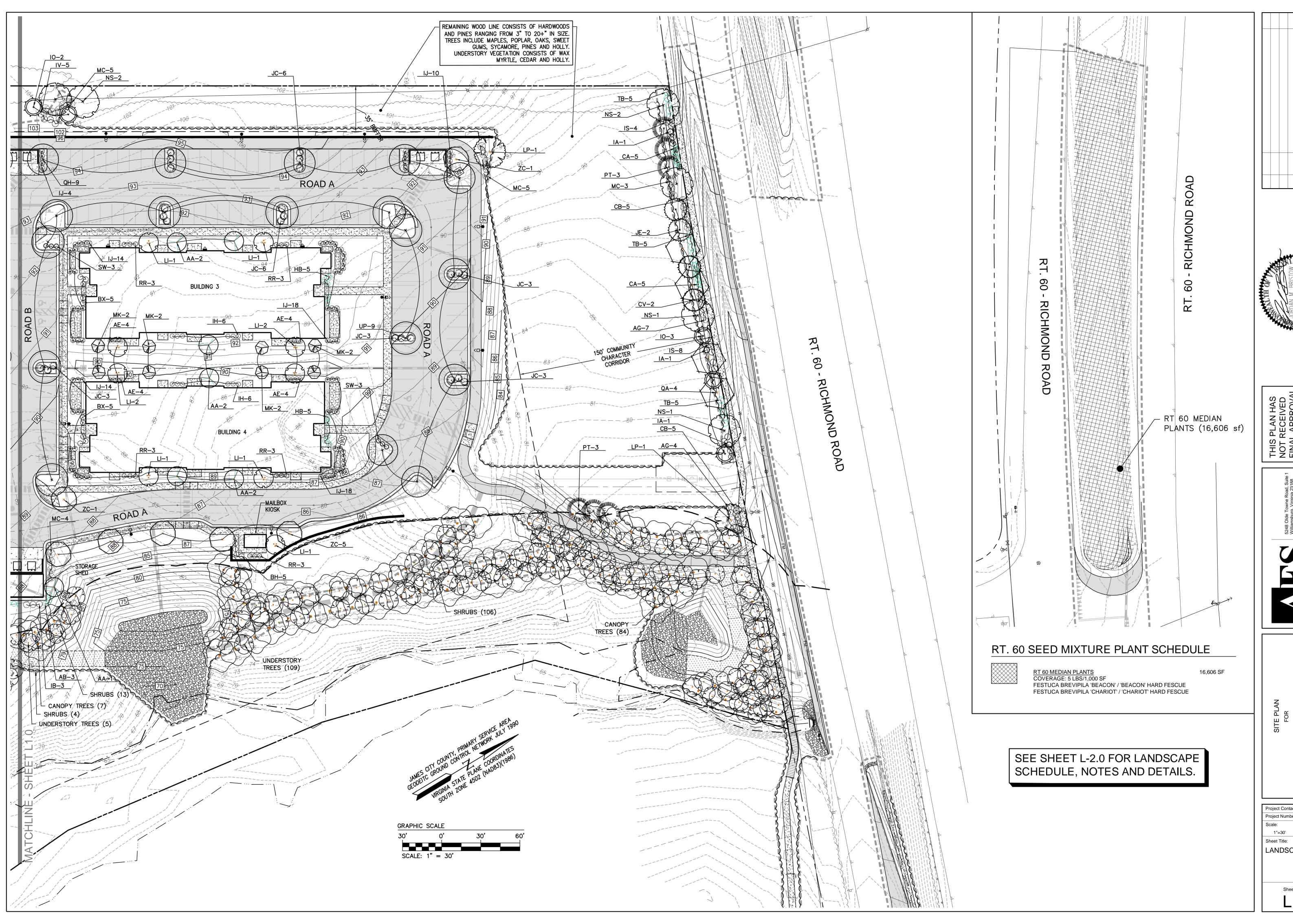




Project Number: W10503-02 10/01/2021 DRAINAGE AND

> Sheet Number C8.1





Rev. Date Description



NOT RECEIVED FINAL APPROVAL AND IS NOT APPROVED FOR CONSTRUCTION.

