

A G E N D A
JAMES CITY COUNTY CHESAPEAKE BAY BOARD
REGULAR MEETING
County Government Center, Building F
July 13, 2022
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

1. Minutes from the June 8, 2022, Regular Meeting

D. PUBLIC HEARINGS

1. CBPA-22-0076: 3200 Derby Lane
2. CBPA-22-0080: 5 Tay River
3. CBPA-22-0082: 4816 Hickory Signpost

E. BOARD CONSIDERATIONS

F. MATTERS OF SPECIAL PRIVILEGE

G. ADJOURNMENT

ITEM SUMMARY

DATE: 7/13/2022
TO: Chesapeake Bay Board
FROM: Trevor Long, Chesapeake Bay Board Secretary
SUBJECT: Minutes from the June 8, 2022, Regular Meeting

ATTACHMENTS:

	Description	Type
📎	Minutes	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Small, Toni	Approved	7/6/2022 - 8:25 AM
Chesapeake Bay Group	Small, Toni	Approved	7/6/2022 - 10:22 AM
Publication Management	Pobiak, Amanda	Approved	7/6/2022 - 11:20 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	7/6/2022 - 2:01 PM

MINUTES
JAMES CITY COUNTY CHESAPEAKE BAY BOARD
REGULAR MEETING
County Government Center, Building F
June 8, 2022
5:00 PM

A. CALL TO ORDER

The Chesapeake Bay Board meeting for June 8, 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, Vice Chairman
Robert Lukens
Charles Roadley
Larry Waltrip

Other Staff Present:

Toni Small, Director, Stormwater and Resource Protection
Trevor Long, Watershed Planner, Stormwater and Resource Protection
Robin Benedict, Watershed Planner, Stormwater and Resource Protection
Joshua Everard, Assistant County Attorney, County Attorney's Office

C. MINUTES

1. Minutes from the May 11, 2022, 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-22-0057 : 729 East Tazewells Way

A motion to Approve w/ Conditions was made by Halle Dunn, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Dunn, Gussman, Lukens, Roadley, Waltrip

Mr. Trevor Long, Watershed Planner, presented the exception request submitted by Mr. Mark Adam, Black Tip Associates LLC, on behalf of Ms. Linda and Mr. Peter Brownell, for encroachments into the Resource Protection Area (RPA) for the construction of a deck. The property is further identified as James City County Parcel No. 5030400103. 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.

Staff answered questions about the details of the exception request including its history as a building permit that was processed through typical means by James City County. Staff also confirmed that construction of the deck occurred before appropriate permits and conditions, including the Chesapeake Bay Board exception request that is a part of the current presentation to the Board, were issued or satisfied.

Mr. Gussman opened the Public Hearing.

A. Mr. Peter Brownell, 729 East Tazewells Way, explained that he relied on the knowledge and expertise of the contractor with regards to the permits and conditions that were necessary for the installation of the deck at their address. He also described the plantings that have been added and are planned to be added to the site.

B. Ms. Linda Brownell, 729 East Tazewells Way, expressed her appreciation for and intent to protect the natural resources at the site.

A. Mr. Brownell confirmed that the contract held with the contractor to install the deck included provisions assigning the responsibility of obtaining necessary permits and approvals to the contractor.

C. Mr. Mark Adam, 4816 Blue Bill Run, accepted responsibility for the errors in the permitting process for the deck installation. In particular, Mr. Adam cited a lack of awareness regarding the RPA impacts and associated approvals. Mr. Adam also responded to questions from the Board concerning other details of the deck installation including clarification of the project's timeline.

Mr. Gussman closed the Public Hearing.

Mr. Joshua Everard, Assistant County Attorney, suggested to the Board that the existing condition for this exception request stating that a \$4,500 civil charge be paid prior to the issuance of a building permit be excluded from consideration by the Board. Mr. Everard further explained the appropriate means by which a civil charge would be assessed.

Mr. Long confirmed that the civil charge has already been discussed between staff and Mr. Adam and indicated the intent to bring the consideration before the James City County Board of Supervisors as soon as possible.

2. CBPA-22-0066 : 4756 Bristol Circle

A motion to Approve w/ Conditions was made by Robert Lukens, the motion result was Passed.

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

Ayes: Dunn, Gussman, Lukens, Roadley, Waltrip

Ms. Robin Benedict, Watershed Planner, presented the exception request submitted by Mr. Michael Mann for encroachments into the RPA for the construction of a retaining wall. The property is further identified as James City County Parcel No. 4710700030. The presentation described the current and proposed site conditions. If the Board approved the request, staff asked that the suggested conditions be incorporated into the approval.

Mr. Gussman opened the Public Hearing.

A. Ms. Elizabeth Rutherford Bowling, 4676 Hickory Signpost Road, expressed her objections to further construction in the RPA surrounding Mill Creek citing its environmental impact.

B. Mr. Michael Mann, 4756 Bristol Circle, rebutted the judgment of the proposed retaining wall's undue environmental impact making reference to its size and location on the property.

Mr. Gussman closed the Public Hearing.

The Board deliberated the pros and cons of the proposal with consideration of the comments made during the Public Hearing.

3. CBPA-22-0060 : 4816 Hickory Signpost Road

A motion to Defer was made by Charles Roadley, the motion result was Failed.

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

Ayes: Waltrip

Nays: Dunn, Gussman, Lukens, Roadley

A motion to Deny was made by Halle Dunn, the motion result was Passed.

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

Ayes: Dunn, Gussman, Lukens, Roadley, Waltrip

Mr. Trevor Long, Watershed Planner, presented the exception request submitted by Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Ms. and Mr. Sone Marcano, for encroachments into the RPA for the construction of a single-family dwelling. The property is further identified as James City County Parcel No. 4720100045. 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.

Staff answered questions that further detailed aspects of the exception request including background of the site's platting as it relates to historical and contemporary platting guidelines in James City County.

Mr. Gussman opened the Public Hearing.

A. Mr. Chase Grogg, LandTech Resources, Inc., 205 Bulifants Boulevard Suite E, provided more precise information about the plan and its conceptual development. Mr. Grogg also addressed the inclusion of mitigation plantings in the plan as well as stormwater management as it relates to runoff from the house and along the driveway.

Mr. Roadley expressed concern about the efficacy of the proposed stormwater management.

B. Ms. Babs Bengtson, 4824 Hickory Signpost Road, submitted digital copies of pictures of the site post precipitation via portable USB storage device in support of her objection to the proposed construction. Ms. Bengtson also cited the degree of impact on the environment of the site as cause for her objection.

The Board discussed the current condition of the site and surrounding area during rain events.

C. Mr. Gary Bowling and Ms. Elizabeth Rutherford Bowling, 4676 Hickory Signpost Road, expressed objection to the proposed construction and its environmental impact.

Mr. Gussman closed the Public Hearing.

Staff confirmed the delineation of the wetlands line by Roth Environmental, LLC, 700 Prescott Circle, Newport News, VA 23602.

Mr. Roadley described the incongruity of the proposed construction with the purpose and intent of the Chesapeake Bay Preservation Act.

Mr. Dunn, Mr. Lukens, and Mr. Gussman concurred.

Mr. Everard relayed the applicant's intent to defer the exception request.

4. CBPA-22-0063 : 112 North Knob Hill

A motion to Approve w/ Conditions was made by Larry Waltrip, the motion result was Passed.

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

Ayes: Dunn, Gussman, Lukens, Roadley, Waltrip

Ms. Robin Benedict, Watershed Planner, presented the exception request submitted by Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Ms. Shelley and Mr. Matthew Triola, for encroachments into the RPA for the construction of a single-family dwelling. The property is further identified as James City County Parcel No. 3131400006. 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.

Staff clarified the delineation of wetlands on the site's plat and other details of the site.

Mr. Gussman opened the Public Hearing.

A. Mr. Chase Grogg, LandTech Resources, Inc., 205 Bulifants Boulevard Suite E, provided more precise information about the plan and responded to questions from the Board.

Mr. Gussman closed the Public Hearing.

The Board deliberated the pros and cons of the request with particular discussion about the proposed size of the garage.

Mr. Gussman reopened the Public Hearing.

A. Mr. Grogg clarified the proposed size and location of the garage reiterating that a reduction in size of the garage would not yield a substantial reduction of impact on the RPA.

Mr. Gussman closed the Public Hearing.

Mr. Roadley highlighted the effectiveness of water quality mitigation through soil type and the nearby stormwater management Best Management Plan (BMP) at this site, despite its close proximity to wetlands.

5. CBPA-22-0053 : 1568 Harbor Road

A motion to Approve w/ Conditions was made by Robert Lukens, the motion result was Other.

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

Ayes: Dunn, Gussman, Lukens, Roadley, Waltrip

Mr. Trevor Long, Watershed Planner, presented the exception request submitted by Ms. BettyAnn and Mr. Robert Thompson for encroachments into the RPA for the construction of a seating wall. The property is further identified as James City County Parcel No. 4310200016. 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.

Staff clarified details of the exception request.

Mr. Gussman opened the Public Hearing.

A. Ms. BettyAnn and Mr. Robert Thompson, 1568 Harbor Road, offered more precise details of the conceptual development of the seating wall including an intent to prevent further erosion at the site and the addition of mitigation plantings. Mr. Thompson also confirmed that the wall was built by a contractor.

Mr. Gussman closed the Public Hearing.

E. BOARD CONSIDERATIONS

None.

F. MATTERS OF SPECIAL PRIVILEGE

None.

G. ADJOURNMENT

A motion to Adjourn the meeting was made by Mr. Gussman and approved on a voice vote.

The meeting adjourned at 8:01 p.m.

ITEM SUMMARY

DATE: 7/13/2022
TO: Chesapeake Bay Board
FROM: Trevor Long, Chesapeake Bay Board Secretary
SUBJECT: CBPA-22-0076: 3200 Derby Lane

Ms. Karla Havens, Mid Atlantic Resource Consulting, has applied for a Chesapeake Bay Exception on behalf of Mr. Samuel Powell for encroachments into the Resource Protection Area (RPA) buffer for the construction of an upland revetment on property located at 3200 Derby Lane, JCC Parcel No.45403000009.

ATTACHMENTS:

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution	Resolution
☐	Resolution to Deny	Resolution
☐	Site Plan	Exhibit
☐	Presentation	Presentation
☐	APO Letter	Backup Material
☐	APO List	Backup Material
☐	Gazette Ad	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Small, Toni	Approved	7/6/2022 - 8:24 AM
Chesapeake Bay Group	Small, Toni	Approved	7/6/2022 - 10:21 AM
Publication Management	Daniel, Martha	Approved	7/6/2022 - 11:12 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	7/6/2022 - 1:57 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-22-0076. 3200 Derby Lane
Staff Report for the July 13, 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: Mr. Samuel Powell

Agent: Ms. Karla Havens, Mid Atlantic Resource Consulting

Location: 3200 Derby Lane

Parcel Identification No.: 4540300009

Parcel: Phase 2, Drummonds Quarters on the James

Lot Size: 2.4 acres

Area of Lot in Resource Protection Area (RPA): 0.73 acres (30%)

Watershed: James River (JL30)

Floodplain: Zone AE - Base flood elevation determined at 8 feet
Zone VE - Base flood elevation determined at 10 feet

Proposed Activity: Construction of an upland revetment

Impervious Cover: 378 square feet

RPA Encroachment: 0 square feet, landward 50-foot RPA
378 square feet, seaward 50-foot RPA

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

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Ms. Karla Havens, Mid Atlantic Resource Consulting, has applied for a Chesapeake Bay Exception on behalf of Mr. Samuel Powell for encroachments into the RPA buffer for the construction of an upland revetment located at 3200 Derby Lane within the Drummond’s Quarter on the James subdivision and the James River watershed. The property is further identified as James City County Tax Map Parcel No. 4540300009. The parcel was platted in 1986, prior to the adoption of the Chesapeake Bay Preservation Ordinance.

The total lot size of this property is 2.4 acres, of which 30% is located within the RPA. The applicant is proposing to construct a quarry stone revetment to address a shoreline erosion issue occurring on the property. On June 8, 2022, a Wetlands Permit for 3181 Derby Lane was approved by the James City County Wetlands Board which included the construction of a revetment that interfaced the tidal range. The applicant at 3200 Derby Lane is now proposing to tie into the recently approved revetment and construct a 63- by 6-foot revetment on his property. Total impacts to the RPA associated with this proposal equate to 378 square feet of impacts to the seaward 50-foot RPA. Required mitigation for this amount of impervious

impacts equals the plantings of one planting unit (one canopy tree, two understory trees, and three shrubs). Because of the configuration of the existing breakwaters and the subsequent tidal range on this property, the proposed revetment is landward of Mean High water. Therefore, this case is being heard by the Chesapeake Bay Board.

STAFF EVALUATION

Staff has evaluated the application and exception request for the construction of an upland revetment. This application meets the Ordinance conditions in Sections 23-11 and 23-14 and should be heard by the Board because the proposed construction extends into the seaward 50-foot RPA.

CONSIDERATION BY THE CHESAPEAKE BAY BOARD

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

1. The exception request is the minimum necessary to afford relief; and
2. Granting the exception will not confer upon the 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 recommends approval for this exception request and if the Board wishes to approve the 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. All development activities located in the special flood hazard area shall comply with Article VI, Division 3, Floodplain Area Regulations of the James City County Zoning Ordinance and receive all required approval and permits prior to commencement of such activities; and
3. The submittal of a mitigation plan equating to one planting unit (one canopy tree, two understory trees, and three shrubs) be submitted to the Stormwater and Resource Protection Division prior to project start; and
4. A surety of \$500 be submitted in a form acceptable to the James City County Attorney's Office to guarantee the mitigation plantings; and
5. This exception request approval shall become null and void if construction has not begun by July 13, 2023; and

6. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than June 1, 2023, six weeks prior to the expiration date.

TAL\md
CBPA22-76_3200Derby

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA-22-0076. 3200 DERBY LANE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Ms. Karla Havens, Mid Atlantic Resource Consulting, on behalf of Mr. Samuel Powell, (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on July 13, 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.4540300009 and further identified as 3200 Derby Lane (the “Property”) as set forth in the application CBPA-22-0076 for the purpose of construction of an upland revetment; 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) All development activities located in the special flood hazard area shall comply with Article VI, Division 3, Floodplain Area Regulations of the James City County Zoning Ordinance and receive all required approval and permits prior to commencement of such activities; and

- c) The submittal of a mitigation plan equating to one planting unit (one canopy tree, two understory trees, and three shrubs) be submitted to the Stormwater and Resource Protection Division prior to project start; and
- d) A surety of \$500 be submitted in a form acceptable to the James City County Attorney's Office to guarantee the mitigation plantings; and
- e) This exception request approval shall become null and void if construction has not begun by July 13, 2023; and
- f) Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than June 1, 2023, six weeks prior to the expiration date.

David Gussman
Chair, Chesapeake Bay Board

Trevor A. Long
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 13th day of July, 2022.

CBPA22-76_3200Derby-res

RESOLUTION

CASE NO. CBPA-22-0076. 3200 DERBY LANE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Ms. Karla Havens, Mid Atlantic Resource Consulting, on behalf of Mr. Samuel Powell, (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on July 13, 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.4540300009 and further identified as 3200 Derby Lane (the “Property”) as set forth in the application CBPA-22-0076 for the purpose of construction of an upland revetment; 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 all of the following conditions have **NOT** been met:

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.

David Gussman
Chair, Chesapeake Bay Board

Trevor A. Long
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 13th day of July, 2022.

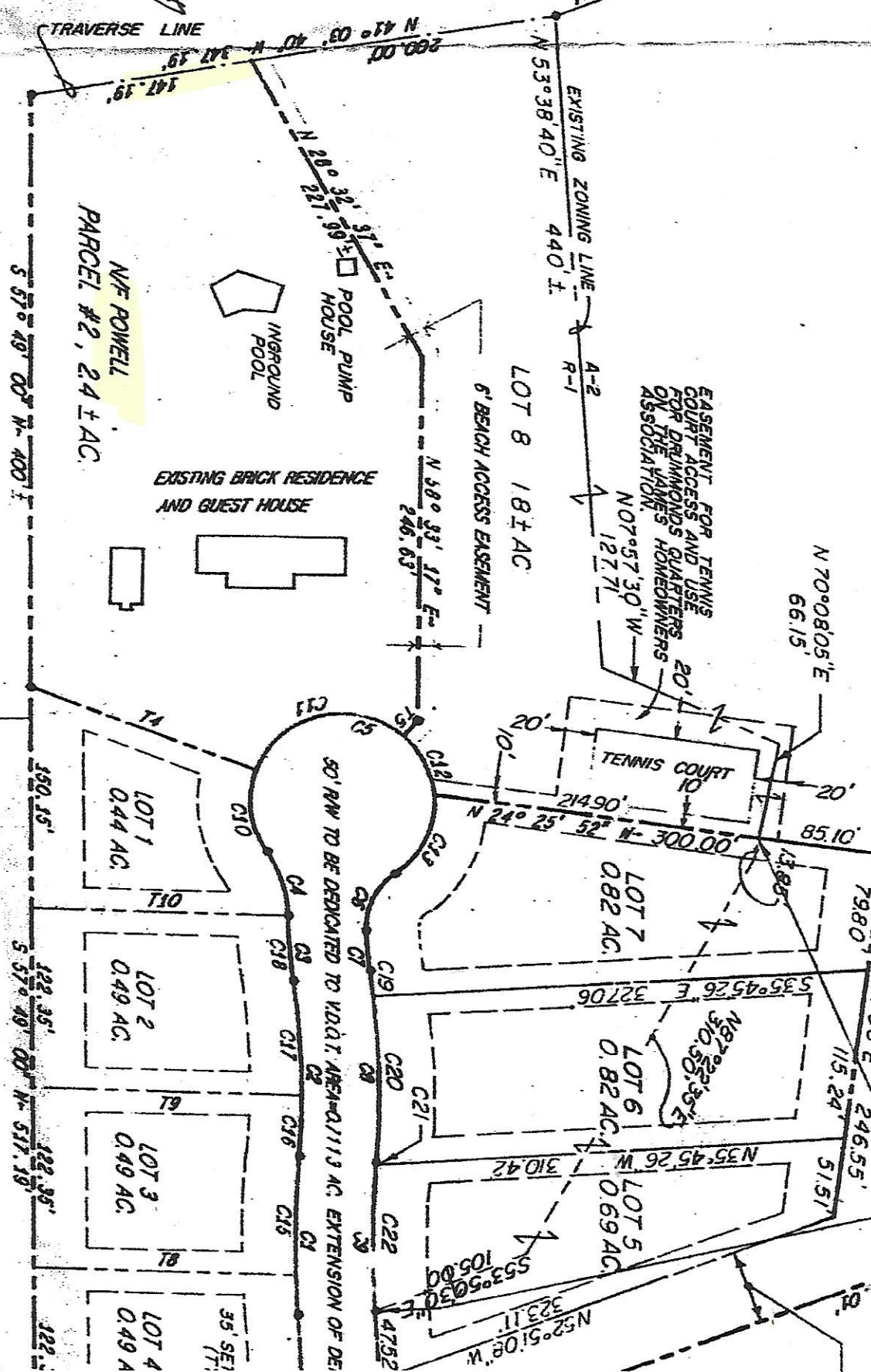
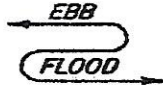
AREA OF PROPOSED REVELTMENT

POWELL

3200 DERBY LANE

P/L IS M.L.W.

JAMES RIVER



LOT 1 DRUMMONDS FIELD SEC. 1
P.B. 41, PG. 10

N/E POWELL
PARCEL #2, 2.4 ± AC.

EXISTING BRICK RESIDENCE
AND GUEST HOUSE

LOT 8 1.8 ± AC

EASEMENT FOR TENNIS
COURT ACCESS AND USE
FOR DRUMMONDS QUARTERS
OF THE JAMES HOMEOWNERS
ASSOCIATION.

TENNIS COURT
10

LOT 1
0.44 AC.

LOT 2
0.49 AC.

LOT 3
0.49 AC.

LOT 4
0.49 A

LOT 7
0.82 AC.

LOT 6
0.82 AC.

LOT 5
0.69 AC.

