

A G E N D A
JAMES CITY COUNTY CHESAPEAKE BAY BOARD
REGULAR MEETING
County Government Center, Building F
May 10, 2023
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

1. Minutes for April 12, 2023 Regular Meeting

D. PUBLIC HEARINGS

1. CBPA-23-0039 : 105 Tewning Road
2. CBPA-23-0045 : 5343 Rockingham Drive
3. CBPA-23-0031 : 205 Bulwell Forest
4. CBPA-23-0032 : 5 Tay River
5. CBPA-23-0030: 153 Shinnecock
6. CBPA-23-0041 : 141 Riverview Plantation
7. CBPA-23-0044 : 112 North Turnberry

E. BOARD CONSIDERATIONS

F. MATTERS OF SPECIAL PRIVILEGE

G. ADJOURNMENT

ITEM SUMMARY

DATE: 5/10/2023
TO: Chesapeake Bay Board
FROM: Trevor Long, Chesapeake Bay Board Secretary
SUBJECT: Minutes for April 12, 2023 Regular Meeting

ATTACHMENTS:

	Description	Type
▣	Minutes for April 12, 2023 Regular Meeting	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Secretary, ChesBay	Approved	5/10/2023 - 3:37 PM

MINUTES
JAMES CITY COUNTY CHESAPEAKE BAY BOARD
REGULAR MEETING
County Government Center, Building F
April 12, 2023
5:00 PM

A. CALL TO ORDER

The Chesapeake Bay Board meeting for April 12, 2023, 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
Charles Roadley, Chair
Michael O'Brien
Leslie Bowie, Alternate

Board Members Absent:

Larry Waltrip
Scott Maye, Vice Chair

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

1. Minutes from the March 8, 2023 Regular Meeting

A motion to Approve the minutes was made by Mr. O'Brien.

The minutes were approved on a voice vote.

D. PUBLIC HEARINGS

1. CBPA-23-0017 : 9230 Pocahontas Trail

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

AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 2

Ayes: Bowie, Dunn, O'Brien, Roadley

Absent: Maye, Waltrip

Mr. Trevor Long, Watershed Planner, presented the exception request submitted by Mr. Anthony Loubier, Vanasse Hangen Brustlin, Inc. (VHB), on behalf of Peninsula Pentecostals

Inc., for encroachments into the Resource Protection Area (RPA) for the construction of a sanitary sewer connection. The property is further identified as James City County Tax Map Parcel No. 6010100006. 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 an explanation of some symbols on the site plan.

Mr. Roadley opened the Public Hearing.

A. Mr. Steve Romeo, VHB, 351 McLaws Circle, Suite 3, clarified the location of the sewer line for the Board.

Mr. Long read a letter that was submitted to the Stormwater and Resource Protection Division (SRP). The contents of the letter included an objection to the plan, citing the age of the existing sewer line as reason to doubt its integrity and capability to accommodate the proposed connection.

Mr. Roadley confirmed with Mr. Long that a corresponding Erosion and Sediment Control plan is also associated with the sewer connection.

Mr. Roadley closed the Public Hearing.

2. CBPA-23-0015 : 4101 Monticello Avenue

A motion to Approve w/ Conditions was made by Scott Maye, the motion result was Passed.
AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 2

Ayes: Bowie, Dunn, O'Brien, Roadley

Absent: Maye, Waltrip

Ms. Robin Benedict, Watershed Planner, presented the exception request submitted by Mr. Ryan Stephenson, AES Consulting Engineers, on behalf of Windswept Development LLC, for encroachments into the RPA for the construction of a sanitary sewer connection. The property is further identified as James City County Tax Map Parcel No. 3740100010. The presentation described the current and proposed site conditions. If the Board approved the request, staff asked that the suggested conditions be incorporated into the approval.

Mr. Roadley opened the Public Hearing.

A. The Board had no questions for Mr. Ryan Stephenson, AES Consulting Engineers, 5248 Olde Towne Road.

B. Mr. DeWitt Eutsler, 3709 South Square, expressed discontent at the lack of communication he has witnessed between the developers of the parcel for this project and the residents of The Settlement at Powhatan Creek neighborhood nearby. Mr. Eutsler inquired both about the responsibility of cleaning up at the site and about the feasibility of developing on a site that is so far within the RPA.

Mr. Roadley described that some of what Mr. Eutsler asked is not within the Board's jurisdiction to comment or decide on.

B. Mr. Eutlser explained his concern for cleanup was in reference to the potential failure of the

proposed sewer connection.

A. Mr. Stephenson described how the repair of any failure of the sewer connection would be the responsibility of the property owner of this parcel and that such a failure would not have an effect on the existing developed phases of The Settlement at Powhatan Creek.

C. Ms. Sharon Eremita, 3636 South Square, asked about the extent to which the RPA will be impacted during any future development of the parcel.

A. In response to Mr. Roadley's deferral of the question, Mr. Stephenson indicated that there will not be any other RPA impacts.

Mr. Roadley closed the Public Hearing.

3. CBPA-23-0035 : 3036 North Riverside

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

AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 2

Ayes: Bowie, Dunn, O'Brien, Roadley

Absent: Maye, Waltrip

Mr. Trevor Long, Watershed Planner, presented the exception request submitted by Ms. Jennifer and Mr. Jeremy Hewitt, for encroachments into the RPA for the installation of two retaining walls. The property is further identified as James City County Tax Map Parcel No. 1910200047A. 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 aspects of the plan for the Board, including a reiteration of some site plan details.

Mr. Roadley opened the Public Hearing.

A. Ms. Jennifer Hewitt, 3036 North Riverside Drive, offered a history of the site and an explanation of the decision to propose the retaining walls, including expressing a preference for a more level backyard.

Mr. Roadley described the typical results associated with bulkheads in contrast to those of retaining walls, especially to the extent those results are affected by moving bodies of water.

A. In response to Ms. Bowie's inquiry, Ms. Hewitt explained that the sidewalk replacement included in the proposal will consist of pavers.

Mr. Roadley closed the Public Hearing.

The Board discussed the pros and cons of the plan, including a discussion of the plan's expected effect on water quality as insignificant.

4. CBPA-23-0011 : 1727 Centennial Drive

A motion to Approve w/ Conditions was made by Michael O'Brien, the motion result was Passed.

AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 2

Ayes: Bowie, Dunn, O'Brien, Roadley
Absent: Maye, Waltrip

Ms. Robin Benedict, Watershed Planner, presented the exception request submitted by Mr. James Frohmiller, for encroachments into the RPA for the construction and approval of a deck. The property is further identified as James City County Tax Map Parcel No. 0340600010. 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.

Mr. Roadley opened the Public Hearing.

A. Mr. James Frohmiller, 1727 Centennial Drive, described a history of the site and an explanation of the decision to construct a deck. Mr. Frohmiller also stated that construction had begun prior to the submission of an exception request application due to his trust in the initial contractor's assurance of proper permitting. Mr. Frohmiller expressed his initial and ongoing intent to follow proper permitting procedure.

Ms. Benedict read an email that was submitted to SRP from an owner of an adjacent property. The contents of the email included support for the proposal.

Mr. Roadley closed the Public Hearing.

The Board discussed the pros and cons of the plan.

5. CBPA-23-0031 : 205 Bulwell Forest

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

AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 2

Ayes: Bowie, Dunn, O'Brien, Roadley

Absent: Maye, Waltrip

Mr. Trevor Long, Watershed Planner, presented the exception request submitted by Mr. Chase Grogg, Landtech Resources, Inc., on behalf of Greenwood Homes Hampton Roads LLC, for encroachments into the RPA for the construction of a single-family dwelling. The property is further identified as James City County Tax Map Parcel No. 3233100019. The presentation described the current and proposed site conditions. If the Board approved the request, staff asked that the suggested conditions be incorporated into the approval.

Mr. Roadley opened the Public Hearing.

A. Mr. Chase Grogg, Landtech Resources, Inc., 205 Bulifants Blvd Suite E, explained further the decision behind some aspects of the plan including the location of the proposed berm and the number of mitigation units proposed.

Mr. Roadley closed the Public Hearing.

The Board discussed the pros and cons of the plan, including the location of the house in relation to the RPA delineations and the size of the house in relation to the minimum allowed by the Ford's Colony Homeowners Association.

Mr. Roadley reopened the Public Hearing.

A. Mr. Grogg clarified that the location of the house was chosen for its specific proximity to the RPA.

Mr. Dunn and Ms. Bowie each reiterated the consideration of reducing the proposed size of the house to the minimum allowed in Ford's Colony.

A. Mr. Grogg requested that the exception request be deferred in order to reconsider the size of the house with the property owner.

6. CBPA-23-0025 : 100 Red Berkshire

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

AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 2

Ayes: Bowie, Dunn, O'Brien, Roadley

Absent: Maye, Waltrip

Ms. Robin Benedict, Watershed Planner, presented the exception request submitted by Mr. Chase Grogg, Landtech Resources, Inc., on behalf of Surin Properties LLC, for encroachments into the RPA for the construction of a single-family dwelling. The property is further identified as James City County Tax Map Parcel No. 3131200001. The presentation described the current and proposed site conditions. If the Board approved the request, staff asked that the suggested conditions be incorporated into the approval.

Mr. Roadley opened the Public Hearing.

A. Mr. Chase Grogg, Landtech Resources, Inc., 205 Bulifants Boulevard Suite E, offered more details about the plan.

Mr. Roadley closed the Public Hearing.

The Board discussed the pros and cons of the plan, including that the proposed size of the house is the minimum allowed in Ford's Colony.

7. CBPA-23-0032 : 5 Tay River

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

AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 2

Ayes: Bowie, Dunn, O'Brien, Roadley

Absent: Maye, Waltrip

Mr. Trevor Long, Watershed Planner, presented the request for deferral of the exception request submitted by Mr. Chase Grogg, Landtech Resources, Inc., on behalf of Walk Wright Construction, LLC, citing need for further revision of the site plan. The exception request is for encroachments into the RPA for the construction of a single-family dwelling. The property is further identified as James City County Tax Map Parcel No. 3720200044. Mr. Long also recommended that the Public Hearing be opened and remain so as a matter of procedure.

Mr. Roadley opened the Public Hearing.

8. CBPA-23-0030 : 153 Shinnecock

A motion to Defer was made by Charles Roadley, the motion result was Passed.
AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 2
Ayes: Bowie, Dunn, O'Brien, Roadley
Absent: Maye, Waltrip

Ms. Robin Benedict, Watershed Planner, presented the request for deferral of the exception request submitted by Mr. Chase Grogg, Landtech Resources, Inc., on behalf of Mr. Howard Jones, citing the need for further revision of the site plan. The exception request is for encroachments into the RPA for the construction of a single-family dwelling. The property is further identified as James City County Tax Map Parcel No. 3720400016. Ms. Benedict also recommended that the Public Hearing be opened and remain so as a matter of procedure.

Mr. Roadley opened the Public Hearing.

E. BOARD CONSIDERATIONS

1. CBPA-21-0060 : 4373 Landfall Drive

A motion to Approve w/ Conditions was made by Halle Dunn, the motion result was Passed.
AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 2
Ayes: Bowie, Dunn, O'Brien, Roadley
Absent: Maye, Waltrip

Mr. Long, Watershed Planner, presented the request for an extension of the exception request originally submitted by Mr. Ricky Edgerton, Edgerton Contracting, Inc., and approved on May 12, 2021. The exception request is for the use of the RPA for the construction of a single-family dwelling. The property is further identified as James City County Tax Map Parcel No. 4732400036. If the Board approved the extension request, staff asked that the new request would become null and void if construction does not begin by April 13, 2025.

F. MATTERS OF SPECIAL PRIVILEGE

Mr. Everard expressed to the Board staff's request for an official review of the Board's bylaws, including a list of possible revisions, and the inclusion of any other revisions that the Board might want to consider.

Staff clarified the details of some of the revisions that were suggested.

Mr. Everard also indicated the Board could review the bylaws in this capacity either during a Regular or Special Meeting.

G. ADJOURNMENT

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

The meeting adjourned at 6:46 p.m.

ITEM SUMMARY

DATE: 5/10/2023
TO: Chesapeake Bay Board
FROM: Trevor Long, Chesapeake Bay Board Secretary
SUBJECT: CBPA-23-0039: 117 Tewning Road

CBPA-23-0039: Mr. James Die, RK&K, has applied for a Chesapeake Bay Exception on behalf of Mr. Darryl Cook, James City County for encroachments into the RPA buffer for the retrofit of an existing stormwater BMP on property located at 117 Tewning Road, JCC Parcel No. 3910100003.

ATTACHMENTS:

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution to Approve	Resolution
☐	Resolution to Deny	Resolution
☐	Major WQIA	Backup Material
☐	APO Letter	Backup Material
☐	APO List	Backup Material
☐	Gazette Ad	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	5/3/2023 - 2:31 PM
Chesapeake Bay Group	Small, Toni	Approved	5/3/2023 - 2:33 PM
Publication Management	Pobiak, Amanda	Approved	5/3/2023 - 2:57 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	5/3/2023 - 5:06 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-23-0039. 105 Tewning Road
Staff Report for the May 10, 2023, 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. Darryl Cook, James City County

Agent: Mr. James Die, Rummel, Klepper & Kahl, LLP (RK&K)

Location: 105 Tewning Road

Parcel Identification No.: 3910100003

Parcel: Maintenance Garage Ropers & Tillage

Lot Size: 19.62 acres

Area of Lot in Resource Protection Area (RPA): 5.20 acres (27%)

Watershed: Powhatan Creek (JL31)

Floodplain: None

Proposed Activity: Retrofit of an existing Best Management Practice (BMP)

Impervious Cover: 3,583 square feet

RPA Encroachment: 7,588 square feet, seaward 50-foot RPA
9,987 square feet, landward 50-foot RPA
18,231 square feet - permanent wetland impacts

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

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. James Die, RK&K, has applied for a Chesapeake Bay Exception on behalf of Mr. Darryl Cook, James City County, for encroachments into the RPA buffer for the retrofit of an existing BMP located at 105 Tewning Road within the Powhatan Creek watershed. The property is further identified as James City County Tax Map Parcel No. 3910100003. The parcel was platted in 2009, after the changes to the Chesapeake Bay Preservation Ordinance in 1990.

The total lot size of this property is 19.62 acres, of which 27% is located within the RPA. Existing site conditions of the property include various office complexes, parking areas, and waste management yards. Stormwater from the impervious areas on-site is currently captured and treated by either a retention facility (PC037) or detention facility (PC168) located on the property. During a study performed by the County, the two facilities located on this property were identified as retrofit opportunities to water quality treatment. The applicant is proposing to replace the two facilities located on-site with a single Department of Environmental Quality BMP Clearinghouse Level 2 Wet Pond Facility, effectively treating the water

quality from both existing BMPs. The location of the proposed upgraded BMP is in the same area as the existing detention pond, which currently impacts the RPA by a total of 3,583 square feet.

Total new impacts to the RPA associated with this proposal equate to approximately 7,588 square feet of impacts to the seaward 50-foot RPA (545 square feet of new impervious and 7,043 square feet of new land disturbing) and approximately 9,987 square feet of impacts to the landward 50-foot RPA (3,038 square feet of new impervious and 6,949 square feet of new land disturbing). This equates to a sum of 17,575 square feet of new impacts to the RPA. Impacts from the proposed pond are either in the form of disturbed area associated with the pond embankment or impervious area associated with either the rip rap outfall or pond area.

Because the intent of the newly proposed BMP is to improve water quality from nonpoint source pollutants through the overtreatment of the stormwater, no planting mitigation measures have been proposed at this time. According to the Virginia Runoff Reduction Method worksheet analysis, the retrofit will achieve a 10.04 lbs./year reduction in phosphorous loading for the entire watershed when compared to the current configuration of the BMPs. Approximately 18,231 square feet of wetland impacts are also anticipated with the construction of the new pond. The retrofit PC168 will create 4622 SF of PEM (fringe wetlands around the permanent pool) and 17,660 SF of POW (open water in the permanent pool). In addition, high and low marsh areas will be within the permanent pool will be planted with wetland plants. The area of the high marsh to be planted is 2315 SF with 259 plants and the area of low marsh area to be planted is 4715 SF with 534 plants.

STAFF EVALUATION

Staff has evaluated the application and exception request for the retrofit of an existing BMP (PC168). This application meets the Ordinance conditions in Sections 23-11 and 23-14 and should be heard by the Board because the facility itself is not water dependent and is proposed within the RPA.

CONSIDERATION BY THE CHESAPEAKE BAY BOARD

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

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

STAFF RECOMMENDATIONS

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

1. The Applicant must obtain all other necessary federal, state, and local permits as required for the project; and
2. This exception request approval will become null and void if construction has not begun by May 10, 2025; and
3. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than March 29, 2025, six weeks prior to the expiration date.

TAL/md
CBPA23-39_105TewngRd

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA-23-0039. 105 TEWNING ROAD

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. James Die, RK&K, on behalf of Mr. Darryl Cook, James City County (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on May 10, 2023, 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. 3910100003 and further identified as 105 Tewning Road (the “Property”) as set forth in the application CBPA-23-0039 for the purpose of retrofit of an existing Best Management Practice; 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-23-0039, 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. This exception request approval will become null and void if construction has not begun by May 10, 2024; and
3. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than March 29, 2024, six weeks prior to the expiration date.

Charles Roadley
Chair, Chesapeake Bay Board

Trevor A. Long
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 10th day of May, 2023.

CBPA23-39_105TewngRdApp-res

RESOLUTION

CASE NO. CBPA-23-0039. 105 TEWNING ROAD

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. James Die, RK&K, on behalf of Mr. Darryl Cook, James City County (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on May 10, 2023, 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. 3910100003 and further identified as 105 Tewning Road (the “Property”) as set forth in the application CBPA-23-0039 for the purpose of retrofit of an existing Best Management Practice; 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-23-0039.

Charles Roadley
Chair, Chesapeake Bay Board

Trevor A. Long
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 10th day of May, 2023.

CBPA23-39_105TewngRdDny-res

**TEWNING ROAD BMP RETROFIT
WATER QUALITY IMPACT ASSESSMENT
MAY 10, 2023**

Introduction and Project Background

James City County conducted a study of County owned properties with stormwater management facilities in June of 2018. The purpose of the study was to identify and prioritize facilities that could be retrofit and improved for additional water quality benefits such as nutrients and bacteria. Due to their age and design, many of the facilities were no longer performing their water quality improvement function efficiently. The study identified two stormwater facilities on the Tewning Road operations area property located at 105 Tewning Road that were high priority retrofit opportunities. These two facilities were the wet retention pond (PC037) and an extended detention facility (PC168).

The replacement of PC037 and PC168 facilities presents an opportunity to remove an older retention facility and improve a newer dry detention facility. Replacing the two facilities with a DEQ BMP Clearinghouse Level 2 Wet Pond facility with its greater water quality treatment volume and features will result in significant additional nutrient removal for the 17.31 acre watershed area. The new Level 2 Wet Pond will provide stormwater quality and quantity benefits for both BMP watersheds. The new BMP will treat not only the County and James City Service Authority (JCSA) operations areas, and a County Convenience Center but also a portion of the VDOT maintenance yard and the rear portions of several businesses along Ironbound Road (see Sheet 1 of Exhibits).

The retrofit project is being conducted jointly by James City County and JCSA. The project has received a Stormwater Local Assistance Fund grant award from DEQ in the amount of \$218,334. The project is currently under design by the engineering firm of RK&K.

General Project Information

The project is located on a 19.6 acre parcel of land on Tewning Road. The site has been developed as office and operation areas for both JCSA and the County's General Services Department and there is also a county Convenience Center on the site. The property is in a business and industrial area with businesses located to the north and the east (including the VDOT maintenance yard) and is bordered on the south side by the New Town development. The site generally slopes from the east to the west. An ephemeral and a perennial stream along with wetland systems are found in the western portion of the property. The property drains into an unnamed tributary of Powhatan Creek.

RK&K performed a wetland delineation on the site. Fieldwork for the wetland delineation was performed using the methodologies outlined in the Corps of Engineers Wetlands Delineation Manual (USACE, 1987) and the US Army Corps of Engineers Routine Determination Method outlined in the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region (Version 2.0). These manuals use 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 and were survey located by Michael Surveying & Mapping and incorporated into the site plan.

The wetlands on the site are considered connected and contiguous to a downstream perennial stream. A break in this system was not found during RK&K'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. This has been coordinated with the James City County Stormwater and Resource Protection Division and they have confirmed this assessment.

Several exhibits have been provided with this submission package. These exhibits show the locations of the nontidal wetlands and the limits of the 50-foot and 100-foot RPA buffers in relation to the existing and proposed BMPs (see sheets 2, 3 &4). Both the existing BMP PC168 and the proposed retrofitted BMP have impacts to the RPA buffer.

As shown on the exhibits (primarily Sheets 1 and 4), the project cannot be constructed without an exception from the James City County CBPA Board due to the location of the RPA buffer and the size of the Level 2 wet pond. Wetlands permits from the Army Corps of Engineers and the Department of Environmental Quality are required as the project is impacting wetlands.

Project Description and Alternatives Analysis

The proposed project involves the filling in of the existing BMP PC038 wet pond, rerouting the drainage systems to convey all the site drainage to the location of BMP PC168 and the reconstruction of the existing PC168 from an extended dry detention facility to a Level 2 wet pond in conformance with the DEQ Clearinghouse specifications.

To comply with the Clearinghouse specifications, the pond needs to incorporate a large treatment volume, a three-cell design including a forebay, a specified flow length path, wetlands that comprise at least 10% of the pond area, a maintenance access drive and aeration. These parameters have resulted in a footprint of 60,710 square feet (see Sheet 7). As shown on Sheet 1, there is no alternate location for the location of the retrofit PC168 due to the topography of the site (the location of the BMP is at the low point of the site) and there are no other undeveloped portions of the site that are large enough to accommodate the BMP.

Encroachment in the RPA Buffer

Both the existing BMP PC168 and the retrofitted PC168 have impacts to the RPA buffer. The following information presents the impacts to the RPA resulting from both the existing BMP configuration and the retrofit condition and provide the net increase in impacts to the RPA buffer. The calculations assume that the existing condition of the RPA buffer when PC168 was constructed was wooded. Sheet 5 presents the following information as well but the following summary more clearly presents the RPA impacts.

Impervious Cover

Impacts that resulted from the existing dry detention facility PC168 are as follows:

- Impervious area within the seaward 50' RPA buffer – 234 square feet
- Impervious area within the landward 50' RPA buffer – 120 square feet
- Total Impervious Area within the RPA Buffer – 354 square feet

The proposed impacts to the RPA from the retrofitting of the PC168 are as follows:

- Impervious area within the seaward 50' RPA buffer – 779 square feet
- Impervious area within the landward 50' RPA buffer – 3158 square feet (this includes 2495 square feet of permanent pool water area)
- Total Impervious area within the RPA Buffer – 3937 square feet or 1442 square feet of non-water impervious area.

The overall net increase of impervious area resulting from the retrofit project is 1088 square feet of non-water impervious cover. This increase results from the new riprap-lined emergency spillway and the graveled access road.

Turf Cover

Impacts that resulted from the existing dry detention facility are as follows:

- Turf area within the seaward 50' RPA buffer – 441 square feet
- Turf area within the landward 50' RPA buffer – 4459 square feet
- Total Turf area within the RPA Buffer – 4900 square feet

The proposed impacts to the RPA from the retrofitting of the PC168 are as follows:

- Turf area within the seaward 50' RPA buffer – 7484 square feet
- Turf area within the landward 50' RPA buffer – 11,408 square feet
- Total Turf area within the RPA Buffer – 18,892 square feet

The overall net increase of wooded conversion to turf area resulting from the retrofit project is 13,992 square feet. The overall net impact to the RPA for the project is 17,929 square feet or 15,434 square feet excluding the open water of the BMP.

Mitigation of RPA Impacts

The goal of any RPA mitigation plan is to protect the environmental resources downstream. The greatest potential for degradation of the downstream resources caused by this proposed plan is nonpoint source pollution. The overall goal of the proposed retrofit is to improve downstream water quality and reduce quantity impacts from the 17.31 acre watershed that drains to the retrofit PC168 BMP.

As shown in the included VRRM worksheet analysis (Sheet 8), the proposed retrofit PC168 will achieve a 10.04 lb/yr reduction in phosphorus loading for the entire watershed when compared to the existing situation. The Level 2 wet pond is rated at a 65% reduction efficiency for phosphorus loads. An intact RPA buffer is deemed by the County's Chesapeake Bay Ordinance to have a removal efficiency of 40%. While in this case it is difficult to determine the amount of

phosphorus that is removed by the RPA buffer that is being impacted, the watershed area that drains laterally into the existing buffer is generally only about 100 feet wide. So, the amount of pollutant reduction realized by the intact buffer is relatively small by comparison to the reduction achieved by the BMP. Also, by a simple comparison of the removal rates, the BMP is deemed to have a 25% higher phosphorus removal efficiency than the RPA buffer (65% vs 40%). Long term maintenance of the retrofit PC168 will be performed by the County to ensure that downstream wetlands and waters will not be adversely impacted by the project.

Table 1: Nonpoint source pollutants identified in the Chesapeake Bay Preservation Act and County’s Chesapeake Bay Ordinance, 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	Low to moderate during construction.	During construction – DEQ approved erosion and sediment controls. After construction – improved removal efficiency by the Level 2 wet pond over the existing BMPs.
Nutrients	Low	BMP will remove 65% of phosphorus as well as varying percentages of other nutrients entering the facility.
Bacteria	No significant sources of bacteria	Wet ponds are an effective way to reduce bacteria loads through exposure to sunlight
Viruses	No significant sources of viruses	N/A
Oxygen Depletion	Low	An aeration system will be provided to add oxygen to the water in the pond
Hydrocarbons	Minimal - Potentially caused by leaks from construction equipment during land disturbing activities. In addition, there is no change to the upstream land use.	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	None	N/A
Increases in Water Temperature	Low/Moderate from sunlight heating the wet pond surface	Aeration of a wet pond has been shown to reduce water temperature due to mixing and increased evaporation

Wetland and Stream Impacts

The wetlands that are being impacted by the project are primarily the wetlands within the two existing BMPs. The permanent impacts are to Palustrine Emergent (PEM) – 4240 SF, Palustrine Scrub-Shrub (PSS) – 2193 SF, and Palustrine Open Water (POW) – 11,798 SF.

The retrofit PC168 will create 4622 SF of PEM (fringe wetlands around the permanent pool) and 17,660 SF of POW (open water in the permanent pool). In addition, high and low marsh areas will be within the permanent pool will be planted with wetland plants. The area of the high marsh to be planted is 2315 SF with 259 plants and the area of low marsh area to be planted is 4715 SF with 534 plants.

The closure of PC038, which is a wet pond, results in impacts to the 642 linear feet of ephemeral stream that currently receives the discharge from the pond. With the pond being removed, the ephemeral stream will no longer receive that discharge from the BMP and this is considered an impact from a Waters of the US consideration. The project will be using stream credits from the County's Powhatan Plantation Stream Mitigation Bank to compensate for the loss of the stream.

SHEET 1 - AERIAL DRAINAGE AREA MAP

PROPOSED WET POND
 DA = 17.31 AC
 Rv = 0.66

BMP 9C037 EXISTING
 WET POND

BMP PC168 EXISTING DRY POND

PROPOSED LEVEL II WET POND

LEGEND

- DRAINAGE AREA BOUNDARY
- Tc FLOWPATH
- SOIL BOUNDARY
- GIS INLETS AND PIPES
- IMPERVIOUS AREA
- TREE AREA

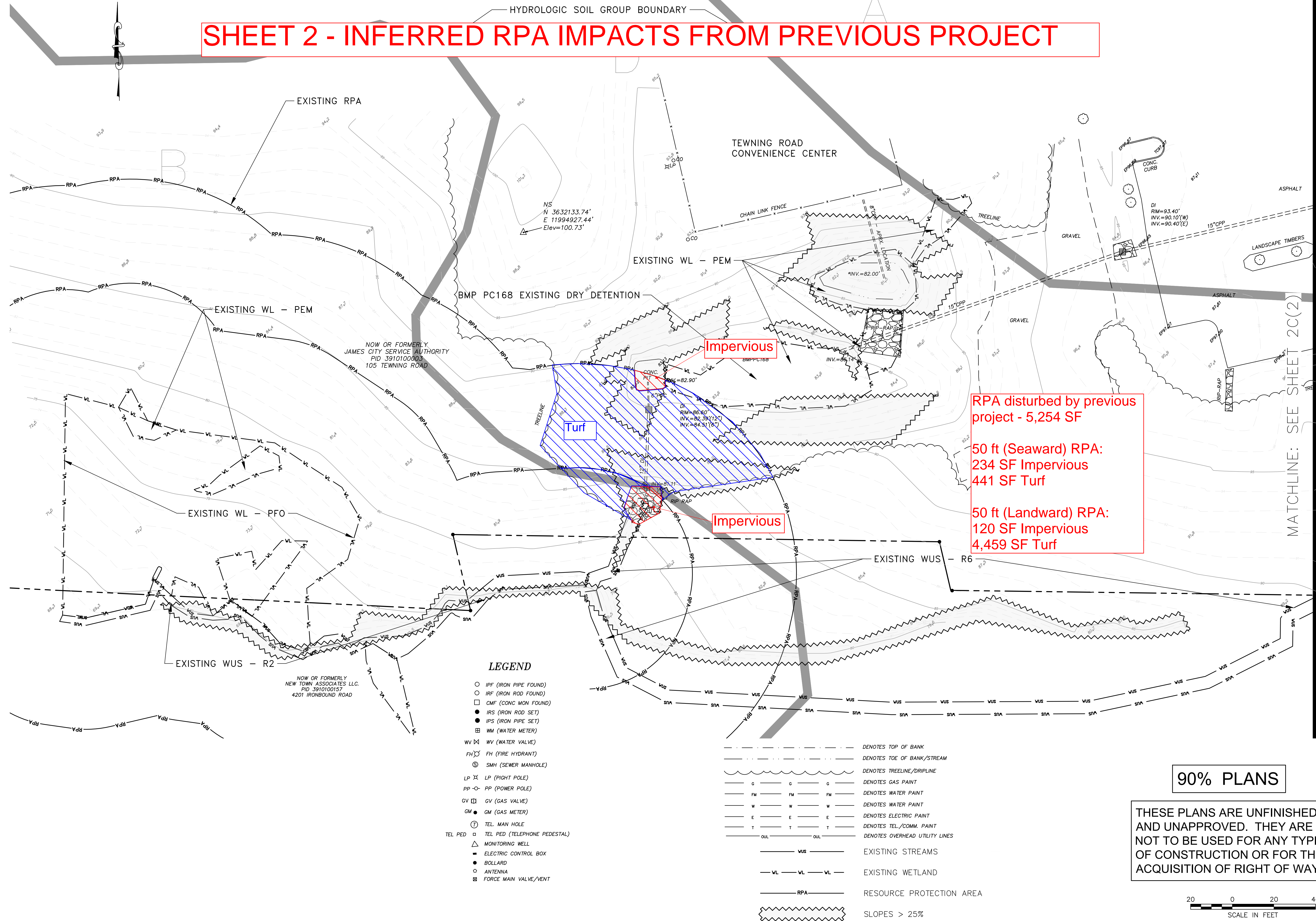
90% PLANS

THESE PLANS ARE UNFINISHED AND UNAPPROVED. THEY ARE NOT TO BE USED FOR ANY TYPE OF CONSTRUCTION OR FOR THE ACQUISITION OF RIGHT OF WAY.



