

A G E N D A
JAMES CITY COUNTY CHESAPEAKE BAY BOARD
REGULAR MEETING
County Government Center, Building F
September 14, 2022
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

1. Minutes from the June 8 2022, Regular Meeting
2. Minutes from the July 13, 2022, Regular Meeting

D. PUBLIC HEARINGS

1. CBPA-22-0109 : 124 Thomas Cartwright
2. CBPA-22-0104 : 105 Ambrose Hill
3. CBPA-22-0093 : 9250 Six Mount Zion Road: Stonehouse Tract S, Phase 1
4. CBPA-22-0107 : 9100 Six Mount Zion Road : Stonehouse Tract 11A, Phase 1
5. CBPA-22-0105 : 124 James Bray Drive

E. BOARD CONSIDERATIONS

1. CBPA-21-0178 - 5508 Swan Road
2. Election of Officers

F. MATTERS OF SPECIAL PRIVILEGE

G. ADJOURNMENT

ITEM SUMMARY

DATE:

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	Woolson, Michael	Approved	9/6/2022 - 5:04 PM
Chesapeake Bay Group	Small, Toni	Approved	9/7/2022 - 8:10 AM
Publication Management	Pobiak, Amanda	Approved	9/7/2022 - 8:30 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	9/7/2022 - 3:49 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 Deny the Request for Deferral was made by Charles Roadley, the motion result was Passed.

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

Ayes: Dunn, Gussman, Lukens, Roadley

Nays: Waltrip

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. Gussman expressed his concern that the proposal was not the minimum necessary to afford relief.

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.

July 3, 2022

Lauren Chartrand
Environmental Engineer, Habitat Management
Virginia Marine Resources Commission
Building 96, 380 Fenwick Road
Ft. Monroe, VA 23651

Dear Ms. Chartrand:

The Virginia Institute of Marine Science reviewed the project documents and participated in a site visit (June 2nd, 2022) to assess the shoreline proposal for the Horner Family Living Trust, VMRC 2022-0908. We also relied on historical aerial photographs to provide shoreline change information. VIMS personnel from the Department of Physical Sciences Shoreline Studies Program and Office of Research and Advisory Services contributed to this review.

The existing breakwaters were constructed and fully nourished with sand in the late 1980s. Since then they have been unable to retain sand as expected; the sand deflated and generally retreated rapidly after construction. Therefore, this proposed project provides supplementary approaches to protect the concrete bulkhead (which protects a large upland patio) and adjacent upland lawn. The proposed inter-tombolo breakwater with landward sand nourishment, the riprap revetment along the upland, and stone toe protection along the base of the concrete bulkhead appear sufficient to address the current shoreline stabilization issues. A minimal loss of nonvegetated tidal wetlands will occur, but appears necessary for revetment construction and sand nourishment. We understand from conversations during the site visit that the sand nourished area will be planted with saltmarsh cordgrass which, if successful, will provide some level of functional mitigation for losses in other areas of the shoreline.

The cross-section drawings of the revetment and toe protection show the depth of toe at mean low water elevation. We recommend consideration of at least a one-foot depth of toe below mean low water elevation to protect from undercutting during strong scour events.

Please contact me if you have questions or require further information.

Sincerely,



Lyle Varnell
Associate Director for Advisory Services

Hickory Signpost Wetlands

Chesapeake Bay
Board
June 8, 2022

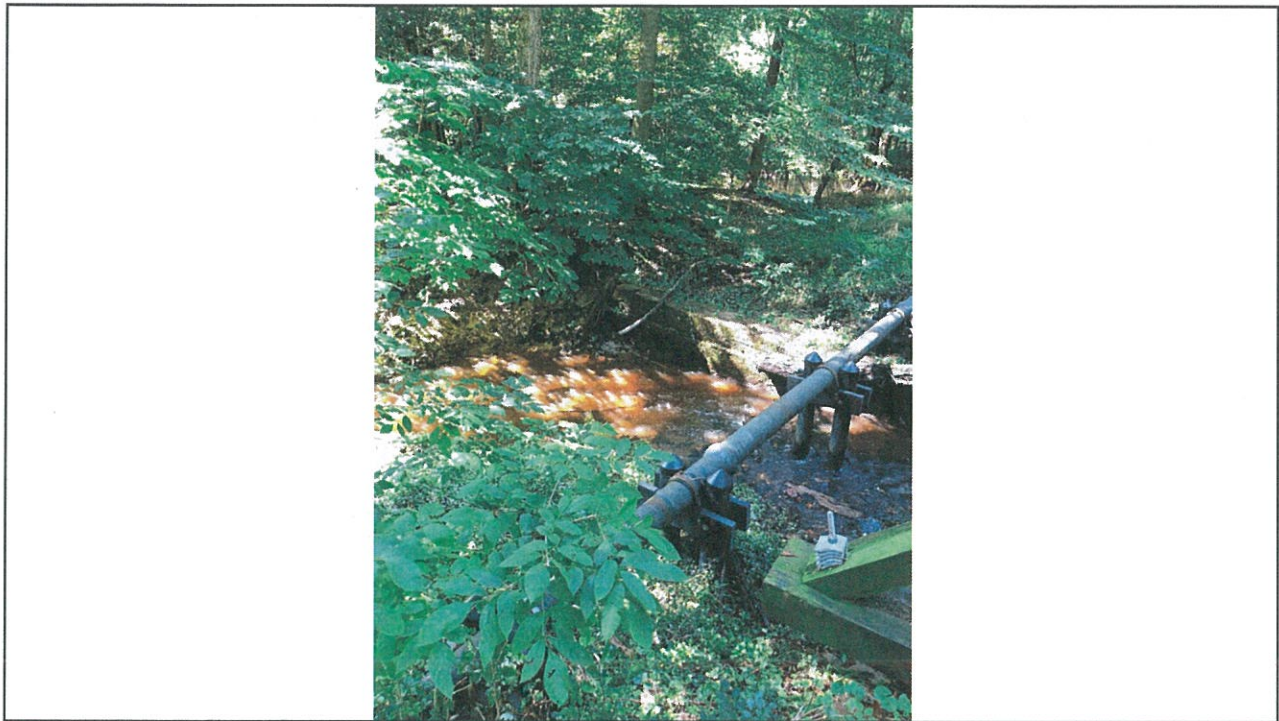




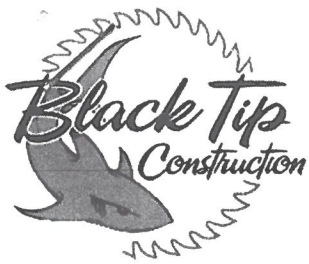












118 Tewning Road
 Williamsburg, VA 23188
 Phone: (757) 920-5757
www.btassoc.net

PROPOSAL

04

Class A Contractors License - 2705049042

Phone 802-233-4312	Date 5-13-21
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Job Name/Location:
Deck

Email address:
Lbrownell8@gmail.

To:
Linda Brownell
729 East Tazewells Way
Williamsburg VA 23185

ATTN:

We hereby submit specifications and estimates for:

Deck:

We will submit all plans to James City County and Kingsmill HOA for permits and approvals.

We will excavate small area in corner of porch and home to allow for deck framing. We will remove the small group of shrubs for deck area. And dispose of. We will dig and pour footings as needed. We will frame the described deck to all James City County codes. The deck will be framed with 2x10 pressure treated lumber at 12 inches on center per decking recommendations. We will support deck for installation of a hot tub. We will build a new set of steps from screen porch to new deck area We will wire lighting and switches per discussion. We will install all composite decking on deck using CAMO hidden fastener system. We will trim all exposed wood with PVC trim. We will install PVC lattice under the deck and trim as needed. We will install one set of steps to grade per plan We will install black aluminum handrails as needed per code.

Total Materials and labor \$73,278.00 Terms are \$5000.00 at contract, \$20,000.00 at start of job, \$25,000.00 after deck framing, \$15,000.00 after deck board installation, \$8278.00 upon Job completion.

The materials to be used in the execution of this contract are as follows: (attach schedule if needed as Attachment B)

General Statements

- Black Tip Construction will comply with all applicable local requirements for building permits, inspections, and zoning.
- The proposal, once signed by both parties, is final and may not be cancelled by either party.
- DPOR Protections for the consumer are attached (Attachment C).
- Any changes to the scope of this contract will be agreed in advance by both parties and signed before work will begin.
- Virginia Contractor Recovery Transaction Recovery Fund information is attached (Attachment D).
- Any modification to the contract, which changes the cost, materials, work to be performed, or estimated completion date, must be in writing and signed by all parties.

Payment to be made upon receipt, remit payments to Black Tip Construction

CONTRACT TOTAL: \$73278.00

WE PROPOSE Hereby to furnish material and labor - complete in accordance with the above specifications, for the sum of:

ACCEPTANCE OF PROPOSAL –

The above prices, specifications, terms, and conditions are satisfactory and hereby accepted. You are authorized to do the work as specified. The undersigned expressly agree to pay interest at 1.5% per month on the unpaid balance for payments over 30 days. The undersigned further expressly agrees that, in addition to being responsible for the contract total and all applicable interest, the undersigned will be responsible for Black Tip Construction reasonable attorneys fees and costs should it be necessary, in Black Tip Construction sole discretion, to refer the account to an attorney for collection, irrespective of whether a suit is filed to collect the balance owed. The parties agree that reasonable attorney's fees shall not be less than 25% of the amount owed when referred to an attorney, but may exceed 25% upon approval by a court of competent jurisdiction. This proposal, and the terms for payment must be made part of any contracts or purchase order issued for the work stated herein and take precedent over any other terms stated elsewhere in the contract or purchase order agreement. Payment of this contract shall not be contingent upon approval or payment from any other party. Change orders ordered by the party with whom this contract is written will be paid for under the terms stated herein and are not to be contingent upon approval or payment from any other party

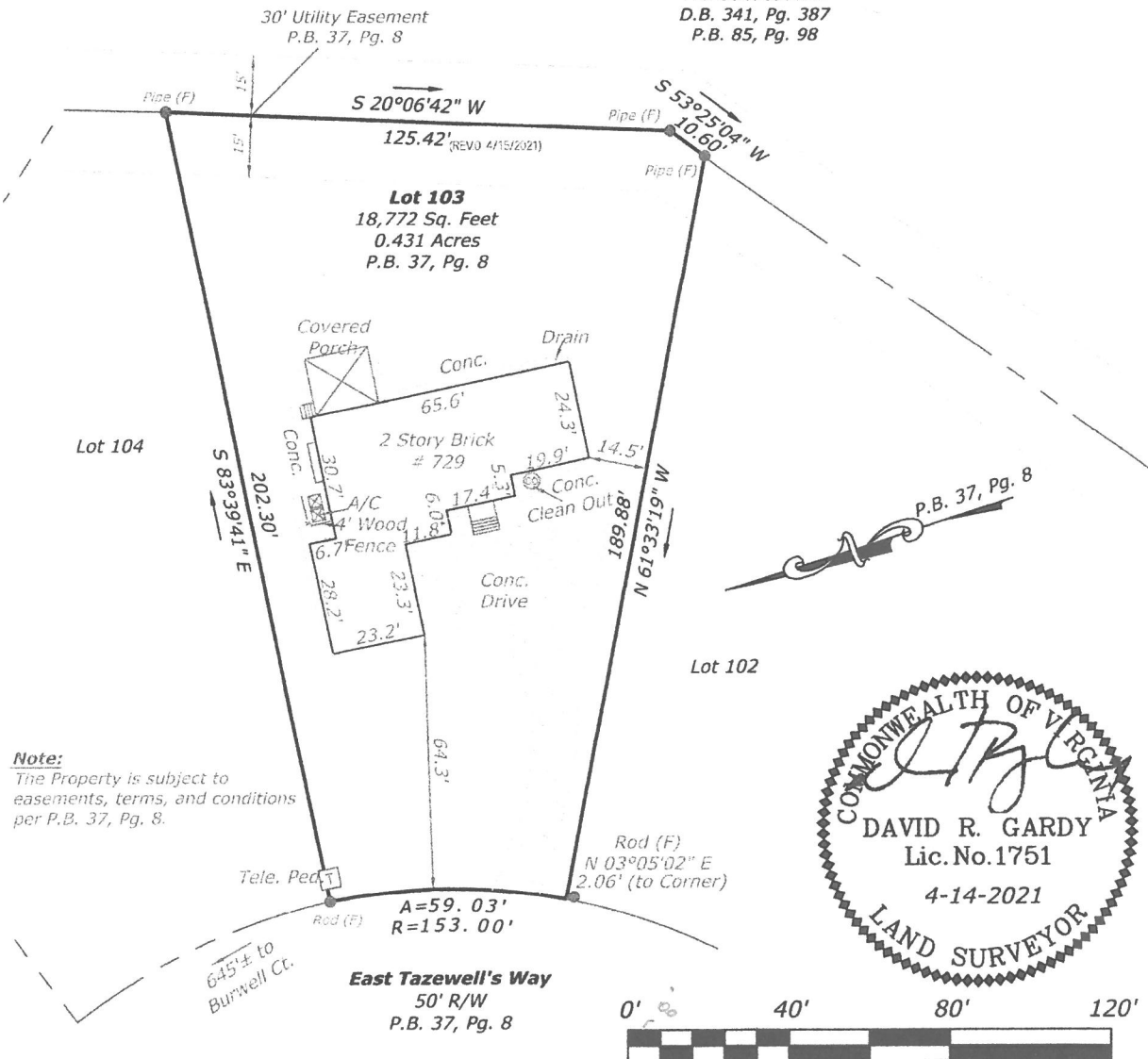
Mark Adam
mark@btassoc.net

BTA: _____
 Date: 5/14/21
 Cust: _____
 Date: _____

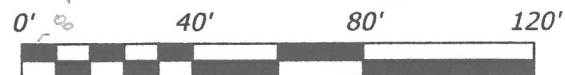
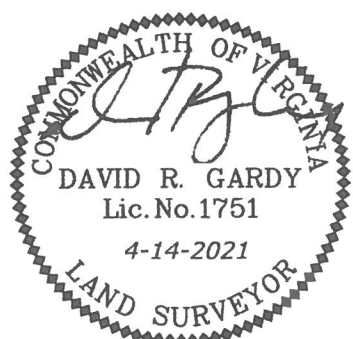
This proposal may be withdrawn by us if not accepted within 30 day:

Black Tip Construction
 118 Tewing Road
 Williamsburg, VA 23188

53



Note:
 The Property is subject to easements, terms, and conditions per P.B. 37, Pg. 8.



<ol style="list-style-type: none"> No title commitment provided. All easements may not be shown. Located in Zone "X" as indicated on Flood Insurance Rate Map (FIRM) No. 51095C0206D, Map Revised Date: 12-16-2015. Buyer: Linda B. Brownell and Peter C. Brownell Current Ownership: Inst. 000012743 	<p>SCALE: 1"=40' G&A NO: 21-0143 JOB NO: 88649 FIELD SURVEY: 4-6-2021 DRAWN/CHECK: RJL/NMN/MRG DATE: 4-14-2021 ZONE: R4</p>	<p>Boundary Survey w/Location of Physical Improvements Lot 103 "Plat of Tazewell's Hundred, Phase II" P.B. 37, Pg. 8 Roberts District, James City County, Virginia</p>
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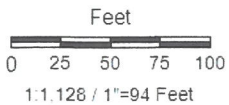
<p>NOTES</p>	
<p>TRANSACTION</p> <p>CLIENT NUMBER 21-VA-09674 DATE 04/15/21</p> <p>BUYER: LINDA B. BROWNELL AND PETER C. BROWNELL</p> <p>SELLER: KILKENNY, JOHN M & GAIL M</p> <p>CERTIFIED TO: LINDA B. BROWNELL AND PETER C. BROWNELL ; BARRISTERS OF VIRGINIA; FIDELITY NATIONAL TITLE INSURANCE COMPANY.</p>	<p>GOOGLE MAP</p> <p>729 E Tazewells Way, Williamsburg, VA 23186</p> <p><i>Kingsmill Pond</i></p> <p>PROPERTY PICTURE</p>
<p>2043 Random Road, Suite 4 Cleveland, OH 44106 866.933.3381 www.glsurv.com</p> <p>Great Lakes Services A Vendor Management Company</p>	<p>BARRISTERS VIRGINIA A Howard Hanna Company</p>
<p>PLEASE NOTE: Great Lakes Field Services, LLC (Great Lakes) is a vendor management company specializing in electronic survey coordination for the title insurance and mortgage lending industries. The following product has been prepared by a state licensed land surveying firm as indicated on the "plat" page of the survey product. Great Lakes provides service coordination services and the digitally encrypted transmission and archiving of these products and is not involved in any aspect of the surveying process. All transmissions of this product are via a secure SHA-1 secure hash message digest authentication code within its signature file. A manually signed and sealed log of this survey's signature file is kept on file at the performing surveyor's office.</p>	<p>Gardy & Associates, P.C. 801 Ross Rd New Kent, VA 23124 P: 804-370-2551 F: 804-466-2620 www.gardysurveying.com</p>

BY



Legend

- Parcels
- Resource Protection Area RPA



Title:

Date: 2/17/2022

DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and James City County is not responsible for its accuracy or how current it may be.

ITEM SUMMARY

DATE:

TO: Chesapeake Bay Board

FROM: Trevor Long, Chesapeake Bay Board Secretary

SUBJECT: Minutes from the July 13, 2022, Regular Meeting

ATTACHMENTS:

	Description	Type
☐	Minutes	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	9/6/2022 - 5:04 PM
Chesapeake Bay Group	Small, Toni	Approved	9/7/2022 - 8:10 AM
Publication Management	Daniel, Martha	Approved	9/7/2022 - 8:41 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	9/7/2022 - 3:49 PM

MINUTES
JAMES CITY COUNTY CHESAPEAKE BAY BOARD
REGULAR MEETING
County Government Center, Building F
July 13, 2022
5:00 PM

A. CALL TO ORDER

The Chesapeake Bay Board meeting for July 13, 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
Charles Roadley
Larry Waltrip
Michael O'Brien, Alternate
Scott Maye, Alternate

Board Members Absent:

Halle Dunn, Vice Chairman
Robert Lukens

Other Staff Present:

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

C. MINUTES

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

Mr. Gussman noted this item would not be addressed.

D. PUBLIC HEARINGS

1. CBPA-22-0076: 3200 Derby Lane

A motion to Approve w/ Conditions was made by Charles Roadley, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 2

Ayes: Gussman, O'Brien, Roadley, Waltrip, Maye

Absent: Dunn, Lukens

Mr. Trevor Long, Watershed Planner, presented the exception request submitted by Ms. Karla Havens, Mid-Atlantic Resource Consulting, on behalf of Mr. Samuel Powell, for

encroachments into the Resource Protection Area (RPA) for the construction of a quarry stone revetment. The property is further identified as James City County Parcel No. 4540300009. 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. Karla Havens, Mid-Atlantic Resource Consulting, 1095 Cherry Row Lane, Shackelford, VA, offered further details about the exception request including an explanation of the preemptive motivation for proposing that the revetment should be extended beyond the current location of erosion at the site.

Mr. Woolson corrected Ms. Havens' remark that the term of validity for approved Chesapeake Bay Board exceptions is three years by explaining that they are only valid for one year. Mr. Woolson also explained the renewal process available to applicants.

Mr. Gussman closed the Public Hearing.

Mr. Waltrip concurred with the proposal's preemptive motivation that Ms. Havens had previously described.

2. CBPA-22-0080: 5 Tay River

A motion to Deny was made by Charles Roadley, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 2

Ayes: Gussman, O'Brien, Roadley, Waltrip, Maye

Absent: Dunn, Lukens

Ms. Robin Benedict, Watershed Planner, presented the exception request submitted by Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Walk Wright Construction, LLC, for encroachments into the RPA for the construction of a single-family dwelling. The property is further identified as James City County Parcel No. 3720200044. 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.

Ms. Benedict responded to questions from the Board including clarification of the proposed management of stormwater runoff, the number of mitigation plantings that are included in the proposed conditions of the exception request, and the total area of the proposal that is within the RPA.

Mr. Gussman opened the Public Hearing.

A. Mr. Chase Grogg, LandTech Resources, Inc., 205 Bulifants Boulevard Suite E, clarified aspects of the plan including further details about questions that the Board had previously asked Ms. Benedict. Mr. Grogg also answered other questions from the Board.

Mr. Gussman closed the Public Hearing.

Mr. Roadley compared characteristics of this plan with that of other plans from the same subdivision, Ford's Colony, that had previously been proposed to the Board. Mr. Roadley expressed concern that the proposed mitigation would not be sufficient to afford relief, citing that the soil at the site prevents infiltration. Mr. Roadley also emphasized that the site's watershed, Powhatan Creek, is currently identified by the Virginia Department of

Environmental Quality (DEQ) as an impaired water system.

Mr. Gussman concurred with Mr. Roadley and suggested that a smaller house might lessen the previously discussed concerns, but would still negatively impact the nearby wetlands. Mr. Gussman also explained that the absence of any adjacent Best Management Practices (BMPs), and their mitigating effects, both distinguishes this site from other lots in the same subdivision and would cause substantial impact to the wetlands if construction were to proceed.

The Board discussed the constraints of the site's area as they relate to the proposed number of mitigation plantings.

Mr. Roadley stated that this exception request is incongruous with the purpose and intent of the Chesapeake Bay Board Preservation Act and poses a substantial detriment to water quality.

Mr. Gussman concurred with Mr. Roadley.

3. CBPA-22-0082: 4816 Hickory Signpost Road

A motion to Deny was made by Michael O'Brien, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 2

Ayes: Gussman, O'Brien, Roadley, Waltrip, Maye

Absent: Dunn, Lukens

Mr. Trevor Long, Watershed Planner, presented the exception request submitted by Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. and Ms. Sone Marciano, 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.

Mr. Long explained that on-lot BMPs such as the one included in the proposal do not typically involve a maintenance agreement between the property owner and James City County in response to Mr. Roadley's inquiry.

Mr. Gussman opened the Public Hearing.

A. Mr. Chase Grogg, LandTech Resources, Inc., 205 Bulifants Boulevard Suite E, precisely enumerated characteristics of the plan that address concerns that the Board had previously raised for another plan to construct a single-family dwelling at the same site. Mr. Grogg also responded to Mr. Roadley's earlier inquiry regarding a maintenance agreement for the proposed BMP. Mr. Grogg read a prepared statement that was written by Ms. Sone Marciano which urged the Board to grant the exception request.

B. Mr. Gary and Ms. Elizabeth Bowling, 4676 Hickory Signpost Road, expressed their opposition to the proposal, citing the impact to the RPA.

C. Mr. Mack Whitehead, 4638 Hickory Signpost Road, expressed opposition to the proposal, citing the dwelling's proximity to Mill Creek, the flooding history of the site, and the size of the lot with respect to any necessary well or septic system installations.

D. Ms. Babs Bengston, 4824 Hickory Signpost Road, expressed opposition to the proposal, citing the flooding history of the site and the low number of proposed mitigation plantings.

Mr. Gussman closed the Public Hearing.

Mr. Waltrip commended Mr. Grogg's efforts to address the concerns that the Board had previously raised for another plan to construct a single-family dwelling at the same site, but also expressed concern for the site's flooding history.

Mr. Gussman expressed concern for the long-term effectiveness of the proposed BMP and emphasized the negative impact the proposal would have to water quality.

Mr. Maye concurred with Mr. Gussman and Mr. Waltrip.

Mr. Roadley stated the proposal is incongruous with the intent of the Chesapeake Bay Preservation Act, citing its impact to water quality.

Mr. O'Brien expressed his concern for the success of any proposed construction on the site, citing a negative impact to water quality.

E. BOARD CONSIDERATIONS

Mr. Woolson explained that there will not be a meeting during the month of August for either Boards, Chesapeake Bay or Wetlands. Mr. Woolson also expressed gratitude to Mr. Gussman for his service as a member of both Boards in view of the fact that Mr. Gussman is retiring from those respective memberships hereafter.

Mr. Gussman reciprocally indicated his appreciation of staff's service.

F. MATTERS OF SPECIAL PRIVILEGE

G. ADJOURNMENT

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

The meeting adjourned at 6:07 p.m.

ITEM SUMMARY

DATE: 9/14/2022
TO: Chesapeake Bay Board
FROM: Trevor Long, Chesapeake Bay Board Secretary
SUBJECT: CBPA-22-0109 : 124 Thomas Cartwright

Sean Allburn has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the installation of a fishing platform on property located at 124 Thomas Cartwright, JCC Parcel No. 5130200021.

ATTACHMENTS:

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution to Approve	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	Woolson, Michael	Approved	9/6/2022 - 4:49 PM
Chesapeake Bay Group	Small, Toni	Approved	9/7/2022 - 8:11 AM
Publication Management	Pobiak, Amanda	Approved	9/7/2022 - 9:45 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	9/7/2022 - 3:48 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-22-0107. Stonehouse Tract 11A, Phase 1
Staff Report for the September 14, 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: MCP Stonehouse, LLC

Agent: Mr. Jeff Huentelman, Land Planning Solutions, LC

Location: 9100 Six Mount Zion Road

Parcel Identification No.: 0540100016

Parcel: Tract 2 GS Stonehouse Green Land Sub LLC

Project Size: 44.39 acres

Area of Project in
Resource Protection
Area (RPA): 9.78 acres (22%)

Watershed: Ware Creek (YO62)

Floodplain: None

Proposed Activity: Installation of a sanitary sewer line

Impervious Cover: 0 square feet

RPA Encroachment: 8,276 square feet, landward 50-foot RPA
3,920 square feet, seaward 50-foot RPA

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

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Jeff Huentelman, Land Planning Solutions, LC, has applied for a Chesapeake Bay Exception on behalf of MCP Stonehouse, LLC, for encroachments into the RPA buffer for the installation of a sanitary sewer line located at 9100 Six Mount Zion Road within the Stonehouse subdivision and the Ware Creek watershed. The property is further identified as James City County Tax Map Parcel No. 0540100016. This project is also known as Stonehouse Tract 11A, Phase 1.