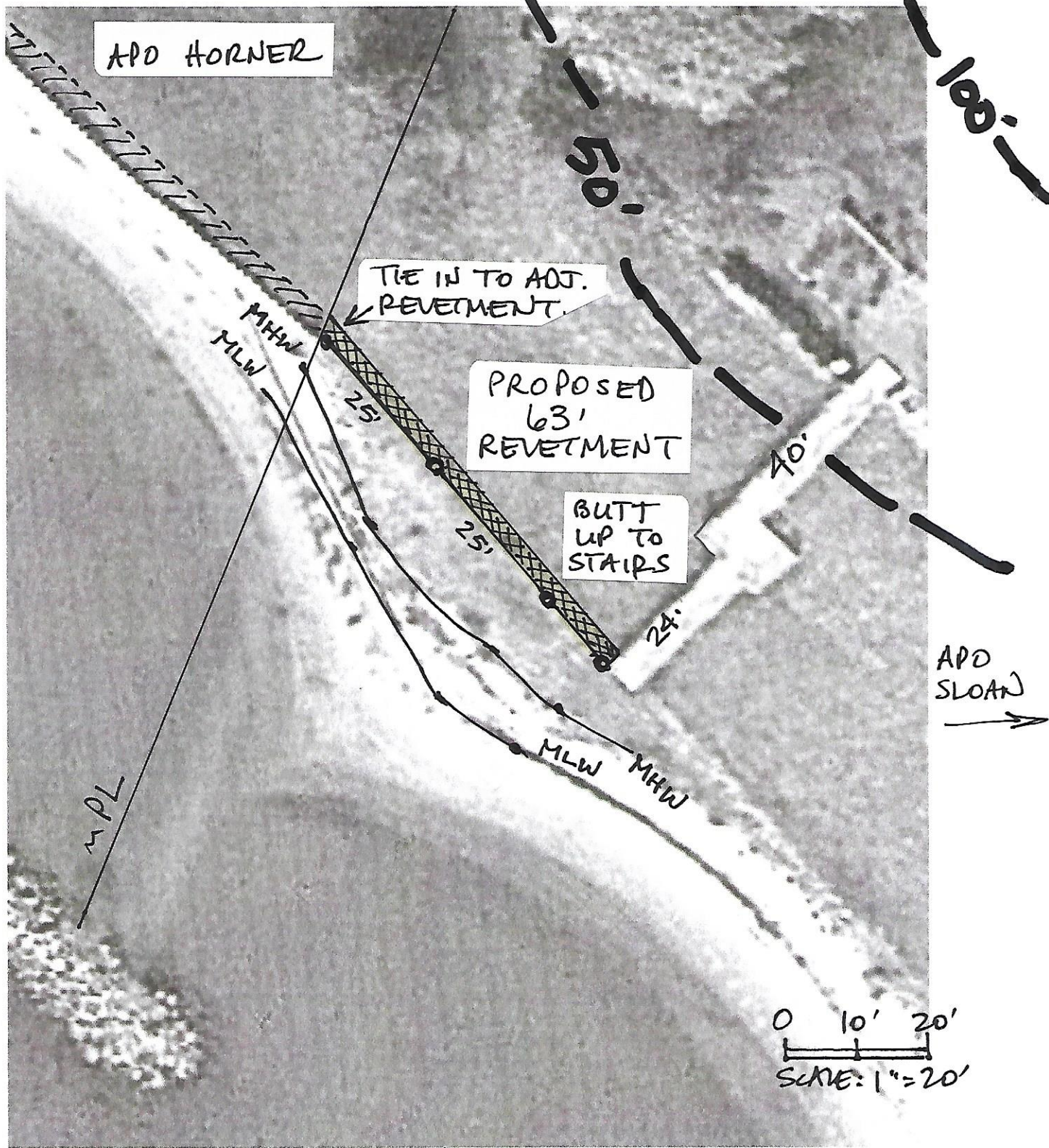
50' R/W TO BE DEDICATED TO V.D.A.T. AREA - 2.113 AC. EXTENSION OF DE



LOT 25 DRUMMONDS FIELD SEC. 1
P.B. 41, PG. 10

35' REAR YAL
(TYP)

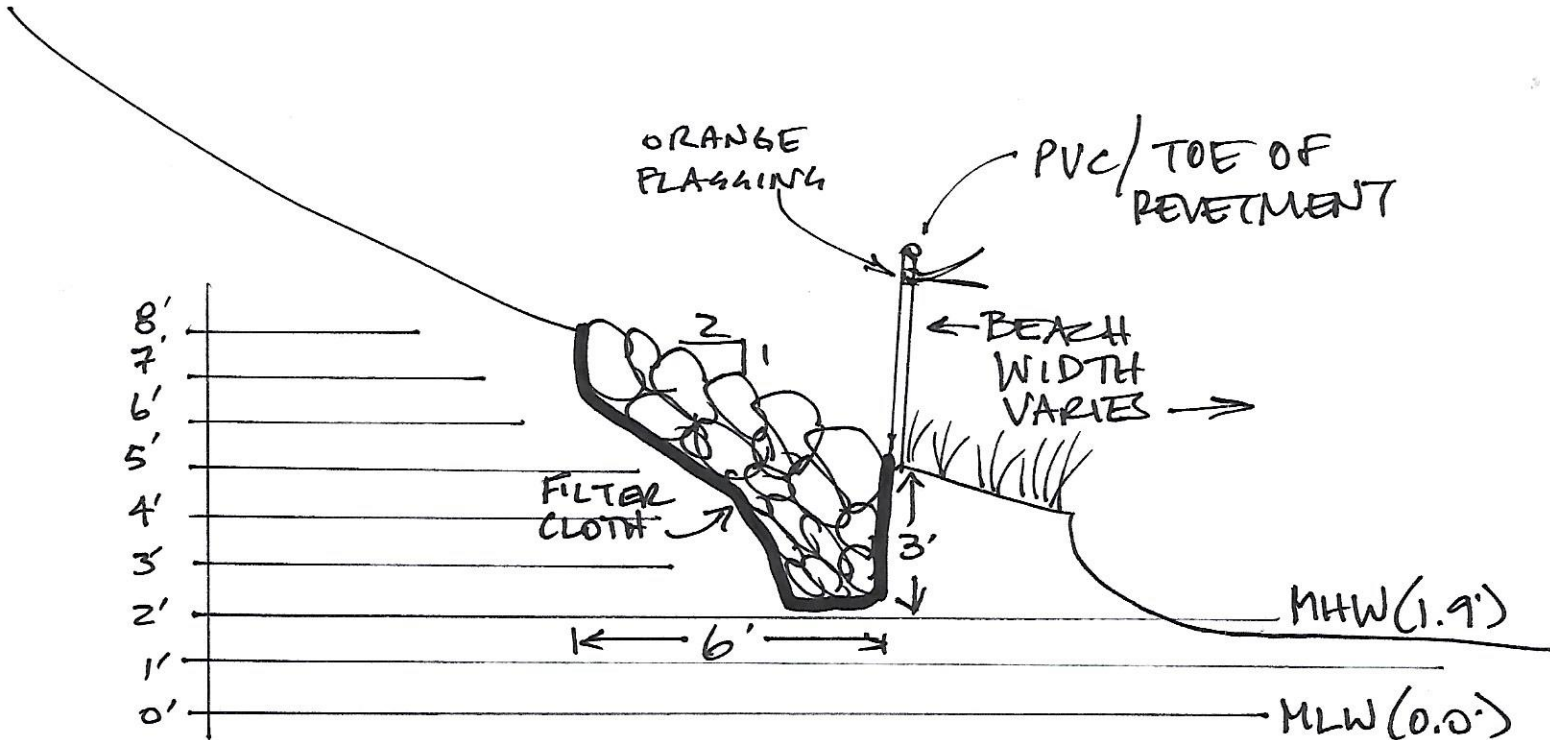
35' SET
(TYP)



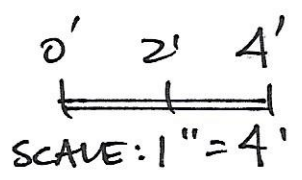
○ = PVC = TOE OF REVELTMENT

Note: Mid-Atlantic Resource Consulting is responsible only for applying to obtain local wetland, Virginia Marine Resources Commission and U.S. Army Corps of Engineers permits. Mid-Atlantic Resource Consulting is not responsible for any land disturbing activities or construction activities associated with the project.

<p>Adjacent Property Owners:</p> <ol style="list-style-type: none"> 1. Michael D. Sloan, Trustee 2. Horner Family Living Trust 	<p>SITE PLAN</p> <p>James City County PID 45403000001 & PID 45403000009</p>	<p>SAMUEL T. & MERELE M. POWELL 3200 Derby Lane, Williamsburg On the James River</p> <p>Date: 6.7.22 Sheet 1 of 2</p>
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- CLASS I CORE STONE OVER FILTER CLOTH.
- CLASS II ARMOR STONE.
- 2:1 SLOPE.



Note: Mid-Atlantic Resource Consulting is responsible only for applying to obtain local wetland, Virginia Marine Resources Commission and U.S. Army Corps of Engineers permits. Mid-Atlantic Resource Consulting is not responsible for any land disturbing activities or construction activities associated with the project.

<p>Adjacent Property Owners:</p> <ol style="list-style-type: none"> 1. Michael D. Sloan, Trustee 2. Horner Family Living Trust 	<p>CROSS - SECTION</p> <p>James City County PID 45403000001 & PID 45403000009</p>	<p>SAMUEL T. & MERELE M. POWELL 3200 Derby Lane, Williamsburg On the James River</p> <p>Date: 6.7.22 Sheet 2 of 2</p>
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Chesapeake Bay Board of James City County, Virginia

July 13, 2022

CBPA 22-0076

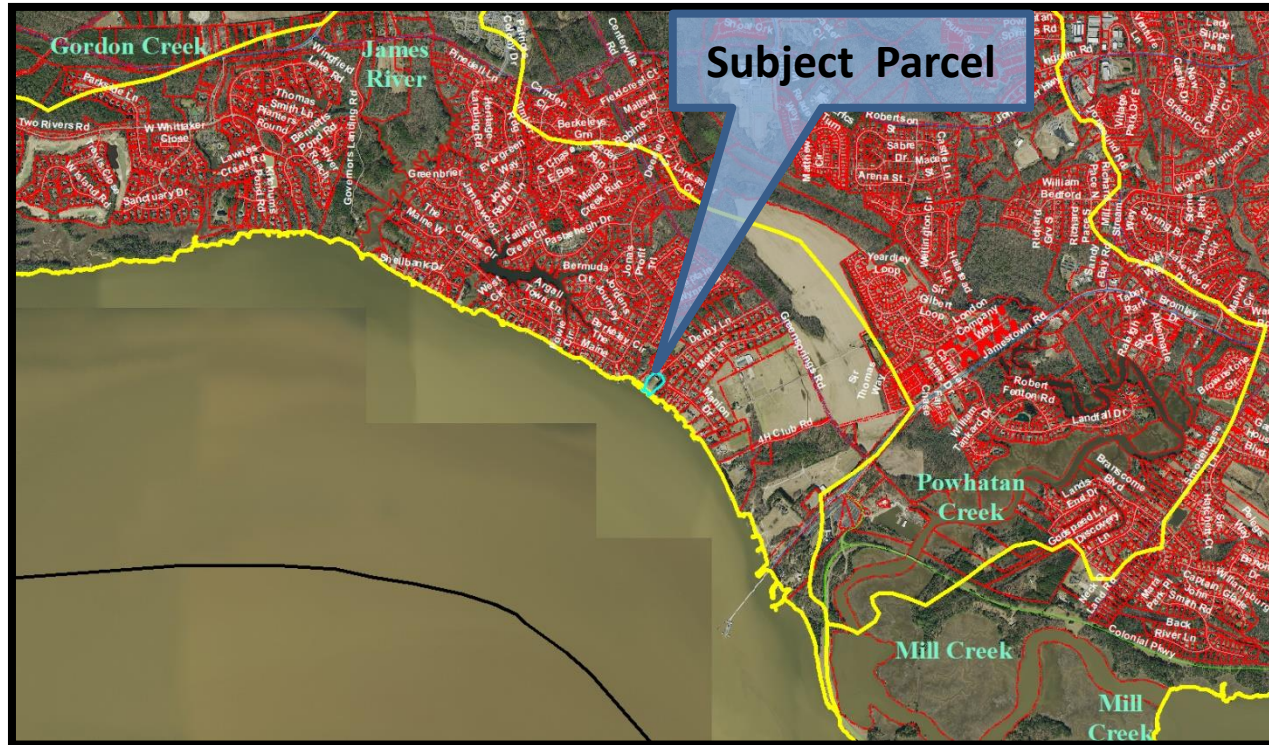
Samuel and Merle Powell

3200 Derby Lane

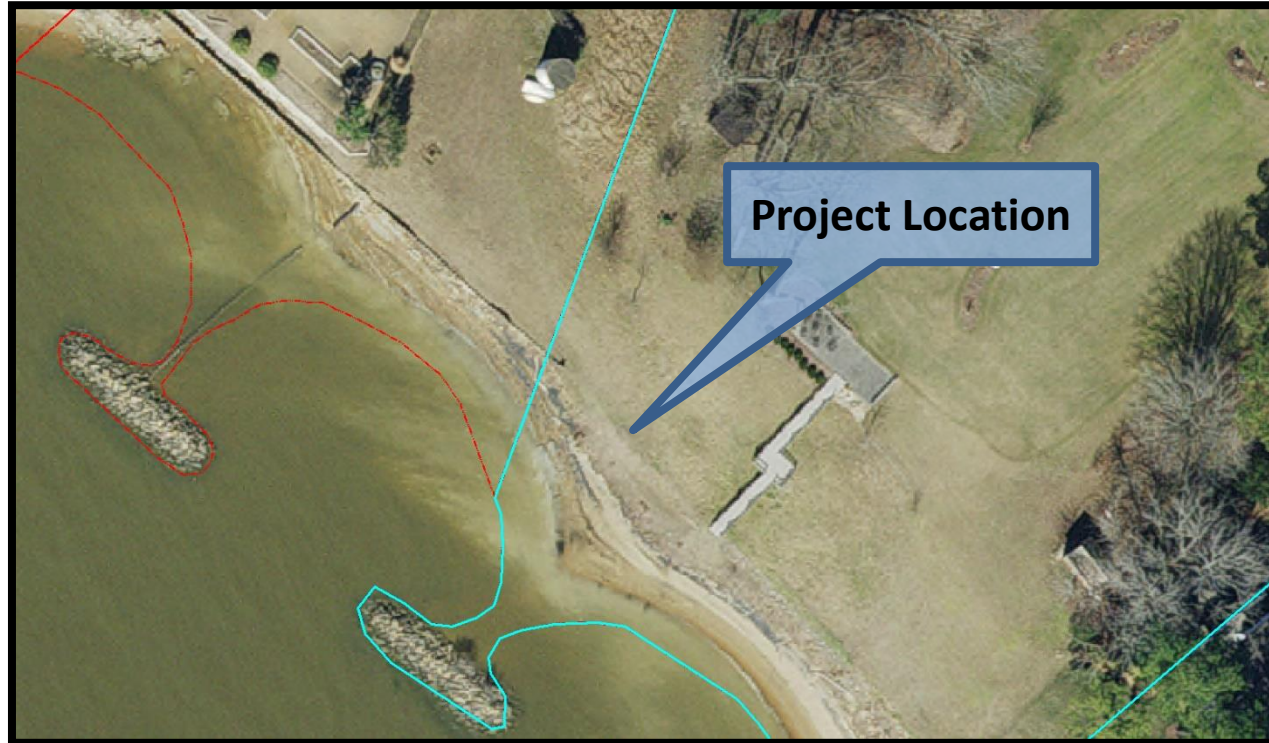


Applicant Request

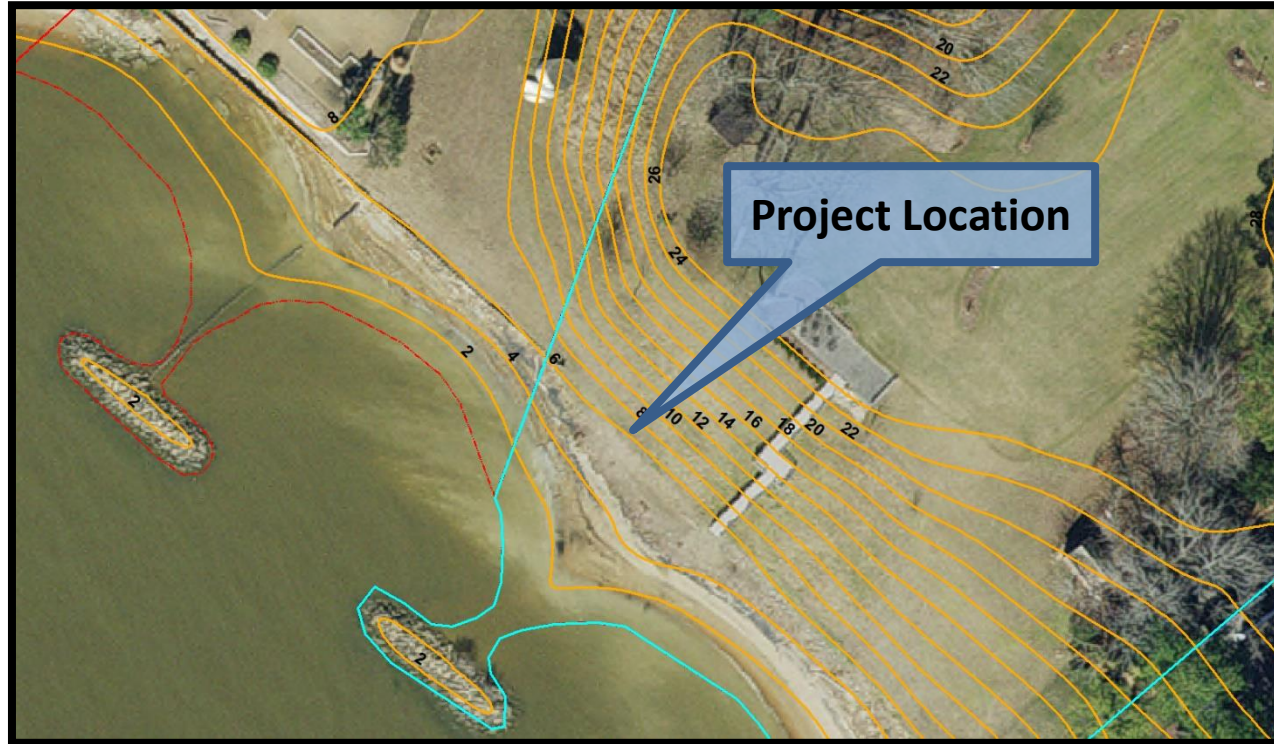
- ✓ Construction of upland stone revetment.