PLAN REVISIONS - SHEET 9(2)	SCALE 1" = 60'	TEWNING ROAD BMP RETROFIT JAMES CITY COUNTY, VIRGINIA PROPOSED POND DRAINAGE AREA MAP	DATE: 3/3/2023 ENGINEER: RKK CHECKED: RKK JOB#: 20156-02
2100 EAST CARY STREET, SUITE 309 RICHMOND, VIRGINIA 23223 (P) 804 782-1903 (F) 804 782-2142		RUMMEL, KLEPPER & KAHL, LLP Engineers/Construction Managers/Planners/Scientists	

SHEET 2 - INFERRED RPA IMPACTS FROM PREVIOUS PROJECT



PLAN REVISIONS

SHEET 2C(1)	SCALE 1" = 20'
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TEWNING ROAD BMP RETROFIT
JAMES CITY COUNTY, VIRGINIA

EXISTING CONDITIONS

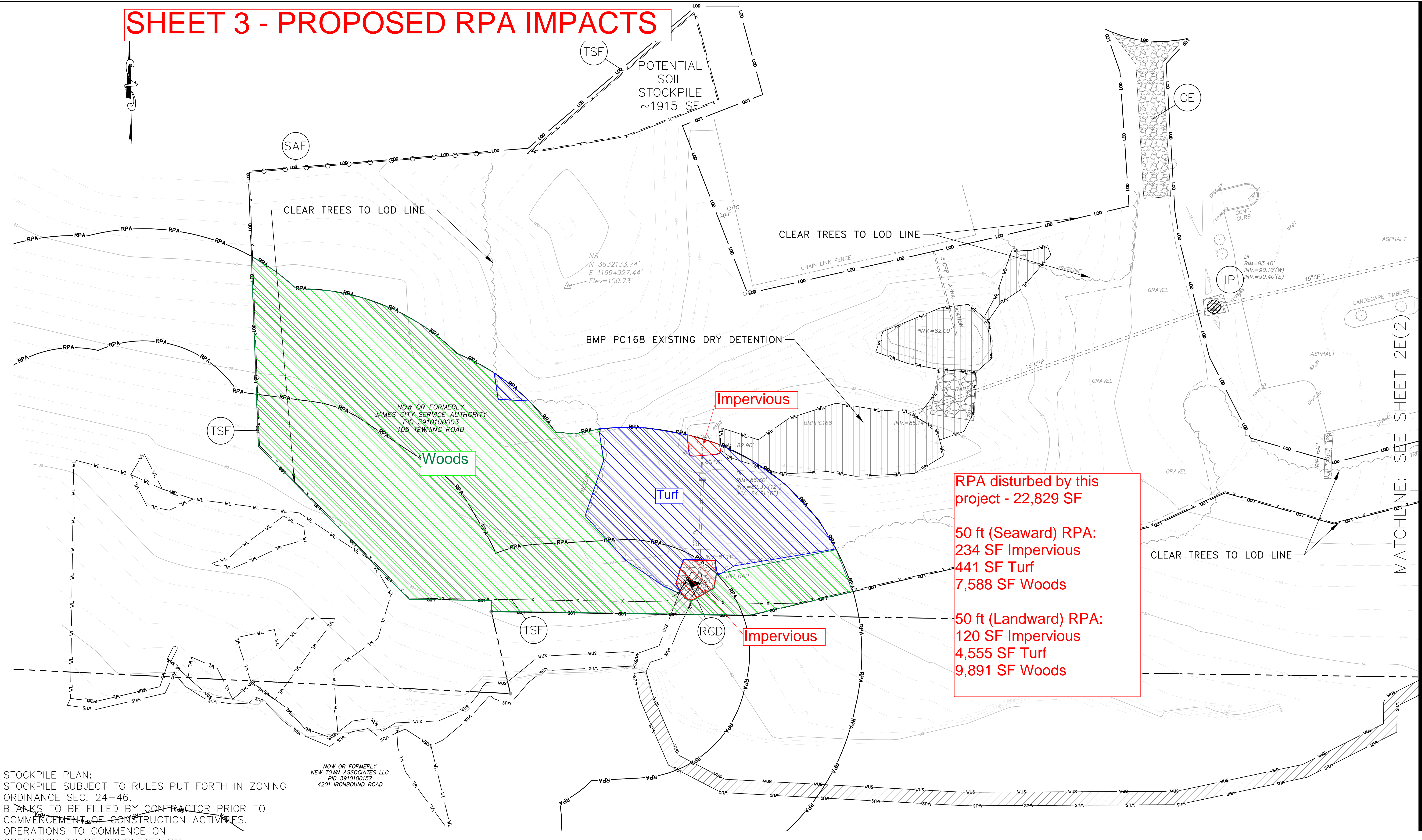
DATE: 3/3/2023	ENGINEER: RKK	CHECKED: RKK	JOB#: 20156-02
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2100 EAST CARY STREET, SUITE 309
RICHMOND, VIRGINIA 23223
(P) 804 782-1903 (F) 804 782-2142

RUMMEL, KLEPPER & KAHL, LLP
Engineers/Construction Management/Planners/Scientists

MATCHLINE: SEE SHEET 2C(2)

SHEET 3 - PROPOSED RPA IMPACTS



RPA disturbed by this project - 22,829 SF

50 ft (Seaward) RPA:
 234 SF Impervious
 441 SF Turf
 7,588 SF Woods

50 ft (Landward) RPA:
 120 SF Impervious
 4,555 SF Turf
 9,891 SF Woods

STOCKPILE PLAN:
 STOCKPILE SUBJECT TO RULES PUT FORTH IN ZONING ORDINANCE SEC. 24-46.
 BLANKS TO BE FILLED BY CONTRACTOR PRIOR TO COMMENCEMENT OF CONSTRUCTION ACTIVITIES.
 OPERATIONS TO COMMENCE ON _____
 OPERATION TO BE COMPLETED BY _____
 STOCKPILE AREA TO BE RETURNED TO ORIGINAL GRADE AND SEEDED WITH TURFGRASS ONCE IT IS NO LONGER NEEDED FOR THE CONSTRUCTION OPERATIONS PROPOSED IN THIS PLAN SET.
 STOCKPILE MAY ONLY BE OPERATED FROM LOCAL SUNRISE TO LOCAL SUNSET, AND MAY NOT BE OPERATED ON SUNDAY.
 EQUIPMENT TYPES AND QUANTITY TO BE USED WITH STOCKPILE: _____

CONTRACTOR TO TAKE MEASURES TO ENSURE EARTH IS NOT TRACKED ONTO EXISTING ROADWAY. ROADWAY SHALL BE CLEAR OF MUD AND EARTH AT THE CONCLUSION OF EACH WORK DAY.
 STOCKPILE TO BE SURROUNDED BY SILT FENCE. ADDITIONAL ESC MEASURES MAY BE NECESSARY TO KEEP SOIL CONTAINED, ADDITIONAL MEASURES TO BE IMPLEMENTED AT THE DISCRETION OF THE ENVIRONMENTAL INSPECTOR.
 STOCKPILE TO BE ACCESSED VIA TEWNING ROAD AND ON-SITE ACCESS WAYS.

IMPACTS NARRATIVE ON FOLLOWING SHEET

ESC LEGEND

	LIMITS OF DISTURBANCE		CONSTRUCTION ENTRANCE
	TSF TEMPORARY SILT FENCE		TEMPORARY SAFETY FENCE
	SAF TEMPORARY SAFETY FENCE		ROCK CHECK DAM
	RCD ROCK CHECK DAM		INLET PROTECTION
	IP INLET PROTECTION		PERMANENT IMPACTS - WETLAND
	VUS EXISTING WETLANDS/STREAMS		PERMANENT IMPACTS - STREAM
	VL RESOURCE PROTECTION AREA		22,829 SF IMPACTS - RPA

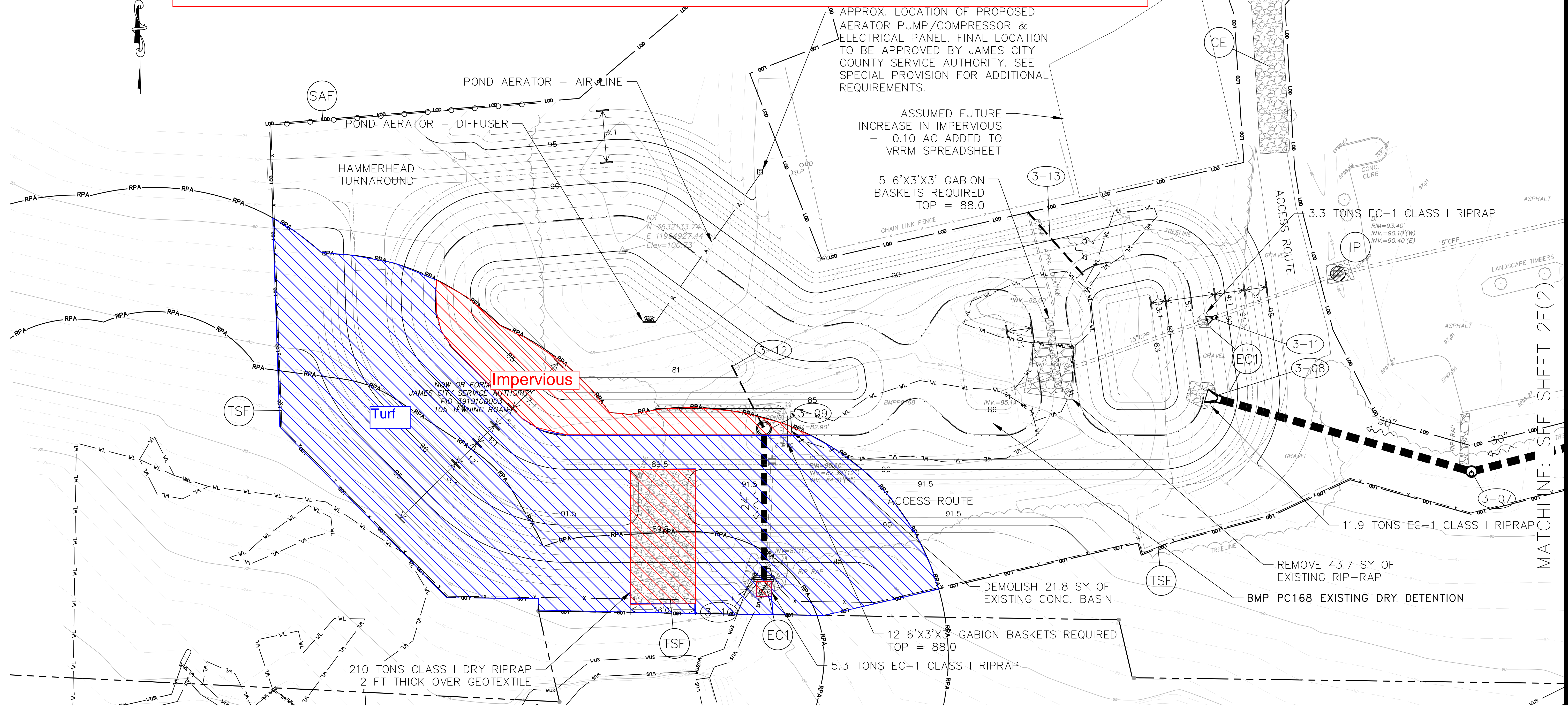
90% PLANS

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PLAN REVISIONS			
SHEET 2E(1)		SCALE 1"=20'	
TEWNING ROAD BMP RETROFIT		EROSION & SEDIMENT CONTROL PLAN PHASE I	
JAMES CITY COUNTY, VIRGINIA			
DATE: 3/3/2023	ENGINEER: RKK	CHECKED: RKK	JOB#: 20156-02
2100 EAST CARY STREET, SUITE 309 RICHMOND, VIRGINIA 23223 (P) 804 782-1903 (F) 804 782-2142		RUMMEL, KLEPPER & KAHL, LLP	

SHEET 4 - PROPOSED CONDITIONS LAND-USE WITHIN RPA



APPROX. LOCATION OF PROPOSED AERATOR PUMP/COMPRESSOR & ELECTRICAL PANEL. FINAL LOCATION TO BE APPROVED BY JAMES CITY COUNTY SERVICE AUTHORITY. SEE SPECIAL PROVISION FOR ADDITIONAL REQUIREMENTS.

ASSUMED FUTURE INCREASE IN IMPERVIOUS - 0.10 AC ADDED TO VRRM SPREADSHEET

5 6'X3'X3' GABION BASKETS REQUIRED TOP = 88.0

12 6'X3'X3' GABION BASKETS REQUIRED TOP = 88.0
5.3 TONS EC-1 CLASS I RIPRAP

REMOVE 43.7 SY OF EXISTING RIP-RAP
BMP PC168 EXISTING DRY DETENTION

ALL SOIL STOCKPILING ON SITE MUST REMAIN UNDER 250 SF, OR MUST COMPLY WITH ZONING ORDINANCE SEC. 24-

RPA disturbed by this project - 22,829 SF

Proposed Conditions Land Uses within RPA:
50 ft (Seaward) RPA:
779 SF Impervious
7,484 SF Turf

50 ft (Landward) RPA:
3,158 SF Impervious (Includes 2,495 SF Permanent Pool Area)
11,408 SF Turf

LEGEND		ESC LEGEND	
	PROPOSED PIPE		LIMITS OF DISTURBANCE
	WATER SURFACE ELEVATION		TSF TEMPORARY SILT FENCE
	PROPOSED MAJOR CONTOUR		SAF TEMPORARY SAFETY FENCE
	PROPOSED MINOR CONTOUR		RCD ROCK CHECK DAM
	PROPOSED ACCESS ROUTE		IP INLET PROTECTION
	PROPOSED RIPRAP		CE CONSTRUCTION ENTRANCE
	EXISTING STREAMS		EC1 EC-1 OUTLET CONTROL
	EXISTING WETLAND		DS DEWATERING STRUCTURE
	RESOURCE PROTECTION AREA		

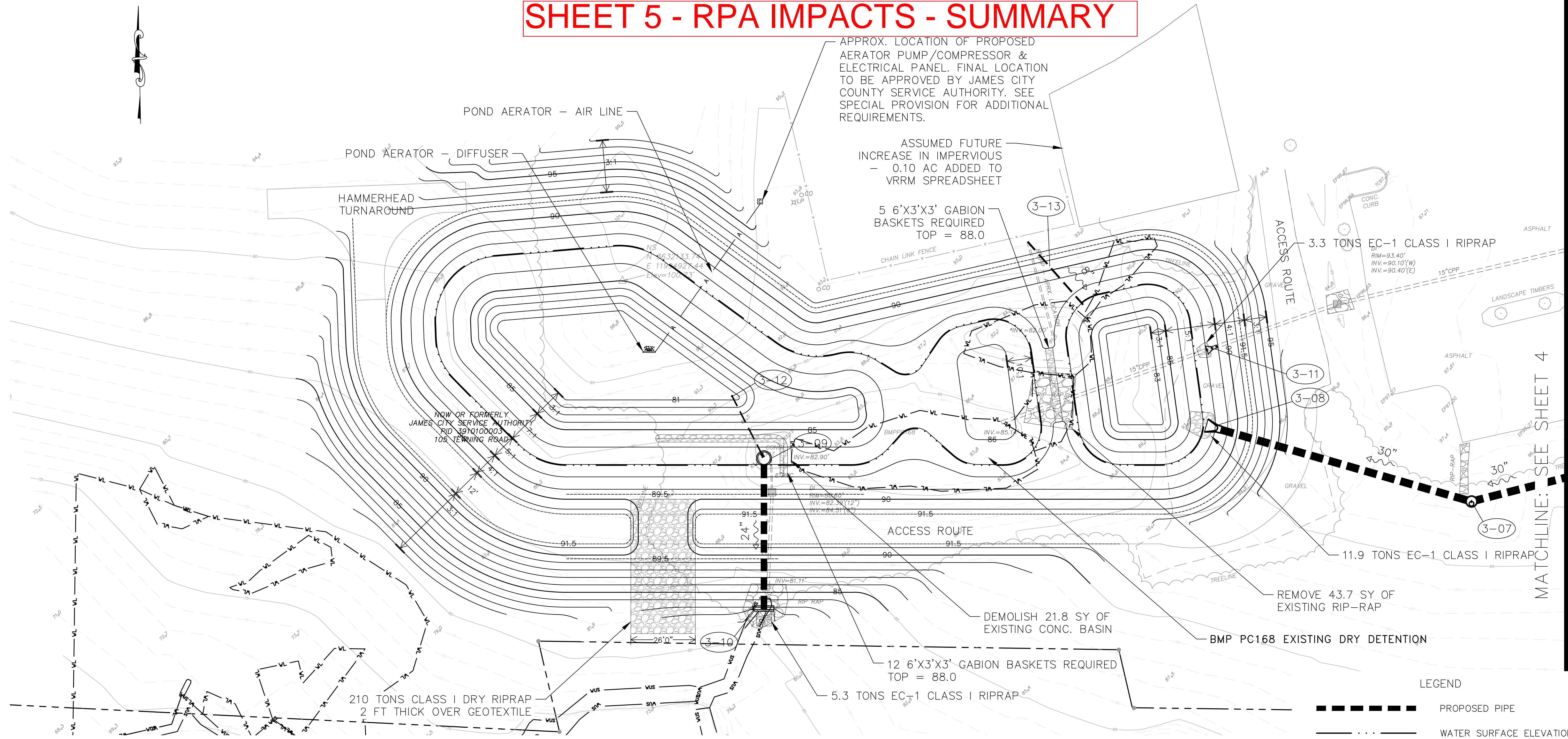
90% PLANS

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PLAN REVISIONS		SHEET 2F(1)	SCALE 1"=20'
TEWNING ROAD BMP RETROFIT JAMES CITY COUNTY, VIRGINIA		EROSION & SEDIMENT CONTROL PLAN PHASE II	
DATE: 3/3/2023	ENGINEER: RKK	CHECKED: RKK	JOB#: 20156-02
2100 EAST CARY STREET, SUITE 309 RICHMOND, VIRGINIA 23223 (P) 804 782-1903 (F) 804 782-2142			
RUMMEL, KLEPPER & KAHL, LLP			

SHEET 5 - RPA IMPACTS - SUMMARY



- LEGEND**
- PROPOSED PIPE
 - WATER SURFACE ELEVATION
 - PROPOSED MAJOR CONTOUR
 - PROPOSED MINOR CONTOUR
 - PROPOSED ACCESS ROUTE
 - PROPOSED RIPRAP
 - EXISTING STREAMS
 - EXISTING WETLAND

90% PLANS

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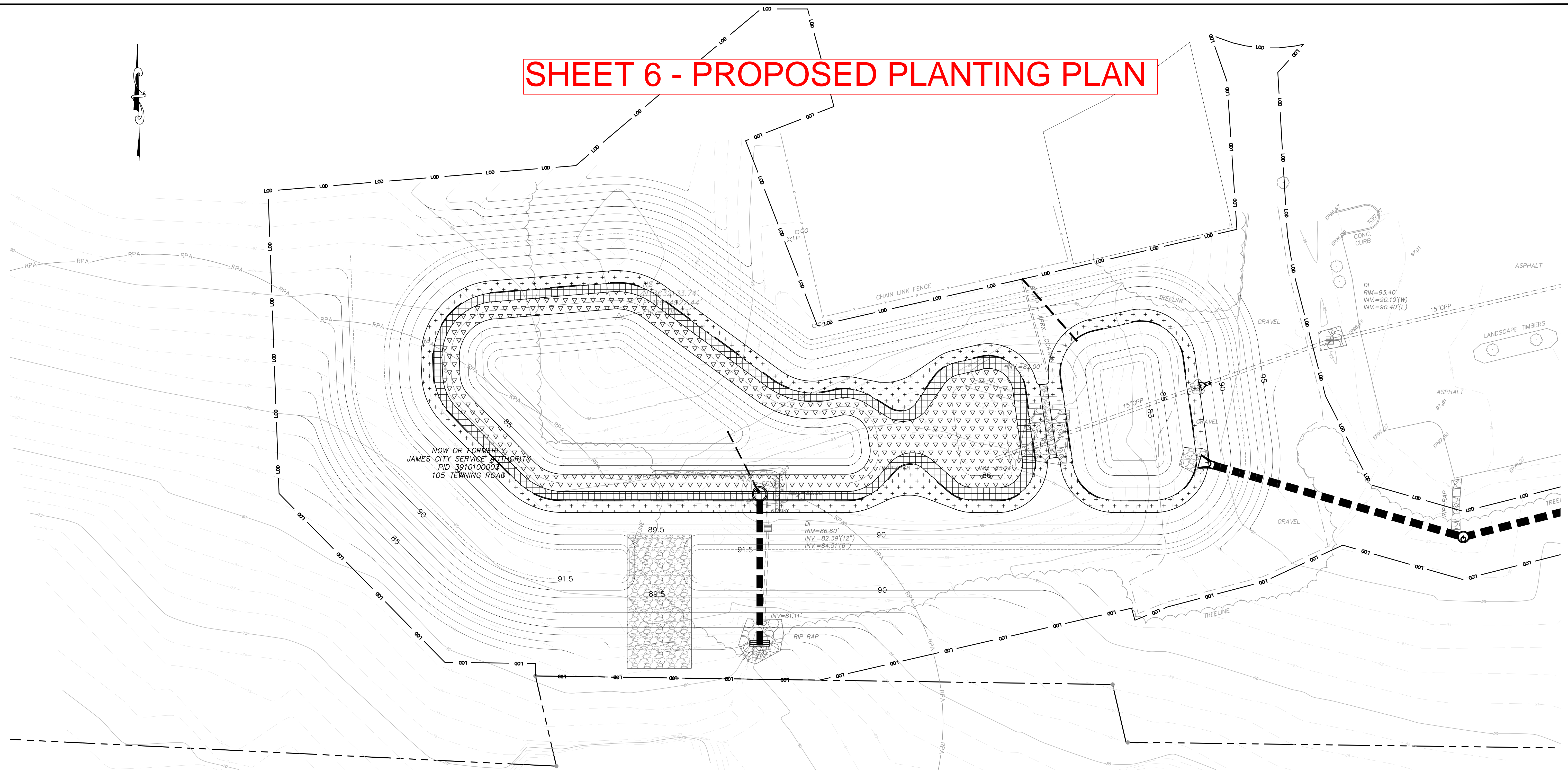


	Previous Impact from Existing Basin (SF)		Proposed RPA Impacts (SF)		Proposed Conditions Land-Use within RPA (SF)		Proposed LOD, with Previous Disturbance Subtracted (SF)	
	50 ft Seaward	50 ft Landward	50 ft Seaward	50 ft Landward	50 ft Seaward	50 ft Landward	50 ft Seaward	50 ft Landward
	RPA	RPA	RPA	RPA	RPA	RPA	RPA	RPA
Imp	234	120	234	120	779	3158	545	3038
Turf	441	4459	441	4555	7484	11408	7043	6949
Woods	0	0	7588	9891	0	0	0	0
Sum	675	4579	8263	14566	8263	14566	7588	9987
	5254		22829		22829		17575	

NOTE: GATE VALVE SHALL BE ACCESSIBLE THROUGH TOP OF RISER STRUCTURE AND SECURED TO SIDE OF STRUCTURE WITH METAL STRAP DOWELED INTO SIDE OF STRUCTURE

PLAN REVISIONS										
SHEET	3	SCALE	1" = 20'							
TURNING ROAD BMP RETROFIT		LAYOUT PLAN								
JAMES CITY COUNTY, VIRGINIA										
DATE: 3/3/2023	ENGINEER: RKK	CHECKED: RKK					JOB#: 20156-02			
2100 EAST CARY STREET, SUITE 309 RICHMOND, VIRGINIA 23223 (P) 804 782-1903 (F) 804 782-2142										
RUMMEL, KLEPPER & KAHL, LLP										

SHEET 6 - PROPOSED PLANTING PLAN



NOW OR FORMERLY
JAMES CITY SERVICE AUTHORITY
PID 3910100003
105 TEWNING ROAD

PLANTING SUMMARY						
KEY	SCIENTIFIC NAME	COMMON NAME	QTY	UNIT	SIZE	SPACING
LOW MARSH: 18 TO 6 INCH DEPTH BELOW WSE			AREA (SF):		4715	
EC	<i>Elodea canadensis</i>	Water Weed	262	EA	EA	36" O.C.
VA	<i>Valisneria americana</i>	Wild Celery	262	EA	EA	36" O.C.
ZONE 2B - HIGH MARSH: 6 TO 0 INCH DEPTH BELOW WSE			AREA (SF):		2315	
PC	<i>Pontederia cordata</i>	Pickerelweed	86	EA	QT	36" O.C.
PV	<i>Peltandra virginica</i>	Arrow Arum	86	EA	QT	36" O.C.
SP	<i>Scipus pungens</i>	Common Three Square	86	EA	QT	36" O.C.
ZONE 3 - SHORELINE FRINGE: 0 TO 12 INCH ABOVE WSE			AREA (SF):		4532	
SV	<i>Scipus validus</i>	Soft Stem Bulrush	168	EA	QT	36" O.C.
CS	<i>Carex spp.</i>	Sedges	168	EA	QT	36" O.C.
HM	<i>Hibiscus moscheutos</i>	Marsh Hibiscus	168	EA	QT	36" O.C.

- LEGEND**

 - PROPOSED PIPE
 - WATER SURFACE ELEVATION
 - PROPOSED MAJOR CONTOUR
 - PROPOSED MINOR CONTOUR
 - PROPOSED ACCESS ROUTE
 - PROPOSED RIPRAP
 - RPA
 - RESOURCE PROTECTION AREA

PLANTING LEGEND

 - LOW MARSH - 6"-18" DEPTH
 - HIGH MARSH - 0"-6" DEPTH
 - SHORELINE FRINGE - 0"-12" ABOVE WSE

ALL DISTURBED AREA OUTSIDE PLANTING ZONES TO BE SEEDED WITH TURF GRASS

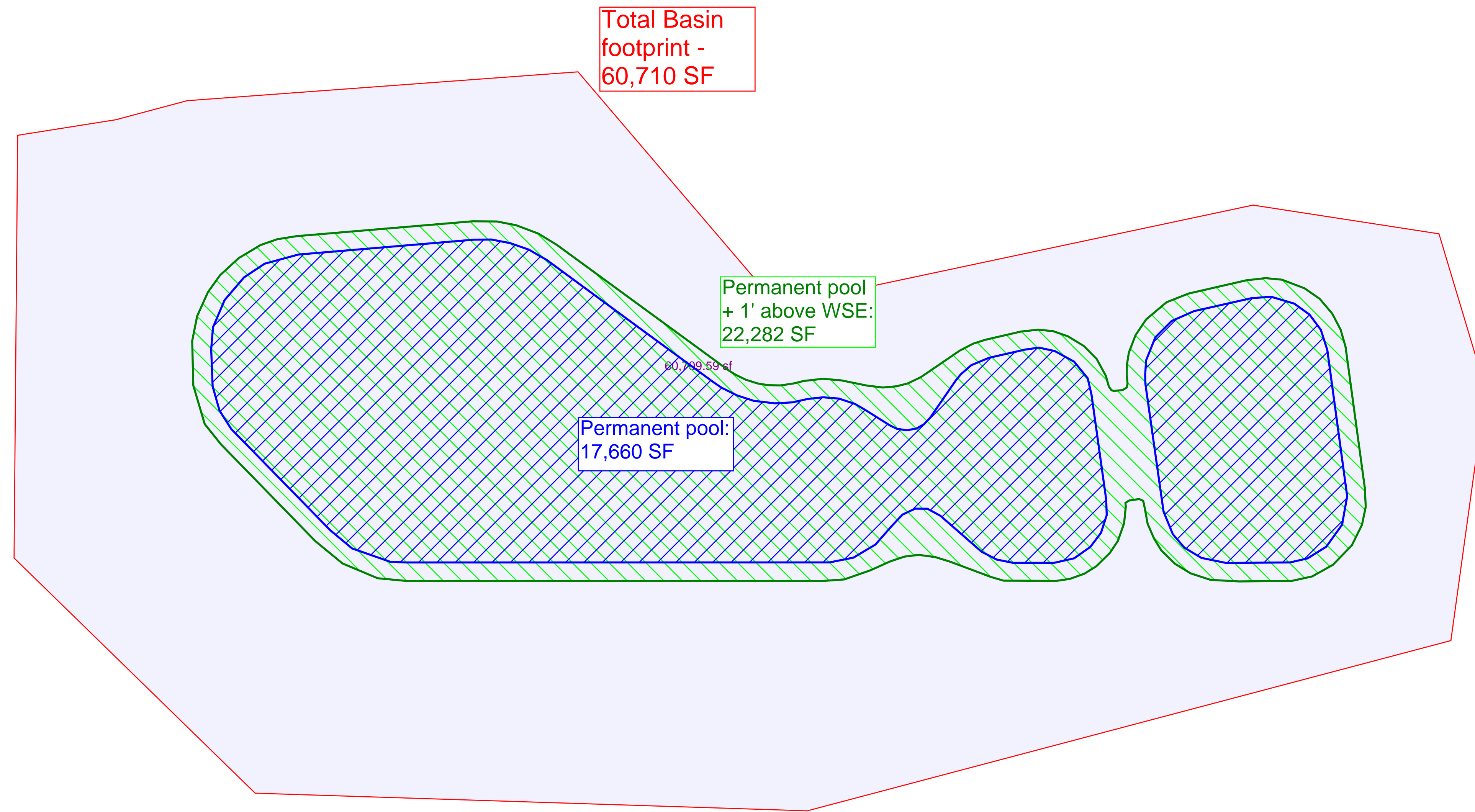
90% PLANS

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PLAN REVISIONS					
SHEET	11A	SCALE	1"=20'		
TEWNING ROAD BMP RETROFIT		PLANTING PLAN			
JAMES CITY COUNTY, VIRGINIA					
DATE: 3/31/2023	ENGINEER: RKK	CHECKED: RKK	JOB#: 20156-02		
2100 EAST CARY STREET, SUITE 309 RICHMOND, VIRGINIA 23223 (P) 804 782-1903 (F) 804 782-2142					
RUMMEL, KLEPPER & KAHL, LLP					

SHEET 7 - PROPOSED FOOTPRINT AREAS





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

Capital Projects
107 Tewning Road
Williamsburg, VA 23188
757-259-4080

Fleet
103 Tewning Road
Williamsburg, VA 23188
757-259-4122

**Stormwater and
Resource Protection**
101-E Mounts Bay Road
Williamsburg, VA 23185
757-259-6670

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

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

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

RE: CBPA-23-0039
117 Tewning Road
Retrofit of an existing stormwater
BMP

April 19, 2023

Dear Adjacent Property Owner:

In accordance with State and County Codes, this letter is to notify you that a request has been filed with the James City County Chesapeake Bay Board by Mr. James Die, RK&K, on behalf of Mr. Darryl Cook, James City County for encroachments into the Resource Protection Area (RPA) buffer for the retrofit of an existing stormwater BMP on property located at 117 Tewning Road, JCC Tax Map Parcel No. 3910100003.

