

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

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

1. Minutes for October 12, 2022 Regular Meeting
2. Minutes for November 9, 2022 Regular Meeting

D. PUBLIC HEARINGS

1. CBPA-22-0137 : 133 Racefield Drive
2. CBPA-22-0143 : 9935 Walnut Creek
3. CBPA-22-0144 : 137 Thomas Dale
4. CBPA-22-0145 : 106 Rye
5. CBPA-22-0135 : 134 Swinley Forest
6. CBPA-22-0139 : 2800 Durfey's Mill Road
7. CBPA-22-0120 : 108 Murcar

E. BOARD CONSIDERATIONS

1. CBPA-21-0130 : 115 Heathery
2. Election of Officers for 2023

F. MATTERS OF SPECIAL PRIVILEGE

G. ADJOURNMENT

ITEM SUMMARY

DATE: 12/13/2022

TO: Chesapeake Bay Board

FROM: Trevor Long, Chesapeake Bay Board Secretary

SUBJECT: Minutes for October 12, 2022 Regular Meeting

ATTACHMENTS:

	Description	Type
▣	Minutes from the October 12, 2022 Meeting	Cover Memo

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	12/7/2022 - 4:21 PM
Chesapeake Bay Group	Small, Toni	Approved	12/7/2022 - 4:23 PM
Publication Management	Daniel, Martha	Approved	12/7/2022 - 4:34 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	12/7/2022 - 4:36 PM

MINUTES
JAMES CITY COUNTY CHESAPEAKE BAY BOARD
REGULAR MEETING
County Government Center, Building F
October 12, 2022
5:00 PM

A. CALL TO ORDER

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

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

B. ROLL CALL

Board Members Present:

Halle Dunn, Chairman
Charles Roadley, Vice Chair
Robert Lukens
Larry Waltrip
Scott Maye, Alternate

Board Members Absent:

None.

Other Staff Present:

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

C. MINUTES

1. Minutes for September 14, 2022 Regular Meeting

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

The minutes were approved on a voice vote.

D. PUBLIC HEARINGS

1. CBPA-22-0111 : 36 Gray Gables

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

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

Ayes: Dunn, Lukens, Roadley, Waltrip, Maye

Ms. Robin Benedict, Watershed Planner, presented the exception request submitted by Mr. Lance Frost, Country Village Mobile Home Park, for encroachments into the Resource Protection Area (RPA) for the installation of a mobile home. The property is further identified as James City County Tax Map Parcel No. 5920100001. 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 from the Board including further details about the history of the surrounding area.

Mr. Dunn opened the Public Hearing.

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

Staff confirmed that there appears to be ongoing land disturbance within the RPA at or near the site that is unrelated to this exception request.

2. CBPA-22-0121 : 1676 Jamestown Road

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, Lukens, Roadley, Waltrip, Maye

Ms. Robin Benedict, Watershed Planner, presented the exception request submitted by Mr. Travis Edelen, Vanasse Hangen Brustlin, Inc., on behalf of JTR Properties, LLC, for encroachments into the RPA buffer for the installation of sanitary sewer line. The property is further identified as James City County Tax Map Parcel No. 4730100036. 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 from the Board about details of the sewer line construction.

Mr. Dunn opened the Public Hearing.

A. Mr. Steven Romeo, 115 Tides Run, Yorktown, explained that the sewer line will be underground at the section that is within the RPA.

Mr. Dunn closed the Public Hearing.

3. CBPA-22-0126 : 112 Discovery Lane

A motion to Deny was made by Scott Maye, the motion result was Passed.

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

Ayes: Dunn, Lukens, Roadley, Maye

Nays: Waltrip

Mr. Trevor Long, Watershed Planner, presented the exception request submitted by Ms. April Warren for encroachments into the RPA for the construction and approval of a raised garden bed, walkway, greenhouse, deck, pergola, and two sheds. The property is further identified as James City County Tax Map Parcel No. 4730500020. 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 proposal including the applicant's options for meeting the mitigation criteria and the history of construction within the RPA at the site.

Mr. Dunn opened the Public Hearing.

A. Mr. Gary Nester, 113 Godspeed Lane, commented on the observable impact of the plan to water quality and offered his support for the exception request's approval.

B. Ms. April Warren, 112 Discovery Lane, recalled information she received from conversations with multiple County representatives preceding, during the process of, and after completion of the work that has been done at the site. Ms. Warren also expatiated on the project's purpose, various components of the work, and its apparent impact on the surrounding area. In response to questions from the Board, Ms. Warren confirmed information about the different projects that have been completed at the site, including details of the timeline of events and that the first shed was installed by a contractor.

Mr. Long read two letters that offered opinions about the exception request and were submitted anonymously to the County. The first letter indicated that the structures have a negative impact to both the aesthetics and environmental quality of the surrounding area. The second letter contained an objection to the request that cited the number of proposed and extant structures as excessive with regard to the neighborhood that surrounds the site.

Mr. Dunn closed the Public Hearing.

Mr. Roadley suggested that the Board consider the entirety of the projects in the request as new work, citing the apparent due diligence of the applicant to comply with existing regulations.

Mr. Dunn voiced concern about the likelihood that none of the interactions between the applicant and various government agencies involved discussion of or reference to the requirements of working within the RPA.

Mr. Maye objected to the amount of mitigation required in the exception request with regard to the size of the lot.

The Board discussed the details of the plan including the most likely perspective it would have taken if the request had been made prior to any work being done, the proportion of impacted area considered against the size of the lot itself, and any changes that may be made to the proposed activities.

Mr. Everard clarified for the Board that for any proposed changes to the activities that encroach into the RPA as described in the exception request to be approved, the applicant would need to resubmit a request with those adjustments included.

Mr. Dunn reopened the Public Hearing.

B. Ms. Warren described the material intended to be used for the construction of the greenhouse.

Mr. Dunn closed the Public Hearing

The Board continued deliberation of the request, including discussion about the precedent set by granting the request, the extent to which the site would be covered with impervious material, and the process involved with the applicant resubmitting an adjusted version of the request.

Mr. Everard clarified for the Board that an approval of the exception request by the Board would counteract the County's ability to enforce the existing Chesapeake Bay Preservation

Act violation that is relevant to this plan. Mr. Everard also indicated that a denial of the request would not impact the violation.

E. BOARD CONSIDERATIONS

None.

F. MATTERS OF SPECIAL PRIVILEGE

None.

G. ADJOURNMENT

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

The meeting adjourned at 6:10 p.m.

ITEM SUMMARY

DATE: 12/14/2022
TO: Chesapeake Bay Board
FROM: Trevor Long, Chesapeake Bay Board Secretary
SUBJECT: Minutes for November 9, 2022 Regular Meeting

ATTACHMENTS:

	Description	Type
☐	Minutes from the November 9, 2022 Meeting	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	12/7/2022 - 4:21 PM
Chesapeake Bay Group	Small, Toni	Approved	12/7/2022 - 4:22 PM
Publication Management	Daniel, Martha	Approved	12/7/2022 - 4:29 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	12/7/2022 - 4:36 PM

MINUTES
JAMES CITY COUNTY CHESAPEAKE BAY BOARD
REGULAR MEETING
County Government Center, Building F
November 9, 2022
5:00 PM

A. CALL TO ORDER

The Chesapeake Bay Board meeting for November 9, 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:

Halle Dunn, Chairman
Michael O'Brien
Scott Maye
Jason Knight, Alternate

Board Members Absent:

Charles Roadley, Vice Chair
Robert Lukens
Larry Waltrip

Other Staff Present:

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

C. MINUTES

None.

D. PUBLIC HEARINGS

1. CBPA-22-0135 : 103 Cove Road

A motion to Approve w/ Conditions was made by Jason Knight, the motion result was Passed.

AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 3

Ayes: Dunn, O'Brien, Maye, Knight

Absent: Roadley, Waltrip, Lukens

Ms. Robin Benedict, Watershed Planner, presented the exception request submitted by Mr. Timothy Jones, Two Rivers Built, on behalf of Mr. Christopher Tucker, for encroachments into the Resource Protection Area (RPA) buffer for the construction of a deck. The property is further identified as James City County Tax Map Parcel No. 4910240005. 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 confirmed details of the plan for the Board including the stability and location of the slope behind the house.

Mr. Dunn opened the Public Hearing.

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

The Board deliberated the negligible impact of the plan.

2. CBPA-22-0141 : 821 Arlington Island Road

A motion to Approve w/ Conditions was made by Halle Dunn, the motion result was Passed.

AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 3

Ayes: Dunn, O'Brien, Maye, Knight

Absent: Roadley, Waltrip, Lukens

Mr. Trevor Long, Watershed Planner, presented the exception request submitted by Mr. Michael Hipple, for encroachments into the RPA buffer for the construction of a detached accessory structure. The property is further identified as James City County Tax Map Parcel No. 940100003. 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 plan for the Board, including current site conditions.

Mr. Dunn opened the Public Hearing.

A. Mr. Michael Hipple, 821 Arlington Island Road, offered further details of the plan including historic and current site conditions, intended plantings, cause for the location of the proposed garage, and long-term lot plans. In response to the Board's inquiry, Mr. Hipple also confirmed how runoff from the garage will be mitigated and the intended use of the garage.

Mr. Dunn closed the Public Hearing.

The Board deliberate the pros and cons of the proposed locations of the garage.

3. CBPA-22-0086 : 9208 Candle Light Court

A motion to Approve w/ Conditions was made by Jason Knight, the motion result was Passed.

AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 3

Ayes: Dunn, O'Brien, Maye, Knight

Absent: Roadley, Waltrip, Lukens

Ms. Robin Benedict, Watershed Planner, presented the exception request submitted by Mr. Nathaniel Wiley, Blue Ridge Custom Homes, LLC, on behalf of Mr. Stephen Garrow, for encroachments into the RPA buffer for the construction of a single-family dwelling. The property is further identified as James City County Tax Map Parcel No. 0330300051. 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 plan for the Board including the location of the house, the type of

wetlands near the site, and the impact of an alternative house location compared to the proposed location.

Mr. Dunn opened the Public Hearing.

A. Ms. Emily Salkind, Balzer & Associates Inc., 15871 City View Drive, Suite 200, Midlothian, Virginia offered further details of the plan including the size of the proposed house as it relates to others in the surrounding area and the cause for deciding to construct the house at its proposed location. Ms. Salkind also responded to inquiries from the Board about runoff from the house and the type and condition of the nearby wetlands.

Mr. Dunn closed the Public Hearing.

The Board deliberated pros and cons of the plan.

4. CBPA-22-0135 : 134 Swinley Forest

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

AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 3

Ayes: Dunn, O'Brien, Maye, Knight

Absent: Roadley, Waltrip, Lukens

Mr. Trevor Long, Watershed Planner, presented the request for deferral of the exception request submitted by Mr. Matthew Roth, Roth Environmental, LLC, on behalf of Mr. Alan Hochberg, citing the need for further revision of the site plan. The exception request is for encroachments into the RPA buffer for the construction of a single-family dwelling. The property is further identified as James City County Tax Map Parcel No. 3130400072. Mr. Long also recommended that the Public Hearing should be opened and remain so as a matter of procedure.

Mr. Dunn opened the Public Hearing.

5. CBPA-22-0139 : 2800 Durfey's Mill Road

A motion to Defer was made by Scott Maye, the motion result was Passed.

AYES: 3 NAYS: 0 ABSTAIN: 1 ABSENT: 3

Ayes: Dunn, O'Brien, Maye

Abstain: Knight

Absent: Roadley, Waltrip, Lukens

Ms. Robin Benedict, Watershed Planner, presented the request for deferral of the exception request submitted by Mr. Ryan Stephenson, AES Consulting Engineers, on behalf of Boyd Corporation, citing the need for finalization of the site plan. The exception request is for encroachments into the RPA buffer for the construction of a single-family dwelling. The property is further identified as James City County Tax Map Parcel No. 4741000008. Ms. Benedict also recommended that the Public Hearing should be opened and remain so as a matter of procedure.

Mr. Dunn opened the Public Hearing.

E. BOARD CONSIDERATIONS

1. Election of Officers for 2023

Mr. Dunn indicated deferral of the election of officers until the December meeting.

2. 2023 Calendar

A motion to approve the 2023 calendar was made by Mr. Dunn.

The calendar was approved on a voice vote.

F. MATTERS OF SPECIAL PRIVILEGE

None.

G. ADJOURNMENT

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

The meeting adjourned at 6:51 p.m.

ITEM SUMMARY

DATE: 12/14/2022
TO: Chesapeake Bay Board
FROM: Trevor Long, Chesapeake Bay Board Secretary
SUBJECT: CBPA-22-0137 : 133 Racefield Drive

CBPA-22-0137: Erin Martin, Crossroad Custom Builders, Inc., has applied for a Chesapeake Bay Exception on behalf of Jerry and Pamela Woodson for encroachments into the RPA buffer for the construction of a porch on property located at 133 Racefield Drive, Toano, VA 23168, JCC Parcel No. 0430700008.

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	Small, Toni	Approved	12/6/2022 - 2:41 PM
Chesapeake Bay Group	Small, Toni	Approved	12/6/2022 - 2:43 PM
Publication Management	Pobiak, Amanda	Approved	12/6/2022 - 2:50 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	12/7/2022 - 3:45 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-22-0137. 133 Racefield Drive
Staff Report for the December 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. Jerry and Ms. Pamela Woodson

Agents: Ms. Hannah Fletcher and Ms. Erin Martin, Crossroad Custom Builders, Inc.

Location: 133 Racefield Drive

Parcel Identification No.: 0430700008

Parcel: Lot 8 Section 3A Racefield

Lot Size: 2.91 acres

Area of Lot in Resource Protection Area (RPA): 2.15 acres (74%)

Watershed: Diascund Creek (JL27)

Floodplain: None

Proposed Activity: Replacement of a deck with a screened porch

Impervious Cover: 192 square feet

RPA Encroachment: 192 square feet, landward 50-foot RPA

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

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Ms. Hannah Fletcher and Ms. Erin Martin, Crossroad Custom Builders, Inc., have applied for a Chesapeake Bay Exception on behalf of Mr. Jerry and Ms. Pamela Woodson for encroachments into the RPA buffer for the replacement of a deck with a screened porch located at 133 Racefield Drive within the Racefield subdivision and the Disacund Creek watershed. The property is further identified as James City County Tax Map Parcel No. 0430700008. The parcel was platted in 1985, prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The total lot size of this property is 2.91 acres, of which 74% is located within the RPA. The applicants are proposing to remove the existing deck on the side of the home and replace it with a screened porch. The existing deck is 6 feet by 8 feet and the proposed porch is 12 feet by 18 feet. Total existing impervious equals 72 square feet and proposed total impervious equals 264 square feet, therefore total impacts to the RPA associated with this proposal equate to 192 square feet of impacts to the landward 50-foot RPA. Required mitigation for this amount of impervious impacts equals eight shrubs.

STAFF EVALUATION

Staff has evaluated the application and exception request for the replacement of a deck with a screened porch. 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 porch 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. A mitigation plan equating to eight shrubs must be submitted to the Stormwater and Resource Protection Division and approved prior to project start; and
3. A surety of \$500 must 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 will become null and void if construction has not begun by December 14, 2023; and
5. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than November 2, 2023, six weeks prior to the expiration date.

TAL/ap
CBPA22-137_133RcfldDr

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA-22-0137. 133 RACEFIELD DRIVE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Ms. Hannah Fletcher and Ms. Erin Martin, Crossroad Custom Builders, Inc., on behalf of Mr. Jerry and Ms. Pamela Woodson, (the “Applicants”), have applied to the Chesapeake Bay Board of James City County (the “Board”) on December 14, 2022, to request an exception to use the Resource Protection Area on a parcel of property identified as James City County Real Estate Tax Map Parcel No. 0430700008, and further identified as 133 Racefield Drive, as set forth in the application CBPA-22-0137 for the purpose of replacing a deck with a screened porch; 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-22-0137, 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. A mitigation plan equating to eight shrubs must be submitted to the Stormwater and Resource Protection Division and approved prior to project start; and
3. A surety of \$500 must 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 will become null and void if construction has not begun by December 14, 2023; and
5. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than November 2, 2023, six weeks prior to the expiration date.

Halle Dunn
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 December, 2022.

RESOLUTION

CASE NO. CBPA-22-0137. 133 RACEFIELD DRIVE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Ms. Hannah Fletcher and Ms. Erin Martin, Crossroad Custom Builders, Inc., on behalf of Mr. Jerry and Ms. Pamela Woodson, have applied to the Chesapeake Bay Board of James City County (the “Board”) on December 14, 2022, to request an exception to use the Resource Protection Area on a parcel of property identified as James City County Real Estate Tax Map Parcel No. 0430700008 and further identified as 133 Racefield Drive as set forth in the application CBPA-22-0137 for the purpose of replacing a deck with a screened porch; 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-22-0137.

Halle Dunn
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 December, 2022.

CBPA22-137_133RcfldDrDny-res



Legend

Parcels

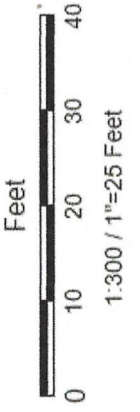
Approximate place of existing 8'x8' deck attached at the 1st floor of existing structure to be removed

Approximate place of proposed 12'x18' screened in porch



Title: Woodson Site Plan - 133 Racefield Dr.

Date: 11/3/2022



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.



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

Wayne R. & Natasha M. Buel
141 Racefield Drive
Toano, VA 23168-8918

RE: CBPA-22-0137
133 Racefield Drive Toano, VA
23168
Porch

November 15, 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 Erin Martin, Crossroad Custom Builders, Inc., on behalf of Jerry & Pamela Woodson for encroachments into the Resource Protection Area (RPA) buffer for the construction of a porch on property located at 133 Racefield Drive Toano, VA 23168, JCC Parcel No. 430700008.

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, 12/14/2022, 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



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Williamsburg, VA 23188
P: 757-259-4080
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jamescitycountyva.gov

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**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

Brian T. Crittenden
137 Racefield Drive
Toano, VA 23168-8918

RE: CBPA-22-0137
133 Racefield Drive Toano, VA
23168
Porch

November 15, 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 Erin Martin, Crossroad Custom Builders, Inc., on behalf of Jerry & Pamela Woodson for encroachments into the Resource Protection Area (RPA) buffer for the construction of a porch on property located at 133 Racefield Drive Toano, VA 23168, JCC Parcel No. 430700008.

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, 12/14/2022, 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



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Williamsburg, VA 23188
757-565-0971

Erin Martin, Crossroad Custom Builders, Inc.
7596 Uncles Neck
Toano, VA 23168

RE: CBPA-22-0137
133 Racefield Drive Toano, VA
23168
Porch

November 15, 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 Erin Martin, Crossroad Custom Builders, Inc., on behalf of Jerry & Pamela Woodson for encroachments into the Resource Protection Area (RPA) buffer for the construction of a porch on property located at 133 Racefield Drive Toano, VA 23168, JCC Parcel No. 430700008.

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, 12/14/2022, 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



General Services
107 Tewning Road
Williamsburg, VA 23188
P: 757-259-4080
General.Services@jamescitycountyva.gov
jamescitycountyva.gov

Capital Projects
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Williamsburg, VA 23188
757-259-4080

Fleet
103 Tewning Road
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757-259-4080

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

David D. & Sandra Fryer
129 Racefield Drive
Toano, VA 23168-8918

RE: CBPA-22-0137
133 Racefield Drive Toano, VA
23168
Porch

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Quinn F. Shelton, III
139 Racefield Drive
Toano, VA 23168-8918

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PIN	Last Name	Address Line 1	City	State	Zip Code
0430700012	Wayne R. & Natasha M. Buel	141 Racefield Drive	Toano	VA	23168-8918
0430700010	Brian T. Crittenden	137 Racefield Drive	Toano	VA	23168-8918
	Erin Martin, Crossroad Custom Builders, Inc.	7596 Uncles Neck	Toano	VA	23168
0430700006	David D. & Sandra Fryer	129 Racefield Drive	Toano	VA	23168-8918
0430700009	Matthew S. & Rosa I. Mayes	135 Racefield Drive	Toano	VA	23168-8918
0430700011	Quinn F. Shelton, III	139 Racefield Drive	Toano	VA	23168-8918
0430700007	Jerry L. & Pamela J. Woodson	133 Racefield Drive	Toano	VA	23168-8918



PUBLIC HEARING NOTICE

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

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-22-0120: Chase Grogg, Landtech Resources, Inc., has applied for a Chesapeake Bay Exception on behalf of Daniel McCormick for encroachments into the Resource Protection Area (RPA) buffer for the construction of a single-family dwelling on property located at 108 Murcar, Williamsburg, VA 23188, JCC Parcel No. 3710800077.

CBPA-22-0137: Erin Martin, Crossroad Custom Builders, Inc., has applied for a Chesapeake Bay Exception on behalf of Jerry and Pamela Woodson for encroachments into the RPA buffer for the construction of a porch on property located at 133 Racefield Drive, Toano, VA 23168, JCC Parcel No. 0430700008.

CBPA-22-0139: Ryan Stephenson, AES Consulting Engineers, Inc., has applied for a Chesapeake Bay Exception on behalf of Boyd Corporation for encroachments into the RPA buffer for the construction of a single-family dwelling located at 2800 Duffey's Mill Road, Williamsburg, VA 23185, JCC Parcel No. 4741000008.

CBPA-22-0143: Lloyd Stephens, Stephens Builder, has applied for a Chesapeake Bay Exception on behalf of Paul Puglia for encroachments into the RPA buffer for the construction of a deck on property located at 9935 Walnut Creek, Toano, VA 23168, JCC Parcel No. 0520300014.

CBPA-22-0144: Fuller Reeves, Anthony and Sylvan Pools Corp., has applied for a Chesapeake Bay Exception on behalf of Anthony and Kelly Terracina for encroachments into the RPA buffer for the construction of a pool on property located at 137 Thomas Dale, Williamsburg, VA 23185, JCC Parcel No. 5030700025.

CBPA-22-0145: Chase Grogg, Landtech Resources, Inc., has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of a single-family dwelling on property located at 106 Rye Williamsburg, VA 23188, JCC Parcel No. 3130400082.

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.



PUBLIC HEARING NOTICE

NOT FOR PUBLICATION

DISPLAY: WEDNESDAY Nov 30, 2022 and Dec 7, 2022.
ACCOUNT NO. CU00015112
VIRGINIA GAZETTE
1/8 PAGE, VERTICAL, B/W
CARD # x6648

ITEM SUMMARY

DATE: 12/14/2022
TO: Chesapeake Bay Board
FROM: Trevor Long, Chesapeake Bay Board Secretary
SUBJECT: CBPA-22-0143 : 9935 Walnut Creek

CBPA-22-0143: Lloyd Stephens, Stephens Builder, has applied for a Chesapeake Bay Exception on behalf of Paul Puglia for encroachments into the RPA buffer for the construction of a deck on property located at 9935 Walnut Creek, Toano, VA 23168, JCC Parcel No. 0520300014.

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	Small, Toni	Approved	12/6/2022 - 2:41 PM
Chesapeake Bay Group	Small, Toni	Approved	12/6/2022 - 2:43 PM
Publication Management	Pobiak, Amanda	Approved	12/6/2022 - 2:55 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	12/7/2022 - 3:46 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-22-0143. 9935 Walnut Creek
Staff Report for the December 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: Mr. Paul Puglia

Agent: Mr. Lloyd Stephens. Stephens Builder

Location: 9935 Walnut Creek

Parcel Identification No.: 0520300014

Parcel: Lot 14 Section 5B Walnut Creek at Stonehouse

Lot Size: 0.72 acres

Area of Lot in Resource Protection Area (RPA): 0.43 acres (60%)

Watershed: Ware Creek (YO62)

Floodplain: None

Proposed Activity: Construction of a deck

Impervious Cover: 246 square feet

RPA Encroachment: 209 square feet, landward 50-foot RPA

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

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Lloyd Stephens, Stephens Builder, has applied for a Chesapeake Bay Exception on behalf of Mr. Paul Puglia for encroachments into the RPA buffer for the construction of a deck located at 9935 Walnut Creek within the Stonehouse subdivision and the Ware Creek watershed. The property is further identified as James City County Tax Map Parcel No. 0520300014. The parcel was platted in 2001, before the changes to the Chesapeake Bay Preservation Ordinance in 2004.

The total lot size of this property is 0.72 acres, of which 60% is located within the RPA. Existing conditions of this property include a deck at the rear of the existing home. The applicant is proposing to transform the existing deck into a screened porch and construct a new deck next to the existing deck. Total impacts to the RPA associated with this proposal equate to 209 square feet in the landward 50-foot RPA. Required mitigation for this amount of impervious impacts equals seven shrubs.

STAFF EVALUATION

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

CONSIDERATION BY THE CHESAPEAKE BAY BOARD

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

1. The exception request is the minimum necessary to afford relief; and
2. Granting the exception will not confer upon the 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 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 Applicant must obtain all other necessary federal, state, and local permits as required for the project; and
2. A mitigation plan equating to seven shrubs be submitted to the Stormwater and Resource Protection Division and approved prior to project start; and
3. A surety of \$500 must be submitted in a form acceptable to the James City County Attorney's Office to guarantee the mitigation plantings; and
4. The placement of three inches of gravel over filter fabric under the footprint of the deck; and
5. This exception request approval will become null and void if construction has not begun by December 14, 2023; and
6. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than November 2, 2023, six weeks prior to the expiration date.

TAL/md
CBPA22-143_9935WlntCrk

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA-22-0143. 9935 WALNUT CREEK

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Lloyd Stephens, Stephens Builder, on behalf of Mr. Paul Puglia (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on December 14, 2022, to request an exception to use the Resource Protection Area on a parcel of property identified as James City County Real Estate Tax Map Parcel No. 0520300014 and further identified as 9935 Walnut Creek, as set forth in the application CBPA-22-0143 for the purpose of constructing a deck; 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-22-0143, 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 mitigation plan equating to seven shrubs must be submitted to the Stormwater and Resource Protection Division and approved prior to project start; and
3. A surety of \$500 must be submitted in a form acceptable to the James City County Attorney’s Office to guarantee the mitigation plantings; and
4. The placement of three inches of gravel over filter fabric under the footprint of the deck; and
5. This exception request approval will become null and void if construction has not begun by December 14, 2023; and
6. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than November 2, 2023, six weeks prior to the expiration date.

