

A G E N D A
JAMES CITY COUNTY CHESAPEAKE BAY BOARD
REGULAR MEETING
County Government Center, Building F
101 Mounts Bay Road, Williamsburg, Virginia 23188
August 9, 2023
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

1. Minutes from the July 12, 2023 Regular Meeting

D. PUBLIC HEARINGS

1. CBPA-23-0070 : 17 Clay Circle
2. CBPA-23-0081 : 196 The Maine
3. CBPA-23-0084 : 2521 Goodrich Durfey
4. CBPA-23-0085 : 4816 Hickory Signpost
5. CBPA-24-0094 : 3426 North Riverside Drive
6. CBPA-23-0054 : 3520 Barrett's Ferry

E. BOARD CONSIDERATIONS

F. MATTERS OF SPECIAL PRIVILEGE

G. ADJOURNMENT

ITEM SUMMARY

DATE: 8/9/2023
TO: Chesapeake Bay Board
FROM: Trevor Long, Chesapeake Bay Board Secretary
SUBJECT: Minutes from the July 12, 2023 Regular Meeting

ATTACHMENTS:

	Description	Type
▣	Minutes from the July 12, 2023 Meeting	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	8/2/2023 - 1:23 PM
Chesapeake Bay Group	Small, Toni	Approved	8/2/2023 - 3:06 PM
Publication Management	Pobiak, Amanda	Approved	8/2/2023 - 3:18 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	8/2/2023 - 3:22 PM

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

A. CALL TO ORDER

The Chesapeake Bay Board meeting for July 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
Scott Maye, Vice Chair
Michael O'Brien
Leslie Bowie, Alternate

Board Members Absent:

Larry Waltrip

Other Staff Present:

Toni Small, Director, Stormwater and Resource Protection
Michael Woolson, Resource Protection Section Chief, Stormwater and Resource Protection
Robin Benedict, Watershed Planner, Stormwater and Resource Protection
Trevor Long, Watershed Planner, Stormwater and Resource Protection
Liz Parman, Deputy County Attorney, County Attorney's Office

C. MINUTES

1. Minutes from the June 14, 2023 Regular Meeting

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

The minutes were Approved on a voice vote.

D. PUBLIC HEARINGS

1. CBPA-23-0054 : 3520 Barrett's Ferry

Mr. Trevor Long, Watershed Planner, presented the request for deferral submitted by Ms. Angelina Ananthram, citing the need for further revision of the site plan. The exception request is for encroachments into the Resource Protection Area (RPA) for the installation of a walkway and fire pit patio. The property is further identified as James City County Real Estate Tax Map Parcel No. 4310600006. Ms. Benedict/Mr. Long also recommended that the Public Hearing should be opened and remain so until the case is heard again at the August 9, 2023, Board meeting as a matter of procedure.

Mr. Roadley opened the Public Hearing.

2. CBPA23-0001 : 4105 South Riverside Drive

A motion to Approve w/ Conditions was made by Halle Dunn, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1
Ayes: Bowie, Dunn, Maye, O'Brien, Roadley
Absent: Waltrip

Mr. Trevor Long, Watershed Planner, presented the exception request submitted by Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. William and Mr. Randolph Taylor, for encroachments into the RPA for the construction of a retaining wall. The property is further identified as James City County Real Estate Tax Map Parcel No. 1910900002. 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, offered further details of the plan for the Board, including an overview of the project as it pertains to the Board's purview.

Mr. Roadley closed the Public Hearing.

The Board discussed the pros and cons of the plan.

3. CBPA-23-0030: 153 Shinnecock

A motion to Approve w/ Conditions was made by Scott Maye, the motion result was Passed.
AYES: 4 NAYS: 1 ABSTAIN: 0 ABSENT: 1
Ayes: Bowie, Maye, O'Brien, Roadley
Nays: Dunn
Absent: Waltrip

Ms. Robin Benedict, Watershed Planner, presented the exception request submitted by Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. Howard Jones, for encroachments into the RPA for the construction of a single-family dwelling. The property is further identified as James City County Real Estate Tax Map Parcel No. 3720400016. 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.

The Public Hearing for this case remained open from the May 10, 2023, Chesapeake Bay Board meeting.

A. Mr. Chase Grogg, LandTech Resources, Inc., 205 Bulifants Boulevard, detailed aspects of the plan, including an outline of how the plan's revisions now account for issues that the Board had discussed during the May 10 meeting. Mr. Grogg also cited the Board's approval of Chesapeake Bay exception request CBPA-23-0044 at the meeting held in June, 2023. That request pertained to the construction of a single-family dwelling located in the same neighborhood and subject to the same minimum house size requirements as that of this plan. That request was approved with a house size that was 75% larger than the minimum and the proposed size of this house is 33% larger than the minimum.

Mr. Roadley closed the Public Hearing.

Mr. Maye expressed support for the project and its consideration of the previously discussed issues.

Mr. Dunn cited concern for the size of the proposed house not being the minimum necessary to afford relief and cautioned against continuing to approve larger houses.

Mr. Roadley emphasized the Board's individualized perspective with regards to the consideration of approval of exception requests.

Mr. O'Brien expressed support for the project and its consideration of the previously discussed issues.

Mr. Roadley reopened the Public Hearing.

A. In response to Ms. Bowie's inquiry concerning the addition of more bioretention at the site, Mr. Grogg cited site constraints as well as the aesthetic requirements established by the neighborhood association, Ford's Colony.

Mr. Dunn expressed disapproval of the plan, citing its impact to the wetlands that are included within the parcel.

Mr. Roadley closed the Public Hearing.

4. CBPA-23-0052 : 7260 Osprey Drive

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

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1

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

Absent: Waltrip

Ms. Robin Benedict, Watershed Planner, presented the exception request submitted by Ms. Susan Cameron, on behalf of Mr. Kevin Cameron, for encroachments into the RPA for the approval of an accessory structure. The property is further identified as James City County Real Estate Tax Map Parcel No. 1910800001. 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. Kevin Cameron, 7260 Osprey Drive, Lanexa, offered to answer any questions from the Board.

Mr. Roadley closed the Public Hearing.

Mr. Maye expressed support for the plan, citing the extent of the mitigation plan.

E. BOARD CONSIDERATIONS

Mr. Woolson informed the Board that two public speakers would submit presentations for its consideration.

A. Mr. Chase Grogg, LandTech Resources, Inc., 205 Bulifants Boulevard, proposed the adoption of a standard practice by the Board, which would necessitate applicants for new construction within a neighborhood with a minimum house size requirement to obtain and present testimonies from the respective homeowners associations regarding the specific details of said requirement.

B. Mr. Matthew Roth, Roth Environmental, 700 Prescott Circle, Newport News, raised concerns regarding the challenge of finding a balance between the Board's stated purpose of minimizing impact and the legitimate need for larger-sized homes that accommodate accessibility requirements for certain property owners.