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, May 10, 2023, 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

Case Number: CBPA-23-0039

PIN	Last Name	Address Line 1	City	State	Zip Code
3.91E+09	AF ROSS LLC	116 TEWNING RD	WILLIAMSBURG	VA	23188-2640
3.91E+09	COMMONWEALTH OF VIRGINIA EASTERN STATE HOSPITAL	4601 IRONBOUND RD	WILLIAMSBURG	VA	23188-2648
3.91E+09	ENCO LLC	133 POWHATAN SPRINGS RD	WILLIAMSBURG	VA	23188-2463
3.91E+09	ENCO LLC	133 POWHATAN SPRINGS RD	WILLIAMSBURG	VA	23188-2463
3.91E+09	IRONBOUND EMPIRE LLC	4071 IRONBOUND RD ~STE 200	WILLIAMSBURG	VA	23188-2894
3.91E+09	IRONBOUND EMPIRE LLC	4071 IRONBOUND RD ~STE 200	WILLIAMSBURG	VA	23188-2894
3.91E+09	JAMES CITY SERVICE AUTHORITY	119 TEWNING RD	WILLIAMSBURG	VA	23188-2639
3.91E+09	JAMES CITY SERVICE AUTHORITY	119 TEWNING RD	WILLIAMSBURG	VA	23188-2639
3.91E+09	JAMES CITY SERVICE AUTHORITY	119 TEWNING RD	WILLIAMSBURG	VA	23188-2639
	Mr. James Die RK&K	11827 Canon Boulevard	Newport News	VA	23606
3.91E+09	NEW TOWN ASSOCIATES LLC	PO BOX 5010	WILLIAMSBURG	VA	23188-5200
3.912E+09	NEW TOWN ASSOCIATES LLC	PO BOX 5010	WILLIAMSBURG	VA	23188-5200
3.912E+09	POINTE AT NEW TOWN I LLC & POINTE AT NEW TOWN II LLC	1680 WISCONSIN AVE NW ~STE 300	WASHINGTON	DC	20007-2766
3.912E+09	ROSELINE, L.L.C.	4403 IRONBOUND RD	WILLIAMSBURG	VA	23188-2621
3.82E+09	S & L PROPERTIES LLC	107 LEWIS CIR	WILLIAMSBURG	VA	23188-1601
3.91E+09	TEWNING BUSINESS CENTER CONDOMINIUM OWNERS ASSOCIATION	1 WATERFORD CT	WILLIAMSBURG	VA	23188-1538
3.91E+09	VIRGINIA DEPARTMENT OF TRANSPORTATION	P O BOX HD	WILLIAMSBURG	VA	23187-3608



PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY, MAY 10, 2023 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-23-0007: Mr. Daniel Winall, Water's Edge Construction, has applied on behalf of Mr. Geoffrey and Ms. Jacqueline Stephan for a wetlands permit for the installation of a living shoreline including riprap on property located at 3096 North Riverside Dr, JCC Parcel No. 1910200017.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-23-0030: Mr. Chase Grogg, LandTech Resources, Inc., has applied for a Chesapeake Bay Exception on behalf of Mr. Howard Jones for encroachments into the Resource Protection Area (RPA) buffer for the construction of a single-family dwelling on property located at 153 Shinnecock, JCC Parcel No. 3720400016.

CBPA-23-0031: Mr. Chase Grogg, LandTech Resources, Inc., has applied for a Chesapeake Bay Exception on behalf of Greenwood Homes Hampton Roads LLC for encroachments into the RPA buffer for the construction of a single-family dwelling on property located at 205 Bulwell Forrest, JCC Parcel No. 3233100019.

CBPA-23-0032: Mr. Chase Grogg, LandTech Resources, Inc., has applied for a Chesapeake Bay Exception on behalf of Walk Wright Construction LLC for encroachments into the RPA buffer for the construction of a single-family dwelling on property located at 5 Tay River, JCC Parcel No. 3720200044.

CBPA-23-0039: Mr. James Die, RK&K, has applied for a Chesapeake Bay Exception on behalf of Mr. Darryl Cook, James City County for encroachments into the RPA buffer for the retrofit of an existing stormwater BMP on property located at 117 Tewning Road, JCC Parcel No. 3910100003.

CBPA-23-0041: Jordan, Edward T & Kalisha R has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the installation of a driveway and site grading on property located at 141 Riverview Plantation Dr., JCC Parcel No. 1640500002.

CBPA-23-0044: Mr. Mark Adam, Black Tip Associates, LLC, has applied for a Chesapeake Bay Exception on behalf of Ms. Karen and Mr. David Hescox for encroachments into the RPA buffer for the construction of a new single-family dwelling on property located at 112 North Turnberry, JCC Parcel No. 3721200004.

CBPA-23-0045: Mr. Andrew Coleman has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the replacement and expansion of a deck on property located at 5343 Rockingham Dr, JCC Parcel No. 3221200153.



PUBLIC HEARING NOTICE

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

The applications and plans are on file and may be viewed during normal office hours in the Stormwater and Resource Protection Division, 101-E Mounts Bay Road, James City County, Virginia.

NOT FOR PUBLICATION

DISPLAY: WEDNESDAY – Apr 26, 2023 and May 3, 2023.

ACCOUNT NO. CU00015112

VIRGINIA GAZETTE

1/8 PAGE, VERTICAL, B/W

CARD # x6648

ITEM SUMMARY

DATE: 5/10/2023
TO: Chesapeake Bay Board
FROM: Trevor Long, Chesapeake Bay Board Secretary
SUBJECT: CBPA-23-0045 : 5343 Rockingham Drive

CBPA-23-0045: Mr. Andrew Coleman has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the replacement and expansion of a deck on property located at 5343 Rockingham Dr, JCC Parcel No. 3221200153.

ATTACHMENTS:

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

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	5/3/2023 - 2:31 PM
Chesapeake Bay Group	Small, Toni	Approved	5/3/2023 - 2:33 PM
Publication Management	Daniel, Martha	Approved	5/3/2023 - 3:11 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	5/3/2023 - 5:06 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-23-0045. 5343 Rockingham Drive
Staff Report for the May 10, 2023, 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. Andrew Coleman

Agent: None

Location: 5343 Rockingham Drive

Parcel Identification No.: 3221200153

Parcel: Lot 153, Section 2, Scott's Pond

Lot Size: 0.31 acres

Area of Lot in Resource Protection Area (RPA): 0.20 acres (65%)

Watershed: Powhatan Creek (JL31)

Floodplain: None

Proposed Activity: Replacement and expansion of a deck

Impervious Cover: 170 square feet

RPA Encroachment: 170 square feet, landward 50-foot RPA

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

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Andrew Coleman has applied for a Chesapeake Bay Exception for encroachments into the RPA for the replacement and expansion of a deck located at 5343 Rockingham Drive within the Scott's Pond subdivision and the Powhatan Creek watershed. The property is further identified as James City County Tax Map Parcel No. 3221200153. The parcel was platted in 2003, prior to the changes to the Chesapeake Bay Preservation Ordinance in 2004.

The total lot size of this property is 0.31 acres, of which 65% is located within the RPA. The applicant is proposing to replace and expand the existing deck on the rear of the home. The existing deck and stairs impact 141 square feet of the RPA. The proposed deck and stairs impact 311 square feet of the RPA, therefore, total impacts to the RPA associated with this proposal are 170 square feet of impacts to 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 replacement and expansion 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 replacement and expansion 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. The Applicant must submit a mitigation plan equating to seven shrubs to the Stormwater and Resource Protection Division prior to project start; and
3. The Applicant must place three inches of gravel underlain with filter fabric under the footprint of the deck; and
4. The Applicant must submit a surety of \$500 in a form acceptable to the James City County Attorney's Office to guarantee the mitigation plantings; and
5. This exception request approval will become null and void if construction has not begun by May 10, 2024; and
6. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than March 29, 2024, six weeks prior to the expiration date.

TAL/md
CBPA23-45_5343RockhamDr

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA-23-0045. 5343 ROCKINGHAM DRIVE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Andrew Coleman (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on May 10, 2023, 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. 3221200153 and further identified as 5343 Rockingham Drive (the “Property”) as set forth in the application CBPA-23-0045 for the purpose of replacement and expansion of 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-23-0045, 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 seven shrubs to the Stormwater and Resource Protection Division prior to project start; and
3. The Applicant must place three inches of gravel underlain with filter fabric under the footprint of the deck; and
4. The Applicant must submit a surety of \$500 in a form acceptable to the James City County Attorney’s Office to guarantee the mitigation plantings; and
5. This exception request approval will become null and void if construction has not begun by May 10, 2024; and
6. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than March 29, 2024, six weeks prior to the expiration date.

Charles Roadley
Chair, Chesapeake Bay Board

Trevor A. Long
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 10th day of May, 2023.

RESOLUTION

CASE NO. CBPA-23-0045. 5343 ROCKINGHAM DRIVE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Andrew Coleman (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on May 10, 2023, 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. 3221200153 and further identified as 5343 Rockingham Drive (the “Property”) as set forth in the application CBPA-23-0045 for the purpose of replacement and expansion of 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 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-23-0045.

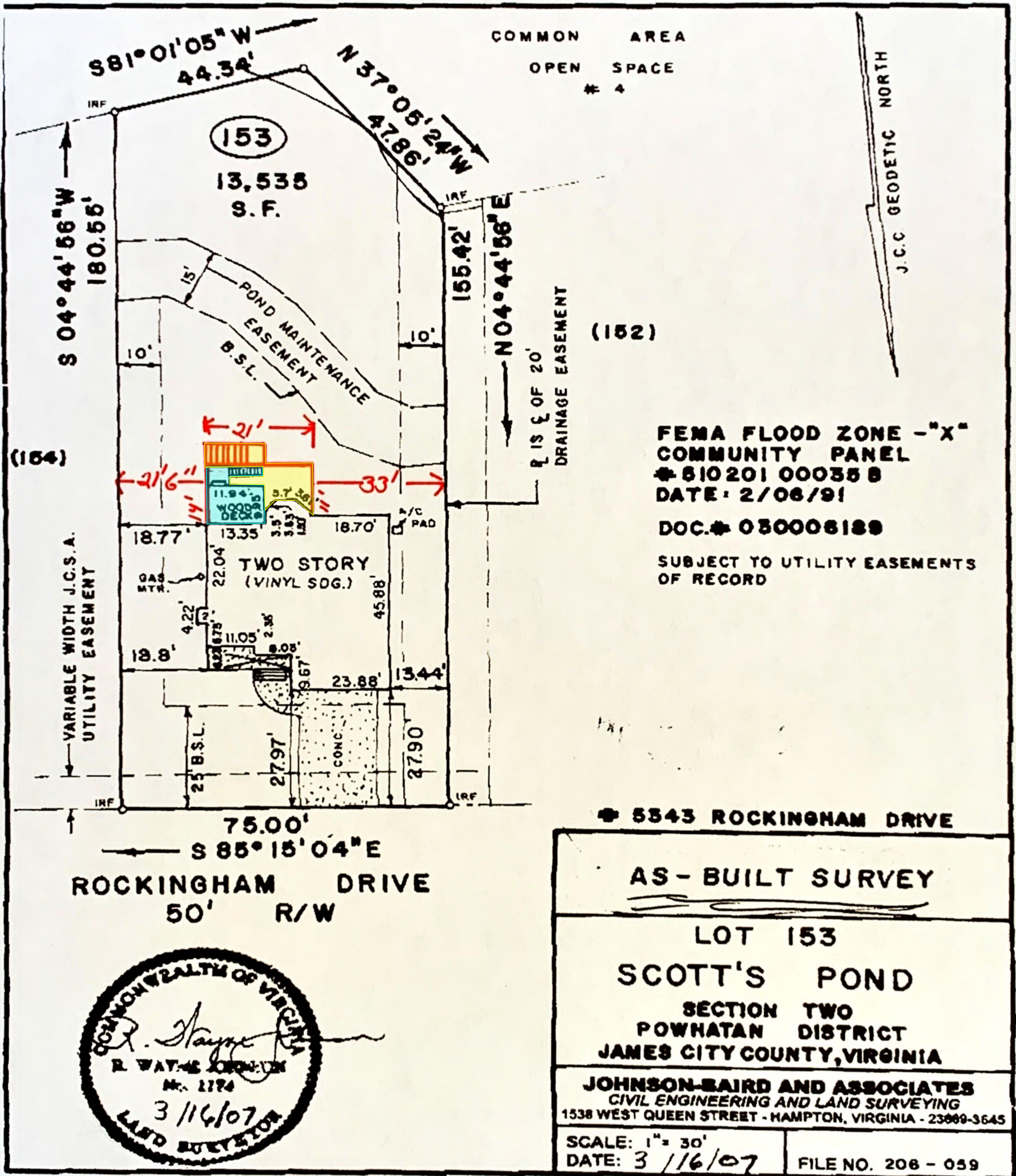
Charles Roadley
Chair, Chesapeake Bay Board

Trevor A. Long
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 10th day of May, 2023.

CBPA23-45_5343RockhamDrDny-res

\$ 042041



Case Number: CBPA-23-0045

PIN	Last Name	Address Line 1	City	State	Zip Code
3.221E+09	COLEMAN, ANDREW BRUCE & IWONA	5343 ROCKINGHAM DR	WILLIAMSBURG	VA	23188-8118
3.221E+09	DOCHTERMANN, BRIAN P TRUSTEE & SARAH F TRUSTEE	5336 ROCKINGHAM DR	WILLIAMSBURG	VA	23188-8118
3.221E+09	FELTON, JAMES H JR & SHROPSHIRE-FELT	5344 ROCKINGHAM DR	WILLIAMSBURG	VA	23188-8118
3.221E+09	HWANG, ANDY H	5347 ROCKINGHAM DR	WILLIAMSBURG	VA	23188-8118
3.221E+09	KUMAR, PRADEEP	5340 ROCKINGHAM DR	WILLIAMSBURG	VA	23188-8118
3.221E+09	RAMASAMY, MANICKAM & MANICKAM, CHELLAM	4012 COLD SPRING RD	WILLIAMSBURG	VA	23188-2782



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

Capital Projects
107 Tewning Road
Williamsburg, VA 23188
757-259-4080

Fleet
103 Tewning Road
Williamsburg, VA 23188
757-259-4122

**Stormwater and
Resource Protection**
101-E Mounts Bay Road
Williamsburg, VA 23185
757-259-6670

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

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

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

RE: CBPA-23-0045
5343 Rockingham Dr
Replacement and expansion of a
deck

April 19, 2023

Dear Adjacent Property Owner:

In accordance with State and County Codes, this letter is to notify you that a request has been filed with the James City County Chesapeake Bay Board by Mr. Andrew Coleman for encroachments into the Resource Protection Area (RPA) buffer for the replacement and expansion of a deck on property located at 5343 Rockingham Dr, JCC Tax Map Parcel No. 3221200153.

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, May 10, 2023, 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



PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY, MAY 10, 2023 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-23-0007: Mr. Daniel Winall, Water's Edge Construction, has applied on behalf of Mr. Geoffrey and Ms. Jacqueline Stephan for a wetlands permit for the installation of a living shoreline including riprap on property located at 3096 North Riverside Dr, JCC Parcel No. 1910200017.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-23-0030: Mr. Chase Grogg, LandTech Resources, Inc., has applied for a Chesapeake Bay Exception on behalf of Mr. Howard Jones for encroachments into the Resource Protection Area (RPA) buffer for the construction of a single-family dwelling on property located at 153 Shinnecock, JCC Parcel No. 3720400016.

CBPA-23-0031: Mr. Chase Grogg, LandTech Resources, Inc., has applied for a Chesapeake Bay Exception on behalf of Greenwood Homes Hampton Roads LLC for encroachments into the RPA buffer for the construction of a single-family dwelling on property located at 205 Bulwell Forrest, JCC Parcel No. 3233100019.

CBPA-23-0032: Mr. Chase Grogg, LandTech Resources, Inc., has applied for a Chesapeake Bay Exception on behalf of Walk Wright Construction LLC for encroachments into the RPA buffer for the construction of a single-family dwelling on property located at 5 Tay River, JCC Parcel No. 3720200044.

CBPA-23-0039: Mr. James Die, RK&K, has applied for a Chesapeake Bay Exception on behalf of Mr. Darryl Cook, James City County for encroachments into the RPA buffer for the retrofit of an existing stormwater BMP on property located at 117 Tewning Road, JCC Parcel No. 3910100003.

CBPA-23-0041: Jordan, Edward T & Kalisha R has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the installation of a driveway and site grading on property located at 141 Riverview Plantation Dr., JCC Parcel No. 1640500002.

CBPA-23-0044: Mr. Mark Adam, Black Tip Associates, LLC, has applied for a Chesapeake Bay Exception on behalf of Ms. Karen and Mr. David Hescox for encroachments into the RPA buffer for the construction of a new single-family dwelling on property located at 112 North Turnberry, JCC Parcel No. 3721200004.

CBPA-23-0045: Mr. Andrew Coleman has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the replacement and expansion of a deck on property located at 5343 Rockingham Dr, JCC Parcel No. 3221200153.



PUBLIC HEARING NOTICE

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

The applications and plans are on file and may be viewed during normal office hours in the Stormwater and Resource Protection Division, 101-E Mounts Bay Road, James City County, Virginia.

NOT FOR PUBLICATION

DISPLAY: WEDNESDAY – Apr 26, 2023 and May 3, 2023.

ACCOUNT NO. CU00015112

VIRGINIA GAZETTE

1/8 PAGE, VERTICAL, B/W

CARD # x6648

ITEM SUMMARY

DATE: 5/10/2023

TO: Chesapeake Bay Board

FROM: Trevor Long, Chesapeake Bay Board Secretary

SUBJECT: CBPA-23-0031 : 205 Bulwell Forest

CBPA-23-0031: Mr. Chase Grogg, Landtech Resources, Inc., has applied for a Chesapeake Bay Exception on behalf of Greenwood Homes Hampton Roads LLC for encroachments into the RPA buffer for the construction of a single-family dwelling on property located at 205 Bulwell Forrest, JCC Parcel No. 3233100019.

ATTACHMENTS:

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

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	4/5/2023 - 7:56 AM
Chesapeake Bay Group	Small, Toni	Approved	4/5/2023 - 8:25 AM
Publication Management	Pobiak, Amanda	Approved	4/5/2023 - 8:38 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	4/5/2023 - 1:52 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-23-0031. 205 Bulwell Forest
Staff Report for the May 10, 2023, 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: Greenwood Homes-Hampton Roads, LLC

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

Location: 205 Bulwell Forest

Parcel Identification No.: 3233100019

Parcel: Lot 19, Section 12, Ford's Colony

Lot Size: 0.69 acres

Area of Lot in Resource Protection Area (RPA): 0.60 acres (87%)

Watershed: Powhatan Creek (JL31)

Floodplain: None

Proposed Activity: Construction of a single-family dwelling and attached deck

Impervious Cover: 3,773 square feet

RPA Encroachment: 2,760 square feet, landward 50-foot RPA
1,013 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 Greenwood Homes-Hampton Roads, LLC, for encroachments into the RPA for the construction of a single-family dwelling and attached deck located at 205 Bulwell 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. 3233100019. The parcel was platted in 2003, prior to the changes to the Chesapeake Bay Preservation Ordinance in 2004.

The total lot size of this property is 0.69 acres, of which 87% is located within the RPA. Existing conditions on this property include a wooded lot with wetlands across the rear of the property, a Best Management Practice access easement through the property, and a James City Service Authority access easement across the lot. The applicant is proposing to construct a single-family dwelling with an attached deck. Total impacts to the RPA associated with this proposal equate to 2,760 square feet of impacts to the landward 50-foot RPA and 1,013 square feet of impacts to the seaward 50-foot RPA for a total of 3,773 square feet of impacts to the RPA. The minimum first-floor square footage required for this section of Ford's Colony is 2,000 square feet. The proposed house has a first-floor square footage equal to 2,042 square feet, a 2% increase.

Required mitigation for this amount of impervious impacts equals 10 planting units (10 canopy trees, 20 understory trees, and 30 shrubs). The applicant is proposing to plant seven planting units and purchase four credits through the James City County Mitigation Fund at the cost of \$3,000. Therefore, the proposed mitigation exceeds County requirements. Additionally, there are two proposed infiltration trenches. Staff is requesting that an affidavit be recorded in the Williamsburg/James City County Courthouse because of the environmental sensitivity of this lot.

STAFF EVALUATION

Staff has evaluated the application and exception request for the construction of a single-family dwelling and attached 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 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 approval for this exception request and if the Board wishes to approve the request, staff recommends the following conditions be incorporated into the approval:

1. The Applicant must obtain all other necessary federal, state, and local permits as required for the project; and
2. The Applicant must submit a surety of \$5,250 in a form acceptable to the James City County Attorney's Office to guarantee the mitigation plantings; and
3. The Applicant must submit a payment of \$3,000 into the James City County Mitigation Fund prior to the issuance of a building permit; and
4. The Applicant must place three inches of gravel underlain with filter fabric underneath the footprint of the deck; and

5. An affidavit must be recorded in the Williamsburg/James City County Courthouse prior to the issuance of a building permit; and
6. This exception request approval will become null and void if construction has not begun by May 10, 2024; and
7. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than March 29, 2024, six weeks prior to the expiration date.

TAL/md
CBPA23-31_205BulwellFor

- Attachments:
1. Resolution
 2. Site Plan

RESOLUTION

CASE NO. CBPA-23-0031. 205 BULWELL FOREST

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Greenwood Homes-Hampton Roads, LLC (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on May 10, 2023, 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. 3233100019 and further identified as 205 Bulwell Forest (the “Property”) as set forth in the application CBPA-23-0031 for the purpose of constructing a single-family dwelling and attached 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-23-0031, 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 surety of \$5,250 in a form acceptable to the James City County Attorney’s Office to guarantee the mitigation plantings; and
3. The Applicant must submit a payment of \$3,000 into the James City County Mitigation Fund prior to the issuance of a building permit; and
4. The Applicant must place three inches of gravel underlain with filter fabric underneath the footprint of the deck; and
5. An affidavit must be recorded in the Williamsburg/James City County Courthouse prior to the issuance of a building permit; and
6. This exception request approval will become null and void if construction has not begun by May 10, 2024; and
7. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than March 29, 2024, six weeks prior to the expiration date.

Charles Roadley
Chair, Chesapeake Bay Board

Trevor A. Long
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 10th day of May, 2023.

RESOLUTION

CASE NO. CBPA-23-0031. 205 BULWELL FOREST

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Greenwood Homes-Hampton Roads, LLC (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on May 10, 2023, 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. 3233100019 and further identified as 205 Bulwell Forest (the “Property”) as set forth in the application CBPA-23-0031 for the purpose of constructing a single-family dwelling and attached 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 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-23-0031.

Charles Roadley
Chair, Chesapeake Bay Board

Trevor A. Long
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 10th day of May, 2023.

CBPAA23-31_205BulwllForDny-res

GENERAL NOTES

1. THIS PLAT WAS PRODUCED WITHOUT THE BENEFIT OF A TITLE REPORT AND REFLECTS ONLY THOSE ENCUMBRANCES, EASEMENTS AND SETBACKS AS SHOWN IN INST#030011451.
2. ELEVATIONS SHOWN HEREON ARE IN FEET AND ARE CLOSELY RELATED TO JCC GIS (NAVD88).
3. WETLANDS, AS SHOWN, WERE DELINEATED BY ROTH ENVIRONMENTAL.
4. THIS FIRM MADE NO ATTEMPT TO LOCATE UNDERGROUND UTILITIES.
5. PARCEL LIES IN F.I.R.M. ZONE "X" ACCORDING TO COMMUNITY PANEL #51095C0117D, DATED DECEMBER 16, 2015.
6. LOT SERVED BY PUBLIC WATER AND SEWER. CONTRACTOR TO COORDINATE CONNECTIONS WITH JAMES CITY COUNTY UTILITIES.
7. CONTRACTOR SHALL PROVIDE POSITIVE DRAINAGE AWAY FROM BUILDINGS SHOWN HEREON.
8. TOPOGRAPHIC DATA AS SHOWN IS BASED ON A CURRENT FIELD SURVEY.
9. CONTRACTOR SHALL DETERMINE EXACT FINISHED FLOOR ELEVATION AFTER EXCAVATION.
10. CONTRACTOR TO INSTALL ORANGE SAFETY FENCE AROUND PERIMETER OF CONSTRUCTION.
11. PROPOSED RESIDENCE SHOWN BASED OFF OF PLANS PROVIDED BY CLIENT DATED 8/3/2022 & AND TO BE CONFIRMED BY CONTRACTOR PRIOR TO CONSTRUCTION. CONTRACTOR TO VERIFY PLAN DIMENSIONS PRIOR TO CONSTRUCTION.

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. ()

MITIGATION TABLE: 4,479 S.F. / 400 S.F. = 12 CREDITS

MITIGATION MEASURE	QTY.(NEEDED)
NATIVE CANOPY TREES	12
NATIVE UNDERSTORY TREES	24
NATIVE SHRUBS	36

* CONTRACTOR/OWNER TO COORDINATE EXACT SPECIES AND PLANTING LOCATION WITH JAMES CITY COUNTY FOR REQUIREMENTS ON MITIGATION PLANTING.

EROSION & SEDIMENT CONTROL NOTES

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

BUILDING INFORMATION

PROPOSED BUILDING IS A 1-STORY FRAME
 PROPOSED GARAGE IS FRONT LOADING
 SECTION 12 FIRST FLOOR REQUIREMENT: 2,000 S.F.
 PROPOSED FIRST FLOOR: 2,092 S.F.