Halle Dunn
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 December, 2022.

RESOLUTION

CASE NO. CBPA-22-0143. 9935 WALNUT CREEK

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

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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-22-0143.

Halle Dunn
Chair, Chesapeake Bay Board

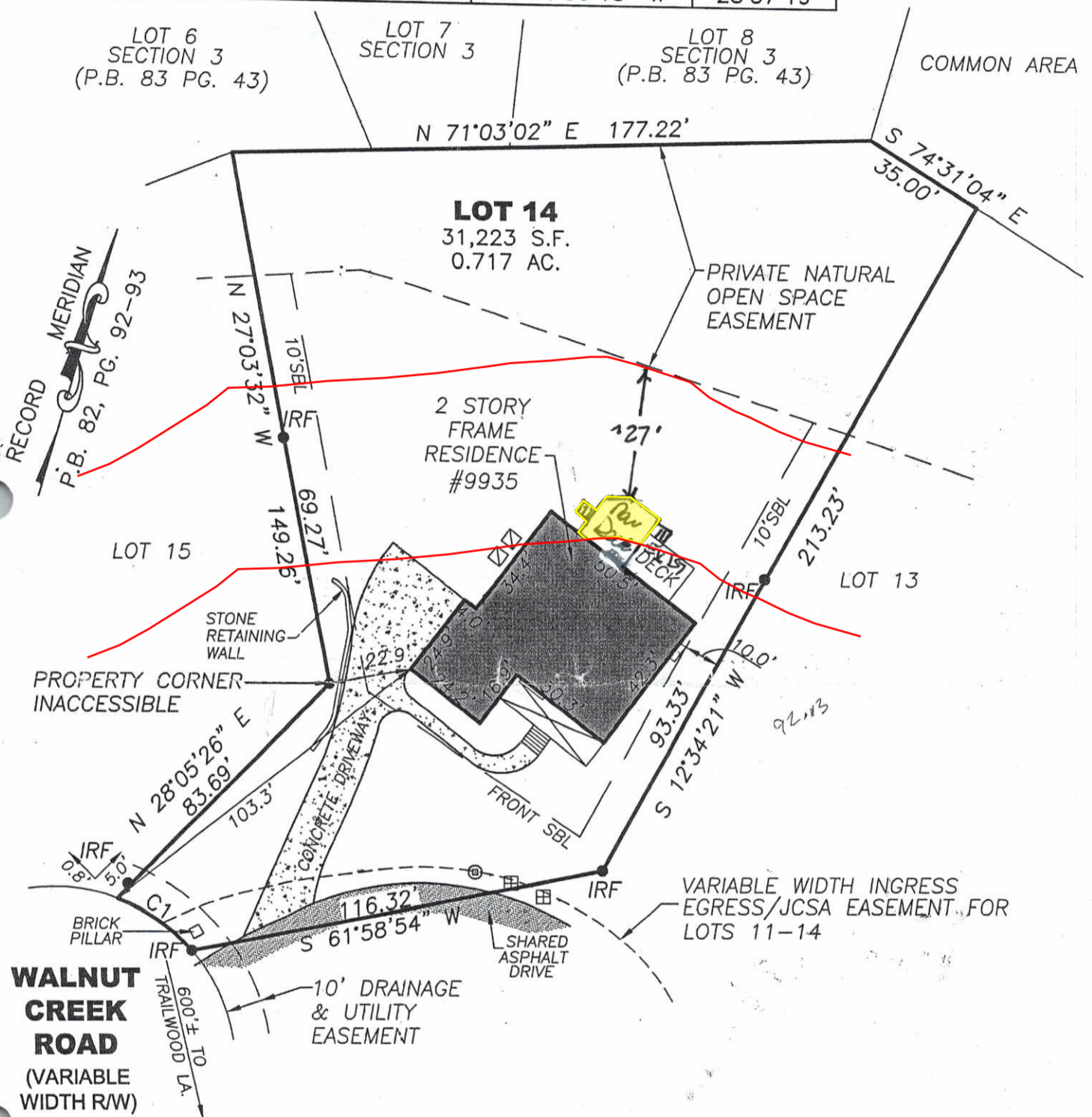
Trevor A. Long
Secretary to the Board

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

CBPA22-143_9935WIntCrkDeny-res

1. THIS PLAT WAS PRODUCED WITHOUT THE BENEFIT OF A TITLE REPORT AND REFLECTS ONLY THOSE ENCUMBRANCES, EASEMENTS AND SETBACKS AS SHOWN IN P.B. 82, PG. 92-93.
2. THIS FIRM IS NOT RESPONSIBLE FOR THE LOCATION OF ANY STRUCTURE, MANHOLE, VALVE, ETC., HIDDEN OR OBSTRUCTED AT THE TIME THE FIELD SURVEY WAS PERFORMED.
3. LOT LIES IN F.I.R.M. ZONE "X" ACCORDING TO FLOOD INSURANCE RATE MAP #51095C0035C, DATED SEPTEMBER 28, 2007.
4. WETLANDS, IF ANY, WERE NOT LOCATED FOR THIS SURVEY.
5. UNDERGROUND UTILITIES WERE NOT LOCATED.

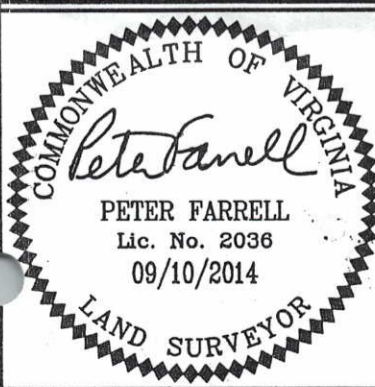
CURVE	RADIUS	ARC	CHORD	CHORD BEARING	DELTA
C1	50.00'	25.27'	25.00'	N 71°50'18" W	28°57'19"



WALNUT CREEK ROAD
(VARIABLE WIDTH RW)

ADDRESS:
9935 WALNUT CREEK ROAD
JAMES CITY COUNTY, VIRGINIA

- LEGEND**
- ☒ WATER METER
 - ⊙ SEWER CLEAN OUT
 - ☐ HVAC UNIT
 - IRF = IRON ROD FOUND



REFERENCES:
P.B. 82,
PG. 92-93

DATE: 09/10/14
SCALE: 1"=40'
JOB# 14-365
CAD File
14-365.dwg

PHYSICAL SURVEY OF LOT 14, SECTION V-B
WALNUT CREEK AT STONEHOUSE
For:
PAUL & CYNTHIA PUGLIA
JAMES CITY COUNTY VIRGINIA

LandTech Resources, Inc.
Surveying • GPS • Engineering
3925 Midlands Road, Williamsburg, Virginia 23188
Telephone: 757-565-1677 Fax: 757-565-0782
Web: landtechresources.com



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Gary & Nancy Lee Leighton
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Lloyd Stephens
Stephens Builder
7845 Richmond Road
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9932 Walnut Creek
Toano, VA 23168-9628

RE: CBPA-22-0143
9935 Walnut Creek Toano, VA
23168
Deck

November 15, 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 Lloyd Stephens, Stephens Builder, on behalf of Paul Puglia for encroachments into the Resource Protection Area (RPA) buffer for the construction of an deck on property located at 9935 Walnut Creek Toano, VA 23168, JCC Parcel No. 520300014.

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, 12/14/2022, 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



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**Stormwater and
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Paul & Cynthia Puglia
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PIN	Last Name	Address Line 1	City	State	Zip Code
0520300016	David L. Hartsough & Margene Brown	9927 Walnut Creek	Toano	VA	23168-9628
0520300015	Gary & Nancy Lee Leighton	9931 Walnut Creek	Toano	VA	23168-9628
	Lloyd Stephens, Stephens Builder	7845 Richmond Road	Toano	VA	23168
0520300011	Robert F. & Shannon r. Mooney	9932 Walnut Creek	Toano	VA	23168-9628
0520300014	Paul & Cynthia Puglia	9935 Walnut Creek	Toano	VA	23168-9628



PUBLIC HEARING NOTICE

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

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-22-0120: Chase Grogg, Landtech Resources, Inc., has applied for a Chesapeake Bay Exception on behalf of Daniel McCormick for encroachments into the Resource Protection Area (RPA) buffer for the construction of a single-family dwelling on property located at 108 Murcar, Williamsburg, VA 23188, JCC Parcel No. 3710800077.

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CBPA-22-0144: Fuller Reeves, Anthony and Sylvan Pools Corp., has applied for a Chesapeake Bay Exception on behalf of Anthony and Kelly Terracina for encroachments into the RPA buffer for the construction of a pool on property located at 137 Thomas Dale, Williamsburg, VA 23185, JCC Parcel No. 5030700025.

CBPA-22-0145: Chase Grogg, Landtech Resources, Inc., has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of a single-family dwelling on property located at 106 Rye Williamsburg, VA 23188, JCC Parcel No. 3130400082.

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.



PUBLIC HEARING NOTICE

NOT FOR PUBLICATION

DISPLAY: WEDNESDAY Nov 30, 2022 and Dec 7, 2022.

ACCOUNT NO. CU00015112

VIRGINIA GAZETTE

1/8 PAGE, VERTICAL, B/W

CARD # x6648

ITEM SUMMARY

DATE: 12/14/2022
TO: Chesapeake Bay Board
FROM: Trevor Long, Chesapeake Bay Board Secretary
SUBJECT: CBPA-22-0144 : 137 Thomas Dale

CBPA-22-0144: Fuller Reeves, Anthony and Sylvan Pools Corp., has applied for a Chesapeake Bay Exception on behalf of Anthony and Kelly Terracina for encroachments into the RPA buffer for the construction of a pool on property located at 137 Thomas Dale, Williamsburg, VA 23185, JCC Parcel No. 5030700025.

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	Small, Toni	Approved	12/6/2022 - 2:41 PM
Chesapeake Bay Group	Small, Toni	Approved	12/6/2022 - 2:43 PM
Publication Management	Pobiak, Amanda	Approved	12/6/2022 - 3:04 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	12/7/2022 - 3:46 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-22-0144. 137 Thomas Dale
Staff Report for the December 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. Anthony and Mrs. Kelly Terracina

Agent: Mr. Fuller Reeves, Anthony & Sylvan Pools Corporation

Location: 137 Thomas Dale

Parcel Identification No.: 5030700025

Parcel: Lot 25 Phase 1 Fairfax Woods

Lot Size: 0.69 acres

Area of Lot in Resource Protection Area (RPA): 0.12 acres (17%)

Watershed: College Creek (JL34)

Floodplain: None

Proposed Activity: Construction of a pool

Impervious Cover: 880 square feet

RPA Encroachment: 880 square feet landward 50-foot RPA
0 square feet, seaward 50-foot RPA

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

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Fuller Reeves, Anthony & Sylvan Pools Corporation, has applied for a Chesapeake Bay Exception on behalf of Mr. Anthony and Mrs. Kelly Terracina for encroachments into the RPA buffer for the construction of a pool located at 137 Thomas Dale within the Kingsmill subdivision and the College Creek watershed. The property is further identified as James City County Tax Map Parcel No. 5030700025. The parcel was platted in 1985, prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The total lot size of this property is 0.69 acres, of which 17% is located within the RPA. Existing conditions of the site include a single-family dwelling, existing detached garage, and an existing patio situated adjacent to the proposed pool and outside of the RPA. The applicants are proposing to construct a pool of which 880 square feet impact the landward 50-foot RPA. Required mitigation for this amount of impervious impacts equals the plantings of two and a half planting units (two canopy trees, four understory trees, and nine shrubs).

STAFF EVALUATION

Staff has evaluated the application and exception request for the construction of a pool. This application meets the Ordinance conditions in Sections 23-11 and 23-14 and should be heard by the Board because the construction of a pool 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 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 applicants must obtain all other necessary federal, state, and local permits as required for the project; and
2. The submittal of a mitigation plan equating to two and a half planting units be submitted to the Stormwater and Resource Protection Division prior to project start; and
3. A surety of \$1,000 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 December 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 November 2, 2023, six weeks prior to the expiration date.

TAL/md
CBPA22-144_137TDale

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA-22-0144. 137 THOMAS DALE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Fuller Reeves, Anthony & Sylvan Pools Corporation, on behalf of Mr. Anthony and Mrs. Kelly Terracina, (the “Applicants”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on December 14, 2022, to request an exception to use the Resource Protection Area on a parcel of property identified as James City County Real Estate Tax Map Parcel No. 5030700025 and further identified as 137 Thomas Dale as set forth in the application CBPA-22-0144 for the purpose of constructing a pool; 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-22-0144, 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. A mitigation plan equating to two and a half planting units must be submitted to the Stormwater and Resource Protection Division and approved prior to project start; and
3. A surety of \$1,000 must 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 will become null and void if construction has not begun by December 14, 2023; and
5. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than November 2, 2023, six weeks prior to the expiration date.

Halle Dunn
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 December, 2022.

RESOLUTION

CASE NO. CBPA-22-0144. 137 THOMAS DALE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Fuller Reeves, Anthony & Sylvan Pools Corporation, on behalf of Mr. Anthony and Mrs. Kelly Terracina, (the “Applicants”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on December 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. 5030700025 and further identified as 137 Thomas Dale (the “Property”) as set forth in the application CBPA-22-0144 for the purpose of construction of a pool; 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-22-0144.

Halle Dunn
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 December, 2022.

CBPA22-144_137TDaleApp-res

PARCEL ID 5030700025

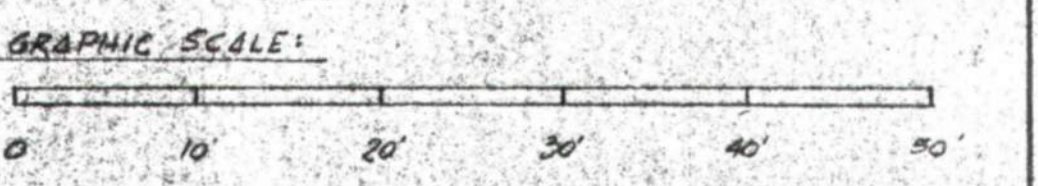
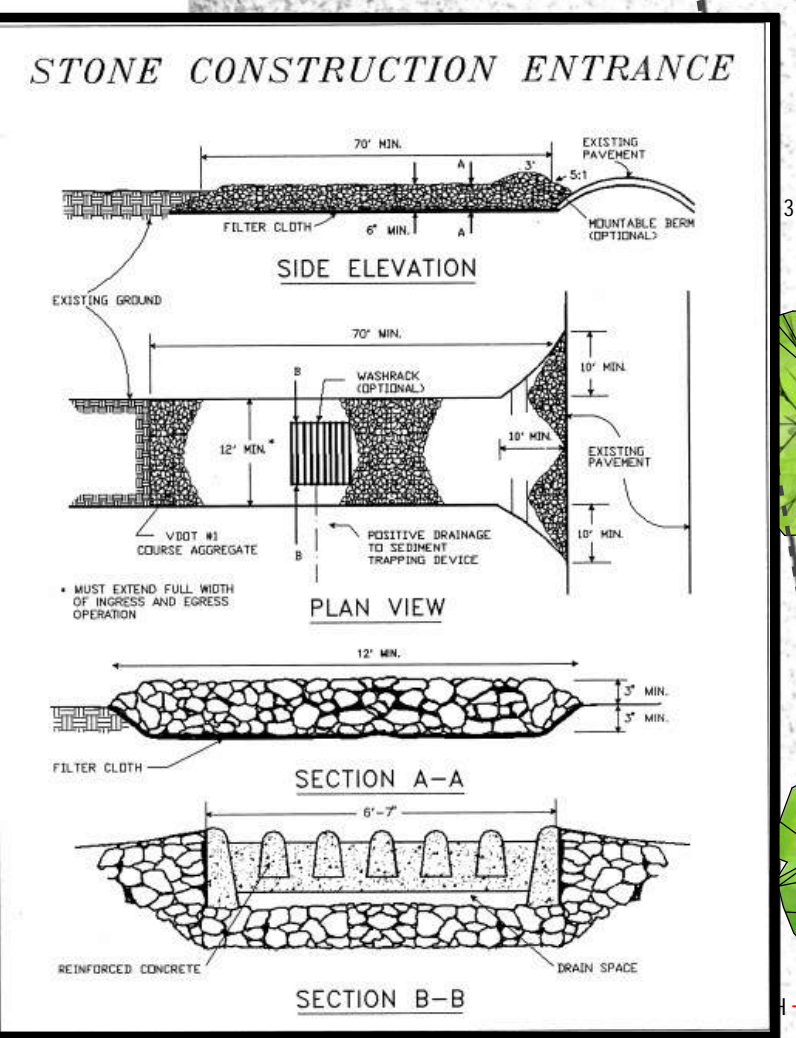
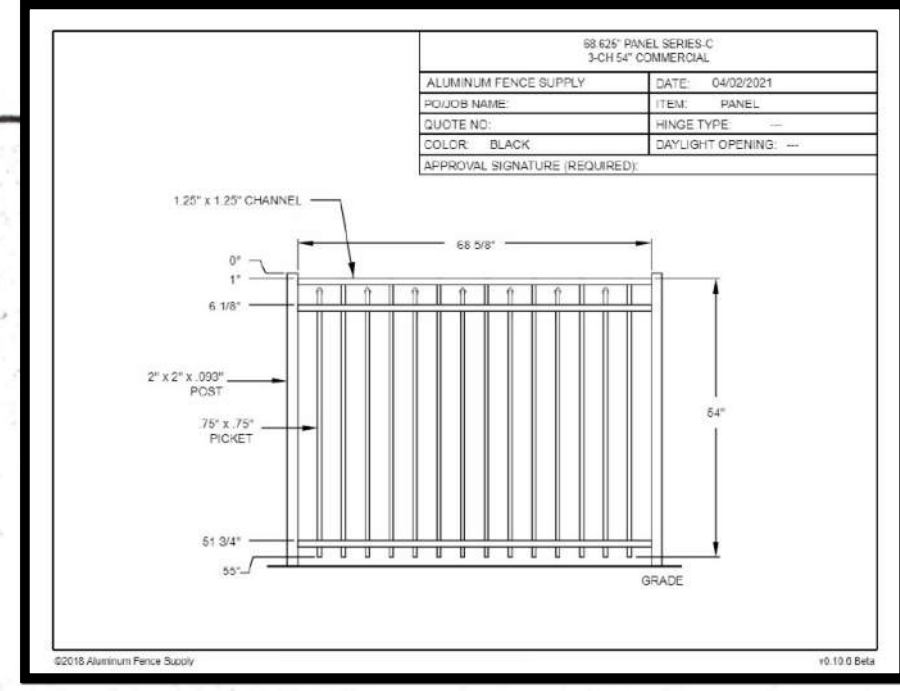
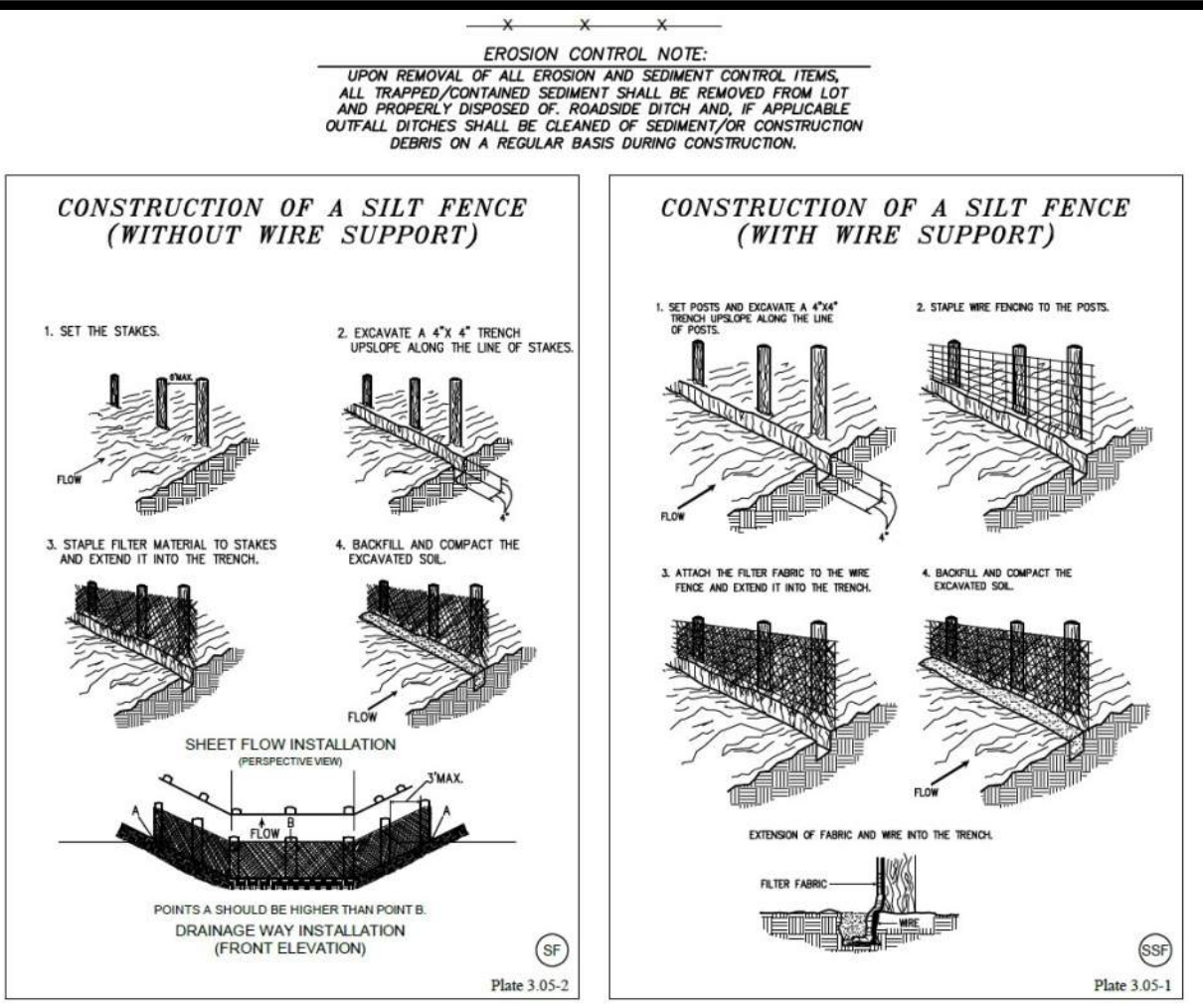
137 THOMAS DALE
WILLIAMSBURG, VA 23185

NOTES:

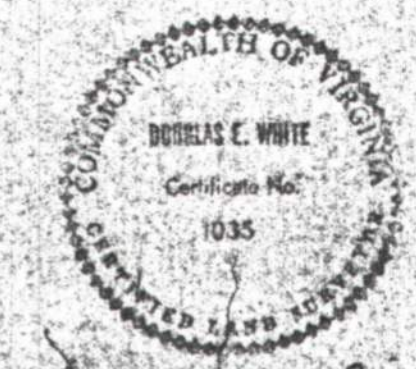
GRADES AND WATER FLOW TO REMAIN THE SAME

JCC STANDARD E&SC AND STORMWATER NOTES ARE APPLICABLE FOR THIS PROJECT

TOTAL DISTURBED AREA 5168SQFT/0.12 ACRES



TOPOGRAPHIC SURVEY NOTES:
 1. THIS DRAWING IS NOT A BOUNDARY SURVEY PLAT. BOUNDARY DATA SHOWN IS TAKEN FROM PLAT OF RECORD BY OTHERS AND IS NOT VERIFIED BY THIS DRAWING. ALL INFORMATION SHOWN IS REFERENCED TO IRON ROD LOT MARKERS AND BENCH MARKS FOUND IN THE AREA AND SET BY OTHERS.
 2. ANY PLANNED RESIDENTIAL IMPROVEMENTS WHICH MIGHT BE SHOWN ARE ADDED TO THIS DRAWING BY OTHERS.



Doris E. White

SITE PLAN - LOT 25 FAIRFAX WOODS KINGSMILL ON THE JAMES			
STRANGE-RESIDENCE	SCALE 1/8" = 1'-0"	DRAWN BY DW	REVISIONS
JIM GRIFFATH BUILDER, INC.			
DATE 12C.30.1984	APPROVED BY	DRAWING NUMBER	



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757-259-4080

Solid Waste
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Williamsburg, VA 23188
757-565-0971

Fuller Reeves, Anthony & Sylvan Pools Corporation
10408 Lakeridge Parkway, Unit 700
Ashland, VA 23005

RE: CBPA-22-0144
137 Thomas Dale Williamsburg,
VA 23185
Pool

November 15, 2022

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757-565-0971

David Scott Stabler, II TRUSTEE
141 Thomas Dale
Williamsburg, VA 23185-6576

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137 Thomas Dale Williamsburg,
VA 23185
Pool

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James W. & Helen s. Turner
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Williamsburg, VA 23185-6576

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Pool

November 15, 2022

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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
	Fuller Reeves, Anthony & Slyvan Pools Corporation	10408 Lakeridge Parkway, Unit 700	Ashland	VA	23005
5030700026	David Scott Stabler, II TRUSTEE	141 Thomas Dale	Williamsburg	VA	23185-6576
5030700025	Anthony Dominic & Kelly L. Terracina	137 Thomas Dale	Williamsburg	VA	23185-6576
5030700024	James W. & Helen S. Turner	133 Thomas Dale	Williamsburg	VA	23185-6576



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PUBLIC HEARING NOTICE

NOT FOR PUBLICATION

DISPLAY: WEDNESDAY Nov 30, 2022 and Dec 7, 2022.
ACCOUNT NO. CU00015112
VIRGINIA GAZETTE
1/8 PAGE, VERTICAL, B/W
CARD # x6648

ITEM SUMMARY

DATE: 12/14/2022
TO: Chesapeake Bay Board
FROM: Trevor Long, Chesapeake Bay Board Secretary
SUBJECT: CBPA-22-0145 : 106 Rye

CBPA-22-0145: Chase Grogg, Landtech Resources, Inc., has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of a single-family dwelling on property located at 106 Rye Williamsburg, VA 23188, JCC Parcel No. 3130400082.