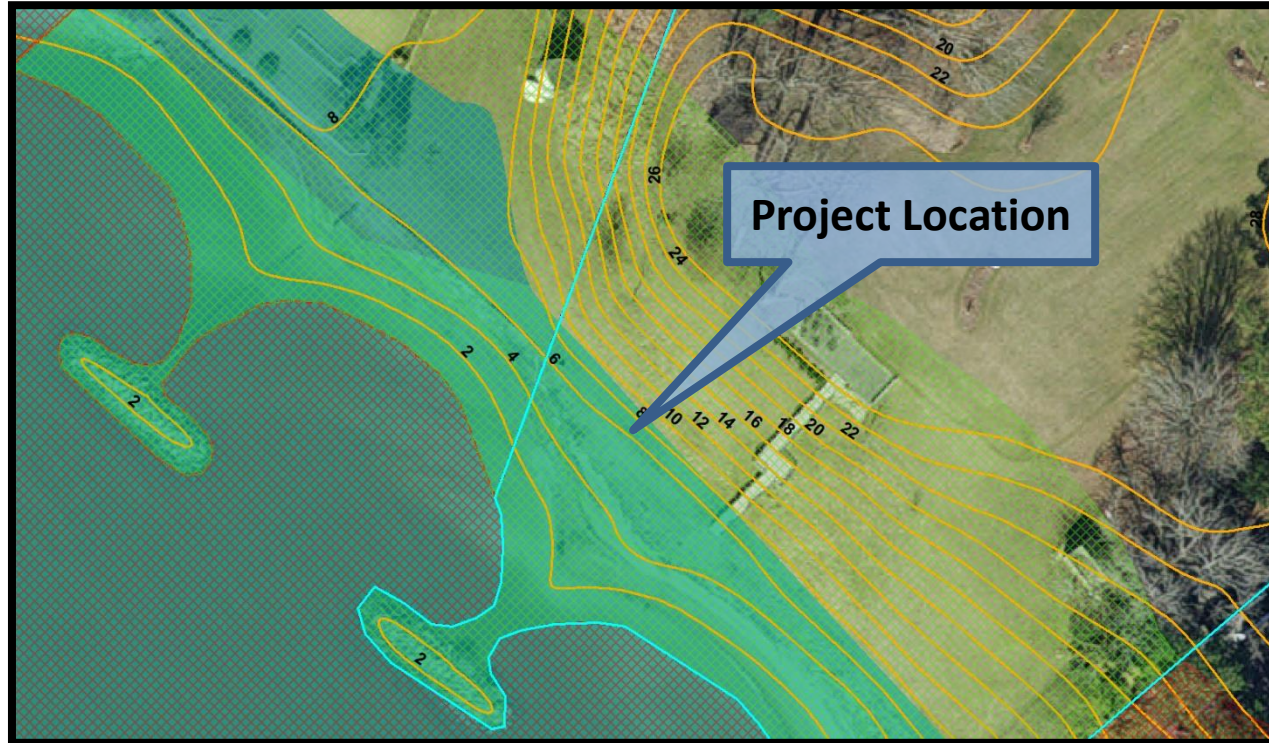
Vicinity Map
CBPA-22-0076
3200 Derby Lane



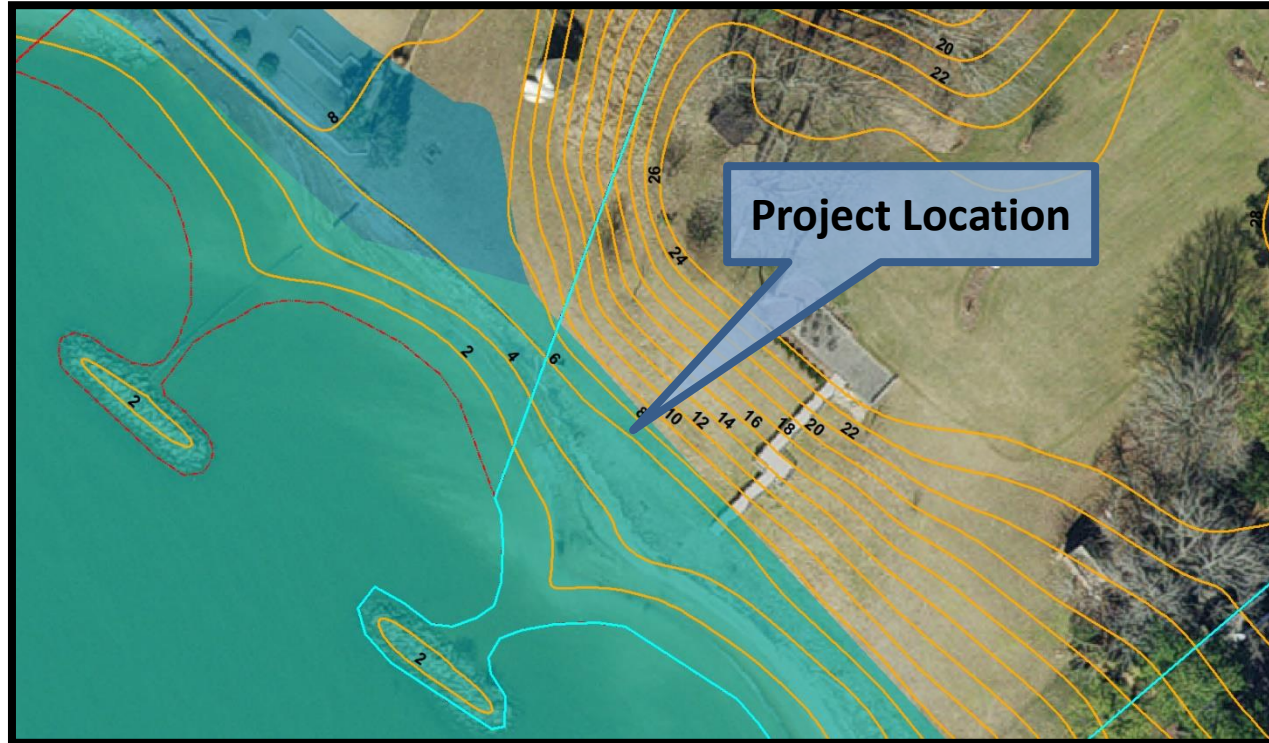
Aerial Photograph
CBPA-22-0076
3200 Derby Lane



Topography
CBPA-22-0076
3200 Derby Lane

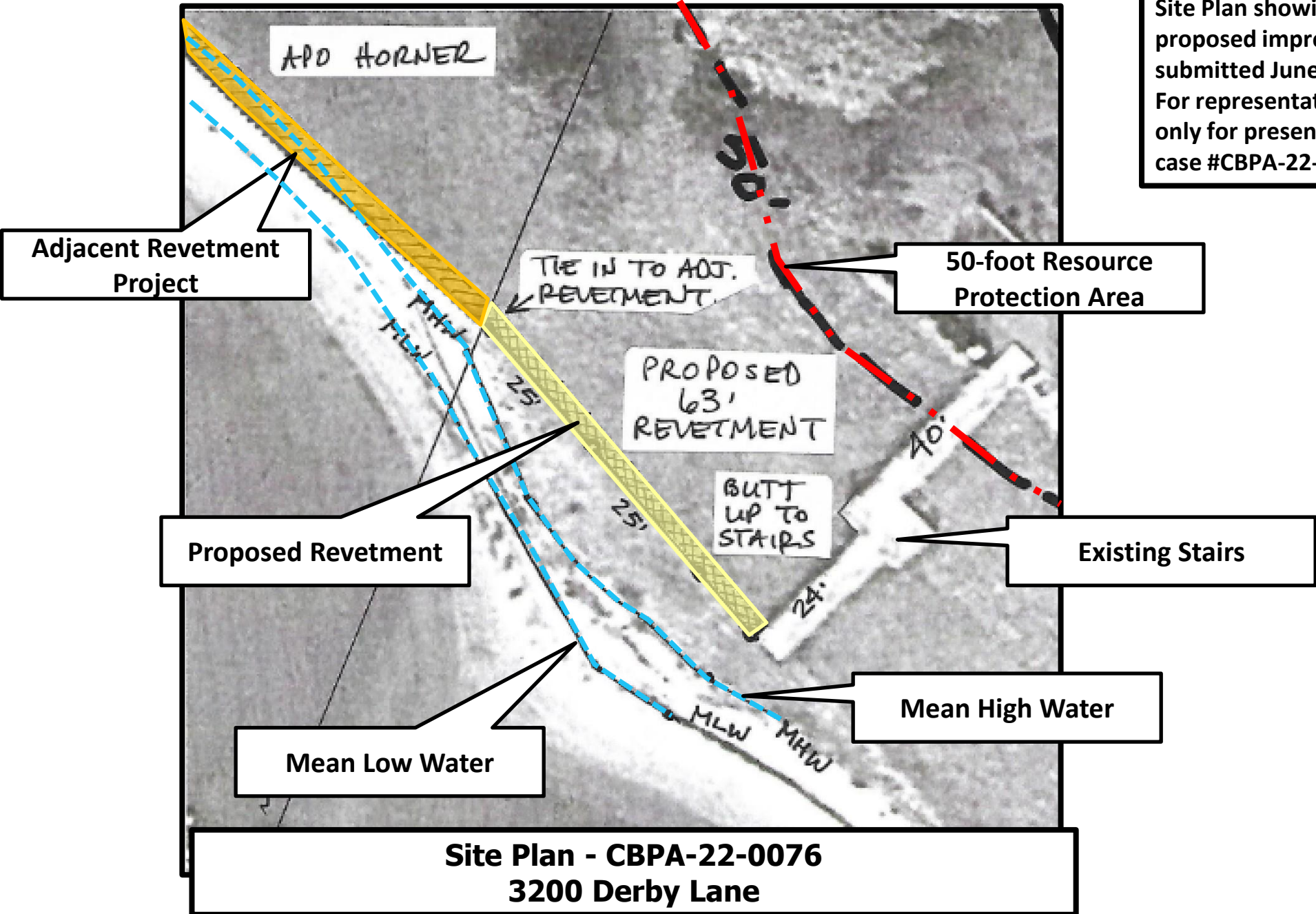


Resource Protection Area
CBPA-22-0076
3200 Derby Lane



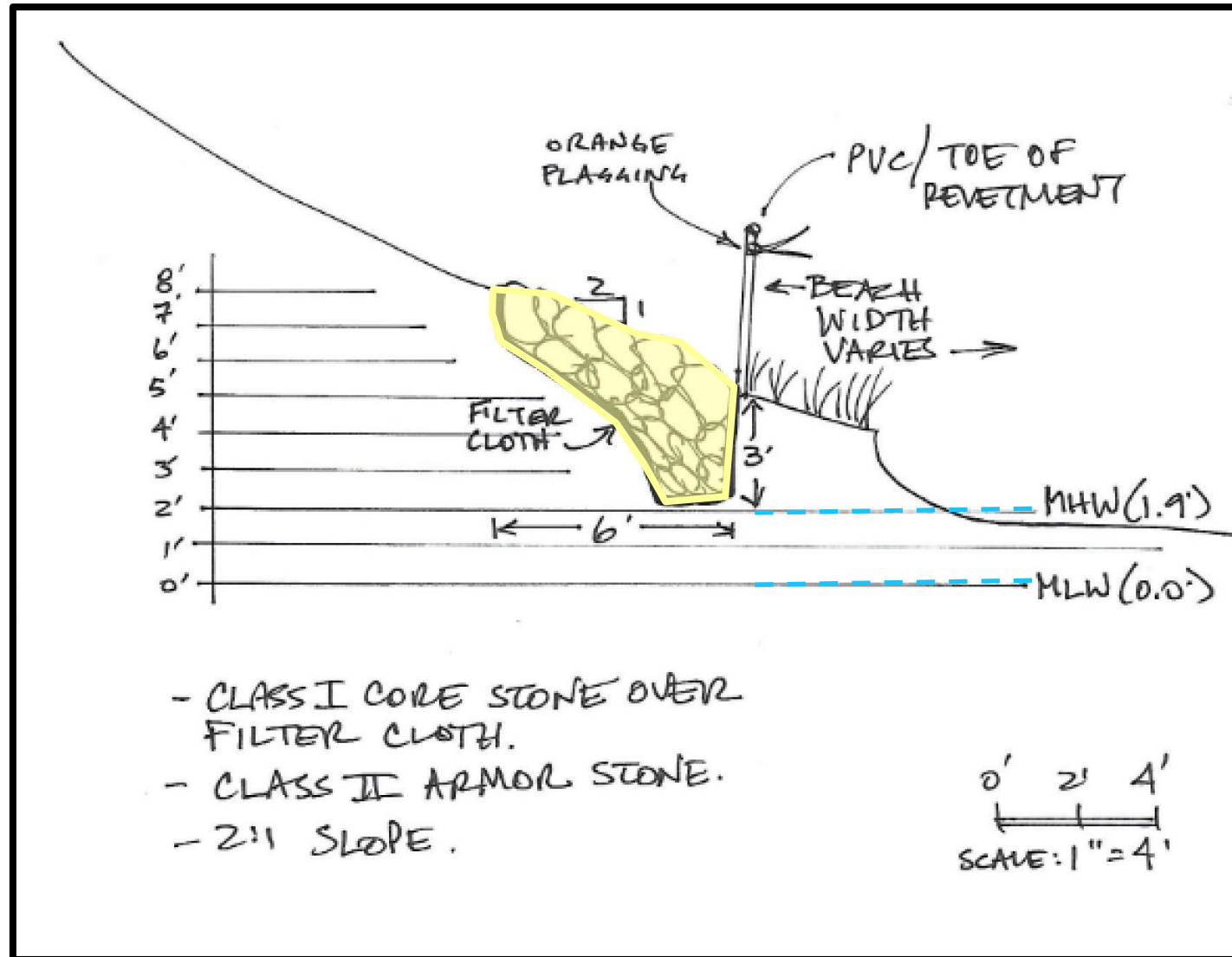
Floodplain
CBPA-22-0076
3200 Derby Lane

Site Plan showing proposed improvements, submitted June 7, 2022. For representative use only for presentation of case #CBPA-22-0076

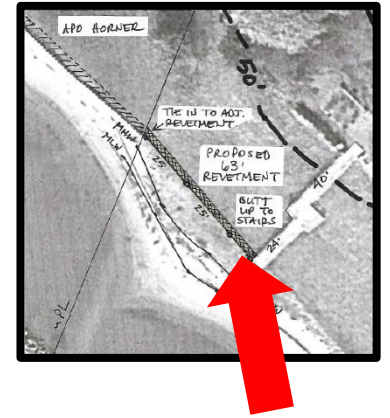


Site Plan - CBPA-22-0076
3200 Derby Lane

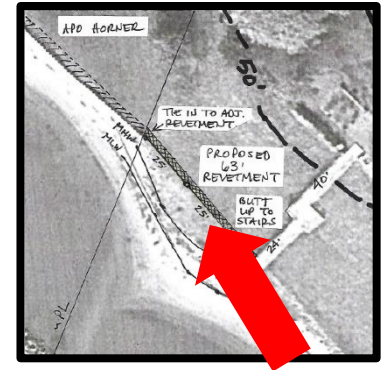
Cross section showing proposed improvements, submitted June 7, 2022. For representative use only for presentation of case #CBPA-22-0076



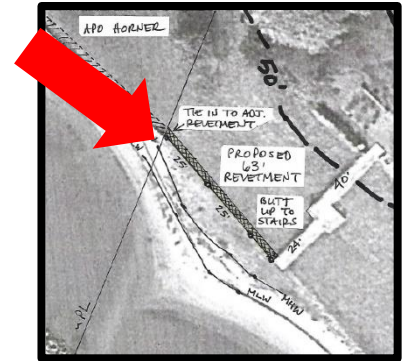
Cross Section - CBPA-22-0076
3200 Derby Lane



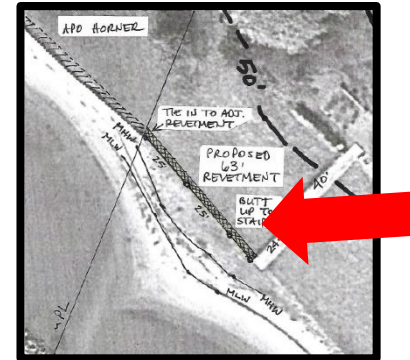
Site Photograph #1 - CBPA-22-0076
3200 Derby Lane



**Site Photograph #2 - CBPA-22-0076
3200 Derby Lane**



Site Photograph #3 - CBPA-22-0076
3200 Derby Lane



Site Photograph #4 - CBPA-22-0076
3200 Derby Lane

Considerations



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

- ✓ The exception request is the minimum necessary to afford relief; and
- ✓ 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
- ✓ 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
- ✓ 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
- ✓ Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality.

Permit Conditions

Staff Recommendation – Approval



- ✓ All other necessary local, state and federal permits
- ✓ A mitigation plan equating to 1 planting unit
- ✓ A surety of \$500 to guarantee plantings
- ✓ This exception request approval shall become null and void if construction has not begun by July 13, 2023
- ✓ Written requests for extension submitted no later than June 1, 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
757-259-6670

Facilities & Grounds
113 Tewning Road
Williamsburg, VA 23188
757-259-4080

Solid Waste
1204 Jolly Pond Road
Williamsburg, VA 23188
757-565-0971

«Last_Name»
«Address_Line_1»
«City», «State» «Zip_Code»

RE: CBPA-22-0076
3200 Derby Lane
Revetment construction

July 1, 2022

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. Karla Havens, Mid Atlantic Resource Consulting, on behalf of Mr. Samuel Powell for encroachments into the Resource Protection Area (RPA) buffer for the construction of an upland revetment on property located at 3200 Derby Lane, JCC Parcel No. 4540300009.

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 13, 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

PIN	Last Name	Address Line 1	City	State
4540300001	POWELL, SAMUEL T & MERLE M	3200 DERBY LN	WILLIAMSBURG	VA
4540300007	RUGGLES, STEPHEN L TRUSTEE &	3189 DERBY LN	WILLIAMSBURG	VA
4540300008	HORNER FAMILY LIVING TRUST	3181 DERBY LN	WILLIAMSBURG	VA
4540300009	POWELL, SAMUEL T & MERLE M	3200 DERBY LN	WILLIAMSBURG	VA
4630200001	SLOAN, MICHAEL D TRUSTEE	2527 MANION DR	WILLIAMSBURG	VA
4630200025	HOAG, AMY S	2524 MANION DR	WILLIAMSBURG	VA
	Mid-Atlantic Resource Consulting Attn. Karla Havens	1095 Cherry Row	Plainview	VA

Zip Code
23185-1463
23185-1464
23185-1498
23185-1463
23185-1479
23185-1478
23156-2027



PUBLIC HEARING NOTICE

THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY, Wednesday, July 13, 2022 AT 5 P.M.** IN THE COUNTY GOVERNMENT CONFERENCE ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-22-0076: Ms. Karla Havens, Mid Atlantic Resource Consulting, has applied for a Chesapeake Bay Exception on behalf of Mr. Samuel Powell for encroachments into the Resource Protection Area (RPA) buffer for the construction of an upland revetment on property located at 3200 Derby Lane, JCC Parcel No.45403000009.

CBPA-22-0080: Mr. Chase Grogg, LandTech Resources, Inc., has applied for a Chesapeake Bay Exception on behalf of Walk Wright Construction, LLC, for encroachments into the RPA buffer for the construction of a single-family dwelling and patio on property located at 5 Tay River, JCC Parcel No.3720200044.

CBPA-22-0082: Mr. Chase Grogg, LandTech Resources, Inc., has applied for a Chesapeake Bay Exception on behalf of Ms. and Mr. Sone Marcano for encroachments into the RPA buffer for the construction of a single-family dwelling on property located at 4816 Hickory Signpost Road, JCC Parcel No.4720100045.

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 – Wednesday, June 29, 2022 and Wednesday, July 6, 2022.

ACCOUNT NO. CU00015112

VIRGINIA GAZETTE

1/8 PAGE, VERTICAL, B/W

CARD # x6648

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

ITEM SUMMARY

DATE: 7/13/2022
TO: Chesapeake Bay Board
FROM: Trevor Long, Chesapeake Bay Board Secretary
SUBJECT: CBPA-22-0080: 5 Tay River

CBPA-22-0080: Mr. Chase Grogg, LandTech Resources, Inc., has applied for a Chesapeake Bay Exception on behalf of Walk Wright Construction, LLC, for encroachments into the RPA buffer for the construction of a single-family dwelling and patio on property located at 5 Tay River, JCC Parcel No.3720200044.

ATTACHMENTS:

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution	Resolution
☐	Resolution to Deny	Resolution
☐	Site Plan	Exhibit
☐	APO Letter	Backup Material
☐	APO List	Backup Material
☐	Gazette Ad	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Small, Toni	Approved	7/6/2022 - 8:24 AM
Chesapeake Bay Group	Small, Toni	Approved	7/6/2022 - 10:22 AM
Publication Management	Daniel, Martha	Approved	7/6/2022 - 11:26 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	7/6/2022 - 1:58 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-22-0080. 5 Tay River
Staff Report for the July 13, 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: Walk Wright Construction, LLC

Agent: Mr. Chase Grogg, LandTech Resources, Inc.

Location: 5 Tay River

Parcel Identification No.: 3720200044

Parcel: Lot 44, Section 2, Ford's Colony

Lot Size: 0.56 acres

Area of Lot in Resource Protection Area (RPA): 0.50 acres (89%)

Watershed: Powhatan Creek (JL31)

Floodplain: Zone AE - Base flood elevation determined at 38.1 feet

Proposed Activity: Construction of a new single-family dwelling and patio

Impervious Cover: 4,526 square feet

RPA Encroachment: 2,861 square feet, landward 50-foot RPA
1,665 square feet, seaward 50-foot RPA

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

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Chase Grogg, LandTech Resources, Inc., has applied for a Chesapeake Bay Exception on behalf of Walk Wright Construction, LLC, for encroachments into the RPA buffer for the construction of a new single-family dwelling and patio located at 5 Tay River within the Ford's Colony subdivision and the Powhatan Creek watershed. The property is further identified as James City County Tax Map Parcel No. 3720200044. The parcel was platted in 1985, prior to the adoption of the Chesapeake Bay Preservation Ordinance.