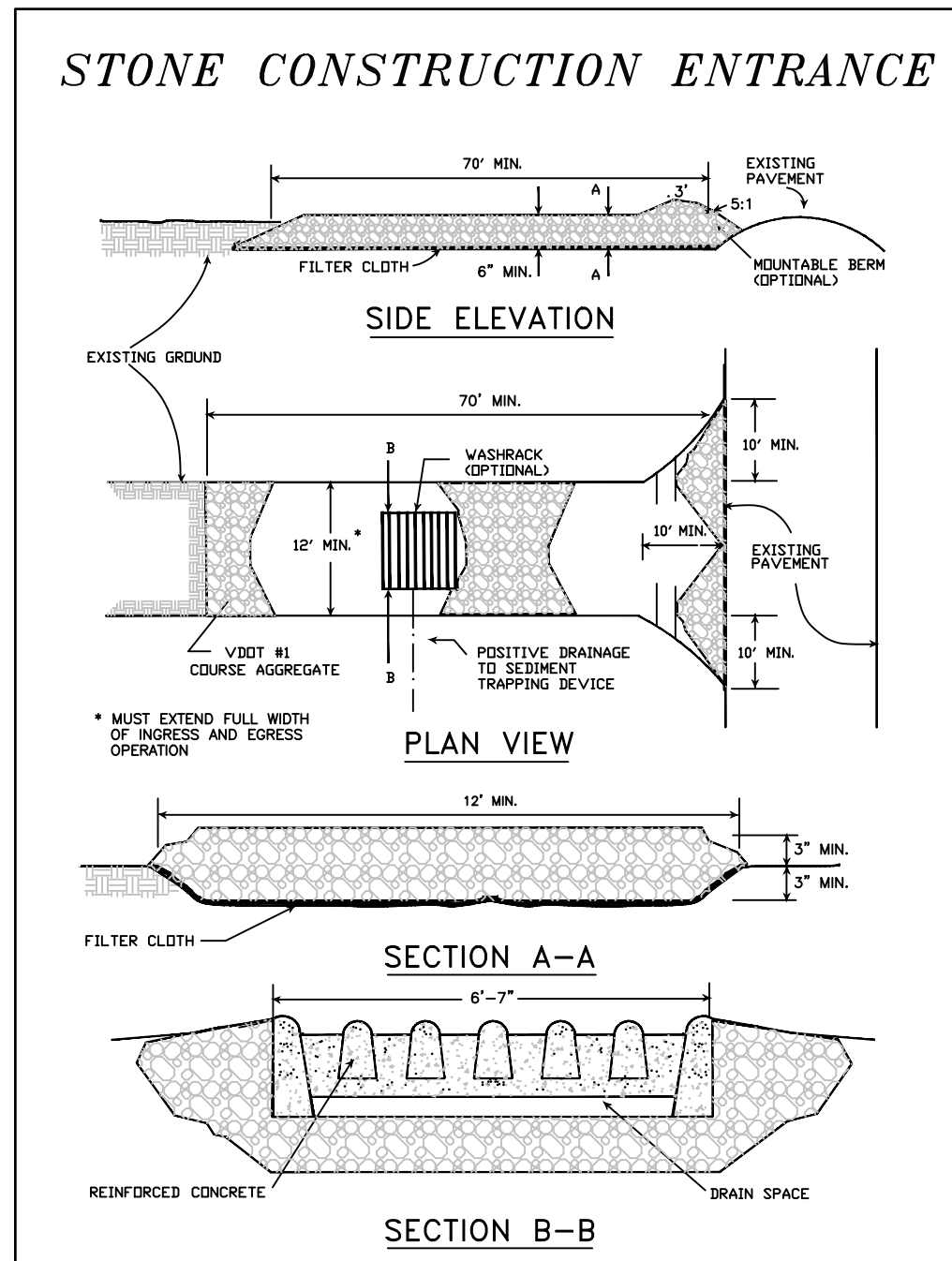
BUILDING SETBACK (SBL)

FRONT: 30'
 REAR: 20'
 SIDE: 9.8' (10% LOT WIDTH)

EXISTING ADDRESS:

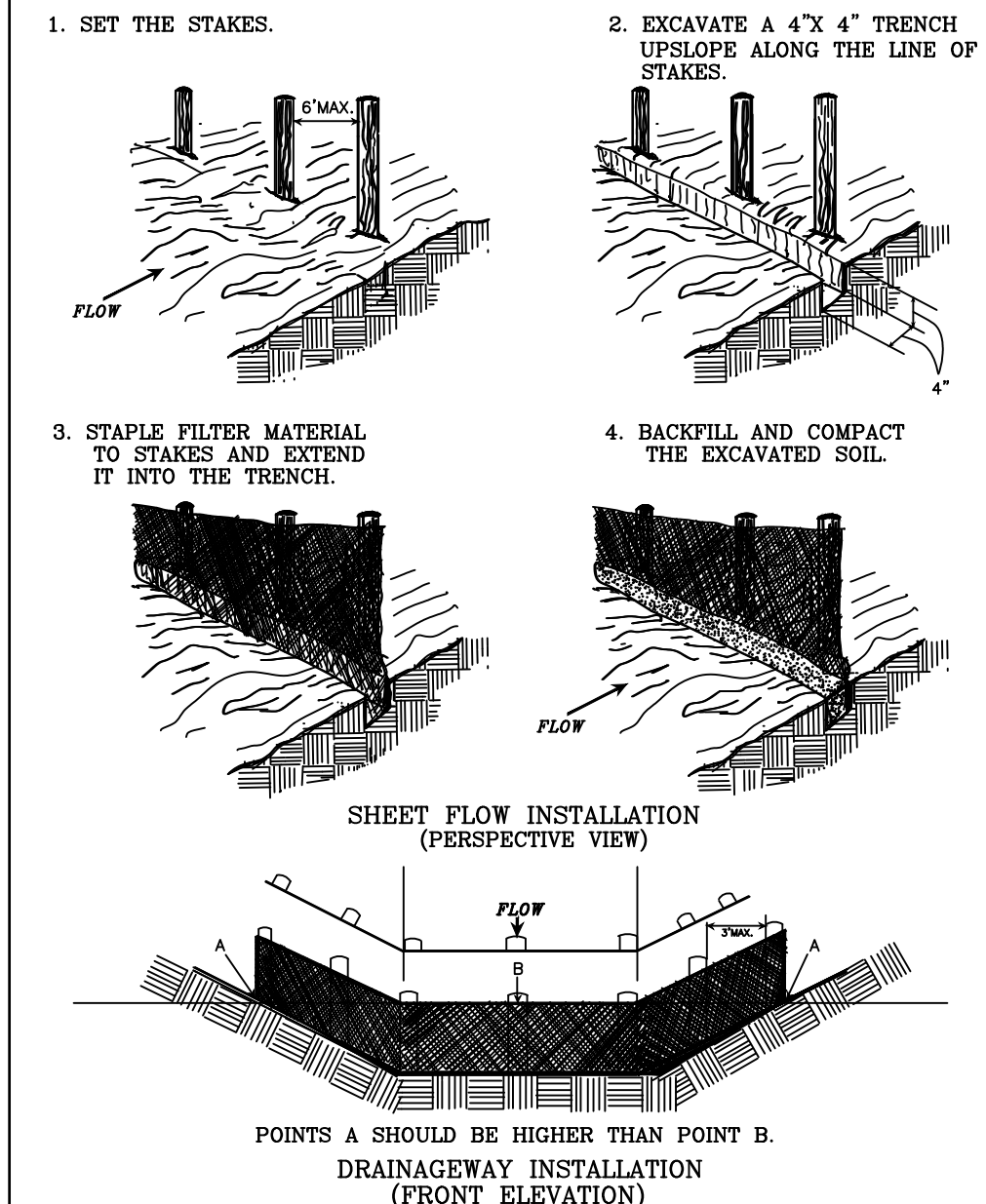
205 BULWELL FOREST
 JAMES CITY COUNTY, VIRGINIA

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)

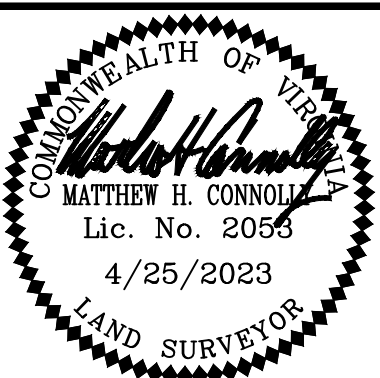


SOURCE: Adapted from Installation of Straw and Fabric Filter Barriers for Sediment Control, VA. DSWC Sherwood and Wyant PLATE 3.05-2

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 12/12/2022
 MATTHEW H. CONNOLLY, L.S. DATE



DATE: 12/12/2022
 DRAWN BY: AEQ
 PROJECT No. 22-363
 FILE NAME: 22-363.DWG
 REFERENCES:
 INST.# 030011451

PLOT PLAN OF
 LOT 19, SECTION XII
 FORD'S COLONY
 FOR
 GREENWOOD HOMES
 JAMES CITY COUNTY VIRGINIA

NO.	DATE	REVISION / COMMENT / NOTE
1	1/4/2023	ADDED TRASH ENCLOSURE
2	2/7/2023	CORRECTED FINISH FLOOR ELEVATION
3	2/28/2023	REVISED WETLANDS AS FLAGGED BY OTHERS
4	3/22/2023	REVISED PER COUNTY COMMENT
5	3/27/2023	REVISED PER COUNTY COMMENT
6	3/30/2023	REVISED TO SHOW ROOF LEADER / OUTFALL PIPE
7	4/25/2023	REVISED WITH LATEST HOUSE PLANS RECEIVED



RECORD
 INST. # 031100451
 MERIDIAN

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.

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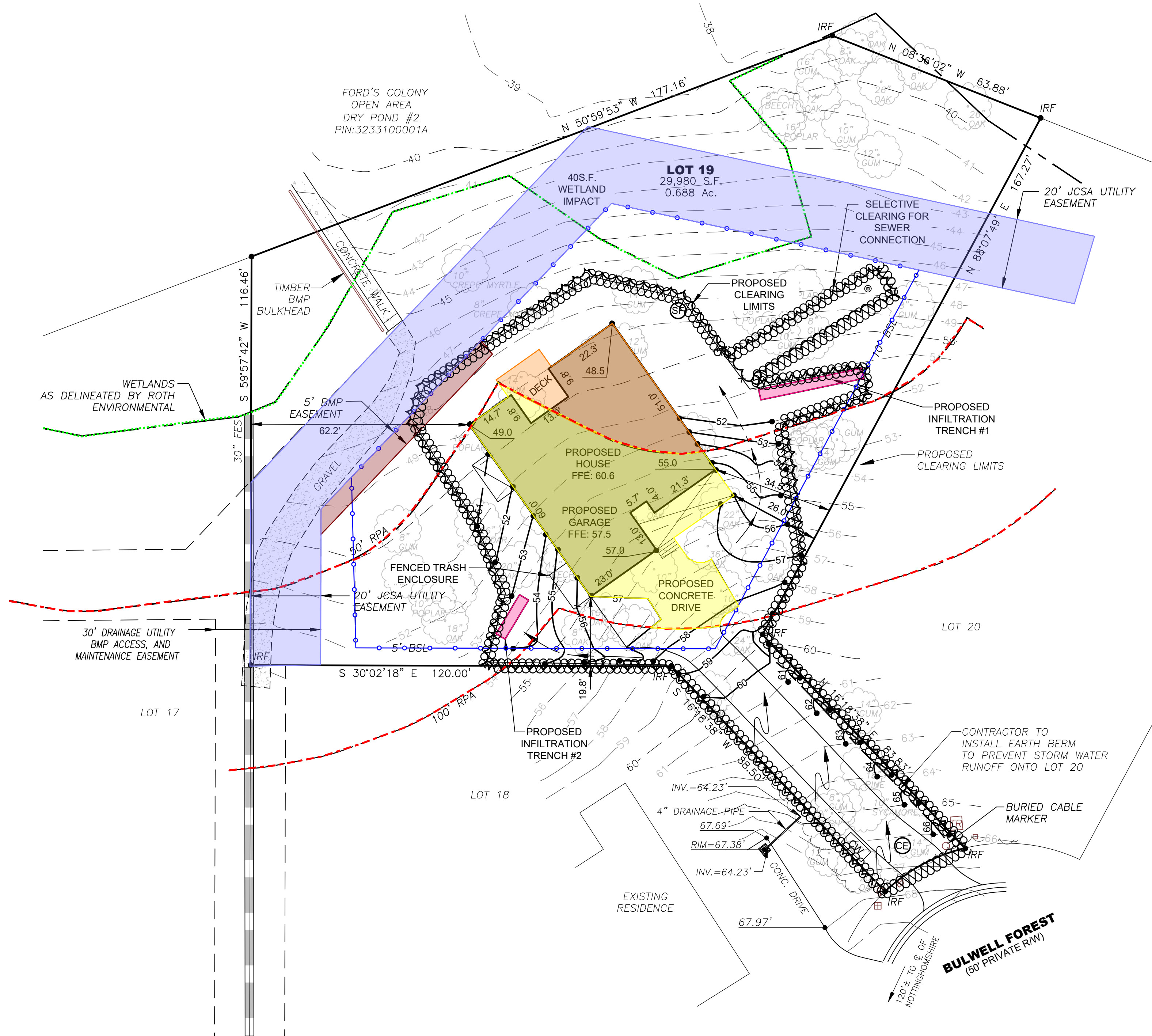
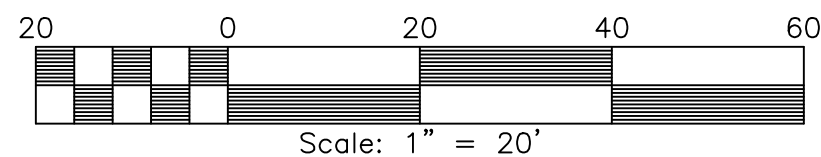
SITE INFORMATION

PARCEL ID: 3233100019
 TOTAL AREA: 29,980 S.F. / 0.688 AC.
 IMPERVIOUS AREA: 5,009 S.F. / 0.115 AC.
 IMPERVIOUS WITHIN 50' RPA: 1,013 S.F. / 0.023 AC.
 IMPERVIOUS WITHIN 100' RPA: 2,760 S.F. / 0.063 AC.
 IMPERVIOUS WITHIN RPA TOTAL: 3,773 S.F. / 0.087 AC.
 DISTURBED AREA: 11,724 S.F. / 0.269 AC.
 ZONING DISTRICT: R4 RESIDENTIAL PLANNED COMMUNITY
 EXISTING SITE IS PARTLY WOODED AS SHOWN

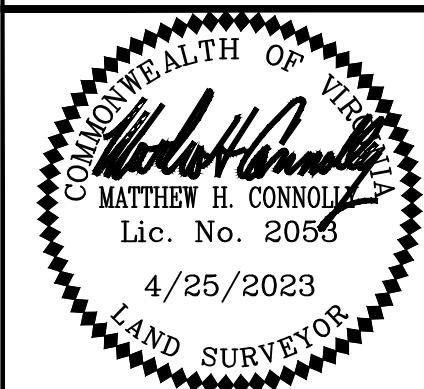
EXISTING ADDRESS:

205 BULWELL FOREST
 JAMES CITY COUNTY, VIRGINIA

- LEGEND**
- ⊕ WATER METER
 - ⊙ SEWER CLEAN OUT
 - ⊕ CABLE PEDESTAL
 - ⊕ TELEPHONE PEDESTAL
 - TR TRANSFORMER
 - IRF = IRON ROD FOUND
 - CW CONCRETE WASHOUT
 - PROPOSED HVAC AREA LOCATION IS APPROXIMATE
 - PROPOSED SWALE



SHEET 2 OF 4



DATE: 12/12/2022
 DRAWN BY: AEQ
 PROJECT No. 22-363
 FILE NAME: 22-363.DWG
 REFERENCES:
 INST#030011451

PLOT PLAN OF
 LOT 19, SECTION XII
 FORD'S COLONY
 FOR
 GREENWOOD HOMES
 JAMES CITY COUNTY VIRGINIA

NO.	DATE	REVISION / COMMENT / NOTE
1	1/4/2023	ADDED TRASH ENCLOSURE
2	2/7/2023	CORRECTED FINISH FLOOR ELEVATION
3	2/28/2023	REVISED WETLANDS AS FLAGGED BY OTHERS
4	3/22/2023	REVISED PER COUNTY COMMENT
5	3/27/2023	REVISED PER COUNTY COMMENT
6	3/30/2023	REVISED TO SHOW ROOF LEADER / OUTFALL PIPE
7	4/25/2023	REVISED WITH LATEST HOUSE PLANS RECEIVED

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

MITIGATION TABLE: 3,770 S.F. / 400 S.F. = 10 CREDITS

MITIGATION MEASURE	TOTAL QTY.(NEEDED)
NATIVE CANOPY TREES	10
NATIVE UNDERSTORY TREES	20
NATIVE SHRUBS	30

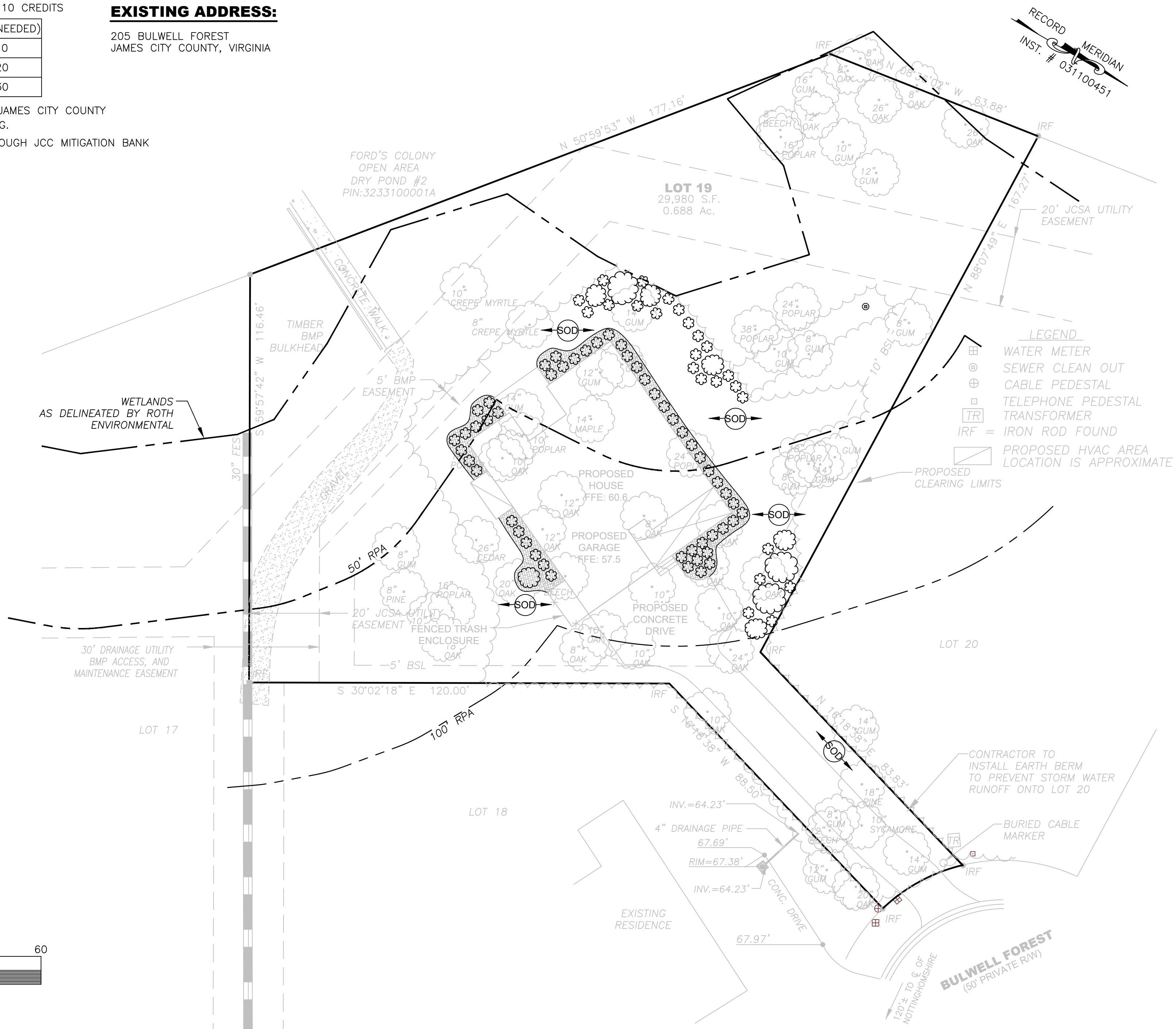
EXISTING ADDRESS:

205 BULWELL FOREST
JAMES CITY COUNTY, VIRGINIA

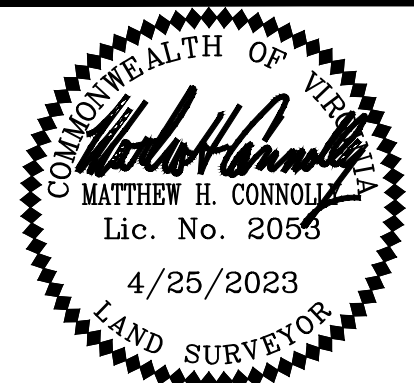
- * CONTRACTOR/OWNER TO COORDINATE WITH JAMES CITY COUNTY FOR REQUIREMENTS ON MITIGATION PLANTING.
- * CONTRACTOR TO PURCHASE 4 CREDITS THROUGH JCC MITIGATION BANK

LANDSCAPE LEGEND (7 CREDITS)

- CANOPY =3 SHOWN
- UNDERSTORY =6 SHOWN
- SHRUBS =74 SHOWN
- MULCHED AREAS



SHEET 3 OF 4

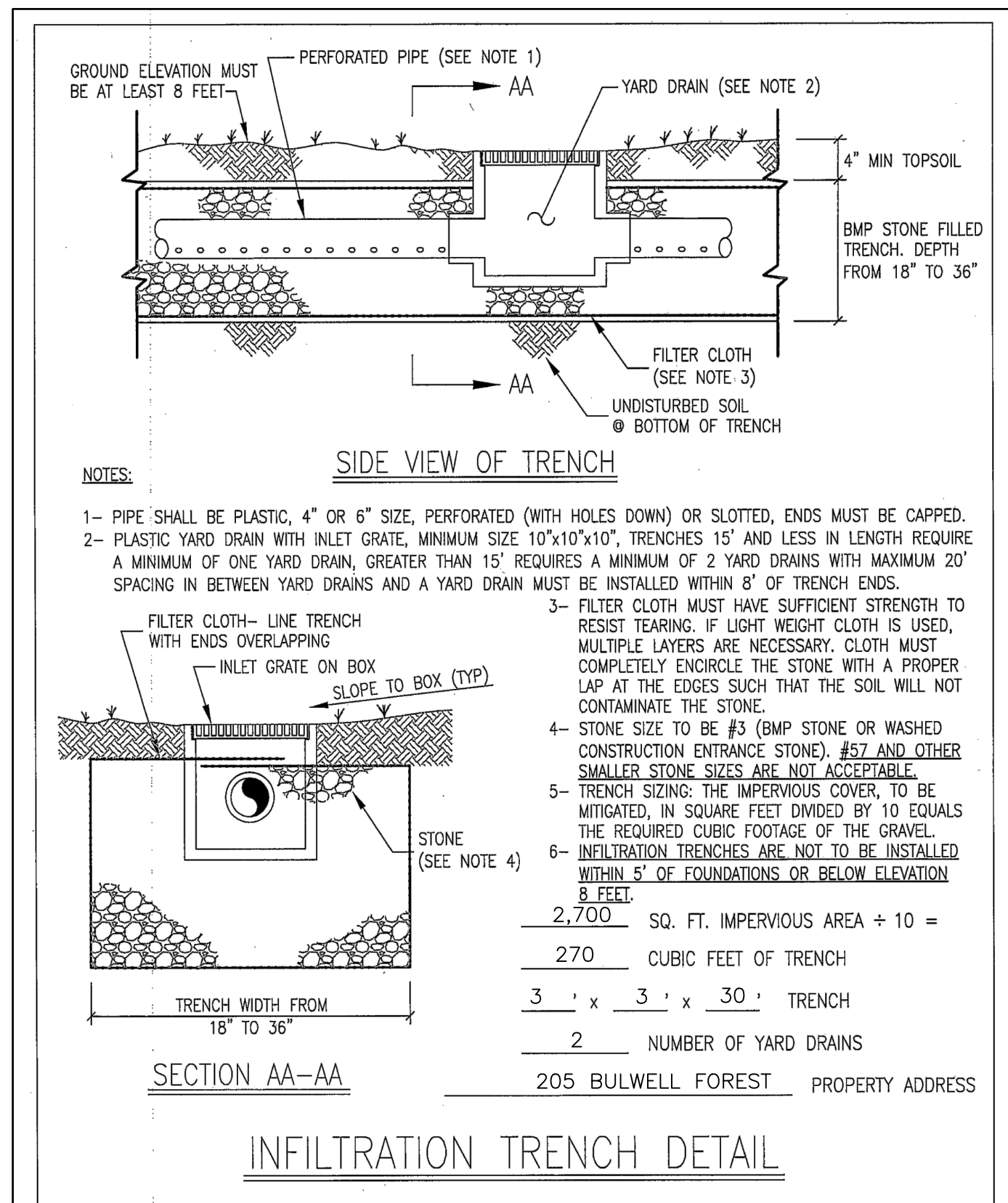


DATE: 12/12/2022
DRAWN BY: AEQ
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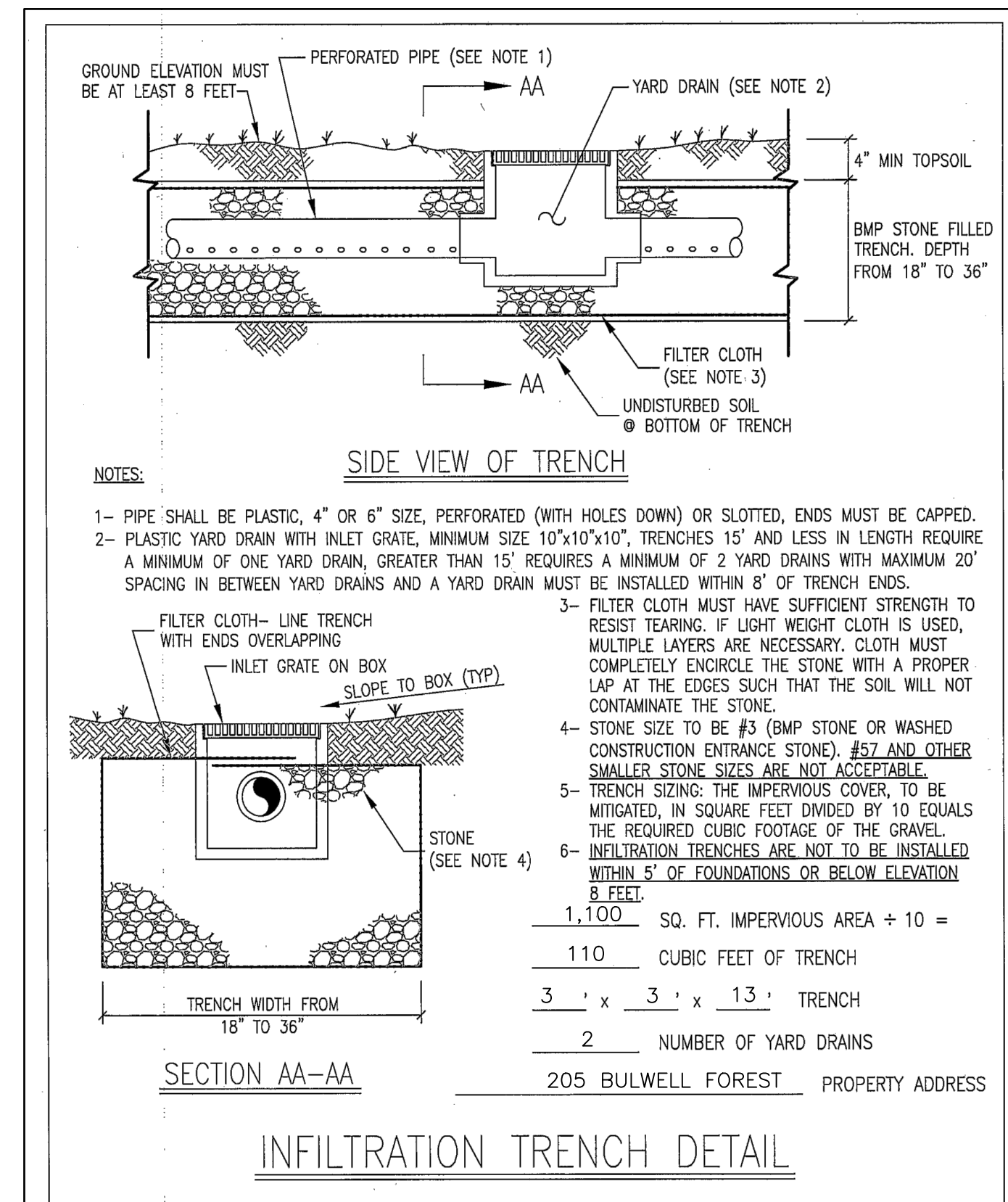
PLLOT PLAN OF
LOT 19, SECTION XII
FORD'S COLONY
FOR
GREENWOOD HOMES
JAMES CITY COUNTY VIRGINIA

NO.	DATE	REVISION / COMMENT / NOTE
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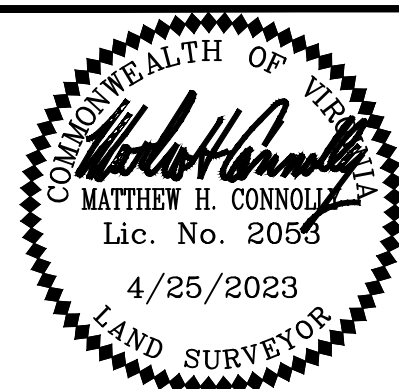


TRENCH DETAIL #1



TRENCH DETAIL #2

SHEET 4 OF 4



DATE: 12/12/2022
 DRAWN BY: AEQ
 PROJECT No. 22-363
 FILE NAME: 22-363.DWG
 REFERENCES:
 INST#030011451

PLOT PLAN OF
 LOT 19, SECTION XII
 FORD'S COLONY
 FOR
 GREENWOOD HOMES

JAMES CITY COUNTY

VIRGINIA

NO.	DATE	REVISION / COMMENT / NOTE
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7	4/25/2023	REVISED WITH LATEST HOUSE PLANS RECEIVED



Case Number: CBPA-23-0031

PIN	Last Name	Address Line 1	City	State	Zip Code
3233100022	ANDINO, MARK R TRUSTEE & JULIET D TRUSTEE	204 BULWELL FRST	WILLIAMSBURG	VA	23188-3509
3233100023	BERKLEY, EARL LEE & TERRY BARNES	200 BULWELL FRST	WILLIAMSBURG	VA	23188-3509
	Chase Grogg, LandTech Resources, Inc.	205-E Bulifants Blvd	Williamsburg	VA	23188
3233100020	DAY, JOHN W TRUSTEE & LIU HSIUCHEN T	614 RUNYON AVE	PISCATAWAY	NJ	88544-4719
3233100001B	FORD'S COLONY AT WILLIAMSBURG HOMEOWNERS ASSOC	100 MANCHESTER	WILLIAMSBURG	VA	23188-7404
3233100001A	FORDS COLONY AT WILLIAMSBURG HOMEOWNERS ASSOCIATION	100 MANCHESTER	WILLIAMSBURG	VA	23188-7404
3233100019	GREENWOOD HOMES HAMPTON ROADS LLC	PO BOX 1467	CHARLOTTESVILLE	VA	22902-1467
3233100017	KIONKA, TERRI K	168 NOTTINGHAMSHIRE	WILLIAMSBURG	VA	23188-3505
3233100018	MURAWSKI, RONALD J TRUSTEE & PATRICIA M TRUSTEE	201 BULWELL FOREST	WILLIAMSBURG	VA	23188-3509
3233100021	SAKLY, LOTFI	2825 LAURA GAE CIR	VIENNA	VA	22180-7469



PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY, MAY 10, 2023 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-23-0007: Mr. Daniel Winall, Water's Edge Construction, has applied on behalf of Mr. Geoffrey and Ms. Jacqueline Stephan for a wetlands permit for the installation of a living shoreline including riprap on property located at 3096 North Riverside Dr, JCC Parcel No. 1910200017.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-23-0030: Mr. Chase Grogg, LandTech Resources, Inc., has applied for a Chesapeake Bay Exception on behalf of Mr. Howard Jones for encroachments into the Resource Protection Area (RPA) buffer for the construction of a single-family dwelling on property located at 153 Shinnecock, JCC Parcel No. 3720400016.