CONSULTING ENGINEERS

Hampton Roads | Central Virginia | Middle

BLAINE LANDING
APARTMENTS

Project Contacts: TRS
Project Number: W10503-02
Scale: Date:
1"=30' 10/01/2021
Sheet Title:
LANDSCAPE PLAN

Sheet Number



Chesapeake Bay Board of James City County, Virginia

February 9, 2022

CBPA 21-0200

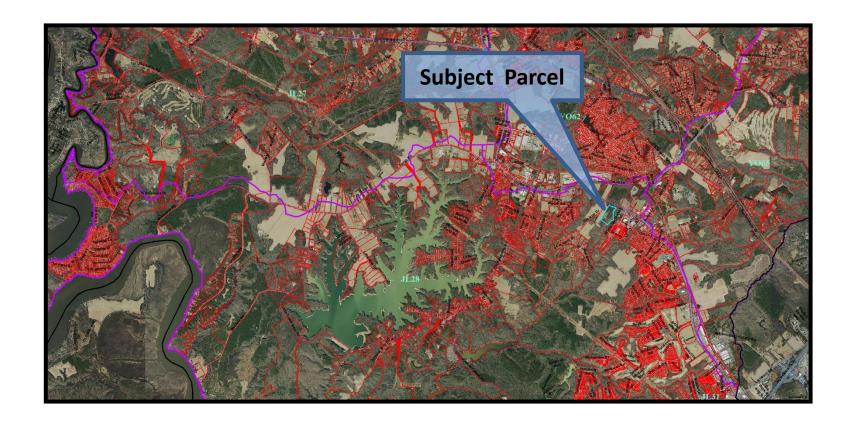
Ryan Stephenson

7581 Richmond Road

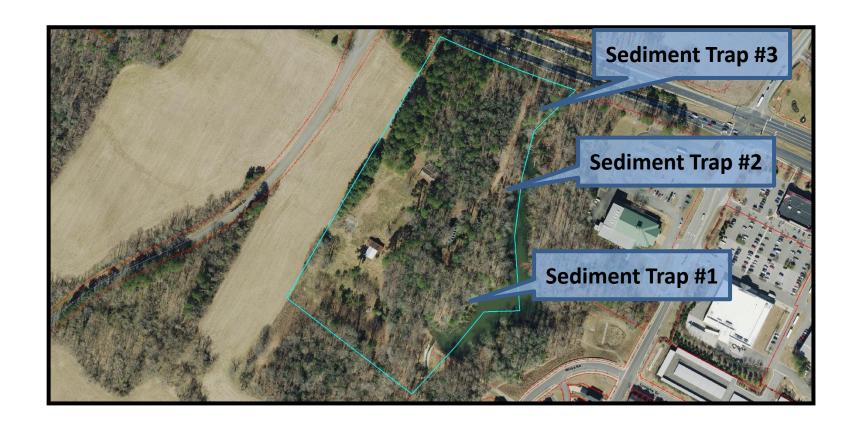


Applicant Request

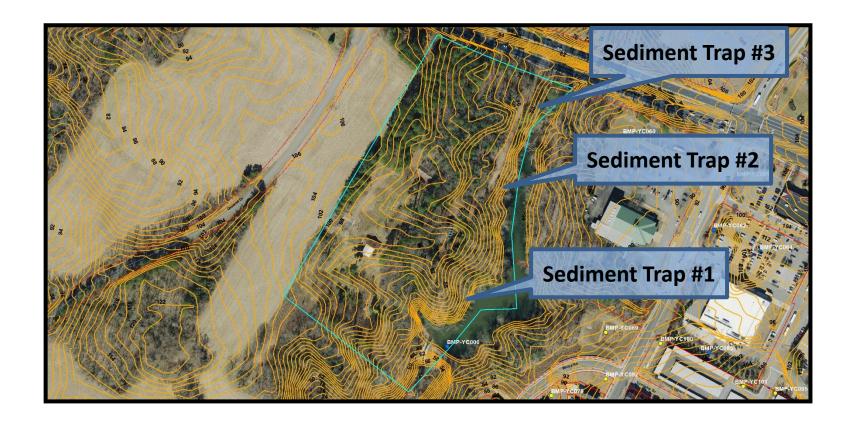
✓ Construction of three sediment traps.



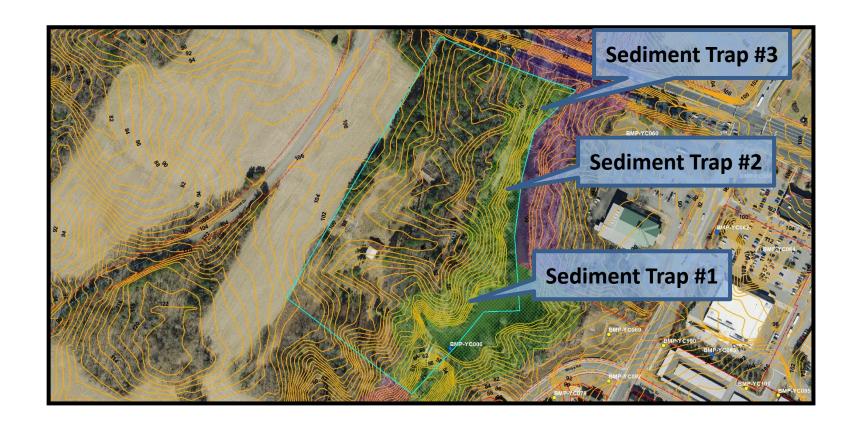
Vicinity Map CBPA-21-0200 7581 Richmond Road