The total lot size of this property is 44.39 acres, of which 22% is located within the RPA. The applicant is proposing to install a sanitary sewer line equating to approximately 8,276 square feet of impacts to the landward 50-foot RPA and 3,920 square feet of impacts to the seaward 50-foot RPA. Total impacts to the RPA associated with this proposal equate to 12,196 square feet of impacts to the Resource Protection Area. Because the sanitary sewer will have a 20ft permanent maintenance easement, there will be a permanent loss of RPA buffer and associated water quality benefits. Required mitigation for this amount of impervious impacts equals 30 planting units (30 canopy trees, 60 understory trees, and 90 shrubs). The applicant has proposed 32,234 square feet of undisturbed natural open space as mitigation.

STAFF EVALUATION

Staff has evaluated the application and exception request for the installation of a sanitary sewer line. This application meets the Ordinance conditions in Sections 23-11 and 23-14 and should be heard by the Board because the installation of a sanitary sewer is not water dependent and is proposed to be constructed within the RPA buffer.

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. The Deed of Natural Open Space be recorded in the Williamsburg/James City County Courthouse prior to the issuance of a Land Disturbing Permit; and
3. This exception request approval shall become null and void if construction has not begun by September 14, 2023; and
4. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than August 3, 2023, six weeks prior to the expiration date.

TAL/md
CBPA22-107_9100SixMtZion

Attachments:

1. Resolution
2. Site Plan

2

RESOLUTION

CASE NO. CBPA-22-0107. STONEHOUSE TRACT 11A, PHASE 1

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Jeff Huentelman, Land Planning Solutions, LC, on behalf of MCP Stonehouse, LLC, (the “Applicant”), applied to the Chesapeake Bay Board of James City County (the “Board”) on September 14, 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. 0540100016 and further identified as Stonehouse Tract 11A, Phase 1 (the “Property”) as set forth in the application CBPA-22-0107 for the purpose of the installation of a sanitary sewer line; and

WHEREAS, the Board has heard the arguments presented and 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, finds that the application meets all the requirements for an exception to the Chesapeake Bay Preservation Ordinance and therefore **APPROVES** the exception request for Chesapeake Bay Board Case No. CBPA-22-0107, subject to the following conditions:

1. The applicant must obtain all other necessary federal, state, and local permits as required for the project; and
2. The Deed of Natural Open Space be recorded in the Williamsburg/James City County Courthouse prior to the issuance of a Land Disturbing Permit; and
3. This exception request approval shall become null and void if construction has not begun by September 14, 2023; and
4. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than August 3, 2023, six weeks prior to the expiration date.

Halle Dunn
Vice-Chair, Chesapeake Bay Board

Trevor A. Long
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 14th day of September, 2022.

CBPA22-107_9100SixMtZionApp-res

RESOLUTION

CASE NO. CBPA-22-0107. STONEHOUSE TRACT 11A, PHASE 1

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Jeff Huentelman, Land Planning Solutions, LC, on behalf of MCP Stonehouse, LLC, (the “Applicant”), applied to the Chesapeake Bay Board of James City County (the “Board”) on September 14, 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. 0540100016 and further identified as Stonehouse Tract 11A, Phase 1 (the “Property”) as set forth in the application CBPA-22-0107 for the purpose of the installation of a sanitary sewer line; and

WHEREAS, the Board has heard the arguments presented and 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, finds that the application has not met all the requirements for an exception to the Chesapeake Bay Preservation Ordinance and therefore **DENIES** the exception request for Chesapeake Bay Board Case No. CBPA-22-0107.

Halle Dunn
Vice-Chair, Chesapeake Bay Board

Trevor A. Long
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 14th day of September, 2022.

CBPA22-107_9100SixMtZionDen-res





Chesapeake Bay Board of James City County, Virginia

September 14, 2022

CBPA 22-0109

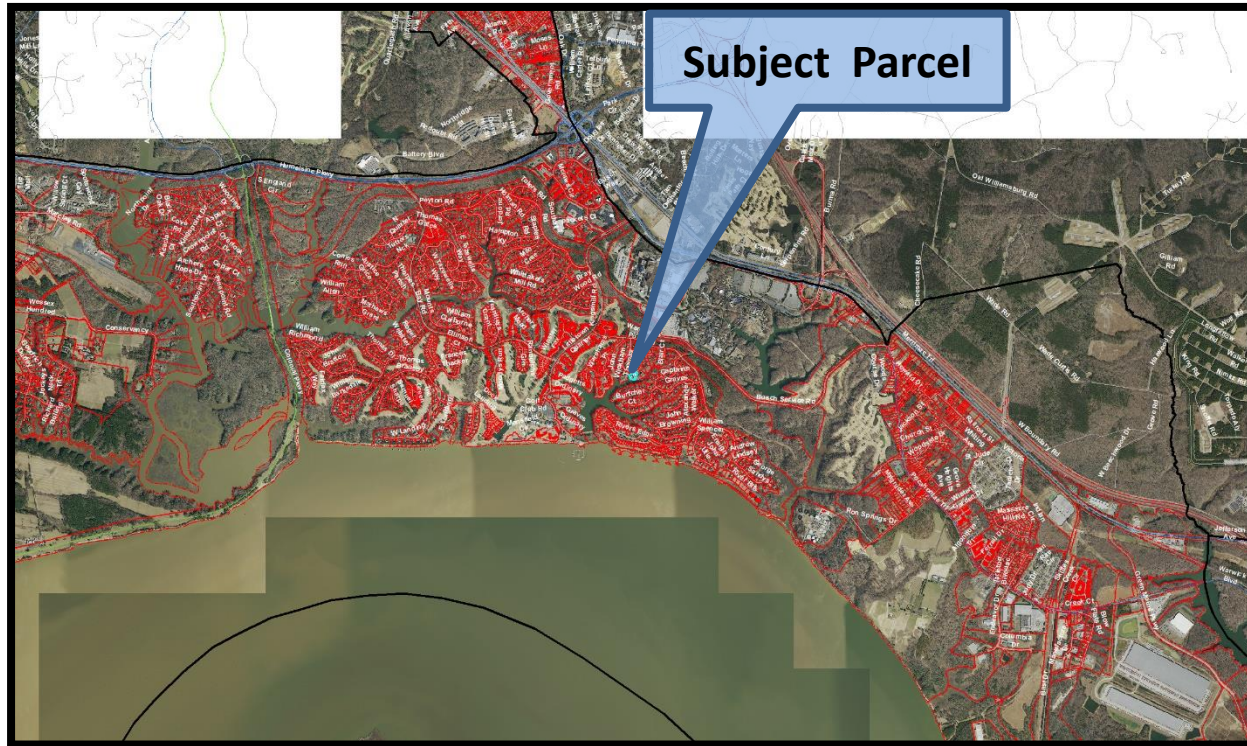
Sean Allburn

124 Thomas Cartwright



Applicant Request

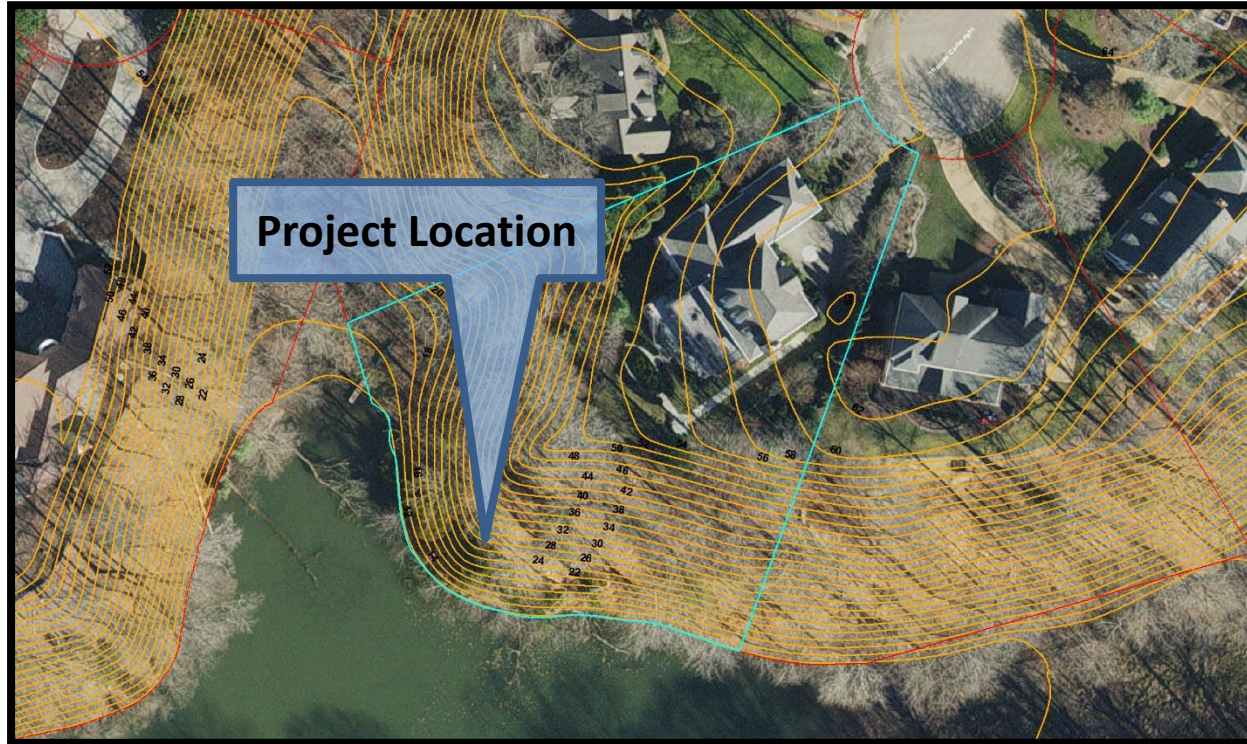
- ✓ Construction of a fishing platform.



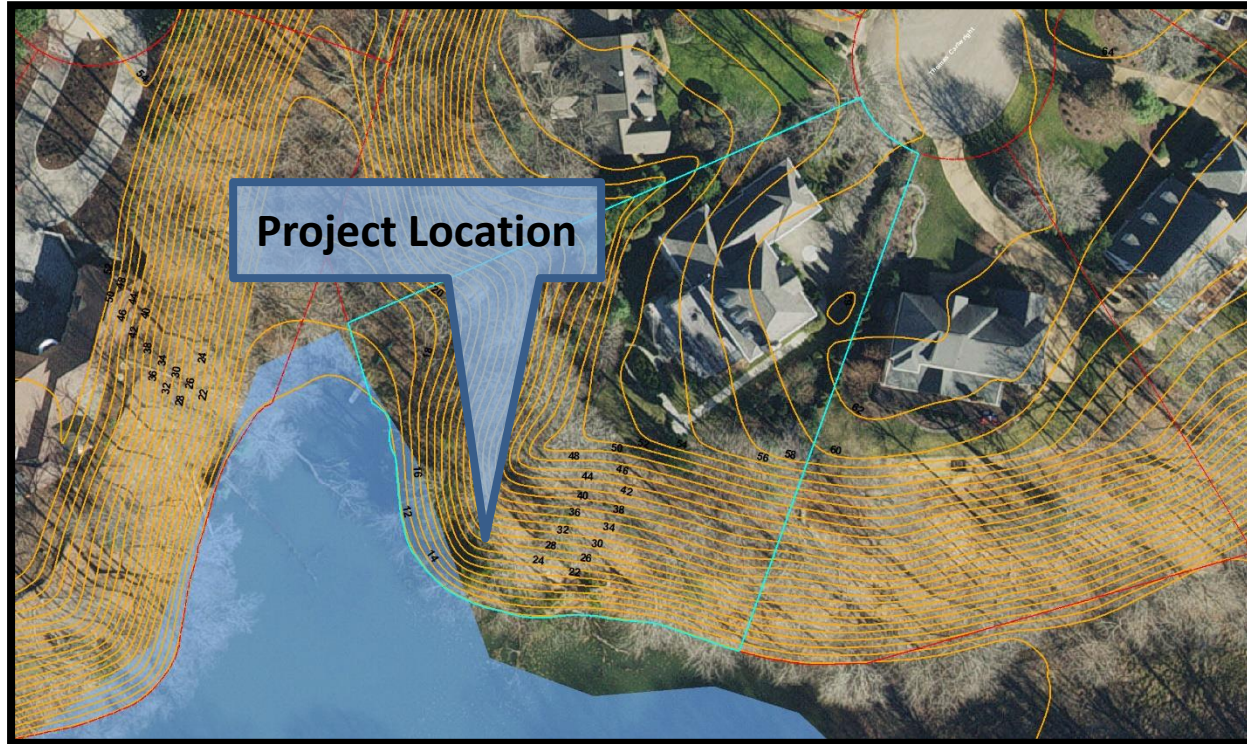
Vicinity Map
CBPA-22-0109
124 Thomas Cartwright



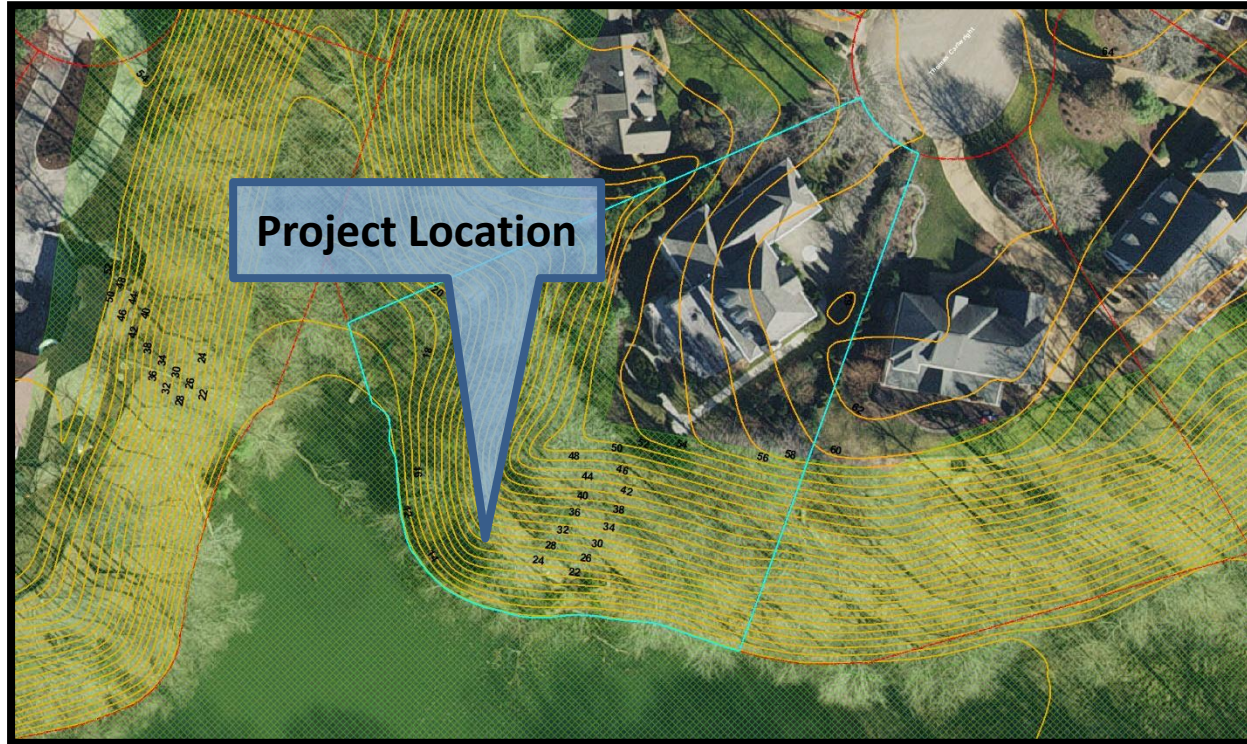
Aerial Photograph
CBPA-22-0109
124 Thomas Cartwright



Topography
CBPA-22-0109
124 Thomas Cartwright

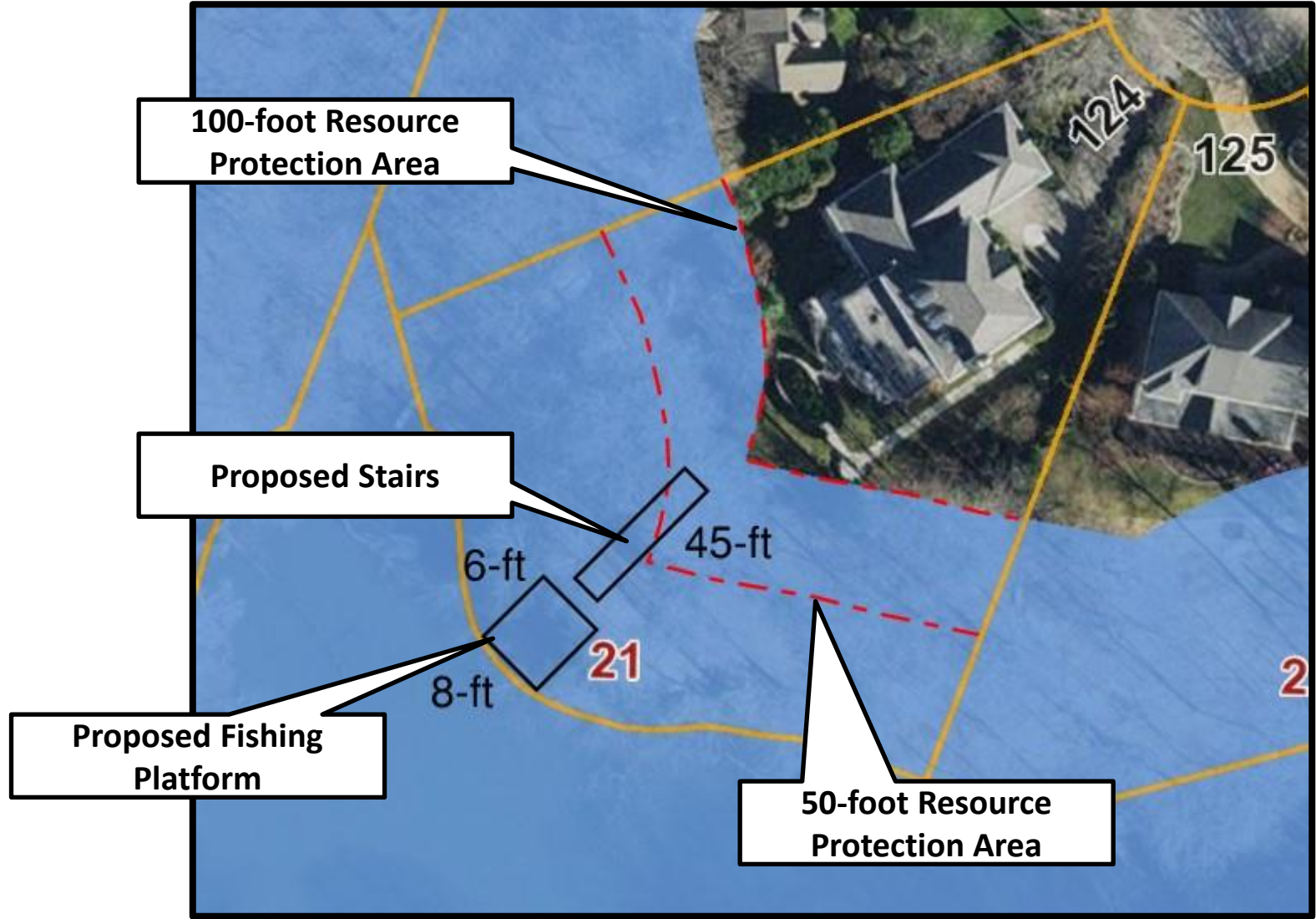


Floodplain
CBPA-22-0109
124 Thomas Cartwright



Resource Protection Area
CBPA-22-0109
124 Thomas Cartwright

Site Plan showing proposed improvements, submitted August 3, 2022. For representative use only for presentation of case #CBPA-22-0109



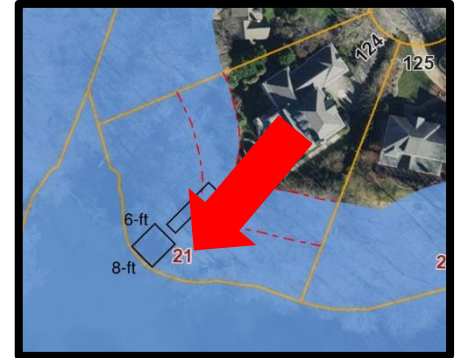
100-foot Resource Protection Area

Proposed Stairs

Proposed Fishing Platform

50-foot Resource Protection Area

Site Plan - CBPA-22-0109
124 Thomas Cartwright



Site Photograph #1 - CBPA-22-0109
124 Thomas Cartwright



Site Photograph #2 - CBPA-22-0109
124 Thomas Cartwright



Site Photograph #3 - CBPA-22-0109
124 Thomas Cartwright



Site Photograph #4 - CBPA-22-0109
124 Thomas Cartwright



Site Photograph #5 - CBPA-22-0109
124 Thomas Cartwright

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
- ✓ 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 approvals and permits prior to commencement of such activities
- ✓ A mitigation plan equating to one canopy tree and 3 shrubs
- ✓ A surety of \$500 to guarantee plantings
- ✓ This exception request approval shall become null and void if construction has not begun by September 14, 2023
- ✓ Written requests for extension submitted no later than August 3, 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-CBPA-22-0109
124 Thomas Cartwright
Fishing platform

September 6,

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 Sean Allburn for encroachments into the Resource Protection Area (RPA) buffer for the installation of a fishing platform on property located at 124 Thomas Cartwright, JCC Parcel No. 5130200021.

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, September 14, 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
5130300025	SHAW, JAMES D TRUSTEE & I	228 JEFFERSONS HUNDRED	WILLIAMS	VA	23185-8908
5130300023	GOSDEN, GEORGE & PATRICI	220 JEFFERSONS HUNDRED	WILLIAMS	VA	23185-8908
5130300024	MULLENAX, MEREDITH & JAM	224 JEFFERSONS HUNDRED	WILLIAMS	VA	23185-8908
5130200009	KRUGER, SCOTT TRUSTEE &	136 JOHN WICKHAM	WILLIAMS	VA	23185-8900
5130200020	WENDELL, PETER D TRUSTEE	120 THOMAS CARTWRIGHT	WILLIAMS	VA	23185-8904
5130200021	ALLBURN SEAN J & LAUREN A	124 THOMAS CARTWRIGHT	WILLIAMS	VA	23185-8904
5130200022	CONVERSE, JOSEPH A TRUST	125 THOMAS CARTWRIGHT	WILLIAMS	VA	23185-8904



PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY, SEPTEMBER 14, 2022 AT 5 P.M.** IN THE COUNTY GOVERNMENT CONFERENCE ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE WETLANDS BOARD WILL CONSIDER THE FOLLOWING CASE:

WJPA-22-0015: Karla Havens, Mid-Atlantic Resource Consulting has applied on behalf of Kenneth Goldsmith and Ashley Overman-Goldsmith for a wetlands permit for the installation of a bulkhead, floating pier, boat lift, and revetment on property located at 258 Sandy Bay Road, James City County (JCC) Parcel No. 4730100012.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-22-0093: Jeff Huentelman, Land Planning Solutions Inc., has applied for a Chesapeake Bay Exception on behalf of MCP Stonehouse LLC for encroachments into the Resource Protection Area (RPA) buffer for the installation of a sanitary sewer line on property located at 9250 Six Mount Zion Road, James City County (JCC) Parcel No. 0540100011.

CBPA-22-0104: Joseph Krallinger, The Structures Group has applied for a Chesapeake Bay Exception on behalf of Lee Scott and Jeannie S Trainum for encroachments into the RPA buffer for the removal and replacement of existing retaining walls on property located at 105 Ambrose Hill, JCC Parcel No. 5030400077.

CBPA-22-0105: Chase Grogg, LandTech Resources has applied for a Chesapeake Bay Exception on behalf of Michael L and Helen Cochran Arnold for encroachments into the RPA buffer for the construction of a single-family dwelling on property located at 124 James Bray Drive, JCC Parcel No. 31402A0014.

CBPA-22-0107: Jeff Huentelman, Land Planning Solutions Inc., has applied for a Chesapeake Bay Exception on behalf of MCP Stonehouse LLC for encroachments into the RPA buffer for the installation of a sanitary sewer line on property located at 9100 Six Mount Zion Road, JCC Parcel No. 0540100016.

CBPA-22-0109: Sean Allburn has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the installation of a fishing platform on property located at 124 Thomas Cartwright, JCC Parcel No. 5130200021.