Mr. Roadley suggested that a work session for the Board should be scheduled soon.

Mr. Woolson concurred with Mr. Roadley and indicated that the revision of County Ordinance, as it relates to the Chesapeake Bay Act, as well as any amendments to the Board's bylaws could also be discussed at that time.

F. MATTERS OF SPECIAL PRIVILEGE

None.

G. ADJOURNMENT

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

The meeting adjourned at 6:03 p.m.

ITEM SUMMARY

DATE: 8/9/2023
TO: Chesapeake Bay Board
FROM: Trevor Long, Chesapeake Bay Board Secretary
SUBJECT: CBPA-23-0070 : 17 Clay Circle

CBPA-23-0070: Mr. Candido Aguilar, on behalf of Greensprings Mobile Home Park LLC, has applied for a Chesapeake Bay Exception for the construction of a deck and porch on property located at 17 Clay Circle, JCC Tax Map Parcel No. 3640100001.

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	8/2/2023 - 1:22 PM
Chesapeake Bay Group	Small, Toni	Approved	8/2/2023 - 3:05 PM
Publication Management	Pobiak, Amanda	Approved	8/2/2023 - 3:10 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	8/2/2023 - 3:20 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-23-0070. 17 Clay Circle
Staff Report for the August 9, 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. Candido Ortiz Aguilar
Agent: None
Location: 17 Clay Circle
Parcel Identification No.: 3640100001
Parcel: ADJ Scotland
Lot Size: 0.21 acres
Area of Lot in Resource Protection Area (RPA): 0.13 acres (62%)
Watershed: Gordon Creek (JL29)
Floodplain: None
Proposed Activity: Construction of a covered porch
Impervious Cover: 160 square feet
RPA Encroachment: 96 square feet, landward 50-foot RPA
Staff Contact: Trevor A. Long, Watershed Planner Phone: 253-6789

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Candido Ortiz Aguilar has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of a covered porch located at 17 Clay Circle within the Greensprings Mobile Home Park subdivision and the Gordon Creek watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 3640100001. The parcel was platted in 1969, prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The total lot size of this property is 0.21 acres, of which 62% is located within the RPA. The applicant is proposing to remove the existing 8-foot by 8-foot porch on the front of the home and replace it with a 10-foot by 16-foot covered porch. Total impacts to the RPA associated with this proposal equate to 96 square feet of impervious impact to the landward 50-foot RPA. Required mitigation for this amount of impervious impacts equals three shrubs.

STAFF EVALUATION

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

CONSIDERATION BY THE CHESAPEAKE BAY BOARD

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

1. The exception request is the minimum necessary to afford relief; and
2. Granting the exception will not confer upon the 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 three shrubs to the Stormwater and Resource Protection Division prior to project start; and
3. The Applicant must submit a surety of \$250 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 August 9, 2024; and
5. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than June 28, 2024, six weeks prior to the expiration date.

TAL/md
CBPA23-70_17ClayCir

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA-23-0070. 17 CLAY CIRCLE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Candido Ortiz Aguilar (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on August 9, 2023, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property located at 17 Clay Circle (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 3640100001, as set forth in the application CBPA-23-0070 for the purpose of constructing a covered porch; and

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

NOW, THEREFORE, BE IT RESOLVED that the Chesapeake Bay Board of James City County, Virginia, following a public hearing, finds that the application meets all the requirements for an exception to the Chesapeake Bay Preservation Ordinance and therefore **APPROVES** the exception request for Chesapeake Bay Board Case No. CBPA-23-0070, 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 three shrubs to the Stormwater and Resource Protection Division prior to project start; and
3. The Applicant must submit a surety of \$250 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 August 9, 2024; and
5. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than June 28, 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 9th day of August, 2023.

RESOLUTION

CASE NO. CBPA-23-0070. 17 CLAY CIRCLE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Candido Ortiz Aguilar (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on August 9, 2023, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property located at 17 Clay Circle (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 3640100001, as set forth in the application CBPA-23-0070 for the purpose of constructing a covered porch; and

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

NOW, THEREFORE, BE IT RESOLVED that the Chesapeake Bay Board of James City County, Virginia, following a public hearing, finds that the application does not meet all the requirements for an exception to the Chesapeake Bay Preservation Ordinance and therefore **DENIES** the exception request for Chesapeake Bay Board Case No. CBPA-23-0070.

Charles Roadley
Chair, Chesapeake Bay Board

Trevor A. Long
Secretary to the Board

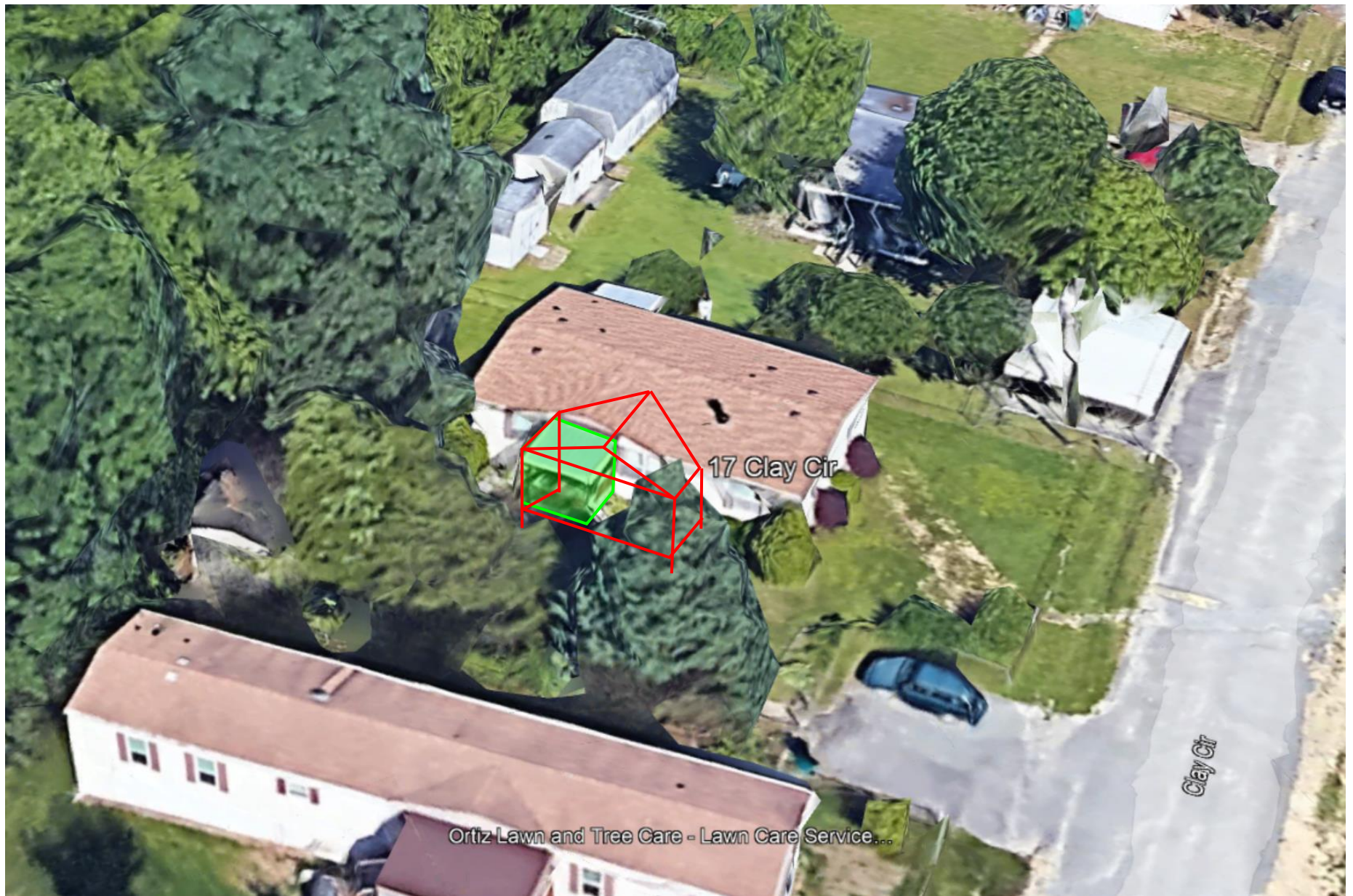
Adopted by the Chesapeake Bay Board of James City County, Virginia, this 9th day of August, 2023.