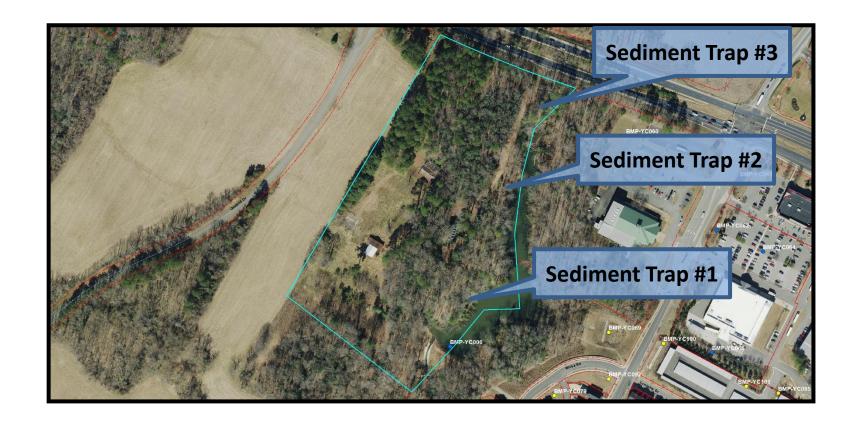
Aerial Photograph
CBPA-21-0200
7581 Richmond Road



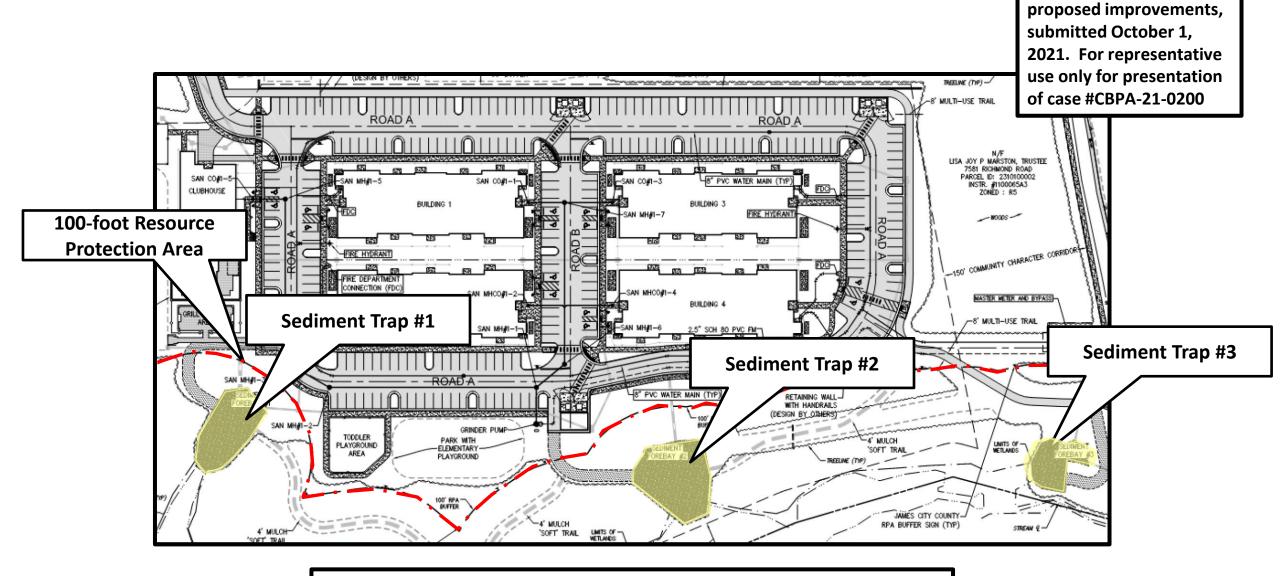
Topography
CBPA-21-0200
7581 Richmond Road



Resource Protection Area
CBPA-21-0200
7581 Richmond Road



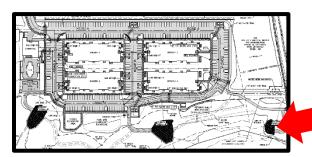
Existing BMPs
CBPA-21-0200
7581 Richmond Road