CBPA-23-0031: Mr. Chase Grogg, LandTech Resources, Inc., has applied for a Chesapeake Bay Exception on behalf of Greenwood Homes Hampton Roads LLC for encroachments into the RPA buffer for the construction of a single-family dwelling on property located at 205 Bulwell Forrest, JCC Parcel No. 3233100019.

CBPA-23-0032: Mr. Chase Grogg, LandTech Resources, Inc., has applied for a Chesapeake Bay Exception on behalf of Walk Wright Construction LLC for encroachments into the RPA buffer for the construction of a single-family dwelling on property located at 5 Tay River, JCC Parcel No. 3720200044.

CBPA-23-0039: Mr. James Die, RK&K, has applied for a Chesapeake Bay Exception on behalf of Mr. Darryl Cook, James City County for encroachments into the RPA buffer for the retrofit of an existing stormwater BMP on property located at 117 Tewning Road, JCC Parcel No. 3910100003.

CBPA-23-0041: Jordan, Edward T & Kalisha R has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the installation of a driveway and site grading on property located at 141 Riverview Plantation Dr., JCC Parcel No. 1640500002.

CBPA-23-0044: Mr. Mark Adam, Black Tip Associates, LLC, has applied for a Chesapeake Bay Exception on behalf of Ms. Karen and Mr. David Hescox for encroachments into the RPA buffer for the construction of a new single-family dwelling on property located at 112 North Turnberry, JCC Parcel No. 3721200004.

CBPA-23-0045: Mr. Andrew Coleman has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the replacement and expansion of a deck on property located at 5343 Rockingham Dr, JCC Parcel No. 3221200153.



PUBLIC HEARING NOTICE

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

The applications and plans are on file and may be viewed during normal office hours in the Stormwater and Resource Protection Division, 101-E Mounts Bay Road, James City County, Virginia.

NOT FOR PUBLICATION

DISPLAY: WEDNESDAY – Apr 26, 2023 and May 3, 2023.

ACCOUNT NO. CU00015112

VIRGINIA GAZETTE

1/8 PAGE, VERTICAL, B/W

CARD # x6648

ITEM SUMMARY

DATE: 5/10/2023
TO: Chesapeake Bay Board
FROM: Trevor Long, Chesapeake Bay Board Secretary
SUBJECT: CBPA-23-0032 : 5 Tay River

CBPA-23-0032: Mr. Chase Grogg, LandTech Resources, Inc., has applied for a Chesapeake Bay Exception on behalf of Walk Wright Construction LLC for encroachments into the RPA buffer for the construction of a single-family dwelling on property located at 5 Tay River, JCC Parcel No. 3720200044.

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	5/3/2023 - 2:12 PM
Chesapeake Bay Group	Small, Toni	Approved	5/3/2023 - 2:12 PM
Publication Management	Pobiak, Amanda	Approved	5/3/2023 - 2:48 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	5/3/2023 - 5:06 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-23-0032. 5 Tay River
Staff Report for the May 10, 2023, Chesapeake Bay Board Public Hearing**

This staff report is prepared by the James City County Stormwater and Resource Protection to provide information to the Chesapeake Bay Board to assist them in making a recommendation on this assessment. It may be useful to members of the general public interested in this assessment.

EXISTING SITE DATA AND INFORMATION

Applicant: Walk Wright Construction, LLC

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

Location: 5 Tay River

Parcel Identification No.: 3720200044

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

Lot Size: 0.56 acres

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

Watershed: Powhatan Creek (JL31)

Floodplain: Zone AE - Base flood elevation determined at 32.1 feet

Proposed Activity: Construction of a single-family dwelling and a deck

Impervious Cover: 4,053 square feet

RPA Encroachment: 1,150 square feet, landward 50-foot RPA
2,903 square feet, seaward 50-foot RPA
10,652 square feet, RPA disturbance

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

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Chase Grogg, LandTech Resources, Inc., has applied for a Chesapeake Bay Exception on behalf of Walk Wright Construction, LLC, for encroachments into the RPA for the construction of a single-family dwelling and a deck located at 5 Tay River within the Ford's Colony subdivision and the Powhatan Creek watershed. The property is further identified as James City County Tax Map Parcel No. 3720200044. The parcel was platted in 1985, prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The total lot size of this property is 0.56 acres, of which 89% is located within the RPA. Existing conditions on this lot include a wooded lot with wetlands on the rear of the property. The applicant is proposing to construct a single-family dwelling with an attached deck. Case No. CBPA-22-0080 was originally heard before this Board on July 13, 2022, where it was denied. The original site plan included 2,861 square feet of impacts to the landward 50-foot RPA and 1,665 square feet of impacts to the seaward 50-foot RPA for a total of 4,526 square feet of impacts. The applicant has since had the wetlands delineated and confirmed by the United States Army Corps of Engineers, which shifted the wetlands and RPA line closer to the road. To accommodate this shift, the house size has been decreased to reduce impacts to the RPA. Due to these

changes, the total impacts to the RPA associated with this proposal equate to 1,150 square feet of impacts to the landward 50-foot RPA and 2,903 square feet of impacts to the seaward 50-foot RPA for a total of 4,053 square feet of impacts. The minimum first-floor square footage required for this section of Ford's Colony is 1,500 square feet. The proposed house has a first-floor square footage equal to 1,661 square feet, an 11% increase. Required mitigation for this amount of impervious impacts equals 11 planting units (11 canopy trees, 22 understory trees, and 33 shrubs). The applicant has provided a mitigation plan that satisfies this requirement. Staff is also requesting that an affidavit be recorded in the Williamsburg/James City County Courthouse due to the environmental sensitivity of this lot.

STAFF EVALUATION

Staff has evaluated the application and exception request for the construction of a single-family dwelling and 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 the single-family dwelling and deck 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. If the Board wishes to approve the request, staff recommends the following conditions be incorporated into the approval:

1. The Applicant must obtain all other necessary federal, state, and local permits as required for the project; and
2. The Applicant must submit a surety of \$8,250 in a form acceptable to the James City County Attorney's Office to guarantee the mitigation plantings; and
3. An affidavit must be recorded in the Williamsburg/James City County Courthouse prior to the issuance of a building permit; and
4. The Applicant must place three inches of gravel underlain with filter fabric underneath the footprint of the deck; and

5. This exception request approval will become null and void if construction has not begun by May 10, 2024; and
6. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than March 29, 2024, six weeks prior to the expiration date.

TAL/ap
CBPA23-32_5TyRvr

- Attachments:
1. Resolution
 2. Site Plan

RESOLUTION

CASE NO. CBPA-23-0032. 5 TAY RIVER

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Walk Wright Construction, LLC (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on May 10, 2023, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property located at 5 Tay River (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 3720200044, as set forth in the application CBPA-23-0032 for the purpose of constructing a single-family dwelling and 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-23-0032, 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 surety of \$8,250 in a form acceptable to the James City County Attorney’s Office to guarantee the mitigation plantings; and
3. An affidavit must be recorded in the Williamsburg/James City County Courthouse prior to the issuance of a building permit; and
4. The Applicant must place three inches of gravel underlain with filter fabric underneath the footprint of the deck; and
5. This exception request approval will become null and void if construction has not begun by May 10, 2024; and
6. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than March 29, 2024, six weeks prior to the expiration date.

Charles Roadley
Chair, Chesapeake Bay Board

Trevor A. Long
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 10th day of May, 2023.

RESOLUTION

CASE NO. CBPA-23-0032. 5 TAY RIVER

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Walk Wright Construction, LLC (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on May 10, 2023, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property identified as James City County Real Estate Tax Map Parcel No. 3720200044 and further identified as 5 Tay River (the “Property”) as set forth in the application CBPA-23-0032 for the purpose of construction of a single-family dwelling and 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 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-23-0032.

Charles Roadley
Chair, Chesapeake Bay Board

Trevor A. Long
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 10th day of May, 2023.

CBPA23-32_5TyRvrDny-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. 40, PG. 60-72.
- ELEVATIONS SHOWN HEREON ARE IN FEET AND ARE CLOSELY RELATED TO JCC GIS (NAVD88).
- WETLANDS, AS SHOWN, WERE LOCATED AND FLAGGED BY OTHERS. THIS FIRM MADE NO ATTEMPT TO LOCATE UNDERGROUND UTILITIES.
- PARCEL LIES IN F.I.R.M. ZONE "X" ZONE "AE" ACCORDING TO COMMUNITY PANEL #51095C0117D, 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.
- CONTRACTOR TO INSTALL ORANGE SAFETY FENCE AROUND PERIMETER OF CONSTRUCTION.
- PROPOSED RESIDENCE SHOWN BASED OFF OF PLANS PROVIDED BY CLIENT DATED 1/31/2023 & AND TO BE CONFIRMED BY CONTRACTOR PRIOR TO CONSTRUCTION. CONTRACTOR TO VERIFY PLAN DIMENSIONS 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 FRAME
 PROPOSED GARAGE IS FRONT LOADING
 SECTION 2 FIRST FLOOR REQUIREMENT: 1,500 S.F.
 PROPOSED FIRST FLOOR: 1,661 S.F.

SITE INFORMATION

PARCEL ID: 3720200044
 TOTAL AREA: 24,470 S.F. / 0.562 AC.
 IMPERVIOUS AREA: 4,153 S.F. / 0.095 AC.
 IMPERVIOUS WITHIN 50' RPA: 2,903 S.F. / 0.067 AC.
 IMPERVIOUS WITHIN 100' RPA: 1,150 S.F. / 0.026 AC.
 TOTAL IMPERVIOUS WITHIN RPA TOTAL: 4,053 S.F. / 0.093 AC.
 DISTURBED AREA: 11,355 S.F. / 0.261 AC.
 ZONING DISTRICT: R4 - RESIDENTIAL PLANNED COMMUNITY
 EXISTING SITE IS MOSTLY WOODED AS SHOWN

BUILDING SETBACK (SBL)

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

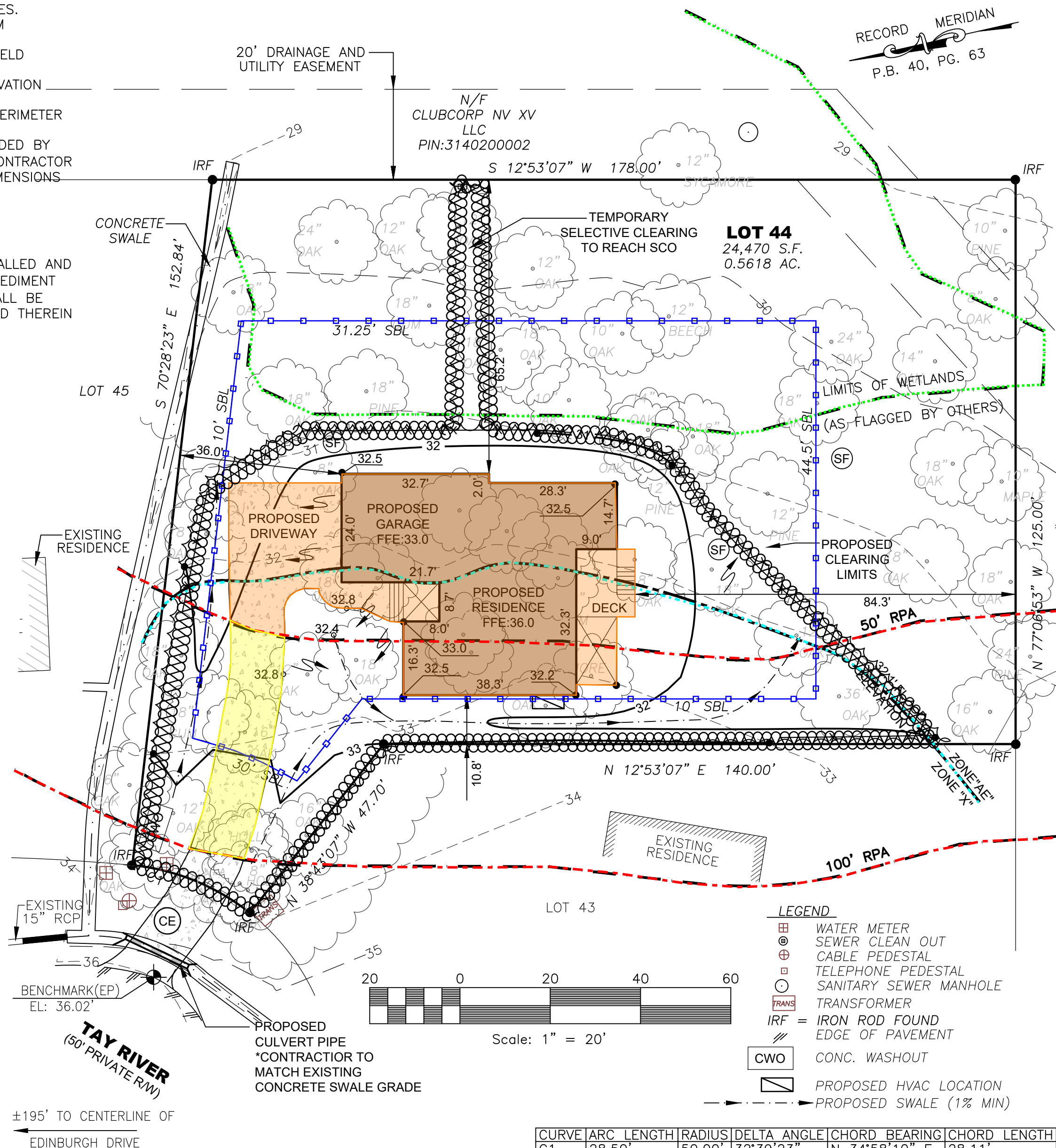
EXISTING ADDRESS:

5 TAY RIVER
 JAMES CITY COUNTY, VA

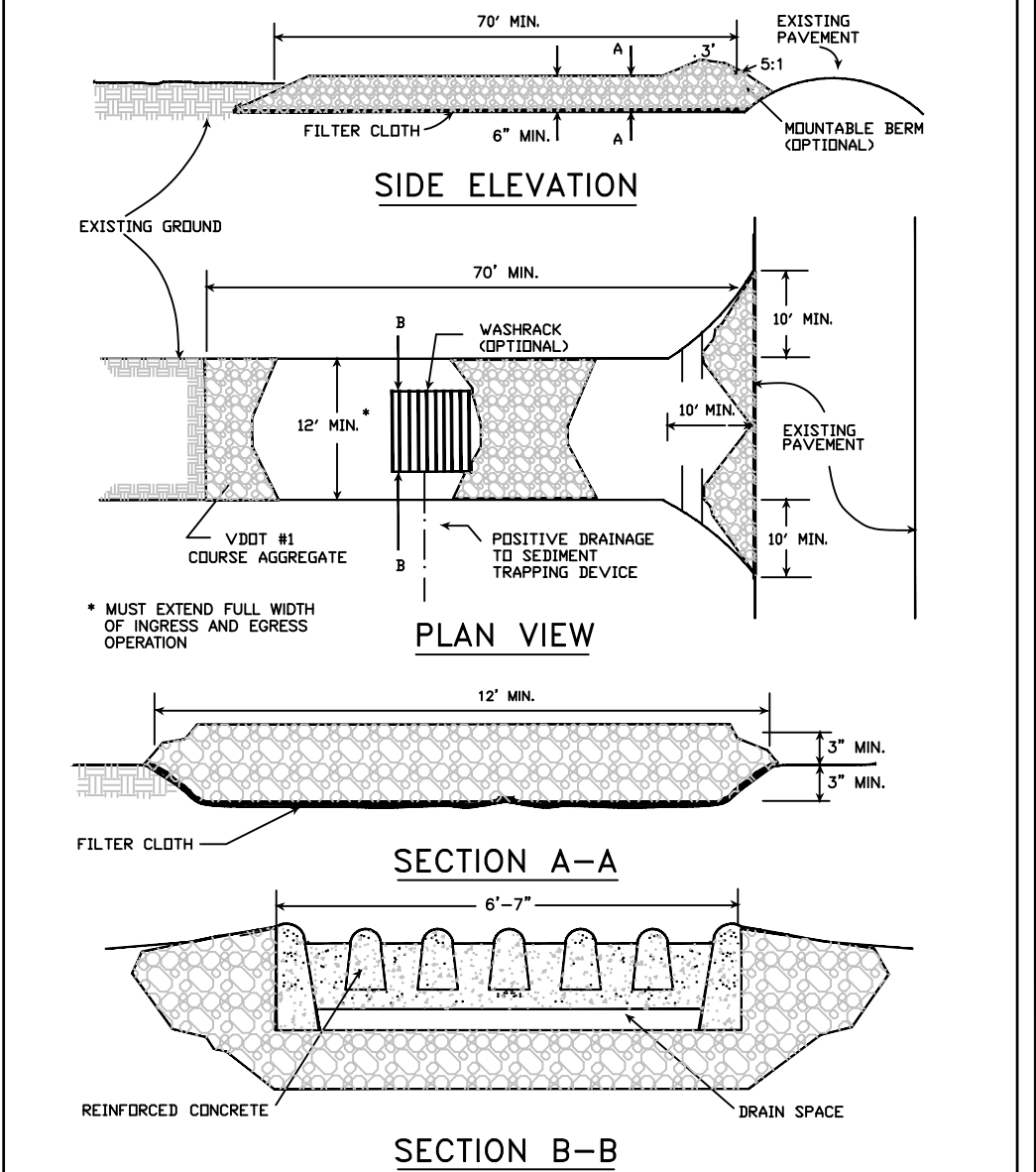
DRAINAGE CONTROL/IMPROVEMENTS SHALL BE INSTALLED IMMEDIATELY AFTER CLEARING SUCH THAT NO DISTURBED AREA DRAINAGE FLOWS ONTO ADJACENT PROPERTIES. ()

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

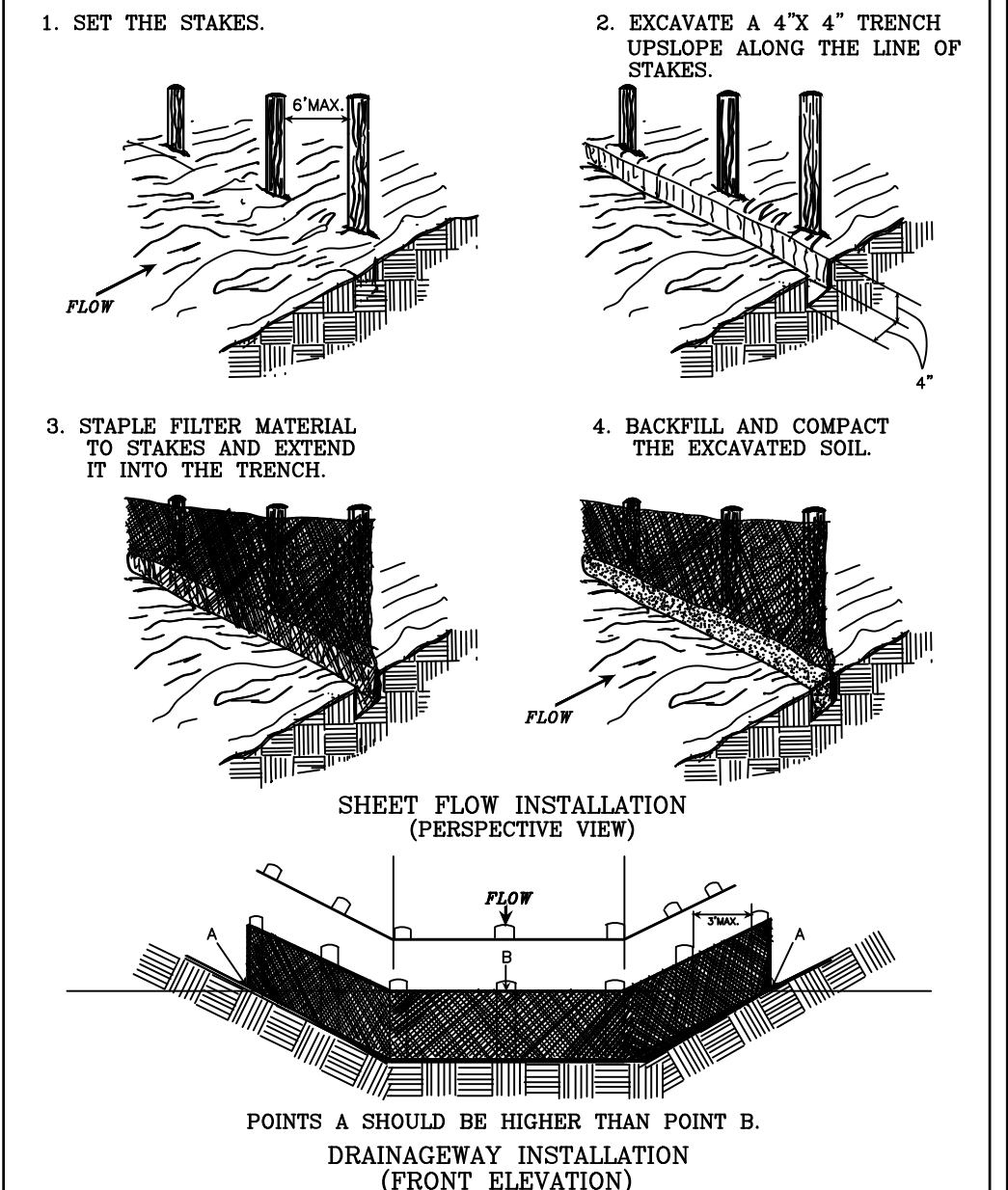
CURB & GUTTER SECTIONS WILL REQUIRE (2) SCHEDULE 40-4" CONDUITS PLACED 3' BELOW GRADE, OR AS LOW AS POSSIBLE TO NOT CONFLICT WITH OTHER UTILITIES, DIRECTLY BEHIND THE CURB FOR FUTURE WIRES.
 SECTIONS: 3B, 8A, 8B, 10, 12, 13A, 13B, 14A, 14B, 15, 17, 18, 30, 31 & 32
 DATE: _____ SIGNED: _____



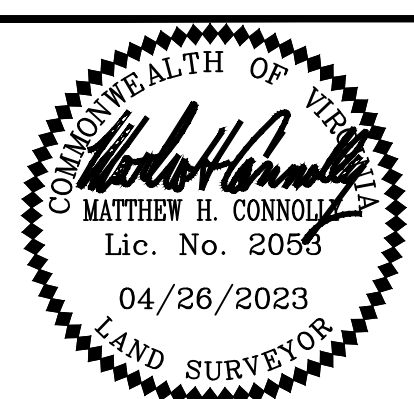
STONE CONSTRUCTION ENTRANCE



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

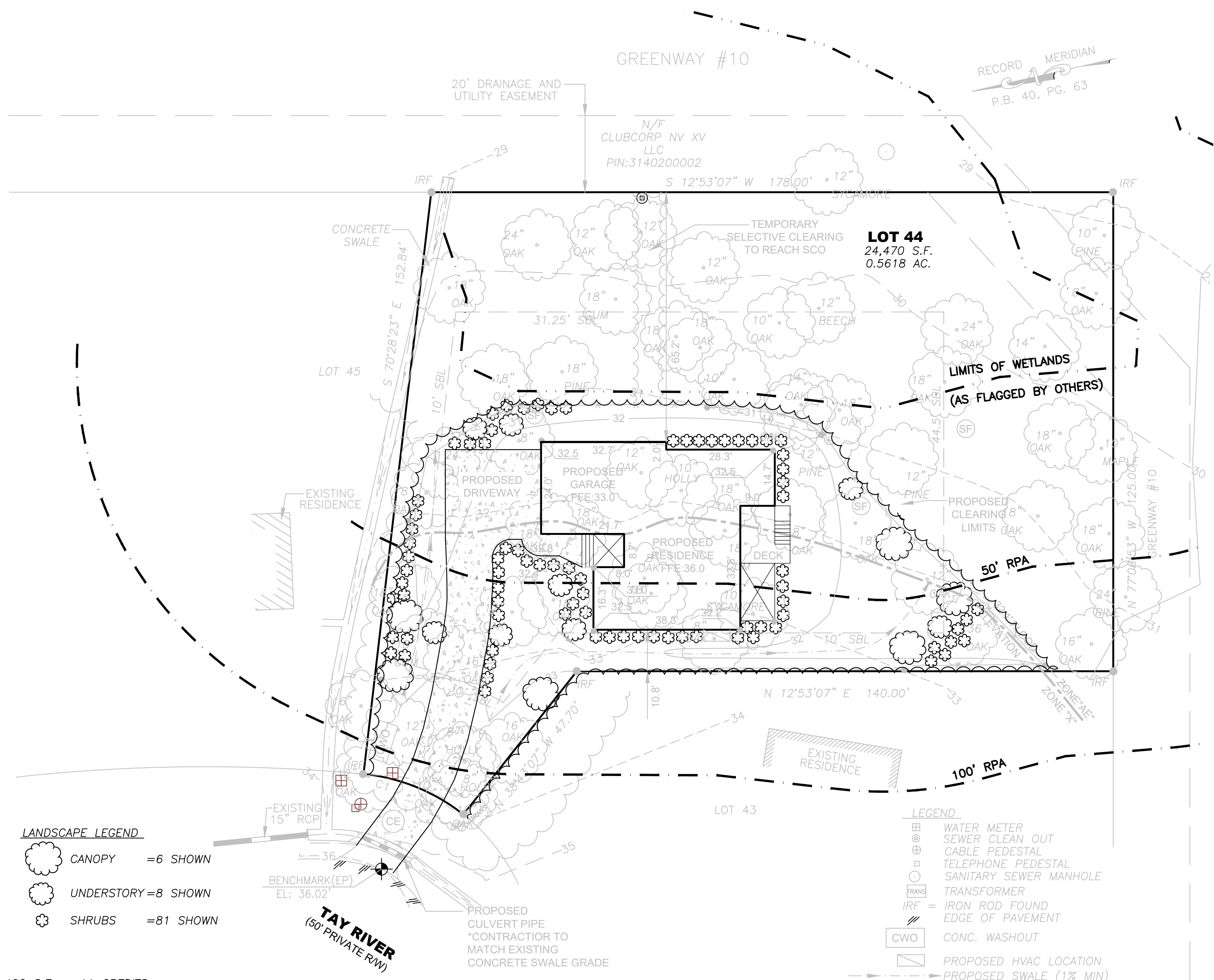


DATE: 3/1/2023
 DRAWN BY: AEQ
 PROJECT No. 19-284
 FILE NAME: 19-284.DWG
 REFERENCES:
 P.B. 40, PG. 60-72

LOT PLAN OF
 LOT 44, SECTION II
 FORD'S COLONY
 FOR
WALK WRIGHT CONSTRUCTION LLC.
 JAMES CITY COUNTY VIRGINIA

NO.	DATE	REVISION / COMMENT / NOTE
3	4/26/2023	REVISED TO REFLECT NEW HOUSE AND WETLANDS
2	3/22/2023	REVISED TO SHOW MITIGATION PLANTINGS
1	3/21/2023	REVISED PER COUNTY COMMENTS

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LANDSCAPE LEGEND

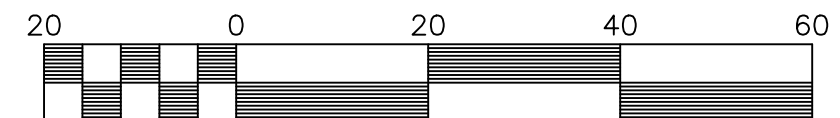
- CANOPY =6 SHOWN
- UNDERSTORY =8 SHOWN
- SHRUBS =81 SHOWN

MITIGATION TABLE: 4,053 S.F. / 400 S.F. = 11 CREDITS

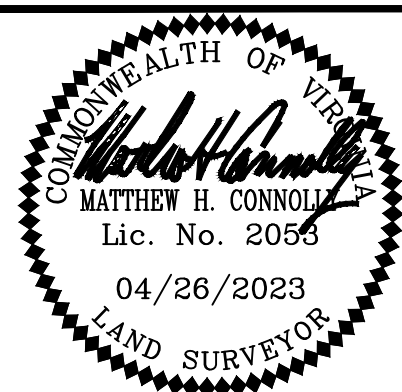
MITIGATION MEASURE	TOTAL QTY.(NEEDED)	QTY.(PROPOSED)
NATIVE CANOPY TREES	11	6
NATIVE UNDERSTORY TREES	22	8
NATIVE SHRUBS	33	81

* CONTRACTOR/OWNER TO COORDINATE WITH JAMES CITY COUNTY FOR REQUIREMENTS ON MITIGATION PLANTING.

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



Scale: 1" = 20'



DATE: 3/1/2023
 DRAWN BY: AEQ
 PROJECT No. 19-284
 FILE NAME: 19-284.DWG
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 FOR
WALK WRIGHT CONSTRUCTION LLC.
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NO.	DATE	REVISION / COMMENT / NOTE
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2	3/22/2023	REVISED TO SHOW MITIGATION PLANTINGS
1	3/21/2023	REVISED PER COUNTY COMMENTS

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 web: landtechresources.com



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

Capital Projects
107 Tewning Road
Williamsburg, VA 23188
757-259-4080

Fleet
103 Tewning Road
Williamsburg, VA 23188
757-259-4122

**Stormwater and
Resource Protection**
101-E Mounts Bay Road
Williamsburg, VA 23185
757-259-6670

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

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

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

RE: CBPA-23-0032
5 Tay River
Construction of a single-family
dwelling

March 20, 2023
Dear Adjacent Property Owner:

In accordance with State and County Codes, this letter is to notify you that a request has been filed with the James City County Chesapeake Bay Board by Mr. Chase Grogg, Landtech Resources, Inc., on behalf of Walk Wright Construction LLC for encroachments into the Resource Protection Area (RPA) buffer for the construction of a single-family dwelling on property located at 5 Tay River, JCC Tax Map Parcel No. 3720200044.