CBPA23-70_17ClayCirDny-res

17 Clay Cir.
BLDR-22-0520



17 Clay Cir.
BLDR-22-0520



Case Number: CBPA-23-0070

PIN	Last Name	Address Line 1	City	State	Zip Code
364010003A	Bowles, Raymond T & Catherine	4145 Centerville Rd	Williamsburg	VA	23188-1358
	Candido Ortiz Aguilar	17 Clay Circle	Williamsburg	VA	23188
364010001A	Centerville Associates LLC	4197 Centerville Rd	Williamsburg	VA	23188-1358
3640100004	Fox, Howard L Jr	4105 Centerville Rd	Williamsburg	VA	23188-1357
3630100001	Greensprings Materials LLC	8589 Richmond Rd	Toano	VA	23168-9212
3640100001	Greensprings Mobile Home Park LLC	11820 Fountain Way ~ste 202	Newport News	VA	23606-4478
3640100005	Heidt, Travis M	4095 Centerville Rd	Williamsburg	VA	23188-1356
3640100006	Little, Frances Cobb Life Estate & L Stephen H Life Estate	4091 Centerville Rd	Williamsburg	VA	23188-1356
3640100003	Melton, Stephen C & Cilincein, Debbi % David S. Hudson	4153 Centerville Rd	Williamsburg	VA	23188-1358
3620100040	Thompson, William Albert III Trustee & Insight Law PLLC Trustee & Thompson, Charles Fleming	40669 Newton Pl	Leesburg	VA	20175-6595
3640100002	Walls, Elizabeth Ann	4161 Centerville Rd	Williamsburg	VA	23188-1358
	Resident	15 Clay Circle	Williamsburg	VA	23188-1358
	Resident	19 Clay Circle	Williamsburg	VA	23188-1358



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

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Williamsburg, VA 23188
757-259-4080

Fleet
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Williamsburg, VA 23188
757-259-4122

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Williamsburg, VA 23185
757-259-6670

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

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

Bowles, Raymond T & Catherine
4145 Centerville Rd
Williamsburg, VA 23188-1358

RE: CBPA-23-0070
17 Clay Circle
Construction of deck, porch

July 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. Candido Aguilar, on behalf of Greensprings Mobile Home Park LLC, for encroachments into the Resource Protection Area buffer for the construction of a deck and porch. The project is located at 17 Clay Circle, JCC Tax Map Parcel No. 3640100001.

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 **August 9, 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



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Centerville Associates LLC
4197 Centerville Rd
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Greensprings Materials LLC
8589 Richmond Rd
Toano, VA 23168-9212

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Greensprings Mobile Home Park LLC
11820 Fountain Way ~ste 202
Newport News, VA 23606-4478

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P: 757-259-4080
General.Services@jamescitycountyva.gov
jamescitycountyva.gov

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Facilities & Grounds
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757-259-4080

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

Heidt, Travis M
4095 Centerville Rd
Williamsburg, VA 23188-1356

RE: CBPA-23-0070
17 Clay Circle
Construction of deck, porch

July 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. Candido Aguilar, on behalf of Greensprings Mobile Home Park LLC, for encroachments into the Resource Protection Area buffer for the construction of a deck and porch. The project is located at 17 Clay Circle, JCC Tax Map Parcel No. 3640100001.

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 **August 9, 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



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Thompson, William Albert III Trustee &
Insight Law Plc Trustee & Thompson, Charles Fleming
40669 Newton Pl
Leesburg, VA 20175-6595

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PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY, AUGUST 9, 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-23-0024: Mr. Jordan Clifford, Riverworks, Inc., on behalf of Mr. Mark Notley, has applied for a Wetlands Permit for the installation of a revetment on property located at 223 Sherwood Forest, JCC Tax Map Parcel No. 1730200011.

THE CHESAPEAKEBAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-23-0070: Mr. Candido Aguilar, on behalf of Greensprings Mobile Home Park LLC, has applied for a Chesapeake Bay Exception for the construction of a deck and porch on property located at 17 Clay Circle, JCC Tax Map Parcel No. 3640100001.

CBPA-23-0081: Ms. Carolyn Hill, has applied for a Chesapeake Bay Exception for the construction of a home extension on property located at 196 The Maine, JCC Tax Map Parcel No. 4540200071.

CBPA-23-0084: Mr. Ryan Linnekin, Williams Landscape & Design, on behalf of Ms. Mary Fox, has applied for a Chesapeake Bay Exception for the installation of retaining walls on property located at 2521 Goodrich Durfey, JCC Tax Map Parcel No. 4840200065.

CBPA-23-0085: Mr. Chase Grogg, Landtech Resources, Inc., on behalf of Mr. Sone Marciano, has applied for a Chesapeake Bay Exception for the construction of a single-family dwelling on property located at 4816 Hickory Signpost Rd, JCC Tax Map Parcel No. 4720100045.

CBPA-23-0094: Mr. Chase Grogg, Landtech Resources, Inc., on behalf of Mr. David Samuels, has applied for a Chesapeake Bay Exception for the installation of a sewer force main on property located at 3426 North Riverside Dr, JCC Tax Map Parcel No. 0940100008K.