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☐	Resolution to Approve	Resolution
☐	Resolution to Deny	Resolution
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REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Small, Toni	Approved	12/6/2022 - 2:42 PM
Chesapeake Bay Group	Small, Toni	Approved	12/6/2022 - 2:43 PM
Publication Management	Pobiak, Amanda	Approved	12/6/2022 - 3:10 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	12/7/2022 - 3:46 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-22-0145. 106 Rye
Staff Report for the December 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. Susan Krancer
Agent: Mr. Chase Grogg, LandTech Resources, Inc.
Location: 106 Rye
Parcel Identification No.: 3130400082
Parcel: Lot 82 Section 3 Ford's Colony
Lot Size: 0.52 acres
Area of Lot in Resource Protection Area (RPA): 0.46 acres (88%)
Watershed: Powhatan Creek (JL31)
Floodplain: None
Proposed Activity: Construction of a single-family dwelling
Impervious Cover: 3,524 square feet
RPA Encroachment: 1,368 square feet, landward 50-foot RPA
2,156 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. Susan Krancer for encroachments into the RPA buffer for the construction of a single-family dwelling located at 106 Rye within the Ford's Colony subdivision and the Powhatan Creek watershed. The property is further identified as James City County Tax Map Parcel No. 3130400082. The parcel was platted in 1986, prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The total lot size of this property is 0.52 acres, of which 88% is located within the RPA. Existing conditions of the property include a wooded lot and approximately 0.15 acres of wetlands, which is 29% of the lot. These wetlands from the rear of the property to a series of Best Management Practice (BMP) features in the subdivision. The applicant is proposing to construct a single-family dwelling and two retaining walls which equates to approximately 1,368 square feet of impacts to the landward 50-foot RPA and 2,156 square feet of impacts to the seaward 50-foot RPA for a total of 3,524 square feet of impacts. Additionally, there are 1,000 square feet of impacts to the wetlands associated with fill. Required mitigation for this amount of impervious impacts equals nine planting units (nine canopy trees, 18 understory trees, and 27 shrubs). At this time, no infiltration BMP has been proposed for this dwelling. While staff is concerned that the amount of required mitigation plantings will fit on the site, staff would allow up to half of the mitigation be paid into the Chesapeake Bay Mitigation Fund.

STAFF EVALUATION

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

CONSIDERATION BY THE CHESAPEAKE BAY BOARD

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

1. The exception request is the minimum necessary to afford relief; and
2. Granting the exception will not confer upon the 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. Should the Board wish to approve this request, staff recommends the following conditions be incorporated into the approval:

1. The Applicant must obtain all other necessary federal, state, and local permits as required for the project; and
2. The submittal of a mitigation plan equating to nine planting units (nine canopy trees, 18 understory trees, and 27 shrubs) must be submitted to the Stormwater and Resource Protection Division and approved prior to the issuance of a building permit; and
3. A surety of \$4,500 must be submitted in a form acceptable to the James City County Attorney's Office to guarantee the mitigation plantings; and
4. An affidavit must be recorded in the Williamsburg/James City County Courthouse prior to the issuance of a building permit; and
5. This exception request approval will become null and void if construction has not begun by December 14, 2023; and
6. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than November 2, 2023, six weeks prior to the expiration date.

TAL/ap
CBPA22-145_106Rye

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA-22-0145. 106 RYE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Ms. Susan Krancer (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on December 14, 2022, to request an exception to use the Resource Protection Area on a parcel of property identified as James City County Real Estate Tax Map Parcel No. 3130400082 and further identified as 106 Rye, as set forth in the application CBPA-22-0145 for the purpose of construction of a single-family dwelling; 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-22-0145, 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 mitigation plan equating to nine planting units (nine canopy trees, 18 understory trees, and 27 shrubs) must be submitted to the Stormwater and Resource Protection Division and approved prior to the issuance of a building permit; and
3. A surety of \$4,500 must be submitted in a form acceptable to the James City County Attorney’s Office to guarantee the mitigation plantings; and
4. An affidavit must be recorded in the Williamsburg/James City County Courthouse prior to the issuance of a building permit; and
5. This exception request approval will become null and void if construction has not begun by December 14, 2023; and
6. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than November 2, 2023, six weeks prior to the expiration date.

Halle Dunn
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 December, 2022.

CBPA22-145_106RyeApp-res

RESOLUTION

CASE NO. CBPA-22-0145. 106 RYE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Ms. Susan Krancer, has applied to the Chesapeake Bay Board of James City County (the “Board”) on December 14, 2022, to request an exception to use the Resource Protection Area on a parcel of property identified as James City County Real Estate Tax Map Parcel No. 3130400082 and further identified as 106 Rye, as set forth in the application CBPA-22-0145 for the purpose of construction of a single-family dwelling; 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-22-0145.

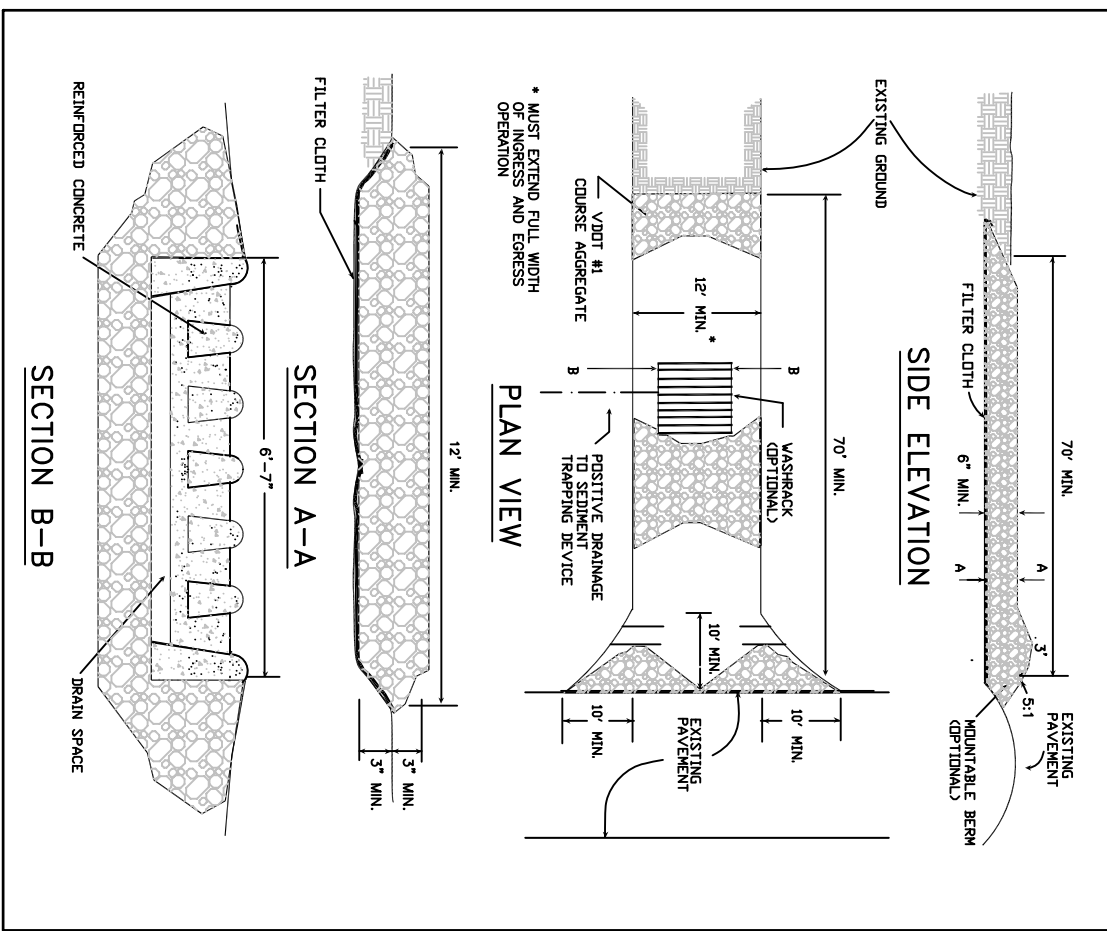
Halle Dunn
Chair, Chesapeake Bay Board

Trevor A. Long
Secretary to the Board

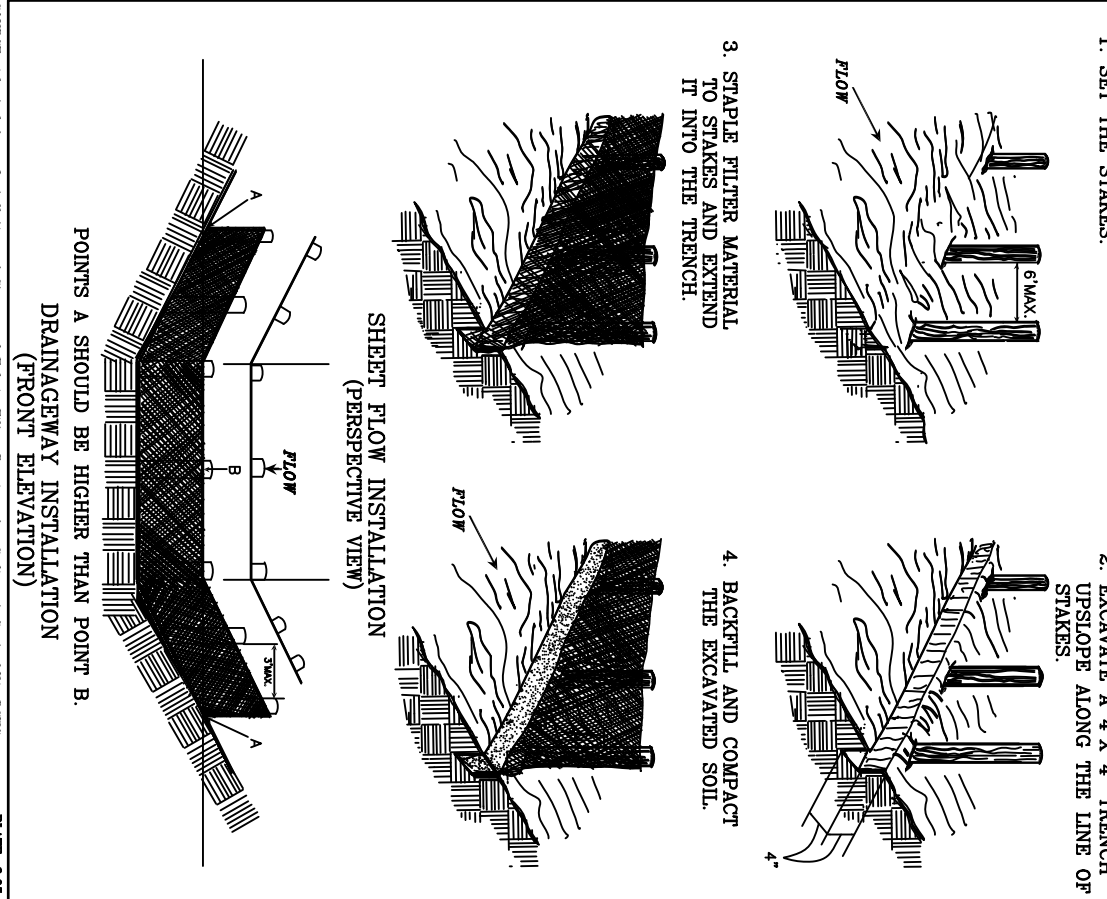
Adopted by the Chesapeake Bay Board of James City County, Virginia, this 14th day of December, 2022.

CBPA22-145_106RyeDny-res

STONE CONSTRUCTION ENTRANCE



CONSTRUCTION OF A SILT FENCE (WITHOUT WIRE SUPPORT)



GENERAL NOTES

1. THIS PLAN WAS PRODUCED WITHOUT THE BENEFIT OF A TITLE REPORT AND REFLECTS ONLY THOSE ENCUMBRANCES, EASEMENTS AND SETBACKS AS SHOWN IN P.B. 42, PG. 2-12. RELAYATION SHOWN HEREON ARE IN FEET AND ARE CLOSELY RELATED TO JCC GIS (NAVD88).
2. WETLANDS, AS SHOWN, WERE FLAGGED BY OTHERS. THIS FIRM MADE NO ATTEMPT TO LOCATE UNDERGROUND UTILITIES.
3. PARCEL LIES IN F.I.R.M. ZONE "X" ACCORDING TO COMMUNITY PANEL #51095C0116D, DATED DECEMBER 16, 2015.
4. LOT SERVED BY PUBLIC WATER AND SEWER. CONTRACTOR TO COORDINATE CONNECTIONS WITH JAMES CITY COUNTY UTILITIES. CONTRACTOR SHALL PROVIDE POSITIVE DRAINAGE AWAY FROM BUILDINGS SHOWN HEREON.
5. TOPOGRAPHIC DATA AS SHOWN IS BASED ON A CURRENT FIELD SURVEY.
6. CONTRACTOR SHALL DETERMINE EXACT FINISHED FLOOR ELEVATION AFTER EXCAVATION.
7. CONTRACTOR TO INSTALL ORANGE SAFETY FENCE AROUND PERIMETER OF CONSTRUCTION.
8. RESIDENT SHALL KEEP TRASH RECEPTACLES IN GARAGE DUE TO PROPOSED HOUSE PROXIMITY WITH THE SIDE PROPERTY LINE.
9. CONTRACTOR TO INSTALL RCP CULVERT WITH PIPE SIZE TO MATCH DOWNSTREAM CULVERT PIPE DIAMETER.

EXISTING ADDRESS:

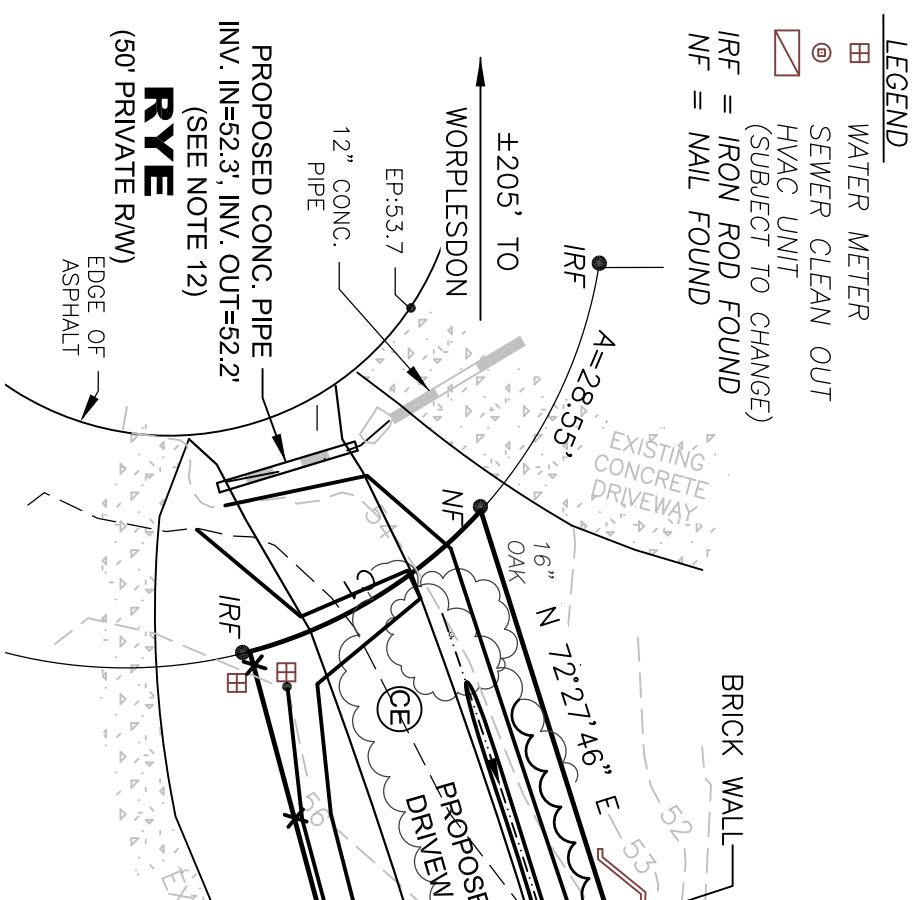
106 RYE
JAMES CITY COUNTY, VIRGINIA

BUILDING INFORMATION

PROPOSED BUILDING IS A 2-STORY FRAME WITH WALKOUT BASEMENT
PROPOSED GARAGE IS FRONT LOADING

BUILDING SETBACK (SBL)

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



SITE INFORMATION

PARCEL ID: 3130400082
TOTAL AREA: 22,684 S.F. / 0.5207 AC.
IMPERVIOUS AREA: 4,491 S.F. / 0.103 AC.
IMPERVIOUS WITHIN 50' RPA: 2,156 S.F. / 0.049 AC.
IMPERVIOUS WITHIN 100' RPA: 1,368 S.F. / 0.031 AC.
IMPERVIOUS WITHIN RPA TOTAL: 3,524 S.F. / 0.080 AC.
DISTURBED AREA: 10,473 S.F. / 0.24 AC.
ZONING DISTRICT: R4
EXISTING SITE IS PARTLY WOODED AS SHOWN

EROSION & SEDIMENT CONTROL NOTES

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

SURVEYORS CERTIFICATION

THIS DRAWING REPRESENTS AN ACTUAL FIELD SURVEY. ALL THE INFORMATION SHOWN HEREON IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. LANDTECH RESOURCES, INC. HAS BEEN RETAINED AND PAID TO STAKE, AS A MINIMUM, THE BUILDING ENVELOPE & ANY DETACHED ACCESSORY STRUCTURES

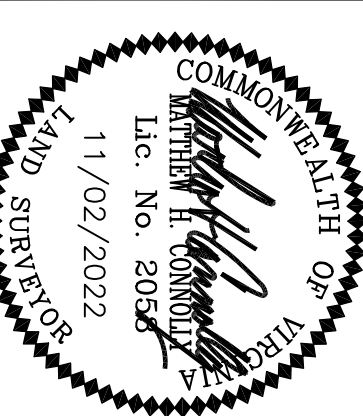
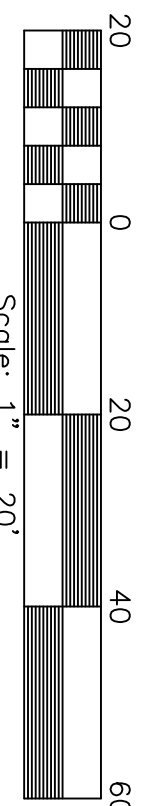
11/02/2022
DATE

11/02/2022
DATE

CURVE RADIUS	ARC LENGTH	CHORD	CHORD BEARING	DELTA ANGLE
50.00	28.57	28.18	N 31°21'54" W	32°44'01"

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

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



DATE: 11-02-2022
DRAWN BY: AEO
PROJECT NO.: 22-213
FILE NAME: 22-213.DWG
REFERENCES: P.B. 42, PG 2-12

LOT 82, SECTION III,
FORD'S COLONY
FOR
SUSAN KRANCER
JAMES CITY COUNTY
VIRGINIA

NO.	DATE	REVISION / COMMENT / NOTE



N/F
CLUBCORP NV XV LLC
PIN:3040100002

RECORD MERIDIAN
P.B. 42, PG. 5



General Services
107 Tewning Road
Williamsburg, VA 23188
P: 757-259-4080
General.Services@jamescitycountyva.gov
jamescitycountyva.gov

Capital Projects
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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

Joe H. & Betty L. Adkins
105 Rye
Williamsburg, VA 23188-7491

RE: CBPA-22-0145
106 Rye Williamsburg, VA 23188
Single-family dwelling

November 15, 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, for encroachments into the Resource Protection Area (RPA) buffer for the construction of a single-family dwelling on property located at 106 Rye Williamsburg, VA 23188, JCC Parcel No. 3130400082.

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, 12/14/2022, 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



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Floyd C. & Lisa P. Bishop
104 Rye
Williamsburg, VA 23188-7491

RE: CBPA-22-0145
106 Rye Williamsburg, VA 23188
Single-family dwelling

November 15, 2022

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Williamsburg, VA 23188
757-565-0971

Chase Grogg, LandTech Resources, Inc.
205-E Bulifants Blvd
Williamsburg, VA 23188

RE: CBPA-22-0145
106 Rye Williamsburg, VA 23188
Single-family dwelling

November 15, 2022

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Williamsburg, VA 23188
757-565-0971

Susan Y. Krancer
359 Dudley Ferry Road
Mattaponi, VA 23110-2109

RE: CBPA-22-0145
106 Rye Williamsburg, VA 23188
Single-family dwelling

November 15, 2022

Dear Adjacent Property Owner:

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Williamsburg, VA 23188
757-565-0971

Edward t. & Leigh Ann L. Schneider
133 Swinley Forest
Williamsburg, VA 23188-7457

RE: CBPA-22-0145
106 Rye Williamsburg, VA 23188
Single-family dwelling

November 15, 2022

Dear Adjacent Property Owner:

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The Chesapeake Bay Board will hold an advertised public hearing on **Wednesday, 12/14/2022, 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
3130400083	Joe H. & Betty L. Adkins	105 Rye	Williamsburg	VA	23188-7491
3130400081	Floyd C. & Lisa P. Bishop	104 Rye	Williamsburg	VA	23188-7491
	Chase Grogg, LandTech Resources, Inc.	205-E Bulifants Blvd	Williamsburg	VA	23188
3130400082	Susan Y. Krancer	359 Dudley Ferry Road	Mattaponi	VA	23110-2109
3130400073	Edward t. & Leigh Ann L. Schneider	133 Swinley Forest	Williamsburg	VA	23188-7457



PUBLIC HEARING NOTICE

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

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-22-0120: Chase Grogg, Landtech Resources, Inc., has applied for a Chesapeake Bay Exception on behalf of Daniel McCormick for encroachments into the Resource Protection Area (RPA) buffer for the construction of a single-family dwelling on property located at 108 Murcar, Williamsburg, VA 23188, JCC Parcel No. 3710800077.

CBPA-22-0137: Erin Martin, Crossroad Custom Builders, Inc., has applied for a Chesapeake Bay Exception on behalf of Jerry and Pamela Woodson for encroachments into the RPA buffer for the construction of a porch on property located at 133 Racefield Drive, Toano, VA 23168, JCC Parcel No. 0430700008.

CBPA-22-0139: Ryan Stephenson, AES Consulting Engineers, Inc., has applied for a Chesapeake Bay Exception on behalf of Boyd Corporation for encroachments into the RPA buffer for the construction of a single-family dwelling located at 2800 Duffey's Mill Road, Williamsburg, VA 23185, JCC Parcel No. 4741000008.

CBPA-22-0143: Lloyd Stephens, Stephens Builder, has applied for a Chesapeake Bay Exception on behalf of Paul Puglia for encroachments into the RPA buffer for the construction of a deck on property located at 9935 Walnut Creek, Toano, VA 23168, JCC Parcel No. 0520300014.

CBPA-22-0144: Fuller Reeves, Anthony and Sylvan Pools Corp., has applied for a Chesapeake Bay Exception on behalf of Anthony and Kelly Terracina for encroachments into the RPA buffer for the construction of a pool on property located at 137 Thomas Dale, Williamsburg, VA 23185, JCC Parcel No. 5030700025.

CBPA-22-0145: Chase Grogg, Landtech Resources, Inc., has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of a single-family dwelling on property located at 106 Rye Williamsburg, VA 23188, JCC Parcel No. 3130400082.

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.



PUBLIC HEARING NOTICE

NOT FOR PUBLICATION

DISPLAY: WEDNESDAY Nov 30, 2022 and Dec 7, 2022.
ACCOUNT NO. CU00015112
VIRGINIA GAZETTE
1/8 PAGE, VERTICAL, B/W
CARD # x6648

ITEM SUMMARY

DATE: 11/9/2022

TO: Chesapeake Bay Board

FROM: Trevor Long, Chesapeake Bay Board Secretary

SUBJECT: CBPA-22-0135 : 134 Swinley Forest

CBPA-22-0135: Matthew Roth, Roth Environmental, LLC, has applied for a Chesapeake Bay Exception on behalf of Alan Hochberg for encroachments into the RPA buffer for the development of a single-family dwelling in the RPA buffer on property located at 134 Swinley Forest, JCC Parcel No. 3130400072.

ATTACHMENTS:

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution to Approve	Resolution
☐	Resolution to Deny	Resolution
☐	Site Plan	Exhibit
☐	Mitigation Plan	Exhibit
☐	Site Comparison	Exhibit
☐	Soil Tests	Backup Material
☐	Drainage Pattern	Backup Material
☐	APO Letter	Backup Material
☐	APO Mailing List	Backup Material
☐	Gazette Ad	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Small, Toni	Approved	11/3/2022 - 8:33 AM
Chesapeake Bay Group	Small, Toni	Approved	11/3/2022 - 8:33 AM
Publication Management	Pobiak, Amanda	Approved	11/3/2022 - 8:52 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	11/3/2022 - 9:40 AM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-22-0135. 134 Swinley Forest
Staff Report for the December 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: Mr. Allan Hochberg

Agent: Mr. Matthew Roth, Roth Environmental, LLC

Location: 134 Swinley Forest

Parcel Identification No.: 3130400072

Parcel: Lot 72 Section 3 Ford's Colony

Lot Size: 0.40 acres

Area of Lot in Resource Protection Area (RPA): 0.40 acres (100%)

Watershed: Powhatan Creek (JL31)

Floodplain: None

Proposed Activity: Construction of a single-family dwelling

Impervious Cover: 3,873 square feet

RPA Encroachment: 0 square feet, landward 50-foot RPA
3,191 square feet, seaward 50-foot RPA
682 square feet, wetlands impact - impervious
1,846 square feet, wetlands impact - disturbed area

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

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Matthew Roth, Roth Environmental, LLC, has applied for a Chesapeake Bay Exception on behalf of Mr. Allan Hochberg for encroachments into the RPA buffer for the construction of a single-family dwelling located at 134 Swinley Forest within the Ford's Colony subdivision and the Powhatan Creek watershed. The property is further identified as James City County Tax Map Parcel No. 3130400072. The parcel was platted in 1986, prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The total lot size of this property is 0.40 acres, of which 100% is located within the RPA. Existing conditions of the property include sloping topography from the front of the property to the back and approximately 0.15 acres of wetlands which encompasses 38% of the lot. These wetlands extend up the length of the property and are connected to the edge of the stormwater management pond which is located to the rear of the property. Because of the extent of these wetlands on the lot, the entirety of this property falls within the seaward 50-foot RPA. The applicant is proposing to construct a single-family dwelling on the lot. The design of this two-story dwelling also includes a two-car garage, a screened in porch, and a driveway. Due

to the constraints of the lot, the proposed house and driveway will impact both the seaward 50-foot RPA and wetlands on lot. Total impacts associated with the construction of the proposed single-family dwelling equates to 3,191 square feet of impacts to the seaward 50-foot RPA and 682 square feet of impacts to the wetlands. A Nationwide Permit 18 is required from the United States (U.S.) Army Corps of Engineers for the proposed wetlands impacts and will be required prior to the issuance of a building permit.