Site Plan showing

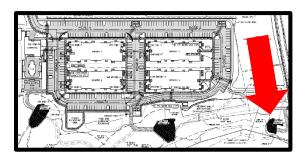
Site Plan - CBPA-21-0200 7581 Richmond Road





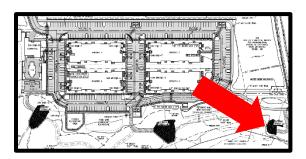
Site Photograph #1 - CBPA-21-0200 7581 Richmond Road





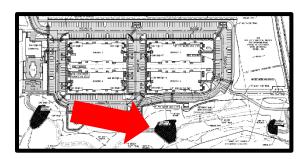
Site Photograph #2 - CBPA-21-0200 7581 Richmond Road





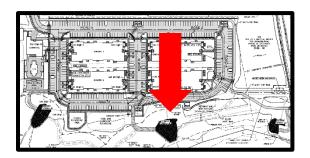
Site Photograph #3 - CBPA-21-0200 7581 Richmond Road





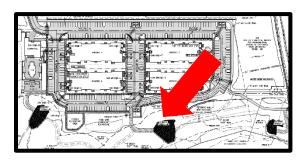
Site Photograph #4 - CBPA-21-0200 7581 Richmond Road





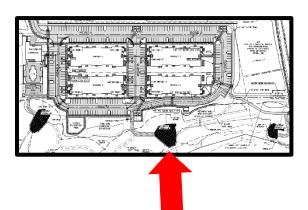
Site Photograph #5 - CBPA-21-0200 7581 Richmond Road





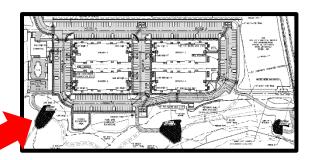
Site Photograph #6 - CBPA-21-0200 7581 Richmond Road





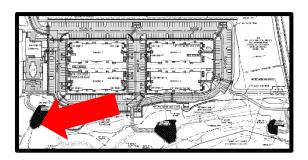
Site Photograph #7 - CBPA-21-0200 7581 Richmond Road





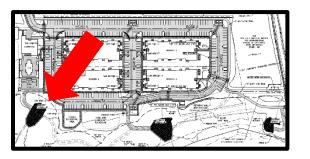
Site Photograph #8 - CBPA-21-0200 7581 Richmond Road





Site Photograph #9 - CBPA-21-0200 7581 Richmond Road





Site Photograph #10 - CBPA-21-0200 7581 Richmond Road

Permit Conditions Staff Recommendation – Approval



- All other necessary local, state and federal permits
- ✓ The plantings of 25 planting units
- ✓ A surety of \$12,500 to guarantee plantings
- This exception request approval shall become null and void if construction has not begun by February 9, 2024
- Written requests for extension submitted no later than December 29, 2023



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 19, 2022

RE: CBPA 21-0200

7581 Richmond Road

Three temporary sediment traps

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. Ryan Stephenson, AES Consulting Engineers for encroachment into the Resource Protection Area (RPA) buffer for three temporary sediment traps. The project is located at 7581 Richmond Road and further identified as JCC Parcel No. 2310100002.

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 9**, **2022**, **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,

Trevor Long

Trevor Long Chesapeake Bay Board Secretary 757-253-6789 trevor.long@jamescitycountyva.gov

cc: AES Consulting Engineers Attn: Mr. Ryan Stephenson

TL: jep

Mailing List for: CBPA-21-0200 –7581 Richmond Road: Three temporary Sediment Traps

Owner: 2310100002-7581 Richmond Road

Marston, Lisa Joy P, Trustee 7142 Mumford View Drive Hayes, VA 23072-3509

2310100001 - 7607 Richmond Road

Broughton LLC c/o Mr. James C. Smith, Jr., PC 101 Mill Road, Suite B Yorktown, VA 23693-3314

231100003A - 7470 Wicks Road

Villages at Candle Station Association, Inc. 5806 Mooretown Road Williamsburg, VA 23188-1712

Contractor:

AES Consulting Engineers Attn: Mr. Ryan Stephenson 5248 Olde Towne Rd, Unit 1 Williamsburg, VA 23188-1986

2321100001B

Crosswalk Church Holdings LLC 7575 Richmond Road Williamsburg, VA 23188-7226

1340100020

Pierce, Nancy Taylor Estate c/o Mr. Richard Earle Pierce, Administrator 106 Matoaka Court Williamsburg, VA 23185-2809

AGENDA ITEM NO. D.2.