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, August 31, 2022 and Wednesday, September 7, 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: 9/14/2022
TO: Chesapeake Bay Board
FROM: Trevor Long, Chesapeake Bay Board Secretary
SUBJECT: CBPA-22-0104 : 105 Ambrose Hill

Joseph Krallinger, The Structures Group has applied for a Chesapeake Bay Exception on behalf of Lee Scott and Jeannie S Trainum for encroachments into the RPA buffer for the removal and replacement of existing retaining walls on property located at 105 Ambrose Hill, JCC Parcel No. 5030400077.

ATTACHMENTS:

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution to Approve	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	Woolson, Michael	Approved	9/6/2022 - 4:48 PM
Chesapeake Bay Group	Small, Toni	Approved	9/7/2022 - 8:11 AM
Publication Management	Pobiak, Amanda	Approved	9/7/2022 - 9:41 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	9/7/2022 - 3:48 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-22-0104. 105 Ambrose Hill
Staff Report for the September 14, 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. Scott and Ms. Jeannie Trainum
Agents: Mr. Joseph Krallinger and Mr. Michael Matthews, The Structures Group
Location: 105 Ambrose Hill
Parcel Identification No.: 5030400077
Parcel: Lot 77, Phase 2 Tazewell's Hundred
Lot Size: 0.54 acres
Area of Lot in Resource Protection Area (RPA): 0.31 acres (57%)
Watershed: College Creek (JL34)
Floodplain: None
Proposed Activity: Replacement and construction of a retaining wall
Impervious Cover: 45 square feet
RPA Encroachment: 45 square feet, landward 50-foot RPA
Staff Contact: Trevor A. Long, Watershed Planner Phone: 253-6789

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Joseph Krallinger and Mr. Michael Matthews, The Structures Group, have applied for a Chesapeake Bay Exception on behalf of Mr. Scott and Ms. Jeannie Trainum for encroachments into the RPA buffer for the replacement and construction of a retaining wall located at 105 Ambrose Hill within the Kingsmill subdivision and the College Creek watershed. The property is further identified as James City County Tax Map Parcel No. 5030400077. The parcel was platted in 1981, prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The total lot size of this property is 0.54 acres, of which 57% is located within the RPA. Existing conditions of the property include a gradual slope to the rear of the property with a timber retaining wall at the top of the slope. The applicants are proposing to remove the existing timber wall and replace and expand with a block retaining wall. Total impacts to the RPA associated with this proposal equate to 45 square feet of impacts to the landward 50-foot RPA. Required mitigation for this amount of impervious impacts equals four shrubs.

STAFF EVALUATION

Staff has evaluated the application and exception request for the replacement and construction of a retaining wall. 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 retaining wall is considered accessory in nature.

CONSIDERATION BY THE CHESAPEAKE BAY BOARD

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

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

STAFF RECOMMENDATIONS

Staff has reviewed the application and exception request and has determined the impacts associated with the proposal to be minor for the proposed development. Staff recommends approval for this exception request and if the Board wishes to approve 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. The submittal of a mitigation plan equating to four shrubs be submitted to the Stormwater and Resource Protection Division prior to project start; and
3. A surety of \$250 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 September 14, 2023; and
5. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than August 3, 2023, six weeks prior to the expiration date.

TAL/md
CBPA22-104_105AmbrHill

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA-22-0104. 105 AMBROSE HILL

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Joseph Krallinger and Mr. Michael Matthews, The Structures Group, on behalf of Mr. Scott and Ms. Jeannie Trainum, (the “Applicants”), applied to the Chesapeake Bay Board of James City County (the “Board”) on September 14, 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. 5030400077 and further identified as 105 Ambrose Hill (the “Property”) as set forth in the application CBPA-22-0104 for the purpose of replacement and construction of a retaining wall; and

WHEREAS, the Board has heard the arguments presented and 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, finds that the application meets all the requirements for an exception to the Chesapeake Bay Preservation Ordinance and therefore **APPROVES** the exception request for Chesapeake Bay Board Case No. CBPA-22-0104, subject to the following conditions:

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 four shrubs be submitted to the Stormwater and Resource Protection Division prior to project start; and
3. A surety of \$250 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 September 14, 2023; and
5. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than August 3, 2023, six weeks prior to the expiration date.

Halle Dunn
Vice-Chair, Chesapeake Bay Board

Trevor A. Long
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 14th day of September, 2022.

RESOLUTION

CASE NO. CBPA-22-0104. 105 AMBROSE HILL

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Joseph Krallinger and Mr. Michael Matthews, The Structures Group, on behalf of Mr. Scott and Ms. Jeannie Trainum, (the “Applicants”), applied to the Chesapeake Bay Board of James City County (the “Board”) on September 14, 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. 5030400077 and further identified as 105 Ambrose Hill (the “Property”) as set forth in the application CBPA-22-0104 for the purpose of replacement and construction of a retaining wall; and

WHEREAS, the Board has heard the arguments presented and 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, finds that the application does not meet all the requirements for an exception to the Chesapeake Bay Preservation Ordinance and therefore **DENIES** the exception request for Chesapeake Bay Board Case No. CBPA-22-0104.

Halle Dunn
Vice-Chair, Chesapeake Bay Board

Trevor A. Long
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 14th day of September, 2022.

CBPA22-104_105AmbrHillDeny-res

EROSION & SEDIMENT CONTROL NOTES

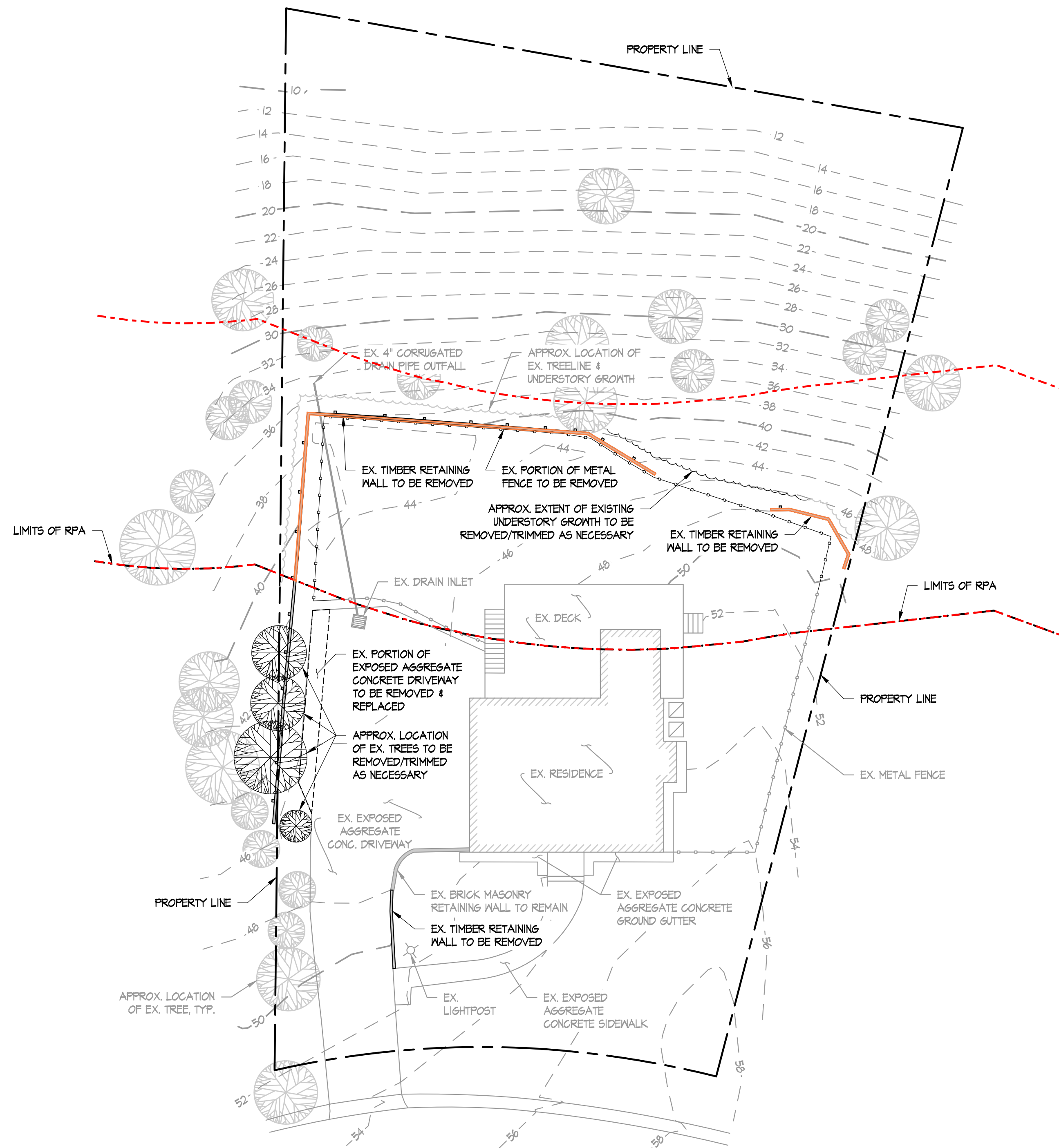
GENERAL:

- THE PROFESSIONAL ENGINEER WHOSE SEAL IS AFFIXED HEREON SHALL ACT AS THE "RESPONSIBLE LAND DISTURBER" FOR THE PLAN REVIEW PHASE OF THIS PROJECT. ONCE THE PLANS ARE APPROVED, THE OWNER/GENERAL CONTRACTOR SHALL DESIGNATE THE "RESPONSIBLE LAND DISTURBER" AND PROVIDE THE COUNTY WITH THE NAME AND CERTIFICATION NO. OF THE "RESPONSIBLE LAND DISTURBER" FOR THE CONSTRUCTION PHASE OF THE PROJECT.
- THIS SITE IS LOCATED WITHIN THE CHESAPEAKE BAY WATERSHED. THE PROJECT AREA IS LOCATED WITHIN THE LIMITS OF THE CHESAPEAKE BAY PRESERVATION ACT RPA/RMA AREAS.
- ELEVATIONS SHOWN ARE BASED ON TOPOGRAPHIC SURVEY PROVIDED BY LAND TECH RESOURCES, INC. AND DATED JUNE 24, 2022.
- THE EXISTENCE AND LOCATION (HORIZONTAL AND VERTICAL) OF EXISTING UTILITIES ARE NOT GUARANTEED AND SHALL BE FIELD VERIFIED BY THE CONTRACTOR.
- THERE ARE NO ANTICIPATED OFFSITE LAND DISTURBING AREAS ASSOCIATED WITH THE DEVELOPMENT OF THIS SITE.
- A LAND DISTURBING PERMIT IS NOT REQUIRED FOR SINGLE-FAMILY RESIDENCE PROJECTS DISTURBING LESS THAN 1 ACRE AND NOT PART OF LARGER COMMON PLAN OF DEVELOPMENT OR SALE, INCLUDING ADDITIONS OR MODIFICATIONS TO EXISTING SINGLE-FAMILY DETACHED RESIDENTIAL STRUCTURES. HOWEVER, LOCALITIES SUBJECT TO THE CHESAPEAKE BAY PRESERVATION ACT MAY REGULATE THESE SINGLE FAMILY RESIDENCES WHERE LAND DISTURBANCE EXCEEDS 2500 SQUARE FEET.
- ALL OBJECTIONABLE AND DELETERIOUS MATERIAL IS TO BE REMOVED FROM THE SITE AND DISPOSED OF IN A STATE APPROVED FACILITY MEETING ALL REQUIREMENTS OF ALL LOCAL, STATE, AND FEDERAL REGULATIONS.
- DURING CONSTRUCTION OF THE PROJECT, SOIL STOCKPILES AND BORROW AREAS SHALL BE STABILIZED OR PROTECTED WITH SEDIMENT TRAPPING MEASURES. THE CONTRACTOR IS RESPONSIBLE FOR THE TEMPORARY PROTECTION AND PERMANENT STABILIZATION OF ALL SOIL STOCKPILES ON SITE AS WELL AS BORROW AREAS AND SOIL INTENTIONALLY TRANSPORTED FROM THE SITE.
- ALL AREAS DISTURBED BY CONSTRUCTION SHALL BE STABILIZED WITH PERMANENT SEEDING IMMEDIATELY FOLLOWING FINISH GRADING. SEEDING SHALL BE DONE WITH THE MINIMUM CARE LAWN BLEND ACCORDING TO TABLE 3.32-D OF STANDARD AND SPECIFICATION 3.32, "PERMANENT SEEDING", OF THE VESCH. EROSION BLANKETS WILL BE INSTALLED OVER FILL SLOPES WHICH HAVE BEEN BROUGHT TO FINAL GRADE AND HAVE BEEN SEEDING TO PROTECT THE SLOPES FROM RILL AND GULLY EROSION TO ALLOW THE SEED TO GERMINATE PROPERLY. MULCH (STRAW OR FIBER) WILL BE USED ON RELATIVELY FLAT AREAS. IN ALL SEEDING OPERATIONS, SEED, FERTILIZER, AND LIME WILL BE APPLIED PRIOR TO MULCHING. SOIL STABILIZATION MATTINGS TO BE VESCH TYPICAL TREATMENT T-1 (LITE MES).

JAMES CITY COUNTY STANDARD STORMWATER POLLUTION PREVENTION PLAN NOTES:

THE FOLLOWING STANDARD COUNTY NOTES SHALL BECOME PART OF ANY APPROVED STORMWATER POLLUTION PREVENTION PLAN (SWPPP) FOR PLAN OF DEVELOPMENT PROJECTS IN JAMES CITY COUNTY, VIRGINIA. COMPONENTS OF A SWPPP MAY INCLUDE AS APPLICABLE, A SITE EROSION AND SEDIMENT CONTROL (EASC) PLAN, A SITE STORMWATER MANAGEMENT (SWM) PLAN, AND A SITE POLLUTION PREVENTION PLAN (PPP). THE COUNTY'S DIVISION OF ENGINEERING AND RESOURCE PROTECTION IS DESIGNATED BY CHAPTER 8 OF THE COUNTY CODE AS THE LOCAL VIRGINIA EROSION AND SEDIMENT CONTROL PROGRAM (VESCP) AUTHORITY AND VIRGINIA STORMWATER MANAGEMENT PROGRAM (VSMP) AUTHORITY.

- ALL THE PROVISIONS OF VIRGINIA EROSION AND SEDIMENT CONTROL (EASC) LAW AND REGULATIONS, THE VIRGINIA STORMWATER MANAGEMENT ACT AND REGULATIONS (VSMP), THE VIRGINIA BMP CLEARINGHOUSE WEBSITE, STATE EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT HANDBOOKS, AND ANY ASSOCIATED TECHNICAL BULLETINS AND GUIDANCE DOCUMENTS AS PUBLISHED BY THE STATE WATER CONTROL BOARD, THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ), AND THE LOCAL VESCP AND VSMP AUTHORITY SHALL APPLY TO THE PROJECT.
- MINIMUM STANDARDS NO. 1 THROUGH NO. 19 OF THE VIRGINIA EROSION AND SEDIMENT CONTROL REGULATIONS 9VAC25-840 ET SEQ. SHALL APPLY TO THE PROJECT.
- THE OWNER, APPLICANT, OPERATOR, OR PERMITTEE SHALL BE RESPONSIBLE TO REGISTER FOR CONSTRUCTION GENERAL PERMIT (CGP) COVERAGE, AS APPLICABLE, IN ACCORDANCE WITH THE GENERAL WPDES PERMIT FOR DISCHARGE OF STORMWATER FROM CONSTRUCTION ACTIVITIES (VAR10) CHAPTER 800, THE VIRGINIA STORMWATER MANAGEMENT PROGRAM REGULATIONS CHAPTER 810; AND IN ACCORDANCE WITH CURRENT REQUIREMENTS OF THE VIRGINIA STORMWATER MANAGEMENT PROGRAM (VSMP), THE STATE WATER CONTROL BOARD, THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY, CHAPTER 8 OF THE COUNTY CODE AND THE LOCAL VESCP/VSMF AUTHORITY.
- THE OWNER, APPLICANT, OPERATOR OR PERMITTEE SHALL PROVIDE THE NAME OF AN INDIVIDUAL HOLDING A VALID RESPONSIBLE LAND DISTURBER (RLD) CERTIFICATE OF COMPETENCE WHO WILL BE RESPONSIBLE FOR THE LAND DISTURBING ACTIVITY PRIOR TO ENGAGING IN THE LAND DISTURBING ACTIVITY. THIS WILL BE NECESSARY PRIOR TO ISSUANCE OF A LOCAL LAND DISTURBING AND/OR STORMWATER CONSTRUCTION PERMIT FOR THE PROJECT. THE RLD IS REQUIRED TO ATTEND THE PRECONSTRUCTION CONFERENCE FOR THE PROJECT.
- THE CONTRACTOR IS RESPONSIBLE TO CONTACT MISS UTILITY (DIAL 811 IN VA OR 1-800-552-7001) PRIOR TO ANY UTILITY OR SITE WORK EXCAVATIONS.
- ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE PLANNED, DESIGNED, IMPLEMENTED, INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE PROVISIONS OF THE LATEST EDITION OF THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK (VESCH). THE CONTRACTOR SHALL MAINTAIN, INSPECT, AND REPAIR ALL EROSION AND SEDIMENT CONTROL MEASURES AS NEEDED THROUGHOUT THE LIFE OF THE PROJECT TO ENSURE CONTINUED ACCEPTABLE PERFORMANCE.
- A PRECONSTRUCTION CONFERENCE (MEETING) SHALL BE HELD ON SITE AND INCLUDE REPRESENTATIVES FROM THE LOCAL VESCP/VSMF AUTHORITY, THE OWNER/APPLICANT/OPERATOR/PERMITTEE, THE RESPONSIBLE LAND-DISTURBER (RLD), AND THE CONTRACTOR, ENGINEER, AND OTHER RESPONSIBLE AGENCIES, AS APPLICABLE, PRIOR TO AUTHORIZATION AND ISSUANCE OF A LOCAL LAND DISTURBING OR STORMWATER CONSTRUCTION PERMIT. THE OWNER, APPLICANT, OPERATOR OR PERMITTEE IS REQUIRED TO COORDINATE SCHEDULING OF THE PRECONSTRUCTION CONFERENCE BETWEEN ALL APPLICABLE PARTIES. THE CONTRACTOR SHALL SUBMIT A SEQUENCE OF CONSTRUCTION AND A REVISED POLLUTION PREVENTION PLAN (P2 PLAN OR PPP), IF APPLICABLE, TO THE LOCAL VESCP/VSMF AUTHORITY FOR REVIEW AND APPROVAL PRIOR TO THE PRECONSTRUCTION MEETING.
- A POLLUTION PREVENTION PLAN (P2 PLAN OR PPP), IF REQUIRED, SHALL BE DEVELOPED, IMPLEMENTED AND UPDATED AS NECESSARY AND MUST DETAIL THE DESIGN, INSTALLATION, IMPLEMENTATION AND MAINTENANCE OF EFFECTIVE POLLUTION PREVENTION MEASURES TO: MINIMIZE THE DISCHARGE OF POLLUTANTS FROM EQUIPMENT AND VEHICLE WASHING, WHEEL WASH WATER AND OTHER WASH WATERS; MINIMIZE THE EXPOSURE OF ALL MATERIALS ON THE SITE (SUCH AS BUILDING MATERIALS AND PRODUCTS, CONSTRUCTION WASTE, TRASH, LANDSCAPE MATERIALS, FERTILIZERS, PESTICIDES, HERBICIDES, DETERGENTS, SANITARY WASTE, ETC.) TO PRECIPITATION AND STORMWATER; MINIMIZE THE DISCHARGE OF POLLUTANTS FROM SPILLS AND LEAKS; IMPLEMENT CHEMICAL SPILL AND LEAK PREVENTION AND RESPONSE PROCEDURES; AND INCLUDE EFFECTIVE BEST MANAGEMENT PRACTICES TO PROHIBIT THE DISCHARGE OF WASTEWATER FROM CONCRETE WASHOUT AREAS, DISCHARGE OF WASTEWATER FROM WASHOUT AND CLEANOUT OF STUCCO PAINT, FORM RELEASE OILS, CURING COMPOUNDS AND OTHER CONSTRUCTION MATERIALS; DISCHARGE OF FUELS, OILS, OTHER POLLUTANTS USED IN VEHICLE AND EQUIPMENT OPERATION AND MAINTENANCE ACTIVITIES; AND THE DISCHARGE OF SOAPS AND SOLVENTS USED FOR VEHICLE AND EQUIPMENT WASHING. THIS PLAN SHALL BE AVAILABLE ONSITE FOR REVIEW AT REASONABLE TIMES BY THE LOCAL VESCP/VSMF AUTHORITY WHEN REQUESTED.
- THE OWNER, APPLICANT, OPERATOR, OR PERMITTEE IS RESPONSIBLE FOR ALL OPERATOR SELF-INSPECTIONS AS REQUIRED IN THE POLLUTION PREVENTION PLAN (P2 PLAN OR PPP) OR AS REQUIRED AS PART OF A DEVELOPED STORMWATER POLLUTION PREVENTION PLAN (SWPPP). THESE INSPECTIONS SHALL BE MADE AVAILABLE, UPON REQUEST, BY THE LOCAL VESCP/VSMF AUTHORITY.
- ALL PERIMETER EROSION AND SEDIMENT CONTROL (EASC) MEASURES SHALL BE CONSTRUCTED AS A FIRST STEP IN ANY LAND-DISTURBING ACTIVITY AND SHALL BE MADE FUNCTIONAL BEFORE UPSLOPE LAND DISTURBANCE ACTIVITY TAKES PLACE.
- ADDITIONAL SAFETY FENCE OR DUST CONTROL MEASURES, IN ACCORDANCE WITH THE PROVISIONS OF MINIMUM STANDARDS & SPECS. 3.01 AND 3.31 OF THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK (VESCH), MAY BE REQUIRED TO BE IMPLEMENTED ON THE SITE IN ADDITION TO THAT SHOWN ON THE APPROVED PLAN AND SPECIFICATIONS IN ORDER TO ENSURE ADEQUATE PROTECTION OF THE HEALTH, SAFETY AND WELFARE OF THE PUBLIC OR IF SITE CONDITIONS CHANGE, BECOME APPARENT OR ALTER SIGNIFICANTLY FOLLOWING THE DATE OF PLAN APPROVAL.



SITE PLAN

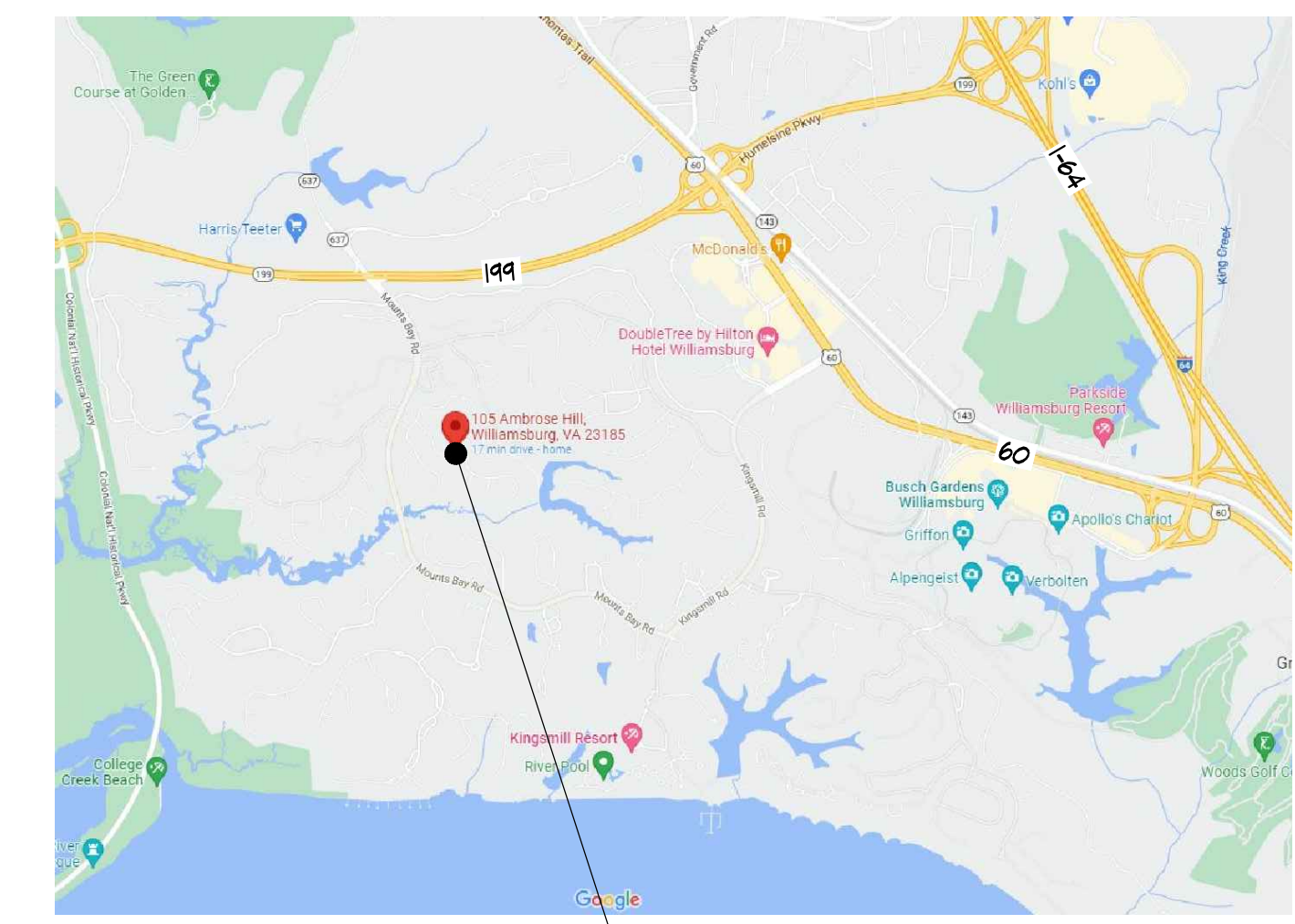
SCALE: 1/16" = 1'-0"

STATISTICAL INFORMATION

ZONE:	R4 - RESIDENTIAL PLANNED COMMUNITY		
PARCEL ID NO.:	50304000TT		
LSRN NO.:	4625		
OWNER:	TRAINUM, LEE SCOTT & JEANNE S		
SITE DESCRIPTION:	105 AMBROSE HILL		
PROJECT AREA:	2,035 SQ. FT. (0.05 ACRES)		
IMPERVIOUS COVER FOR PROJECT AREA:			
	PRE-CONSTRUCTION	POST-CONSTRUCTION	NET CHANGE
GREEN AREA	1,804 SQ. FT. (87%)	1,640 SQ. FT. (81%)	-114 SQ. FT. (5%)
IMPERVIOUS AREA	231 SQ. FT. (13%)	345 SQ. FT. (14%)	+114 SQ. FT. (5%)
TOTAL AREA	2,035 SQ. FT. (100%)	2,035 SQ. FT. (100%)	0 SQ. FT. (0%)
TOTAL LIMITS OF DISTURBANCE:			
	RETAINING WALLS	217 SQ. FT.	
	DRIVENWAY	128 SQ. FT.	
	PLANTING/GRADING AREA	1,640 SQ. FT.	
	TOTAL AREA	2,035 SQ. FT.	
NET CHANGE TO IMPERVIOUS AREA IN RPA: +81 SQ. FT.			