Required mitigation for this amount of impervious impacts in the RPA buffer equals eight planting units (eight canopy trees, 16 understory trees, and 32 shrubs). At this time, no infiltration or other on-lot Best Management Practice has been proposed due to poorly drained soils. However, runoff from the development will either drain into a drainage easement and flow directly into the stormwater management pond located to the north of the property or flow into the wetlands that are on the property and subsequently drain into the stormwater management pond.

STAFF EVALUATION

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

CONSIDERATION BY THE CHESAPEAKE BAY BOARD

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

1. The exception request is the minimum necessary to afford relief; and
2. Granting the exception will not confer upon the 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. Should the Board approve the application, staff recommends the following conditions be incorporated into the approval:

1. The Applicant must obtain all other necessary federal, state, and local permits as required for the project, including a U.S. Army Corps of Engineers permit; and
2. That an affidavit be recorded in the Williamsburg/James City County Courthouse; and
3. That a six-foot high chain link fence be installed adjacent to the unimpacted wetlands; and
4. A mitigation plan equating to eight planting units must be submitted to the Stormwater and Resource Protection Division prior to issuance of a building permit; and

5. A surety of \$4,000 must be submitted in a form acceptable to the James City County Attorney's Office to guarantee the mitigation plantings; and
6. This exception request approval will become null and void if construction has not begun by December 14, 2023; and
7. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than November 2, 2023, six weeks prior to the expiration date.

TAL/md
CBPA22-135_134SwnlyFor

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA-22-0135. 134 SWINLEY FOREST

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Matthew Roth, Roth Environmental, LLC, on behalf of Mr. Allan Hochberg (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on December 14, 2022, to request an exception to use the Resource Protection Area on a parcel of property identified as James City County Real Estate Tax Map Parcel No. 3130400072, and further identified as 134 Swinley Forest, as set forth in the application CBPA-22-0135 for the purpose of constructing a single-family dwelling; 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-22-0135, subject to the following conditions:

1. The Applicant must obtain all other necessary federal, state, and local permits as required for the project, including a United States Army Corps of Engineers permit; and
2. An affidavit must be recorded in the Williamsburg/James City County Courthouse; and
3. A six-foot high chain link fence must be installed adjacent to the unimpacted wetlands; and
4. A mitigation plan equating to eight planting units must be submitted to the Stormwater and Resource Protection Division and approved prior to the issuance of a building permit; and
5. A surety of \$4,000 must be submitted in a form acceptable to the James City County Attorney’s Office to guarantee the mitigation plantings; and
6. This exception request approval will become null and void if construction has not begun by December 14, 2023; and
7. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than November 2, 2023, six weeks prior to the expiration date.

Halle Dunn
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 December, 2022.

RESOLUTION

CASE NO. CBPA-22-0135. 134 SWINLEY FOREST

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Matthew Roth, Roth Environmental, LLC, on behalf of Mr. Allan Hochberg, has applied to the Chesapeake Bay Board of James City County (the “Board”) on December 14, 2022, to request an exception to use the Resource Protection Area on a parcel of property identified as James City County Real Estate Tax Map Parcel No. 3130400072, and further identified as 134 Swinley Forest, as set forth in the application CBPA-22-0135 for the purpose of constructing a single-family dwelling; 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-22-0135.

Halle Dunn
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 December, 2022.

CBPA22-135_134SwnlyForDeny-res

GENERAL NOTES

- THIS PLAT WAS PRODUCED WITHOUT THE BENEFIT OF A TITLE REPORT AND REFLECTS ONLY THOSE ENCUMBRANCES, EASEMENTS AND SETBACKS AS SHOWN IN P.B. 42, PG. 2-13.
- ELEVATION SHOWN HEREON ARE IN FEET AND ARE GPS DERIVED (NAVD88).
- WETLANDS SHOWN WERE FIELD DELINEATED BY ROTH ENVIRONMENTAL AND LOCATED BY THIS FIEM.
- THIS FIRM MADE NO ATTEMPT TO LOCATE UNDERGROUND UTILITIES.
- PARCEL LIES IN F.I.R.M. ZONE "X" ACCORDING TO COMMUNITY PANEL #51095C0116D, DATED DECEMBER 16, 2015.
- LOT SERVED BY PUBLIC WATER AND SEWER.
- CONTRACTOR TO GRADE SITE TO ENSURE STORMWATER RUNOFF IS DIRECTED AWAY FROM DWELLING FOUNDATION.
- TOPOGRAPHIC DATA AS SHOWN IS BASED ON A CURRENT FIELD SURVEY.
- CONTRACTOR SHALL DETERMINE EXACT FINISHED FLOOR ELEVATION AFTER EXCAVATION.
- ALL DIMENSIONS SHOWN HEREON ARE TO THE FRAMLINE OF THE BUILDING.
- BENCHMARK ELEVATION OF 38.58' ASSUMED AT EDGE OF PAVEMENT.
- CONTRACTOR IS RESPONSIBLE FOR INSTALLING ORANGE SAFETY FENCE AROUND LIMITS OF CONSTRUCTION.
- PROPOSED RESIDENCE SHOWN BASED OFF OF PLANS PROVIDED BY CLIENT DATED 8/12/2022 & AND TO BE CONFIRMED BY CONTRACTOR PRIOR TO CONSTRUCTION.

EROSION & SEDIMENT CONTROL NOTES

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

BUILDING INFORMATION

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

SITE INFORMATION

LOT NUMBER 72, PHASE 3,
Ford's Colony

- TOTAL AREA: 17,379 S.F. / 0.3990 AC.
- IMPERVIOUS AREA WITHIN 50' RPA: 3,191 S.F. / 0.073 AC.
- IMPERVIOUS AREA WITHIN WETLANDS: 682 S.F. / 0.016 AC.
- IMPERVIOUS AREA TOTAL: 3,873 S.F. / 0.089
- DISTURBED AREA: 8,070 S.F. / 0.185 AC.
- DISTURBED AREA OF WETLANDS: 1,846 S.F. / .042 AC.
- PARCEL ID: 3130400072
- ZONING DISTRICT: R4
- PROPERTY IS LOCATED IN AN RMA & RPA
- EXISTING SITE IS WOODED AS SHOWN

EXISTING ADDRESS:

134 SWINLEY FOREST
JAMES CITY COUNTY, VIRGINIA

SURVEYORS CERTIFICATION

THIS DRAWING REPRESENTS AN ACTUAL FIELD SURVEY. ALL THE INFORMATION SHOWN HEREON IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. LANDTECH RESOURCES, INC. HAS BEEN RETAINED AND PAID TO STAKE, AS A MINIMUM, THE BUILDING ENVELOPE & ANY DETACHED ACCESSORY STRUCTURE.

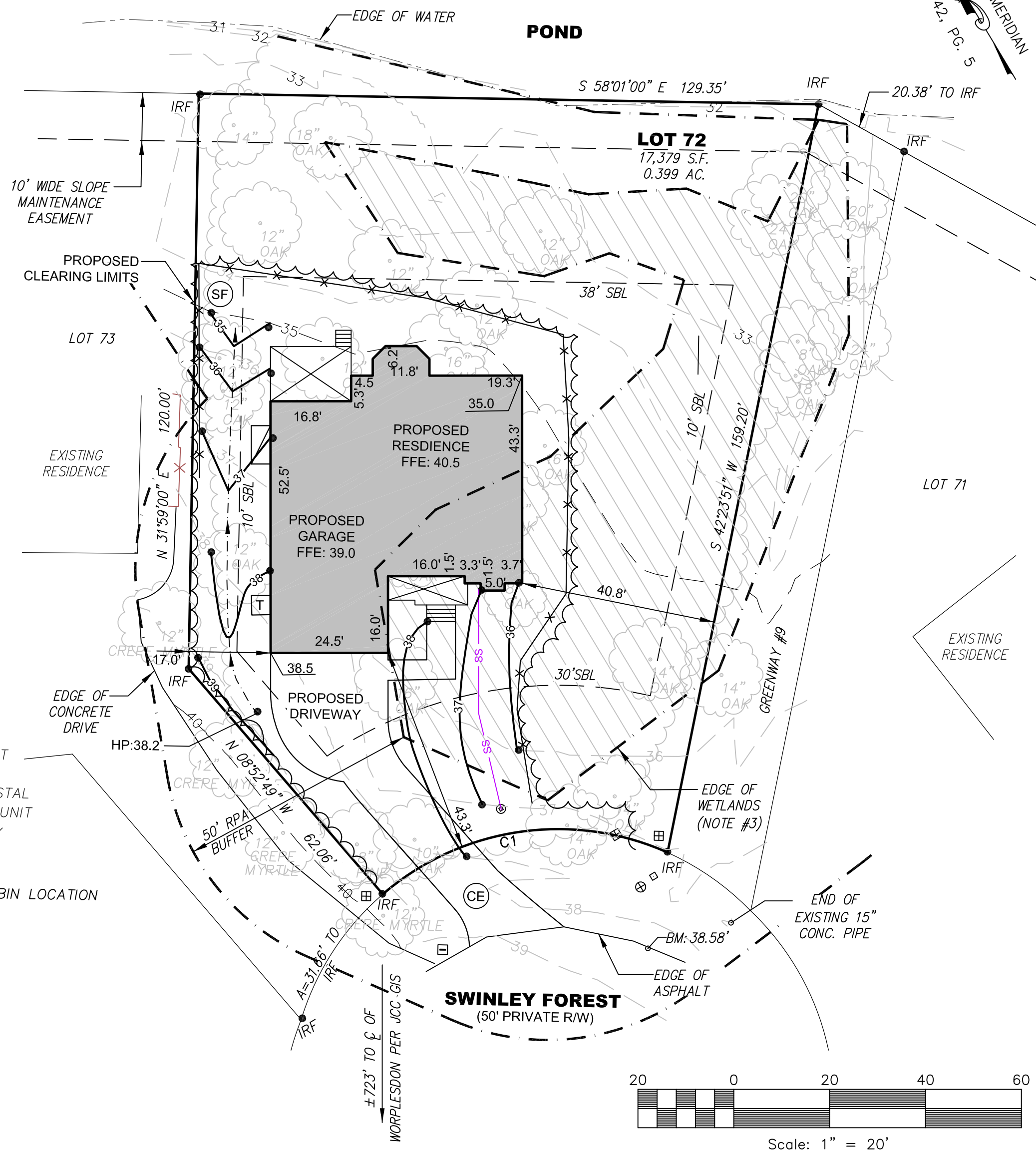
Matthew H. Connolly 9/28/2022
MATTHEW H. CONNOLLY, L.S. DATE

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

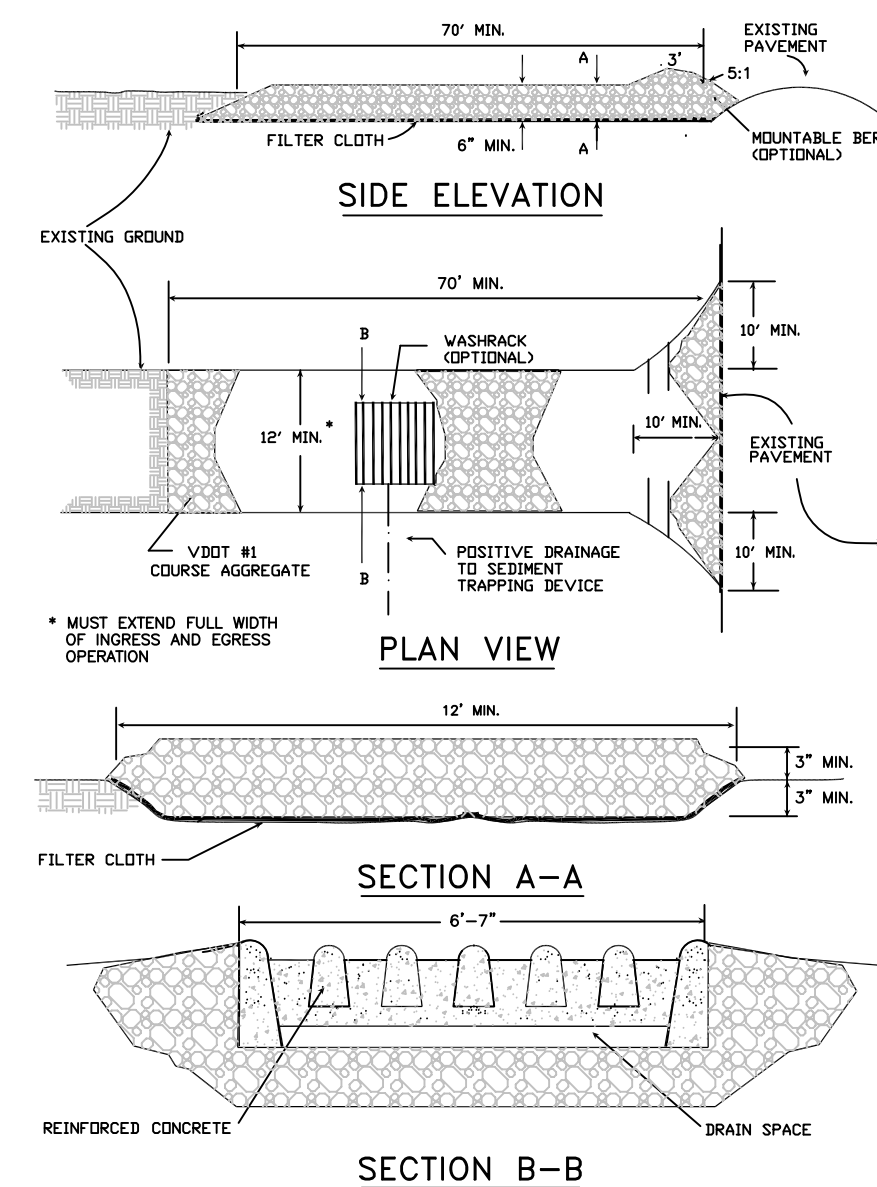
BEFORE CLEARING MARK TREES TO BE PRESERVED WITH PLASTIC TAPE TO BE REVIEWED AND APPROVED WITH THE ARC INSPECTOR. ()

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

CURVE	ARC LEN.	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LEN.
C1	63.37'	56.00'	64°50'18"	N 67°20'18" W	60.04'

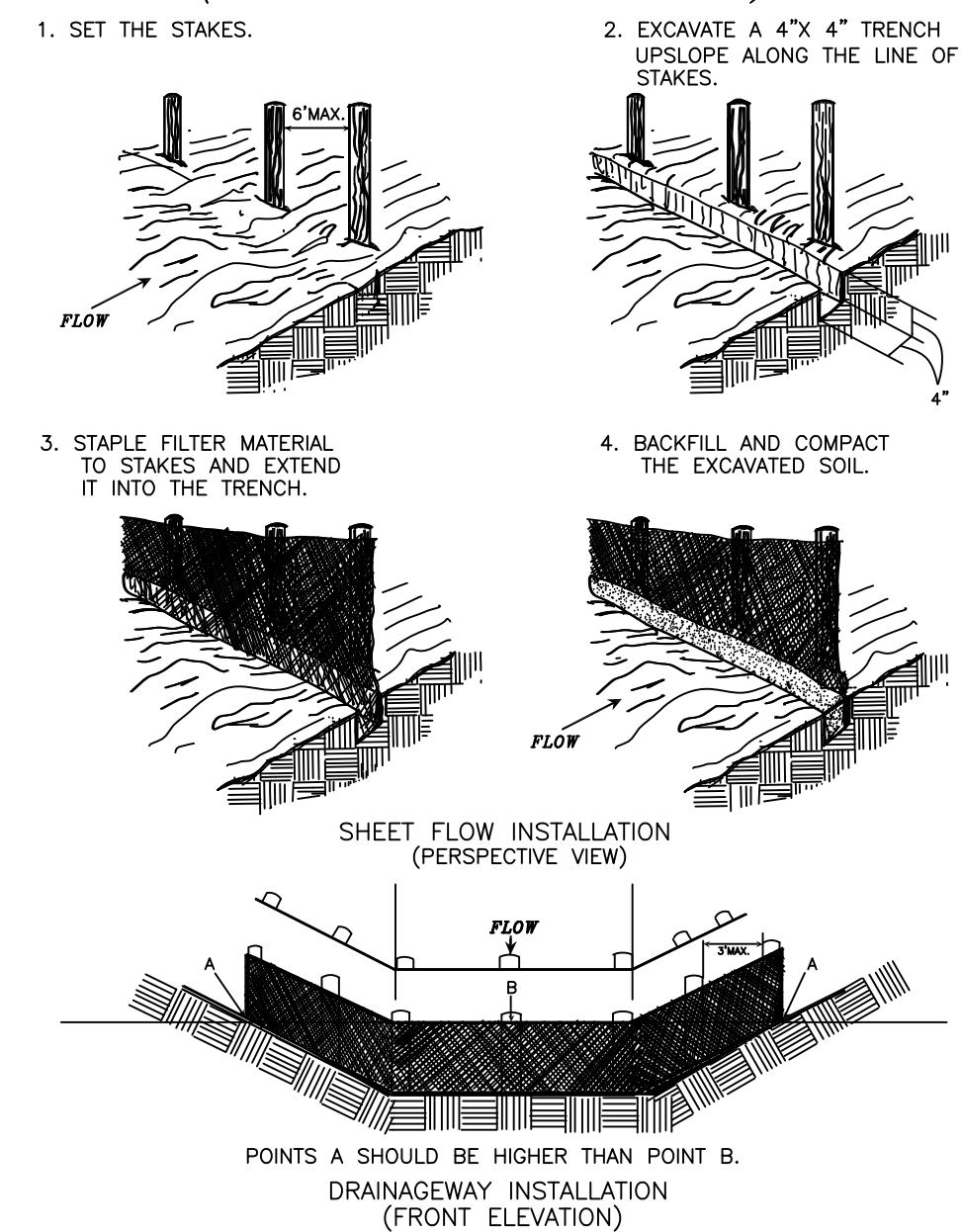


STONE CONSTRUCTION ENTRANCE

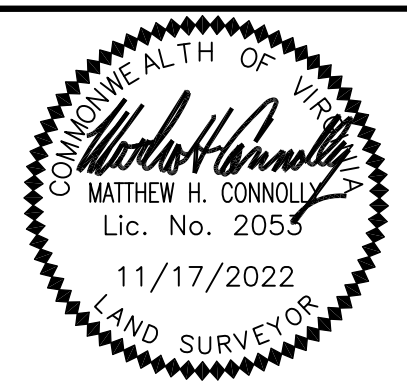


SOURCE: ADAPTED FROM 1983 Maryland Standards for Soil Erosion and Sediment Control, and Va. DSWC Plate 3.02-1

CONSTRUCTION OF A SILT FENCE (WITHOUT WIRE SUPPORT)



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



DATE: 9/28/2022
DRAWN BY: AEQ
PROJECT No. 22-237
FILE NAME: 22-237.DWG
REFERENCES:
P.B. 42, PG. 2-13

PRELIMINARY PLOT PLAN OF
LOT 72, SECTION III
FORD'S COLONY
FOR
KAR-SAN BUILDERS
JAMES CITY COUNTY VIRGINIA

NO.	DATE	REVISION / COMMENT / NOTE
3	11/17/2022	REVISED HOUSE LOCATION
2	11/16/2022	REVISED TO REFLECT NEW HOUSE PLANS
1	10/10/2022	REVISED IMPERVIOUS CALCULATION

LRI
LANDTECH
RESOURCES, INC.
ENGINEERING • SURVEYING • GPS
205E Bullfants Blvd., Williamsburg, VA 23188
Ph: (757) 565-1677 Fax: (757) 565-0782
web: landtechresources.com



ROTH ENVIRONMENTAL, LLC

134 SWINLEY FOREST
FORD'S COLONY
HOCHBURG FAMILY RESIDENCE
WATER QUALITY IMPACT ASSESSMENT
AND
MITIGATION PLAN - REVISED
NOVEMBER 21, 2022

The property located at 134 Swinley Forest is situated in the central section of the Ford's Colony subdivision. The 0.4-acre wooded lot is located at the northern end of Swinley Forest. As an "infill lot", it is completely surrounded by development with a stormwater management pond along its northern edge.

The site plan has been modified since the original submission in order to significantly reduce the impervious area in the RPA buffer and the wetland on the site. The modifications to the plan include changing the house from a single-story home to a two-story structure, changing the entry into the garage, and reducing the wetland impacts associated with the project.

General Project Information

The topography on the lot is at its highest on the southern portion of the property adjacent to the road. In this area the property is at elevation 37'. The property slopes from southwest to northeast. A Ford's Colony greenway/drainage easement extends along the eastern edge of the property. The property and this drainage easement slope to the stormwater management pond (wet pond – JCC BMP #PC147) that is located to the north of the site.

Project Plan - Revised

The revised plan on the site is to develop a two-story single-family home. This house will have a two-car garage, a screened porch, and a driveway. The proposed house has been placed on the lot to take advantage of the upland knoll on the western and western-central portions of the site. With the revisions to the site plan, the impacts to the wetlands have been reduced.

In an effort to minimize the wetland impacts on the property, the design of the house is to the western edge of the property. This is the deepest portion of the structure and takes advantage of the most upland areas. The driveway also remains on the western side of the site which also reduces the impacts to the wetlands.

The screened porch has been shifted to the northwestern corner of the house. This allows the applicants a better use of the rear yard area and does not have them exiting the porch into the narrow wetland area along the rear of the house.

Drainage around the house will flow in two directions. On the eastern side of the development, stormwater will flow into the wetlands. Any runoff will enter the drainage easement and flow to the stormwater management pond to the north.

On the western side of the house, a proposed swale will direct runoff to the wetland area beyond the clearing limit. Once in the wetland, stormwater will flow to the northeast to the stormwater management pond. Following construction, none of the wetland areas will lose hydrology.

Wetlands and RPA Features

Roth Environmental performed a wetland delineation on the site. Fieldwork for the wetland delineation was performed using the *Routine Determination Method outlined in the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region (TR-10-30)*. This manual uses three parameters (vegetation, soils, and hydrology) in determining and delineating wetlands. The limits of the wetlands and Waters of the U.S. were delineated in the field using numbered pink and black flagging. The wetland delineation confirmation submission package and permit application for wetland impacts has been submitted to the U.S. Army Corps of Engineers.

The nontidal wetlands that occur on the site are situated in a low-grade depression in the southeastern, central, and eastern portions of the property. As discussed, this depression/wetland slopes to the northeast to the Ford's Colony drainage easement/greenway. Stormwater on the asphalt street and cul-de-sac, is sloped north and flows north toward the subject site. The berm/ridge that was created to direct stormwater along the front of the lot and toward the drainage easement was not built high enough to contain the flow to the small swale. Therefore, during moderate and strong storm events, the stormwater gains momentum as it flows north on Swinley Forest. Once it gets to the site, it has enough momentum to flow over the small berm and onto the site.

All of the wetlands have been survey located and are shown on the attached site plan. The uplands on the property are situated along the western edge of the site and on a small knoll in the central portion of the property. The applicants have worked with their design team in order to rotate the house and reduce the footprint of the structure in order to minimize the proposed impacts to the wetlands and RPA buffers.

The wetlands on the site are connected and contiguous to downstream perennial features. A break in this system was not found during Roth Environmental's delineation of the wetlands. Pursuant to the DCR guidance document, "Resource Protection Areas: Nontidal Wetlands" revised dated December 10, 2007, nontidal wetlands that are connected and contiguous to downstream perennial streams are RPA features. Roth Environmental coordinated with the James City County Engineering and Resource Protection Division and confirmed this assessment.

A site plan is attached to this submission package. This plan shows the locations of the nontidal wetlands and the limits of the 50-foot RPA buffer. The development on the site is

either within the RPA feature (nontidal wetland) or the seaward 50-foot portion of the RPA buffer. No development can occur on the site without impacts to these features.

For this reason, the site cannot be developed without permits from the James City County CBPA Board and the Corps of Engineers. A Preconstruction Notification has been submitted to the Corps of Engineers for the wetland permit (Nationwide Permit 18). This permit will be provided to the Watershed Planner upon receipt.

The proposed plan for the development on the lot includes the construction of a house, driveway, and screened porch. There is not a development plan for this lot that will not encroach into the RPA feature and/or RPA buffer. As with many of the other lots in Ford's Colony, development of the site cannot be accomplished without encroachment into nontidal wetlands and the RPA buffer.

Development Alternatives

As with the original plan, the location of the proposed house on this lot is dictated by the upland knoll in the central-western portions of the lot. The applicants have changed their design layout from a single-story home to a two-story home in order to reduce the impervious area on the lot.

In the original application, the single-story home was designed and redesigned in effort to reduce the total footprint on the lot. Following much coordination with JCC staff on the original design, the applicant accepted the staff's recommendations and changed the home to a two-story structure. This reduces the total footprint of the impervious area for the design to 3,873 square feet.

As with the original plan, the engineer explored shifting the house forward to the front building setback. In moving the house to the front building setback, it must shift south and east to follow the building setback limit. When shifting the house to the east, the structure extends farther into the wetland area causing greater wetland impacts. Additionally, Ford's Colony commented on moving the home too far forward on the lot. They do not allow for homes to be constructed to where the rear of one home is visible from the front of the neighboring lot. Shifting the home to the front building setback was too far forward on the lot according to Ford's Colony.