The total lot size of this property is 0.56 acres, of which 89% is located within the RPA. Existing conditions on this parcel include a wooded lot and wetlands that encompass the rear. The applicant is proposing to construct a new single-family dwelling with a patio. Total impacts to the RPA associated with this proposal equate to 2,861 square feet of impacts to the landward 50-foot RPA and 1,665 square feet of impacts to the seaward 50-foot RPA, for a total of 4,526 square feet of impacts. Required mitigation for this amount of impervious impacts equals 12 planting units (12 canopy trees, 24 understory trees, and 36 shrubs). The applicant has provided a mitigation plan equating to four canopy trees, six understory trees, and 38 shrubs and intends to pay the remainder, in the amount of \$3,000, into the Chesapeake Bay Mitigation Fund. No

infiltration measures have been proposed at this time because of the proximity to wetlands and the subsequent soils.

STAFF EVALUATION

Staff has evaluated the application and exception request for the construction of a new single-family dwelling and patio. This application meets the Ordinance conditions in Sections 23-11 and 23-14 and should be heard by the Board because the construction of the single-family dwelling extends into the seaward 50-foot RPA and a patio is considered accessory in nature. Staff is requesting that an affidavit will be required as a condition of this exception request if the Board wishes to approve this request. This affidavit would ensure that potential future property owners are aware of this exception request into 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 the 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. All development activities located in the special flood hazard area shall comply with Article VI, Division 3, Floodplain Area Regulations of the James City County Zoning Ordinance and receive all required approval and permits prior to commencement of such activities; and
3. A surety of \$6,000 be submitted in a form acceptable to the James City County Attorney's Office to guarantee the mitigation plantings; and
4. A payment of \$3,000 into the Chesapeake Bay Mitigation Fund prior to the issuance of a building permit; and

5. That an affidavit be recorded in the Williamsburg-James City County Courthouse prior to the issuance of a building permit; and
6. This exception request approval shall become null and void if construction has not begun by July 13, 2023; and
7. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than June 1, 2023, six weeks prior to the expiration date.

TAL/ap
CBPA22-80_5TayRvr

- Attachments:
1. Resolution
 2. Site Plan

RESOLUTION

CASE NO. CBPA-22-0080. 5 TAY RIVER

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Walk Wright Construction, LLC, (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on July 13, 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. 3720200044 and further identified as 5 Tay River (the “Property”) as set forth in the application CBPA-22-0080 for the purpose of construction of a new single-family dwelling and patio; and

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

NOW, THEREFORE, BE IT RESOLVED that the Chesapeake Bay Board of James City County, Virginia, following a public hearing, 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) All development activities located in the special flood hazard area shall comply with Article VI, Division 3, Floodplain Area Regulations of the James City County Zoning Ordinance and receive all required approval and permits prior to commencement of such activities; and

- c) A surety of \$6,000 be submitted in a form acceptable to the James City County Attorney's Office to guarantee the mitigation plantings; and
- d) A payment of \$3,000 into the Chesapeake Bay Mitigation Fund prior to the issuance of a building permit; and
- e) That an affidavit be recorded in the Williamsburg-James City County Courthouse prior to the issuance of a building permit; and
- f) This exception request approval shall become null and void if construction has not begun by July 13, 2023; and
- g) Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than June 1, 2023, six weeks prior to the expiration date.

David Gussman
Chair, Chesapeake Bay Board

Trevor A. Long
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 13th day of July, 2022.

CBPA22-80_5TayRvr-res

RESOLUTION

CASE NO. CBPA-22-0080. 5 TAY RIVER

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Walk Wright Construction, LLC, (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on July 13, 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. 3720200044 and further identified as 5 Tay River (the “Property”) as set forth in the application CBPA-22-0080 for the purpose of construction of a new single-family dwelling and patio; and

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

NOW, THEREFORE, BE IT RESOLVED that the Chesapeake Bay Board of James City County, Virginia, following a public hearing, by a majority vote of its members FINDS that all of the following conditions have **NOT** been met:

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.

David Gussman
Chair, Chesapeake Bay Board

Trevor A. Long
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 13th day of July, 2022.

CBPA22-80_5TayRvrDny-res

GENERAL NOTES

1. THIS PLAN WAS PRODUCED WITHOUT THE BENEFIT OF A TITLE REPORT AND REFLECTS ONLY THOSE ENCUMBRANCES, EASEMENTS AND SETBACKS AS SHOWN IN P.B. 40, PG. 60-72. ELEVATION SHOWN HEREON ARE IN FEET AND ARE BASED ON AN ASSUMED DATUM OF 100'.
2. WETLANDS, IF ANY, WERE NOT RESEARCHED OR LOCATED FOR THIS PLAN.
3. THIS FIRM MADE NO ATTEMPT TO LOCATE UNDERGROUND UTILITIES.
4. PARCEL LIES IN F.I.R.M. ZONE "X" ZONE "AE" ACCORDING TO COMMUNITY PANEL #51095C01170, DATED DECEMBER 16, 2015.
5. LOT SERVED BY PUBLIC WATER AND SEWER. CONTRACTOR TO COORDINATE CONNECTIONS WITH JAMES CITY COUNTY UTILITIES.
6. CONTRACTOR SHALL PROVIDE POSITIVE DRAINAGE AWAY FROM BUILDINGS SHOWN HEREON.
7. TOPOGRAPHIC DATA AS SHOWN IS BASED ON A CURRENT FIELD SURVEY.
8. CONTRACTOR SHALL DETERMINE EXACT FINISHED FLOOR ELEVATION AFTER EXCAVATION.
9. ALL DIMENSIONS SHOWN HEREON ARE TO THE FRAMELINE OF THE BUILDING.

EROSION & SEDIMENT CONTROL NOTES

ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE "VIRGINIA EROSIONS AND SEDIMENT CONTROL HANDBOOK 1992 THIRD EDITION". THE CONTRACTOR SHALL BE THOROUGHLY FAMILIAR WITH ALL APPLICABLE MEASURES CONTAINED THEREIN WHICH MAY BE PERTINENT TO THIS PROJECT.

BUILDING INFORMATION

PROPOSED BUILDING IS A 1-STORY FRAME
PROPOSED GARAGE IS COURTYARD LOADING

SITE INFORMATION

PARCEL ID: 3720200044
TOTAL AREA: 24,470 S.F. / 0.562 AC.
IMPERVIOUS AREA: 5,085 S.F. / 0.117 AC.
IMPERVIOUS WITHIN 50' RPA: 1,665 S.F. / 0.038 AC.
IMPERVIOUS WITHIN 100' RPA: 2,861 S.F. / 0.066 AC.
TOTAL IMPERVIOUS WITHIN RPA: 4,526 S.F. / 0.104 AC.
DISTURBED AREA: 13,713 S.F. / 0.315 AC.
ZONING DISTRICT: R4 - RESIDENTIAL PLANNED COMMUNITY
EXISTING SITE IS MOSTLY WOODED AS SHOWN

BUILDING SETBACK (SBL)

FRONT: 30'
REAR: 25' OR 25% WHICHEVER IS GREATER
SIDE: 10'

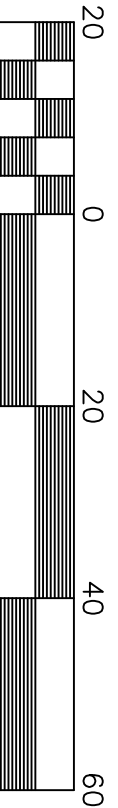
EXISTING ADDRESS:

5 TAY RIVER
JAMES CITY COUNTY, VA

MITIGATION TABLE: 4,526 S.F. / 400 S.F. = 12 CREDITS

MITIGATION MEASURE	TOTAL QTY. (NEEDED)	QTY. (PROPOSED)
NATIVE CANOPY TREES	12	4
NATIVE UNDERSTORY TREES	36	6
NATIVE SHRUBS	72	36

* CONTRACTOR/OWNER TO COORDINATE WITH JAMES CITY COUNTY FOR REQUIREMENTS ON MITIGATION PLANTING.
* TOTAL PROPOSED QUANTITY ON PLAN EQUALS TO THE CREDIT REQUIREMENT NEEDED.



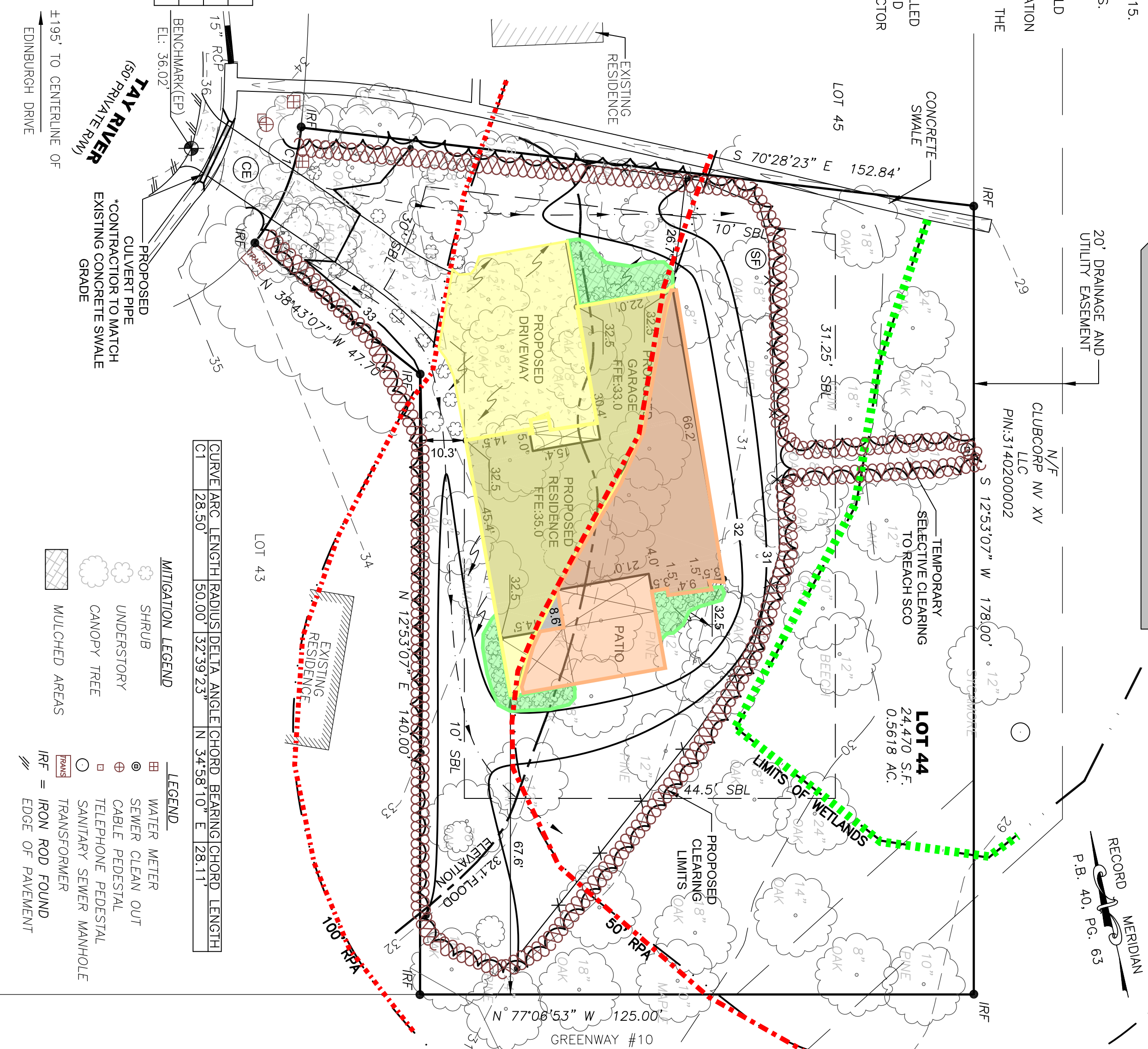
COMMONWEALTH OF VIRGINIA
LAND SURVEYORS
MATTHEW H. CONNOY
Lic. No. 2056
6/10/2022
DATE: 6/10/2022
DRAWN BY: AEQ
PROJECT No. 19-284
FILE NAME: 19-284.DWG
REFERENCES:
P.B. 40, PG. 60-72

DRAINAGE CONTROL/IMPROVEMENTS SHALL BE INSTALLED IMMEDIATELY AFTER CLEARING SUCH THAT NO DISTURBED AREA DRAINAGE FLOWS ONTO ADJACENT PROPERTIES. ()

BEFORE CLEARING MARK TREES TO BE PRESERVED WITH PLASTIC TAPE TO BE REVIEWED AND APPROVED WITH THE ARC INSPECTOR. ()

CURB & GUTTER SECTIONS WILL REQUIRE (2) SCHEDULE 40-4" CONDUITS PLACED 3" BELOW GRADE, OR AS LOW AS POSSIBLE TO NOT CONFLICT WITH OTHER UTILITIES, DIRECTLY BEHIND THE CURB FOR FUTURE WIRES.
SECTIONS: 3B, 8A, 8B, 10, 12, 13A, 13B, 14A, 14B, 15, 17, 18, 30, 31 & 32
DATE: _____
SIGNED: _____

CHECK FIT OF
LOT 44, SECTION II
FORDS COLONY
FOR
WALK WRIGHT CONSTRUCTION LLC.
JAMES CITY COUNTY VIRGINIA



CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	28.50'	50.00'	32°39'23"	N 34°58'10" E	28.11'

MITIGATION LEGEND

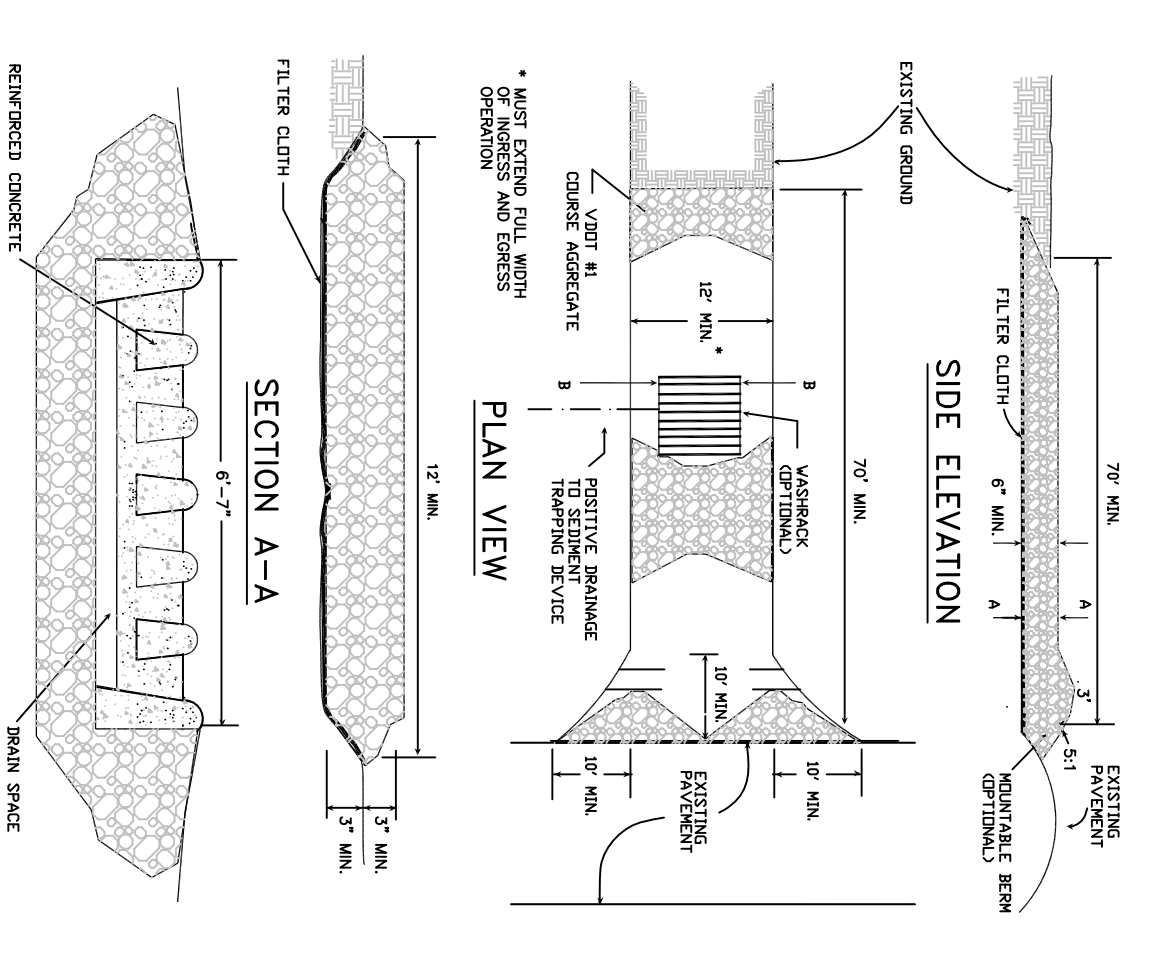
- SHRUB
- UNDERSTORY
- CANOPY TREE
- MULCHED AREAS

LEGEND

- WATER METER
- SEWER CLEAN OUT
- CABLE PEDESTAL
- TELEPHONE PEDESTAL
- SAINTARY SEWER MANHOLE
- TRANSFORMER
- IRON ROD FOUND
- EDGE OF PAVEMENT

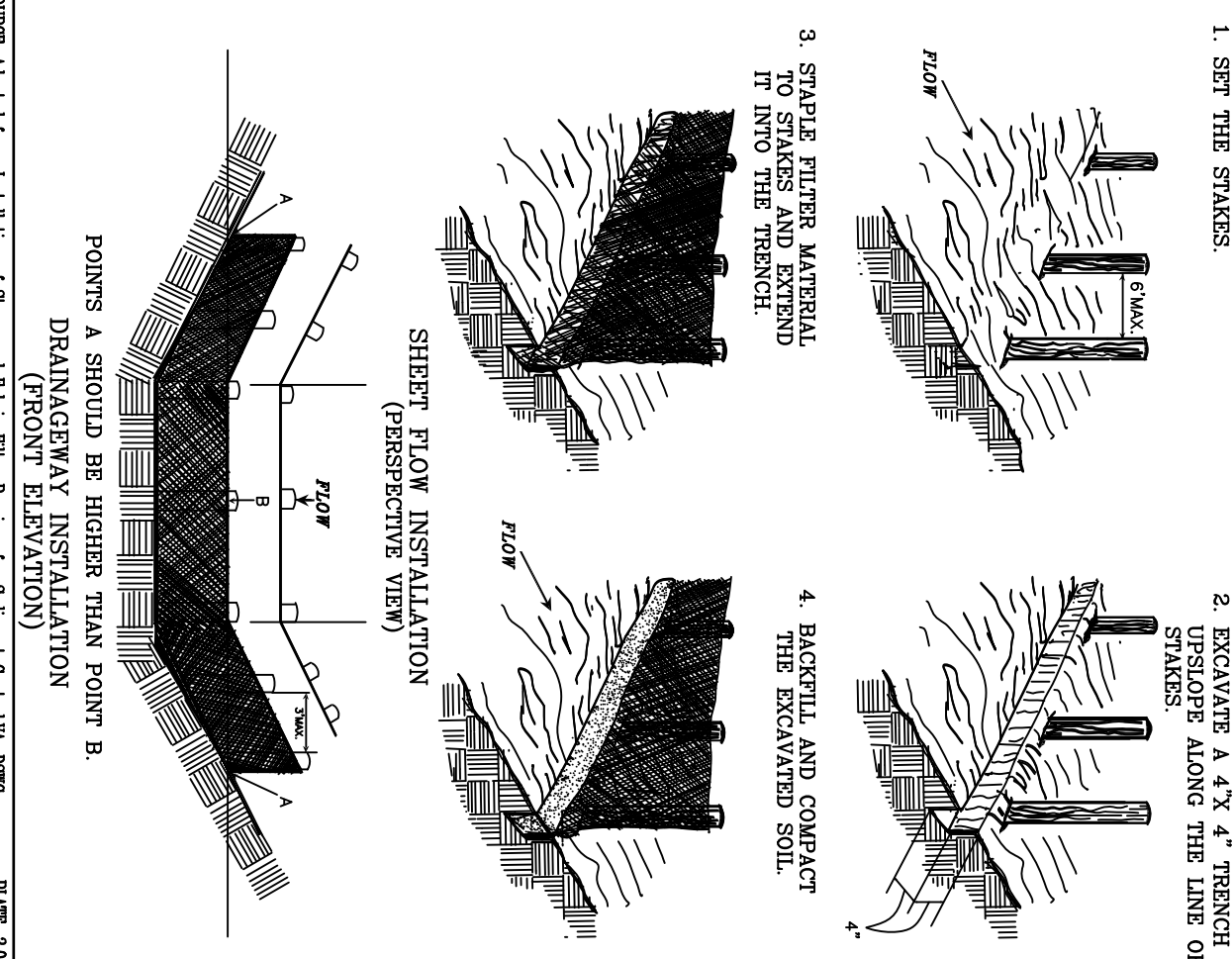
NO.	DATE	REVISION / COMMENT / NOTE

STONE CONSTRUCTION ENTRANCE



SOURCE: ADAPTED FROM 1983 Maryland Standards for Silt Erosion and Sediment Control, and Va. DSWC Plate 306-1

CONSTRUCTION OF A SILT FENCE (WITHOUT WIRE SUPPORT)



IRI LANDTECH RESOURCES, INC.
ENGINEERING · SURVEYING · GPS
205E Bullfrogs Blvd., Williamsburg, VA 23188
Ph: (757) 835-1111
web: landtechresources.com



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
757-259-6670

Facilities & Grounds
113 Tewning Road
Williamsburg, VA 23188
757-259-4080

Solid Waste
1204 Jolly Pond Road
Williamsburg, VA 23188
757-565-0971

«Last_Name»
«Address_Line_1»
«City», «State» «Zip_Code»

RE: CBPA-22-0080
5 Tay River
Single Family Dwelling and Patio

July 1, 2022

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. Chase Grogg, LandTech Resources, Inc., on behalf of Walk Wright Construction, LLC for encroachments into the Resource Protection Area (RPA) buffer for the construction of a single family dwelling and patio on property located at 5 Tay River, JCC Parcel No. 3720200044.