JAMES CITY COUNTY STANDARD STORMWATER POLLUTION PREVENTION PLAN NOTES (CONT.):

- EROSION AND SEDIMENT CONTROL MEASURES MAY REQUIRE MINOR FIELD ADJUSTMENTS AT OR FOLLOWING TIME OF CONSTRUCTION TO ENSURE THEIR INTENDED PURPOSE IS ACCOMPLISHED, TO ENSURE ADEQUATE PROTECTION OF THE HEALTH, SAFETY, AND WELFARE OF THE PUBLIC, OR IF SITE CONDITIONS CHANGE, BECOME APPARENT OR ALTER SIGNIFICANTLY FOLLOWING THE DATE OF PLAN APPROVAL. LOCAL VESCP/VSMF AUTHORITY APPROVAL SHALL BE REQUIRED FOR ANY DEVIATION OF EROSION AND SEDIMENT CONTROL MEASURES FROM THE APPROVED PLAN.
- OFF-SITE WASTE OR BORROW AREAS SHALL BE APPROVED BY THE LOCAL VESCP/VSMF AUTHORITY PRIOR TO THE IMPORT OF ANY BORROW OR EXPORT OF ANY WASTE TO OR FROM THE PROJECT SITE.
- TEMPORARY SOIL STOCKPILES SHALL COMPLY WITH THE PROVISIONS OF SECTION 24-46 OF THE COUNTY CODE.
- CULVERT AND STORM DRAIN INLET PROTECTIONS, IN ACCORDANCE WITH THE PROVISIONS OF MINIMUM STANDARDS & SPECS. 3.01 AND 3.08 OF THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK (VESCH), MAY BE REMOVED AT THE DISCRETION OF THE ASSIGNED LOCAL VESCP/VSMF AUTHORITY COMPLIANCE INSPECTOR, SHOULD PLACEMENT OF THE MEASURE RESULT IN EXCESSIVE ROAD FLOODING, TRAFFIC OR SAFETY HAZARD, OR RESULT IN THE REDIRECTION OF DRAINAGE ONTO OR TOWARD EXISTING LOTS, HOMES, DRIVENWAYS, GARAGES OR OTHER STRUCTURES. DECISIONS SHALL BE MADE BY THE VESCP/VSMF AUTHORITY ON A CASE-BY-CASE BASIS BASED ON FIELD SITUATIONS ENCOUNTERED.
- DRAINAGE FACILITIES SHALL BE INSTALLED AND FUNCTIONAL WITHIN 30 DAYS FOLLOWING COMPLETION OF ROUGH GRADING AT ANY POINT WITHIN THE PROJECT.
- NO MORE THAN 300 FEET OF TRENCH MAY BE OPEN AT ONE TIME FOR UNDERGROUND UTILITY LINES, INCLUDING STORM WATER CONVEYANCES. ALL OTHER PROVISIONS OF MINIMUM STANDARD NO. 16 OF THE VIRGINIA EROSION AND SEDIMENT CONTROL REGULATIONS APPLY.
- PERMANENT OR TEMPORARY STABILIZATION OF DISTURBED SOIL AREAS SHALL COMPLY WITH MINIMUM STANDARD # 1 AND # 3 OF THE VIRGINIA EROSION AND SEDIMENT CONTROL REGULATIONS.
- THE TERM SEEDING, FINAL VEGETATIVE COVER OR STABILIZATION ON THE APPROVED PLAN SHALL MEAN THE SUCCESSFUL GERMINATION AND ESTABLISHMENT OF A STABLE GRASS COVER FROM A PROPERLY PREPARED SEEDBED, IN ACCORDANCE WITH MINIMUM STANDARD # 1 AND # 3 FROM THE VIRGINIA EROSION AND SEDIMENT CONTROL REGULATIONS, MINIMUM STANDARDS & SPECS. 3.24 THROUGH 3.31 OF THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK (VESCH), AND ANY TECHNICAL BULLETINS ISSUED BY THE STATE WATER CONTROL BOARD OR VIRGINIA DEQ, AS APPLICABLE. IRRIGATION, IF NECESSARY, SHALL COMPLY WITH ALL APPLICABLE SEASONAL OUTDOOR WATER USE RESTRICTIONS OF THE JAMES CITY SERVICE AUTHORITY.
- IF DISTURBED AREA STABILIZATION IS TO BE ACCOMPLISHED DURING THE MONTHS OF DECEMBER, JANUARY OR FEBRUARY, STABILIZATION SHALL CONSIST OF MULCHING IN ACCORDANCE WITH MINIMUM STANDARD & SPEC. 3.35 OF THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK (VESCH). SEEDING WILL THEN TAKE PLACE AS SOON AS THE SEASON PERMITS.
- TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES SHALL NOT BE REMOVED UNTIL ALL DISTURBED AREAS ARE STABILIZED. REMOVAL SHALL NOT OCCUR WITHOUT AUTHORIZATION BY THE LOCAL VESCP/VSMF AUTHORITY. DISTURBANCES ASSOCIATED WITH THE REMOVAL OF TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES SHALL BE PROPERLY STABILIZED.
- NO SEDIMENT TRAP OR SEDIMENT BASIN SHALL BE REMOVED UNTIL A) AT LEAST 75 PERCENT OF THE SINGLE-FAMILY LOTS WITHIN THE DRAINAGE AREA TO THE TRAP OR BASIN HAVE BEEN SOLD TO A THIRD PARTY FOR THE CONSTRUCTION OF HOMES (UNRELATED TO THE DEVELOPER); AND/OR B) 60 PERCENT OF THE SINGLE-FAMILY LOTS WITHIN THE DRAINAGE AREA TO THE TRAP OR BASIN ARE COMPLETED AND STABILIZED. A BULK SALE OF THE LOTS TO ANOTHER BUILDER DOES NOT SATISFY THIS PROVISION. SEDIMENT TRAPS AND SEDIMENT BASINS SHALL NOT BE REMOVED WITHOUT AUTHORIZATION OF THE LOCAL VESCP/VSMF AUTHORITY.
- DESIGN AND CONSTRUCTION OF PRIVATE-TYPE STORM DRAINAGE SYSTEMS, OUTSIDE VDOT RIGHT-OF-WAY, SHALL BE PERFORMED IN ACCORDANCE WITH THE CURRENT VERSION OF THE JAMES CITY COUNTY, ENGINEERING AND RESOURCE PROTECTION DIVISION, STORMWATER DRAINAGE CONVEYANCE SYSTEMS (NON-BMP RELATED), GENERAL DESIGN AND CONSTRUCTION GUIDELINES (IE. COUNTY DRAINAGE STANDARDS).
- RECORD DRAWINGS (ASBUILTS) AND CONSTRUCTION CERTIFICATIONS ARE REQUIRED FOR ALL STORMWATER FACILITIES INCLUDING STORMWATER MANAGEMENT/BMP FACILITIES AND STORM DRAINAGE CONVEYANCE SYSTEMS. THE CERTIFICATION PROCESS SHALL INCLUDE AN INTERNAL CLOSED-CIRCUIT TELEVISION CAMERA (CCTV) POST INSTALLATION INSPECTION PERFORMED BY THE OWNER IN ACCORDANCE WITH STANDARDS AND SPECIFICATIONS DEVELOPED BY THE VSMP AUTHORITY. RECORD DRAWINGS AND CONSTRUCTION CERTIFICATIONS MUST MEET ESTABLISHED PROGRAM REQUIREMENTS OF THE COUNTY'S CHAPTER 8 EROSION AND SEDIMENT CONTROL AND VSMP ORDINANCE AND THE LOCAL VESCP/VSMF AUTHORITY.
- ALL STORMWATER FACILITIES INCLUDING BMPs, STORM DRAINAGE PIPES, STORMWATER CONVEYANCES, INLETS, MANHOLES, OUTFALLS AND ROADSIDE AND OTHER OPEN CHANNELS SHALL BE INSPECTED BY THE LOCAL VESCP/VSMF AUTHORITY, THE OWNER, AND THE APPLICANT/OPERATOR/PERMITTEE DESIGNATED GEOTECHNICAL ENGINEER FOR THE PROJECT IN ACCORDANCE WITH ESTABLISHED COUNTY STORMWATER FACILITY INSPECTION PROGRAM REQUIREMENTS.



VICINITY MAP

Sheet **S1** | of X

EROSION & SEDIMENT CONTROL NOTES, SITE PLAN, VICINITY MAP, & STATISTICAL INFORMATION

PRELIMINARY NOT FOR CONSTRUCTION

DATE: 8/3/2022

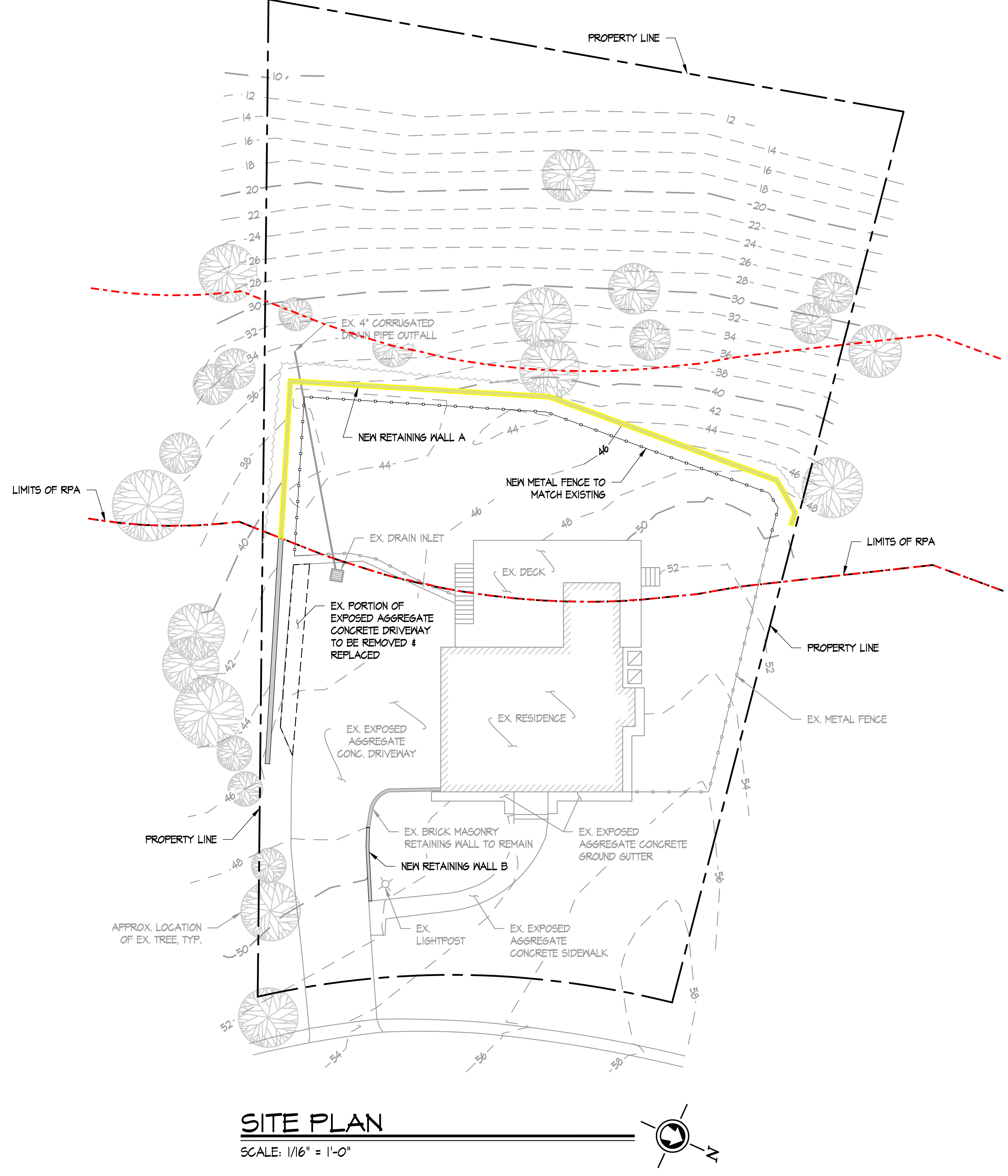
REVISIONS: VA

Project #: VA2115DES

Drawn by: JMK

Reviewed by: MAM

The Structures Group, Inc.
1200 Old Colony Lane • Williamsburg, VA 23185
(757) 250-0465 • Fax: (757) 250-1546
www.thestructuresgroup.com



SITE PLAN
SCALE: 1/16" = 1'-0"

Sheet

S2

2 of X

GENERAL NOTES, RETAINING WALL PLAN, & DETAILS

**RETAINING WALL
TRAINUM RESIDENCE
105 AMBROSE HILL**

JAMES CITY COUNTY

VA

Revisions

DATE: 8/3/22

Date

**PRELIMINARY NOT
FOR CONSTRUCTION**

Date: xx/xx/xx

Project #: VA2115DES

Drawn by: JMK

Reviewed by: MAM



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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-22-0104
105 Ambrose Hill
Retaining wall replacement

September 6,

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 Joseph Krallinger, The Structures Group, on behalf of Lee Scott and Jeannie S Trainum for encroachments into the Resource Protection Area (RPA) buffer for the removal and replacement of existing retaining walls on property located at 105 Ambrose Hill, JCC Parcel No. 5030400077.

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, September 14, 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
5030400078	CARIN, FRANKLIN D & RIEKO	101 AMBROSE HL	WILLIAMSBURG	VA	23185-6556
5030400077	TRAINUM, LEE SCOTT & JEANNIE S	105 AMBROSE HL	WILLIAMSBURG	VA	23185-6556
5030400069	WEAVER, JIHL	100 AMBROSE HL	WILLIAMSBURG	VA	23185-8254
5030400070	OLTMAN, RYAN S & YEATER, KATHLEEN M	104 AMBROSE HL	WILLIAMSBURG	VA	23185-6555
5030400076	DAHL, JEFFREY M & CATHY R	109 AMBROSE HL	WILLIAMSBURG	VA	23185-6556
5030400048	LINKENAUER, MONT M & DEBOLD,	124 FRANCIS JESSUP	WILLIAMSBURG	VA	23185-6501
5030400049	WIER, WILLIAM H TRUSTEE &	120 FRANCIS JESSUP	WILLIAMSBURG	VA	23185-6501
	Joseph KrallingerThe Structures Group	1200 Old Colony Lane	Williamsburg	VA	23185



PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY, SEPTEMBER 14, 2022 AT 5 P.M.** IN THE COUNTY GOVERNMENT CONFERENCE ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE WETLANDS BOARD WILL CONSIDER THE FOLLOWING CASE:

WJPA-22-0015: Karla Havens, Mid-Atlantic Resource Consulting has applied on behalf of Kenneth Goldsmith and Ashley Overman-Goldsmith for a wetlands permit for the installation of a bulkhead, floating pier, boat lift, and revetment on property located at 258 Sandy Bay Road, James City County (JCC) Parcel No. 4730100012.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-22-0093: Jeff Huentelman, Land Planning Solutions Inc., has applied for a Chesapeake Bay Exception on behalf of MCP Stonehouse LLC for encroachments into the Resource Protection Area (RPA) buffer for the installation of a sanitary sewer line on property located at 9250 Six Mount Zion Road, James City County (JCC) Parcel No. 0540100011.

CBPA-22-0104: Joseph Krallinger, The Structures Group has applied for a Chesapeake Bay Exception on behalf of Lee Scott and Jeannie S Trainum for encroachments into the RPA buffer for the removal and replacement of existing retaining walls on property located at 105 Ambrose Hill, JCC Parcel No. 5030400077.

CBPA-22-0105: Chase Grogg, LandTech Resources has applied for a Chesapeake Bay Exception on behalf of Michael L and Helen Cochran Arnold for encroachments into the RPA buffer for the construction of a single-family dwelling on property located at 124 James Bray Drive, JCC Parcel No. 31402A0014.

CBPA-22-0107: Jeff Huentelman, Land Planning Solutions Inc., has applied for a Chesapeake Bay Exception on behalf of MCP Stonehouse LLC for encroachments into the RPA buffer for the installation of a sanitary sewer line on property located at 9100 Six Mount Zion Road, JCC Parcel No. 0540100016.

CBPA-22-0109: Sean Allburn has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the installation of a fishing platform on property located at 124 Thomas Cartwright, JCC Parcel No. 5130200021.

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, August 31, 2022 and Wednesday, September 7, 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:

TO: Chesapeake Bay Board

FROM: Trevor Long, Chesapeake Bay Board Secretary

SUBJECT: CBPA-22-0093 : 9250 Six Mount Zion Road: Stonehouse Tract S, Phase 1

Jeff Huentelman, Land Planning Solutions Inc., has applied for a Chesapeake Bay Exception on behalf of MCP Stonehouse LLC for encroachments into the Resource Protection Area (RPA) buffer for the installation of a sanitary sewer line on property located at 9250 Six Mount Zion Road, James City County (JCC) Parcel No. 0540100011.

ATTACHMENTS:

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution to Approve	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	Woolson, Michael	Approved	9/6/2022 - 4:48 PM
Chesapeake Bay Group	Small, Toni	Approved	9/7/2022 - 8:09 AM
Publication Management	Daniel, Martha	Approved	9/7/2022 - 8:18 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	9/7/2022 - 3:48 PM

CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-22-0093. Stonehouse Tract S, Phase 1

Staff Report for the September 14, 2022, Chesapeake Bay Board Public Hearing

This staff report is prepared by 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: MCP Stonehouse, LLC

Agent: Mr. Jeff Huentelman, Land Planning Solutions, Inc.

Locations: 9250 and 9150 Six Mount Zion Road

Parcel Identification Nos.: 0540100011 and 0540100012

Parcels: P-16 Slater Tract Division of Stonehouse at Williamsburg, P-21 Filichko Tract Division of Stonehouse at Williamsburg, LLC Property

Project Size: 42.26 acres

Area of Project in Resource Protection Area (RPA): 8.96 acres (21%)

Watershed: Ware Creek (YO62)

Floodplain: None

Proposed Activity: Installation of a sanitary sewer line

Impervious Cover: 0 square feet

RPA Encroachment: 20,908 square feet, landward 50-foot RPA
5,227 square feet, seaward 50-foot RPA

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

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Jeff Huentelman, Land Planning Solutions, Inc., has applied for a Chesapeake Bay Exception on behalf of MCP Stonehouse, LLC, for encroachments into the RPA buffer for the installation of a sanitary sewer line located at 9250 Six Mount Zion Road and 9150 Six Mount Zion Road within the Stonehouse subdivision and the Ware Creek watershed. The properties are further identified as James City County Tax Map Parcel Nos. 0540100011 and 0540100012. This project is also known as Stonehouse Tract S, Phase 1.

The total scope of development for this project between the two properties is 42.26 acres, of which 21% is located within the RPA. The applicant is proposing to install a sanitary sewer associated with the development of the Tract S - Stonehouse subdivision, equating to approximately 20,908 square feet of impacts to the Landward 50-foot RPA and 5,227 square feet of impacts to the Seaward 50-foot RPA. Total impacts to the RPA associated with this proposal equate to 26,136 square feet of impacts. Because the sanitary sewer will have a 20ft permanent maintenance easement, there will be a permanent loss of RPA buffer and associated water quality benefits. Required mitigation for this amount of impervious impacts equals 65 planting units. The applicant

has provided a plan showing approximately 53,143 square feet of Natural Open Space on-site as mitigation. This fulfills County mitigation requirements.

STAFF EVALUATION

Staff has evaluated the application and exception request for the installation of a sanitary sewer line. This application meets the Ordinance conditions in Sections 23-11 and 23-14 and should be heard by the Board because the installation of a sanitary sewer is not water dependent and is proposed to be constructed within the RPA buffer.

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. The Deed of Natural Open Space be recorded in the Williamsburg/James City County Courthouse prior to the issuance of a Land Disturbing Permit; and
3. This exception request approval shall become null and void if construction has not begun by September 14, 2023; and
4. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than August 3, 2023, six weeks prior to the expiration date.

TAL/ap
CBPA-93_9250-9150SixMtZion

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA-22-0093. STONEHOUSE TRACT S, PHASE 1

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Jeff Huentelman, Land Planning Solutions, Inc., on behalf of MCP Stonehouse, LLC, (the “Applicant”), applied to the Chesapeake Bay Board of James City County (the “Board”) on September 14, 2022, to request an exception to use the Resource Protection Area (the “RPA”) on parcels of property identified as James City County Real Estate Tax Map Parcel Nos. 0540100011 and 0540100012 and further identified as Stonehouse Tract S, Phase 1 (the “Properties”) as set forth in the application CBPA-22-0093 for the purpose of installation of a sanitary sewer line; and

WHEREAS, the Board has heard the arguments presented and 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, finds that the application meets all the requirements for an exception to the Chesapeake Bay Preservation Ordinance and therefore **APPROVES** the exception request for Chesapeake Bay Board Case No. CBPA-22-0093, subject to the following conditions:

1. The applicant must obtain all other necessary federal, state, and local permits as required for the project; and
2. The Deed of Natural Open Space be recorded in the Williamsburg/James City County Courthouse prior to the issuance of a Land Disturbing Permit; and
3. This exception request approval shall become null and void if construction has not begun by September 14, 2023; and
4. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than August 3, 2023, six weeks prior to the expiration date.

Halle Dunn
Vice-Chair, Chesapeake Bay Board

Trevor A. Long
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 14th day of September, 2022.

CBPA22-93_9250-9150SixMtZion-res

RESOLUTION

CASE NO. CBPA-22-0093. STONEHOUSE TRACT S, PHASE 1

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Jeff Huentelman, Land Planning Solutions, Inc., on behalf of MCP Stonehouse, LLC, (the “Applicant”), applied to the Chesapeake Bay Board of James City County (the “Board”) on September 14, 2022, to request an exception to use the Resource Protection Area (the “RPA”) on parcels of property identified as James City County Real Estate Tax Map Parcel Nos. 0540100011 and 0540100012 and further identified as Stonehouse Tract S, Phase 1 (the “Properties”) as set forth in the application CBPA-22-0093 for the purpose of installation of a sanitary sewer line; and

WHEREAS, the Board has heard the arguments presented and 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, finds that the application does not meet all the requirements for an exception to the Chesapeake Bay Preservation Ordinance and therefore **DENIES** the exception request for Chesapeake Bay Board Case No. CBPA-22-0093.