The engineer explored turning the home counterclockwise on the lot to straighten the driveway in an attempt to shorten the driveway. This would create a home that is sited at an odd angle toward the street, with the front left corner of the driveway protruding farthest forward. Ford's Colony does not allow for homes to be shifted to where they are not in alignment with the other homes in the neighborhood.

In discussions with JCC staff, they recommended that we look at potentially flipping the home design to shorten the driveway. In this design, the wetland impacts increase as the slope to the

east from the eastern edge of the driveway extends farther into the wetland area. If it were not gradually sloped, there would be a sharp drop or slope off the eastern edge of the driveway which would create a dangerous situation for anyone exiting a car on that side of the driveway. As this modification would increase the wetland impacts, it was not used.

The grading/clearing limits are shown inside the silt fence. This area has been limited to the area around the eastern and rear portions of the house to a specified width to allow for equipment access only. The remainder of the clearing is the minimum to allow for equipment access, for the drainage swale on the western portion of the site, and for the driveway access.

House Design Discussion

Roth Environmental has worked with the Hochbergs in attempting to reduce the footprint of the house as much as possible. As discussed in the original application, the Hochbergs both have medical conditions that make it much safer for them to live in a single-story home.

Mr. Hochberg has had knee surgery and continues to have osteoarthritis in his knees. His doctor stated that a single-story home would be medically necessary.

Additionally, Mrs. Hochberg has a lower back condition that can be especially painful at times. Her doctor recommends that she live in a single-story home.

The Hochbergs have provided letters from their doctors that are attached to this submission.

In understanding the environmental significance of the impacts to wetlands and the RPA buffer, the Hochbergs have changed the floor plan of the house that they are proposing. Specifically, they have moved two bedrooms and a bathroom to the second floor. This has allowed for the 21% reduction in impervious area on the lot and a decrease of 71% of the wetland impact.

Impervious Encroachment in the RPA Buffer

Based on the site plans, the impervious area is divided as follows:

Impervious area in the wetlands – 682 square feet

Impervious area in the RPA buffer – 3,191 square feet

Total Impervious Area within the RPA Feature and Buffer – 3,873 square feet

As previously stated, the impervious area within the wetlands and RPA buffer has been reduced 1,010 square feet from the original plan.

In discussing the site plans, neither the original plan nor this revised plan is for homes that are overly large compared to the other houses in the neighborhood. Based on a review of the JCC GIS, the proposed plan would be the smallest house in the neighborhood.

The most direct comparison of homes in the neighborhood to the proposed plan are for 132 and 133 Swinley Forest. These homes are situated on the BMP (which was likely not an RPA feature when they were constructed), and share the same landscape position/RPA designation as the subject lot. These lots are to the east and west of the subject site.

As a comparison to these lots, the proposed impervious area on the subject site is significantly smaller than the impervious areas within the RPA buffers and/or wetlands on the adjacent lots.

- 132 Swinley Forest – 7,607 sf in the RPA buffer.
- 133 Swinley Forest – 5,557 sf in the RPA buffer.

Additionally, the subject site will not have a manicured lawn that extends to the banks of the stormwater pond as these two homes do. They will also maintain forested areas in which stormwater will filter as it drains toward the stormwater management pond.

Infiltration/BMP Assessment

As part of the project design, the engineer was asked if a bioretention area or infiltration basin could be installed and function properly. A soils report was prepared by ECS in order to determine if the soils were adequate for infiltration. The soil type on the property is poorly drained Johnston complex soils. These soils are known to have a high groundwater table.

Johnston complex soils are listed as A/D soils. This means that the soils are good to build on, but are saturated for a good portion of the year (which is why the wetlands are found here). The geologist that sampled the soils noted that the soils were moist to the surface.

The ECS report states that groundwater was encountered in their hand auger holes. The engineer has advised that designing a BMP in an area with moist soils and/or high groundwater would not be recommended as the available void-space in the gravel or underdrain would be filled with groundwater for the majority of the year.

Additionally, the engineer stated that the site also lacks enough topography to outfall an underdrain from an on-site bioretention area. The underdrain outfall pipe is needed in order to allow flow to escape the BMP during times of high flow.

These site characteristics are negative for the development of an on-site bioretention or infiltration BMP. The engineer determined that a BMP was not practicable to install and be functional.

Fortunately for stormwater treatment, this site drains into an existing stormwater management pond. Any stormwater that originates from the site will flow through a series of three functioning, maintained stormwater management ponds prior to discharge to the headwaters of Powhatan Creek.

Mitigation

The goal of the mitigation plan is to protect the environmental resources downstream. The greatest potential for degradation of the downstream resources caused by the proposed plan is nonpoint source pollution.

Mitigation for the impervious surface created by the proposed plan will include three elements. These are mitigative plantings, the purchase of mitigation units in the JCC Mitigation Fund, and enrollment in the “Turf Love” program. By incorporating all of these elements into the site plan, the applicant has provided the maximum removal of potential nonpoint source pollutants associated with the project. Additionally, stormwater that does discharge from the site will flow into the stormwater management pond located to the north of the project area. Water that enters this stormwater system, travels through three stormwater ponds prior to being discharged into the headwaters of Powhatan Creek. As a result, downstream wetlands and waters will not be adversely impacted by the project.

Table 1: Nonpoint source pollutants identified in the Chesapeake Bay Preservation Act, their potential to affect the downstream resources, and the mitigation proposed to offset these potential impacts are shown in the table below.

Pollutant	Main Potential to Affect Downstream Resources	Measures to Control Pollutants
Sediment	Moderate during construction, high flows of stormwater during and after construction, and if area around the house is left unvegetated/unstabilized	During construction – DEQ approved erosion and sediment controls. Following construction – permanent seeding, mitigation plantings, and mulching.
Nutrients	Moderate as part of lawn care	Enrollment in the Turf Love Program will reduce over-application of fertilizers and pesticides. Mitigative plantings will use available nutrients.
Bacteria	No significant sources of bacteria	N/A
Viruses	No significant sources of viruses	N/A
Oxygen Depletion	Minimal – This could potentially be caused downstream by very high application of fertilizers	Enrollment in the Turf Love Program will reduce over-application of fertilizers and pesticides.
Hydrocarbons	Minimal - Potentially caused by leaks from construction equipment during land disturbing activities	Standard DEQ pollution prevention controls will be utilized during heavy equipment use on-site. This includes a spill prevention kit

		on-site during land disturbing activities
Toxic Metals	None – no toxic metals are anticipated to be used on the site	N/A
Toxic Chemicals	None – no toxic chemicals are anticipated to be used on the site	N/A
Chlorides/Chlorinated Water	Low – No pools proposed, exceptionally low potential from lawn watering	N/A
Increases in Water Temperature	Low/Moderate from rooftop	Any runoff from the house/driveway area will first flow through the forested wetlands that will remain on the site. Any runoff that flows off the site will enter the stormwater pond system. These ponds accept runoff from the surrounding golf course and adjacent properties. This intermixing of runoff will reduce any higher temperature water that could exit the site. Mitigative plantings will also provide shade that reduces potential thermal pollution in runoff.

Mitigative Plantings

The proposed impervious area on the site is 3,873 square feet. The total number of mitigative plantings required for the project is ten. As recommended in the Riparian Buffer Restoration Guide, mitigation on the site will consist of planting of one canopy tree, two understory trees, and three shrubs for every 400 square feet of impervious area added to a site.

The remaining area within the clearing limits, once the house is constructed, is relatively small. Therefore, the mitigation proposed is modified to five units of mitigative plantings with mulch beds and the purchase of five units from the JCC Mitigation Fund. This will prevent overcrowding of plantings. The mitigation plantings are depicted on the landscape plan.

All plantings will be located within the RPA buffer (and feature) as shown on the landscape plan. This will include plantings around the foundation of the house and along the edges of the clearing limits. We specifically added the plants around the clearing limits so that they will have a greater opportunity to absorb nutrients, stabilize the soils, and prevent erosion.

Mitigative plantings have also been incorporated into the wetlands on-site in order to enhance their functions. The wetland area to the east and southeast of the proposed house contains only canopy and herbaceous species. Increasing the density of the plantings in the understory and shrub layers will increase the wetland's ability to absorb nutrients, toxicants, and reduce sediments. It will also aid in stabilizing the soils in the drainage feature. The vegetation will also aid in the reduction of thermal pollution of the stormwater runoff by creating shaded areas.

The added vegetation will also aid in treating stormwater that flows into the wetland from Swinley Forest. The stormwater will now have the opportunity to drain through this area with enhanced vegetation that will stabilize the soils and provide additional nutrient uptake.

For the mitigation species, canopy trees will be a minimum of 1.5" caliper or six feet tall. Understory trees will be a minimum of 0.75" caliper or five feet tall. Shrubs will be a minimum of 3 gallons in size or 18" tall. The goal of the landscape plan is to achieve a minimum of 75% native species planted for the mitigation effort. The remainder of the species may be non-native ornamental species. It is recommended that all plantings be installed in the fall or early winter.

Native trees and shrubs will be selected from the Native Plant List found on the James City County website.

The landscape plan included with the submission package shows the location of these plantings. Should specified native species not be available from local nursery stock at the time of planting, the applicant will coordinate with the CBPA Staff Liaison, Trevor Long, prior to purchase of the plant materials for approval of alternate native species.

As part of the typical CBPA encroachment requirements, the applicant will post a surety for the proposed plantings. This surety will be determined by county staff and be returned to the applicant once the mitigative plantings are installed and the county verifies their installation. Additionally, the applicant will enter into the standard county agreement to maintain the mitigative plantings.

Turf Love Program

With the use of turf grass in the site design, the applicants will enroll in the "Turf Love" program administered by the Virginia Cooperative Extension for all areas within the buffer that are proposed for turf grass. As part of this program, a cooperative extension agent will perform an on-site lawn/site analysis and will teach the residents how to produce healthy turf while reducing the use of fertilizers, pesticides, and insecticides.

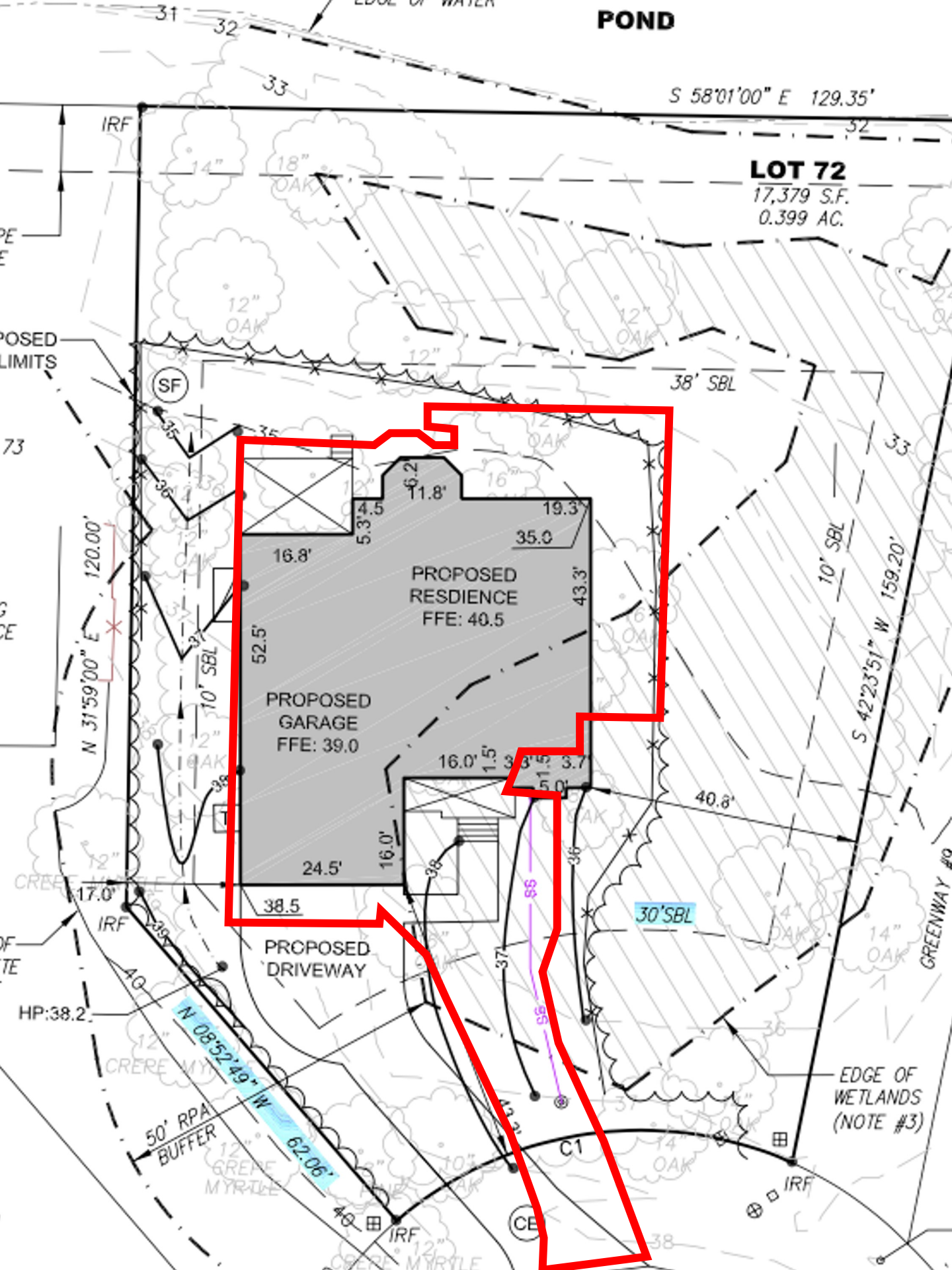
Stormwater Management Ponds

Runoff from this portion of Ford's Colony drains into a BMP system that includes several stormwater ponds that flow in series to the headwaters of Powhatan Creek. For runoff that originates at 134 Swinley Forest, stormwater will flow through BMP Numbers PC147, PC146,

and PC084. All of the ponds are being maintained and function as designed to remove sediments and nutrients. A diagram of the three stormwater ponds and the flow from the site is included with this submission. As previously discussed, all stormwater for this proposed project will be treated in all three of these stormwater management ponds prior to it flowing into the headwaters of Powhatan Creek. **Therefore, there will be no water quality degradation as a result of the construction of the proposed home.**

/Users/Roth/Documents/Roth Environmental, LLC/Projects/2022/22-209.134 Swinley Forest/2022 CBPA Submission/Submission #2/2022.11.22.Project Description and Mitigation Plan.134 Swinley Forest.REVISED.docx

POND





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

SHRINK-SWELL SOIL INVESTIGATION

ECS CLIENT: Ann Oropeza
 145 Riviera
 Williamsburg, Virginia 23188

DATE: February 2, 2018

PROJECT NAME: 134 Swinley Forest Shrink-Swell

ECS PROJECT #: 07:14138

PROJECT ID: ADDRESS: 134 SWINLEY FOREST
 COUNTY, STATE: JAMES CITY, VIRGINIA

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

SITE CHARACTERISTICS: (Topography / Existing Development / Vegetation / Drainage / Etc.)
BASED ON SITE VISIT BY: M. Lewis **ON:** 2/1/2018

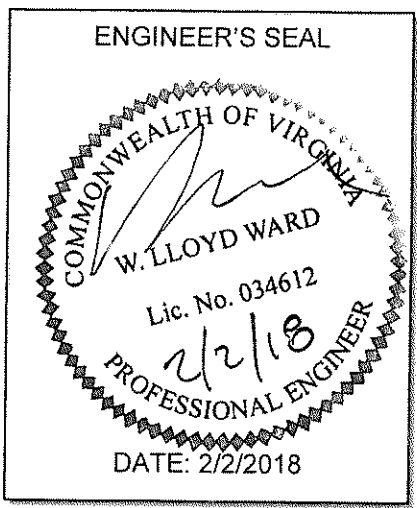
At the time of our site exploration, the site was observed to be sparsely wooded and relatively flat.

SUBSURFACE CONDITIONS: [BASED ON HAND AUGER BORINGS]

- **Fill Encountered:** Yes No **Groundwater Encountered:** Yes No
- **USCS-USDA Soil Series:** JOHSTON 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.



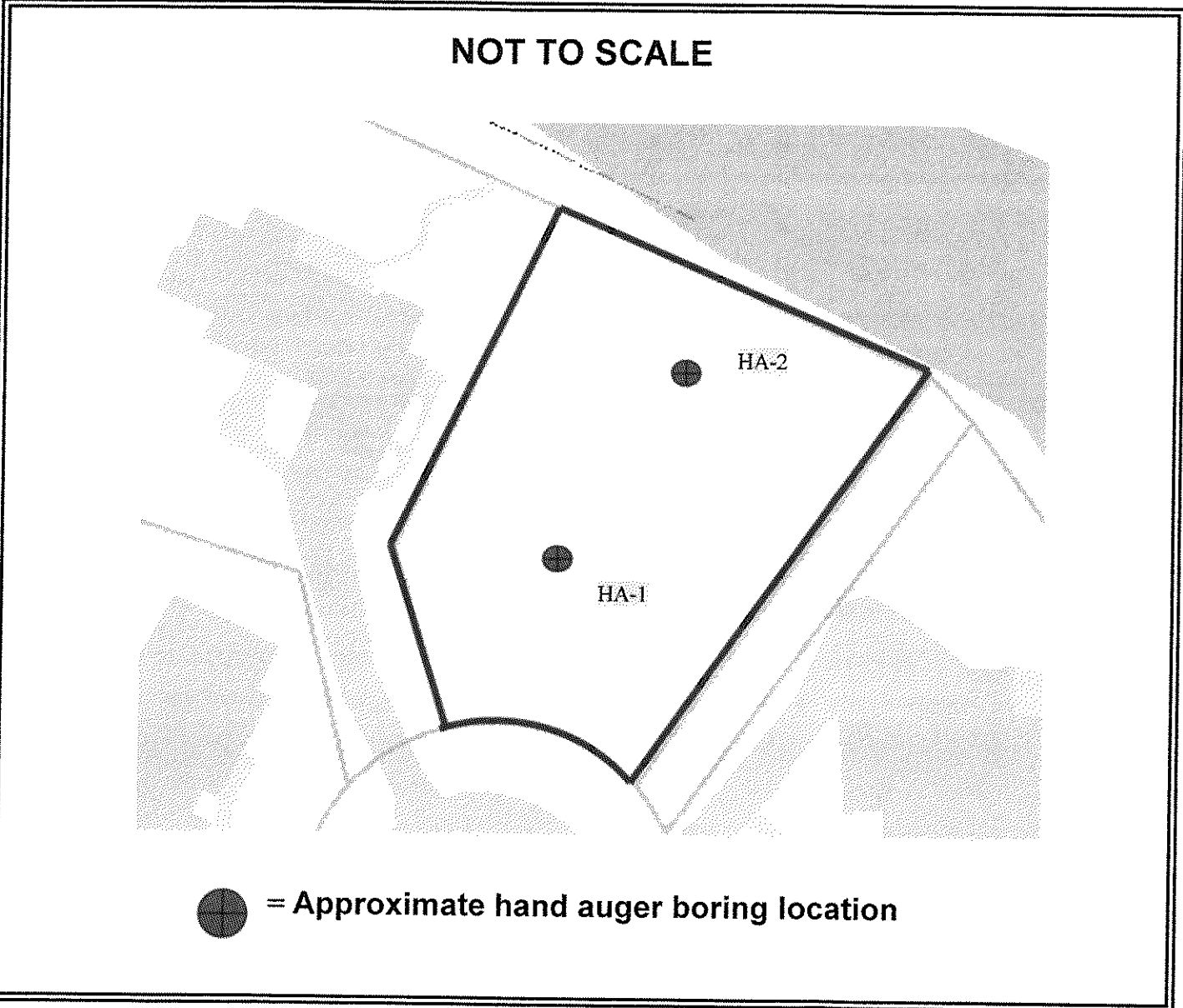
Additional Notes- Footings should be extended through all FILL soils (if encountered) to suitable, firm natural soils.



HAND AUGER BORING LOCATION DIAGRAM

ECS PROJECT #: 07:14138

ADDRESS: 134 SWINLEY FOREST
COUNTY, STATE: JAMES CITY, VIRGINIA



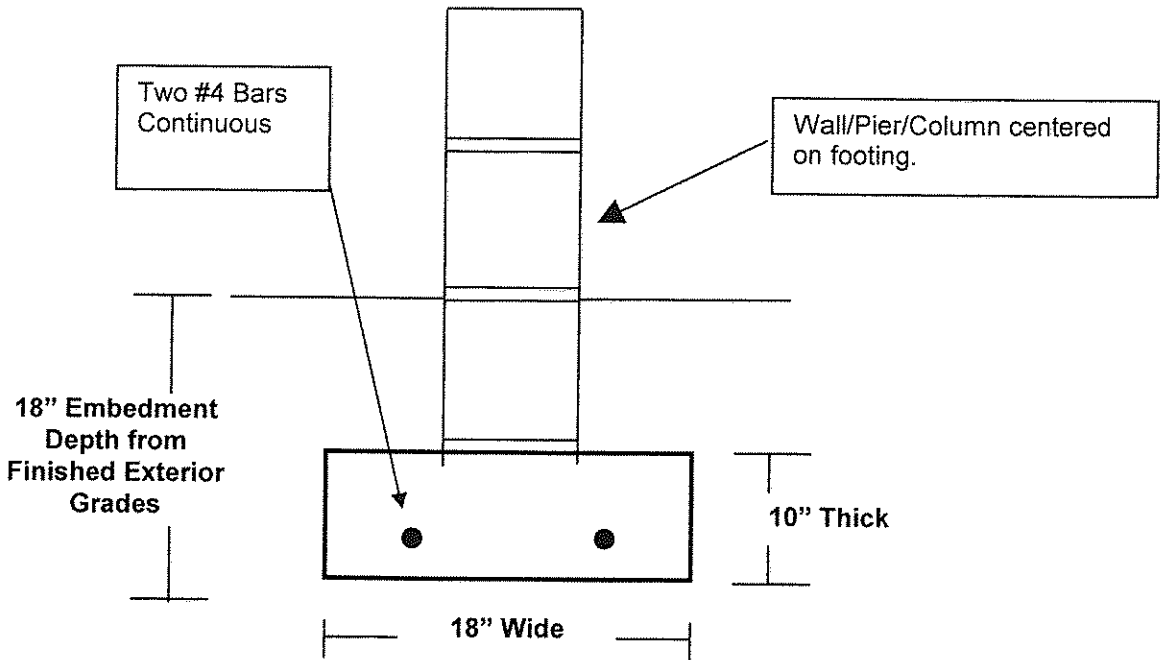


FOOTING DESIGN DETAIL

ECS PROJECT #: 07:14138

ADDRESS: 134 SWINLEY FOREST
COUNTY, STATE: JAMES CITY, VIRGINIA

NOT TO SCALE

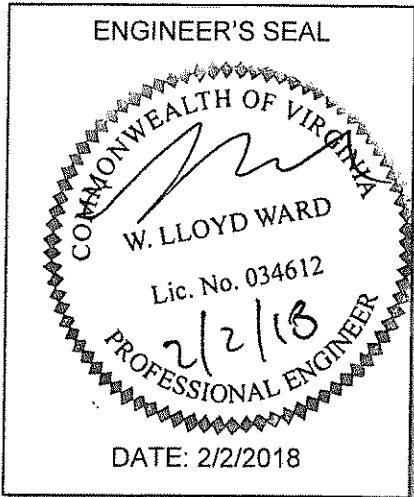


NOTES:

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 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.





HAND AUGER BORING LOGS

ECS PROJECT #: 07:14138

ADDRESS: 134 SWINLEY FOREST
COUNTY, STATE: JAMES CITY, VIRGINIA

DEPTH (inches)	LOCATION: HA-1
	DESCRIPTION OF MATERIALS
0-72	Fine to Medium Clayey SAND (SC), Grey mottled Tan, Moist
	END OF BORING AT 72 INCHES

DEPTH (inches)	LOCATION: HA-2
	DESCRIPTION OF MATERIALS
0-24	Fine to Medium Silty SAND(SM), Grey mottled Tan, Moist
24-72	Fine to Medium Clayey SAND (SC), Grey mottled Tan, Moist
	Groundwater encountered at 4.5 feet
	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 2012 IBC. Additionally, the net allowable soil pressure referenced in the cover report is based on our experience with soils in the project area as well as the "Presumptive Bearing Values of Foundation Materials" as outlined in Table 1806.2 of the 2012 International 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 2012, Section R404.1.3, "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.