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 13, 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

PIN	Last Name	Address Line 1	City	State	Zip Code
372020001B	CLUBCORP NV XV LLC	PO BOX 2539	SAN ANTONIO	TX	78299-2539
3140200002	CLUBCORP NV XV LLC	PO BOX 2539	SAN ANTONIO	TX	78299-2539
3720200041	LOVELADY, BEVERLY C	4 TAY RIVER	WILLIAMSBURG	VA	23188-7416
3720200043	HOMICZEWSKI, RICHARD A TRUSTEE &	7 TAY RIVER	WILLIAMSBURG	VA	23188-7416
3720200045	KRANKOWSKI, JOSEPH P TRUSTEE &	3 TAY RIVER	WILLIAMSBURG	VA	23188-7416
3720200042	MARSHBURN, JAMES P TRUSTEE &	6 TAY RIVER	WILLIAMSBURG	VA	23188-7416
3720200044	WALK WRIGHT CONSTRUCTION LLC	5338 ADEN CT	WILLIAMSBURG	VA	23188-1900
	LandTech Resources Attn. Chase Grogg	205-E Bulifants Blvd	Williamsburg	VA	23188-5740



PUBLIC HEARING NOTICE

THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY, Wednesday, July 13, 2022 AT 5 P.M.** IN THE COUNTY GOVERNMENT CONFERENCE ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-22-0076: Ms. Karla Havens, Mid Atlantic Resource Consulting, has applied for a Chesapeake Bay Exception on behalf of Mr. Samuel Powell for encroachments into the Resource Protection Area (RPA) buffer for the construction of an upland revetment on property located at 3200 Derby Lane, JCC Parcel No.45403000009.

CBPA-22-0080: Mr. Chase Grogg, LandTech Resources, Inc., has applied for a Chesapeake Bay Exception on behalf of Walk Wright Construction, LLC, for encroachments into the RPA buffer for the construction of a single-family dwelling and patio on property located at 5 Tay River, JCC Parcel No.3720200044.

CBPA-22-0082: Mr. Chase Grogg, LandTech Resources, Inc., has applied for a Chesapeake Bay Exception on behalf of Ms. and Mr. Sone Marcano for encroachments into the RPA buffer for the construction of a single-family dwelling on property located at 4816 Hickory Signpost Road, JCC Parcel No.4720100045.

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 – Wednesday, June 29, 2022 and Wednesday, July 6, 2022.

ACCOUNT NO. CU00015112

VIRGINIA GAZETTE

1/8 PAGE, VERTICAL, B/W

CARD # x6648

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

ITEM SUMMARY

DATE: 7/13/2022
TO: Chesapeake Bay Board
FROM: Trevor Long, Chesapeake Bay Board Secretary
SUBJECT: CBPA-22-0082: 4816 Hickory Signpost

CBPA-22-0082: Mr. Chase Grogg, LandTech Resources, Inc., has applied for a Chesapeake Bay Exception on behalf of Ms. and Mr. Sone Marcano for encroachments into the RPA buffer for the construction of a single-family dwelling on property located at 4816 Hickory Signpost Road, JCC Parcel No.4720100045.

ATTACHMENTS:

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution	Resolution
☐	Site Plan	Exhibit
☐	Presentation	Presentation
☐	APO Letter	Backup Material
☐	APO List	Backup Material
☐	Gazette Ad	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Small, Toni	Approved	7/6/2022 - 8:25 AM
Chesapeake Bay Group	Small, Toni	Approved	7/6/2022 - 10:22 AM
Publication Management	Pobiak, Amanda	Approved	7/6/2022 - 11:14 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	7/6/2022 - 2:01 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-22-0082. 4816 Hickory Signpost Road
Staff Report for the July 13, 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. and Ms. Sone Marcano

Agent: Mr. Chase Grogg, LandTech Resources, Inc.

Location: 4816 Hickory Signpost Road

Parcel Identification No.: 4720100045

Parcel: Lot 11, Point of Thomas

Lot Size: 0.56 acres

Area of Lot in Resource Protection Area (RPA): 0.56 acres (100%)

Watershed: Mill Creek (JL33)

Floodplain: None

Proposed Activity: Construction of single-family dwelling

Impervious Cover: 1,264 square feet

RPA Encroachment: 129 square feet, landward 50-foot RPA
1,135 square feet, seaward 50-foot RPA

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

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Chase Grogg, LandTech Resources, Inc., has applied for a Chesapeake Bay Exception on behalf of Mr. and Ms. Sone Marcano for encroachments into the RPA buffer for the construction of a single-family dwelling located at 4816 Hickory Signpost Road within the Mill Creek watershed. The property is further identified as James City County Tax Map Parcel No. 4720100045. The parcel was platted in 1970, prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The total lot size of this property is 0.56 acres, of which 100% is located within the RPA. The applicants are proposing to construct a new 560-square-foot single-family dwelling with a 140-square-foot patio and 20-square-foot balcony. Additionally, there is a 545-square-foot driveway associated with the construction to accommodate for the lack of street parking on this road. Therefore, total impacts to the RPA associated with this proposal equate to 129 square feet of impacts to the landward 50-foot RPA and 1,135 square feet of impacts to the seaward 50-foot RPA for a total of 1,264 square feet of impacts.

The applicants came before the Chesapeake Bay Board in June 2022. Since that meeting, the applicants have decreased the size of the proposed driveway from 942 square feet to 545 square feet, which is a

reduction of 397 square feet. The location of the house was also adjusted slightly to accommodate the new driveway. Additionally, the applicants decreased the size of the proposed deck. Originally 140 square feet, the new deck is a 20-square-foot Juliet balcony, resulting in a reduction of 120 square feet. Total reductions in the RPA from the first submittal of this proposal equate to 695 square feet. The applicants gained approval from the Board of Zoning Appeals in May 2022 to move the building setback from 60 feet to 30 feet in an effort to move the dwelling further from the wetlands. Required mitigation for this amount of impervious impacts equals three planting units (three canopy trees, six understory trees, and nine shrubs). The applicants have also proposed a Bioretention Best Management Practice (BMP) in this new site plan that will treat water from all the proposed impervious cover in this project. Staff will also require the recordation of an affidavit in the Williamsburg/James City County Courthouse to ensure that any future owners of the property will be aware the RPA encroachments that will occur as a result of this proposal.

STAFF EVALUATION

Staff has evaluated the application and exception request for the construction of a single-family dwelling. 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 single-family dwelling extends into the seaward 50-foot RPA.

CONSIDERATION BY THE CHESAPEAKE BAY BOARD

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

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

STAFF RECOMMENDATIONS

Staff has reviewed the application and exception request and has determined the impacts associated with the proposal to be major based on the impacts to the seaward 50-foot RPA. Staff recommends approval for this exception request and if the Board wishes to approve the 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. All plantings required for the bioretention BMP shall not count towards the required plantings; and
3. The submittal of a mitigation plan equating to three planting units (three canopy trees, six understory trees, and nine shrubs) be submitted to the Stormwater and Resource Protection Division prior to the issuance of a building permit; and

4. A surety of \$2,500 be submitted in a form acceptable to the James City County Attorney's Office to guarantee the mitigation plantings and installation of the bioretention BMP; and
5. That an affidavit be recorded in the Williamsburg/James City County Courthouse prior to the issuance of the building permit; and
6. This exception request approval shall become null and void if construction has not begun by July 13, 2023; and
7. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than June 1, 2023, six weeks prior to the expiration date.

TAL/md
CBPA22-60_4816Hckry

- Attachments:
1. Resolution
 2. Site Plan

RESOLUTION

CASE NO. CBPA-22-0082. 4816 HICKORY SIGNPOST ROAD

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. and Ms. Sone Marciano, (the “Applicants”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on July 13, 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. 4720100045 and further identified as 4816 Hickory Signpost Road (the “Property”) as set forth in the application CBPA-22-0082 for the purpose of construction of a single-family dwelling; 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) All plantings required for the Bioretention Best Management Practice shall not count towards the required plantings; and
- c) The submittal of a mitigation plan equating to three planting units (three canopy trees, six understory trees, and nine shrubs) be submitted to the Stormwater and Resource Protection Division prior to the issuance of a building permit; and
- d) A surety of \$2,500 be submitted in a form acceptable to the James City County Attorney's Office to guarantee the mitigation plantings; and
- e) That an affidavit be recorded in the Williamsburg/James City County Courthouse prior to the issuance of the building permit; and
- f) This exception request approval shall become null and void if construction has not begun by July 13, 2023; and
- g) Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than June 1, 2023, six weeks prior to the expiration date.

David Gussman
Chair, Chesapeake Bay Board

Trevor A. Long
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 13th day of July, 2022.

CBPA22-82_4816Hckry-res

GENERAL NOTES

- THIS PLAT WAS PRODUCED WITHOUT THE BENEFIT OF A TITLE REPORT AND REFLECTS ONLY THOSE ENCUMBRANCES, EASEMENTS AND SETBACKS AS SHOWN IN P.B. 28, PG. 9.
- ELEVATION SHOWN HEREON ARE IN FEET AND ARE CLOSELY RELATED TO JCC GIS MAPPING.
- WETLANDS SHOWN PER ROTH ENVIRONMENTAL FIELD DELINEATION.
- THIS FIRM MADE NO ATTEMPT TO LOCATE UNDERGROUND UTILITIES.
- PARCEL LIES IN F.I.R.M. ZONE "X" ACCORDING TO COMMUNITY PANEL #51095C0182D, DATED DECEMBER 16, 2015.
- LOT SERVED BY PUBLIC WATER AND SEWER.
- CONTRACTOR SHALL PROVIDE POSITIVE DRAINAGE AWAY FROM BUILDINGS SHOWN HEREON.
- TOPOGRAPHIC DATA AS SHOWN IS BASED ON A CURRENT FIELD SURVEY.
- CONTRACTOR SHALL DETERMINE EXACT FINISH FLOOR ELEVATION AFTER EXCAVATION.
- ALL DIMENSIONS SHOWN HEREON ARE TO THE FRAMLINE OF THE BUILDING.
- CONTRACTOR TO INSTALL CLEANOUTS AT BENDS OF DRAINAGE LINE FOR FUTURE INSPECTIONS & MAINTENANCE

EROSION & SEDIMENT CONTROL NOTES

ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE "VIRGINIA EROSIONS AND SEDIMENT CONTROL HANDBOOK 1992 THIRD EDITION". THE CONTRACTOR SHALL BE THOROUGHLY FAMILIAR WITH ALL APPLICABLE MEASURES CONTAINED THEREIN WHICH MAY BE PERTINENT TO THIS PROJECT.

BUILDING INFORMATION

PROPOSED BUILDING IS A 1-STORY FRAME
NO PROPOSED GARAGE

SITE INFORMATION

PARCEL ID: 4720100045
 TOTAL AREA: 24,526 S.F. / 0.563 AC.
 IMPERVIOUS AREA: 1,264 S.F. / 0.029 AC.
 DISTURBED AREA: 4,135 S.F. / 0.095 AC.
 IMPERVIOUS WITHIN 50' RPA: 1,135 S.F. / 0.026 AC.
 IMPERVIOUS WITHIN 100' RPA: 129 S.F. / 0.003 AC
 IMPERVIOUS WITHIN RPA TOTAL: 1,264 S.F. / 0.029 AC.
 ZONING DISTRICT: R1 LIMITED RESIDENTIAL
 PROPERTY IS LOCATED IN AN RPA
 EXISTING SITE IS WOODED AS SHOWN

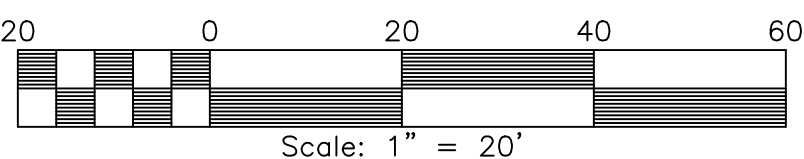
BUILDING SETBACK (SBL)

FRONT: 30' FROM C OF R/W
 REAR: 35'
 SIDE: 15'

EXISTING ADDRESS:

4816 HICKORY SIGNPOST ROAD
 JAMES CITY COUNTY, VIRGINIA

WATER METER AND SEWER CLEAN OUT NOT FOUND AT TIME OF SURVEY CONTRACTOR TO VERIFY LOCATION / INSTALLATION WITH JCSA BEFORE CONSTRUCTION BEGINS.

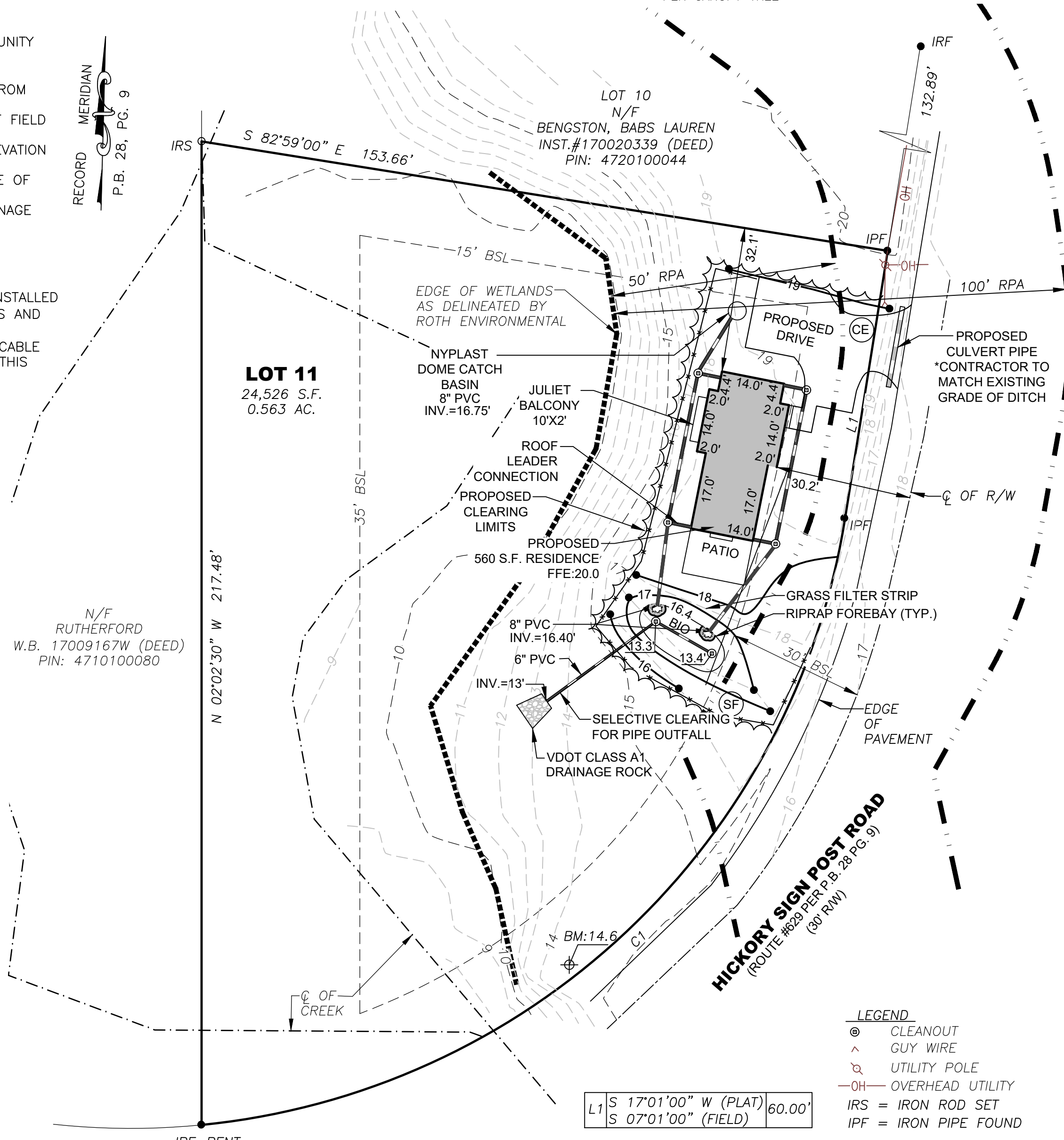


LANDSCAPING NOTES

- 3" OF GRAVEL TO BE INSTALLED UNDER JULIET BALCONY
- SPECIES OF PLANTS AND PLANTING LOCATION TO BE COORDINATED WITH THE JAMES CITY COUNTY ENGINEERING AND RESOURCE PROTECTION DIVISION.
- ALL MITIGATION PLANTINGS TO BE LOCATED INSIDE OF RPA.