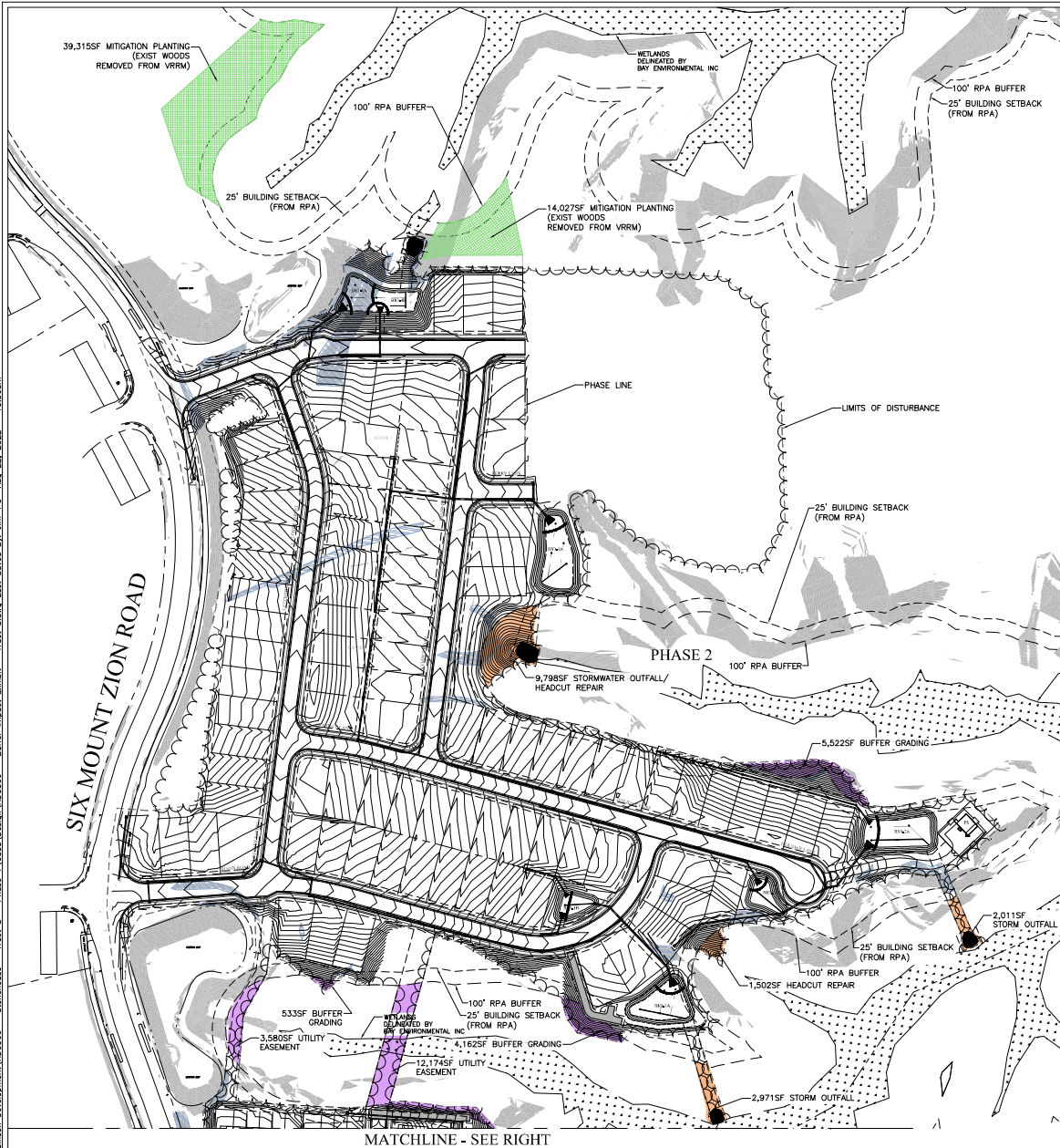
Halle Dunn
Vice-Chair, Chesapeake Bay Board

Trevor A. Long
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 14th day of September, 2022.

CBPA22-93_9250-9150SixMtZionDny-res

O:\Projects\Robinson_Development\RD02066 - Stonehouse - Tract S - Phase 1\Cadd\Design\RD02066 - Buffer Impact Exhibit - Tract S.dwg, Last Saved By: Jim, Aug. 22, 2022 - 10:56am



ENVIRONMENTAL INVENTORY IMPACTS

TIDAL WETLANDS:	NONE ON SITE
TIDAL SHORES:	NONE ON SITE
NON-TIDAL WETLANDS:	NONE ON SITE
100' RPA BUFFER	0.53 AC IMPACTED (STORM OUTFALL/HEADCUT)
100' RPA BUFFER	0.60 AC IMPACTED (UTILITY/ BUFFER GRADING)
TOTAL 100' RPA BUFFER	1.13 AC IMPACTED
FULLY-HYDRIC SOILS (100%)	0 AC IMPACTED
25% SLOPES OR GREATER	1.87 AC IMPACTED
IMPACT MITIGATION AREA:	1.22 AC

LEGEND

- DENOTES 25% OR GREATER SLOPES
- 25% SLOPE IMPACTS
- 100' RPA BUFFER IMPACTS (STORM OUTFALL/HEADCUT REPAIR)
- 100' RPA BUFFER IMPACTS (UTILITY/ BUFFER GRADING)
- MITIGATION PLANTING AREA



NOTES

PROJECT DESCRIPTION
 THIS PROJECT PROVIDES FOR THE DEVELOPMENT OF STONEHOUSE TRACT S INTO 99 SINGLE FAMILY DETACHED LOTS & 81 SINGLE FAMILY ATTACHED UNITS. THE PROJECT ALSO PROVIDES FOR THE CONSTRUCTION OF STORMWATER BASINS AND RELATED DRAINAGE INFRASTRUCTURE. THE LIMITS OF IMPROVEMENTS WILL BE APPROXIMATELY 78.3 ACRES.

EXISTING CONDITIONS
 STONEHOUSE TRACT S IS CURRENTLY UNDEVELOPED, FORESTED LAND. STORMWATER RUNOFF CURRENTLY SHEET FLOWS ACROSS THE PARCEL INTO THE NEIGHBORING WETLANDS.

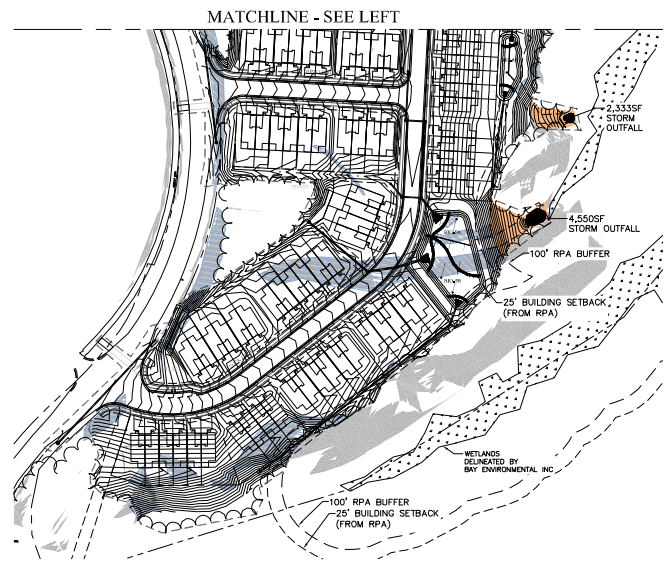
STORMWATER MANAGEMENT
 STORMWATER RUNOFF WILL BE COLLECTED IN DRAINAGE INFRASTRUCTURE ALONG THE RIGHT OF WAY AND CONVEYED TO OUTLET POINTS THAT DISCHARGE INTO THE NEIGHBORING WETLANDS.

CRITICAL AREAS
 THIS PROJECT WILL NOT IMPACT EXISTING WETLANDS.
 • LAND WITH SLOPES EXCEEDING 25% AND THE 100' RPA BUFFER WILL BE IMPACTED.
 • SOILS THAT ARE CLASSIFIED AS FULLY-HYDRIC WILL NOT BE IMPACTED.

EROSION AND SEDIMENT CONTROL MEASURES
 TO PREVENT SEDIMENT FROM LEAVING SITE AND ENTERING THE SURROUNDING FORESTS, MEASURES SUCH AS SILT FENCE, CHECK DAMS, CONSTRUCTION ENTRANCE AND TEMPORARY SEEDING WILL BE IMPLEMENTED. INSTALLATION AND MAINTENANCE OF TEMPORARY MEASURES WILL CONFORM TO THE GUIDELINES PUBLISHED IN THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK (VESH), 3RD EDITION.

PERMANENT SEEDING
 PERMANENT SEEDING, LANDSCAPING AND TURF WILL BE USED TO STABILIZE THE SITE AFTER CONSTRUCTION IS COMPLETE.

TEMPORARY OFFSET AREAS
 THERE ARE NO ADDITIONAL OFFSITE LAND DISTURBANCES PROPOSED WITH THIS PROJECT.



LAND PLANNING SOLUTIONS
 140 Greenbrier Pkwy, Ste. 205
 Charlottesville, VA 22904
 O 757-935-9014 F 757-935-9015
 www.landplanningolutions.com

No.	DATE	REVISION

PROJECT No: RD02066
 DATE: 2/24/2022
 DES: JMB
 DR: JMB
 CDD: JPH

STONEHOUSE - TRACT S - PHASE 1
SUBDIVISION PLAN
 SIX MOUNT ZION ROAD
 JAMES CITY COUNTY, VIRGINIA

RPA BUFFER/ SLOPE IMPACT EXHIBIT

SHEET NO.

IMP



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-22-0093
9250 Six Mount Zion Road
Sanitary sewer installation

September 6,

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 Jeff Huentelman, Land Planning Solutions, Inc., on behalf of MCP Stonehouse LLC for encroachments into the Resource Protection Area (RPA) buffer for the installation of a sanitary sewer line on property located at 9250 Six Mount Zion Road, JCC Parcel No. 0540100011.

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, September 14, 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
0540800001A	SCP-JTL STONEHOUSE OWNER 2 LLC	4807 W LOVERS LANE FL 2	DALLAS	TX	75209-3137
0540900001A	SCP-JTL STONEHOUSE OWNER 2 LLC	4807 W LOVERS LANE FL 2	DALLAS	TX	75209-3137
0630100005	MCP STONEHOUSE LLC	40 W 57TH ST ~STE 1420	NEW YORK	NY	10019-4001
0630100006	MCP STONEHOUSE LLC	40 W 57TH ST ~STE 1420	NEW YORK	NY	10019-4001
0540100012	MCP STONEHOUSE LLC	40 W 57TH ST ~STE 1420	NEW YORK	NY	10019-4001
0540100016	MCP STONEHOUSE LLC	40 W 57TH ST ~STE 1420	NEW YORK	NY	10019-4001
0540100011	MCP STONEHOUSE LLC	40 W 57TH ST ~STE 1420	NEW YORK	NY	10019-4001
0540100017	STONEHOUSE OWNERS FOUNDATION. Jeff Huentelman Land Planning Solutions	603 PILOT HOUSE DRIVE 1403 Greenbrier Pkwy, Ste 205	NEWPORT NEWS Chesapeake	VA VA	23606-1904 23320



PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY, SEPTEMBER 14, 2022 AT 5 P.M.** IN THE COUNTY GOVERNMENT CONFERENCE ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE WETLANDS BOARD WILL CONSIDER THE FOLLOWING CASE:

WJPA-22-0015: Karla Havens, Mid-Atlantic Resource Consulting has applied on behalf of Kenneth Goldsmith and Ashley Overman-Goldsmith for a wetlands permit for the installation of a bulkhead, floating pier, boat lift, and revetment on property located at 258 Sandy Bay Road, James City County (JCC) Parcel No. 4730100012.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-22-0093: Jeff Huentelman, Land Planning Solutions Inc., has applied for a Chesapeake Bay Exception on behalf of MCP Stonehouse LLC for encroachments into the Resource Protection Area (RPA) buffer for the installation of a sanitary sewer line on property located at 9250 Six Mount Zion Road, James City County (JCC) Parcel No. 0540100011.

CBPA-22-0104: Joseph Krallinger, The Structures Group has applied for a Chesapeake Bay Exception on behalf of Lee Scott and Jeannie S Trainum for encroachments into the RPA buffer for the removal and replacement of existing retaining walls on property located at 105 Ambrose Hill, JCC Parcel No. 5030400077.

CBPA-22-0105: Chase Grogg, LandTech Resources has applied for a Chesapeake Bay Exception on behalf of Michael L and Helen Cochran Arnold for encroachments into the RPA buffer for the construction of a single-family dwelling on property located at 124 James Bray Drive, JCC Parcel No. 31402A0014.

CBPA-22-0107: Jeff Huentelman, Land Planning Solutions Inc., has applied for a Chesapeake Bay Exception on behalf of MCP Stonehouse LLC for encroachments into the RPA buffer for the installation of a sanitary sewer line on property located at 9100 Six Mount Zion Road, JCC Parcel No. 0540100016.

CBPA-22-0109: Sean Allburn has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the installation of a fishing platform on property located at 124 Thomas Cartwright, JCC Parcel No. 5130200021.

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, August 31, 2022 and Wednesday, September 7, 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: 9/14/2022

TO: Chesapeake Bay Board

FROM: Trevor Long, Chesapeake Bay Board Secretary

SUBJECT: CBPA-22-0107 : 9100 Six Mount Zion Road : Stonehouse Tract 11A, Phase 1

Jeff Huentelman, Land Planning Solutions Inc., has applied for a Chesapeake Bay Exception on behalf of MCP Stonehouse LLC for encroachments into the RPA buffer for the installation of a sanitary sewer line on property located at 9100 Six Mount Zion Road, JCC Parcel No. 0540100016.

ATTACHMENTS:

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution to Approve	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	Woolson, Michael	Approved	9/6/2022 - 4:48 PM
Chesapeake Bay Group	Small, Toni	Approved	9/7/2022 - 8:10 AM
Publication Management	Pobiak, Amanda	Approved	9/7/2022 - 9:28 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	9/7/2022 - 3:48 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-22-0107. Stonehouse Tract 11A, Phase 1
Staff Report for the September 14, 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: MCP Stonehouse, LLC

Agent: Mr. Jeff Huentelman, Land Planning Solutions, LLC

Location: 9100 Six Mount Zion Road

Parcel Identification No.: 0540100016

Parcel: Tract 2 GS Stonehouse Green Land Sub LLC

Project Size: 44.39 acres

Area of Project in
Resource Protection
Area (RPA): 9.78 acres (22%)

Watershed: Ware Creek (YO62)

Floodplain: None

Proposed Activity: Installation of a sanitary sewer line

Impervious Cover: 0 square feet

RPA Encroachment: 8,276 square feet, landward 50-foot RPA
3,920 square feet, seaward 50-foot RPA

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

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Jeff Huentelman, Land Planning Solutions, LC, has applied for a Chesapeake Bay Exception on behalf of MCP Stonehouse, LLC, for encroachments into the RPA buffer for the installation of a sanitary sewer line located at 9100 Six Mount Zion Road within the Stonehouse subdivision and the Ware Creek watershed. The property is further identified as James City County Tax Map Parcel No. 0540100016. This project is also known as Stonehouse Tract 11A, Phase 1.

The total lot size of this property is 44.39 acres, of which 22% is located within the RPA. The applicant is proposing to install a sanitary sewer line equating to approximately 8,276 square feet of impacts to the landward 50-foot RPA and 3,920 square feet of impacts to the seaward 50-foot RPA. Total impacts to the RPA associated with this proposal equate to 12,199 square feet of impacts to the Resource Protection Area. Because the sanitary sewer will have a 20ft permanent maintenance easement, there will be a permanent loss of RPA buffer and associated water quality benefits. Required mitigation for this amount of impervious impacts equals 30 planting units (30 canopy trees, 60 understory trees, and 90 shrubs). The applicant has proposed 32,234 square feet of undisturbed natural open space as mitigation.

STAFF EVALUATION

Staff has evaluated the application and exception request for the installation of a sanitary sewer line. This application meets the Ordinance conditions in Sections 23-11 and 23-14 and should be heard by the Board because the installation of a sanitary sewer is not water dependent and is proposed to be constructed within the RPA buffer.

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. The Deed of Natural Open Space be recorded in the Williamsburg/James City County Courthouse prior to the issuance of a Land Disturbing Permit; and
3. This exception request approval shall become null and void if construction has not begun by September 14, 2023; and
4. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than August 3, 2023, six weeks prior to the expiration date.

TAL/md
CBPA22-107_9100SixMtZion

Attachments:

1. Resolution
2. Site Plan

2

RESOLUTION

CASE NO. CBPA-22-0107. STONEHOUSE TRACT 11A, PHASE 1

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Jeff Huentelman, Land Planning Solutions, LC, on behalf of MCP Stonehouse, LLC, (the “Applicant”), applied to the Chesapeake Bay Board of James City County (the “Board”) on September 14, 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. 0540100016 and further identified as Stonehouse Tract 11A, Phase 1 (the “Property”) as set forth in the application CBPA-22-0107 for the purpose of the installation of a sanitary sewer line; and

WHEREAS, the Board has heard the arguments presented and 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, finds that the application meets all the requirements for an exception to the Chesapeake Bay Preservation Ordinance and therefore **APPROVES** the exception request for Chesapeake Bay Board Case No. CBPA-22-0107, subject to the following conditions:

1. The applicant must obtain all other necessary federal, state, and local permits as required for the project; and
2. The Deed of Natural Open Space be recorded in the Williamsburg/James City County Courthouse prior to the issuance of a Land Disturbing Permit; and
3. This exception request approval shall become null and void if construction has not begun by September 14, 2023; and
4. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than August 3, 2023, six weeks prior to the expiration date.

Halle Dunn
Vice-Chair, Chesapeake Bay Board

Trevor A. Long
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 14th day of September, 2022.

CBPA22-107_9100SixMtZionApp-res

RESOLUTION

CASE NO. CBPA-22-0107. STONEHOUSE TRACT 11A, PHASE 1

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Jeff Huentelman, Land Planning Solutions, LC, on behalf of MCP Stonehouse, LLC, (the “Applicant”), applied to the Chesapeake Bay Board of James City County (the “Board”) on September 14, 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. 0540100016 and further identified as Stonehouse Tract 11A, Phase 1 (the “Property”) as set forth in the application CBPA-22-0107 for the purpose of the installation of a sanitary sewer line; and

WHEREAS, the Board has heard the arguments presented and 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, finds that the application has not met all the requirements for an exception to the Chesapeake Bay Preservation Ordinance and therefore **DENIES** the exception request for Chesapeake Bay Board Case No. CBPA-22-0107.

Halle Dunn
Vice-Chair, Chesapeake Bay Board

Trevor A. Long
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 14th day of September, 2022.

CBPA22-107_9100SixMtZionDen-res

NO.	DATE	REVISION

PROJECT NO: R06067
 DATE: 19AUG22
 DES: JPH
 DR: JPH
 CD: JPH

STONEHOUSE - TRACT 11A - PHASE 1
 SUBDIVISION PLAN
 SIX MOUNT ZION RD & MT LAUREL RD
 JAMES CITY COUNTY, VIRGINIA
 ENVIRONMENTAL INVENTORY



SHEET NO. C010

LEGEND

- DEVICES 25% OR GREATER SLOPES
- 25% SLOPE IMPACTS
- 100' RPA BUFFER IMPACTS (STORM OUTFALL/HEADOUT REPAIR)
- 100' RPA BUFFER IMPACTS (UTILITIES) BUFFER GRADING
- MITIGATION PLANTING AREA
- SOIL CALLOUT

NOTES

PROJECT DESCRIPTION: FOR THE REFINANCING OF STONEHOUSE TRACT 11A INTO 200 SINGLE-FAMILY LOTS, THE PROJECT ALSO PROVIDES FOR THE CONSTRUCTION OF STORMWATER BASINS AND STORMWATER MANAGEMENT SYSTEMS. THE LIMITS OF IMPROVEMENTS WILL BE APPROXIMATELY 57.3 ACRES.

EXISTING CONDITIONS: STONEHOUSE TRACT 11A IS CURRENTLY UNDEVELOPED GRASSLAND AND WETLANDS. THE TRACT IS ADJACENT TO STORMWATER FLOWS ACROSS THE PARCEL INTO THE NEIGHBORING WETLANDS.

STORMWATER MANAGEMENT: STORMWATER RUNOFF WILL BE COLLECTED IN DRAINAGE POINTS THAT DISCHARGE INTO THE NEIGHBORING WETLANDS. SEE THIS SHEET.

SOIL DESCRIPTION: SEE THIS SHEET.

CRITICAL AREAS: THIS PROJECT WILL NOT IMPACT EXISTING WETLANDS EXCEEDING 25% AND THE 100' RPA BUFFER WILL BE IMPACTED.

SOILS THAT ARE CLASSIFIED AS FULLY-HYDRIC WILL NOT BE IMPACTED.

TO PREVENT SEEDING FROM LEAVING THE SITE AND ENTERING THE SURROUNDING FORESTS, MEASURES SUCH AS SILT FENCE, CHECK DAMS, AND MULCHING SHOULD BE IMPLEMENTED. INSTALLATION AND MAINTENANCE OF TEMPORARY MEASURES WILL CONFORM TO THE GUIDELINES PUBLISHED IN THE 2018 EROSION CONTROL MANUAL (ECM), 5th EDITION.

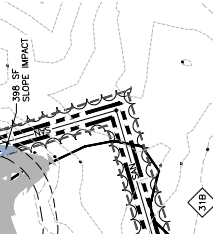
PERMANENT SEEDING: PERMANENT SEEDING, LANDSCAPING AND TURF WILL BE USED TO STABILIZE THE SITE AFTER CONSTRUCTION IS COMPLETE. THERE ARE NO ADDITIONAL OFFSITE LAND DISTURBANCES PROPOSED WITH THIS PROJECT.

SHRINK-SWELL SOILS

LINEAR EXTENSIBILITY: C_{sw}

BARING: LOW, MEDIUM, HIGH, VERY HIGH

LINEAR EXTENSIBILITY	BARING
<math>C_{sw} < 0.5\%</math>	LOW
<math>0.5\% < C_{sw} < 1.0\%</math>	MEDIUM
<math>1.0\% < C_{sw} < 2.0\%</math>	HIGH
$C_{sw} > 2.0\%$	VERY HIGH



ENVIRONMENTAL INVENTORY IMPACTS

WETLANDS: NONE ON SITE

TIDAL WETLANDS: NONE ON SITE

NON-TIDAL WETLANDS: NONE ON SITE

100' RPA BUFFER: 0.28 AC IMPACTED (STORM OUTFALL/HEADOUT)

100' RPA BUFFER: 0.37 AC IMPACTED (UTILITIES) BUFFER GRADING

TOTAL 100' RPA BUFFER IMPACT: 0.65 AC IMPACTED

25% SLOPES OR GREATER: 1.14 AC IMPACTED

IMPACT MITIGATION AREA: 0.74 AC

Matchline - See Left

Area	Area (Ac)	Permitted (Ac)	Remaining (Ac)
25% SLOPES	1.14	0.00	1.14
100' RPA BUFFER IMPACTS	0.65	0.00	0.65
UTILITIES BUFFER GRADING	0.37	0.00	0.37
TOTAL IMPACT	2.16	0.00	2.16

Matchline - See Right

Area	Area (Ac)	Permitted (Ac)	Remaining (Ac)
25% SLOPES	0.00	0.00	0.00
100' RPA BUFFER IMPACTS	0.00	0.00	0.00
UTILITIES BUFFER GRADING	0.00	0.00	0.00
TOTAL IMPACT	0.00	0.00	0.00