ITEM SUMMARY

DATE: 2/9/2022

TO: Chesapeake Bay Board

FROM: Trevor Long

SUBJECT: CBPA-21-0211: 19 Windjammer Court

CBPA-21-0211: Mr. Darel Crumpler and Mr. Lance Frost, Country Village Mobile Home Park, have filed an exception request for encroachments into the RPA buffer for the replacement of a mobile home at 19 Windjammer Court, JCC Parcel ID No. 5920100001.

ATTACHMENTS:

	Description	Type
D	Staff Report	Staff Report
D	Resolution	Resolution
D	Site Plan	Backup Material
ם	Presentation	Presentation
ם	Adjacent Property Owner Letter	Backup Material
ם	Adjacent Property Owner List	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	2/2/2022 - 5:10 PM
Chesapeake Bay Group	Small, Toni	Approved	2/3/2022 - 7:50 AM
Publication Management	Daniel, Martha	Approved	2/3/2022 - 8:25 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	2/3/2022 - 10:52 AM

CHESAPEAKE BAY BOARD EXCEPTION No. CBPA 21-0211. 19 Windjammer Court Staff Report for the February 9, 2022, 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. Darel Crumpler and Mr. Lance Frost, Country Village Mobile Home Park

(MHP)

Agent: None

Location: 19 Windjammer Court

Parcel Identification No.: 5920100001

Parcel: Lot 19, Barlows

Lot Size: 0.08 acres

Area of Lot in Resource

Protection Area (RPA): 0.03 acres +/- (38%)

Watershed: Skiffes Creek (HUC JL 35)

Floodplain: None

Proposed Activity: Replacement of a mobile home

Impervious Cover: 1,178 square feet

RPA Encroachment: 960 square feet

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

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Lance Frost and Mr. Darel Crumpler, Country Village MHP, have applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the replacement of a mobile home on property located at 19 Windjammer Court within the Country Village MHP subdivision and the Skiffes Creek watershed. The property is further identified as James City County Tax Map Parcel No. 5920100001. The parcel was platted in 1970, prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The total lot size of the portion of this property in question is 0.08 acres, of which 38% is located within the RPA. The applicants are proposing to replace the previously existing two-bedroom mobile home with a three-bedroom mobile home. The previous 916-square-foot home was demolished around 1996 and the lot has remained vacant since. The proposed home is 1,178 square feet, resulting in a 262-square-foot increase from the original footprint. Total new impacts to the RPA equate to 960 square feet; therefore, required mitigation for this amount of impervious impacts equals the planting of two canopy trees, four understory trees, and 12 shrubs (2.5 planting units).

STAFF EVALUATION

Staff has evaluated the application and exception request for the replacement of a mobile home. This application meets the Ordinance conditions in Sections 23-11 and 23-14 and should be heard by the Board because there is an increase in impervious area from the original footprint of the existing dwelling.

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; and
- 2. The submittal of a mitigation plan equating to two canopy trees, four understory trees, and 12 shrubs be submitted to the Stormwater and Resource Protection Division; and
- 3. A surety of \$1,200 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 February 9, 2023; and
- 5. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than December 29, 2022, six weeks prior to the expiration date.

TAL/md CBPA21-211_19WndjmrCt

Attachments:

- 1. Resolution
- Site Plan

RESOLUTION

CASE NO. CBPA 21-0211. 19 WINDJAMMER COURT

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

- WHEREAS, Mr. Darel Crumpler and Mr. Lance Frost, Country Village Mobile Home Park (the "Applicants"), have applied to the Chesapeake Bay Board of James City County (the "Board") on February 9, 2022, 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. 5920100001 and further identified as 19 Windjammer Court (the "Property") as set forth in the application CBPA 21-0211 for the replacement of a mobile home; 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; and
 - b. The submittal of a mitigation plan equating to two canopy trees, four understory trees, and 12 shrubs, be submitted to the Stormwater and Resource Protection Division prior to project start; and

- c. A surety of \$1,200 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 February 9, 2023; and
- e. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than December 29, 2022, six weeks prior to the expiration date.

David Gussman	Trevor Long
Chair, Chesapeake Bay Board	Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 9th day of February, 2022.

CBPA21-211_19WndjmrCt-res

Plot Plan 19 Windjammer Ct. 42'-0"____ 16'x 76' 15-0" 17

WINDJAMMER CT.