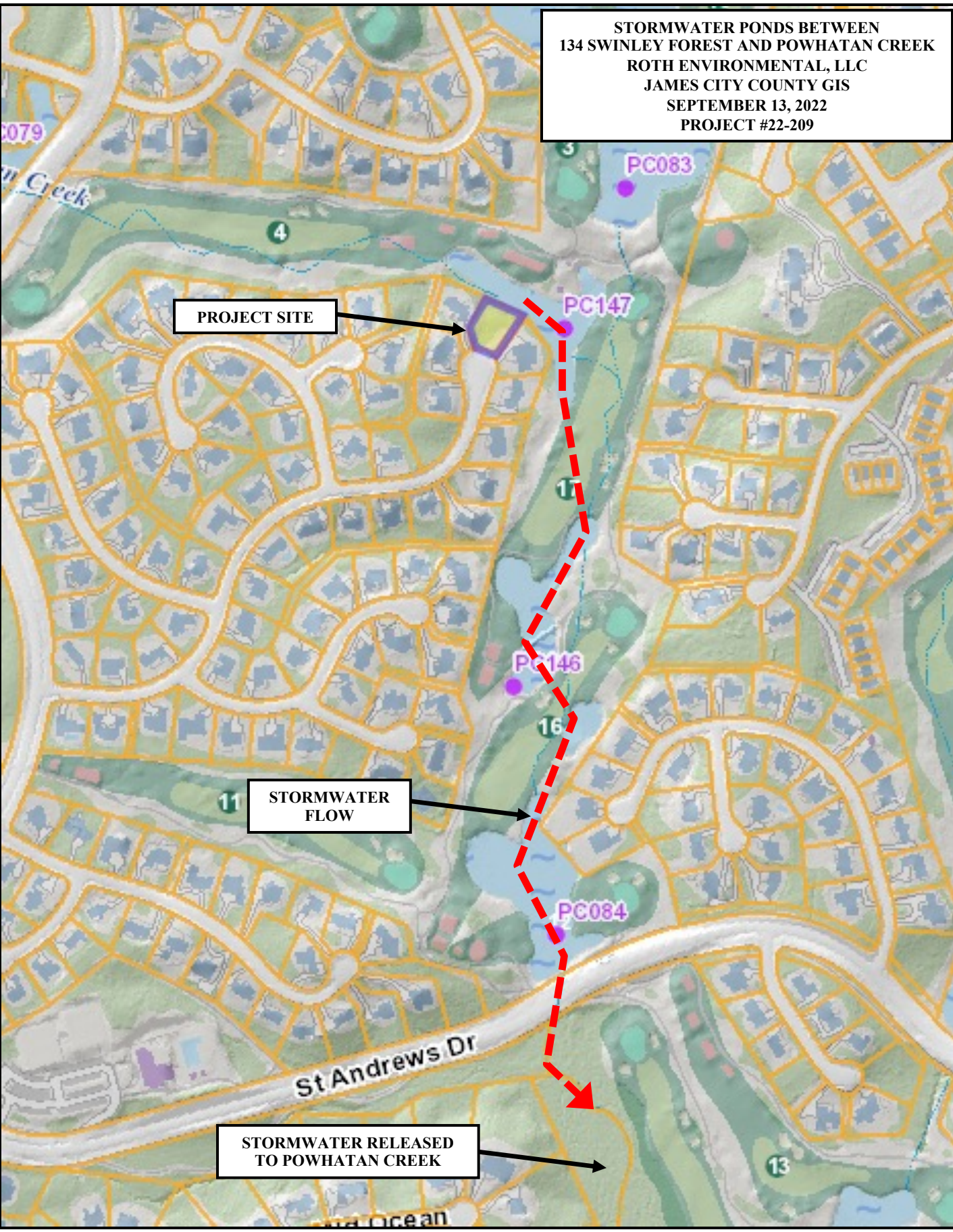
Furthermore, it is sometimes difficult to characterize soil content and consistency using hand auger borings alone. Therefore, as a critical part of a complete soil evaluation, all footing excavations should be observed for conformance with the Virginia Uniform Statewide Building Code and to ascertain 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.

STORMWATER PONDS BETWEEN
134 SWINLEY FOREST AND POWHATAN CREEK
ROTH ENVIRONMENTAL, LLC
JAMES CITY COUNTY GIS
SEPTEMBER 13, 2022
PROJECT #22-209

PROJECT SITE

STORMWATER FLOW

STORMWATER RELEASED TO POWHATAN CREEK





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

FORDS COLONY AT WILLIAMSBURG
100 MANCHESTER
WILLIAMSBURG, VA 23188-7404

RE: CBPA-22-0135
134 SWINLEY FOREST
Development of a single family
dwelling in the RPA buffer

October 17, 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 Matthew Roth, on behalf of Alan Hochberg for encroachments into the Resource Protection Area (RPA) buffer for the development of a single family dwelling in the RPA buffer on property located at 134 SWINLEY FOREST, JCC Parcel No. 3130400072.

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, 11/9/2022, at 5:00 p.m.**, in the Board Room of Building F, 101 Mounts Bay Road, James City County, Virginia, at which time you may request to speak on the above referenced project.

Sincerely,

Trevor Long

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



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HOCHBERG, ALLAN MERRILL
4419 PLEASANT VIEW DR
WILLIAMSBURG, VA 23188-8027

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Matthew Roth, Roth Environmental
700 PRESCOTT
NEWPORT NEWS, VA 23602-019

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NORAN, JAMES E TRUSTEE &
132 SWINLEY FRST
WILLIAMSBURG, VA 23188-7454

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WILLIAMSBURG, VA 23188-7454

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SCHNEIDER, EDWARD T & LEIGH ANN L
303 CHAPELWOOD LN
TIMONIUM, MD 21093-2813

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WATKINS, JAMES K TRUSTEE &
131 SWINLEY FRST
WILLIAMSBURG, VA 23188-7457

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PIN	Last Name	Address Line 1	City	State	Zip Code
3620300001A	FORDS COLONY AT WILLIAMSBURG	100 MANCHESTER	WILLIAMSBURG	VA	23188-7404
3130400072	HOCHBERG, ALLAN MERRILL	4419 PLEASANT VIEW DR	WILLIAMSBURG	VA	23188-8027
	Matthew Roth, Roth Environmental	700 PRESCOTT	NEWPORT NEWS	VA	23602-019
3130400071	NORAN, JAMES E TRUSTEE &	132 SWINLEY FRST	WILLIAMSBURG	VA	23188-7454
3130400070	NORBURY, JOHN W TRUSTEE &	130 SWINLEY FRST	WILLIAMSBURG	VA	23188-7454
3130400073	SCHNEIDER, EDWARD T & LEIGH ANN L	303 CHAPELWOOD LN	TIMONIUM	MD	21093-2813
3130400074	WATKINS, JAMES K TRUSTEE &	131 SWINLEY FRST	WILLIAMSBURG	VA	23188-7457

More bird populations across US reach tipping point

Some of affected species may come as a surprise

By Everett Eaton
Staff Writer

More than half of bird populations are sharply declining across the United States, and dozens have been added as tipping point species — but species like swans and geese are doing fine.

Tipping point species are close to threatened or endangered status because they have lost half or more of their populations in the last 50 years. The State of the Birds Report, by the North American Bird Conservation Initiative, used five different sources of data, including the North American Breeding Bird Survey and the Audubon Christmas Bird Count.

Everyone needs to begin thinking about conserving common species before they become uncommon, said Nick Flanders, an officer at the Cape Henry Audubon Society, a local chapter of the National Audubon Society located in Norfolk. Part of this is looking at if they need a specific habitat to flourish and protecting that space because building populations back is more difficult than maintaining them.

"It is a little bit harder to get people excited about protecting a rare species of grass to help that habitat for a bird species," Flanders said. "So if you are interested in protecting that bird species people are interested in, that works a lot better."

Maintaining bird populations also helps preserve other plants and animal populations in the different ecosystems and keep those environments healthy. One way to do this is by protecting the other parts of the ecosystem, not just the birds.

Some of the birds on the list may come as a surprise. A trip to the beach comes with a myriad of sounds, including the relentless squawk of seagulls and their seemingly endless invasions to steal snacks from beachgoers.

The Heermann's gull, a species within the broader seagull group, has lost half its population over the last 50 years and is on track to lose another half of its remaining population over the coming 50 years.

Issues like habitat decline and an increasingly limited food supply from natural sources add to the dramatic population loss of the gulls. According to the report, more than 60% of seabird species were found to have eaten plastic, and 40% have been tangled up in the waste such as spent fishing nets.

Other seabirds, including two different kinds of albatross, petrels and the red-faced cormorant, made the tipping point list. The report also lists many wetland birds.



A great blue heron takes flight from a rock it was sharing with a great black-backed gull on a misty morning on Great Salt Bay in Newcastle, Maine. **ROBERT F. BUKATY/AP**

Flanders said factors like sea-level rise will create conservation challenges in helping the different species.

"The marsh only has a small threshold before flooding, and especially when there is a development behind it, like houses, the birds don't really have anywhere to go," Flanders said.

Species like the salt marsh sparrow that lay their eggs in the marshes are vulnerable and have lost about 9% of their population per year since the 1990s. The population could collapse in the next 50 years if nothing is done, according to the Atlantic Coast Joint Venture, a conservation organization. Frequent and more intense nest flooding due to sea level rise is currently the greatest threat to this species.

Although there are significant losses, it is not all doom-and-gloom.

The decline of Eastern forest birds has slowed over the last decade, according to

the report. The cerulean warbler and the wood thrush showed about a 60% decline since 1970, but their populations are not dwindling as fast. The wood thrush population even recently saw a slight increase of a little over a half percent.

The Appalachian Mountains Joint Venture, a partnership of over 50 federal, state and nonprofit organizations, has made large contributions in habitat restoration. In 2020, AMJV restored more than 8,700 acres of habitat on private land between West Virginia, Maryland and Pennsylvania. Some of the largest population increases came from these improved areas.

Some of the forested species listed in the report appear to be doing well in Hampton Roads, such as the prairie warbler, Flanders said. The Great Dismal Swamp, among other preserves, is a haven for the warblers, and they are common during the breeding season — which is why Flanders

was initially surprised upon reading their name on the list.

"But, if you think about the areas away from these protected areas, with the development and loss of forested area, some of these declines do make more sense," he said.

Waterfowl like geese, which are seeing record high populations, have adapted from habitat loss and began to use areas like farmland to live.

There have also been local and federal conservation efforts to protect waterfowl populations. The North American Wetlands Conservation Act and U.S. Farm Bill conservation programs are two examples that provide incentives for farmers to improve habitats, like wetlands, on their property.

Everett Eaton, 262-902-7896,
everett.eaton@virginiamedia.com



PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY, NOVEMBER 9, 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 CASES:

WJPA-22-0023: Daniel Winal, Waters Edge Construction, has applied for a wetlands permit on behalf of Mark Gillespie for the installation of a riprap revetment on property located at 7624 Uncles Neck, JCC Parcel No. 2030200031.

WJPA-22-0021: Karla Havens, Mid-Atlantic Resource Consulting, has applied for a wetlands permit on behalf of Larry & Carla Evans for the installation of two breakwaters and beach nourishment on property located at 1485 John Tyler Hwy, JCC Parcel No. 3430300003.

WJPA-22-0024: Mo Bloxom, Southern Landscaping LLC, has applied for a wetlands permit on behalf of Taylor & Colleen McMurdo for the installation of a stone revetment on property located at 124 Four Mile Tree, JCC Parcel No. 1640500010.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-22-0132: Timothy Jones Two Rivers Built, has applied for a Chesapeake Bay Exception on behalf of Christopher Tucker for encroachments into the Resource Protection Area (RPA) buffer for a proposed deck on property located at 103 Cove Road, JCC Parcel No. 4910240005.

CBPA-22-0086: Emily Salkind, Balzer & Associates has applied for a Chesapeake Bay Exception on behalf of Stephen & Holly Garrow for encroachments into the RPA buffer for the construction of a new single-family dwelling on property located at 9208 Candle Light Court, JCC Parcel No. 3303000051.

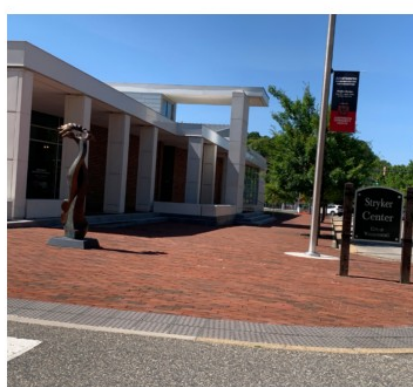
CBPA-22-0135: Matthew Roth, Roth Environmental, LLC, has applied for a Chesapeake Bay Exception on behalf of Alan Hochberg for encroachments into the RPA buffer for the development of a single-family dwelling in the RPA buffer on property located at 134 Swinley Forest, JCC Parcel No. 3130400072.

CBPA-22-0139: Ryan Stephenson, AES Consulting Engineers, has applied for a Chesapeake Bay Exception on behalf of Boyd Corporation for encroachments into the RPA buffer for the construction of a single-family dwelling on property located at 2800 Durleys Mill Road, JCC Parcel No. 4741000008.

CBPA-22-0141: Charlie Hippie, has applied for a Chesapeake Bay Exception on behalf of Michael & Mary Hippie for encroachments into the RPA buffer for an accessory structure on property located at 821 Arlington Island Road, JCC Parcel No. 9401000003.

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.



The Stryker Center in Williamsburg. **KIM O'BRIEN ROOT/STAFF**

Commission gives OK to subdivision request at Quarterpath Development

By Sian Wilkerson
Staff Writer

WILLIAMSBURG — The Williamsburg Planning Commission voted to approve a request to subdivide an 86-acre parcel along Battery Boulevard for the Quarterpath at Williamsburg Development.

Quarterpath, which has been in development for nearly two decades, is a large, mixed-use development project at the intersection of Route 199 and Route 60. In 2004, Riverside acquired 380 acres of land for a site for a new hospital, which opened in 2013.

The property owner is subdividing the 86 acres into seven lots to sell to developers to complete an approved master plan that includes multifamily residentials, townhomes, retail and medical-related office buildings to create a medical campus.

Calling the application "straightforward," the commission approved it unanimously.

In other business, the commission voted

to approve a request to amend the zoning ordinance to allow a family entertainment center on Richmond Road in the Corridor Business District.

The request included the adaptive reuse and conversion of the 65,000-square-foot single use building that formerly housed the Yankee Candle store on 2200 Richmond Road. The center will include arcades, billiards, bowling and more.

One resident, Todd Krause, expressed concern that an entertainment center might cause prohibitive noise.

"I'm a little worried about the impact that this is going to have for me and my neighbors," said Krause, who lives in the neighborhood behind the property.

The commission cited the city's noise ordinance that already exists, which would keep the new center within allowable noise levels.

Sian Wilkerson, sian.wilkerson@pilotonline.com, 757-342-6616

ITEM SUMMARY

DATE: 11/9/2022

TO: Chesapeake Bay Board

FROM: Trevor Long, Chesapeake Bay Board Secretary

SUBJECT: CBPA-22-0139 : 2800 Durfey's Mill Road

CBPA-22-0139: Ryan Stephenson, AES Consulting Engineers, has applied for a Chesapeake Bay Exception on behalf of Boyd Corporation for encroachments into the RPA buffer for the construction of a single-family dwelling on property located at 2800 Durfeys Mill Road, JCC Parcel No. 4741000008.

ATTACHMENTS:

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

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	11/2/2022 - 10:33 PM
Chesapeake Bay Group	Small, Toni	Approved	11/3/2022 - 8:14 AM
Publication Management	Pobiak, Amanda	Approved	11/3/2022 - 8:50 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	11/3/2022 - 9:41 AM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-22-0139. 2800 Durfeys Mill Road
Staff Report for the December 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: Boyd Corporation

Agent: Mr. Ryan Stephenson, AES Consulting Engineers

Location: 2800 Durfeys Mill Road

Parcel Identification No.: 4741000008

Parcel: Lot 8A Durfeys Mill

Lot Size: 0.92 acres

Area of Lot in Resource Protection Area (RPA): 0.88 acres (96%)

Watershed: Mill Creek (JL33)

Floodplain: Zone AE - Base flood elevation 7

Proposed Activity: Construction of a single-family dwelling

Impervious Cover: 3,353 square feet

RPA Encroachment: 1,052 square feet, landward 50-foot RPA
2,301 square feet, seaward 50-foot RPA

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

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Ryan Stephenson, AES Consulting Engineers, has applied for a Chesapeake Bay Exception on behalf of Boyd Corporation for encroachments into the RPA buffer for the construction of a single-family dwelling located at 2800 Durfeys Mill Road within the Durfeys Mill subdivision and the Mill Creek watershed. The property is further identified as James City County Tax Map Parcel No. 4741000008. The parcel was platted in 1998, after the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The total lot size of this property is 0.92 acres, of which 96% is located within the RPA. The applicant is proposing to construct a single-family dwelling. Total impacts to the RPA associated with this proposal equate to 1,052 square feet of impacts to the landward 50-foot RPA and 2,301 square feet of impacts to the seaward 50-foot RPA, totaling 3,353 square feet of impacts. Required mitigation for this amount of impervious impacts equals eight planting units (eight canopy trees, 16 understory trees, and 24 shrubs). No infiltration measures have been proposed at this time because of the proximity to wetlands and the subsequent soils. The wetlands on this property are non-tidal and therefore outside the jurisdiction of the local wetlands board. Additionally, no wetland impacts are proposed at this time.

STAFF EVALUATION

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

CONSIDERATION BY THE CHESAPEAKE BAY BOARD

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

1. The exception request is the minimum necessary to afford relief; and
2. Granting the exception will not confer upon the 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 denial for this exception request. It has not been shown to be the minimum necessary to afford relief; however, 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 mitigation plan equating to eight planting units must be submitted to the Stormwater and Resource Protection Division and approved prior to the project start; and
3. A surety of \$4,000 must be submitted in a form acceptable to the James City County Attorney's Office to guarantee the mitigation plantings; and
4. An affidavit must be recorded in the Williamsburg/James City County Courthouse prior to the issuance of a building permit; and
5. A six-foot chain link fence must be installed at the limits of clearing to reduce impacts to the adjacent wetlands; and
6. This exception request approval shall become null and void if construction has not begun by December 14, 2023; and

7. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than November 2, 2023, six weeks prior to the expiration date.

TAL/ap
CBPA22-139_2800DurfeysMill

Attachments:

1. Resolution
2. Site Plan

LEGEND			
	WETLANDS	N/F	NOW OR FORMERLY
	WATER METER	R/W	RIGHT-OF-WAY
	SANITARY MANHOLE	P.B.	PLAT BOOK
	UTILITY PEDESTAL	INSTR.	INSTRUMENT
	REINFORCED CONCRETE PIPE	B.S.L.	BUILDING SETBACK LINE
	POWER / UTILITY POLE	S.F.	SQUARE FEET
	EDGE OF PAVEMENT	AC.	ACRES
	SURVEYED PROPERTY LINE		ADJACENT PROPERTY LINE
	IRON ROD FOUND	-45-	EXISTING CONTOUR W/ ELEVATION

PARCEL INFORMATION:

- SUBJECT PARCEL IS ALL OF LOT 8A, PHASE ONE, LAKE POWELL POINTE.
PIN: 4741000008
PARCEL ADDRESS: 2808 DURFEY'S MILL ROAD, WILLIAMSBURG, VIRGINIA, 23185
PARCEL OWNER: BOYD CORPORATION
RECORDATION: D.B. 777, PG. 825
PARCEL REFERENCES: P.B. 71, PG. 69 & 70 (SUBDIVISION LAKE POWELL POINTE, PHASE ONE)
P.B. 71, PG. 6 & 7 (PROPERTY LINE ADJUSTMENT PLAT LOTS 5,6,7 AND 8, DURFEY'S MILL)

SURVEY NOTES:

- THIS TOPOGRAPHIC MAP BASED ON FIELD SURVEY PERFORMED BY AES CONSULTING ENGINEERS PERSONNEL ON SEPTEMBER 1, 2022.
- SURVEY BASED ON GPS OBSERVATIONS TIED TO JAMES CITY COUNTY CONTROL NETWORK.
- SURVEY DATUM:
HORIZONTAL: JAMES CITY COUNTY CONTROL NETWORK (NAD83).
VERTICAL: JAMES CITY COUNTY CONTROL NETWORK (NGVD 29)
- SITE BENCHMARK IS NORTH WEST CORNER OF STORM INLET LOCATED NEAR CENTER FRONT OF LOT 6A (PIN: 4741000006) AT GUTTER, ELEV.= 30.10.
- THIS PROPERTY LIES WITHIN FLOOD ZONE X, (AREAS DETERMINED TO BE OF MINIMAL FLOOD HAZARD) PER F.I.R.M. #51095C0201D, MAP REVISED DATE DECEMBER 16, 2015.

NOTE:

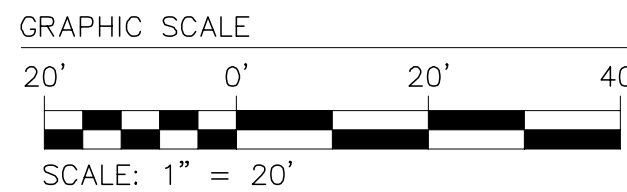
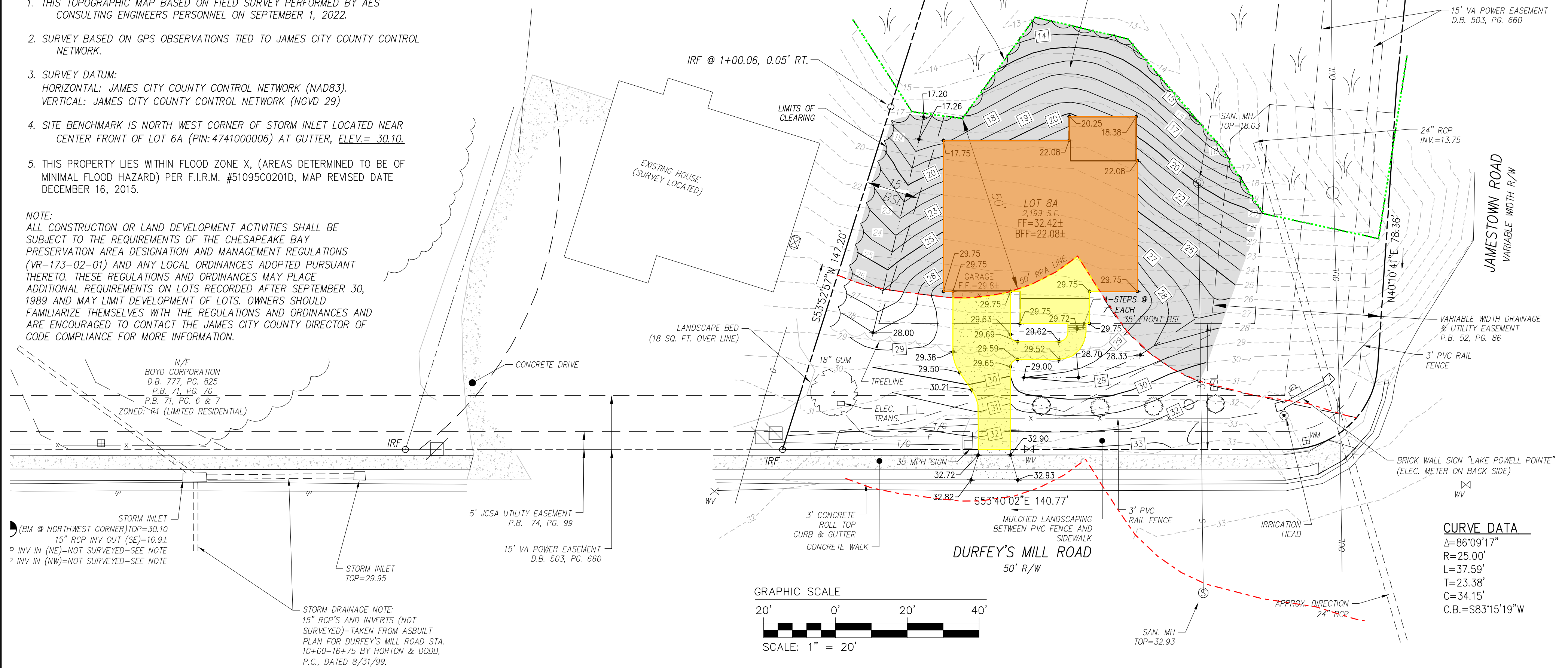
ALL CONSTRUCTION OR LAND DEVELOPMENT ACTIVITIES SHALL BE SUBJECT TO THE REQUIREMENTS OF THE CHESAPEAKE BAY PRESERVATION AREA DESIGNATION AND MANAGEMENT REGULATIONS (VR-173-02-01) AND ANY LOCAL ORDINANCES ADOPTED PURSUANT THERETO. THESE REGULATIONS AND ORDINANCES MAY PLACE ADDITIONAL REQUIREMENTS ON LOTS RECORDED AFTER SEPTEMBER 30, 1989 AND MAY LIMIT DEVELOPMENT OF LOTS. OWNERS SHOULD FAMILIARIZE THEMSELVES WITH THE REGULATIONS AND ORDINANCES AND ARE ENCOURAGED TO CONTACT THE JAMES CITY COUNTY DIRECTOR OF CODE COMPLIANCE FOR MORE INFORMATION.

PIN: 4741000007
LOT 7A
PHASE ONE, LAKE POWELL POINTE
ADDRESS: 2804 DURFEY'S MILL RD.
N/F
GENE H. BARR (TRUSTEE)
INSTR.: 09000493
P.B. 71, PG. 70
ZONED: R1 (LIMITED RESIDENTIAL)

LAKE POWELL
N/F
STANLEY H. POWELL, ET AL
INSTR.: 200012448

NOTE:
EDGE OF WATER OF LAKE POWELL IS
PROPERTY LINE PER P.B. 71, PG. 70
(WATERLINE NOT SURVEYED)

AREA OF LOT 8A
PER RECORDED PLAT
39,864 S.F. ±
0.692 AC. ±



CURVE DATA

Δ=86°09'17"
R=25.00'
L=37.59'
T=23.38'
C=34.15'
C.B.=S83°15'19"W

Rev.	Date	Description	Revised By

AES
CONSULTING ENGINEERS
Hampton Roads | Central Virginia | Middle Peninsula

5248 Olde Towne Road, Suite 1
Williamsburg, Virginia 23188
Phone: (757) 253-0040
www.aesva.com

PRELIMINARY PLOT PLAN
**LAKE POWELL POINTE
LOT 8A**

BERKELEY DISTRICT | JAMES CITY COUNTY | VIRGINIA

Project Contacts: TRS
Project Number: W10767
Scale: 1"=20' | Date: 9/20/22
Sheet Number

LOT 8A

RESOLUTION

CASE NO. CBPA-22-0139. 2800 DURFEYS MILL ROAD

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Ryan Stephenson, AES Consulting Engineers, on behalf of Boyd Corporation, (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on November 9, 2022, to request an exception to use the Resource Protection Area on a parcel of property identified as James City County Real Estate Tax Map Parcel No. 4741000008 and further identified as 2800 Durfeys Mill Road, as set forth in the application CBPA-22-0139 for the purpose of constructing a single-family dwelling; 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-22-0139, 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 Applicant must submit a mitigation plan equating to eight planting units to the Stormwater and Resource Protection Division prior to the project start; and
3. A surety of \$4,000 must be submitted in a form acceptable to the James City County Attorney’s Office to guarantee the mitigation plantings; and
4. An affidavit must be recorded in the Williamsburg/James City County Courthouse prior to the issuance of a building permit; and
5. A six-foot chain link fence must be installed at the limits of clearing to reduce impacts to the adjacent wetlands; and
6. This exception request approval will become null and void if construction has not begun by December 14, 2023; and
7. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than November 2, 2023, six weeks prior to the expiration date.