Chesapeake Bay Board of James City County, Virginia

September 14, 2022

CBPA 22-0107

MCP Stonehouse LLC

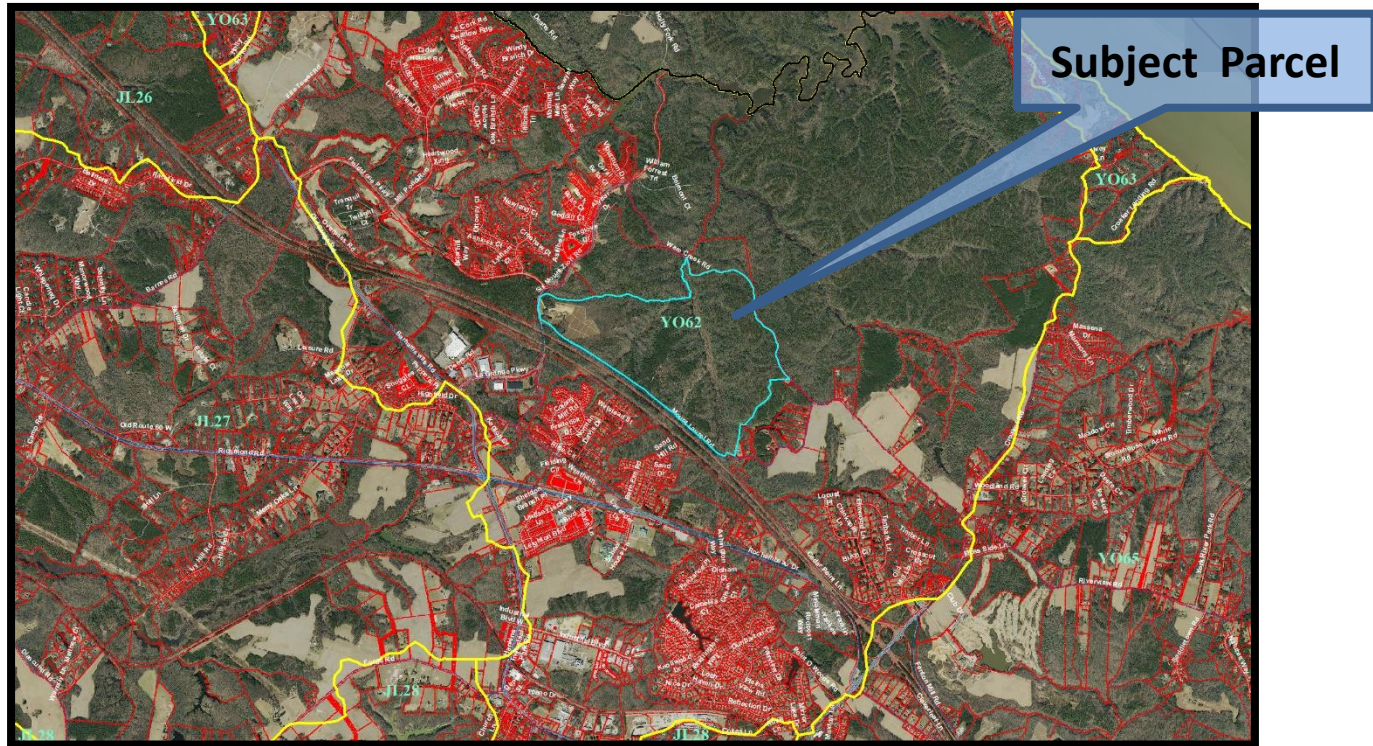
Stonehouse Tract 11A, Phase 1

9100 Six Mount Zion Road

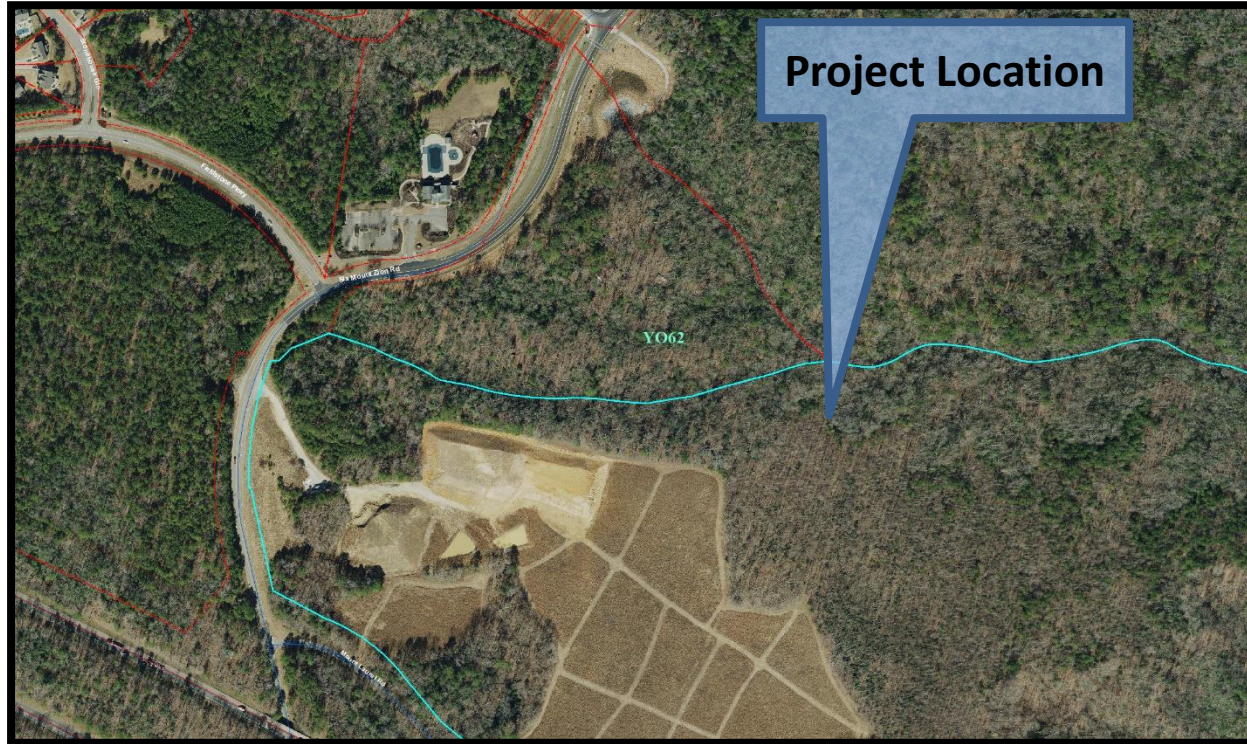


Applicant Request

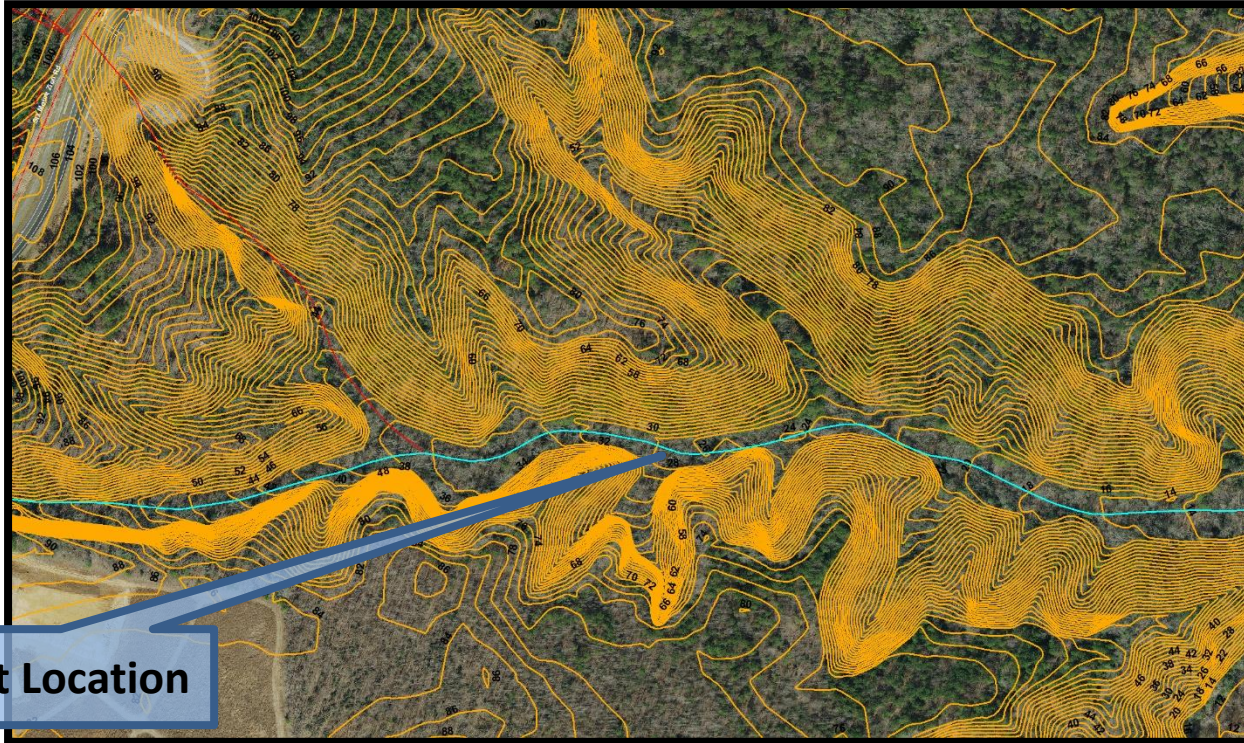
- ✓ Installation of a sanitary sewer.



Vicinity Map
CBPA-22-0107
9100 Six Mount Zion Road

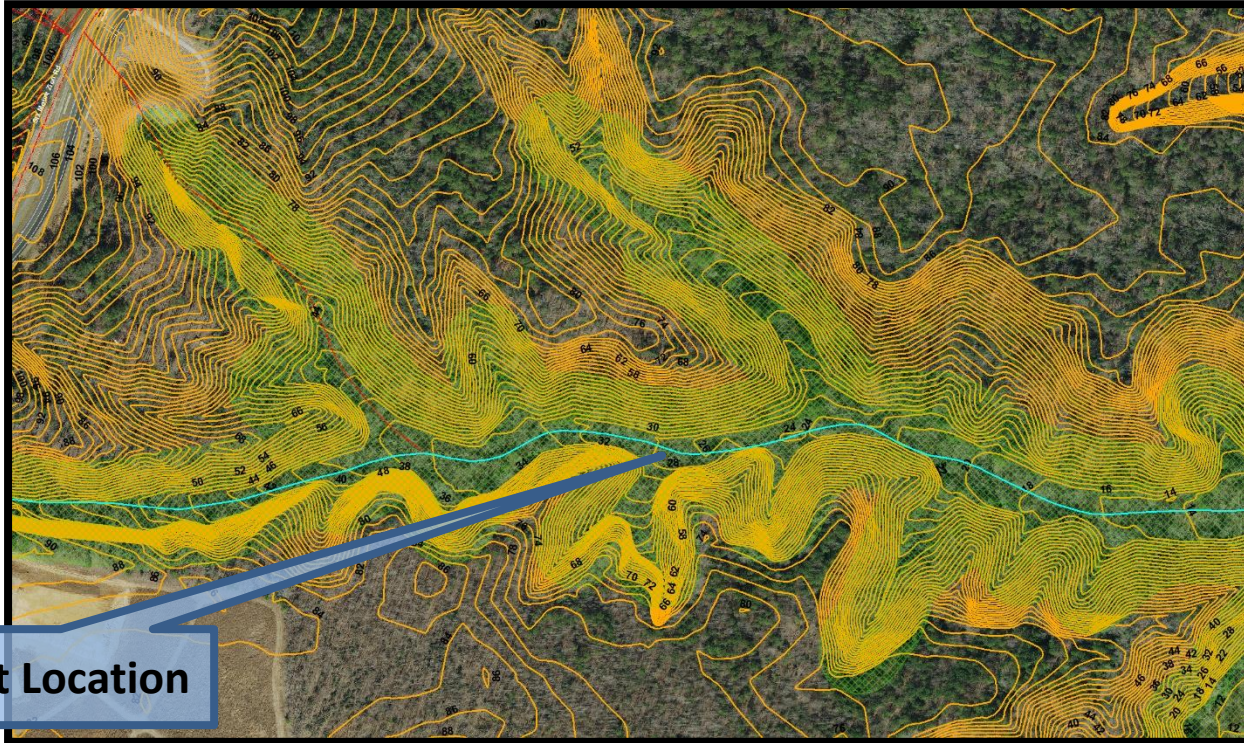


Aerial Photograph
CBPA-22-0107
9100 Six Mount Zion Road



Project Location

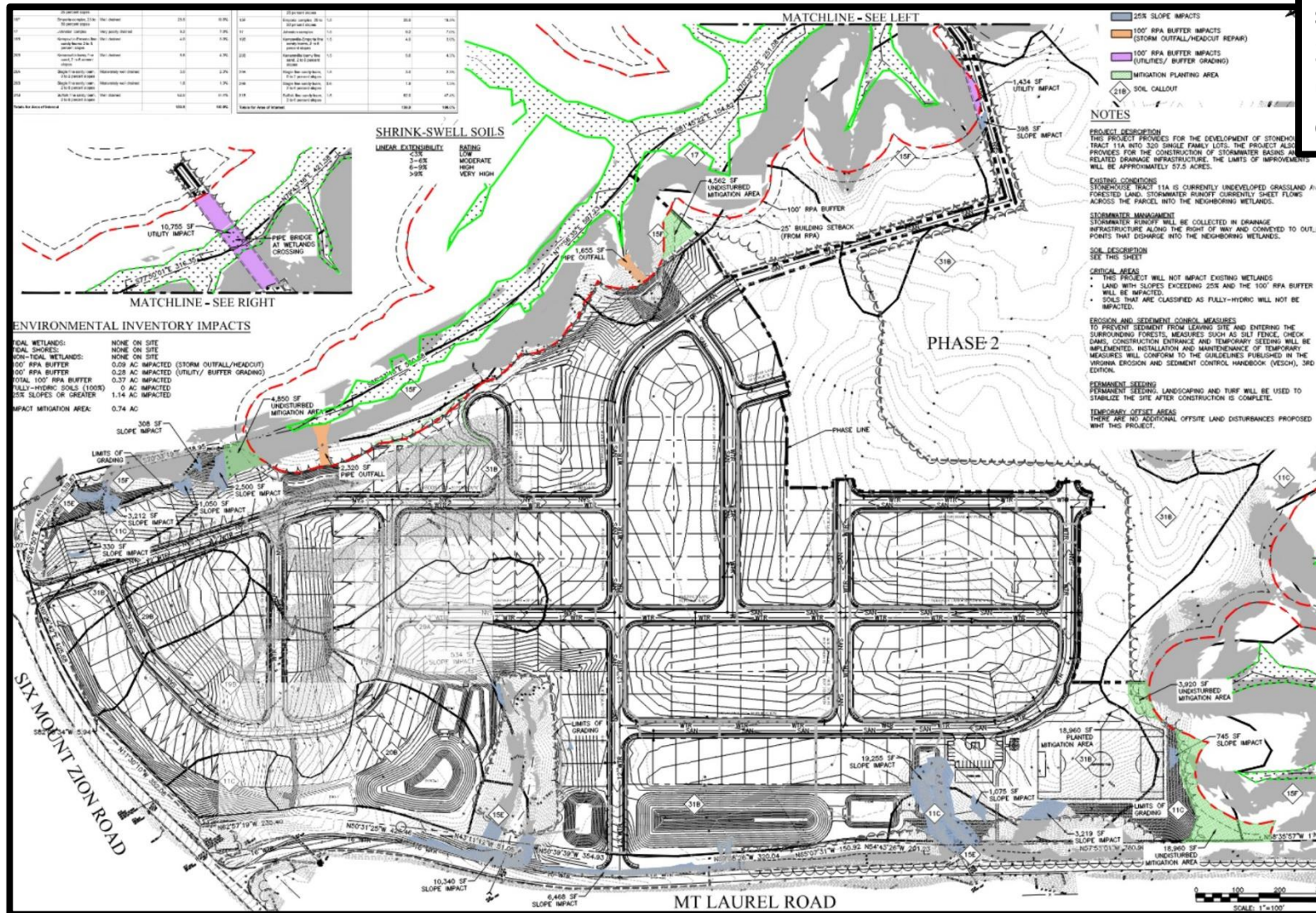
Topography
CBPA-22-0107
9100 Six Mount Zion Road



Project Location

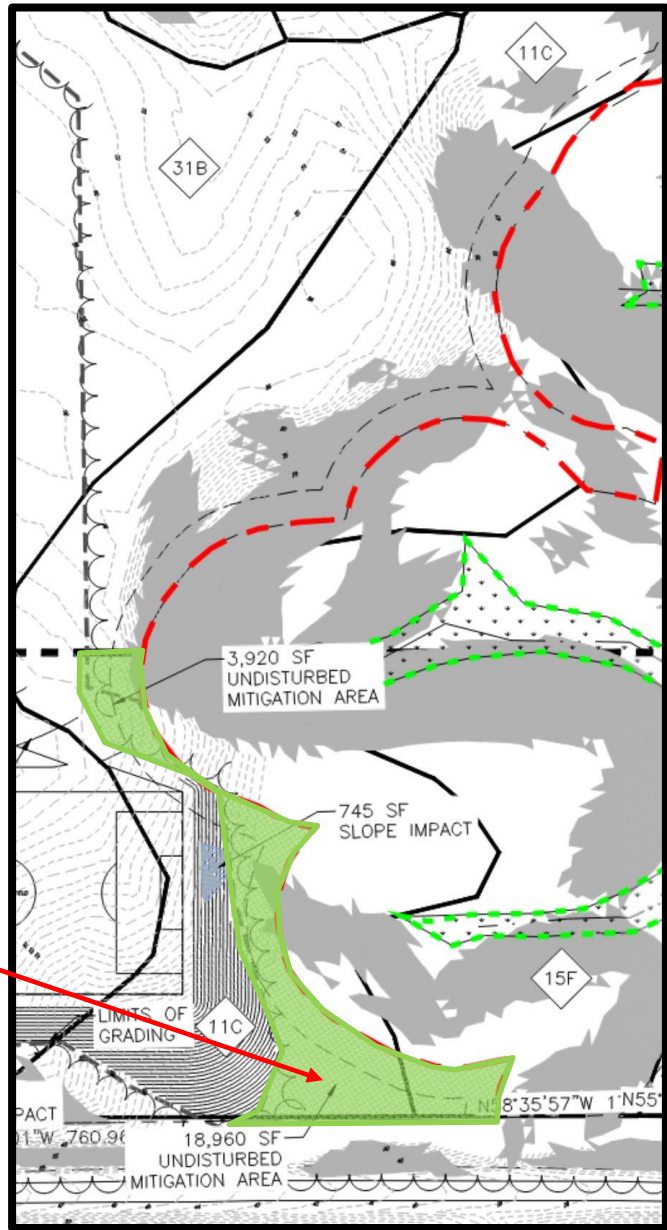
Resource Protection Area
CBPA-22-0107
9100 Six Mount Zion Road

Site Plan showing proposed improvements, submitted August 22, 2022. For representative use only for presentation of case #CBPA-22-0107



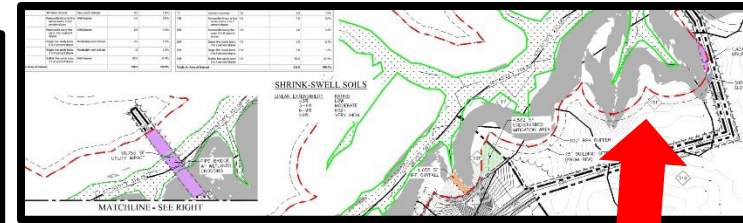
Site Plan - CBPA-22-0107
9100 Six Mount Zion Road

Site Plan showing proposed improvements, submitted August 22, 2022. For representative use only for presentation of case #CBPA-22-0107



Mitigation – Natural Open Space

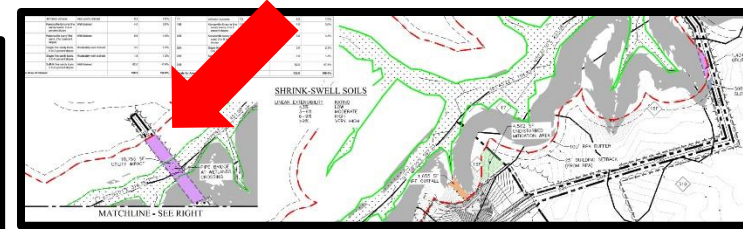
Mitigation Plan - CBPA-22-0107
9100 Six Mount Zion Road



Site Photograph #1 - CBPA-22-0107
9100 Six Mount Zion Road



Site Photograph #2 - CBPA-22-0107
9100 Six Mount Zion Road



Site Photograph #4 - CBPA-22-0107
9100 Six Mount Zion 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

- ✓ The Deed of Natural Open Space be recorded in the Williamsburg/James City County Courthouse prior to the issuance of a Land Disturbing Permit

- ✓ This exception request approval shall become null and void if construction has not begun by September 14, 2023

- ✓ Written requests for extension submitted no later than August 3, 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-22-0107
9100 Six Mount Zion Road
Sanitary sewer installation

September 6,

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 Jeff Huentelman, Land Planning Solutions Inc., on behalf of MCP Stonehouse LLC for encroachments into the Resource Protection Area (RPA) buffer for the installation of a sanitary sewer line on property located at 9100 Six Mount Zion Road, JCC Parcel No. 0540100016.

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, September 14, 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
1310100001E	JAMES CITY COUNTY	PO BOX 8784	WILLIAMSBURG	VA	23187-8784
1310100001A	GREELEAF, DANIEL N TRUSTEE & MARY B	4000 MOUNT LAUREL RD	WILLIAMSBURG	VA	23188-6612
1310100001D	RAINES, WARREN L & PAULA J	4002 MT LAUREL RD	WILLIAMSBURG	VA	23188-6612
1310100001F	JAMES CITY COUNTY	PO BOX 8784	WILLIAMSBURG	VA	23187-8784
0540100011	MCP STONEHOUSE LLC	40 W 57TH ST ~STE 1420	NEW YORK	NY	10019-4001
0540100002	MCP STONEHOUSE LLC	40 W 57TH ST ~STE 1420	NEW YORK	NY	10019-4001
0630100005	MCP STONEHOUSE LLC	40 W 57TH ST ~STE 1420	NEW YORK	NY	10019-4001
0540100012	MCP STONEHOUSE LLC	40 W 57TH ST ~STE 1420	NEW YORK	NY	10019-4001
0540100016	MCP STONEHOUSE LLC	40 W 57TH ST ~STE 1420	NEW YORK	NY	10019-4001
0630100007	MCP STONEHOUSE LLC	40 W 57TH ST ~STE 1420	NEW YORK	NY	10019-4001
1320100001	NIZOLEK, DONALD C TRUSTEE & BERRYHIL	875 PHILLIP CT	EL DORADO HILLS	CA	95762-4326
1320100001A	GREENLEAF, DANIEL N TRUSTEE	4000 MT LAUREL RD	WILLIAMSBURG	VA	23188-6612
0640100004	SCP-JTL STONEHOUSE OWNER 2 LLC	4807 W LOVERS LANE FL 2	DALLAS	TX	75209-3137
	Jeff Huentelman Land Planning Solutions	1403 Greenbrier Pkwy, Ste 205	Chesapeake	VA	23320



PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY, SEPTEMBER 14, 2022 AT 5 P.M.** IN THE COUNTY GOVERNMENT CONFERENCE ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE WETLANDS BOARD WILL CONSIDER THE FOLLOWING CASE:

WJPA-22-0015: Karla Havens, Mid-Atlantic Resource Consulting has applied on behalf of Kenneth Goldsmith and Ashley Overman-Goldsmith for a wetlands permit for the installation of a bulkhead, floating pier, boat lift, and revetment on property located at 258 Sandy Bay Road, James City County (JCC) Parcel No. 4730100012.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-22-0093: Jeff Huentelman, Land Planning Solutions Inc., has applied for a Chesapeake Bay Exception on behalf of MCP Stonehouse LLC for encroachments into the Resource Protection Area (RPA) buffer for the installation of a sanitary sewer line on property located at 9250 Six Mount Zion Road, James City County (JCC) Parcel No. 0540100011.

CBPA-22-0104: Joseph Krallinger, The Structures Group has applied for a Chesapeake Bay Exception on behalf of Lee Scott and Jeannie S Trainum for encroachments into the RPA buffer for the removal and replacement of existing retaining walls on property located at 105 Ambrose Hill, JCC Parcel No. 5030400077.

CBPA-22-0105: Chase Grogg, LandTech Resources has applied for a Chesapeake Bay Exception on behalf of Michael L and Helen Cochran Arnold for encroachments into the RPA buffer for the construction of a single-family dwelling on property located at 124 James Bray Drive, JCC Parcel No. 31402A0014.

CBPA-22-0107: Jeff Huentelman, Land Planning Solutions Inc., has applied for a Chesapeake Bay Exception on behalf of MCP Stonehouse LLC for encroachments into the RPA buffer for the installation of a sanitary sewer line on property located at 9100 Six Mount Zion Road, JCC Parcel No. 0540100016.

CBPA-22-0109: Sean Allburn has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the installation of a fishing platform on property located at 124 Thomas Cartwright, JCC Parcel No. 5130200021.

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, August 31, 2022 and Wednesday, September 7, 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: 9/14/2022

TO: Chesapeake Bay Board

FROM: Trevor Long, Chesapeake Bay Board Secretary

SUBJECT: CBPA-22-0105 : 124 James Bray Drive

Chase Grogg, LandTech Resources has applied for a Chesapeake Bay Exception on behalf of Michael L and Helen Cochran Arnold for encroachments into the RPA buffer for the construction of a single-family dwelling on property located at 124 James Bray Drive, JCC Parcel No. 31402A0014.

ATTACHMENTS:

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

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	9/6/2022 - 4:48 PM
Chesapeake Bay Group	Small, Toni	Approved	9/7/2022 - 8:09 AM
Publication Management	Daniel, Martha	Approved	9/7/2022 - 9:23 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	9/7/2022 - 3:48 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-22-0105. 124 James Bray Drive
Staff Report for the September 14, 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. Beverly Olsen, Olsen Fine Homebuilding
Agent: Mr. Chase Grogg, LandTech Resources, Inc.
Location: 124 James Bray Drive
Parcel Identification No.: 31402A0014
Parcel: Lot 14, Section 1, Block A Middle Plantation, Ford's Colony
Lot Size: 0.61 acres
Area of Lot in Resource Protection Area (RPA): 0.61 acres (100%)
Watershed: Powhatan Creek (JL31)
Floodplain: None
Proposed Activity: Construction of a single-family dwelling, deck, and retaining wall
Impervious Cover: 4,351 square feet
RPA Encroachment: 332 square feet, landward 50-foot RPA
4,019 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 Ms. Beverly Olsen, Olsen Fine Homebuilding for encroachments into the RPA buffer for the construction of a single-family dwelling, deck, and retaining wall located at 124 James Bray Drive within the Ford's Colony subdivision and the Powhatan Creek watershed. The property is further identified as James City County Tax Map Parcel No. 31402A0014. The parcel was platted in 1974, prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The total lot size of this property is 0.61 acres, of which 100% is located within the RPA. The applicant is proposing to construct a single-family home with an attached garage and deck. Due to the grade of the lot, the applicant is also proposing to construct a retaining wall on the northern side of the property. Total impacts to the RPA associated with this proposal equate to 332 square feet of impacts to the landward 50-foot RPA and 4,019 square feet of impacts to the seaward 50-foot RPA for a total of 4,351 square feet of impacts. Additionally, there are approximately 852 square feet of wetland impacts associated with the construction of the proposed dwelling, deck, and grading which will require a permit from the Army Corps of Engineers. Required mitigation for this amount of impervious impacts equals 11 planting units (11

canopy trees, 22 understory trees, and 33 shrubs). The applicant has proposed the plantings of 11 planting units, therefore meeting county mitigation requirements. Due to the proximity of this lot to the wetlands, there are no infiltration Best Management Practices associated with this proposal.