MITIGATION MEASURE	QTY.(NEEDED)	QTY.
NATIVE CANOPY TREES	3	3
NATIVE UNDERSTORY TREES	6	6
NATIVE SHRUBS	9	9

2 SHRUBS PER UNDERSTORY TREE AND 4 SHRUBS PER CANOPY TREE

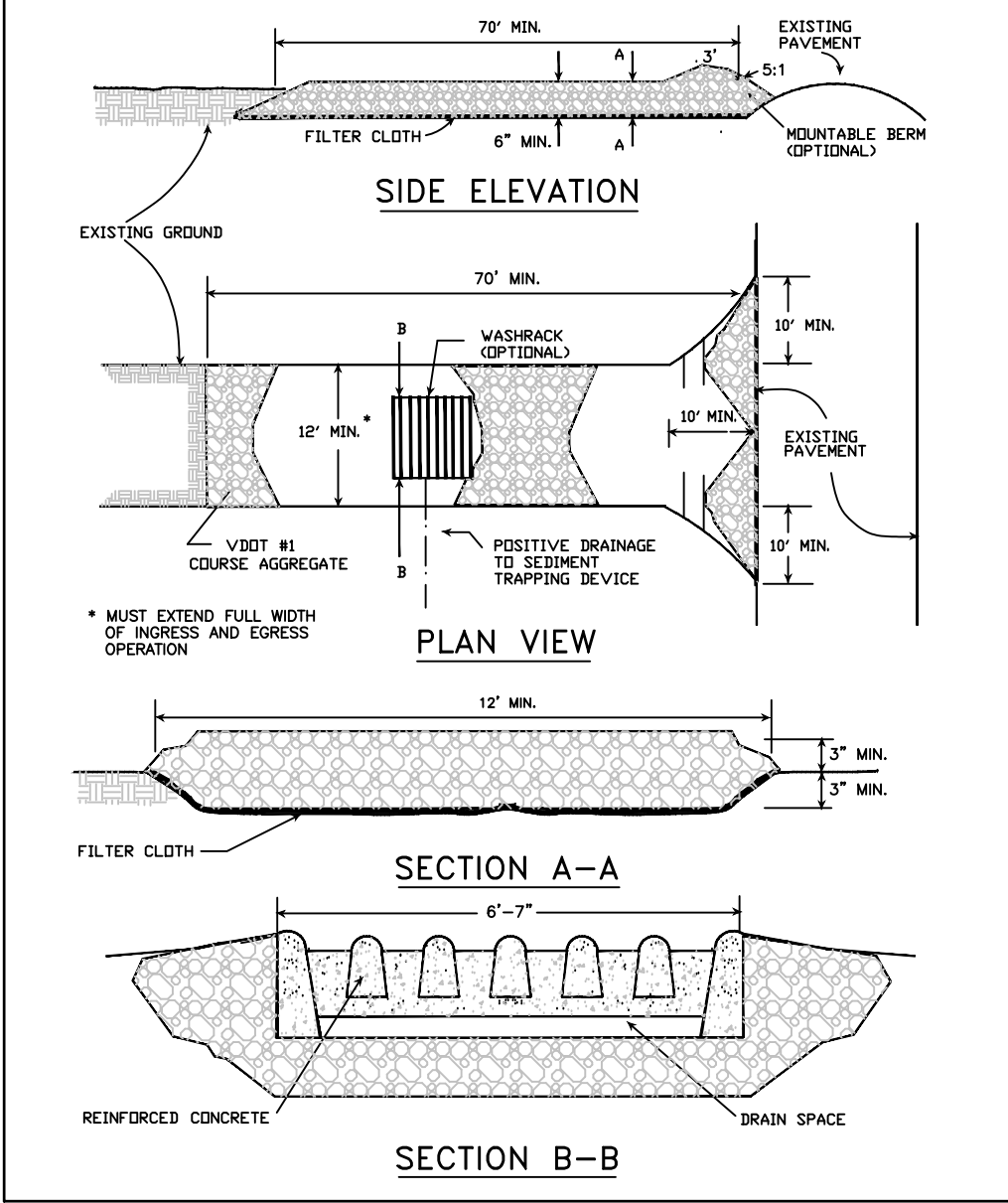


N/F RUTHERFORD
 W.B. 17009167W (DEED)
 PIN: 4710100080

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	160.00'	210.30'	195.48'	S 44°40'10" W	75°18'25"

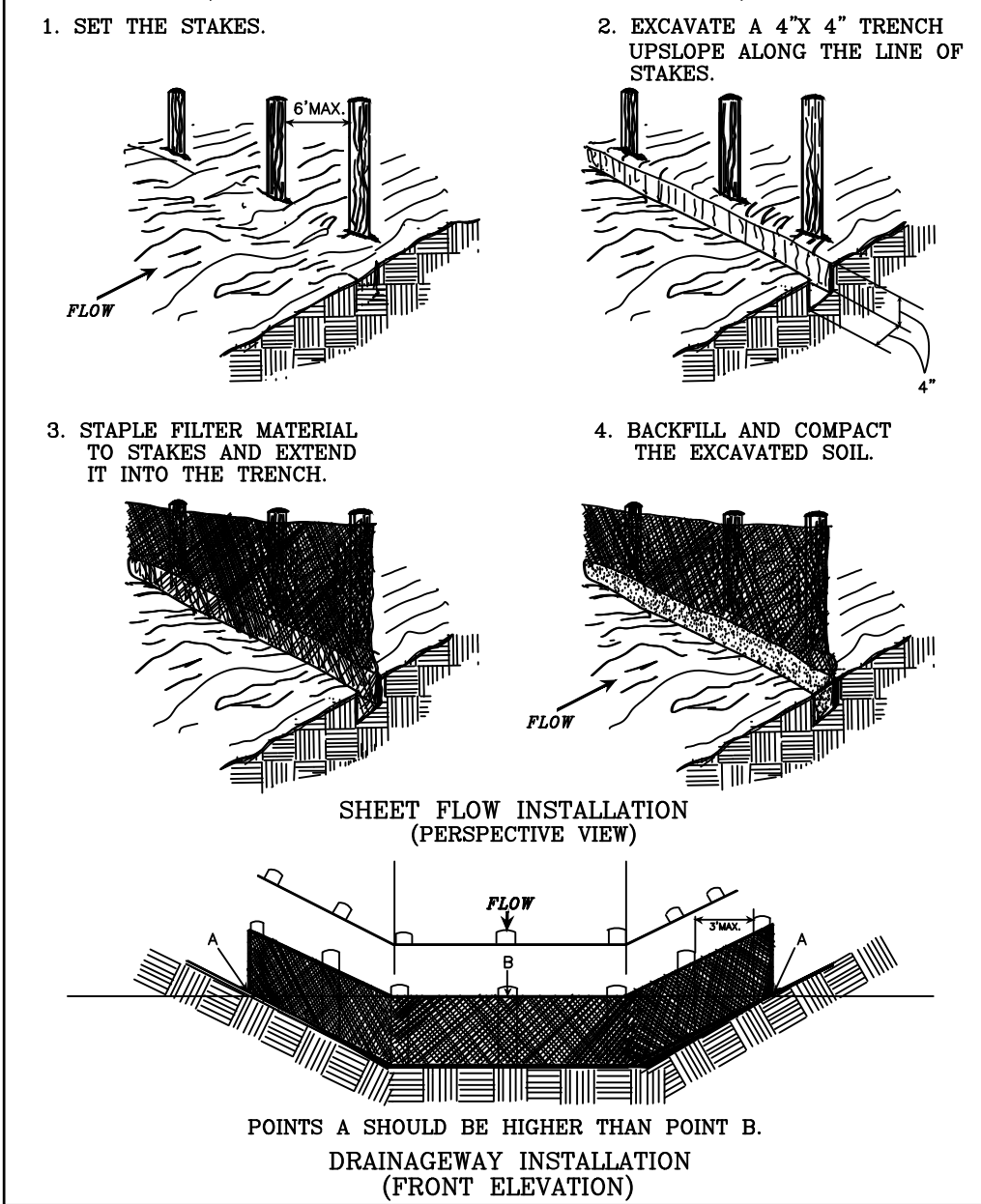
- LEGEND**
- ⊙ CLEANOUT
 - △ GUY WIRE
 - ⊕ UTILITY POLE
 - OH— OVERHEAD UTILITY
 - IRS = IRON ROD SET
 - IPF = IRON PIPE FOUND

STONE CONSTRUCTION ENTRANCE

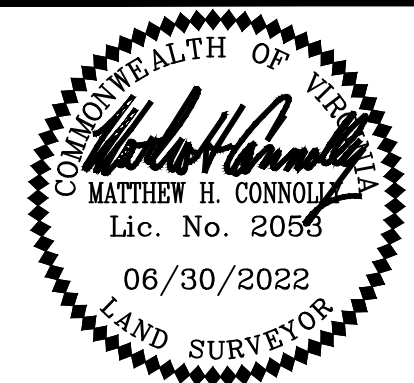


SOURCE: ADAPTED FROM 1983 MARYLAND STANDARDS FOR SOIL EROSION AND SEDIMENT CONTROL, AND VA. DSWC PLATE 3.02-1

CONSTRUCTION OF A SILT FENCE (WITHOUT WIRE SUPPORT)



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



DATE: 6/30/2022
 DRAWN BY: CG
 PROJECT No. 17-590
 FILE NAME: 17-590PP.DWG
 REFERENCES:
 P.B. 28, PG. 9

PLAT PLAN OF
LOT 11,
 DIVISION OF ESTATE OF: EVA SLADE ROWE
 FOR
SONE MARCANO
 JAMES CITY COUNTY VIRGINIA

NO.	DATE	REVISION / COMMENT / NOTE
5	6/30/2022	REVISED PER COUNTY COMMENTS
4	6/28/2022	UPDATED BMP CALCULATIONS
3	6/20/2022	REVISED PER COUNTY COMMENTS
2	6/8/2022	CORRECTED IMPERVIOUS CALCULATIONS
1	6/1/2022	REVISED PER COUNTY COMMENTS

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

BMP #1-BIO-RETENTION FILTER (LEVEL 2)

IMPERVIOUS AREA: 1,264 S.F. / 0.029 AC. (D SOILS)
 TURF AREA: 2,871 S.F. / 0.066 AC. (D SOILS)
 TOTAL CDA: 4,135 S.F. / 0.095 AC. (D SOILS)

TREATMENT VOLUME, T_v PER VRRM SPREADSHEET
 $T_v = 160$ cf

MEDIA DEPTH –
 SOIL MEDIA ($V_r=0.25$): DEPTH=24"
 GRAVEL ($V_r=0.40$): DEPTH=12"
 CHOKER ($V_r=0.20$): DEPTH=3"
 SURFACE PONDING ($V_r=1.00$): DEPTH=6"

BIO FILTER EQUIVALENT STORAGE DEPTH –
 $D_{eq} = (2.00' \times 0.25) + (1.00' \times 0.40) + (0.25 \times 0.20) + (0.50' \times 1.00)$
 $D_{eq} = 1.45'$

BIO FILTER SURFACE AREA –
 SURFACE AREA (SA) = TREATMENT VOLUME (T_v) / D_{eq}
 $SA = 160$ cf / $1.45'$
 SA REQUIRED = 101 S.F.
 SA PROVIDED = 150 S.F.

- NOTES:
1. A 6" UNDERDRAIN IS REQUIRED WITHOUT PROPER INFILTRATION TESTING.
 2. SIDE SLOPE EXCAVATION IS NOT TO BE VERTICAL.
 3. BIO-RETENTION PLANTINGS TO BE TAKEN FROM VA DEQ STORMWATER DESIGN SPECIFICATION NO. 9 TABLE 9.4.
 4. BIO-RETENTION MATERIAL SPECIFICATIONS TO BE TAKEN FROM VA DEQ STORMWATER DESIGN SPECIFICATION NO. 9 TABLE 9.6.
 5. **INSTALLATION OF THE BIO-RETENTION FACILITY SHOULD BE OBSERVED BY A LICENSED ENGINEER.**

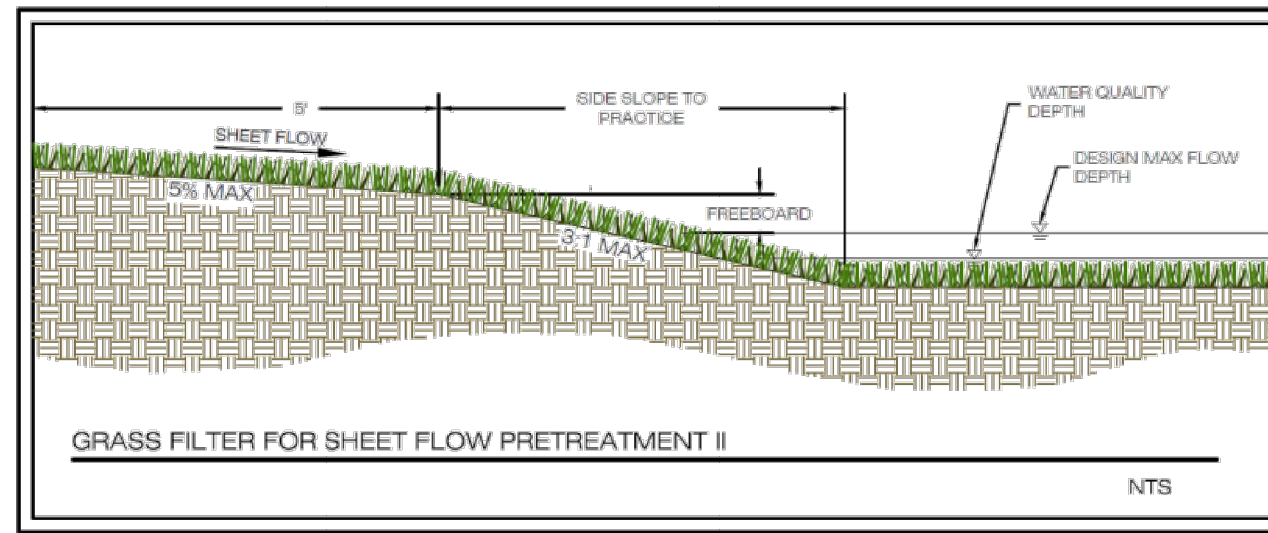


Figure 9.7 - Pretreatment I and II - Grass Filter for Sheet Flow

VA DEQ STORMWATER DESIGN SPECIFICATION NO. 9 BIORETENTION

Table 9.4. Popular Native Plant Materials for Bioretention

Perennials/Herbaceous	Shrubs	Trees
Virginia Wild Rye (<i>Elymus virginicus</i>)	Common Winterberry (<i>Ilex verticillata</i>)	River Birch (<i>Betula nigra</i>)
Redtop Grass (<i>Agrostis alba</i>)	Inkberry (<i>Ilex glabra</i>)	Red Maple (<i>Acer rubrum</i>)
Swamp Milkweed (<i>Asclepias incarnata</i>)	Sweet Pepperbush (<i>Clethra alnifolia</i>)	Pin Oak (<i>Quercus palustris</i>)
Swainson's Thistle (<i>Cirsium vulgare</i>)	Wax Myrtle (<i>Myrica cerifera</i>)	Willow Oak (<i>Quercus phellos</i>)
Cardinal Flower (<i>Lobelia cardinalis</i>)	Virginia Sweetpire (<i>Iris virginica</i>)	Sweetgum (<i>Liquidambar styraciflua</i>)
Common Three Square (<i>Scirpus americanus</i>)	Swamp Azalea (<i>Azalea viscosum</i>)	Black Willow (<i>Salix nigra</i>)
Sensitive Fern (<i>Crocodylus sensibilis</i>)	Button Bush (<i>Copaphanthus occidentalis</i>)	Grey Birch (<i>Betula populifolia</i>)
Blue Flag (<i>Iris versicolor</i>)	Black Haw (<i>Viburnum prunifolium</i>)	Black Gum (<i>Nyssa sylvatica</i>)
Woodgrass (<i>Scirpus cyparissinus</i>)	Indigo Bush (<i>Amaranthus fruticosus</i>)	Sycamore (<i>Platanus occidentalis</i>)
Indian Grass (<i>Scorphastrum nutans</i>)	Arrowwood (<i>Viburnum dentatum</i>)	Green Ash (<i>Fraxinus pennsylvanica</i>)
Marsh Marigold (<i>Caltha palustris</i>)		Sweetbay Magnolia (<i>Magnolia virginiana</i>)
Joe Pye Weed (<i>Eupatorium purpureum</i>)		Atlantic White Cedar* (<i>Chamaecyparis thyoides</i>)
Turk's cap Lily (<i>Lilium superbum</i>)		Bald Cypress* (<i>Taxodium distichum</i>)
Bee Balm (<i>Morhania didyma</i>)		Grey Dogwood (<i>Cornus racemosa</i>)
Northern Sea Oats (<i>Chasmanthium latifolium</i>)		Smooth Alder (<i>Alnus serrulata</i>)
		Servicberry (<i>Amelanchier canadensis</i>)
		Redbud (<i>Cercis canadensis</i>)
		Box Elder (<i>Acer negundo</i>)
		Fringe Tree (<i>Chionanthus virginicus</i>)

Version 1.9, March 1, 2011

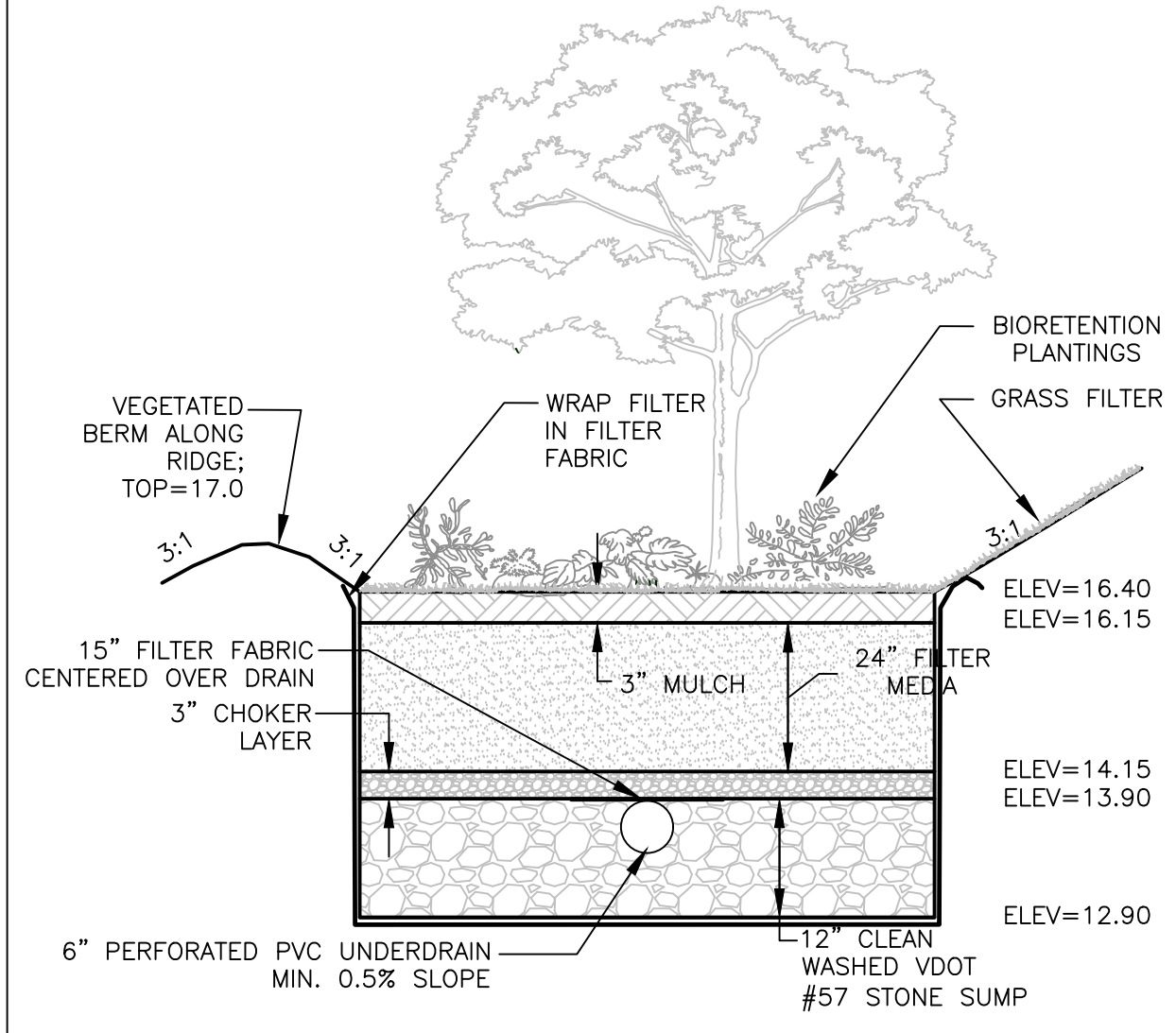
Page 28 of 54

VA DEQ STORMWATER DESIGN SPECIFICATION NO. 9 BIORETENTION

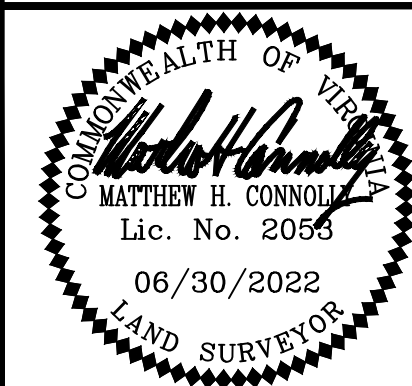
Table 9.6. Bioretention Material Specifications

Material	Specification	Notes
Filter Media Composition	Filter Media to contain: • 85%-88% sand • 8%-12% soil fines • 3%-5% organic matter in the form of leaf compost	The volume of filter media based on 110% of the plan volume, to account for settling or compaction.
Filter Media Testing	P-index range = 10-30, OR Between 7 and 21 mg/kg of P in the soil media.	The media must be procured from approved filter media vendors.
Mulch Layer	Use aged, shredded hardwood bark mulch.	Lay a 2 to 3 inch layer on the surface of the filter bed.
Alternative Surface Cover	Use river stone or pea gravel, cor and jute matting, or turf cover.	Lay a 2 to 3 inch layer of to suppress weed growth.
Top Soil For Turf Cover	Loamy sand or sandy loam texture, with less than 5% clay content, pH corrected to between 6 and 7, and an organic matter content of at least 2%.	3 inch surface depth.
Geotextile/Liner	Use a non-woven geotextile fabric with a flow rate of > 110 gal/min/sq. ft. (e.g., Geotex 351 or equivalent)	Apply only to the sides and above the underdrain. For hotspots and certain karst sites only, use an appropriate liner on bottom.
Choking Layer	Lay a 2 to 4 inch layer of sand over a 2 inch layer of choker stone (typically #8 or #59 washed gravel), which is laid over the underdrain stone.	12 inches for the underdrain; 12 to 18 inches for the stone storage layer, if needed.
Stone Jacket for Underdrain and/or Storage Layer	1 inch stone should be double-washed and clean and free of all fines (e.g., VDOT #57 stone).	
Underdrains, Cleanouts, and Observation Wells	Use 6 inch rigid schedule 40 PVC pipe (or equivalent corrugated HDPE for micro-bioretenion), with 3/8-inch perforations at 6 inches on center, position each underdrain on a 1% or 2% slope located not more than 20 feet from the next pipe.	Lay the perforated pipe under the length of the bioretention cell, and install non-perforated pipe as needed to connect with the storm drain system. Install T's and Y's as needed, depending on the underdrain configuration. Extend cleanout pipes to the surface with vented caps at the T's and Y's.
Plant Materials	Plant one tree per 250 square feet (15 feet on-center, minimum 1 inch caliper). Shrubs a minimum of 30 inches high planted a minimum of 10 feet on-center. Plant ground cover plugs at 12 to 18 inches on-center. Plant container-grown plants at 18 to 24 inches on-center, depending on the initial plant size and how large it will grow.	Establish plant materials as specified in the landscaping plan and the recommended plant list. In general, plant spacing must be sufficient to ensure the plant material achieves 80% cover in the proposed planting areas within a 3-year period. If seed mixes are used, they should be from a qualified supplier, should be appropriate for stormwater basin applications, and should consist of native species (unless the seeding is to establish maintained turf).