18 16



Chesapeake Bay Board of James City County, Virginia

February 9, 2022

CBPA 21-0211

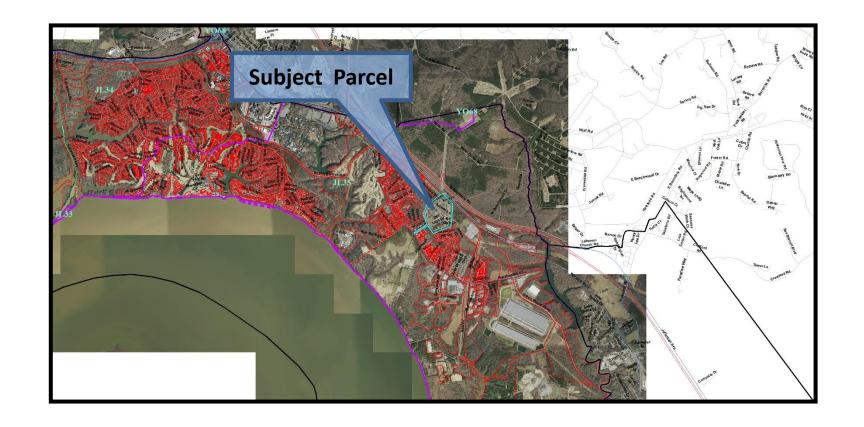
Darel Crumpler and Lance Frost

19 Windjammer Court



Applicant Request

✓ Replacement of a Mobile Home.



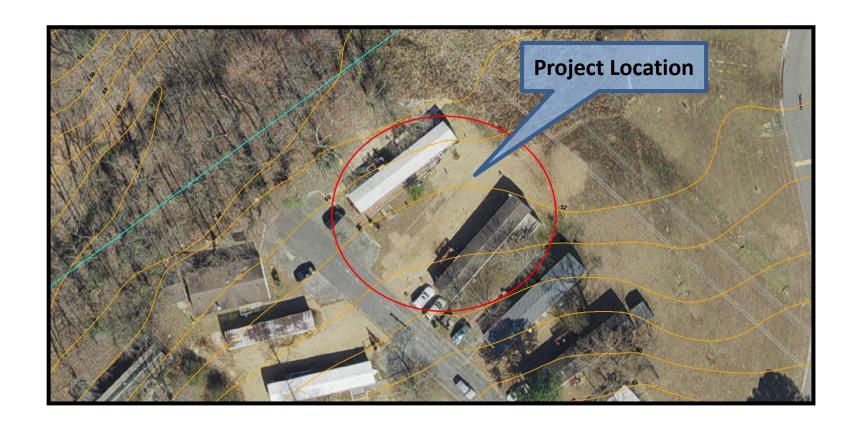
Vicinity Map CBPA-21-0211 19 Windjammer Court



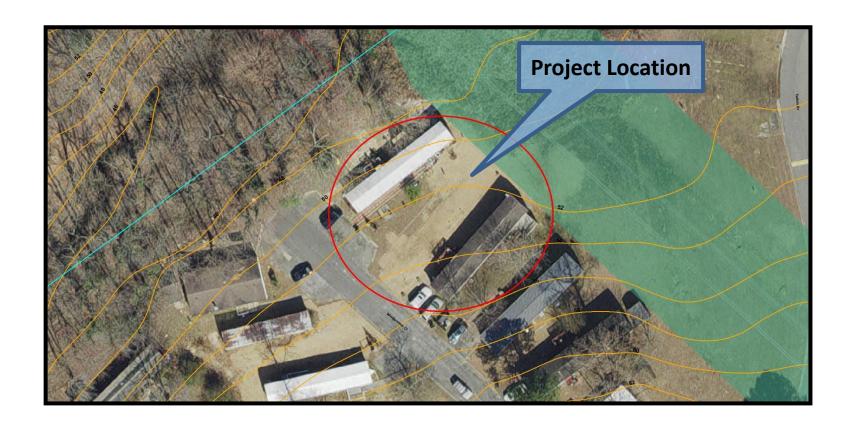
Aerial Photograph
CBPA-21-0211
19 Windjammer Court



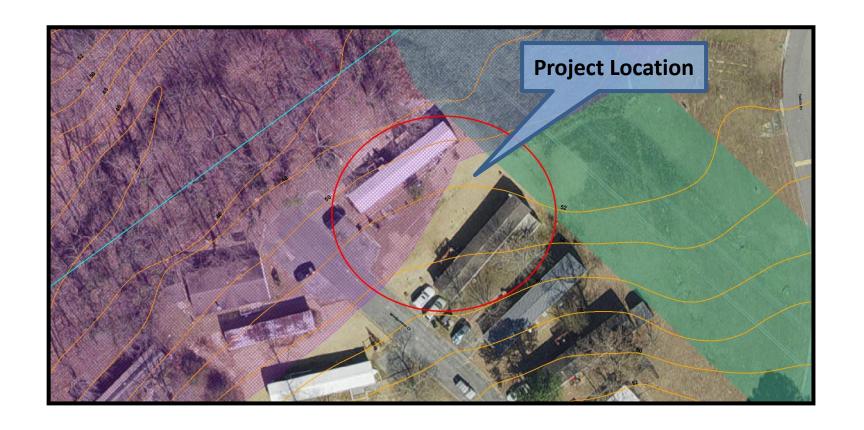
Aerial Photograph
CBPA-21-0211
19 Windjammer Court