STAFF EVALUATION

Staff has evaluated the application and exception request for the construction of a single-family dwelling, deck, and retaining wall. 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 the retaining wall is considered accessory in nature.

CONSIDERATION BY THE CHESAPEAKE BAY BOARD

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

1. The exception request is the minimum necessary to afford relief; and
2. Granting the exception will not confer upon the 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. A surety of \$5,500 be submitted in a form acceptable to the James City County Attorney's Office to guarantee the mitigation plantings; and
3. That an affidavit be recorded in the Williamsburg/James City County Courthouse prior to the issuance of the building permit; and
4. This exception request approval shall become null and void if construction has not begun by September 14, 2023; and
5. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than August 3, 2023, six weeks prior to the expiration date.

TAL/ap
CBPA22-105_124JamesBry

- Attachments:
1. Resolution
 2. Site Plan

RESOLUTION

CASE NO. CBPA-22-0105. 124 JAMES BRAY DRIVE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Ms. Beverly Olsen, Olsen Fine Homebuilding, (the “Applicant”), applied to the Chesapeake Bay Board of James City County (the “Board”) on September 14, 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. 31402A0014 and further identified as 124 James Bray Drive (the “Property”) as set forth in the application CBPA-22-0105 for the purpose of construction of a single-family dwelling, deck, and retaining wall; and

WHEREAS, the Board has heard the arguments presented and 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, finds that the application meets all the requirements for an exception to the Chesapeake Bay Preservation Ordinance and therefore **APPROVES** the exception request for Chesapeake Bay Board Case No. CBPA-22-0105, subject to the following conditions:

1. The applicant must obtain all other necessary federal, state, and local permits as required for the project; and
2. A surety of \$5,500 be submitted in a form acceptable to the James City County Attorney’s Office to guarantee the mitigation plantings; and
3. That an affidavit be recorded in the Williamsburg/James City County Courthouse prior to the issuance of the building permit; and
4. This exception request approval shall become null and void if construction has not begun by September 14, 2023; and
5. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than August 3, 2023, six weeks prior to the expiration date.

Halle Dunn
Vice-Chair, Chesapeake Bay Board

Trevor A. Long
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 14th day of September, 2022.

CBPA22-105_124JamesBry-res

RESOLUTION

CASE NO. CBPA-22-0105. 124 JAMES BRAY DRIVE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Ms. Beverly Olsen, Olsen Fine Homebuilding, (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on September 14, 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. 31402A0014 and further identified as 124 James Bray Drive (the “Property”) as set forth in the application CBPA-22-0105 for the purpose of construction of a single-family dwelling, deck, and retaining wall; 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, finds that the application does not meet all the requirements for an exception to the Chesapeake Bay Preservation Ordinance and therefore **DENIES** the exception request for Chesapeake Bay Board Case No. CBPA-22-0105.

Halle Dunn
Vice-Chair, Chesapeake Bay Board

Trevor A. Long
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 14th day of September, 2022.

CBPA22-105_124JamesBryDny-res



Chesapeake Bay Board of James City County, Virginia

September 14, 2022

CBPA 22-0105

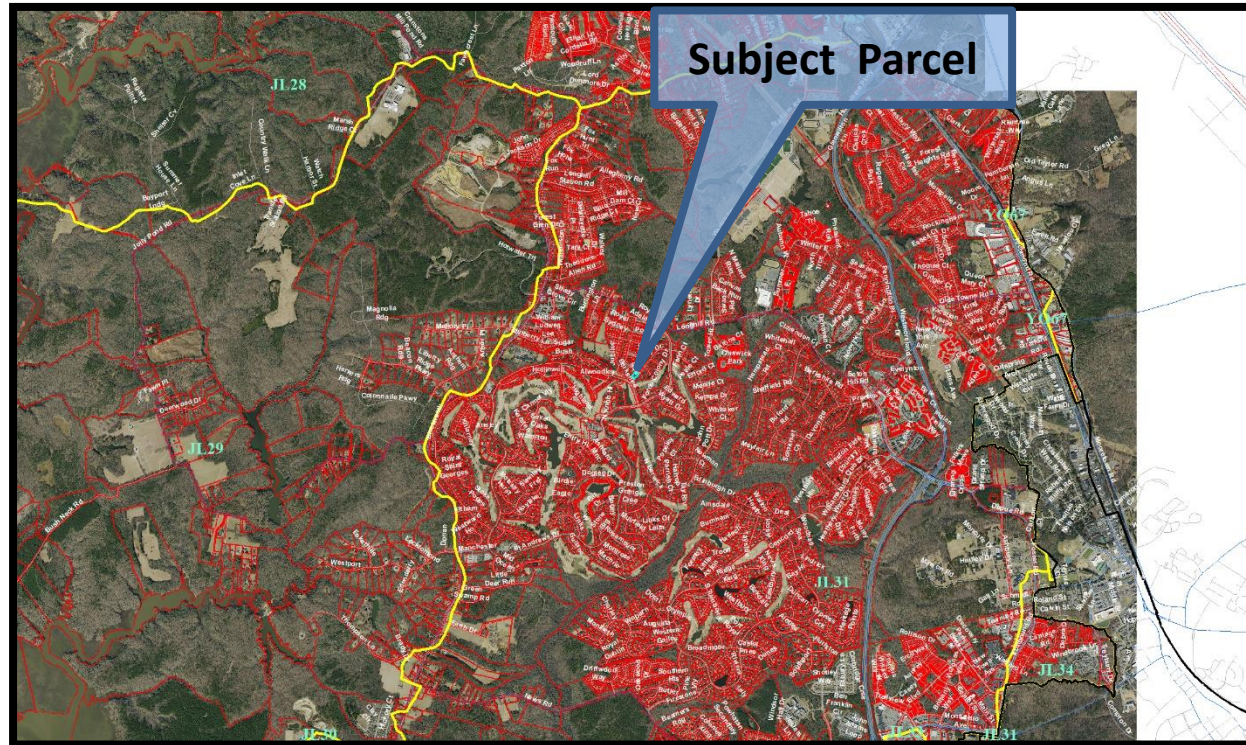
Olson Fine Homebuilding

124 James Bray Drive

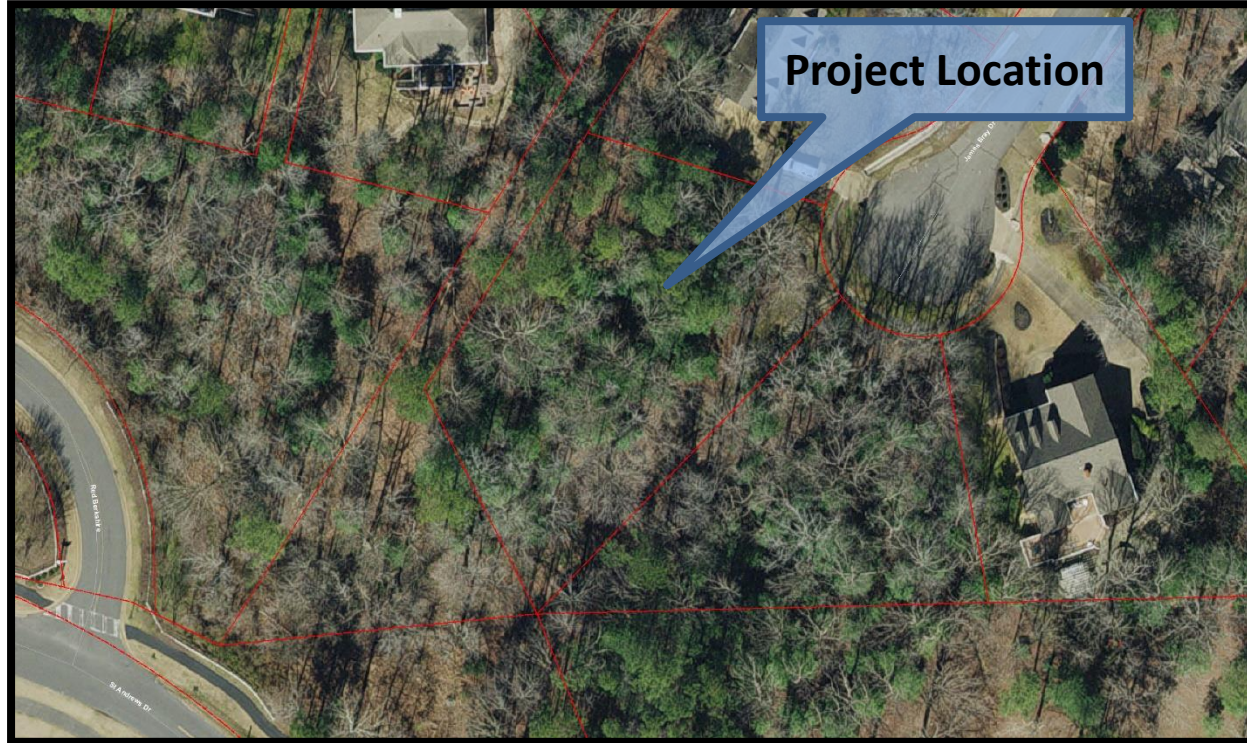


Applicant Request

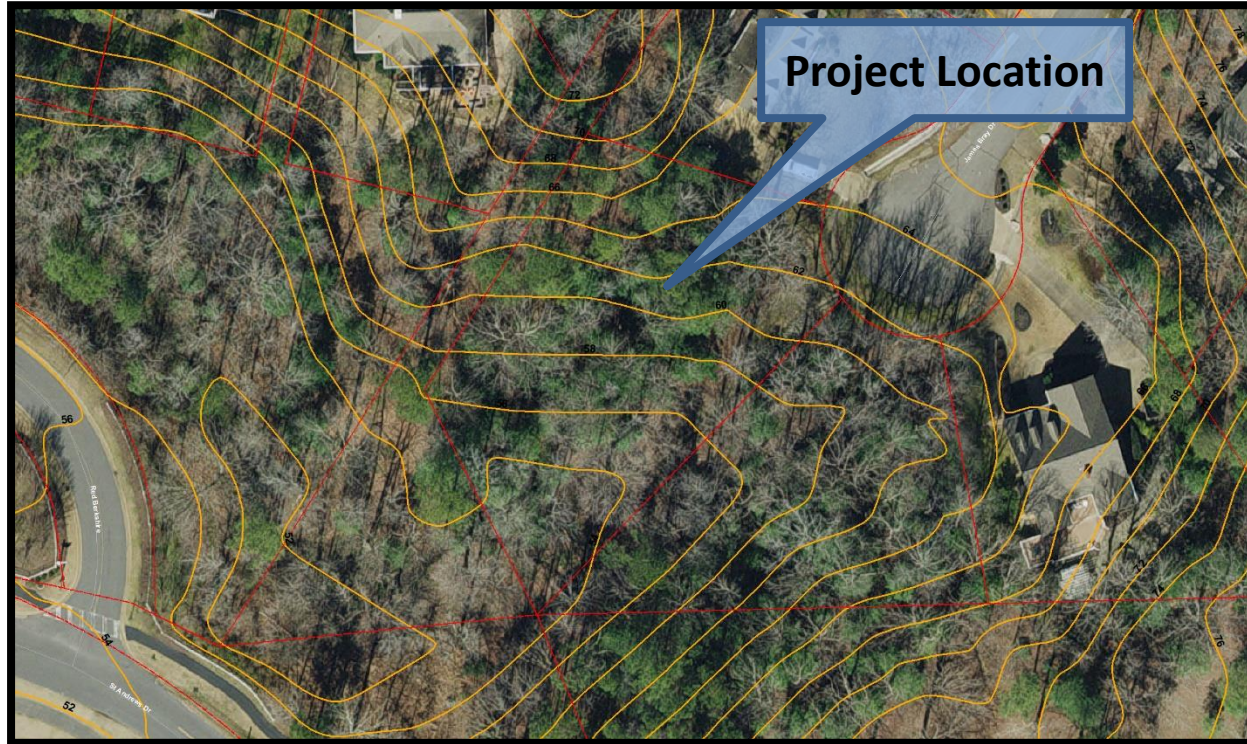
- ✓ Construction of a single-family dwelling.



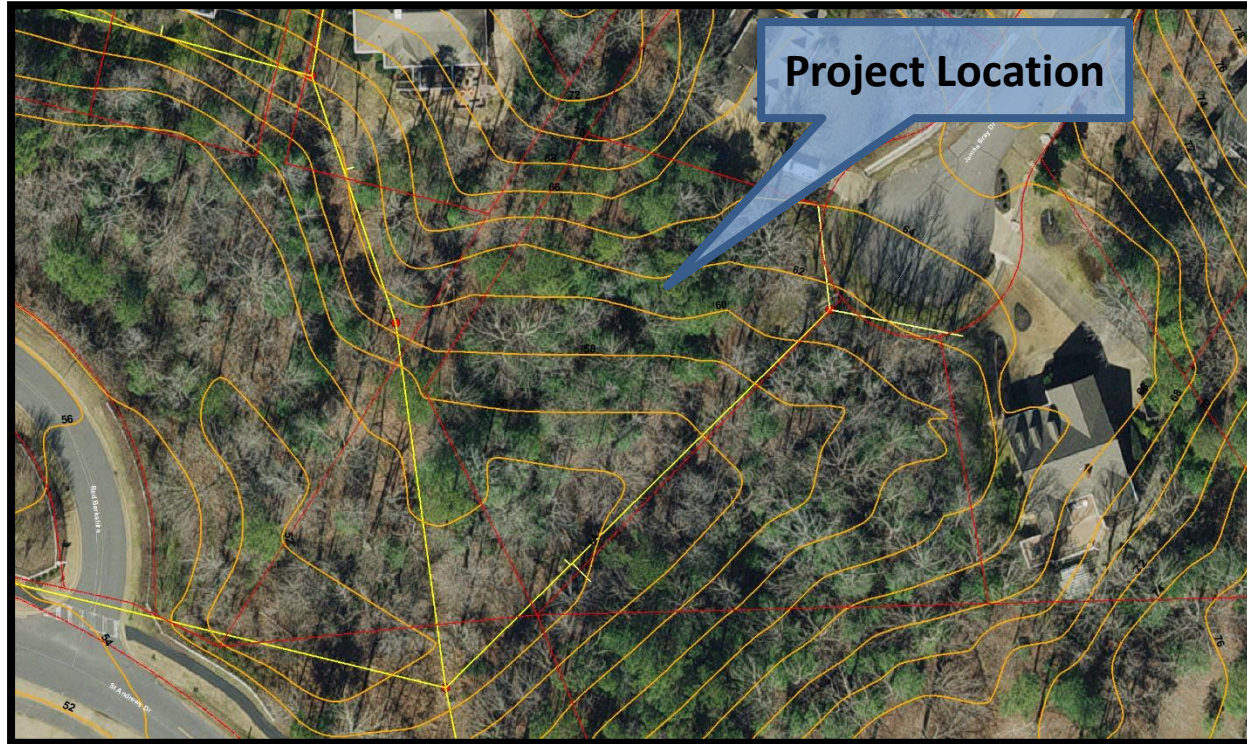
Vicinity Map
CBPA-22-0105
124 James Bray Drive



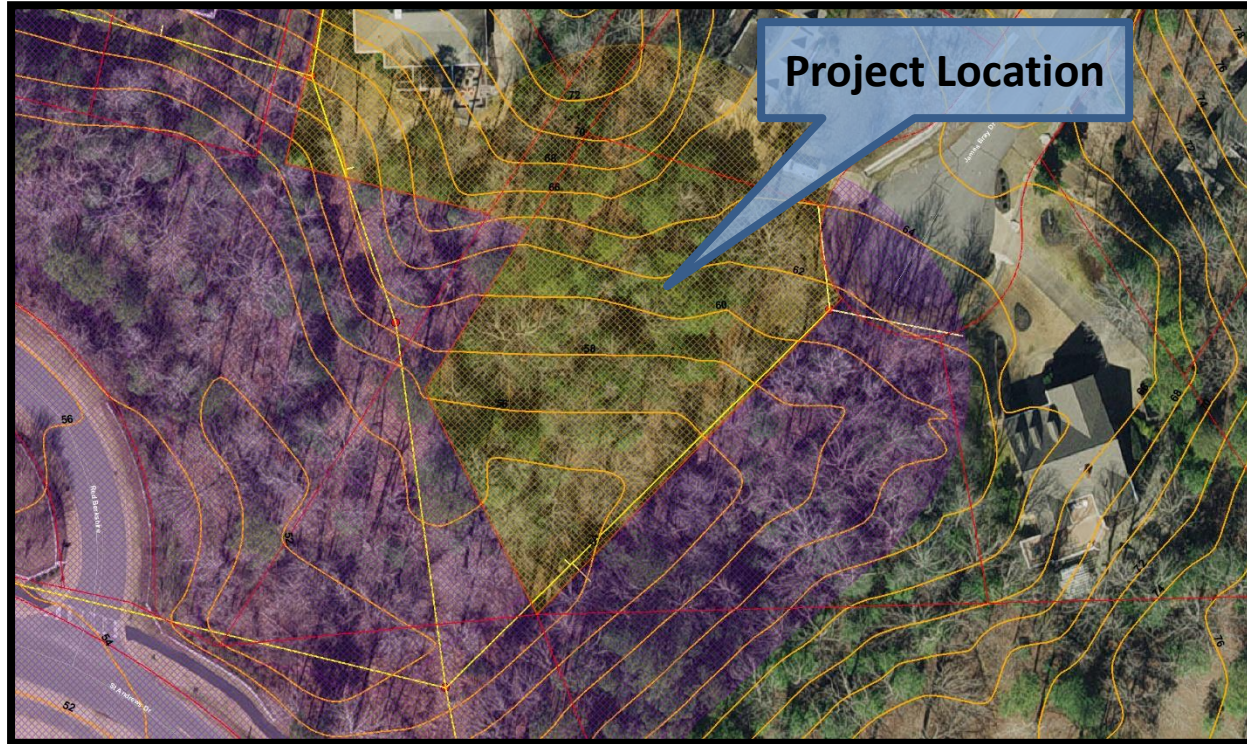
Aerial Photograph
CBPA-22-0105
124 James Bray Drive



Topography
CBPA-22-0105
124 James Bray Drive

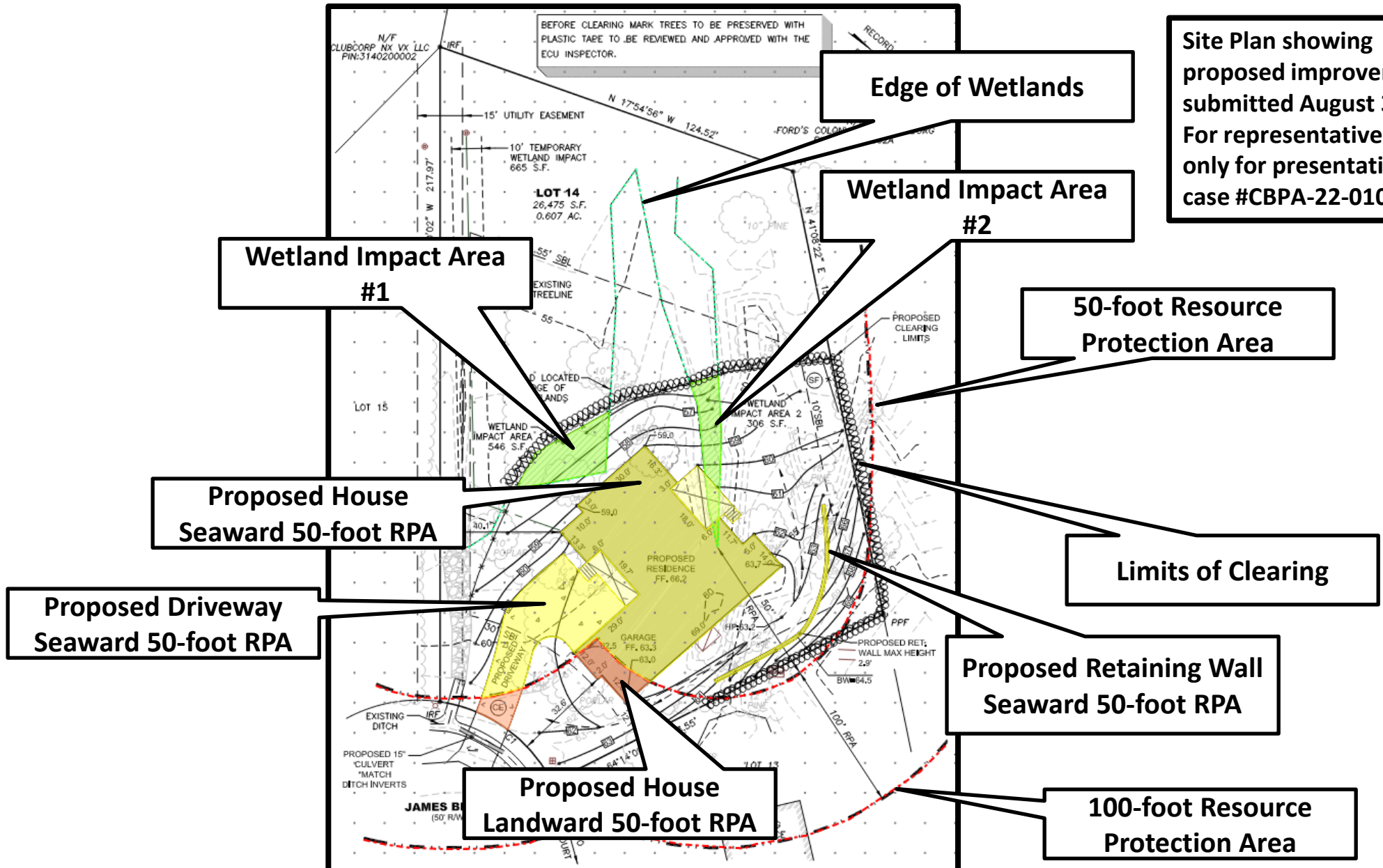


Sanitary Sewer
CBPA-22-0105
124 James Bray Drive



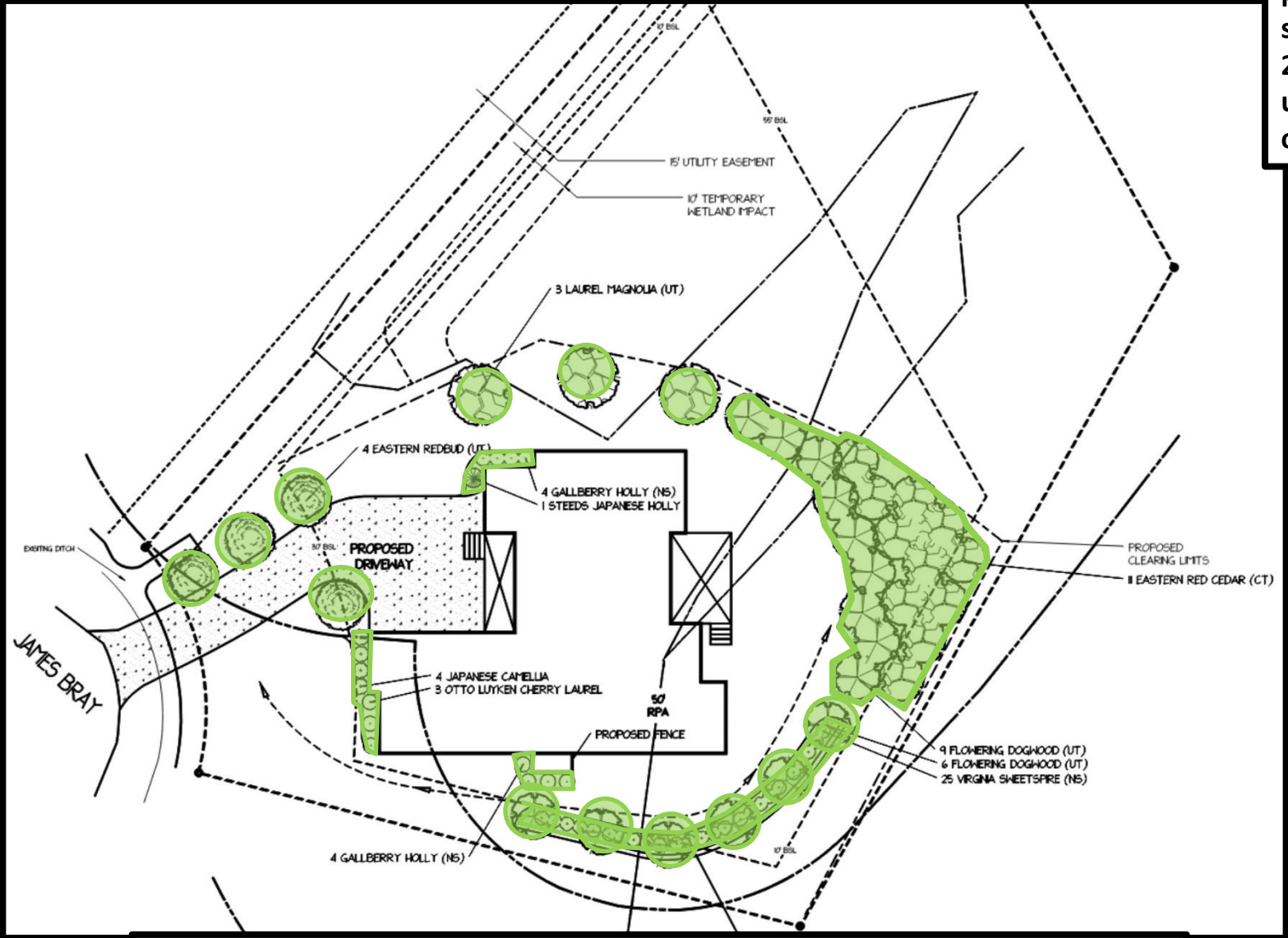
Resource Protection Area
CBPA-22-0105
124 James Bray Drive