A complete description, plan and other information are on file in the Stormwater and Resource Protection Division and are available for inspection during normal business hours, should anyone desire to review them.

The Chesapeake Bay Board will hold an advertised public hearing on **Wednesday, April 12, 2023, 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

Case Number: CBPA-23-0032

PIN	Last Name	Address Line 1	City	State	Zip Code
	Chase Grogg, LandTech Resources, Inc.	205-E Bulifants Blvd	Williamsburg	VA	23185
3720200001B	CLUBCORP NV XV LLC C/O PROPERTY TAX DEPARTMENT	PO BOX 2539	SAN ANTONIO	TX	78299-2539
3140200002	CLUBCORP NV XV LLC C/O PROPERTY TAX DEPARTMENT	PO BOX 2539	SAN ANTONIO	TX	78299-2539
3720200043	HOMICZEWSKI, RICHARD A TRUSTEE & ANN M TRUSTEE	7 TAY RIVER	WILLIAMSBURG	VA	23188-7416
3720200045	KRANKOWSKI, JOSEPH P TRUSTEE & ANTOINETTE R TRUSTEE	3 TAY RIVER	WILLIAMSBURG	VA	23188-7416
3720200041	LOVELADY, BEVERLY C	4 TAY RIVER	WILLIAMSBURG	VA	23188-7416
3720200042	MARSHBURN, JAMES P TRUSTEE & CAROL F TRUSTEE	6 TAY RIVER	WILLIAMSBURG	VA	23188-7416
3720200044	WALK WRIGHT CONSTRUCTION LLC	5338 ADEN CT	WILLIAMSBURG	VA	23188-1900



PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY, MAY 10, 2023 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-23-0007: Mr. Daniel Winall, Water's Edge Construction, has applied on behalf of Mr. Geoffrey and Ms. Jacqueline Stephan for a wetlands permit for the installation of a living shoreline including riprap on property located at 3096 North Riverside Dr, JCC Parcel No. 1910200017.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-23-0030: Mr. Chase Grogg, LandTech Resources, Inc., has applied for a Chesapeake Bay Exception on behalf of Mr. Howard Jones for encroachments into the Resource Protection Area (RPA) buffer for the construction of a single-family dwelling on property located at 153 Shinnecock, JCC Parcel No. 3720400016.

CBPA-23-0031: Mr. Chase Grogg, LandTech Resources, Inc., has applied for a Chesapeake Bay Exception on behalf of Greenwood Homes Hampton Roads LLC for encroachments into the RPA buffer for the construction of a single-family dwelling on property located at 205 Bulwell Forrest, JCC Parcel No. 3233100019.

CBPA-23-0032: Mr. Chase Grogg, LandTech Resources, Inc., has applied for a Chesapeake Bay Exception on behalf of Walk Wright Construction LLC for encroachments into the RPA buffer for the construction of a single-family dwelling on property located at 5 Tay River, JCC Parcel No. 3720200044.

CBPA-23-0039: Mr. James Die, RK&K, has applied for a Chesapeake Bay Exception on behalf of Mr. Darryl Cook, James City County for encroachments into the RPA buffer for the retrofit of an existing stormwater BMP on property located at 117 Tewning Road, JCC Parcel No. 3910100003.

CBPA-23-0041: Jordan, Edward T & Kalisha R has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the installation of a driveway and site grading on property located at 141 Riverview Plantation Dr., JCC Parcel No. 1640500002.

CBPA-23-0044: Mr. Mark Adam, Black Tip Associates, LLC, has applied for a Chesapeake Bay Exception on behalf of Ms. Karen and Mr. David Hescox for encroachments into the RPA buffer for the construction of a new single-family dwelling on property located at 112 North Turnberry, JCC Parcel No. 3721200004.

CBPA-23-0045: Mr. Andrew Coleman has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the replacement and expansion of a deck on property located at 5343 Rockingham Dr, JCC Parcel No. 3221200153.



PUBLIC HEARING NOTICE

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

The applications and plans are on file and may be viewed during normal office hours in the Stormwater and Resource Protection Division, 101-E Mounts Bay Road, James City County, Virginia.

NOT FOR PUBLICATION

DISPLAY: WEDNESDAY – Apr 26, 2023 and May 3, 2023.

ACCOUNT NO. CU00015112

VIRGINIA GAZETTE

1/8 PAGE, VERTICAL, B/W

CARD # x6648

ITEM SUMMARY

DATE: 5/10/2023
TO: Chesapeake Bay Board
FROM: Trevor Long, Chesapeake Bay Board Secretary
SUBJECT: CBPA-23-0030: 153 Shinnecock

CBPA-23-0030: Mr. Chase Grogg, LandTech Resources, Inc., has applied for a Chesapeake Bay Exception on behalf of Mr. Howard Jones for encroachments into the Resource Protection Area (RPA) buffer for the construction of a single-family dwelling on property located at 153 Shinnecock, JCC Parcel No. 3720400016.

ATTACHMENTS:

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

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	5/3/2023 - 2:30 PM
Chesapeake Bay Group	Small, Toni	Approved	5/3/2023 - 2:32 PM
Publication Management	Pobiak, Amanda	Approved	5/3/2023 - 2:51 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	5/3/2023 - 5:06 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-23-0030. 153 Shinnecock
Staff Report for the May 10, 2023, 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. Howard Jones

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

Location: 153 Shinnecock

Parcel Identification No.: 3720400016

Parcel: Lot 16, Section 7, Ford's Colony

Lot Size: 0.41 acres Riverine floodplain

Area of Lot in Resource Protection Area (RPA): 0.37 acres (90%)

Watershed: Powhatan Creek (JL31)

Floodplain: Zone AE - Base flood elevation 30 feet mean sea level

Proposed Activity: Construction of a single-family dwelling with an attached deck

Impervious Cover: 4,797 square feet

RPA Encroachment: 627 square feet, landward 50-foot RPA
2,766 square feet, seaward 50-foot RPA
1,404 square feet, wetlands impact
11,325 square feet, RPA disturbance

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. Howard Jones for encroachments into the RPA buffer for the construction of a single-family dwelling with an attached deck located at 153 Shinnecock within the Ford's Colony subdivision and the Powhatan Creek watershed. The property is further identified as James City County Tax Map Parcel No. 3720400016. The parcel was platted in 1989, prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The total lot size of this property is 0.41 acres, of which 90% is located within the RPA. The lot is also constrained by approximately 3,881 square feet of wetlands and a 20-foot drainage and utility easement. The applicant is proposing to construct a single-family dwelling with an attached deck. Total impacts to the RPA associated with this proposal equate to 627 square feet of impacts to the landward 50-foot RPA and 2,766 square feet of impacts to the seaward 50-foot RPA for a total of 3,393 square feet of impacts. Additionally, there are 1,404 square feet of permanent wetlands impacts proposed with the construction of this proposal. The minimum first-floor square footage required for this section of Ford's Colony is 1,500

square feet. The proposed house has a first-floor square footage equal to 2,000 square feet, which is 33% more than the minimum. The impervious cover for this proposal is 4,797 square feet, which requires 12 planting units (12 canopy trees, 24 understory trees, and 36 shrubs). The applicant has submitted a mitigation plan that satisfies this requirement. Staff is also requesting that an affidavit be recorded in the Williamsburg/James City County Courthouse due to the environmental sensitivity of this lot.

STAFF EVALUATION

Staff has evaluated the application and exception request for the construction of a single-family dwelling with an attached 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 the single-family dwelling and deck 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 believes that this proposal does not meet Condition No. 1 stated above. However, if the Board wishes to approve this request, staff recommends the following conditions be incorporated into the approval:

1. The Applicant must obtain all other necessary federal, state, and local permits as required for the project; and
2. An affidavit must be recorded in the Williamsburg/James City County Courthouse prior to the issuance of a building permit; and
3. The Applicant must submit a surety of \$9,000 in a form acceptable to the James City County Attorney's Office to guarantee the mitigation plantings; and
4. The Applicant must place three inches of gravel underlain with filter fabric underneath the footprint of the deck; and
5. This exception request approval will become null and void if construction has not begun by May 10, 2024; and

6. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than March 29, 2024, six weeks prior to the expiration date.

TAL/ap
CBPA23-30_153Shnck

- Attachments:
1. Resolution
 2. Site Plan

RESOLUTION

CASE NO. CBPA-23-0030. 153 SHINNECOCK

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. Howard Jones (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on May 10, 2023, 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. 3720400016 and further identified as 153 Shinnecock (the “Property”) as set forth in the application CBPA-23-0030 for the purpose of constructing a single-family dwelling with an attached 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-23-0030, 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. An affidavit must be recorded in the Williamsburg/James City County Courthouse prior to the issuance of a building permit; and
3. The Applicant must submit a surety of \$9,000 in a form acceptable to the James City County Attorney’s Office to guarantee the mitigation plantings; and
4. The Applicant must place three inches of gravel underlain with filter fabric underneath the footprint of the deck; and
5. This exception request approval will become null and void if construction has not begun by May 10, 2024; and
6. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than March 29, 2024, six weeks prior to the expiration date.

Charles Roadley
Chair, Chesapeake Bay Board

Trevor A. Long
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 10th day of May, 2023.

RESOLUTION

CASE NO. CBPA-23-0030. 153 SHINNECOCK

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. Howard Jones (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on May 10, 2023, 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. 3720400016 and further identified as 153 Shinnecock (the “Property”) as set forth in the application CBPA-23-0030 for the purpose of constructing a single-family dwelling with an attached 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 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-23-0030.

Charles Roadley
Chair, Chesapeake Bay Board

Trevor A. Long
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 10th day of May, 2023.

CBPA23-30_153ShnckDny-res

EROSION & SEDIMENT CONTROL NOTES

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

BUILDING INFORMATION

PROPOSED BUILDING IS A 1-STORY FRAME
SECTION 7 FIRST FLOOR REQUIREMENT: 1,500 S.F.
PROPOSED FIRST FLOOR: 2,000 S.F.

SITE INFORMATION

PARCEL ID: 3720400016
TOTAL AREA: 18,003 S.F. / 0.41 AC.
IMPERVIOUS AREA: 5,257 S.F. / 0.121 AC.
IMPERVIOUS W/IN WETLANDS: 1,404 S.F./ 0.033 AC.
IMPERVIOUS W/IN 50' RPA: 2,766 S.F. / 0.060 AC.
IMPERVIOUS W/IN 100' RPA: 627 S.F. / 0.0143 AC.
IMPERVIOUS W/IN RPA TOTAL: 4,797 S.F. / 0.110 AC.
DISTURBED AREA: 12,796 S.F. / 0.294 AC.
ZONING DISTRICT: R4
EXISTING SITE IS PARTLY WOODED AS SHOWN

BUILDING SETBACK (SBL)

TO BE CONFIRMED BY FORD'S COLONY
FRONT: 30'
REAR: 25' OR 25% WHICHEVER IS GREATER
SIDE: 10'

EXISTING ADDRESS:

153 SHINNECOCK
JAMES CITY COUNTY, VIRGINIA

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. 50 PGS. 31-40.
- ELEVATIONS SHOWN HEREON ARE IN FEET AND ARE CLOSELY RELATED TO JCC GIS (NAVD88).
- WETLANDS, AS SHOWN, WERE LOCATED AND FLAGGED BY STOKES ENVIRONMENTAL ASSOCIATES THEN FIELD LOCATED BY THIS FIRM.
- THIS FIRM MADE NO ATTEMPT TO LOCATE UNDERGROUND UTILITIES.
- PARCEL LIES IN F.I.R.M. ZONE "X" & "AE29.9" ACCORDING TO COMMUNITY PANEL #51095C0117D, 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.
- CONTRACTOR TO INSTALL ORANGE SAFETY FENCE AROUND PERIMETER OF CONSTRUCTION.
- PROPOSED RESIDENCE SHOWN BASED OFF OF PLANS PROVIDED BY CLIENT DATED 2/23/2023 & AND TO BE CONFIRMED BY CONTRACTOR PRIOR TO CONSTRUCTION.
- CONTRACTOR TO VERIFY PLAN DIMENSIONS PRIOR TO CONSTRUCTION.

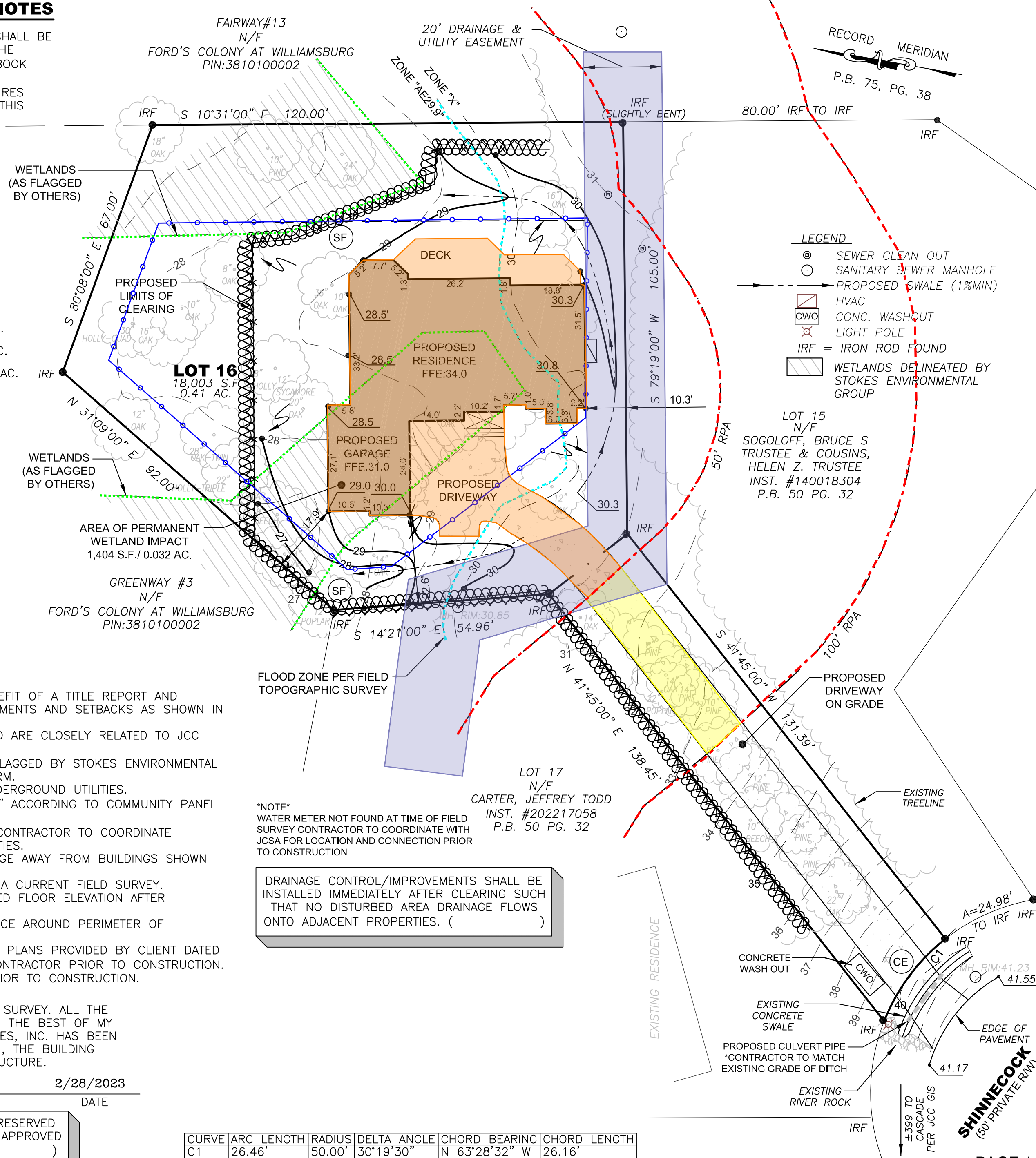
SURVEYORS CERTIFICATION

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
MATTHEW H. CONNOLLY, L.S. DATE 2/28/2023

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

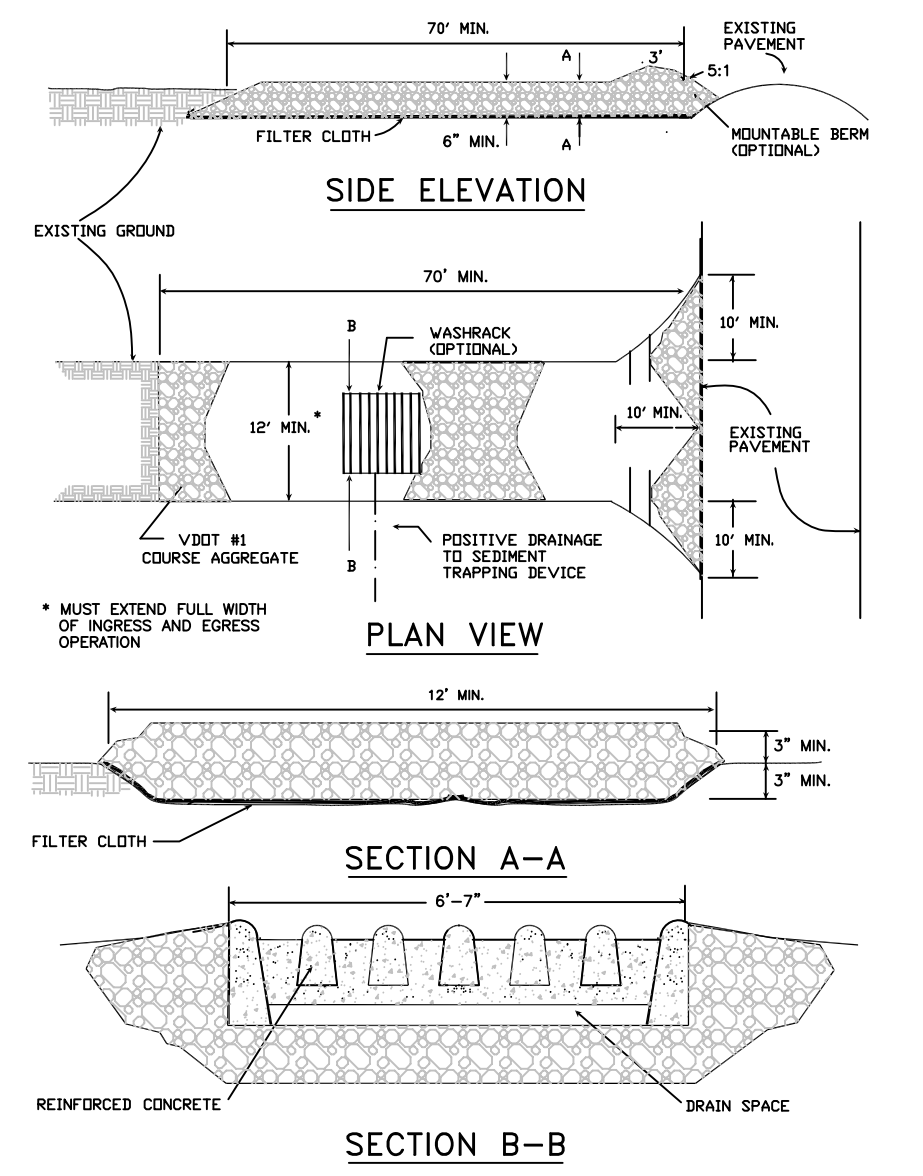
CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	26.46'	50.00'	30°19'30"	N 63°28'32" W	26.16'



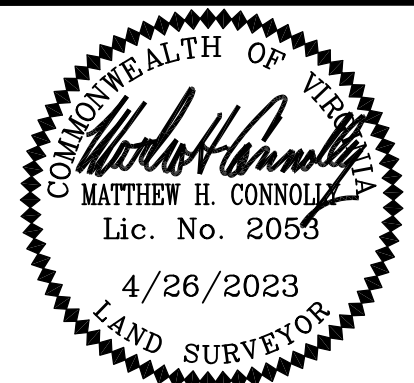
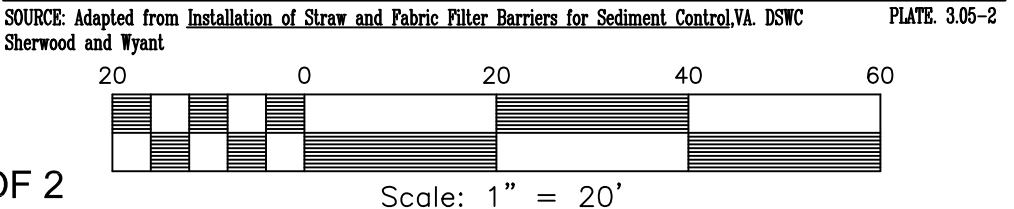
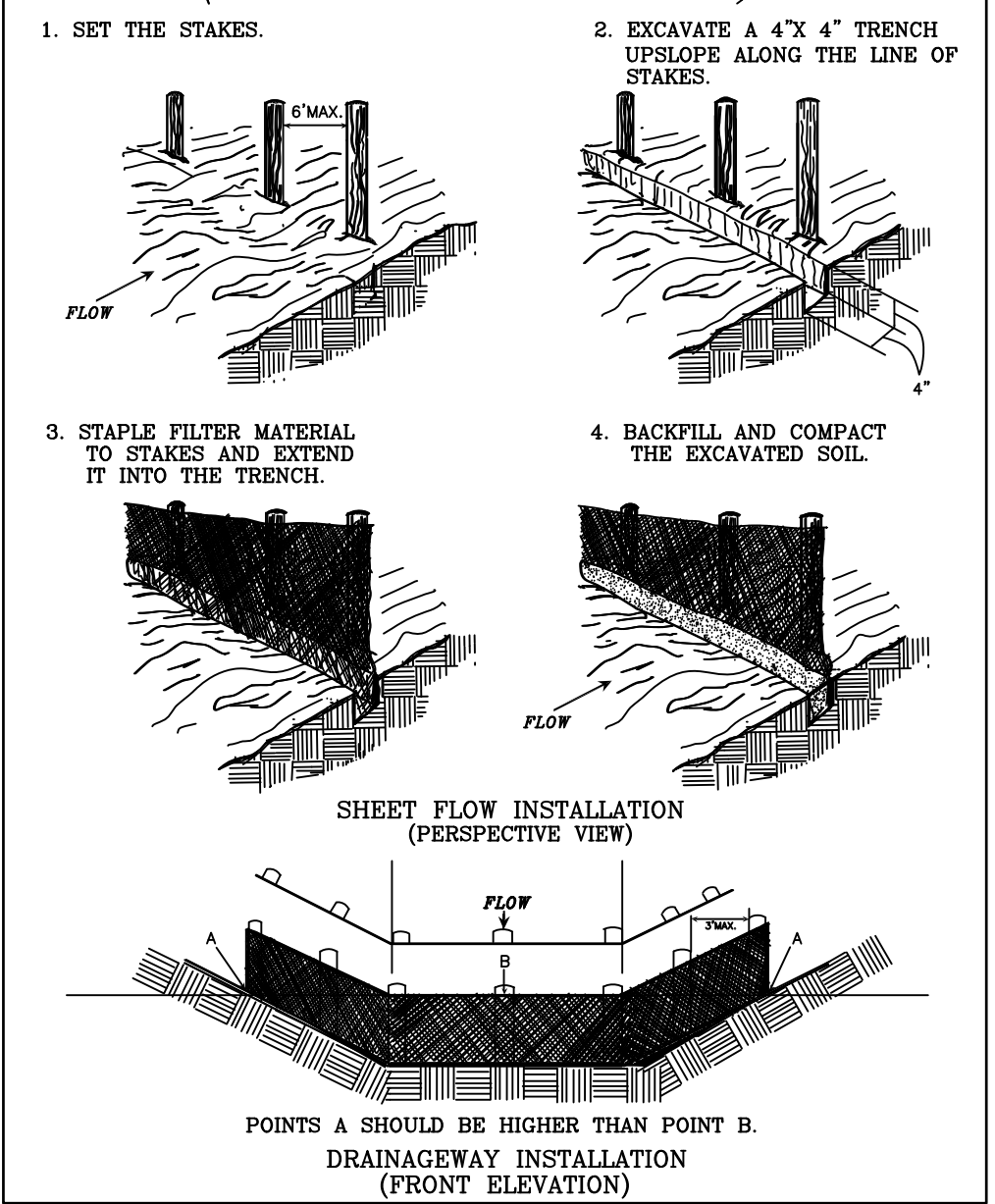
NOTE
WATER METER NOT FOUND AT TIME OF FIELD SURVEY CONTRACTOR TO COORDINATE WITH JCSA FOR LOCATION AND CONNECTION PRIOR TO CONSTRUCTION

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

STONE CONSTRUCTION ENTRANCE



CONSTRUCTION OF A SILT FENCE (WITHOUT WIRE SUPPORT)



DATE: 3/1/2023
DRAWN BY: AEQ
PROJECT No. 23-036
FILE NAME: 23-036.DWG
REFERENCES:
P.B. 50, PG. 31-40

PLAT PLAN OF
LOT 16 SECTION VII
FORD'S COLONY
FOR
HOWARD JONES
JAMES CITY COUNTY VIRGINIA

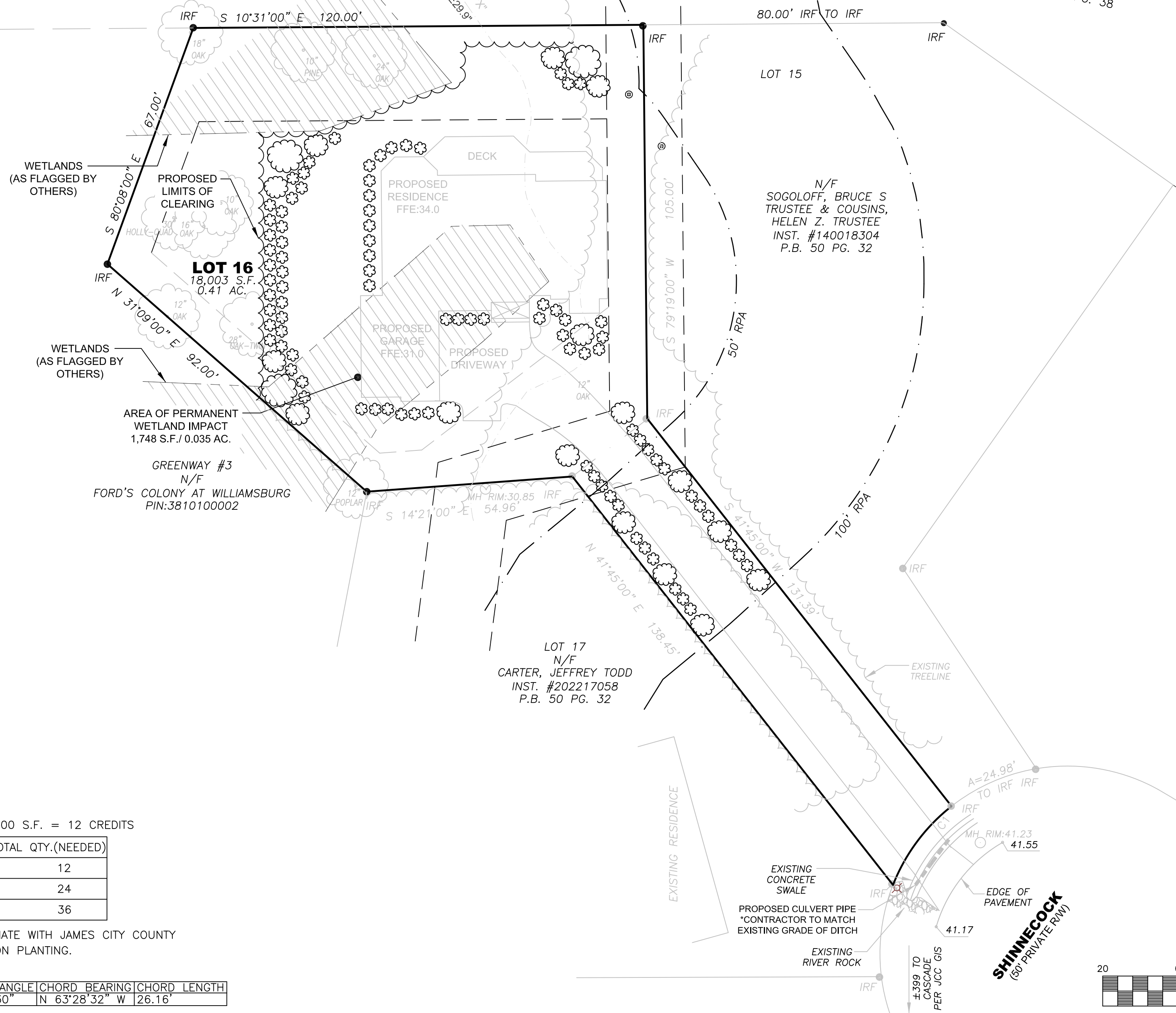
NO.	DATE	REVISION / COMMENT / NOTE
4.	4/26/2023	REVISED HOUSE LOCATION
3.	4/24/2023	REVISED BASED ON LATEST HOUSE PLANS RECEIVED
2.	3/29/2023	REVISED BASED ON LATEST HOUSE PLANS RECEIVED
1.	3/22/2023	REVISED TO SHOW MITIGATION PLANTINGS

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

FAIRWAY#13
N/F
FORD'S COLONY AT WILLIAMSBURG
PIN:3810100002

20' DRAINAGE & UTILITY EASEMENT

RECORD MERIDIAN
P.B. 75, PG. 38



- LEGEND**
- ⊙ SEWER CLEAN OUT
 - SANITARY SEWER MANHOLE
 - ⊗ LIGHT POLE
 - IRF = IRON ROD FOUND
 - ▨ WETLANDS DELINEATED BY STOKES ENVIRONMENTAL GROUP

- LEGEND**
LANDSCAPE LEGEND
- ☁ CANOPY =3 SHOWN
 - ☁ UNDERSTORY =16 SHOWN
 - ☁ SHRUBS =88 SHOWN

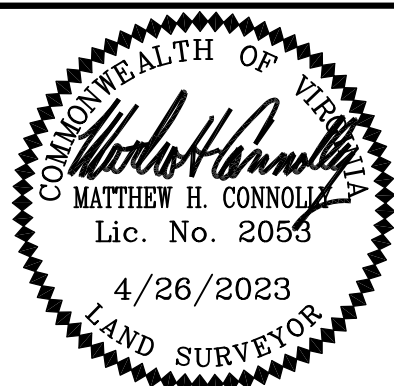
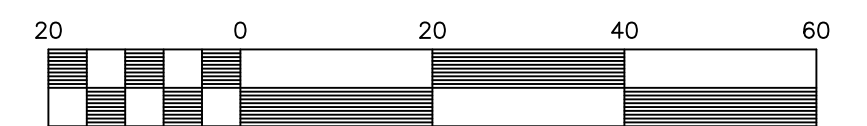
MITIGATION TABLE: 4,797 S.F. / 400 S.F. = 12 CREDITS

MITIGATION MEASURE	TOTAL QTY.(NEEDED)
NATIVE CANOPY TREES	12
NATIVE UNDERSTORY TREES	24
NATIVE SHRUBS	36

* CONTRACTOR/OWNER TO COORDINATE WITH JAMES CITY COUNTY FOR REQUIREMENTS ON MITIGATION PLANTING.