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 – July 26, 2023 and August 2, 2023
ACCOUNT NO. CU00015112



PUBLIC HEARING NOTICE

VIRGINIA GAZETTE
1/8 PAGE, VERTICAL, B/W

ITEM SUMMARY

DATE: 8/9/2023
TO: Chesapeake Bay Board
FROM: Trevor Long, Chesapeake Bay Board Secretary
SUBJECT: CBPA-23-0081 : 196 The Maine

CBPA-23-0081: Ms. Carolyn Hill, has applied for a Chesapeake Bay Exception for the construction of a home extension on property located at 196 The Maine, JCC Tax Map Parcel No. 4540200071.

ATTACHMENTS:

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

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	8/2/2023 - 1:22 PM
Chesapeake Bay Group	Small, Toni	Approved	8/2/2023 - 3:05 PM
Publication Management	Daniel, Martha	Approved	8/2/2023 - 3:24 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	8/2/2023 - 3:26 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-23-0081. 196 The Maine
Staff Report for the August 9, 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: Ms. Carolyn Hill

Agent: Mr. Lloyd Stephens, Stephen's Builder

Location: 196 The Maine

Parcel Identification No.: 4540200071

Parcel: Lot 71, Section 3, First Colony

Lot Size: 0.59 acres

Area of Lot in Resource Protection Area (RPA): 0.21 acres (36%)

Watershed: James River (JL30)

Floodplain: Zone VE - Base flood elevation 15 feet mean sea level

Proposed Activity: Construction of a home addition

Impervious Cover: 226 square feet

RPA Encroachment: 226 square feet, landward 50-foot RPA

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

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Lloyd Stephens, Stephen's Builder, has applied for a Chesapeake Bay Exception on behalf of Ms. Carolyn Hill for encroachments into the RPA buffer for the construction of a home addition located at 196 The Maine within the First Colony subdivision and the James River watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 4540200071. The parcel was platted in 1963, prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The total lot size of this property is 0.59 acres, of which 36% is located within the RPA. The applicant is proposing to construct a 10-foot by 22.5-foot home addition. Total impacts to the RPA associated with this proposal equate to 226 square feet of impacts to the landward 50-foot RPA. Required mitigation for this amount of impervious impacts equals six shrubs.

STAFF EVALUATION

Staff has evaluated the application and exception request for the construction of a home addition. This application meets the Ordinance conditions in Sections 23-11 and 23-14 and should be heard by the Board because the addition is not extending away from 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 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 six shrubs to the Stormwater and Resource Protection Division; and
3. 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
4. This exception request approval will become null and void if construction has not begun by August 9, 2024; and
5. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than June 28, 2024, six weeks prior to the expiration date.

TAL/ap
CBPA23-81_196Maine

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA-23-0081. 196 THE MAINE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Lloyd Stephens, Stephen's Builder, on behalf of Ms. Carolyn Hill (the "Applicant"), has applied to the Chesapeake Bay Board of James City County (the "Board") on August 9, 2023, to request an exception to use the Resource Protection Area (the "RPA") on a parcel of property located at 196 The Maine (the "Property") and further identified as James City County Real Estate Tax Map Parcel No. 4540200071, as set forth in the application CBPA-23-0081 for the purpose of constructing a home addition; 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-23-0081, 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 six shrubs to the Stormwater and Resource Protection Division; and
3. 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
4. This exception request approval will become null and void if construction has not begun by August 9, 2024; and
5. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than June 28, 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 9th day of August, 2023.

CBPA23-81_196MaineApp-res

RESOLUTION

CASE NO. CBPA-23-0081. 196 THE MAINE

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-23-0081.

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 9th day of August, 2023.

CBPA23-81_196MaineDny-res

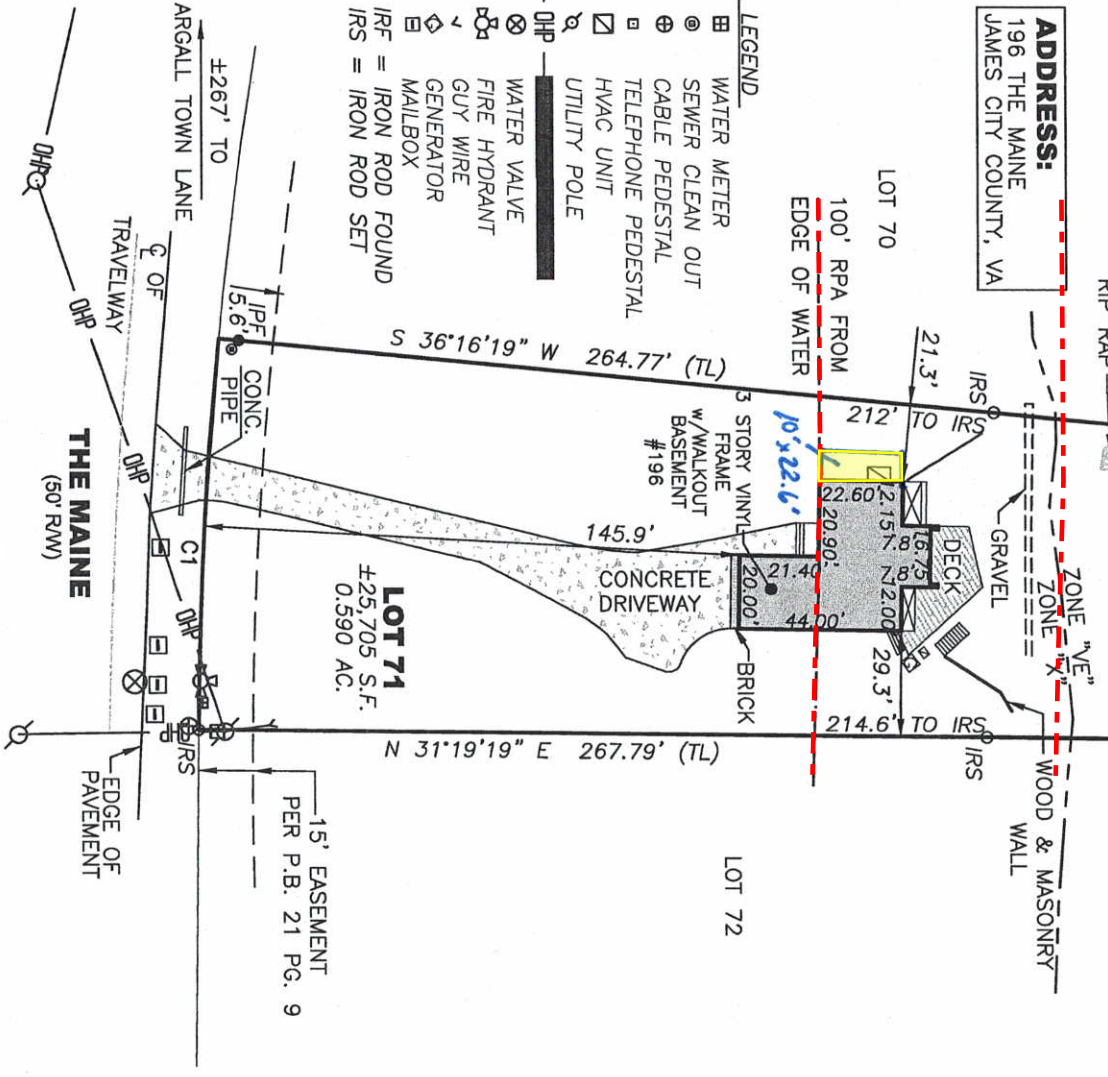
NOTES:

1. THIS PLAT WAS PRODUCED WITHOUT THE BENEFIT OF A TITLE REPORT AND REFLECTS ONLY THOSE ENCUMBRANCES, EASEMENTS AND SETBACKS AS SHOWN IN P.B. 21, PG. 9.
2. THIS FIRM IS NOT RESPONSIBLE FOR THE LOCATION OF ANY STRUCTURE, MANHOLE, VALVE, ETC., HIDDEN OR OBSTRUCTED AT THE TIME THE FIELD SURVEY WAS PERFORMED.
3. LOT LIES IN F.I.R.M. ZONE "X" & VE(15) ACCORDING TO FLOOD INSURANCE RATE MAP #51095C0181D DATED DECEMBER 16, 2015.
4. WETLANDS, IF ANY, WERE NOT LOCATED FOR THIS SURVEY.
5. UNDERGROUND UTILITIES WERE NOT LOCATED.

JAMES RIVER
 *MEAN LOW WATER LINE IS PROPERTY LINE PER P.B.21 PG.9
 RIP RAP
 EDGE OF WATER @ TIME OF SURVEY
 RECORD MERIDIAN
 P.B. 21, Pg. 9

ADDRESS:
 196 THE MAINE
 JAMES CITY COUNTY, VA

- LEGEND**
- ⊞ WATER METER
 - ⊙ SEWER CLEAN OUT
 - ⊕ CABLE PEDESTAL
 - ⊞ TELEPHONE PEDESTAL
 - ⊞ HVAC UNIT
 - ⊞ UTILITY POLE
 - ⊗ WATER VALVE
 - ⊗ FIRE HYDRANT
 - ⊗ GUY WIRE
 - ⊗ GENERATOR
 - ⊞ MAILBOX
 - IRF = IRON ROD FOUND
 - IRS = IRON ROD SET



CURVE	ARC LEN.	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LEN.
C1	107.84'	1248.24'	4°57'00"	S 56°12'11"	E 107.81'

REFERENCES: P.B. 21 PG. 9
 PHYSICAL SURVEY OF LOT 71, SECTION THREE
FIRST COLONY



For: **DEBRA HILL**
 JAMES CITY COUNTY VIRGINIA
LandTech Resources, Inc.
 Engineering and Surveying Consultants
 205E Bulfinch Blvd., Williamsburg, Virginia 23188
 Telephone: 757-565-1677 Fax: 757-565-0782
 Web: landtechresources.com

5. UNDERGROUND UTILITIES WERE NOT LOCATED.

P.B. 21, PG. 9

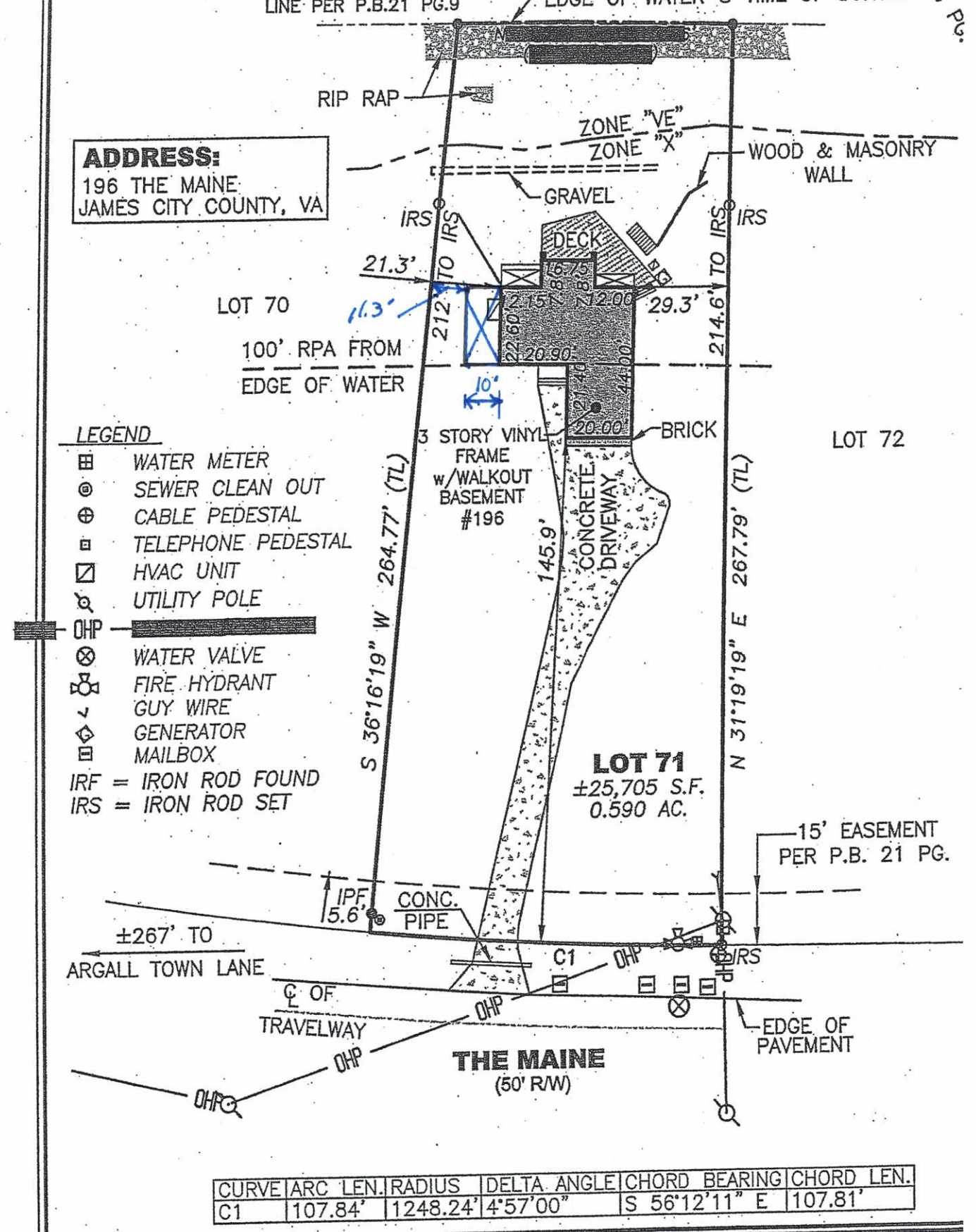
*MEAN LOW WATER
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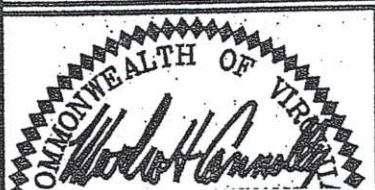
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PHYSICAL SURVEY OF LOT 71, SECTION THE
FIRST COLONY
For:
DEBRA HILL
JAMES CITY COUNTY