Version 1.9, March 1, 2011



SHEET 2 OF 2



DATE: 6/28/2022
 DRAWN BY: CG
 PROJECT No. 17-590
 FILE NAME: 17-590PP.DWG
 REFERENCES:
 P.B. 28, PG. 9

PLOT PLAN OF
 LOT 11,
 DIVISION OF ESTATE OF: EVA SLADE ROWE
 FOR
 SONE MARCANO

JAMES CITY COUNTY

VIRGINIA

NO.	DATE	REVISION / COMMENT / NOTE
5	6/30/2022	REVISED PER COUNTY COMMENTS
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LRI
LANDTECH
RESOURCES, INC.
 ENGINEERING • SURVEYING • GPS

3925 Midlands Road Williamsburg, VA 23188
 Ph: (757) 565-1677 Fax: (757) 565-0782
 web: landtechresources.com



Chesapeake Bay Board of James City County, Virginia

July 13, 2022

CBPA 22-0082

Sone Marcano

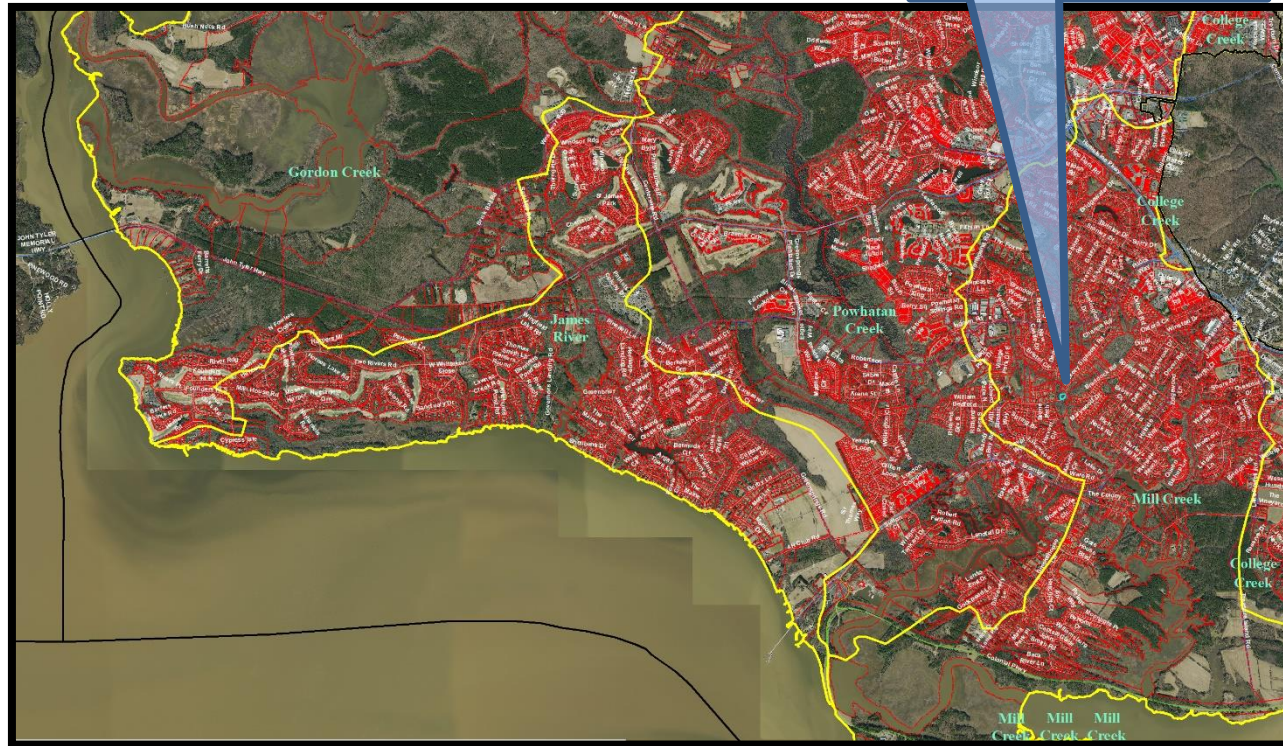
4816 Hickory Signpost Road



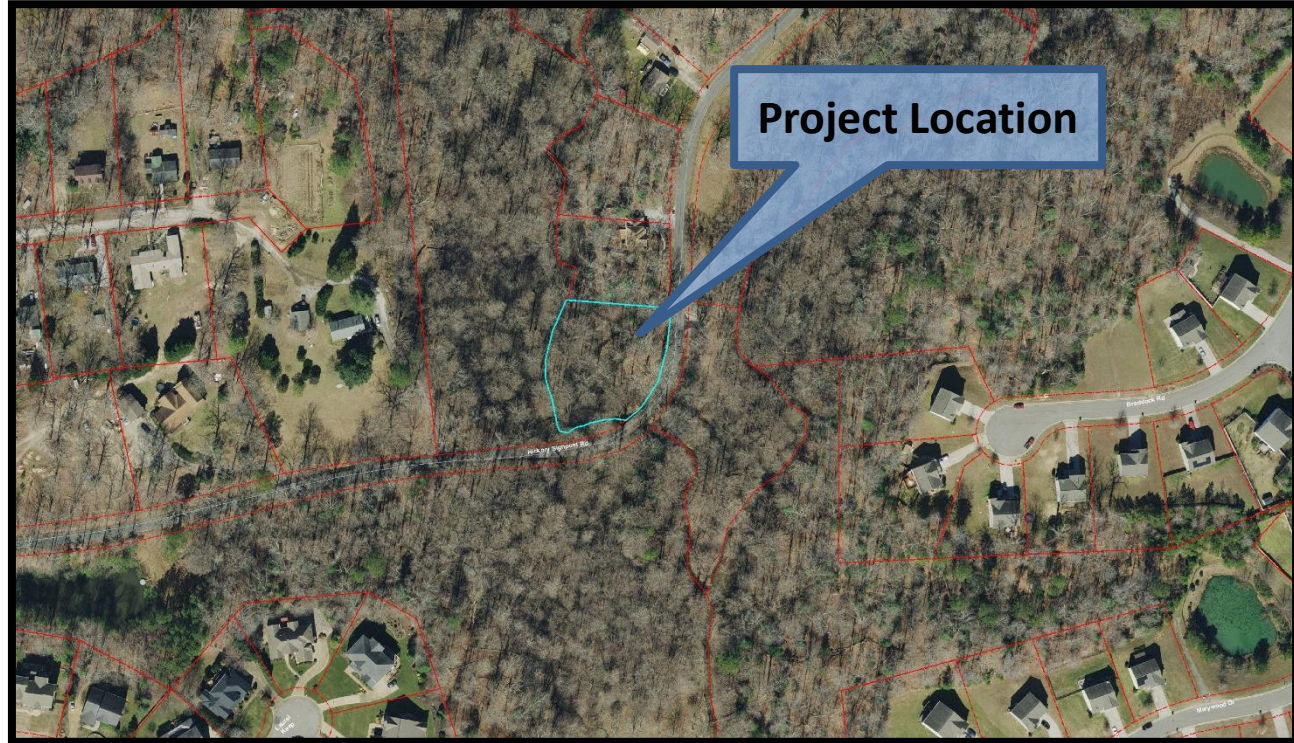
Applicant Request

- ✓ Construction of a single-family dwelling.

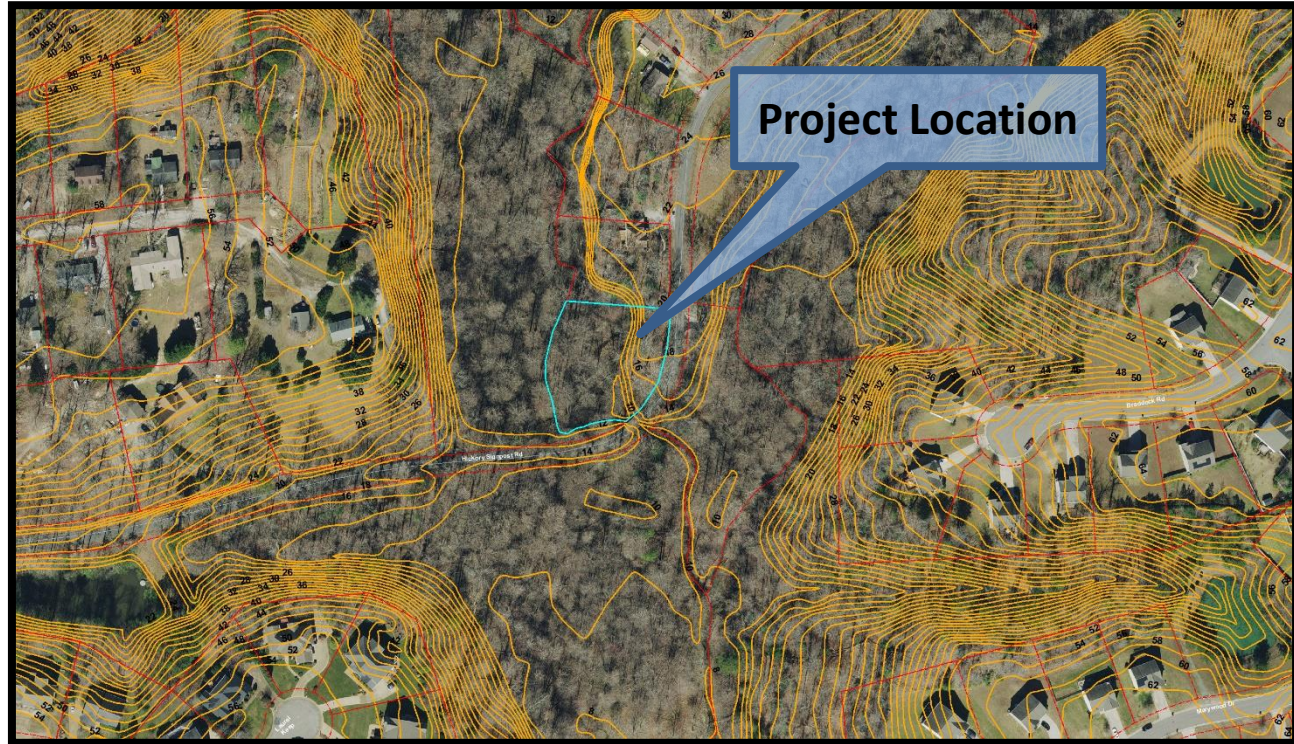
Subject Parcel



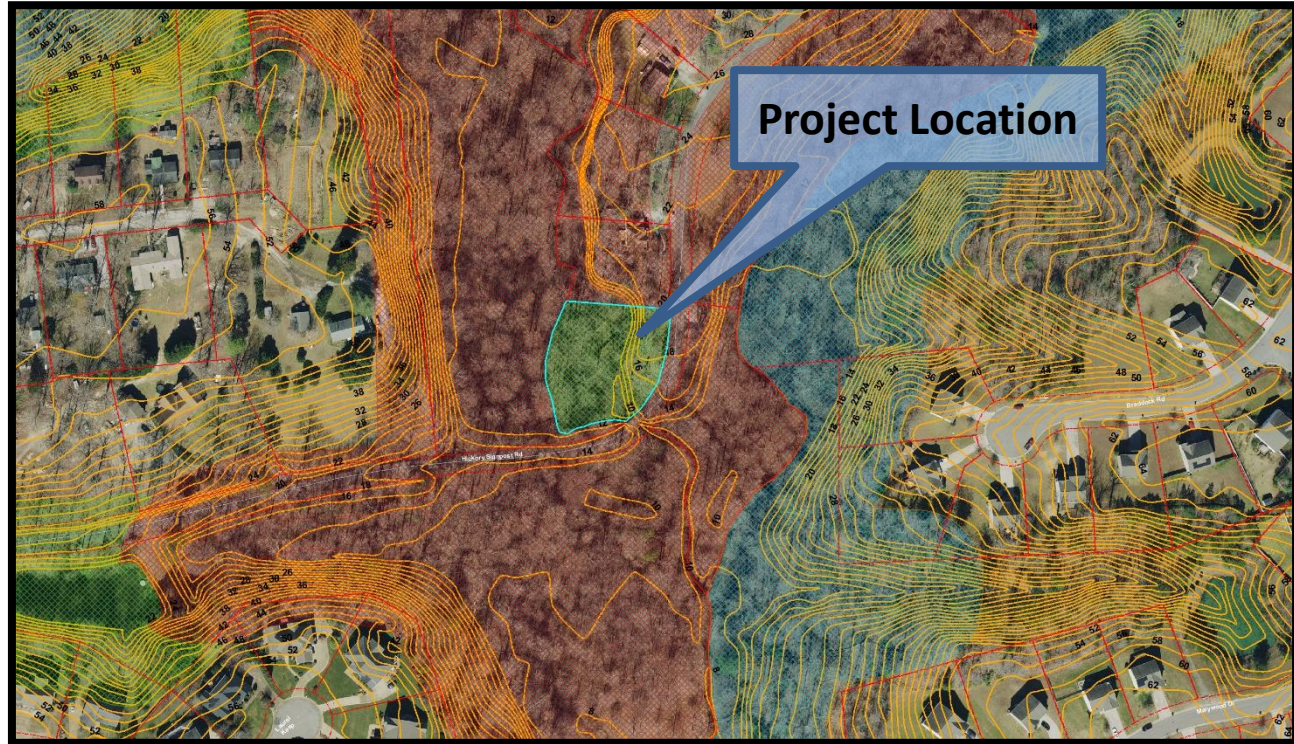
Vicinity Map
CBPA-22-0082
4816 Hickory Signpost Road



Aerial Photograph
CBPA-22-0082
4816 Hickory Signpost Road



Topography
CBPA-22-0082
4816 Hickory Signpost Road



Resource Protection Area
CBPA-22-0082
4816 Hickory Signpost Road

**Proposed Driveway
Seaward 50-foot
Resource Protection
Area**

**Proposed House
Seaward 50-foot
Resource Protection
Area**

Edge of Wetlands

Proposed BMP

**50-foot Resource
Protection Area**

**Previous Site Plan - CBPA-22-0082
4816 Hickory Signpost Road**

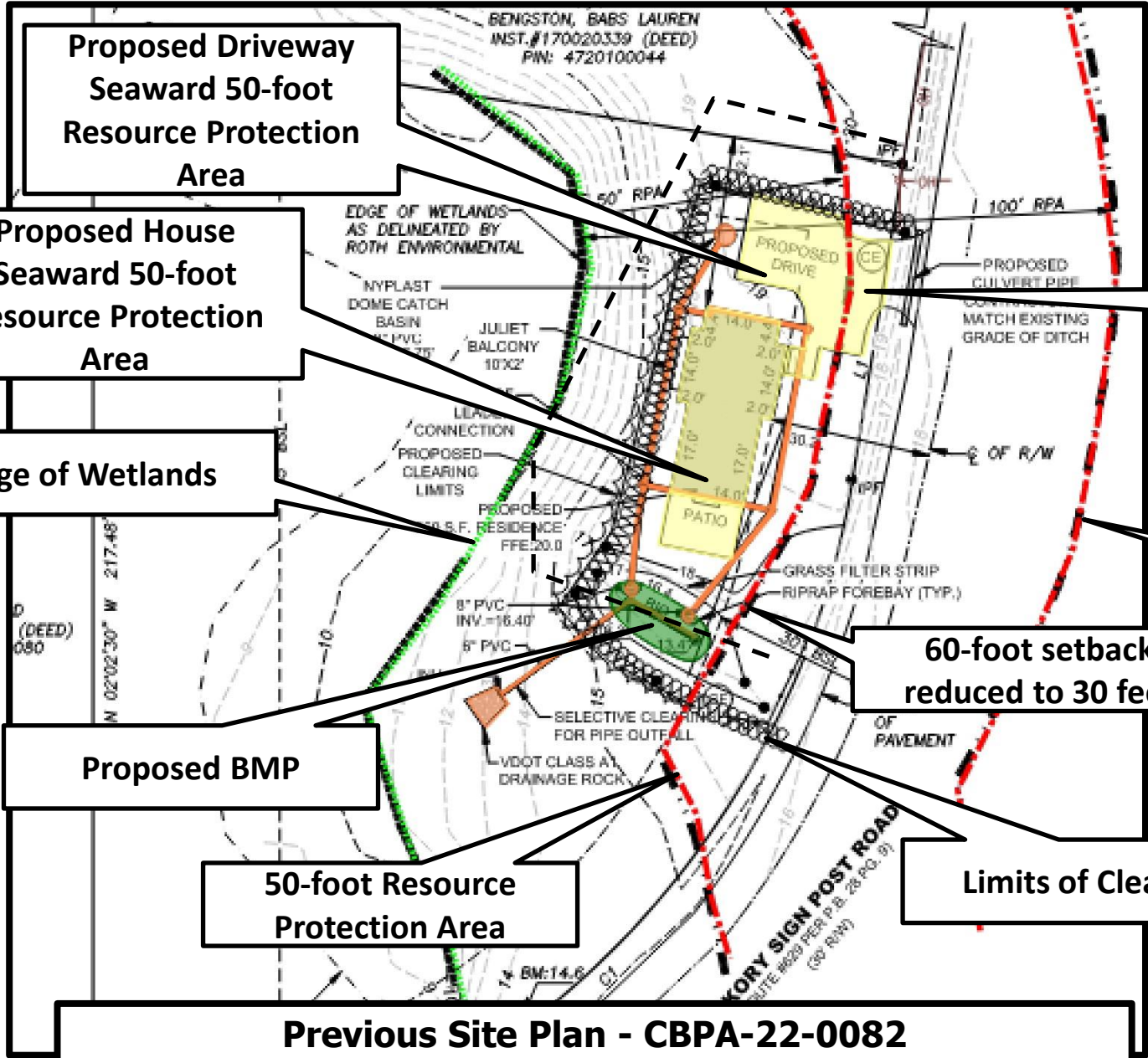
Site Plan showing
proposed improvements,
submitted June 22, 2022.
For representative use
only for presentation of
case #CBPA-22-0082