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	26.46'	50.00'	30°19'30"	N 63°28'32" W	26.16'

PAGE 2 OF 2



DATE: 3/1/2023
DRAWN BY: AEQ
PROJECT No. 23-036
FILE NAME: 23-036.DWG
REFERENCES:
P.B. 50, PG. 31-40

LOT PLAN OF
LOT 16 SECTION VII
FORD'S COLONY
FOR
HOWARD JONES
JAMES CITY COUNTY VIRGINIA

NO.	DATE	REVISION / COMMENT / NOTE
4.	4/26/2023	REVISED HOUSE LOCATION
3.	4/24/2023	REVISED BASED ON LATEST HOUSE PLANS RECEIVED
2.	3/29/2023	REVISED BASED ON LATEST HOUSE PLANS RECEIVED
1.	3/22/2023	REVISED TO SHOW MITIGATION PLANTS

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



General Services

107 Tewning Road
Williamsburg, VA 23188
P: 757-259-4080

General.Services@jamescitycountyva.gov
jamescitycountyva.gov

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Solid Waste

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757-565-0971

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

RE: CBPA-23-0030
153 Shinnecock
Construction of a single-family
dwelling

March 20, 2023

Dear Adjacent Property Owner:

In accordance with State and County Codes, this letter is to notify you that a request has been filed with the James City County Chesapeake Bay Board by Mr. Chase Grogg, Landtech Resources, Inc., on behalf of Mr. Howard Jones for encroachments into the Resource Protection Area (RPA) buffer for the construction of a single-family dwelling on property located at 153 Shinnecock, JCC Tax Map Parcel No. 3720400016.

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, April 12, 2023, 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

Case Number: CBPA-23-0031

PIN	Last Name	Address Line 1	City	State	Zip Code
3720400014	ABEL, STEVEN E & BARBARA CHARLENE	148 SHINNECOCK	WILLIAMSBURG	VA	23188-9128
3720400013	BENANTI, SANDRA R	144 SHINNECOCK	WILLIAMSBURG	VA	23188-9128
3720400018	BRUNO, KEVIN M II & SHEA SCHURMAN	145 SHINNECOCK	WILLIAMSBURG	VA	23188-9127
3720400017	CARTER, JEFFREY TODD	149 SHINNECOCK	WILLIAMSBURG	VA	23188-9127
	Chase Grogg, LandTech Resources, Inc.	205-E Bulifants Blvd	Williamsburg	VA	23188
3810100007	CLUBCORP NV XV LLC C/O PROPERTY TAX DEPARTMENT	PO BOX 2539	SAN ANTONIO	TX	78299-2539
3810100007	CLUBCORP NV XV LLC C/O PROPERTY TAX DEPARTMENT	PO BOX 2539	SAN ANTONIO	TX	78299-2539
3720400001A	FORDS COLONY AT WILLIAMSBURG HOMEOWNERS ASSOCIATION	100 MANCHESTER	WILLIAMSBURG	VA	23188-7404
3810100002	FORDS COLONY AT WILLIAMSBURG HOMEOWNERS ASSOCIATION	100 MANCHESTER	WILLIAMSBURG	VA	23188-7404
3720400016	JONES, HOWARD	PO BOX 438	LIGHTFOOT	VA	23090-0438
3720400015	SOGOLOFF, BRUCE S TRUSTEE & COUSINS, HELEN Z. TRUSTEE	124 N TURNBERRY	WILLIAMSBURG	VA	23188-8944
3720400020	THIBEALT, WILLIAM R JR & DONNA B	137 SHINNECOCK	WILLIAMSBURG	VA	23188-9127



PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY, MAY 10, 2023 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-23-0007: Mr. Daniel Winall, Water's Edge Construction, has applied on behalf of Mr. Geoffrey and Ms. Jacqueline Stephan for a wetlands permit for the installation of a living shoreline including riprap on property located at 3096 North Riverside Dr, JCC Parcel No. 1910200017.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-23-0030: Mr. Chase Grogg, LandTech Resources, Inc., has applied for a Chesapeake Bay Exception on behalf of Mr. Howard Jones for encroachments into the Resource Protection Area (RPA) buffer for the construction of a single-family dwelling on property located at 153 Shinnecock, JCC Parcel No. 3720400016.

CBPA-23-0031: Mr. Chase Grogg, LandTech Resources, Inc., has applied for a Chesapeake Bay Exception on behalf of Greenwood Homes Hampton Roads LLC for encroachments into the RPA buffer for the construction of a single-family dwelling on property located at 205 Bulwell Forrest, JCC Parcel No. 3233100019.

CBPA-23-0032: Mr. Chase Grogg, LandTech Resources, Inc., has applied for a Chesapeake Bay Exception on behalf of Walk Wright Construction LLC for encroachments into the RPA buffer for the construction of a single-family dwelling on property located at 5 Tay River, JCC Parcel No. 3720200044.

CBPA-23-0039: Mr. James Die, RK&K, has applied for a Chesapeake Bay Exception on behalf of Mr. Darryl Cook, James City County for encroachments into the RPA buffer for the retrofit of an existing stormwater BMP on property located at 117 Tewning Road, JCC Parcel No. 3910100003.

CBPA-23-0041: Jordan, Edward T & Kalisha R has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the installation of a driveway and site grading on property located at 141 Riverview Plantation Dr., JCC Parcel No. 1640500002.

CBPA-23-0044: Mr. Mark Adam, Black Tip Associates, LLC, has applied for a Chesapeake Bay Exception on behalf of Ms. Karen and Mr. David Hescox for encroachments into the RPA buffer for the construction of a new single-family dwelling on property located at 112 North Turnberry, JCC Parcel No. 3721200004.

CBPA-23-0045: Mr. Andrew Coleman has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the replacement and expansion of a deck on property located at 5343 Rockingham Dr, JCC Parcel No. 3221200153.



PUBLIC HEARING NOTICE

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

The applications and plans are on file and may be viewed during normal office hours in the Stormwater and Resource Protection Division, 101-E Mounts Bay Road, James City County, Virginia.

NOT FOR PUBLICATION

DISPLAY: WEDNESDAY – Apr 26, 2023 and May 3, 2023.

ACCOUNT NO. CU00015112

VIRGINIA GAZETTE

1/8 PAGE, VERTICAL, B/W

CARD # x6648

ITEM SUMMARY

DATE: 5/10/2023
TO: Chesapeake Bay Board
FROM: Trevor Long, Chesapeake Bay Board Secretary
SUBJECT: CBPA-23-0041 : 141 Riverview Plantation

CBPA-23-0041: Jordan, Edward T & Kalisha R has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the installation of a driveway and site grading on property located at 141 Riverview Plantation Dr., JCC Parcel No. 1640500002.

ATTACHMENTS:

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

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	5/4/2023 - 8:03 AM
Chesapeake Bay Group	Small, Toni	Approved	5/4/2023 - 8:04 AM
Publication Management	Pobiak, Amanda	Approved	5/4/2023 - 8:58 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	5/4/2023 - 9:24 AM

CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-23-0041. 141 Riverview Plantation Drive Staff Report for the May 10, 2023, 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. Edward Jordan

Agent: None

Location: 141 Riverview Plantation Drive

Parcel Identification No.: 1640500002

Parcel: Lot 2, Section 1, Blk-A Riverview Plantation

Lot Size: 1.65 acres

Area of Lot in Resource Protection Area (RPA): 0.98 acres (59%)

Watershed: Skimino Creek (YO65)

Floodplain: Zone VE - Elevation 15 feet mean sea level
Zone VE - Elevation 12 feet mean sea level

Proposed Activity: Installation of a driveway, rip rap, and grading

Impervious Cover: 1,282 square feet

RPA Encroachment: 2,687 square feet, landward 50-foot RPA
225 square feet, seaward 50-foot RPA
2,912 square feet, total disturbance within RPA

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

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Edward Jordan has applied for a Chesapeake Bay Exception for encroachments into the RPA for the installation of a driveway, rip rap, and grading located at 141 Riverview Plantation Drive within the Riverview Plantation subdivision and the Skimino Creek watershed. The property is further identified as James City County Tax Map Parcel No. 1640500002. The parcel was platted in 1962, prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The total lot size of this property is 1.65 acres, of which 59% is located within the RPA. The applicant is proposing to install an additional driveway and grade the front yard of the property to reduce erosion issues. Approximately 1,630 square feet of land disturbance within the landward 50-foot RPA is anticipated associated with the proposed grading and approximately 1,057 square feet of impacts to the landward 50-foot RPA associated with the driveway installation. Additionally, the applicant is proposing to install approximately 225 square feet of rip rap to a slope on the property within the seaward 50-foot RPA. Total impacts to the RPA associated with this proposal equate to 2,912 square feet. Required mitigation for this amount of impervious impacts equals eight planting units (eight canopy trees, 16 understory trees, and 24 shrubs). Previous mitigation from a former approval is currently planted in this area. Staff would require that all existing mitigation be replanted or remain undisturbed.

STAFF EVALUATION

Staff has evaluated the application and exception request for the installation of a driveway, rip rap, and grading. This application meets the Ordinance conditions in Sections 23-11 and 23-14 and should be heard by the Board because grading within the RPA must be heard by the Board.

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 exception request, staff recommends the following conditions be incorporated into the approval:

1. The Applicant must obtain all other necessary federal, state, and local permits as required for the project, including a land disturbing permit; and
2. The Applicant must submit a mitigation plan equating to eight planting units to the Stormwater and Resource Protection Division prior to project start; and
3. The Applicant must submit a surety of \$6,000 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 May 10, 2024; and
5. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than March 29, 2024, six weeks prior to the expiration date.

TAL/md
CBPA23-41_141RvrviewPIDr

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA-23-0041. 141 RIVERVIEW PLANTATION DRIVE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Edward Jordan (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on May 10, 2023, 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. 1640500002 and further identified as 141 Riverview Plantation Drive (the “Property”) as set forth in the application CBPA-23-0041 for the purpose of installation of a driveway, rip rap, and grading; 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-23-0041, 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 land disturbing permit; and
2. The Applicant must submit a mitigation plan equating to eight planting units to the Stormwater and Resource Protection Division prior to project start; and
3. The Applicant must submit a surety of \$6,000 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 May 10, 2024; and
5. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than March 29, 2024, six weeks prior to the expiration date.

Charles Roadley
Chair, Chesapeake Bay Board

Trevor A. Long
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 10th day of May, 2023.

RESOLUTION

CASE NO. CBPA-23-0041. 141 RIVERVIEW PLANTATION DRIVE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Edward Jordan (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on May 10, 2023, 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. 1640500002 and further identified as 141 Riverview Plantation Drive (the “Property”) as set forth in the application CBPA-23-0041 for the purpose of installation of a driveway, rip rap, and grading; 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-23-0041.

Charles Roadley
Chair, Chesapeake Bay Board

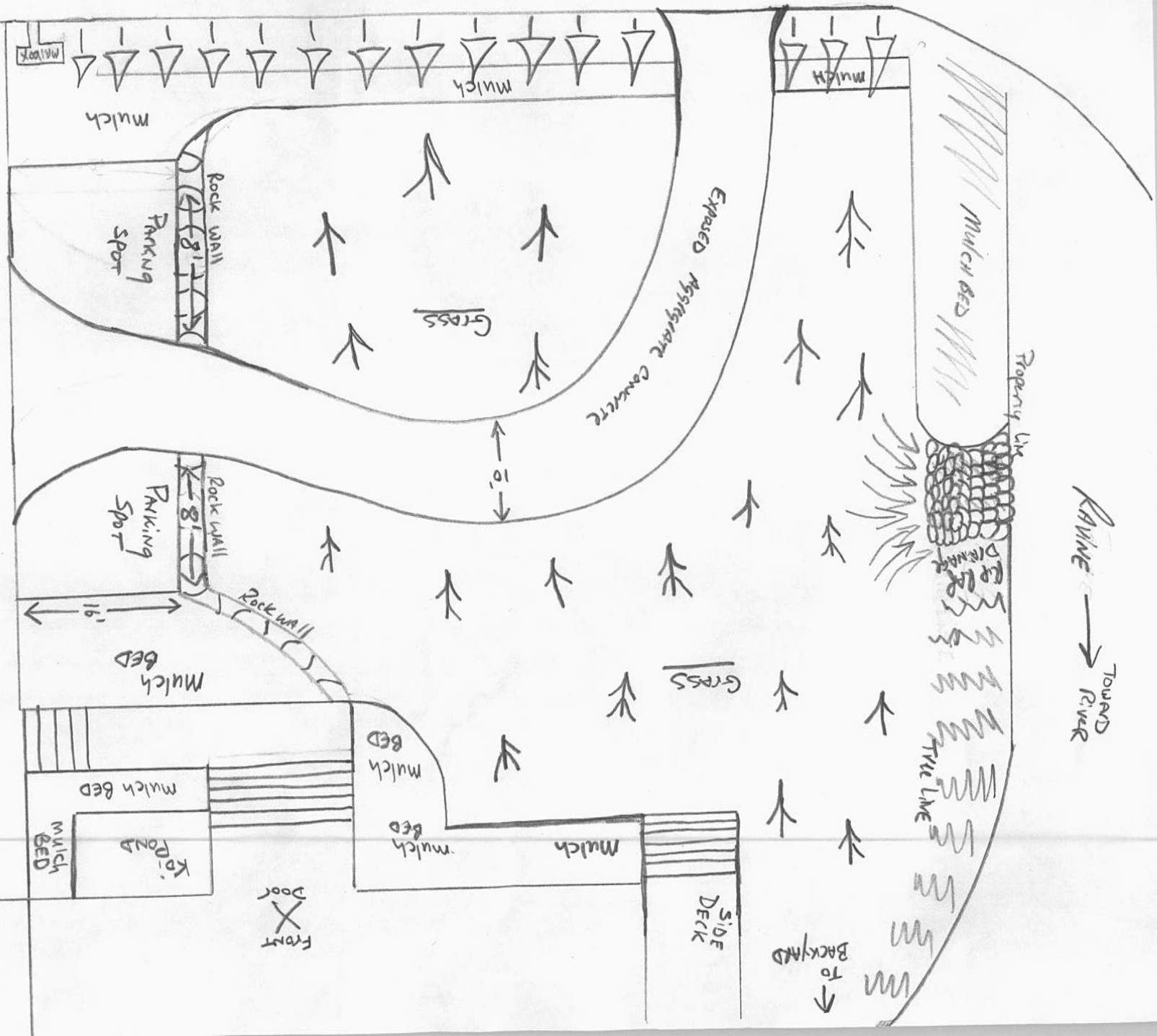
Trevor A. Long
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 10th day of May, 2023.

CBPA23-41_141RvrviewPIDrDny-res

RiverView Plant. Dr.

Road



GARAGE

Mulch

mulch

Parking Spot

Rock wall

GRASS

Exposed Aggregate Concrete

10'

Parking Spot

Rock wall

Rock wall

16'

Mulch Bed

Mulch Bed

Koi Pond

Mulch Bed

FRONT DOOR

SIDE DECK

Mulch

Mulch Bed

Mulch Bed

Mulch Bed

Mulch

Mulch Bed

Property Line

Drainage Pipe

Trie Line

To BACKYARD

RAVINE Toward River

REASON FOR APPLICATION TO CHESAPEAKE BAY BOARD:

Purchased property in August 2021, would like to better utilize my front yard which is approx. 12,000 sq. ft or 1/4 of property. There is a severe erosion problem in the S.West corner and I am steadily losing my property. This erosion is due to improper grading in the front yard. I feel any & all work I will perform will make this situation both adhere to any & all JCC regulations and allow me to make the property more useful to me & my family.

- All work to be performed in the landward 50' of the RPA

- Scope of work is landscaping / erosion control in existing front yard AYCA

* Dimensions of front yard will not change

(60' x 25')

1. Grading of approx. 1500 sq. ft of mostly mulch & compacted soil to

level same sq. ft. area to match existing grade in front of house on NW corner

2. Areas adjacent on either side of 1500 sq. ft. area in middle of front yard

to be gently graded to both achieve proper water drainage but also to

fix erosion of existing front yard as it meets the seaward 50' RPA

3. Riprap boulder material to be placed in the area of the seaward 50' RPA

downslope to slow any water drainage further into the RPA. ~~Approx. 1500 sq. ft.~~

Approx. area to be in riprap is 225 sq. ft.

4. Silt fence to be provided on downslope of all disturbed areas

5. Ornamental trees that were planted in center mulch bed to be removed

6. Grass to be planted & erosion mat to be used if needed on any loose soil post work

7. Any & all soil that is graded in center of yard will be utilized to control erosion

in S.West corner leading to seaward 50'

* Upon completion of landscaping project a driveway extension that is 95% out of the entire RPA will touch the S. East corner of the landward 50' only approx. 3-5' into the landward 50'. Any and all water drainage in this area does not affect the seaward 50', as the water runoff drains directly away from RPA and toward existing driveway only.

* Dimensions of driveway extension

180 ft long by 12' wide. 10' exposed aggregate concrete 4" thick

with a 12' base of crush & run 4" thick giving a 1' shoulder on either side of concrete.



























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erosion

area to be graded

driveway extension





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

Capital Projects
107 Tewning Road
Williamsburg, VA 23188
757-259-4080

Fleet
103 Tewning Road
Williamsburg, VA 23188
757-259-4122

**Stormwater and
Resource Protection**
101-E Mounts Bay Road
Williamsburg, VA 23185
757-253-6670

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

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

April 20, 2023

Edward Jordan
141 Riverview Plantation
Williamsburg, VA 23188

Re: Exception for the installation of a driveway, rip rap, and grading
141 Riverview Plantation
County Plan No.: CBPA-23-0041

Dear Mr. Jordan,

The installation of a driveway, rip rap, and grading within the RPA buffer is requested at 141 Riverview Plantation. Please see the following comments/ questions. As part of this comment letter, staff has included two exhibits for your review. Comments have been added to Exhibit 2 for your review.

1. Site Plan – CBPA-23-0041 has two site plans. Please indicate which site plan you would like to take before the Board.
2. Rip rap area – Please include a cross section of the area where rip rap is proposed. The cross section should address the following questions.
 - a. Will there be excavation of the slope in order to place the rip rap?
 - b. Will there be filter fabric under the rip rap?
 - c. 225 square feet is fairly small, is the intent of the Rip rap to capture and convey a particular drainage path? Is this in the form of a channel?
3. Access – Where will you be accessing all proposed areas? Please show this on the final plan.
4. Mitigation requirements – All mitigation measures that were required as a result of previous CBPA cases should be replaced if they will need to be removed as part of the proposed exception request.
5. Drainage area east of the driveway – What is the drainage issue occurring here and what is being proposed to fix this problem. This appears to potentially be a VDOT issue, have they been contacted regarding situation?
6. Who is the contractor working on this project?
7. Has VDOT been contacted regarding the configuration of this driveway expansion? A VDOT Land Use permit may be required.

8. It is likely that the proposed construction, including access, will exceed 2,500 square feet. In that case, an Erosion and Sediment Control plan and Land Disturbing Permit will be required to be submitted to the Stormwater and Resource Protection Division.

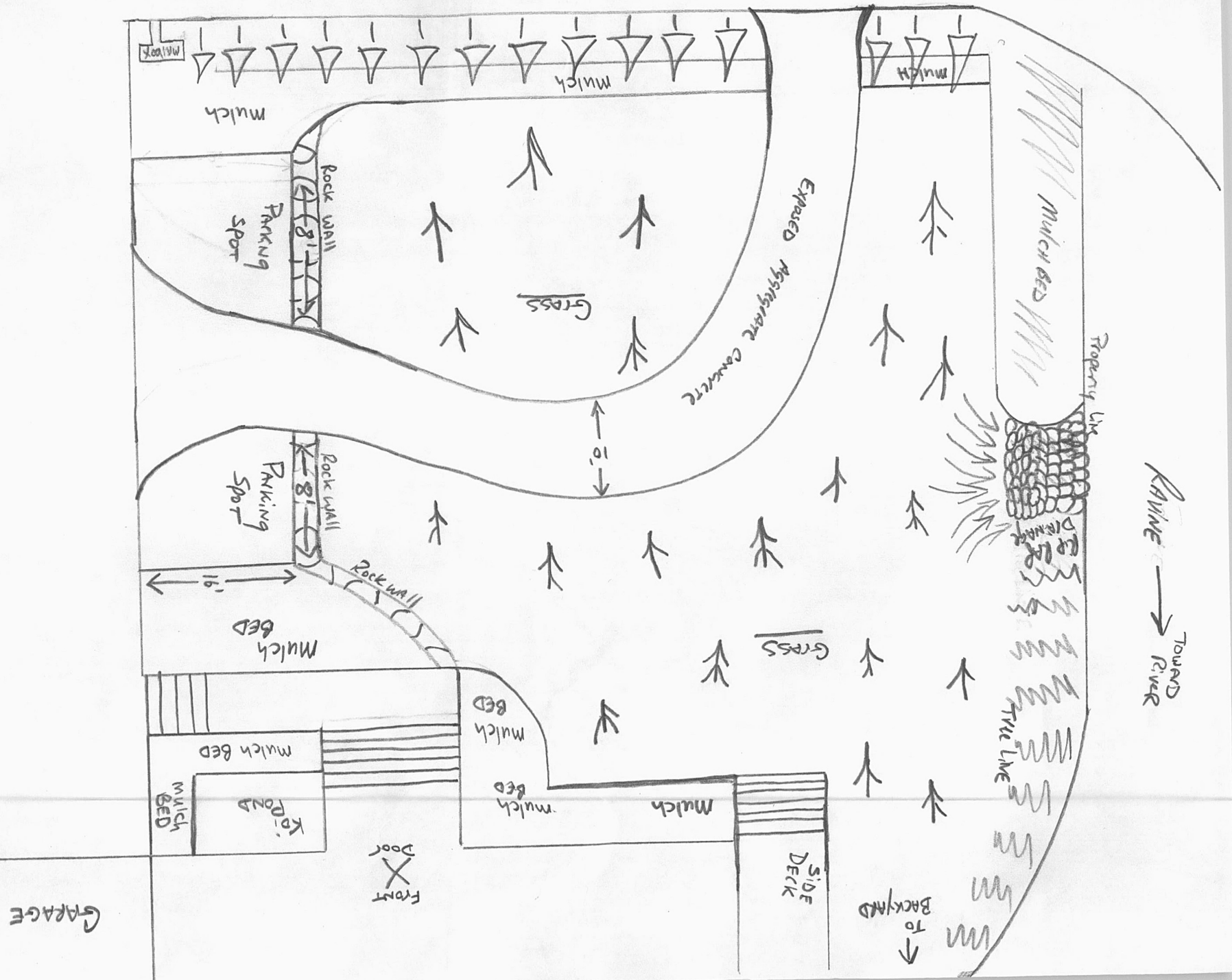
This approval is valid up to one year from the date of this letter.

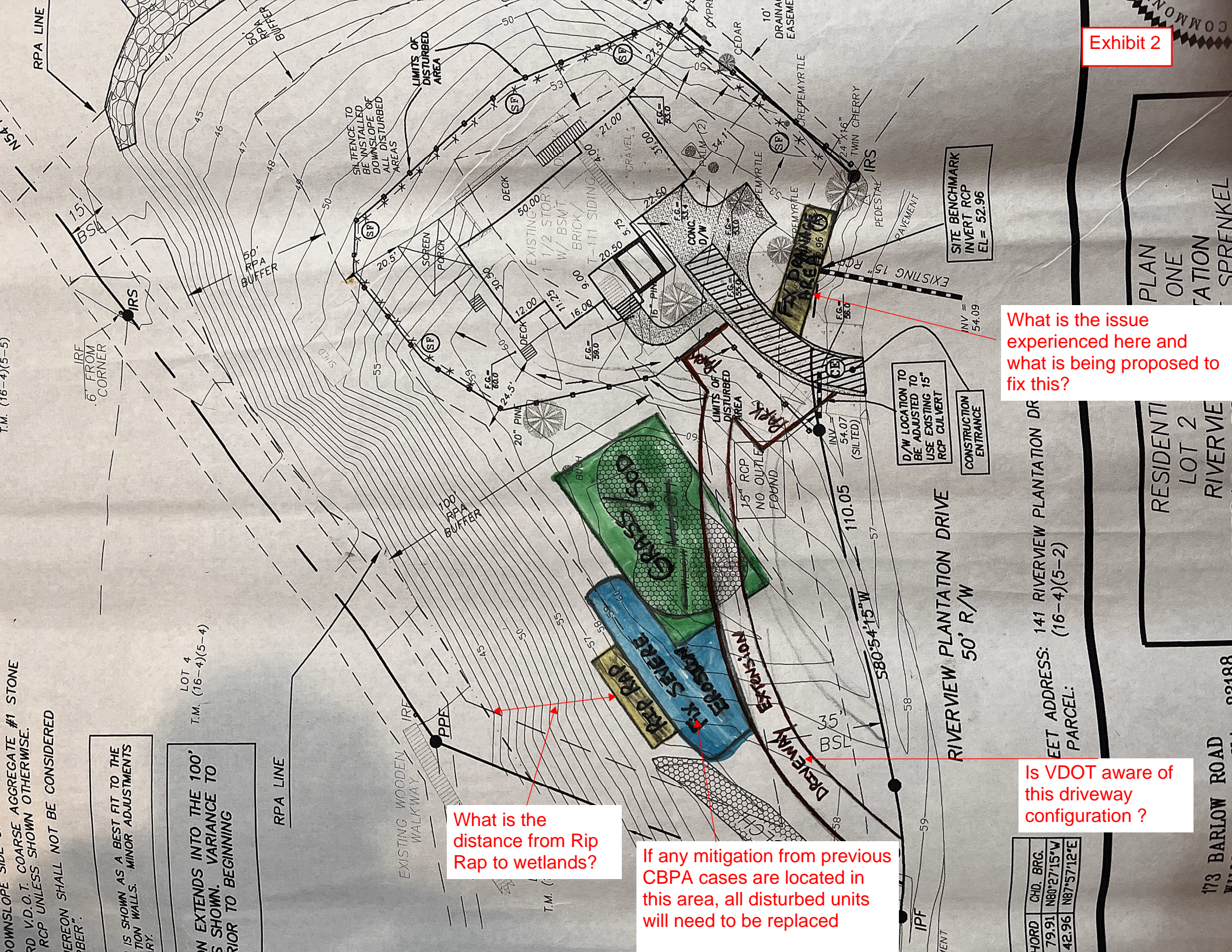
Sincerely,

Trevor Long

Trevor Long
Watershed Planner III
757-253-6789
Trevor.Long@jamescitycountyva.gov

RiverView Plant. Dr. Road





What is the issue experienced here and what is being proposed to fix this?

What is the distance from Rip Rap to wetlands?

If any mitigation from previous CBPA cases are located in this area, all disturbed units will need to be replaced

Is VDOT aware of this driveway configuration ?

HORD	CHD. BRG.
79.91	N80°27'15"W
42.96	N87°57'12"E

NET ADDRESS: 141 RIVERVIEW PLANTATION DR
 PARCEL: (16-4)(5-2)

RIVERVIEW PLANTATION DRIVE
 50' R/W

RESIDENTIAL LOT 2
 RIVERVIEW

173 BARLOW ROAD

PLAN ONE
 TATION
 SPRENKEL

D/W LOCATION TO BE ADJUSTED TO USE EXISTING 15" RCP CULVERT
 CONSTRUCTION ENTRANCE

SITE BENCHMARK
 INVERT RCP
 EL = 52.96

15" RCP NO OUTLET FOUND

CONC. D/W

PEDESTAL

SAVEMENT

EXISTING 15" RCP

SAVEMENT

SAVEMENT

SAVEMENT

SAVEMENT

REASON FOR APPLICATION TO CHESAPEAKE BAY BOARD:

Purchased property in August 2021, would like to better utilize my front yard which is approx. 12,000 sq. ft or $\frac{1}{4}$ of property. There is a severe erosion problem in the S.West corner and I am steadily losing my property. This erosion is due to improper grading in the front yard. I feel any & all work I will perform will make this situation both adhere to any & all JCC regulations and allow me to make the property more useful to me & my family. All work to be performed in the landward 50' of the RPA.