Case Number: CBPA-23-0070

PIN	Last Name	Address Line 1	City	State	Zip Code
364010003A	Bowles, Raymond T & Catherine	4145 Centerville Rd	Williamsburg	VA	23188-1358
	Candido Ortiz Aguilar	17 Clay Circle	Williamsburg	VA	23188
364010001A	Centerville Associates LLC	4197 Centerville Rd	Williamsburg	VA	23188-1358
3640100004	Fox, Howard L Jr	4105 Centerville Rd	Williamsburg	VA	23188-1357
3630100001	Greensprings Materials LLC	8589 Richmond Rd	Toano	VA	23168-9212
3640100001	Greensprings Mobile Home Park LLC	11820 Fountain Way ~ste 202	Newport News	VA	23606-4478
3640100005	Heidt, Travis M	4095 Centerville Rd	Williamsburg	VA	23188-1356
3640100006	Little, Frances Cobb Life Estate & L Stephen H Life Estate	4091 Centerville Rd	Williamsburg	VA	23188-1356
3640100003	Melton, Stephen C & Cilincein, Debbi % David S. Hudson	4153 Centerville Rd	Williamsburg	VA	23188-1358
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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

Bowles, Raymond T & Catherine
4145 Centerville Rd
Williamsburg, VA 23188-1358

RE: CBPA-23-0070
17 Clay Circle
Construction of deck, porch

July 20, 2023
Dear Adjacent Property Owner:

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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 **August 9, 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



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Candido Ortiz Aguilar
17 Clay Circle
Williamsburg, VA 23188

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Centerville Associates LLC
4197 Centerville Rd
Williamsburg, VA 23188-1358

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Fox, Howard L Jr
4105 Centerville Rd
Williamsburg, VA 23188-1357

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Greensprings Materials LLC
8589 Richmond Rd
Toano, VA 23168-9212

RE: CBPA-23-0070
17 Clay Circle
Construction of deck, porch

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Greensprings Mobile Home Park LLC
11820 Fountain Way ~ste 202
Newport News, VA 23606-4478

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Heidt, Travis M
4095 Centerville Rd
Williamsburg, VA 23188-1356

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Little, Frances Cobb Life Estate & L
Stephen H Life Estate
4091 Centerville Rd
Williamsburg, VA 23188-1356

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757-565-0971

Melton, Stephen C & Cilincein, Debbi
% David S. Hudson
4153 Centerville Rd
Williamsburg, VA 23188-1358

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1204 Jolly Pond Road
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Thompson, William Albert III Trustee &
Insight Law Plc Trustee & Thompson, Charles Fleming
40669 Newton Pl
Leesburg, VA 20175-6595

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Walls, Elizabeth Ann
4161 Centerville Rd
Williamsburg, VA 23188-1358

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Resident
15 Clay Circle
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PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY, AUGUST 9, 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-23-0024: Mr. Jordan Clifford, Riverworks, Inc., on behalf of Mr. Mark Notley, has applied for a Wetlands Permit for the installation of a revetment on property located at 223 Sherwood Forest, JCC Tax Map Parcel No. 1730200011.

THE CHESAPEAKEBAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-23-0070: Mr. Candido Aguilar, on behalf of Greensprings Mobile Home Park LLC, has applied for a Chesapeake Bay Exception for the construction of a deck and porch on property located at 17 Clay Circle, JCC Tax Map Parcel No. 3640100001.

CBPA-23-0081: Ms. Carolyn Hill, has applied for a Chesapeake Bay Exception for the construction of a home extension on property located at 196 The Maine, JCC Tax Map Parcel No. 4540200071.

CBPA-23-0084: Mr. Ryan Linnekin, Williams Landscape & Design, on behalf of Ms. Mary Fox, has applied for a Chesapeake Bay Exception for the installation of retaining walls on property located at 2521 Goodrich Durfey, JCC Tax Map Parcel No. 4840200065.

CBPA-23-0085: Mr. Chase Grogg, Landtech Resources, Inc., on behalf of Mr. Sone Marciano, has applied for a Chesapeake Bay Exception for the construction of a single-family dwelling on property located at 4816 Hickory Signpost Rd, JCC Tax Map Parcel No. 4720100045.

CBPA-23-0094: Mr. Chase Grogg, Landtech Resources, Inc., on behalf of Mr. David Samuels, has applied for a Chesapeake Bay Exception for the installation of a sewer force main on property located at 3426 North Riverside Dr, JCC Tax Map Parcel No. 0940100008K.

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 – July 26, 2023 and August 2, 2023
ACCOUNT NO. CU00015112



PUBLIC HEARING NOTICE

VIRGINIA GAZETTE
1/8 PAGE, VERTICAL, B/W

ITEM SUMMARY

DATE: 8/9/2023
TO: Chesapeake Bay Board
FROM: Trevor Long, Chesapeake Bay Board Secretary
SUBJECT: CBPA-23-0084 : 2521 Goodrich Durfey

CBPA-23-0084: Mr. Ryan Linnekin, Williams Landscape & Design, on behalf of Ms. Mary Fox, has applied for a Chesapeake Bay Exception for the installation of retaining walls on property located at 2521 Goodrich Durfey, JCC Tax Map Parcel No. 4840200065.