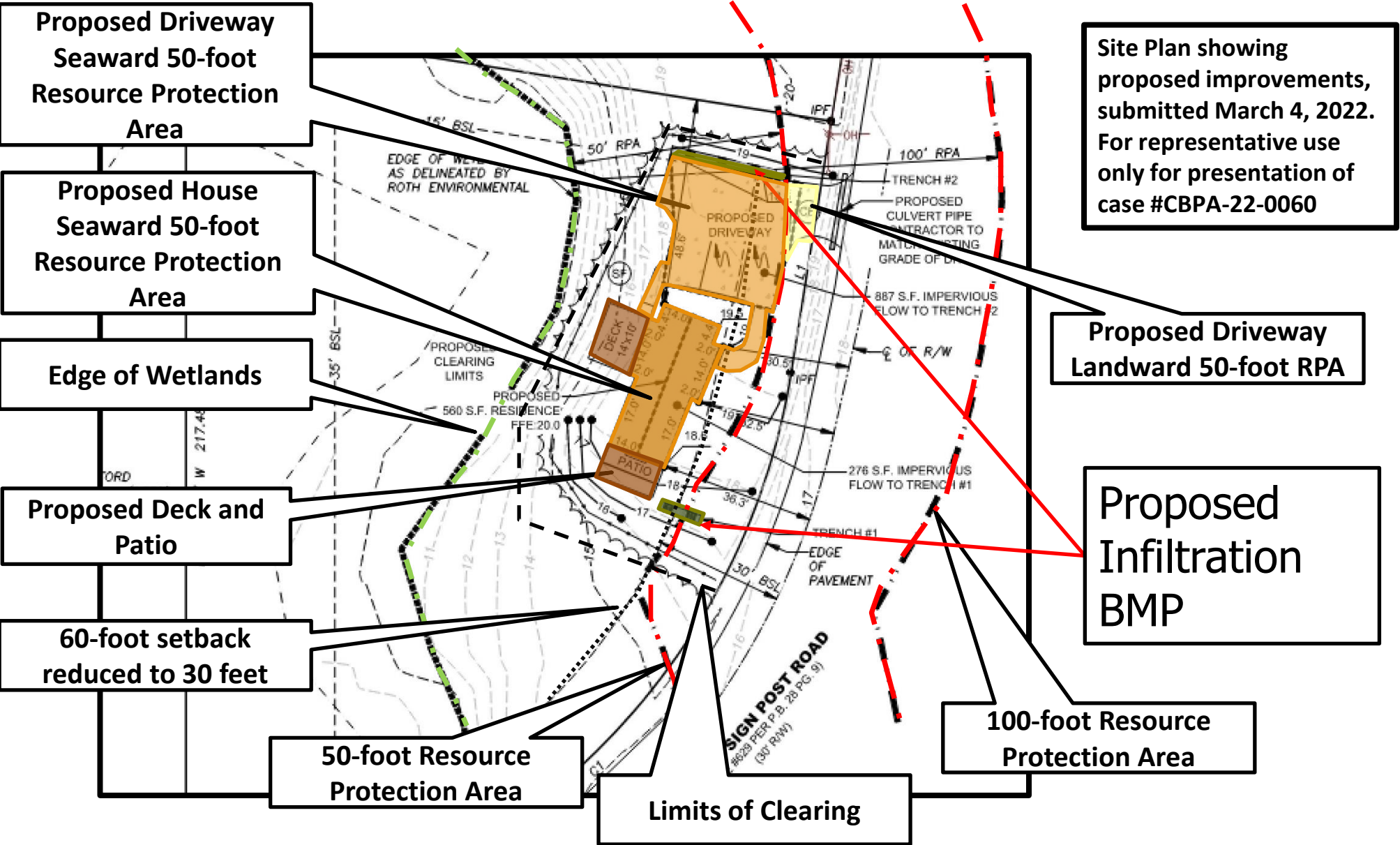
**Proposed Driveway
Landward 50-foot RPA**

**100-foot Resource
Protection Area**

**60-foot setback
reduced to 30 feet**

Limits of Clearing





BMP #1-BIO-RETENTION FILTER (LEVEL 2)

IMPERVIOUS AREA: 1,264 S.F. / 0.029 AC. (D SOILS)
TURF AREA: 2,871 S.F. / 0.066 AC. (D SOILS)
TOTAL CDA: 4,135 S.F. / 0.095 AC. (D SOILS)

TREATMENT VOLUME, T_v PER VRRM SPREADSHEET
 $T_v = 160$ cf

MEDIA DEPTH -

SOIL MEDIA ($V_r=0.25$):	DEPTH=24"
GRAVEL ($V_r=0.40$):	DEPTH=12"
CHOKER ($V_r=0.20$):	DEPTH=3"
SURFACE PONDING ($V_r=1.00$):	DEPTH=6"

BIO FILTER EQUIVALENT STORAGE DEPTH -

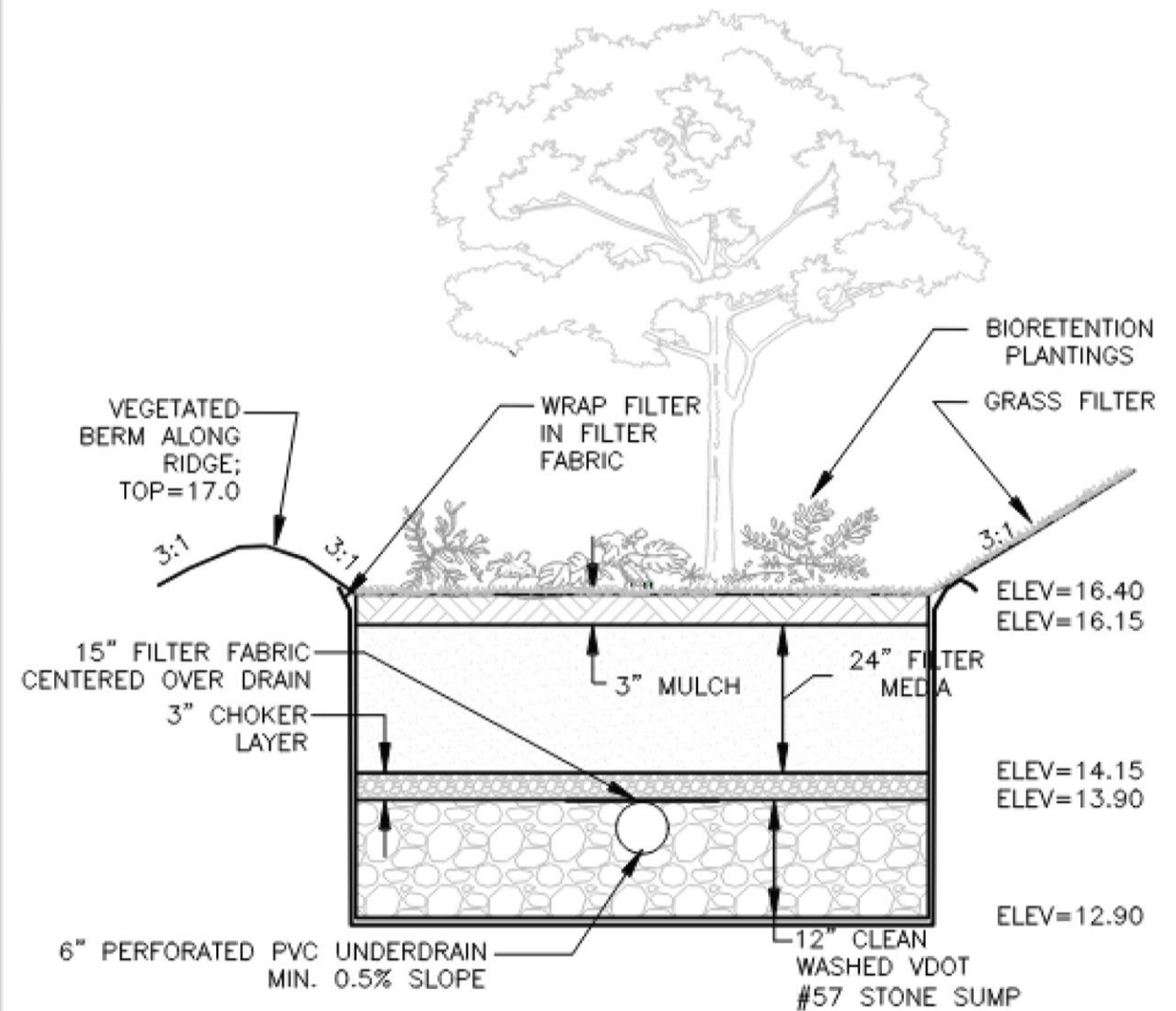
$$D_{eq} = (2.00' \times 0.25) + (1.00' \times 0.40) + (0.25 \times 0.20) + (0.50' \times 1.00)$$
$$D_{eq} = 1.45'$$

BIO FILTER SURFACE AREA -

SURFACE AREA (SA) = TREATMENT VOLUME (T_v) / D_{eq}
SA = 160 cf / 1.45'
SA REQUIRED = 101 S.F.
SA PROVIDED = 150 S.F.

NOTES:

1. A 6" UNDERDRAIN IS REQUIRED WITHOUT PROPER INFILTRATION TESTING.
2. SIDE SLOPE EXCAVATION IS NOT TO BE VERTICAL.
3. BIO-RETENTION PLANTINGS TO BE TAKEN FROM VA DEQ STORMWATER DESIGN SPECIFICATION NO. 9 TABLE 9.4.
4. BIO-RETENTION MATERIAL SPECIFICATIONS TO BE TAKEN FROM VA DEQ STORMWATER DESIGN SPECIFICATION NO. 9 TABLE 9.6.
5. **INSTALLATION OF THE BIO-RETENTION FACILITY SHOULD BE OBSERVED BY A LICENSED ENGINEER.**

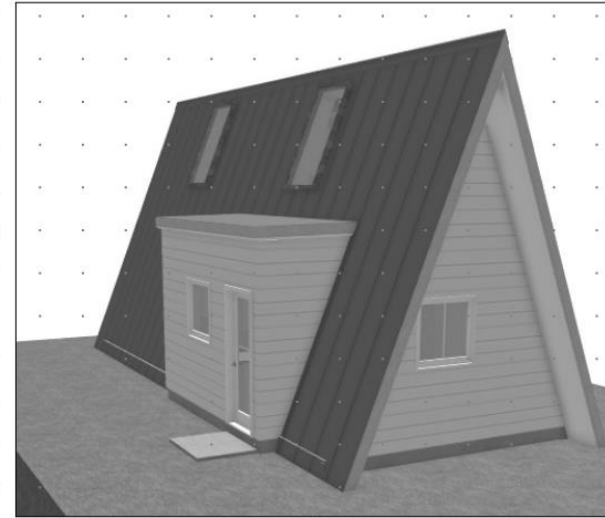
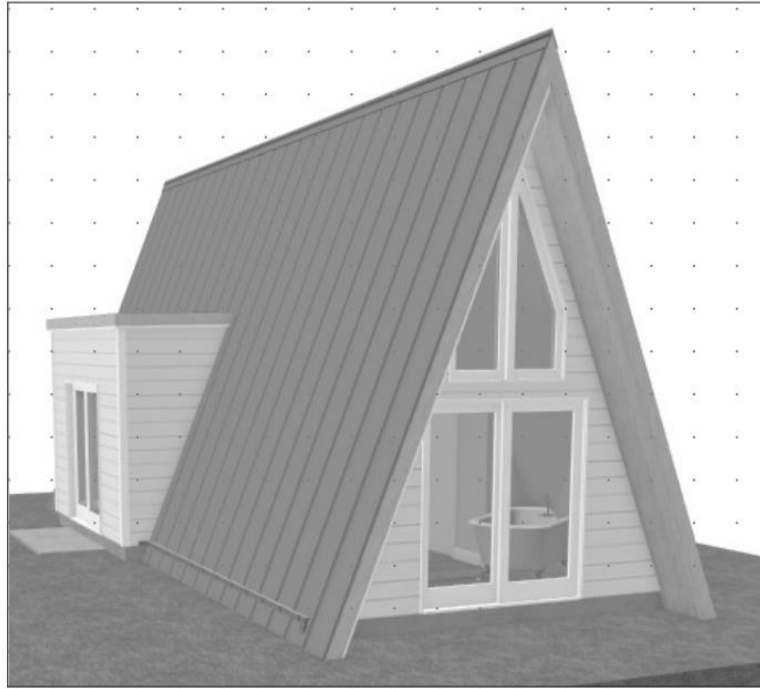


BMP Information

CBPA-22-0082

4816 Hickory Signpost Road

MARGANO RESIDENCE
JAMES CITY COUNTY, VA.



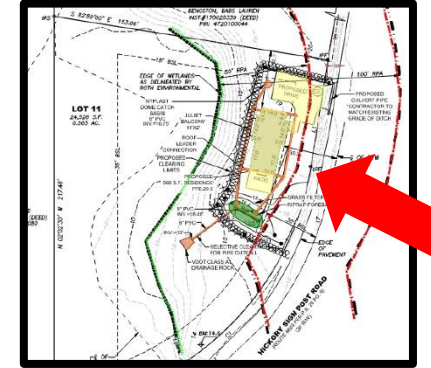
502 SQ. FT. - LIVING AREA

House View
CBPA-22-0082
4816 Hickory Signpost Road

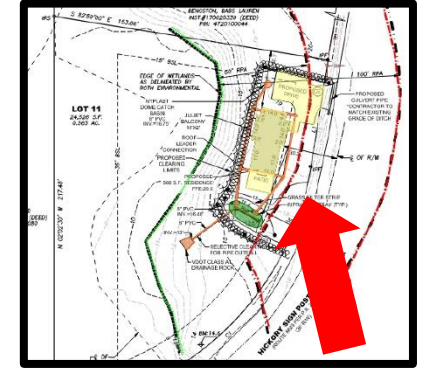


**WAYNE HARBIN
BUILDER, INC.**

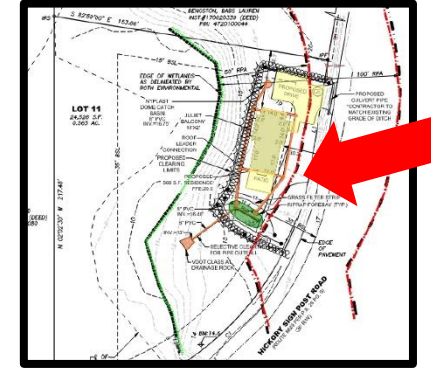
www.harbinbuilder.com



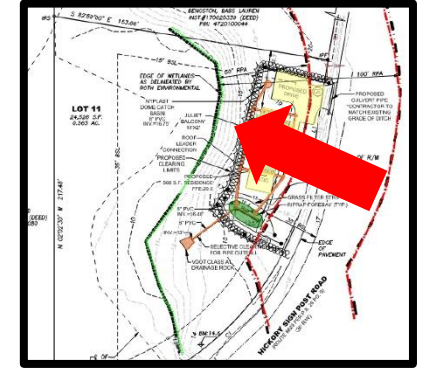
**Site Photograph #1 - CBPA-22-0082
4816 Hickory Signpost Road**



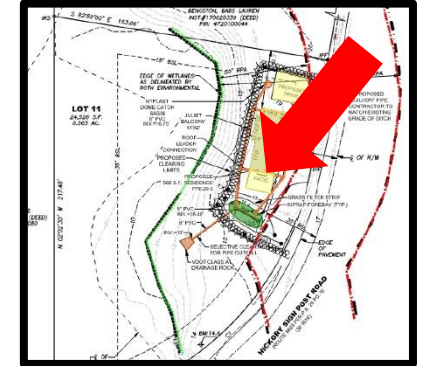
**Site Photograph #2 - CBPA-22-0082
4816 Hickory Signpost Road**



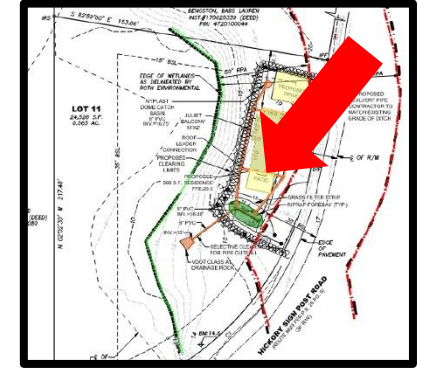
**Site Photograph #3 - CBPA-22-0082
4816 Hickory Signpost Road**



**Site Photograph #4 - CBPA-22-0082
4816 Hickory Signpost Road**



**Site Photograph #5 - CBPA-22-0082
4816 Hickory Signpost Road**



**Site Photograph #6 - CBPA-22-0082
4816 Hickory Signpost Road**

Considerations



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

- ✓ The exception request is the minimum necessary to afford relief; and
- ✓ 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
- ✓ 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
- ✓ 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
- ✓ Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality.

Permit Conditions

Staff Recommendation – Approval



- ✓ All other necessary local, state and federal permits
- ✓ Plantings for the BMP shall not count towards required mitigation
- ✓ A mitigation plan equating to 3 planting units
- ✓ A surety of \$2,500 to guarantee plantings and BMP installation
- ✓ An affidavit be recorded
- ✓ This exception request approval shall become null and void if construction has not begun by July 13, 2023
- ✓ Written requests for extension submitted no later than June 1, 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
757-259-6670

Facilities & Grounds
113 Tewning Road
Williamsburg, VA 23188
757-259-4080

Solid Waste
1204 Jolly Pond Road
Williamsburg, VA 23188
757-565-0971

«Last_Name»
«Address_Line_1»
«City», «State» «Zip_Code»

RE: CBPA-22-0082
4816 Hickory Signpost Rd
Home Construction

July 1, 2022

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 Chase Grogg, LandTech Resources, Inc., on behalf of Mrs. and Mr. Marcano for encroachments into the Resource Protection Area (RPA) buffer for the construction of a single family dwelling on property located at 4816 Hickory Signpost Rd, JCC Parcel No. 4720100045.

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 13, 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

PIN	Last Name	Address Line 1	City	State	Zip Code
4720100044	BENGTSON, BABS LAUREN	4824 HICKORY SIGNPOST RD	WILLIAMSBURG	VA	23185-2406
4720100045	MARCANO, SONE L	817 23RD STREET	VIRGINIA BEACH	VA	23451-6310
4720100046A	JAMES CITY SERVICE AUTHORITY	119 TEWNING RD	WILLIAMSBURG	VA	23188-2639
4710100080	RUTHERFORD, SALLIE SMITH ESTATE	4676 HICKORY SIGNPOST RD	WILLIAMSBURG	VA	23185-2462
4711900001A	SETTLERS MILL ASSOCIATION	PO BOX 1295	WILLIAMSBURG	VA	23187-1295
4721800005	BISHOP, RUBY DIANE	4847 HICKORY SIGNPOST RD	WILLIAMSBURG	VA	23185-2418
	LandTech Resources, Inc. Attn: Chase Grogg	205-E Bulifants BLVD	Williamsburg	VA	23188-5740



PUBLIC HEARING NOTICE

THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY, Wednesday, July 13, 2022 AT 5 P.M.** IN THE COUNTY GOVERNMENT CONFERENCE ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-22-0076: Ms. Karla Havens, Mid Atlantic Resource Consulting, has applied for a Chesapeake Bay Exception on behalf of Mr. Samuel Powell for encroachments into the Resource Protection Area (RPA) buffer for the construction of an upland revetment on property located at 3200 Derby Lane, JCC Parcel No.45403000009.

CBPA-22-0080: Mr. Chase Grogg, LandTech Resources, Inc., has applied for a Chesapeake Bay Exception on behalf of Walk Wright Construction, LLC, for encroachments into the RPA buffer for the construction of a single-family dwelling and patio on property located at 5 Tay River, JCC Parcel No.3720200044.

CBPA-22-0082: Mr. Chase Grogg, LandTech Resources, Inc., has applied for a Chesapeake Bay Exception on behalf of Ms. and Mr. Sone Marcano for encroachments into the RPA buffer for the construction of a single-family dwelling on property located at 4816 Hickory Signpost Road, JCC Parcel No.4720100045.

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 – Wednesday, June 29, 2022 and Wednesday, July 6, 2022.

ACCOUNT NO. CU00015112

VIRGINIA GAZETTE

1/8 PAGE, VERTICAL, B/W

CARD # x6648

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