Halle Dunn
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 December, 2022.

CBPA22-139_2800DurfeysMillApp-res

RESOLUTION

CASE NO. CBPA-22-0139. 2800 DURFEYS MILL ROAD

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

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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-22-0139.

Halle Dunn
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 December, 2022.

CBPA22-139_2800DurfeysMillDny-res



General Services
107 Tewning Road
Williamsburg, VA 23188
P: 757-259-4080
General.Services@jamescitycountyva.gov
jamescitycountyva.gov

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113 Tewning Road
Williamsburg, VA 23188
757-259-4080

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

BARR, GENE H TRUSTEE
2804 DURFEYS MILL RD
WILLIAMSBURG, VA 23185-3243

RE: CBPA-22-0139
2800 DURFEYS MILL RD
Construction of a single-family
dwelling

October 17, 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 Ryan Stephenson, AES Consulting Engineers, on behalf of Boyd Corporation for encroachments into the Resource Protection Area (RPA) buffer for the construction of a single-family dwelling on property located at 2800 DURFEYS MILL RD, JCC Parcel No. 4741000008.

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, 11/9/2022, at 5:00 p.m.**, in the Board Room of Building F, 101 Mounts Bay Road, James City County, Virginia, at which time you may request to speak on the above referenced project.

Sincerely,

Trevor Long

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



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BOYD CORPORATION
P O BOX 62209
VIRGINIA BEACH, VA 23466-2209

RE: CBPA-22-0139
2800 DURFEYS MILL RD
Construction of a single-family
dwelling

October 17, 2022

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

BOYER, JOSEPH L & CATHERINE L
2801 DURFEYS MILL RD
WILLIAMSBURG, VA 23185-3273

RE: CBPA-22-0139
2800 DURFEYS MILL RD
Construction of a single-family
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October 17, 2022

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757-565-0971

CHEATHAM, GRANT H
100 RICH NECK RD
WILLIAMSBURG, VA 23185-3233

RE: CBPA-22-0139
2800 DURFEYS MILL RD
Construction of a single-family
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October 17, 2022

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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

GOFF, EVAN P & MOORE, CHELSEA M
2805 DURFEYS MILL RD
WILLIAMSBURG, VA 23185-3243

RE: CBPA-22-0139
2800 DURFEYS MILL RD
Construction of a single-family
dwelling

October 17, 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 Ryan Stephenson, AES Consulting Engineers, on behalf of Boyd Corporation for encroachments into the Resource Protection Area (RPA) buffer for the construction of a single-family dwelling on property located at 2800 DURFEYS MILL RD, JCC Parcel No. 4741000008.

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, 11/9/2022, at 5:00 p.m.**, in the Board Room of Building F, 101 Mounts Bay Road, James City County, Virginia, at which time you may request to speak on the above referenced project.

Sincerely,

Trevor Long

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



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

JAMES CITY SERVICE AUTHORITY
119 TEWNING RD
WILLIAMSBURG, VA 23188-2639

RE: CBPA-22-0139
2800 DURFEYS MILL RD
Construction of a single-family
dwelling

October 17, 2022

Dear Adjacent Property Owner:

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**Stormwater and
Resource Protection**
101-E Mounts Bay Road
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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

Ryan Stephenson
AES Consulting Engineers
5248 Olde Towne Rd Unit 1
Williamsburg, VA 23188

RE: CBPA-22-0139
2800 DURFEYS MILL RD
Construction of a single-family
dwelling

October 17, 2022

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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
4741000007	BARR, GENE H TRUSTEE	2804 DURFEYS MILL RD	WILLIAMSBURG	VA	23185-3243
4741000008	BOYD CORPORATION	P O BOX 62209	VIRGINIA BEACH	VA	23466-2209
4741000001	BOYER, JOSEPH L & CATHERINE L	2801 DURFEYS MILL RD	WILLIAMSBURG	VA	23185-3273
4740100006	CHEATHAM, GRANT H	100 RICH NECK RD	WILLIAMSBURG	VA	23185-3233
4741000002	GOFF, EVAN P & MOORE, CHELSEA M	2805 DURFEYS MILL RD	WILLIAMSBURG	VA	23185-3243
4740100005	JAMES CITY SERVICE AUTHORITY	119 TEWNING RD	WILLIAMSBURG	VA	23188-2639
4741000008	Ryan Stephenson AES Consulting Engineers	5248 Olde Towne Rd Unit 1	Williamsburg	VA	23188

More bird populations across US reach tipping point

Some of affected species may come as a surprise

By Everett Eaton
Staff Writer

More than half of bird populations are sharply declining across the United States, and dozens have been added as tipping point species — but species like swans and geese are doing fine.

Tipping point species are close to threatened or endangered status because they have lost half or more of their populations in the last 50 years. The State of the Birds Report, by the North American Bird Conservation Initiative, used five different sources of data, including the North American Breeding Bird Survey and the Audubon Christmas Bird Count.

Everyone needs to begin thinking about conserving common species before they become uncommon, said Nick Flanders, an officer at the Cape Henry Audubon Society, a local chapter of the National Audubon Society located in Norfolk. Part of this is looking at if they need a specific habitat to flourish and protecting that space because building populations back is more difficult than maintaining them.

"It is a little bit harder to get people excited about protecting a rare species of grass to help that habitat for a bird species," Flanders said. "So if you are interested in protecting that bird species people are interested in, that works a lot better."

Maintaining bird populations also helps preserve other plants and animal populations in the different ecosystems and keep those environments healthy. One way to do this is by protecting the other parts of the ecosystem, not just the birds.

Some of the birds on the list may come as a surprise. A trip to the beach comes with a myriad of sounds, including the relentless squawk of seagulls and their seemingly endless invasions to steal snacks from beachgoers.

The Heermann's gull, a species within the broader seagull group, has lost half its population over the last 50 years and is on track to lose another half of its remaining population over the coming 50 years.

Issues like habitat decline and an increasingly limited food supply from natural sources add to the dramatic population loss of the gulls. According to the report, more than 60% of seabird species were found to have eaten plastic, and 40% have been tangled up in the waste such as spent fishing nets.

Other seabirds, including two different kinds of albatross, petrels and the red-faced cormorant, made the tipping point list. The report also lists many wetland birds.



A great blue heron takes flight from a rock it was sharing with a great black-backed gull on a misty morning on Great Salt Bay in Newcastle, Maine. ROBERT F. BUKATY/AP

Flanders said factors like sea-level rise will create conservation challenges in helping the different species.

"The marsh only has a small threshold before flooding, and especially when there is a development behind it, like houses, the birds don't really have anywhere to go," Flanders said.

Species like the salt marsh sparrow that lay their eggs in the marshes are vulnerable and have lost about 9% of their population per year since the 1990s. The population could collapse in the next 50 years if nothing is done, according to the Atlantic Coast Joint Venture, a conservation organization. Frequent and more intense nest flooding due to sea level rise is currently the greatest threat to this species.

Although there are significant losses, it is not all doom-and-gloom.

The decline of Eastern forest birds has slowed over the last decade, according to

the report. The cerulean warbler and the wood thrush showed about a 60% decline since 1970, but their populations are not dwindling as fast. The wood thrush population even recently saw a slight increase of a little over a half percent.

The Appalachian Mountains Joint Venture, a partnership of over 50 federal, state and nonprofit organizations, has made large contributions in habitat restoration. In 2020, AMJV restored more than 8,700 acres of habitat on private land between West Virginia, Maryland and Pennsylvania. Some of the largest population increases came from these improved areas.

Some of the forested species listed in the report appear to be doing well in Hampton Roads, such as the prairie warbler, Flanders said. The Great Dismal Swamp, among other preserves, is a haven for the warblers, and they are common during the breeding season — which is why Flanders

was initially surprised upon reading their name on the list.

"But, if you think about the areas away from these protected areas, with the development and loss of forested area, some of these declines do make more sense," he said.

Waterfowl like geese, which are seeing record high populations, have adapted from habitat loss and began to use areas like farmland to live.

There have also been local and federal conservation efforts to protect waterfowl populations. The North American Wetlands Conservation Act and U.S. Farm Bill conservation programs are two examples that provide incentives for farmers to improve habitats, like wetlands, on their property.

Everett Eaton, 262-902-7896,
everett.eaton@virginiamedia.com



PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY, NOVEMBER 9, 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 CASES:

WJPA-22-0023: Daniel Winal, Waters Edge Construction, has applied for a wetlands permit on behalf of Mark Gillespie for the installation of a riprap revetment on property located at 7624 Uncles Neck, JCC Parcel No. 2030200031.

WJPA-22-0021: Karla Havens, Mid-Atlantic Resource Consulting, has applied for a wetlands permit on behalf of Larry & Carla Evans for the installation of two breakwaters and beach nourishment on property located at 1485 John Tyler Hwy, JCC Parcel No. 3430300003.

WJPA-22-0024: Mo Bloxom, Southern Landscaping LLC, has applied for a wetlands permit on behalf of Taylor & Colleen McMurdo for the installation of a stone revetment on property located at 124 Four Mile Tree, JCC Parcel No. 1640500010.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-22-0132: Timothy Jones Two Rivers Built, has applied for a Chesapeake Bay Exception on behalf of Christopher Tucker for encroachments into the Resource Protection Area (RPA) buffer for a proposed deck on property located at 103 Cove Road, JCC Parcel No. 4910240005.

CBPA-22-0086: Emily Salkind, Balzer & Associates has applied for a Chesapeake Bay Exception on behalf of Stephen & Holly Garrow for encroachments into the RPA buffer for the construction of a new single-family dwelling on property located at 9208 Candle Light Court, JCC Parcel No. 3303000051.

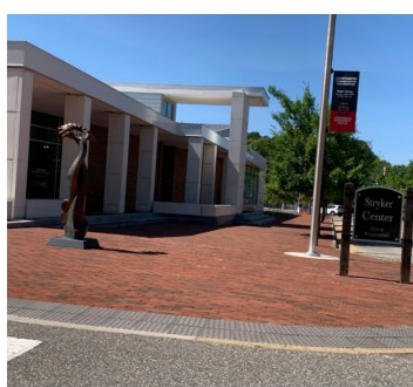
CBPA-22-0135: Matthew Roth, Roth Environmental, LLC, has applied for a Chesapeake Bay Exception on behalf of Alan Hochberg for encroachments into the RPA buffer for the development of a single-family dwelling in the RPA buffer on property located at 134 Swinley Forest, JCC Parcel No. 3130400072.

CBPA-22-0139: Ryan Stephenson, AES Consulting Engineers, has applied for a Chesapeake Bay Exception on behalf of Boyd Corporation for encroachments into the RPA buffer for the construction of a single-family dwelling on property located at 2800 Durleys Mill Road, JCC Parcel No. 4741000008.

CBPA-22-0141: Charlie Hippie, has applied for a Chesapeake Bay Exception on behalf of Michael & Mary Hippie for encroachments into the RPA buffer for an accessory structure on property located at 821 Arlington Island Road, JCC Parcel No. 9401000003.

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.



The Stryker Center in Williamsburg. KIM O'BRIEN ROOT/STAFF

Commission gives OK to subdivision request at Quarterpath Development

By Sian Wilkerson
Staff Writer

WILLIAMSBURG — The Williamsburg Planning Commission voted to approve a request to subdivide an 86-acre parcel along Battery Boulevard for the Quarterpath at Williamsburg Development.

Quarterpath, which has been in development for nearly two decades, is a large, mixed-use development project at the intersection of Route 199 and Route 60. In 2004, Riverside acquired 380 acres of land for a site for a new hospital, which opened in 2013.

The property owner is subdividing the 86 acres into seven lots to sell to developers to complete an approved master plan that includes multifamily residentials, townhomes, retail and medical-related office buildings to create a medical campus.

Calling the application "straightforward," the commission approved it unanimously.

In other business, the commission voted

to approve a request to amend the zoning ordinance to allow a family entertainment center on Richmond Road in the Corridor Business District.

The request included the adaptive reuse and conversion of the 65,000-square-foot single use building that formerly housed the Yankee Candle store on 2200 Richmond Road. The center will include arcades, billiards, bowling and more.

One resident, Todd Krause, expressed concern that an entertainment center might cause prohibitive noise. "I'm a little worried about the impact that this is going to have for me and my neighbors," said Krause, who lives in the neighborhood behind the property.

The commission cited the city's noise ordinance that already exists, which would keep the new center within allowable noise levels.

Sian Wilkerson, sian.wilkerson@pilotonline.com, 757-342-6616

ITEM SUMMARY

DATE: 12/14/2022

TO: Chesapeake Bay Board

FROM: Trevor Long, Chesapeake Bay Board Secretary

SUBJECT: CBPA-22-0120 : 108 Murcar

CBPA-22-0120: Chase Grogg, Landtech Resources, Inc., has applied for a Chesapeake Bay Exception on behalf of Daniel McCormick for encroachments into the Resource Protection Area (RPA) buffer for the construction of a single-family dwelling on property located at 108 Murcar, Williamsburg, VA 23188, JCC Parcel No. 3710800077.

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	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	Small, Toni	Approved	12/7/2022 - 4:21 PM
Chesapeake Bay Group	Small, Toni	Approved	12/7/2022 - 4:22 PM
Publication Management	Pobiak, Amanda	Approved	12/7/2022 - 4:31 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	12/7/2022 - 4:36 PM

MEMORANDUM

DATE: December 14, 2022

TO: The Chesapeake Bay Board

FROM: Robin Benedict, Watershed Planner

SUBJECT: Chesapeake Bay Exception No. CBPA-22-0120. 108 Murcar

Mr. Chase Grogg, LandTech Resources, has requested a deferral of this application for exception to the Chesapeake Bay Preservation Ordinance while the site plan is finalized for the project. Staff concurs with this request. As this case has been public noticed, staff recommends that the public hearing be opened and stay open until the January meeting, at which time the case will be heard.

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-22-0120. 108 Murcar
Staff Report for the December 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: Mr. Daniel McCormick

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

Location: 108 Murcar

Parcel Identification No.: 3710800077

Parcel: Lot 77 Section 31 Ford's Colony

Lot Size: 2.11 acres

Area of Lot in Resource Protection Area (RPA): 2.06 acres (98%)

Watershed: Powhatan Creek (JL31)

Floodplain: Zone AE (approximate 28 feet)
Best Management Practice (BMP) 162 - 32.3 feet

Proposed Activity: Construction of a single-family dwelling

Impervious Cover: 5,394 square feet

RPA Encroachment: 730 square feet, landward 50-foot RPA
4,664 square feet, seaward 50-foot RPA
1,304 square feet, wetlands impact - impervious
2,326 square feet, wetlands impact - disturbed area

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

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Chase Grogg, LandTech Resources, Inc., has applied for a Chesapeake Bay Exception on behalf of Mr. Daniel McCormick for encroachments into the RPA buffer for the construction of a single-family dwelling located at 108 Murcar within the Ford's Colony subdivision and the Powhatan Creek watershed. The property is further identified as James City County Tax Map Parcel No. 3710800077. The parcel was platted in 2000, prior to the changes to the Chesapeake Bay Preservation Ordinance in 2004.

The total lot size of this property is 2.11 acres, of which 98% is located within the RPA. Existing conditions of the property include wetlands through the middle of the parcel, conservation easement at the rear of the property, and a drainage, maintenance, and access easement through the middle of the property for a timber wall BMP. The applicant is proposing to construct a single-family dwelling with a patio and balcony. Due to the constraints of the existing wetlands on the lot, the applicant has proposed to impact approximately 2,326 square feet of wetlands and approximately 4,664 square feet of the seaward 50-foot RPA. A

Nationwide Permit 18 is required from the United States (U.S.) Army Corps of Engineers for the proposed wetland impacts and will be required prior to the issuance of a building permit. In addition to the 4,664 square feet of impacts to the seaward 50-foot RPA, 730 square feet of impacts to the landward 50-foot RPA are proposed associated with the driveway.

Required mitigation for this amount of impervious impacts equals 13 planting units (13 canopy trees, 26 understory trees, and 39 shrubs). The applicant has also proposed an infiltration trench at the top of the driveway that will treat some of the water from the driveway and home. Additionally, the property has an existing timber wall BMP on-site behind the proposed single-family dwelling.

STAFF EVALUATION

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

CONSIDERATION BY THE CHESAPEAKE BAY BOARD

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

1. The exception request is the minimum necessary to afford relief; and
2. Granting the exception will not confer upon the 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 denial for this exception request as the impacts are not the minimum necessary to afford relief but 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, including a U.S. Army Corps of Engineers permit; and
2. The submittal of a mitigation plan equating to 13 planting units be submitted to the Stormwater and Resource Protection Division prior to project start; and
3. A surety of \$6,500 be submitted in a form acceptable to the James City County Attorney's Office to guarantee the mitigation plantings; and

4. Applicant must submit an affidavit to be recorded in the Williamsburg/James City County Courthouse prior to the issuance of a building permit; and
5. This exception request approval shall become null and void if construction has not begun by December 14, 2023; and
6. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than November 2, 2023, six weeks prior to the expiration date.

TAL/md
CBPA22-120_108Murcar

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA-22-0120. 108 MURCAR

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. Daniel McCormick (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on December 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. 3710800077 and further identified as 108 Murcar (the “Property”) as set forth in the application CBPA-22-0120 for the purpose of construction of a single-family dwelling; 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-22-0120, 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 submittal of a mitigation plan equating to 13 planting units be submitted to the Stormwater and Resource Protection Division prior to project start; and
3. A surety of \$6,500 be submitted in a form acceptable to the James City County Attorney’s Office to guarantee the mitigation plantings; and
4. Applicant must submit an affidavit to be recorded in the Williamsburg/James City County Courthouse prior to the issuance of a building permit; and
5. This exception request approval shall become null and void if construction has not begun by December 14, 2023; and
6. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than November 2, 2023, six weeks prior to the expiration date.

Halle Dunn
Chair, Chesapeake Bay Board

Trevor Long
Secretary to the Board

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

RESOLUTION

CASE NO. CBPA-22-0120. 108 MURCAR

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. Daniel McCormick (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on December 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. 3710800077 and further identified as 108 Murcar (the “Property”) as set forth in the application CBPA-22-0120 for the purpose of construction of a single-family dwelling; 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-22-0120.

Halle Dunn
Chair, Chesapeake Bay Board

Trevor Long
Secretary to the Board

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

CBPA22-120_108MurcarDeny-res

EXISTING ADDRESS:

108 MURCAR
JAMES CITY COUNTY, VIRGINIA

BUILDING INFORMATION

PROPOSED BUILDING IS A 3-STORY FRAME
PROPOSED GARAGE IS LOWER LEVEL SIDE LOADING

SITE INFORMATION

PARCEL ID: 3710800077
TOTAL AREA: 92,048 S.F. / 2.11 AC.
IMPERVIOUS AREA TOTAL: 5,394 S.F. / 0.124 AC.
IMPERVIOUS WITHIN 50' RPA: 4,664 S.F. / 0.107
IMPERVIOUS WITHIN 100' RPA: 730 S.F. / 0.017 AC.
IMPERVIOUS WITHIN RPA TOTAL: 5,394 S.F. / 0.124 AC.
IMPERVIOUS AREA WITHIN WETLANDS: 1,304 S.F. / 0.029
DISTURBED AREA WITHIN WETLANDS: 2,326 S.F. / 0.053
DISTURBED AREA TOTAL: 13,194 S.F. / 0.302 AC.
ZONING DISTRICT: R4 - RESIDENTIAL PLANNED COMMUNITY
EXISTING SITE IS MOSTLY WOODED AS SHOWN

BUILDING SETBACK (SBL)

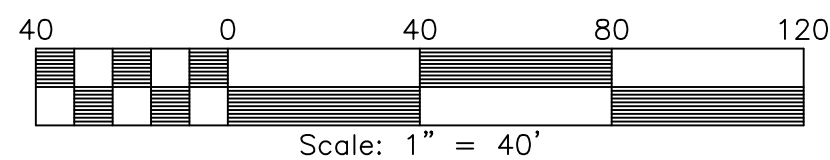
FRONT: 30'
REAR: 25% OF LOT DEPTH (144.5')
SIDE: 10'

GENERAL NOTES

- THIS PLAT WAS PRODUCED WITHOUT THE BENEFIT OF A TITLE REPORT AND REFLECTS ONLY THOSE ENCUMBRANCES, EASEMENTS AND SETBACKS AS SHOWN IN P.B. 76, PG. 87-89. ELEVATIONS SHOWN HEREON ARE IN FEET AND ARE CLOSELY RELATED TO JCC GIS.
- WETLANDS, IF ANY, WERE NOT RESEARCHED OR LOCATED FOR THIS PLAT.
- THIS FIRM MADE NO ATTEMPT TO LOCATE UNDERGROUND UTILITIES.
- PARCEL LIES IN F.I.R.M. ZONE "X" ZONE "AE" (ELEV 28) ACCORDING TO COMMUNITY PANEL #51095C0116D, DATED DECEMBER 16, 2015.
- LOT SERVED BY PUBLIC WATER AND SEWER. CONTRACTOR TO COORDINATE CONNECTIONS WITH JAMES CITY COUNTY UTILITIES. CONTRACTOR SHALL PROVIDE POSITIVE DRAINAGE AWAY FROM BUILDINGS SHOWN HEREON.
- TOPOGRAPHIC DATA AS SHOWN IS BASED ON A CURRENT FIELD SURVEY.
- CONTRACTOR SHALL DETERMINE EXACT FINISHED FLOOR ELEVATION AFTER EXCAVATION.
- PROPOSED RESIDENCE SHOWN BASED OFF OF PLANS RECEIVED FROM CLIENT 11/1/2022 & AND TO BE CONFIRMED BY CONTRACTOR PRIOR TO CONSTRUCTION. CONTRACTOR TO VERIFY PLAN DIMENSIONS PRIOR TO CONSTRUCTION.
- CONTRACTOR TO INSTALL ORANGE SAFETY FENCE AROUND PERIMETER PF CONSTRUCTION.

EROSION & SEDIMENT CONTROL NOTES

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



GREEN SPACE & OPEN SPACE S-31
FORD'S COLONY AT WILLIAMSBURG

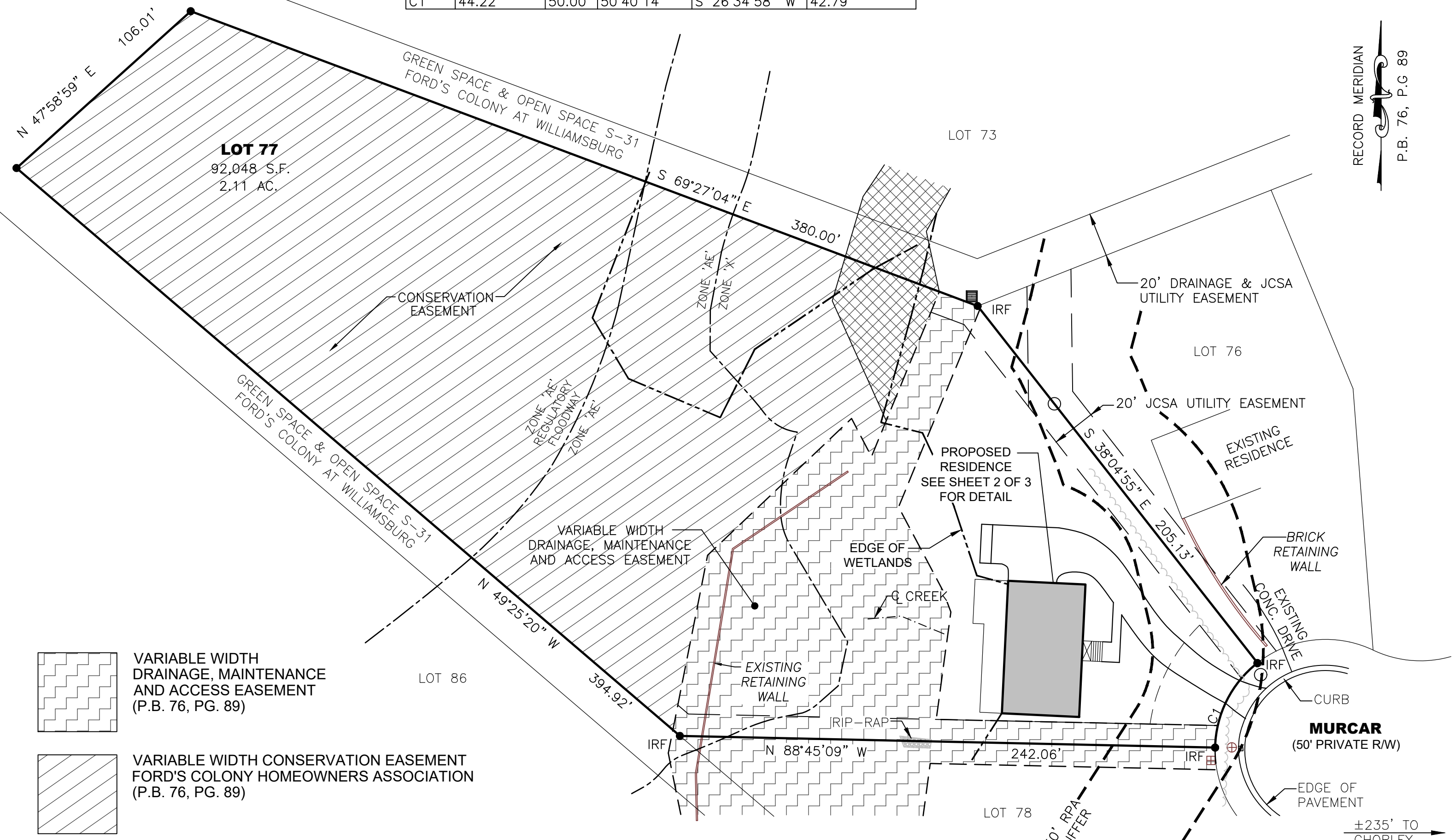
CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	44.22'	50.00'	50°40'14"	S 26°34'58" W	42.79'

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

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

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

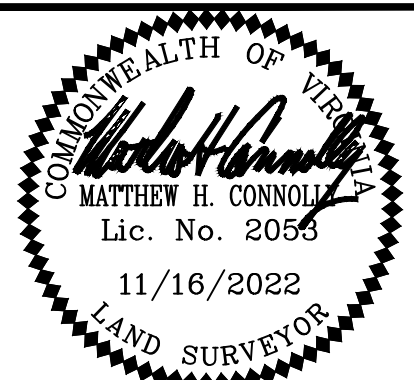
SEWER CLEAN OUT NOT FOUND AT TIME OF SURVEY. CONTRACTOR TO COORDINATE WITH HEALTH DEPARTMENT AND JCSA FOR LOCATION AND OR INSTALLATION PRIOR TO CONSTRUCTION.