- Scope of work is landscaping / erosion control in existing front yard area

* Dimensions of front yard will not change

(60' x 25')

1. Grading of approx. 1500 sq. ft of mostly mulch & compacted soil to

level same sq. ft area to match existing grade in front of house on NW corner

2. Areas adjacent on either side of \swarrow 1500 sq. ft area in middle of front yard

to be gently graded to both achieve proper water drainage but also to

fix erosion of existing front yard as it meets the seaward 50' RPA

3. Riprap boulder material to be placed in the area of the seaward 50' RPA

downslope to slow any water drainage further into the RPA. ~~Approx. area to be in riprap is 225 sq. ft~~

Approx. area to be in riprap is 225 sq. ft

4. Silt fence to be provided on downslope of all disturbed areas

5. Ornamental trees that were planted in center mulch bed to be removed

6. Grass to be planted & erosion mat to be used if needed on any loose soil post work

7. Any & all soil that is graded in center of yard will be utilized to control erosion

in S.West corner leading to seaward 50'

* Upon completion of landscaping project a driveway extension that is 95% out of the entire RPA will touch the S. East corner of the landward 50' only

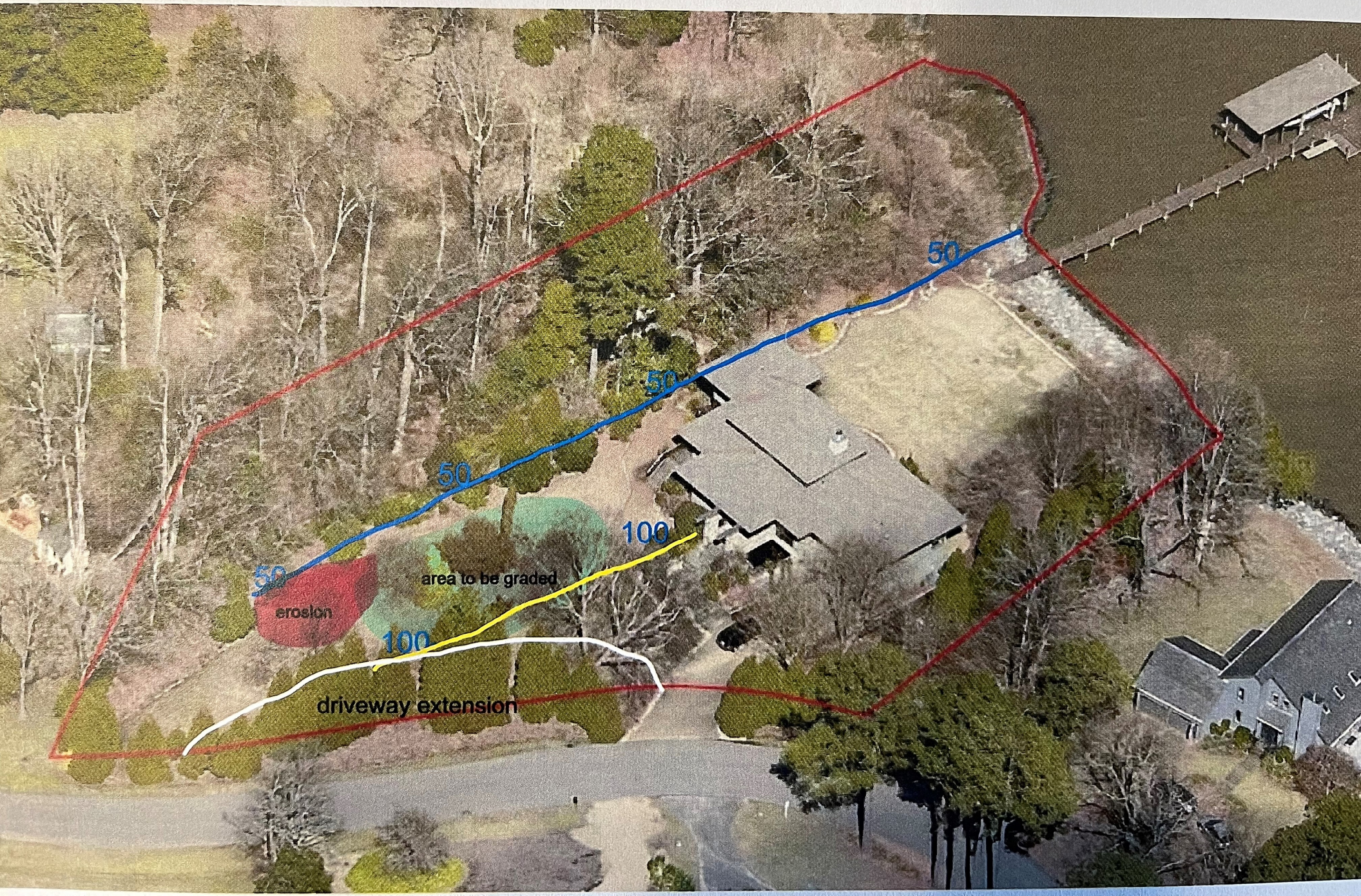
approx. 3-5' into the landward 50'. Any and all water drainage in this area does not affect the seaward 50', as the water runoff drains directly away from

RPA and toward existing driveway only.

* Dimensions of driveway extension

180 ft long by 12' wide. 10' exposed aggregate concrete 4" thick

with a 12' base of crush & run 4" thick giving a 1' shoulder on either side of concrete.



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erosion

area to be graded

driveway extension

1. I attach the one that would look as if it would make the most sense .

2. The area that the Rip Rap is proposed is indicated in yellow.

A. There will not be excavation of the slope in order to place the Rip Rap

The objective is to slow down the drainage and to mitigate any further erosion of that area of the front yard as it has severely eroded over the years resulting in loss of property.

- The only excavation will be the large mulch bed in the center of the front yard and area will be replaced back with Grass/Sod as well as the dimensions of the driveway extension which is 10ft wide by 4 inches deep.

- The driveway extension is approximately 220 ft long and is almost entirely out of any marked RPA area.

B. Yes, there will be filter fabric placed under the entire Rip Rap area as well as erosion mat placed on graded area proceeding said area.

- Silt fence will also be installed on the Western most edge of project to protect against any runoff during construction.

C. The 225 sq. feet is the exact dimensions of the Western most edge of the most severely eroded portion of the front yard as it empties into the steepest grade flowing into the final 50ft RPA

- We can and will if need be increase the sq ft of Rip Rap as the grading of that area to be fixed commences and feel that adding more Rip Rap is warranted to further slowdown the drainage into this area so as not to have this severe erosion continue to be an issue.

3. Access into the area will either be from the existing driveway side or from the front of proposed driveway extension.

4. Understood on replacing any required mitigation measures that were previously in place.

5. The drainage area east of the driveway is actually JCC property that has been neglected for many years. The two adjoining landowners on each side have written permission to only remove trees and bushes that either die or come down due to storm damage.

- This area drains all street water and runoff from adjoining property's toward the York River and hasn't functioned properly in years.

The culvert pipe that comes across Riverview Plantation Dr. and connects with pipe under the driveway have sunk and this area has filled in significantly the area directly down stream is much higher now causing all drainage to pool up next the driveway at 141 Riverview Plantation Dr. (Jordan's) causing ongoing issues that are only getting worse. Again this area is supposed to be maintained by JCC but has been neglected.

- VDOT has been contacted and came out last year to fix the problem with the culvert pipe on there end but the same thing has happen again.

- approximately 50' plus of this JCC drainage easement area nearest the driveway at 141 Riverview Plantation Dr. Needs to be excavated of excess dirt, mud, silt etc and the two pipes

reset with a layer of rock installed as to allow proper flow of all drainage into this area. This area needs attention as it affects storm water runoff into the York River.

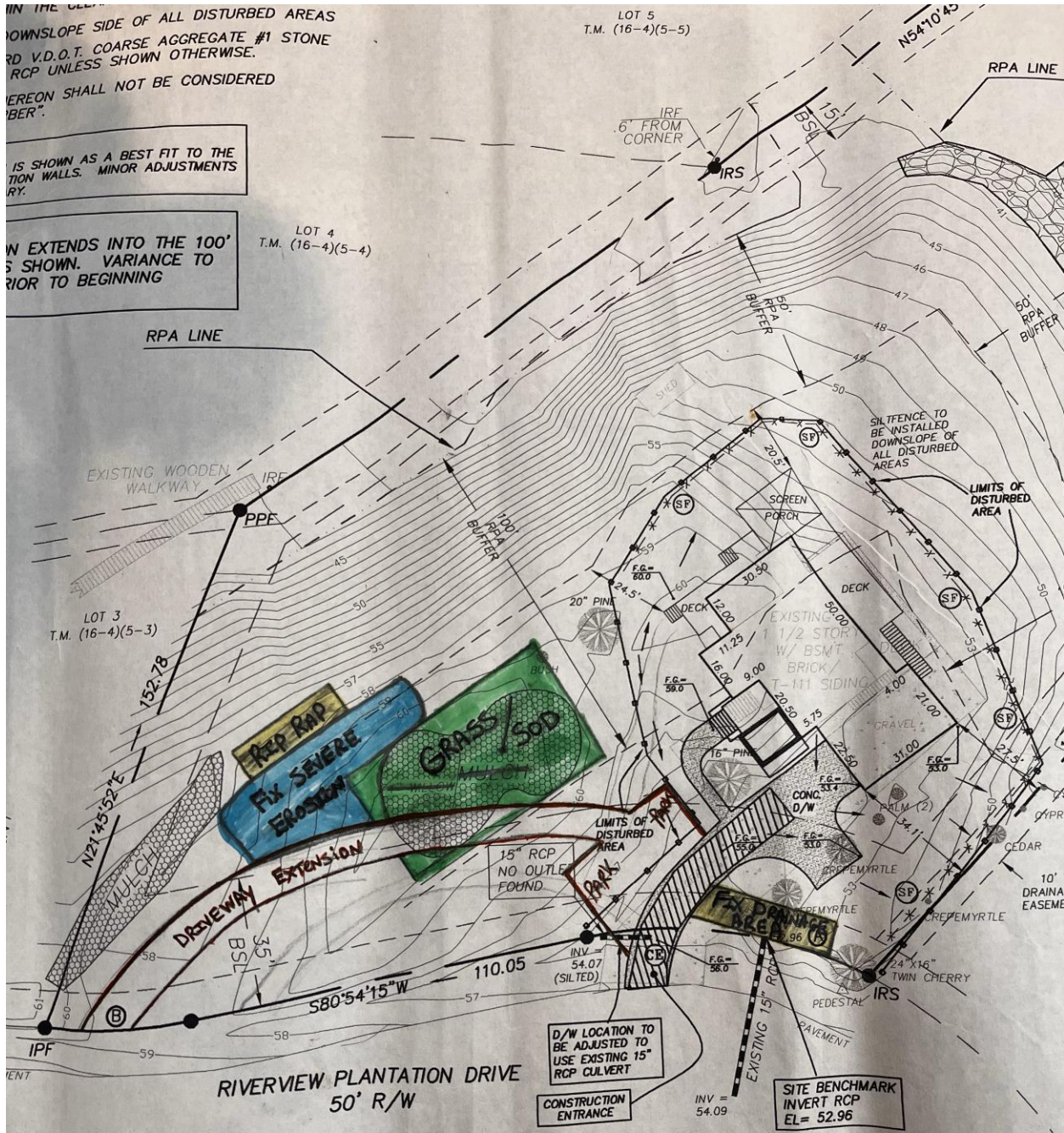
6. David Shook
(Excavation Contractor)
Beverly Heath
(Concrete/Driveway)

8. Understood on possibly needing an Erosion and Sediment control plan and land disturbance permit

DOWN SLOPE SIDE OF ALL DISTURBED AREAS
 AND V.D.O.T. COARSE AGGREGATE #1 STONE
 RCP UNLESS SHOWN OTHERWISE.
 HEREON SHALL NOT BE CONSIDERED
 "BER".

IS SHOWN AS A BEST FIT TO THE
 TION WALLS. MINOR ADJUSTMENTS
 RY.

W EXTENDS INTO THE 100'
 S SHOWN. VARIANCE TO
 RIOR TO BEGINNING



CHORD	CHD. BRG.
79.91	N80°27'15"W
42.96	N87°57'12"E

STREET ADDRESS: 141 RIVERVIEW PLANTATION DRIVE
 TAX PARCEL: (16-4)(5-2)

RESIDENTIAL SITE PLAN
 LOT 2 SECTION ONE
 RIVERVIEW PLANTATION
 PREPARED FOR DALE SPRENKEL

173 BARLOW ROAD
 WILLIAMSBURG, VA 23188











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

Capital Projects
107 Tewning Road
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Fleet
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**Stormwater and
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101-E Mounts Bay Road
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Facilities & Grounds
113 Tewning Road
Williamsburg, VA 23188
757-259-4080

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

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

RE: CBPA-23-0041
141 Riverview Plantation Dr.
Installation of a driveway and site
grading

April 19, 2023

Dear Adjacent Property Owner:

In accordance with State and County Codes, this letter is to notify you that a request has been filed with the James City County Chesapeake Bay Board by Mr. Edward and Ms. Kalisha Jordan for encroachments into the Resource Protection Area (RPA) buffer for the installation of a driveway and site grading on property located at 141 Riverview Plantation Dr., JCC Tax Map Parcel No. 1640500002.

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, May 10, 2023, 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

Case Number: CBPA-23-0041

PIN	Last Name	Address Line 1	City	State	Zip Code
1.641E+09	CARPENTER, MARK E & VIVIAN E	137 RIVERVIEW PLANTATION DR	WILLIAMSBURG	VA	23188-6819
1.641E+09	CASTO, WILLIAM G	142 RIVERVIEW PLANTATION DR	WILLIAMSBURG	VA	23188-6816
1.641E+09	JESSEMAN, GREGORY H & MARIA L	143 RIVERVIEW PLANTATION DR	WILLIAMSBURG	VA	23188-6819
1.641E+09	JORDAN, EDWARD T & KALISHA R	141 RIVERVIEW PLANTATION DR	WILLIAMSBURG	VA	23188-6819
1.641E+09	MILLER, EDWARD F TRUSTEE & CHRISTINE R TRUSTEE	112 FOUR MILE TREE	WILLIAMSBURG	VA	23188-6833
1.641E+09	MULHARE, MARY LOUISE TRUSTEE	PO BOX 308	LIGHTFOOT	VA	23090-0308
1.641E+09	PONTON, ROBERT & MARIAN A	PSC 103 BOX 844	APO	AE	96030-0009
1.641E+09	RODRIGUEZ, ROBERT T JR & PAMELA J	138 RIVERVIEW PLANTATION DR	WILLIAMSBURG	VA	23188-6816



PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY, MAY 10, 2023 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-23-0007: Mr. Daniel Winall, Water's Edge Construction, has applied on behalf of Mr. Geoffrey and Ms. Jacqueline Stephan for a wetlands permit for the installation of a living shoreline including riprap on property located at 3096 North Riverside Dr, JCC Parcel No. 1910200017.

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CBPA-23-0031: Mr. Chase Grogg, LandTech Resources, Inc., has applied for a Chesapeake Bay Exception on behalf of Greenwood Homes Hampton Roads LLC for encroachments into the RPA buffer for the construction of a single-family dwelling on property located at 205 Bulwell Forrest, JCC Parcel No. 3233100019.

CBPA-23-0032: Mr. Chase Grogg, LandTech Resources, Inc., has applied for a Chesapeake Bay Exception on behalf of Walk Wright Construction LLC for encroachments into the RPA buffer for the construction of a single-family dwelling on property located at 5 Tay River, JCC Parcel No. 3720200044.

CBPA-23-0039: Mr. James Die, RK&K, has applied for a Chesapeake Bay Exception on behalf of Mr. Darryl Cook, James City County for encroachments into the RPA buffer for the retrofit of an existing stormwater BMP on property located at 117 Tewning Road, JCC Parcel No. 3910100003.

CBPA-23-0041: Jordan, Edward T & Kalisha R has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the installation of a driveway and site grading on property located at 141 Riverview Plantation Dr., JCC Parcel No. 1640500002.

CBPA-23-0044: Mr. Mark Adam, Black Tip Associates, LLC, has applied for a Chesapeake Bay Exception on behalf of Ms. Karen and Mr. David Hescox for encroachments into the RPA buffer for the construction of a new single-family dwelling on property located at 112 North Turnberry, JCC Parcel No. 3721200004.

CBPA-23-0045: Mr. Andrew Coleman has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the replacement and expansion of a deck on property located at 5343 Rockingham Dr, JCC Parcel No. 3221200153.



PUBLIC HEARING NOTICE

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

The applications and plans are on file and may be viewed during normal office hours in the Stormwater and Resource Protection Division, 101-E Mounts Bay Road, James City County, Virginia.

NOT FOR PUBLICATION

DISPLAY: WEDNESDAY – Apr 26, 2023 and May 3, 2023.

ACCOUNT NO. CU00015112

VIRGINIA GAZETTE

1/8 PAGE, VERTICAL, B/W

CARD # x6648

ITEM SUMMARY

DATE: 5/10/2023
TO: Chesapeake Bay Board
FROM: Trevor Long, Chesapeake Bay Board Secretary
SUBJECT: CBPA-23-0044 : 112 North Turnberry

CBPA-23-0044: Mr. Mark Adam, Black Tip Associates, LLC, has applied for a Chesapeake Bay Exception on behalf of Ms. Karen and Mr. David Hescox for encroachments into the RPA buffer for the construction of a new single-family dwelling on property located at 112 North Turnberry, JCC Parcel No. 3721200004.

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Staff Report	Staff Report
☐	Resolution to Approve	Resolution
☐	Resolution to Deny	Resolution
☐	Site Plan	Backup Material
☐	APO Letter	Backup Material
☐	APO List	Backup Material
☐	Gazette Ad	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	5/3/2023 - 2:31 PM
Chesapeake Bay Group	Small, Toni	Approved	5/3/2023 - 2:33 PM
Publication Management	Daniel, Martha	Approved	5/3/2023 - 3:07 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	5/3/2023 - 5:06 PM

MEMORANDUM

DATE: May 10, 2023

TO: The Chesapeake Bay Board

FROM: Robin Benedict, Watershed Planner

SUBJECT: Chesapeake Bay Exception No. CBPA-23-0044. 112 North Turnberry.

Mr. Mark Adam, Black Tip Associates, LLC., 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 June meeting, at which time the case will be heard.

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-23-0044. 112 North Turnberry
Staff Report for the May 10, 2023, 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. David and Mrs. Karen Hescox
Agent: Mr. Mark Adam, Black Tip Associates, LLC
Location: 112 North Turnberry
Parcel Identification No.: 3721200004
Parcel: Lot 4, Section 14A, Ford's Colony
Lot Size: 0.48 acres
Area of Lot in Resource Protection Area (RPA): 0.42 acres (88%)
Watershed: Powhatan Creek (JL31)
Floodplain: None
Proposed Activity: Construction of a new single-family dwelling with a porch and retaining wall
Impervious Cover: 4,321 square feet
RPA Encroachment: 3,525 square feet, landward 50-foot RPA
796 square feet, seaward 50-foot RPA
8,756 square feet, RPA disturbance
Staff Contact: Trevor A. Long, Watershed Planner Phone: 253-6789

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Mark Adam, Black Tip Associates, LLC, has applied for a Chesapeake Bay Exception on behalf of Mr. David and Ms. Karen Hescox for encroachments into the RPA buffer for the construction of a new single-family dwelling located at 112 North Turnberry within the Ford's Colony subdivision and the Powhatan Creek watershed. The property is further identified as James City County Tax Map Parcel No. 3721200004. 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 0.48 acres, of which 88% is located within the RPA. Existing conditions on this property include a wooded lot with wetlands along the back property line. The applicants are proposing to construct a new single-family dwelling with a porch and retaining wall. Total impacts to the RPA associated with this proposal equate to 3,525 square feet of impacts to the landward 50-foot RPA and 796 square feet of impacts to the seaward 50-foot RPA for a total of 4,321 square feet of impacts. Required mitigation for this amount of impervious impacts equals 11 planting units (11 canopy trees, 22 understory trees, and 33 shrubs).

STAFF EVALUATION

Staff has evaluated the application and exception request for the construction of a new single-family

dwelling with a porch and retaining wall. This application meets the Ordinance conditions in Sections 23-11 and 23-14 and should be heard by the Board because the construction of the single-family dwelling with a porch and retaining wall extends into the seaward 50-foot RPA.

CONSIDERATION BY THE CHESAPEAKE BAY BOARD

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

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

STAFF RECOMMENDATIONS

Staff has reviewed the application and exception request and has determined the impacts associated with the proposal to be major for the proposed development. Staff recommends denial of this case because the proposal does not meet the minimum ordinance requirements, however, if the Board wishes to approve this request staff recommends the following conditions be incorporated into the approval:

1. The Applicants must obtain all other necessary federal, state, and local permits as required for the project; and
2. An affidavit must be recorded in the Williamsburg/James City County Courthouse prior to the issuance of a building permit; and
3. The Applicants must submit a mitigation plan equating to 11 planting units (11 canopy trees, 22 understory trees, and 33 shrubs) to the Stormwater and Resource Protection Division prior to project start; and
4. The Applicants must submit a surety of \$8,250 in a form acceptable to the James City County Attorney's Office to guarantee the mitigation plantings; and
5. This exception request approval will become null and void if construction has not begun by May 10, 2024; and
6. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than March 29, 2024, six weeks prior to the expiration date.

TAL/ap
CBPA23-44_112NTrnbrry

Attachments:

1. Resolution

2. Site Plan

RESOLUTION

CASE NO. CBPA-23-0044. 112 NORTH TURNBERRY

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Mark Adam, Black Tip Associates, LLC, on behalf of Mr. David and Mrs. Karen Hescoc (the “Applicants”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on May 10, 2023, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property located at 112 North Turnberry and further identified as James City County Real Estate Tax Map Parcel No. 3721200004, as set forth in the application CBPA-23-0044 for the purpose of constructing a new single-family dwelling with a porch and retaining wall; and

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

NOW, THEREFORE, BE IT RESOLVED that the Chesapeake Bay Board of James City County, Virginia, following a public hearing, finds that the application meets all the requirements for an exception to the Chesapeake Bay Preservation Ordinance and therefore **APPROVES** the exception request for Chesapeake Bay Board Case No. CBPA-23-0044, 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. An affidavit must be recorded in the Williamsburg/James City County Courthouse prior to the issuance of a building permit; and
3. The Applicants must submit a mitigation plan equating to 11 planting units (11 canopy trees, 22 understory trees, and 33 shrubs) to the Stormwater and Resource Protection Division prior to project start; and
4. The Applicants must submit a surety of \$8,250 in a form acceptable to the James City County Attorney’s Office to guarantee the mitigation plantings; and
5. This exception request approval will become null and void if construction has not begun by May 10, 2024; and
6. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than March 29, 2024, six weeks prior to the expiration date.

Charles Roadley
Chair, Chesapeake Bay Board

Trevor A. Long
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 10th day of May, 2023.

RESOLUTION

CASE NO. CBPA-23-0044. 112 NORTH TURNBERRY

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.

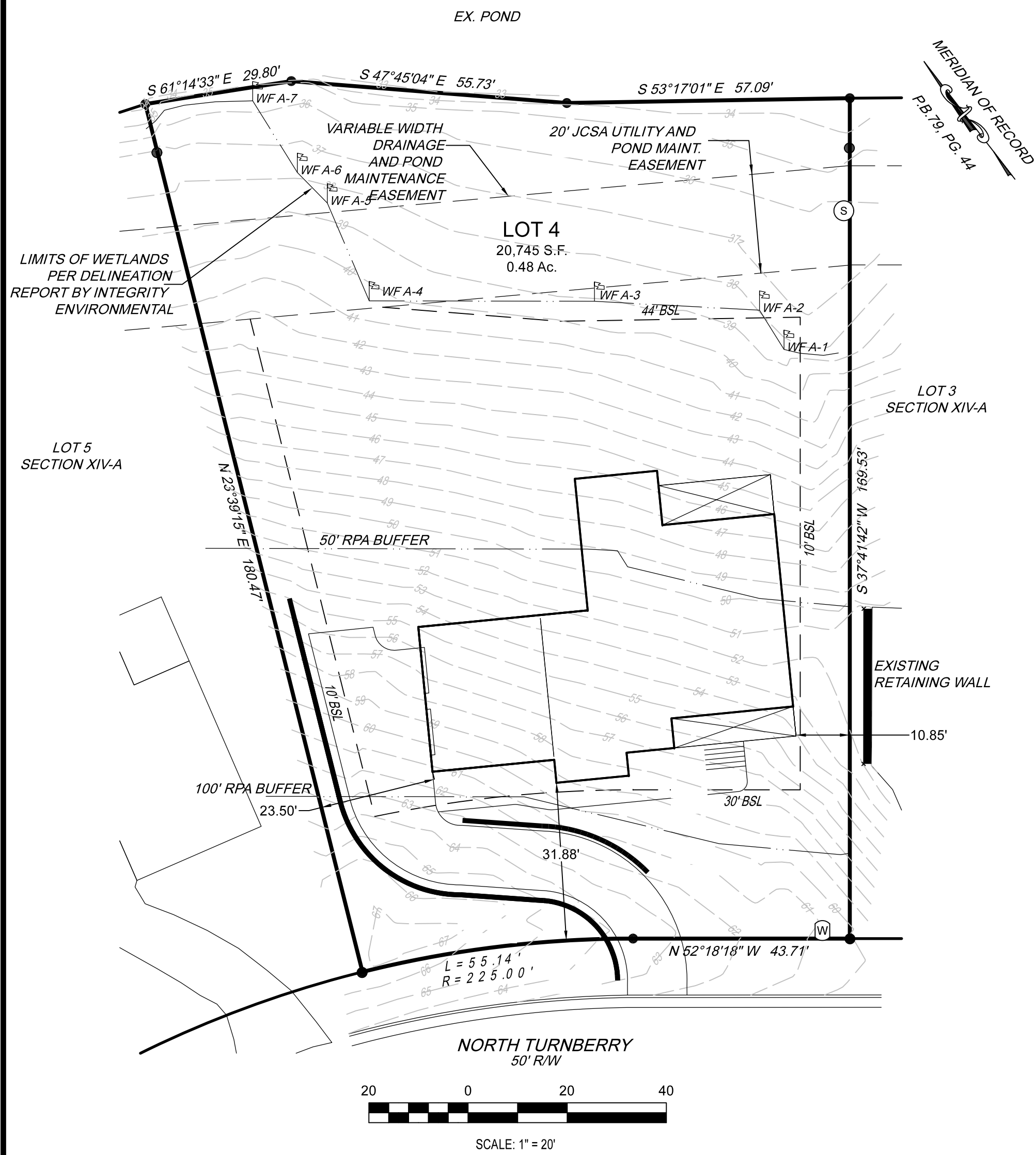
NOW, THEREFORE, BE IT RESOLVED that the Chesapeake Bay Board of James City County, Virginia, following a public hearing, finds that the application does not meet all the requirements for an exception to the Chesapeake Bay Preservation Ordinance and therefore **DENIES** the exception request for Chesapeake Bay Board Case No. CBPA-23-0044.

Charles Roadley
Chair, Chesapeake Bay Board

Trevor A. Long
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 10th day of May, 2023.

CBPA23-44_112NTrnbrryDny-res



LOT 4 SECTION XIV-A
TREE TABLE

BEECH	4
CHERRY	2
GUM	7
HICKORY	4
HOLLY	3
OAK	22
PINE	4
POPLAR	12
UNKNOWN	5

TREE NOTE:
DIAMETER (IN FEET) OF TREE SYMBOL IS EQUAL TO DIAMETER (IN INCHES) OF TREE TRUNK.



REV: 11/16/2022 - SNT
REV: 12/16/2022 - SNT
REV: 02/17/2023 - SNT
REV: 03/06/2023 - SNT

SINGLE FAMILY SITE PLAN
FOR
LOT 4
SECTION XIV-A
FORDS COLONY @ WILLIAMSBURG
BERKLEY DISTRICT
JAMES CITY COUNTY, VIRGINIA



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

Capital Projects
107 Tewning Road
Williamsburg, VA 23188
757-259-4080

Fleet
103 Tewning Road
Williamsburg, VA 23188
757-259-4122

**Stormwater and
Resource Protection**
101-E Mounts Bay Road
Williamsburg, VA 23185
757-259-6670

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

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

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

RE: CBPA-23-0044
112 North Turnberry
Construction of a new single-
family dwelling

April 19, 2023

Dear Adjacent Property Owner:

In accordance with State and County Codes, this letter is to notify you that a request has been filed with the James City County Chesapeake Bay Board by Mr. Mark Adam, Black Tip Associates, LLC, on behalf of Ms. Karen and Mr. David Hescox for encroachments into the Resource Protection Area (RPA) buffer for the construction of a new single-family dwelling on property located at 112 North Turnberry, JCC Tax Map Parcel No. 3721200004.

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, May 10, 2023, 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

Case Number: CBPA-23-0044

PIN	Last Name	Address Line 1	City	State	Zip Code
3720300258	BOOHER, ROBERT L JR TRUSTEE & SUSAN L TRUSTEE	102 LITTLE ASTON	WILLIAMSBURG	VA	23188-9199
3721200003	CHRISTENSEN, RICHARD G & JANIS K	108 N TURNBERRY	WILLIAMSBURG	VA	23188-8944
3721200011	CLAYTON, JAMES A JR & BETTY LAVERNE	115 N TURNBERRY	WILLIAMSBURG	VA	23188-8944
3721200005	DESMOND, DANIEL J & BARBARA O	116 N TURNBERRY	WILLIAMSBURG	VA	23188-8944
3720300259	EPERVARY, JAMES S & CATHERINE L	104 LITTLE ASTON	WILLIAMSBURG	VA	23188-9199
3721200001A	FORD'S COLONY AT WILLIAMSBURG HOMEOWNERS ASSOCIATION	100 MANCHESTER	WILLIAMSBURG	VA	23188-7404
3721200001B	FORD'S COLONY AT WILLIAMSBURG HOMEOWNERS ASSOCIATION	100 MANCHESTER	WILLIAMSBURG	VA	23188-7404
3721200004	HESCOX, DAVID BRYAN & KAREN ANN	8 PARK DR	CATONSVILLE	MD	21228-5040
	Mr. Mark Adam Black Tip Associates, LLC	302 A Ewell Rd	Williamsburg	VA	23188
3721200012	RAMIRO, CRAIG A & RECHELLE A	105 N TURNBERRY	WILLIAMSBURG	VA	23188-8944



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NOT FOR PUBLICATION

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ACCOUNT NO. CU00015112

VIRGINIA GAZETTE

1/8 PAGE, VERTICAL, B/W

CARD # x6648