ATTACHMENTS:

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

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	8/2/2023 - 1:22 PM
Chesapeake Bay Group	Small, Toni	Approved	8/2/2023 - 3:05 PM
Publication Management	Daniel, Martha	Approved	8/2/2023 - 3:29 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	8/2/2023 - 3:34 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-23-0084. 2521 Goodrich Durfey
Staff Report for the August 9, 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: Ms. Mary Fox, Trustee

Agent: Mr. Ryan Linnekin, Williams Landscape & Design

Location: 2521 Goodrich Durfey

Parcel Identification No.: 4840200065

Parcel: Lot 65, Phase 1, The Vineyards at Jockey's Neck

Lot Size: 1.73 acres

Area of Lot in Resource Protection Area (RPA): 0.84 acres (49%)

Watershed: College Creek (JL34)

Floodplain: None

Proposed Activity: Construction of three retaining walls and a deck walkway

Impervious Cover: 282 square feet

RPA Encroachment: 282 square feet, seaward 50-foot RPA
0 square feet, seaward 50-foot RPA

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

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Ryan Linnekin, Williams Landscape & Design, has applied for a Chesapeake Bay Exception on behalf of Ms. Mary Fox, Trustee for encroachments into the RPA buffer for the construction of three retaining walls and a deck walkway located at 2521 Goodrich Durfey within The Vineyards at Jockey's Neck subdivision and the College Creek watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 4840200065. The parcel was platted in 1991, after the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The total lot size of this property is 1.73 acres, of which 49% is located within the RPA. The applicant is proposing to construct a series of retaining walls. This property appeared before the Board in 2021 for the construction of a pool, deck, and patio. This exception request was approved at that time. One of the proposed retaining walls is intended to raise a section behind the pool and convert a stone garden bed into a planted area. The other two retaining walls are proposed to mitigate erosion that leads to the applicant's dock. The applicant is also proposing a wooden deck leading to the dock equating to 132 square feet. Total impacts to the RPA associated with this proposal equate to 282 square feet of impacts. Required mitigation for this amount of impervious impacts equals eight shrubs. As part of the conditions for approval from

CBPA-21-0160 the applicant was required to install an infiltration trench which has not yet been installed. Should this exception request be approved, staff would require that the applicant install this Best Management Practice (BMP) measure within six months of the request's approval date.

STAFF EVALUATION

Staff has evaluated the application and exception request for the construction of three retaining walls and a deck walkway. This application meets the Ordinance conditions in Sections 23-11 and 23-14 and should be heard by the Board because the construction of retaining walls 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 eight shrubs to the Stormwater and Resource Protection Division; and
3. The Applicant must ensure that all mitigation requirements from previously approved Chesapeake Bay Exception requests, including the installation of an Infiltration Trench BMP, be installed prior to February 9, 2024; 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 August 9, 2024; and

6. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than June 28, 2024, six weeks prior to the expiration date.

TAL/ap
CBPA23-84_2521GdrchDrfy

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA-23-0084. 2521 GOODRICH DURFEY

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Ryan Linnekin, Williams Landscape & Design, on behalf of Ms. Mary Fox, Trustee (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on August 9, 2023, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property located at 2521 Goodrich Durfey (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 4840200065, as set forth in the application CBPA-23-0084 for the purpose of construction of three retaining walls and a deck walkway; 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-23-0084, subject to the following conditions:

1. The Applicant must obtain all other necessary federal, state, and local permits as required for the project; and
2. The Applicant must submit a mitigation plan equating to eight shrubs to the Stormwater and Resource Protection Division; and
3. The Applicant must ensure that all mitigation requirements from previously approved Chesapeake Bay Exception requests, including the installation of an Infiltration Trench Best Management Practice, be installed prior to February 9, 2024; 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 August 9, 2024; and
6. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than June 28, 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 9th day of August, 2023.

CBPA23-84_2521GdrchDrfyApp-res

RESOLUTION

CASE NO. CBPA-23-0084. 2521 GOODRICH DURFEY

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Ryan Linnekin, Williams Landscape & Design, on behalf of Ms. Mary Fox, Trustee (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on August 9, 2023, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property located at 2521 Goodrich Durfey (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 4840200065, as set forth in the application CBPA-23-0084 for the purpose of construction of three retaining walls and a deck walkway; 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-23-0084.

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 9th day of August, 2023.

CBPA23-84_2521GdrchDrfyDny-res

Key	Qty	Botanical Name	Common Name	Size/Condition	Remarks
Shrubs					
HMM	6	HYDRANGEA MACROPHYLLA 'MCKAY'	HYDRANGEA CHERRY EXPLOSION	#3	
IVC	18	ILEX VOMITORIA 'CONDEAUX'	HOLLY BORDEAUX	#3	
LA	6	LEUCOTHOE AXILLARIS	LEUCOTHOE COAST	#3	
SMS	9	SPIREA MEDIA 'SMSMBK'	SPIREA BLUE KAZOO	#3	
TXM	23	TAXUS X MEDIA 'DENSIFORMIS'	YEW DENSE SPREADING	#3	
Perennials and Annuals					
EH	25	EQUISETUM HYEMALE	RUSH HORSETAIL	#1	
MF	15	MONARDA FISTULOSA	BEEBALM WILD BERGAMOT	#1	
PC	48	PONTERERIA CORDATA	RUSH PICKEREL	#1	
TAG	150	THYMUS ARCHERS GOLD	THYME CREEPING ARCHERS GOLD	#1	



Belgard Highland Stone Wall,
Note: Color Of Wall Block & Caps To Match Existing Retaining Wall Materials