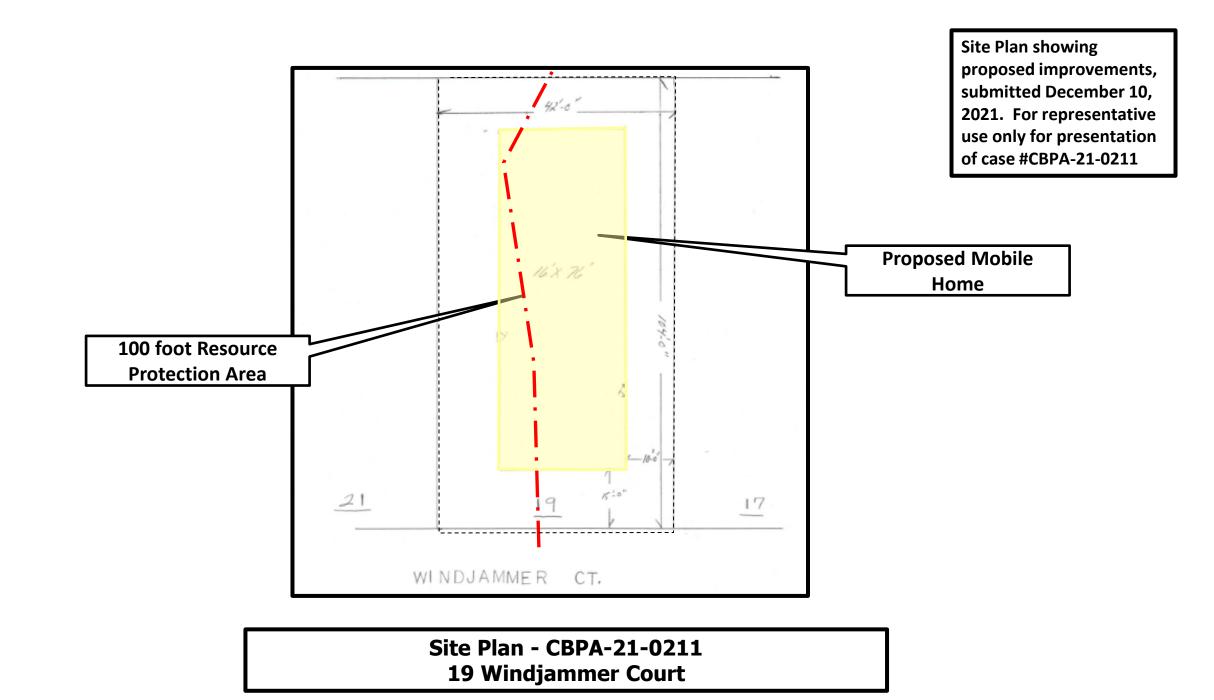
Topography
CBPA-21-0211
19 Windjammer Court



Dominion Energy Power Easement
CBPA-21-0211
19 Windjammer Court

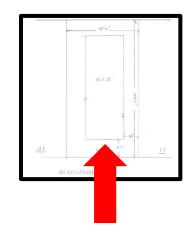


Resource Protection Area
CBPA-21-0211
19 Windjammer Court



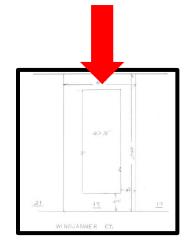


Site Photograph #1 - CBPA-21-0211 19 Windjammer Court





Site Photograph #2 - CBPA-21-0211 19 Windjammer Court



Permit Conditions Staff Recommendation – Approval



- ✓ All other necessary local, state and federal permits
- A mitigation plan equating to 2 canopy trees, 4 understory trees, and 12 shrubs
- ✓ A surety of \$1,200 to guarantee plantings
- This exception request approval shall become null and void if construction has not begun by February 9, 2023
- Written requests for extension submitted no later than December 29, 2022



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 19, 2022

RE: CBPA 21-0211

19 Windjammer Court Mobile Home Replacement

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. Darel Crumpler and Mr. Lance Frost, Country Village Mobile Home Park or encroachment into the Resource Protection Area (RPA) buffer for the replacement of a mobile home. The project is located at 119 Windjammer Court and further identified as JCC Parcel No. 5920100001.