- VARIABLE WIDTH DRAINAGE, MAINTENANCE AND ACCESS EASEMENT (P.B. 76, PG. 89)
- VARIABLE WIDTH CONSERVATION EASEMENT FORD'S COLONY HOMEOWNERS ASSOCIATION (P.B. 76, PG. 89)
- FORD'S COLONY HOMEOWNERS ASSOCIATION AND JAMES CITY COUNTY VARIABLE WIDTH CONSERVATION EASEMENT (P.B. 76, PG. 89)

- LEGEND**
- CATCH BASIN
 - WATER METER
 - CABLE PEDESTAL
 - SANITARY SEWER MANHOLE
 - IRF = IRON ROD FOUND

RECORD MERIDIAN
P.B. 76, P.G. 89



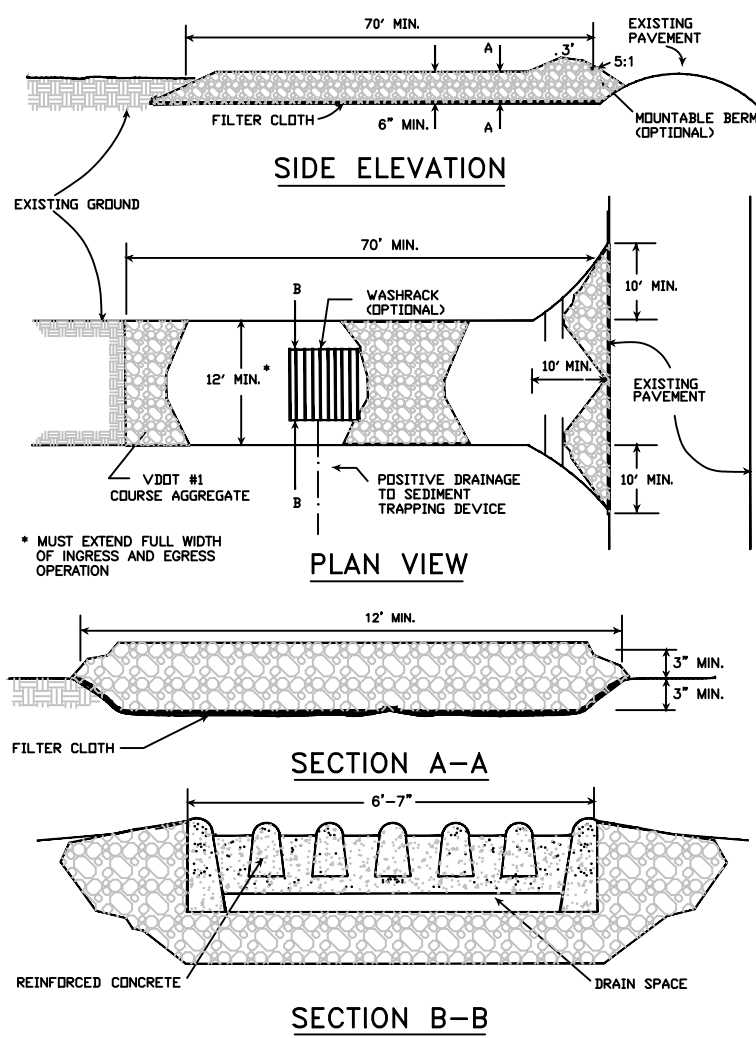
DATE: 11/16/2022
DRAWN BY: AEQ
PROJECT No. 18-379
FILE NAME: 18-379.DWG
REFERENCES:
P.B. 76, PG. 87-89

PLOT PLAN OF
LOT 77, SECTION XXXI
FORD'S COLONY
FOR
DANIEL J McCORMICK
JAMES CITY COUNTY VIRGINIA

NO.	DATE	REVISION / COMMENT / NOTE

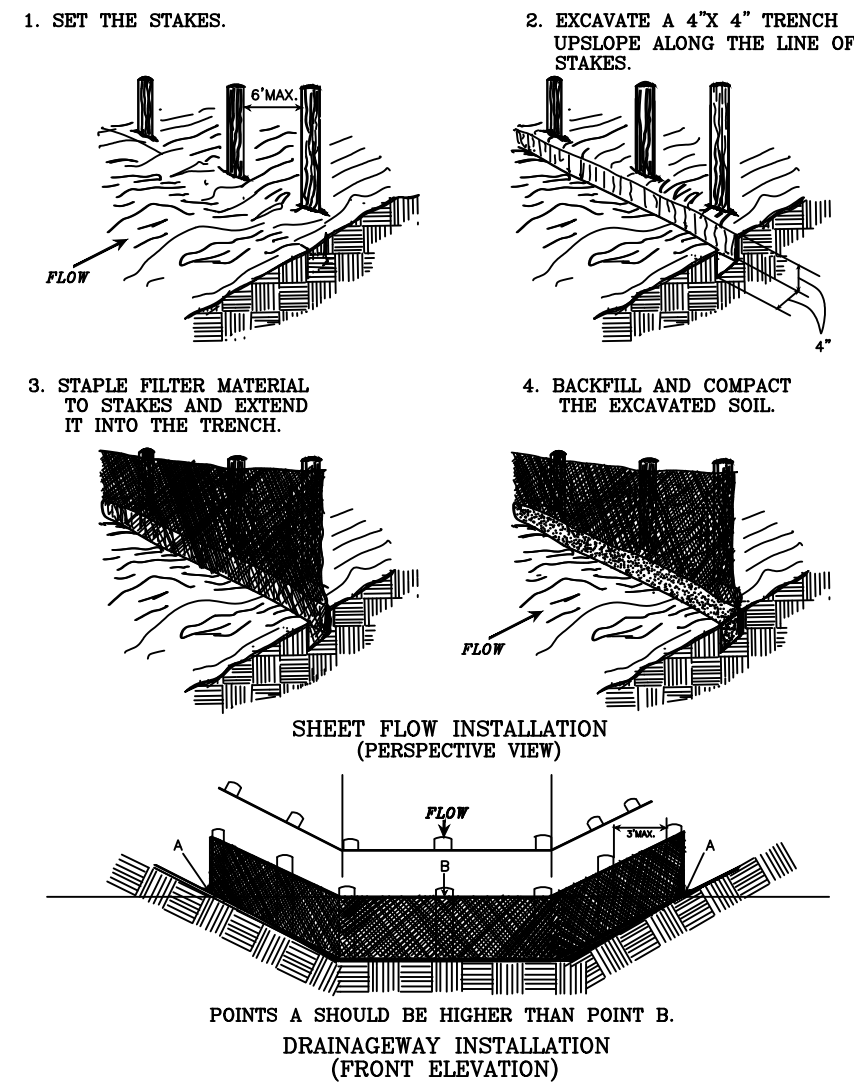
LRI LANDTECH RESOURCES, INC.
ENGINEERING • SURVEYING • GPS
3925 Midlands Road Williamsburg, VA 23188
Ph: (757) 565-1677 Fax: (757) 565-0782
web: landtechresources.com

STONE CONSTRUCTION ENTRANCE



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

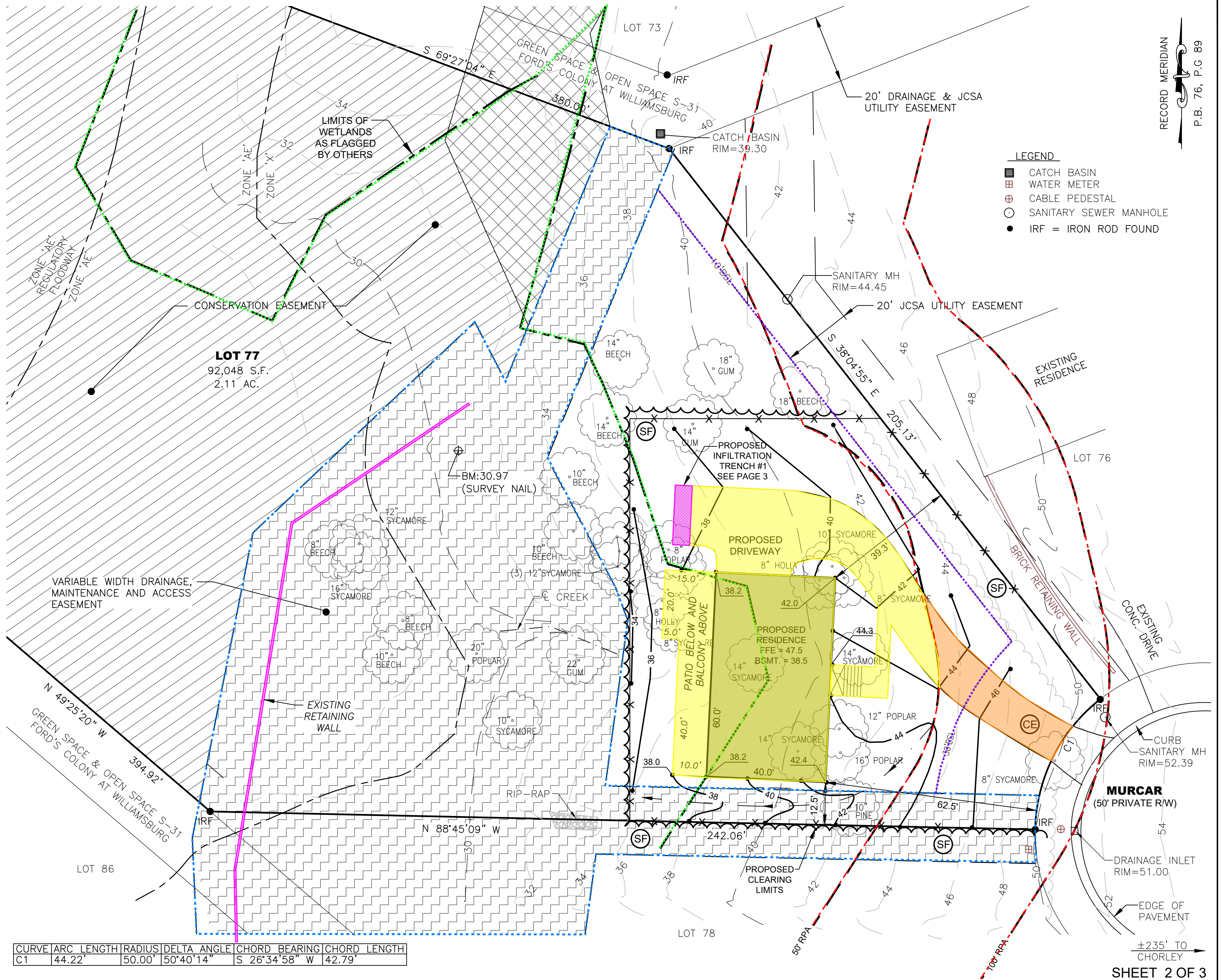
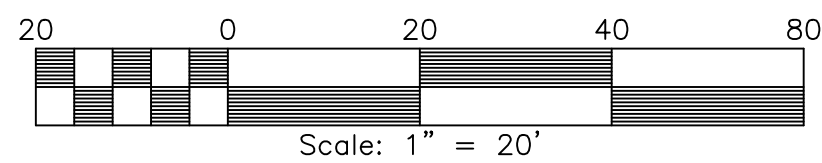
CONSTRUCTION OF A SILT FENCE (WITHOUT WIRE SUPPORT)



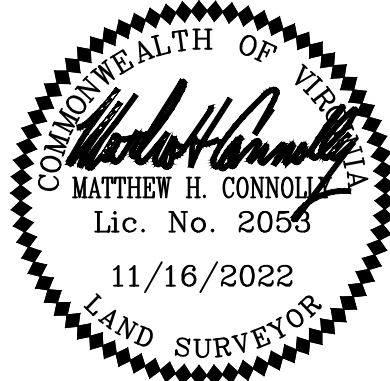
SOURCE: ADAPTED FROM INSTALLATION OF STRAW AND FABRIC FILTER BARRIERS FOR SEDIMENT CONTROL, VA. DSWC SHERWOOD AND WYANT PLATE 3.05-2

ADDRESS

108 MURCAR
JAMES CITY COUNTY, VIRGINIA



CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	44.22'	50.00'	50°40'14"	S 26°34'58" W	42.79'

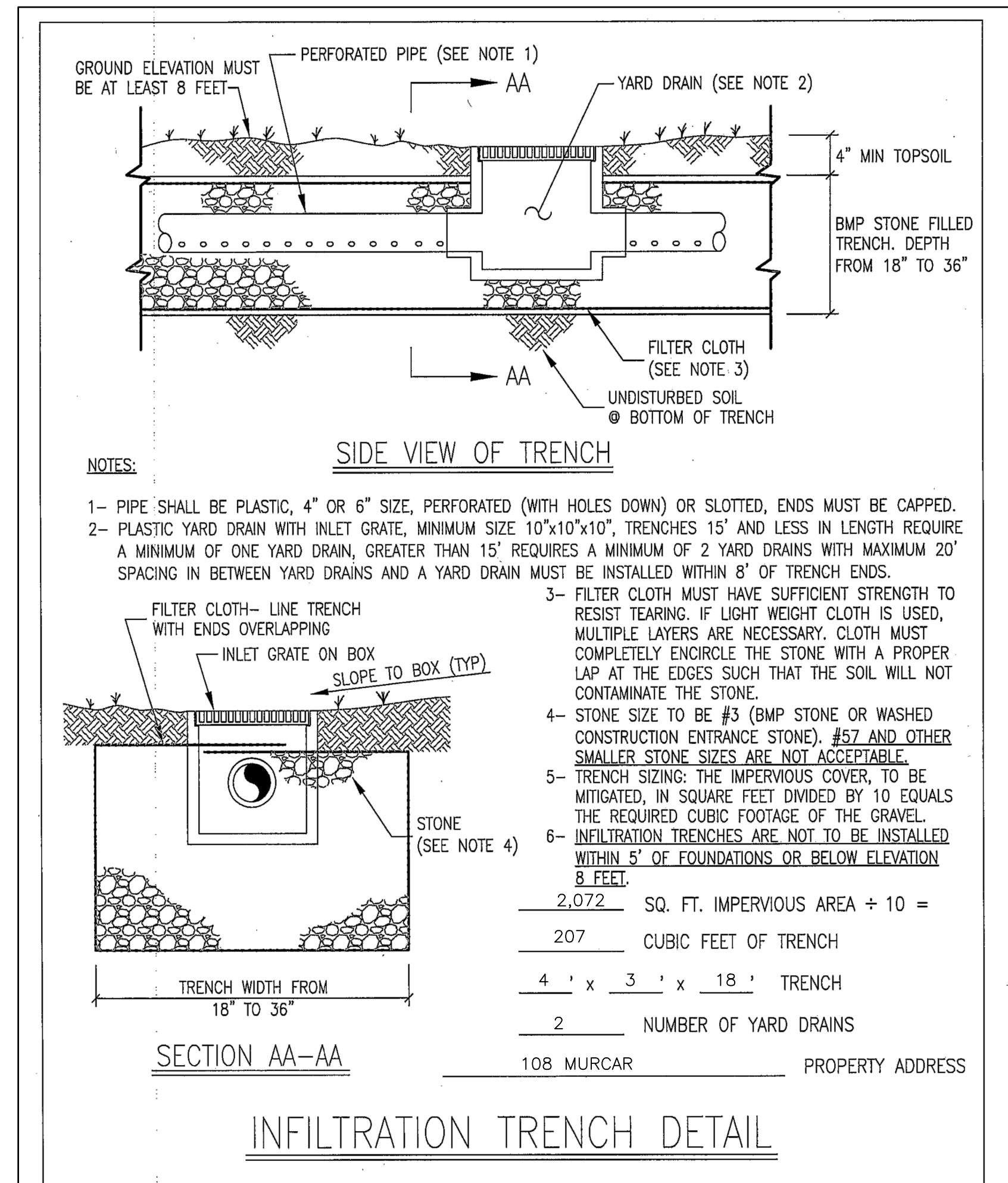


DATE: 11/16/2022
DRAWN BY: AEQ
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LOT 77, SECTION XXXI
FORD'S COLONY
FOR
DANIEL J McCORMICK
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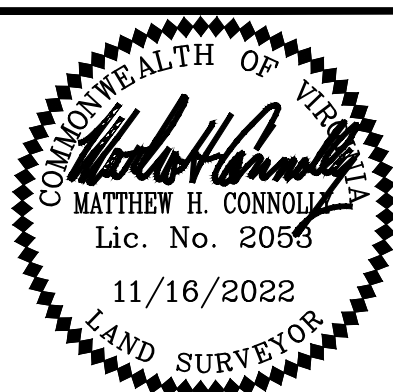
NO.	DATE	REVISION / COMMENT / NOTE

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ENGINEERING • SURVEYING • GPS
3925 Midlands Road Williamsburg, VA 23188
Ph: (757) 565-1677 Fax: (757) 565-0782
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TRENCH DETAIL

ADDRESS
108 MURCAR
JAMES CITY COUNTY, VIRGINIA



DATE: 11/16/2022
DRAWN BY: AEQ
PROJECT No. 18-379
FILE NAME: 18-379.DWG
REFERENCES:
P.B. 76, PG. 87-89

PLOT PLAN OF
LOT 77, SECTION XXXI
FORD'S COLONY
FOR
DANIEL J McCORMICK
JAMES CITY COUNTY VIRGINIA

NO.	DATE	REVISION / COMMENT / NOTE





General Services
107 Tewning Road
Williamsburg, VA 23188
P: 757-259-4080
General.Services@jamescitycountyva.gov
jamescitycountyva.gov

Capital Projects
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Fleet
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Williamsburg, VA 23188
757-259-4122

**Stormwater and
Resource Protection**
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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

Chase Grogg
LandTech Resources, Inc.
205-E Bulifants Blvd
Williamsburg, VA 23188

RE: CBPA-22-0120
108 Murcar, Williamsburg, VA
23188
Single-family dwelling

November 15, 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 Daniel McCormick for encroachments into the Resource Protection Area (RPA) buffer for the construction of a single-family dwelling on property located at 108 Murcar, Williamsburg, VA 23188, JCC Parcel No. 3710800077.

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, 12/14/2022, 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



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757-565-0971

Jane K. Davis, TRUSTEE
219 Chorley
Williamsburg, VA 23188-8933

RE: CBPA-22-0120
108 Murcar, Williamsburg, VA
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Single-family dwelling

November 15, 2022

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Williamsburg, VA 23188
757-565-0971

Stanley L. & Judy D. Dulin
514 White Oak Drive
Elizabethtown, KY 42701-5491

RE: CBPA-22-0120
108 Murcar, Williamsburg, VA
23188
Single-family dwelling

November 15, 2022

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Williamsburg, VA 23188
757-565-0971

James P. & Frances R. Lockard
104 MurcarURCAR
Williamsburg, VA 23188-8951

RE: CBPA-22-0120
108 Murcar, Williamsburg, VA
23188
Single-family dwelling

November 15, 2022

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757-259-4080

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

Daniel J. McCormick
4280 Birdella Drive
Williamsburg, VA 23188-7366

RE: CBPA-22-0120
108 Murcar, Williamsburg, VA
23188
Single-family dwelling

November 15, 2022

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757-565-0971

Matthew John Seu, TRUSTEE
20727 Spiceberry Court
Ashburn, VA 20147-4484

RE: CBPA-22-0120
108 Murcar, Williamsburg, VA
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Single-family dwelling

November 15, 2022

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Sincerely,

Trevor Long

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Chesapeake Bay Board Secretary
757-253-6789
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1204 Jolly Pond Road
Williamsburg, VA 23188
757-565-0971

Tochorosun, Inc.
34 Island View Drive
Newport News, VA 23602-7474

RE: CBPA-22-0120
108 Murcar, Williamsburg, VA
23188
Single-family dwelling

November 15, 2022

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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
	Chase Grogg, LandTech Resources, Inc.	205-E Bulifants Blvd	Williamsburg	VA	23188
3710800073	Jane K. Davis, TRUSTEE	219 Chorley	Williamsburg	VA	23188-8933
3710800078	Stanley L. & Judy D. Dulin	514 White Oak Drive	Elizabethtown	KY	42701-5491
3710800076	James P. & Frances R. Lockard	104 MurcarURCAR	Williamsburg	VA	23188-8951
3710800077	Daniel J. McCormick	4280 Birdella Drive	Williamsburg	VA	23188-7366
3710800079	Matthew John Seu, TRUSTEE	20727 Spiceberry Court	Ashburn	VA	20147-4484
3710800075	Tochorosun, Inc.	34 Island View Drive	Newport News	VA	23602-7474



PUBLIC HEARING NOTICE

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

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-22-0120: Chase Grogg, Landtech Resources, Inc., has applied for a Chesapeake Bay Exception on behalf of Daniel McCormick for encroachments into the Resource Protection Area (RPA) buffer for the construction of a single-family dwelling on property located at 108 Murcar, Williamsburg, VA 23188, JCC Parcel No. 3710800077.

CBPA-22-0137: Erin Martin, Crossroad Custom Builders, Inc., has applied for a Chesapeake Bay Exception on behalf of Jerry and Pamela Woodson for encroachments into the RPA buffer for the construction of a porch on property located at 133 Racefield Drive, Toano, VA 23168, JCC Parcel No. 0430700008.

CBPA-22-0139: Ryan Stephenson, AES Consulting Engineers, Inc., has applied for a Chesapeake Bay Exception on behalf of Boyd Corporation for encroachments into the RPA buffer for the construction of a single-family dwelling located at 2800 Duffey's Mill Road, Williamsburg, VA 23185, JCC Parcel No. 4741000008.

CBPA-22-0143: Lloyd Stephens, Stephens Builder, has applied for a Chesapeake Bay Exception on behalf of Paul Puglia for encroachments into the RPA buffer for the construction of a deck on property located at 9935 Walnut Creek, Toano, VA 23168, JCC Parcel No. 0520300014.

CBPA-22-0144: Fuller Reeves, Anthony and Sylvan Pools Corp., has applied for a Chesapeake Bay Exception on behalf of Anthony and Kelly Terracina for encroachments into the RPA buffer for the construction of a pool on property located at 137 Thomas Dale, Williamsburg, VA 23185, JCC Parcel No. 5030700025.

CBPA-22-0145: Chase Grogg, Landtech Resources, Inc., has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of a single-family dwelling on property located at 106 Rye Williamsburg, VA 23188, JCC Parcel No. 3130400082.

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.



PUBLIC HEARING NOTICE

NOT FOR PUBLICATION

DISPLAY: WEDNESDAY Nov 30, 2022 and Dec 7, 2022.

ACCOUNT NO. CU00015112

VIRGINIA GAZETTE

1/8 PAGE, VERTICAL, B/W

CARD # x6648

ITEM SUMMARY

DATE: 12/14/2022
TO: Chesapeake Bay Board
FROM: Trevor Long, Chesapeake Bay Board Secretary
SUBJECT: CBPA-21-0130 : 115 Heathery

Extension request for CBPA-21-0130

ATTACHMENTS:

	Description	Type
☐	Memorandum	Backup Material
☐	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Small, Toni	Approved	12/7/2022 - 4:20 PM
Chesapeake Bay Group	Small, Toni	Approved	12/7/2022 - 4:21 PM
Publication Management	Pobiak, Amanda	Approved	12/7/2022 - 4:25 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	12/7/2022 - 4:36 PM

MEMORANDUM

DATE: December 14, 2022

TO: The Chesapeake Bay Board

FROM: Trevor A. Long, Watershed Planner

SUBJECT: Chesapeake Bay Board Exception No. CBPA-22-0130. 115 Heathery

Mr. Martino Nguyen is requesting a one-year extension to CBPA-22-0130, originally granted on January 12, 2021. Staff concurs with this request, with the stipulation that all permit conditions, except for the expiration date, be reauthorized and that the new date of expiration be January 12, 2023.

TAL/ap
CBPA21-130-115HeatheryExt-mem

Attachment

RESOLUTION

CASE NO. CBPA-21-0130. 115 HEATHERY

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Elite E and E Investments, LLC (the “Applicant”), has requested an extension for the exception granted by the Chesapeake Bay Board of James City County (the “Board”) on January 12, 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. 3810400146 and further identified as 115 Heathery (the “Property”) as set forth in the application CBPA-21-0130 for the purpose of constructing a single-family dwelling; and

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

NOW, THEREFORE, BE IT RESOLVED that the Chesapeake Bay Board of James City County, Virginia, following a public hearing, 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-**Error! Reference source not found.**, subject to the following conditions:

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

- b. The submittal of a mitigation plan equating to five planting units (five canopy trees, 10 understory trees, and 15 shrubs) be submitted to the Stormwater and Resource Protection Division; and
- c. A surety of \$4,500 be submitted in a form acceptable to the James City County Attorney's Office to guarantee the mitigation plantings; and
- d. A payment into the Chesapeake Bay Mitigation Fund in the amount of \$2,250; and
- e. This exception request approval shall become null and void if construction has not begun by January 12, 2024; and
- f. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than December 1, 2023, six weeks prior to the expiration date.

Halle Dunn
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 December, 2022.

CBPA21-130-115HeatheryExt-res

ITEM SUMMARY

DATE: 11/9/2022

TO: Chesapeake Bay Board

FROM: Trevor Long, Chesapeake Bay Board Secretary

SUBJECT: Election of Officers for 2023

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	11/2/2022 - 10:15 PM
Chesapeake Bay Group	Small, Toni	Approved	11/3/2022 - 8:14 AM
Publication Management	Pobiak, Amanda	Approved	11/3/2022 - 8:42 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	11/3/2022 - 9:42 AM