Site Plan showing proposed improvements, submitted August 3, 2022. For representative use only for presentation of case #CBPA-22-0105

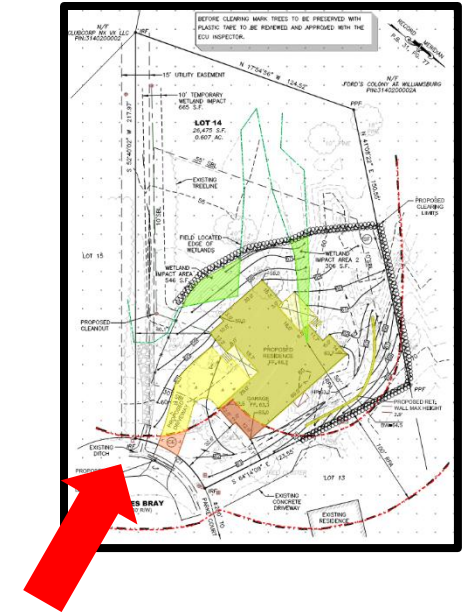


Site Plan - CBPA-22-0105
124 James Bray Drive

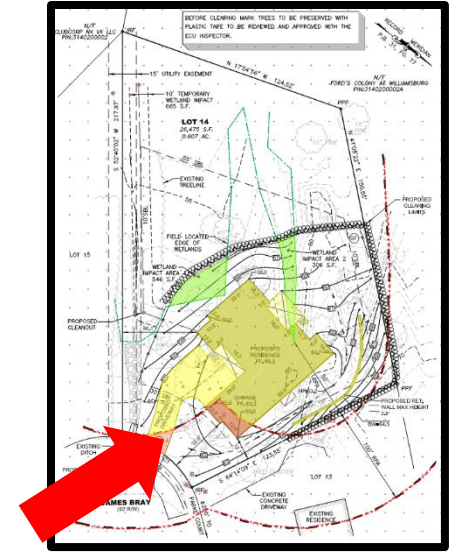
Site Plan showing proposed improvements, submitted September 8, 2022. For representative use only for presentation of case #CBPA-22-0105



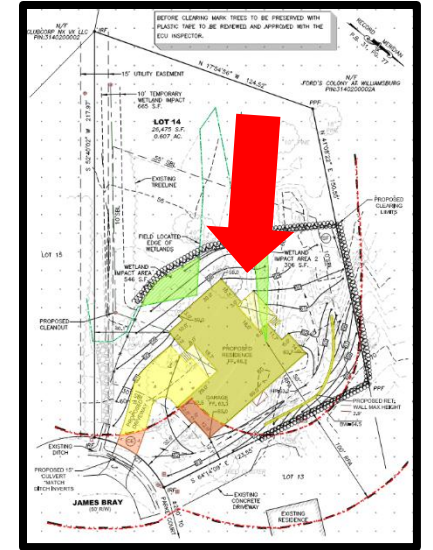
Mitigation Plan - CBPA-22-0105
124 James Bray Drive



Site Photograph #1 - CBPA-22-0105
124 James Bray Drive



Site Photograph #2 - CBPA-22-0105
124 James Bray Drive



Site Photograph #6 - CBPA-22-0105
124 James Bray Drive

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
- ✓ That an affidavit be recorded
- ✓ A surety of \$5,500 to guarantee plantings
- ✓ This exception request approval shall become null and void if construction has not begun by September 14, 2023
- ✓ Written requests for extension submitted no later than August 3, 2023



ECS Mid-Atlantic, LLC
 1643-A Merrimac Trail
 Williamsburg, VA 23185
 Phone: (757) 229-6677
 Fax: (757) 229-9978

SHRINK-SWELL SOIL EVALUATION

ECS CLIENT: Beverly Olsen
 Olsen Fine Home Building, LLC
 205 Castlerock Williamsburg, VA,
 23188

DATE: February 23, 2022

PROJECT NAME: 124 James Bray Drive- Shrink Swell

ECS PROJECT #: 07:15926

PROJECT ID: **ADDRESS:** 124 JAMES BRAY DRIVE
CITY, STATE: WILLIAMSBURG, VIRGINIA

PROPOSED CONSTRUCTION: One to two-story residential home to be supported over a crawl space. Foundation loading not expected to exceed 2 kips per linear foot for walls or 10 kips for columns.

SITE CHARACTERISTICS: **BASED ON SITE VISIT BY:** K. Whitehead **ON:** 02/09/2022
 (Topography / Existing Development / Vegetation / Drainage / Etc.)

At the time of our site exploration, the site was observed to be relatively flat and wooded.

SUBSURFACE CONDITIONS: [BASED ON HAND AUGER BORINGS]

• **Fill Encountered:** Yes No **Groundwater Encountered:** Yes No

• **USCS-USDA Soil Series:** JOHNSTON COMPLEX **Shrink Swell Potential:** LOW

FOUNDATION RECOMMENDATIONS: [See Attachment "Additional Design and Construction Notes"]

Bearing Capacity ----- 2,000 psf

Minimum Footing Width ----- 18 inches


Minimum Footing Embedment Depth ----- 18 inches

Minimum Footing Thickness ----- 10 inches

Steel Reinforcement ----- Two No. 4 bars continuous throughout.

Additional Notes - Footings should be extended through all FILL soils (if encountered) to suitable, firm natural soils. Undercut excavations may be backfilled with flowable fill or #57 stone to the required bottom of footing design elevation.

ENGINEER'S SEAL



DATE: 2/23/2022



HAND AUGER BORING LOCATION DIAGRAM

ADDRESS: 124 JAMES BRAY DRIVE
CITY, STATE: WILLIAMSBURG, VIRGINIA

ECS PROJECT #: 07:15926

NOT TO SCALE



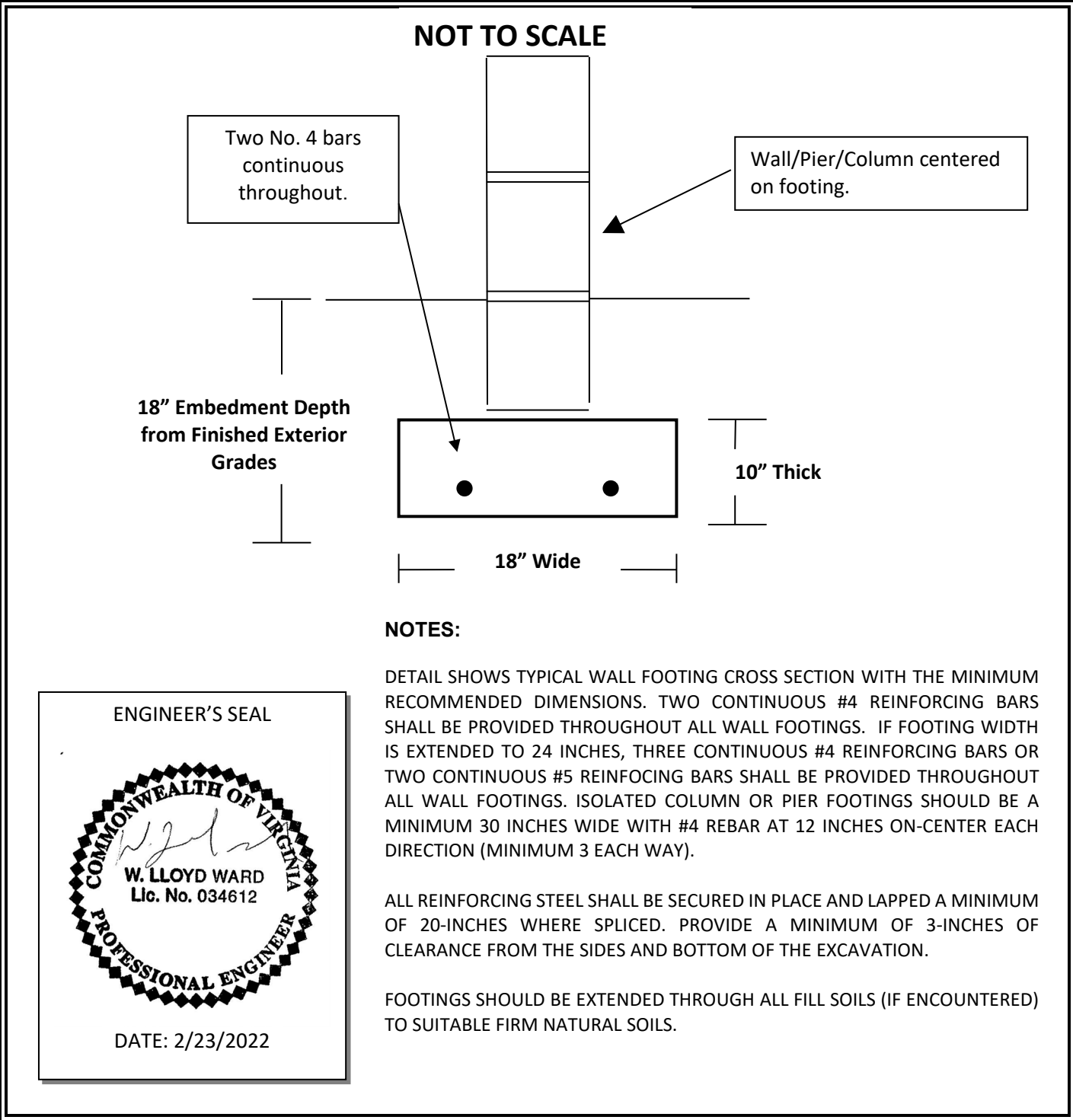
 =Approximate hand auger location



FOOTING DETAIL

ADDRESS: 124 JAMES BRAY DRIVE
CITY, STATE: WILLIAMSBURG, VIRGINIA

ECS PROJECT #: 07: 15926



NOTES:

DETAIL SHOWS TYPICAL WALL FOOTING CROSS SECTION WITH THE MINIMUM RECOMMENDED DIMENSIONS. TWO CONTINUOUS #4 REINFORCING BARS SHALL BE PROVIDED THROUGHOUT ALL WALL FOOTINGS. IF FOOTING WIDTH IS EXTENDED TO 24 INCHES, THREE CONTINUOUS #4 REINFORCING BARS OR TWO CONTINUOUS #5 REINFORCING BARS SHALL BE PROVIDED THROUGHOUT ALL WALL FOOTINGS. ISOLATED COLUMN OR PIER FOOTINGS SHOULD BE A MINIMUM 30 INCHES WIDE WITH #4 REBAR AT 12 INCHES ON-CENTER EACH DIRECTION (MINIMUM 3 EACH WAY).

ALL REINFORCING STEEL SHALL BE SECURED IN PLACE AND LAPPED A MINIMUM OF 20-INCHES WHERE SPLICED. PROVIDE A MINIMUM OF 3-INCHES OF CLEARANCE FROM THE SIDES AND BOTTOM OF THE EXCAVATION.

FOOTINGS SHOULD BE EXTENDED THROUGH ALL FILL SOILS (IF ENCOUNTERED) TO SUITABLE FIRM NATURAL SOILS.

ENGINEER'S SEAL

DATE: 2/23/2022



HAND AUGER BORING LOGS

ECS PROJECT #: 07: 15926

ADDRESS: 124 JAMES BRAY DRIVE
CITY, STATE: WILLIAMSBURG, VIRGINIA

DEPTH (inches)	LOCATION: HA-1
	DESCRIPTION OF MATERIALS
0-2	Topsoil, roots present
2-24	Fine to Medium, Silty SAND (SM), Grey-Tan, Moist, roots present to 12 inches
24-48	Fine to Medium, Clayey SAND (SC), Grey-Tan, Moist
48-72	Fine to Medium, Silty Sand (SM), Tan, Moist
	GROUNDWATER WAS NOT ENCOUNTERED
	END OF BORING AT 72 INCHES.

DEPTH (inches)	LOCATION: HA-2
	DESCRIPTION OF MATERIALS
0-2	Topsoil, roots present
2-24	Fine to Medium, Silty SAND (SM), Grey-Tan, Moist, roots present to 12 inches
24-48	Fine to Medium, Clayey SAND (SC), Grey-Tan, Moist
48-72	Fine to Medium, Silty Sand (SM), Tan, Moist
	GROUNDWATER WAS NOT ENCOUNTERED
	END OF BORING AT 72 INCHES.

Note: Soils were classified in general accordance with ASTM D-2488 (Description and Identification of Soils - Visual/Manual Procedures)

ATTACHMENT FOR ADDITIONAL DESIGN AND CONSTRUCTION NOTES
[ECS SHRINK-SWELL SOIL INVESTIGATION]

EXPLORATION PROCEDURES

This exploration was accomplished by performing shallow hand auger borings within the approximate limits of the proposed building construction. Visual classification was performed, and available Soil Survey data from the Soil Conservation Service publications was reviewed.

The soil deposits encountered in the borings were classified in the field in general accordance with ASTM D-2488 (Description and Identification of Soils - Visual/Manual Procedures). Representative samples of soils encountered were collected from the borings and returned to our Williamsburg laboratory for moisture content, sieve analyses, and Atterberg Limits (plasticity) testing, as appropriate.

FOUNDATION DESIGN

Footings have been designed in accordance with Section 1808, Foundations, of the 2015 IBC and with the Section R401, Foundations, of the 2018 VRC. Additionally, the net allowable soil pressure referenced in the cover report is based on the "Presumptive Bearing Values of Foundation Materials" as outlined in Table 1806.2 of the 2015 International Building Code and Table R401.4.1 of 2018 Residential Building Code. Therefore, it is considered essential that all footing excavations and subgrade areas be observed for conformance with the Virginia Uniform Statewide Building Code and to assure that the recommendations made herein are consistent with the conditions encountered during construction.

The minimum recommended foundation excavation and footing embedment depths are based on laboratory test results, field observations, and anticipated shrink-swell conditions. These depths may be increased at the time of construction if uncontrolled fill, unsuitable soils or unidentified moderate or high potential shrink-swell soils are encountered. If shrink-swell soils are present, it is recommended that the minimum foundation excavation and footing embedment depth be increased to effectively penetrate the zone of seasonal moisture change and break the continuity between the soils exterior of the home and those below the first level floor (slab-on-grade or crawl space). This depth should be specified by the geotechnical engineer. In this regard, the minimum depth is intended to minimize soil activity (shrink-swell) as a result of extreme moisture fluctuations and will also satisfy frost protection and bearing capacity considerations. Footings should be lowered and stepped as necessary to maintain minimum excavation and embedment depths and achieve stable bearing. Footings located on/or near slopes will need to be stepped as necessary to maintain the required embedment depth and to prevent foundation failure due to soil creep.

Additionally, based on the IRC 2015 and the VRC 2018, Section R404.1.1, "concrete or masonry foundation walls shall be designed in accordance with accepted engineering practice when either of the following conditions exists: (1) Walls are subject to hydrostatic pressure from groundwater or (2) Walls supporting more than 48 inches of unbalanced backfill that do not have permanent lateral support at the top or bottom." Based on the proposed construction (or our assumptions), neither condition exists and therefore the foundation walls do not need to be designed.

CONSTRUCTION CONSIDERATIONS

In general, all footing excavations should extend through all uncontrolled fill, soft or otherwise unsuitable material so as to expose firm, natural soils. Where soft or unsuitable materials are encountered below the minimum excavation depths, they should be removed. Footings may be placed at this undercut elevation or bottom of footing grades may be raised, as directed by the geotechnical engineer, to the minimum footing embedment depth by backfilling with #57 Stone or flowable fill, except as noted. Flowable fill must have a minimum 28 day compressive strength of 200 psi. All footing excavations must be in conformance with the Virginia Uniform Statewide Building Code prior to placement of flowable fill, and/or concrete to ascertain that firm bearing soils have been exposed.

If perched groundwater is encountered during foundation excavation, sumps should be excavated perpendicular to the proposed foundation wall such that water drains from the foundation into the lowest point of the excavation. Water can then be discharged outside the construction limits with the use of submersible pumps. To help drain wet conditions (if appropriate); the main interior pier line could be supported by a strip footing poured monolithically with the exterior wall footing.

Care should be exercised to prevent water from ponding above or within the bearing soils. A slight swale should be constructed uphill of the homesite (if appropriate) to intercept surface runoff and divert it away from the foundations. Any natural drainage should be diverted away from the foundations. The final site grading for the lot should allow for strong positive drainage away from the foundation. We recommend a fall of at least 6 inches be provided for the first 10 feet outward from the foundation walls. For lots with moderate to high shrink-swell potential, gutters are recommended. We recommend gutter effluent be discharged at a point at least 5 feet outward from the foundation walls.

LIMITATIONS

It should be noted that this study was limited in scope to two (2) hand auger borings and classification type laboratory testing only. The borings were generally extended to a maximum depth of 72 inches or hand auger refusal. The recommendations contained herein were based on the data obtained from the hand auger borings, which indicate subsurface conditions at these specific locations at the time of the exploration. Soil conditions may vary between borings. Subsurface conditions below the depths explored, which could affect building foundations and settlements were not investigated.

Furthermore, it is sometimes difficult to characterize soil content and consistency using hand auger borings alone. Therefore, as a critical part of a complete soil evaluation, all footing excavations should be observed for conformance with the Virginia Uniform Statewide Building Code and to ascertain that soil conditions encountered by our exploration are consistent with conditions encountered during construction. If the soil conditions encountered during construction are consistent with those as included herein, no additional studies should be necessary. However, if during the course of construction variations appear evident, the geotechnical engineer should be informed so that the conditions can be addressed.



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-22-0105
124 James Bray Drive
New single-family dwelling

September 6,

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 Michael L and Helen Cochran for encroachments into the Resource Protection Area (RPA) buffer for the construction of a single-family dwelling on property located at 124 James Bray Drive, JCC Parcel No. 31402A0014.

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, September 14, 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
3140800006	GRIMES, JASON A & JESSICA S	116 CRAIL	WILLIAMSBURG	VA	23188-6464
3040100002	CLUBCORP NV XV LLC	PO BOX 2539	SAN ANTONIO	TX	78299-2539
31402A0013	CHAMBERS, ARTHUR DANIEL II & LINDA SUE	122 JAMES BRAY DR	WILLIAMSBURG	VA	23188-6310
31402A0015	DEB-TOR LLC	112 BURWELL CT	WILLIAMSBURG	VA	23185-6507
3140200002A	FORD'S COLONY AT WMSBURG	100 MANCHESTER	WILLIAMSBURG	VA	23188-7404
31402A0014	ARNOLD, MICHAEL L & HELEN COCHRAN	1623 OLD POND LN	NORWICK	CT	06360-7059
3140200002	CLUBCORP NV XV LLC	PO BOX 2539	SAN ANTONIO	TX	78299-2539
3140800001A	FORD'S COLONY AT WILLIAMSBURG	100 MANCHESTER	WILLIAMSBURG	VA	23188-7404
	Chase GroggLandTech Resources, Inc.	205-E Bulifants Blvd	Williamsburg	VA	23188-5740
	Beverly OlsenOlsen Fine Homebuilding	205 Castlerock	Williamsburg	VA	23188



PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY, SEPTEMBER 14, 2022 AT 5 P.M.** IN THE COUNTY GOVERNMENT CONFERENCE ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE WETLANDS BOARD WILL CONSIDER THE FOLLOWING CASE:

WJPA-22-0015: Karla Havens, Mid-Atlantic Resource Consulting has applied on behalf of Kenneth Goldsmith and Ashley Overman-Goldsmith for a wetlands permit for the installation of a bulkhead, floating pier, boat lift, and revetment on property located at 258 Sandy Bay Road, James City County (JCC) Parcel No. 4730100012.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-22-0093: Jeff Huentelman, Land Planning Solutions Inc., has applied for a Chesapeake Bay Exception on behalf of MCP Stonehouse LLC for encroachments into the Resource Protection Area (RPA) buffer for the installation of a sanitary sewer line on property located at 9250 Six Mount Zion Road, James City County (JCC) Parcel No. 0540100011.

CBPA-22-0104: Joseph Krallinger, The Structures Group has applied for a Chesapeake Bay Exception on behalf of Lee Scott and Jeannie S Trainum for encroachments into the RPA buffer for the removal and replacement of existing retaining walls on property located at 105 Ambrose Hill, JCC Parcel No. 5030400077.

CBPA-22-0105: Chase Grogg, LandTech Resources has applied for a Chesapeake Bay Exception on behalf of Michael L and Helen Cochran Arnold for encroachments into the RPA buffer for the construction of a single-family dwelling on property located at 124 James Bray Drive, JCC Parcel No. 31402A0014.

CBPA-22-0107: Jeff Huentelman, Land Planning Solutions Inc., has applied for a Chesapeake Bay Exception on behalf of MCP Stonehouse LLC for encroachments into the RPA buffer for the installation of a sanitary sewer line on property located at 9100 Six Mount Zion Road, JCC Parcel No. 0540100016.

CBPA-22-0109: Sean Allburn has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the installation of a fishing platform on property located at 124 Thomas Cartwright, JCC Parcel No. 5130200021.

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, August 31, 2022 and Wednesday, September 7, 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: 9/14/2022
TO: Chesapeake Bay Board
FROM: Trevor Long, Chesapeake Bay Board Secretary
SUBJECT: Extension to CBPA-21-0178

ATTACHMENTS:

	Description	Type
☐	Memo	Cover Memo
☐	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Small, Toni	Approved	9/7/2022 - 3:58 PM
Chesapeake Bay Group	Small, Toni	Approved	9/7/2022 - 4:07 PM
Publication Management	Pobiak, Amanda	Approved	9/7/2022 - 4:36 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	9/8/2022 - 8:19 AM

MEMORANDUM

DATE: September 14, 2022

TO: The Chesapeake Bay Board

FROM: Trevor A. Long, Watershed Planner

SUBJECT: Chesapeake Bay Board Exception No. CBPA-21-0178. 5508 Swan Road.

Mr. Jason Hoyle is requesting a one-year extension to CBPA-21-0178, originally granted on January 12, 2022. Staff concurs with this request, with the stipulation that all permit conditions, except for the expiration date, be reauthorized and that the new date of expiration is January 12, 2024.

TAL/ap
CBPA21-178_5508SwnRdExt-mem

Attachment

RESOLUTION

CASE NO. CBPA-21-0178. 5508 SWAN ROAD

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Jason Hoyle, (the “Applicant”) has requested an extension for the exception granted by the Chesapeake Bay Board of James City County (the “Board”) on September 14, 2022. The exception request is for the use of the Resource Protection Area (the “RPA”) on a parcel of property identified as James City County Real Estate Tax Map Parcel No. 3140600011 and further identified as 5508 Swan Road (the “Property”) as set forth in the application CBPA-21-0178 for the purpose of constructing a retaining wall; and

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

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

1. The exception request is the minimum necessary to afford relief.
2. Granting the exception will not confer upon the Applicant any special privileges denied by Chapter 23, Chesapeake Bay Preservation, of the James City County Code, to other property owners similarly situated in the vicinity.
3. The exception request will be in harmony with the purpose and intent of Chapter 23 of the James City County Code and is not of substantial detriment to water quality.
4. The exception request is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels.
5. Reasonable and appropriate conditions are hereby imposed, as set forth below, which will prevent the exception request from causing a degradation of water quality.
6. In granting this exception, the following conditions are hereby imposed to prevent this exception request from causing degradation of water quality:
 - a) The applicant must obtain all other necessary federal, state, and local permits as required for the project, including the submission of an Erosion and Sediment Control Plan, a Land Disturbing Permit, and a Surety; and
 - b) The submittal of a mitigation plan equating to one canopy tree, two understory trees, and three shrubs be submitted to the Stormwater and Resource Protection Division; and

- c) A surety of \$500 be submitted in a form acceptable to the James City County Attorney's Office to guarantee the mitigation plantings; and
- d) This exception request approval shall become null and void if construction has not begun by January 11, 2024; and
- e) Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than November 30, 2024, six weeks prior to the expiration date.

Halle Dunn
Vice-Chair, Chesapeake Bay Board

Trevor A. Long
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 14th day of September, 2022.

CBPA21-178_5508SwnRdExt-res

ITEM SUMMARY

DATE: 9/14/2022
TO: Chesapeake Bay Board
FROM: Trevor Long, Chesapeake Bay Board Secretary
SUBJECT: Election of Officers

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Secretary, ChesBay	Approved	9/14/2022 - 12:49 PM