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 9**, **2022**, **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,

Trevor Long

Trevor Long
Chesapeake Bay Board Secretary
757-253-6789
trevor.long@jamescitycountyva.gov

TL: jep

Mailing List for: CBPA-21-0211-19 Windjammer Court: - Mobile Home Replacement

<u>Owner: 5920100001 – 19 Windjammer Court</u>

Newport Datsun

Attn: Ms. Jacquelyn Q. Crumpler

P.O. Box 1219

Kitty Hawk, NC 27949-1219

Agent: 5920100001 – 19 Windjammer Court

Country Village Mobile Home Park

Attn:Mr. Lance Frost 10 Gray Gables Drive Williamsburg, VA 23185

<u>Agent: 5920100001 – 19 Windjammer Court</u>

Country Village Mobile Home Park

Attn: Mr. Darel Crumpler 1044 Martins Point Rd

Kitty Hawk, NC 27949-3812

<u>Agent: 5920100001 – 19 Windjammer Court</u>

Country Village Mobile Home Park

P.O. Box 3157

Newport News, VA 23603

5910100022-125 Wisteria Garden Drive

5910100020- 8758 Pocahontas Trail

Carters Cove, Inc.

c/o George M. Hudgins, Jr.

203 The Maine

Williamsburg, VA 23185-1458

5920200032

Oyer, Edwin C, Trustee & Marion G, Trustee

139 Indian Circle

Williamsburg, VA 23185-6214

5920200030

Owens, Ronald Dean

135 Indian Circle

Williamsburg, VA 23185-6214

<u>59202000</u>28

Daniels, Darryl W & Cecilia M

131 Indian Circle

Williamsburg, VA 23185-6214

<u>5910100019 – 8750 Pocahontas Trail</u>

Scarborough, Margaret K 8750 Pocahontas Trail, #A

Williamsburg, VA 23185-6027

<u>5910100017 – 8736</u> Pocahontas Trail

<u>5240200018 – 252 Railroad Street</u>

5240200016 - 237 Railroad Street

Mr. Keenan W Palmer

P.O. Box 15356

Newport News, VA 23605-0026

5230100107

Hill, Louise L

121 Grove Heights Avenue

Williamsburg, VA 23185-6039

5230200027 – 89 Whiting Avenue

Snowburg, Holly I, Jr & Kathy J

101 Whiting Avenue

Williamsburg, VA 23185-6011

5920100002 – 8968 Pocahontas Trail

Virginia Electric & Power Company

P.O. Box 26666

Richmond, VA 23261-6666

5920100044 – 155 A Indian Circle

Skiffes Creek L.L.C.

473 Wolf Drive

Newport News, VA 23601-1900

5920200031

Owens, Randy Allen; Owens, Kenneth D, &

Owens, Ronald Dean

137 Indian Circle

Williamsburg, VA 23185-6214

<u>5920200029</u>

Adkins, Chauncey L & Mildred B

133 Indian Circle

Williamsburg, VA 23185-6214

5920200027-129 Indian Circle

Statewide, Inc. c/o Cozy Homes Management, LLC 707 Mobjack Place Williamsburg, VA 23606-1929

5920200025

Taylor, Brandon & Jennifer 125 Indian Circle Williamsburg, VA 23185-6214

5920200023

Febiar, Carlos E & Gay R 121 Indian Circle Williamsburg, VA 23185-6214

5920200022

Johnson, James, Sr. & Veronica 119 Indian Circle Williamsburg, VA 23185-6214

5910600001A- 8784 Pocahontas Trail

Chestnut Grove Development LLC 264 McLaws Circle, Suite H Williamsburg, VA 23185-5677

5910100021-8766 Pocahontas Trail

8766 Pocahontas LLC 3625 Beech Down Drive Chantilly, VA 20151-3382

5920200026

Lewis, Celia J 127 Indian Circle Williamsburg, VA 23185-6214

5920200024

Ward, Wayne T 123 Indian Circle Williamsburg, VA 23185-6214

5920200024

Ward, Wayne T 123 Indian Circle Williamsburg, VA 23185-6214

5920100003 – 8810 Pocahontas Trail

Heritage Community LLC c/o American Communities Management 7250 Redwood Boulevard, Suite 360 Novato, CA 94945-3268

5910100024A- 8776 Pocahontas Trail

SEJ Asset Management & Investment Company 1722 Routh St, Suite 1000 Dallas, TX 75201-2506