Belgard Landing/Step



Black Aluminum Fencing - Replacement Option



Hydrangea Cherry Explosion



Rush Horsetail



Holly Bordeaux



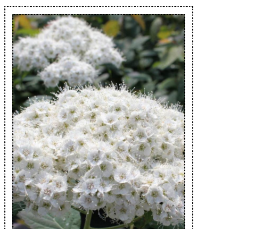
Monarda Wild Bergamot



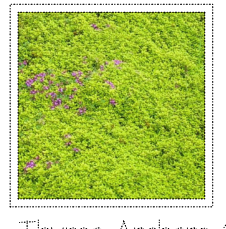
Leucothoe Coast



Rush Pickerel



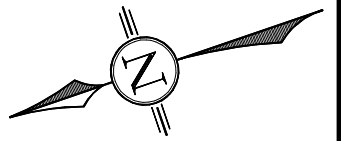
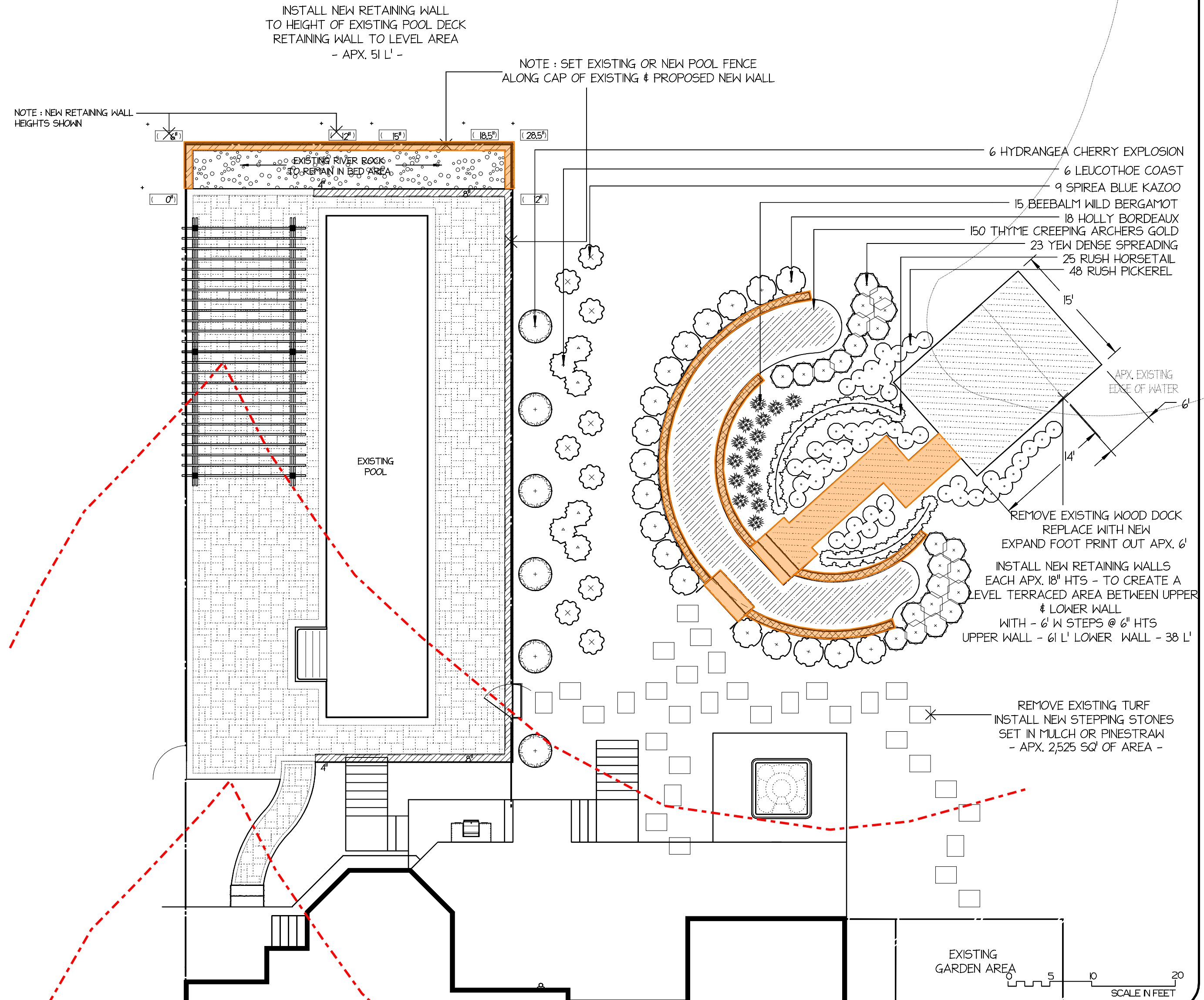
Spirea Blue Kazoo Flower



Thyme Archers Gold



Yew Spreading



NORTH

EMMET RESIDENCE

2551 GOODRICH DUREFAY
THE VINEY ARDS WILLIAMSBURG, VA.
SCALE DATE DRAWING #

7.2.19 LANDSCAPE PLAN : BCKYTRD PH5 III RETAINING WALL & FENCE
PRJ.# -03
RV/SN : 4.10.23



Case Number: CBPA-23-0084

PIN	Last Name	Address Line 1	City	State	Zip Code
4840200013	Alpino, Robert J & Lisa Odabasi	2412 Sarah Spence	Williamsburg	VA	23185-8060
4840200012	Atalay, Michael & Janie E	2408 Sarah Spence	Williamsburg	VA	23185-8060
4840200066	Davenport, Thomas H Jr Trustee & Jessica V Trustee	2517 Goodrich Durfey	Williamsburg	VA	23185-8031
4840200065	Fox, Mary Trustee	2049 Century Park E ~ste 1400	Los Angeles	CA	90067-3116
4840200009	Lenoach, Philip M & Maria-nella	2709 Jockeys Neck Trl	Williamsburg	VA	23185-8071
	Ryan Linnekin Williams Landscape & Design	1554 Penniman Rd	Williamsburg	VA	23185
4840300001A	Vineyards Homeowners Association	4071 Ironbound Rd ~ste 200	Williamsburg	VA	23188-2894



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757-259-4080

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

Alpino, Robert J & Lisa Odabasi
2412 Sarah Spence
Williamsburg, VA 23185-8060

RE: CBPA-23-0084
2521 Goodrich Durfey
Installation of retaining walls

July 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. Ryan Linnekin, Williams Landscape & Design, on behalf of Ms. Mary Fox, for encroachments into the Resource Protection Area buffer for the installation of retaining walls. The project is located at 2521 Goodrich Durfey, JCC Tax Map Parcel No. 4840200065.

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 **August 9, 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



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Davenport, Thomas H Jr Trustee &
Jessica V Trustee
2517 Goodrich Durfey
Williamsburg, VA 23185-8031

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Fox, Mary Trustee
2049 Century Park E ~ste 1400
Los Angeles, CA 90067-3116

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Vineyards Homeowners Association
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July 20, 2023

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PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY, AUGUST 9, 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-23-0024: Mr. Jordan Clifford, Riverworks, Inc., on behalf of Mr. Mark Notley, has applied for a Wetlands Permit for the installation of a revetment on property located at 223 Sherwood Forest, JCC Tax Map Parcel No. 1730200011.

THE CHESAPEAKEBAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-23-0070: Mr. Candido Aguilar, on behalf of Greensprings Mobile Home Park LLC, has applied for a Chesapeake Bay Exception for the construction of a deck and porch on property located at 17 Clay Circle, JCC Tax Map Parcel No. 3640100001.

CBPA-23-0081: Ms. Carolyn Hill, has applied for a Chesapeake Bay Exception for the construction of a home extension on property located at 196 The Maine, JCC Tax Map Parcel No. 4540200071.

CBPA-23-0084: Mr. Ryan Linnekin, Williams Landscape & Design, on behalf of Ms. Mary Fox, has applied for a Chesapeake Bay Exception for the installation of retaining walls on property located at 2521 Goodrich Durfey, JCC Tax Map Parcel No. 4840200065.

CBPA-23-0085: Mr. Chase Grogg, Landtech Resources, Inc., on behalf of Mr. Sone Marcano, has applied for a Chesapeake Bay Exception for the construction of a single-family dwelling on property located at 4816 Hickory Signpost Rd, JCC Tax Map Parcel No. 4720100045.

CBPA-23-0094: Mr. Chase Grogg, Landtech Resources, Inc., on behalf of Mr. David Samuels, has applied for a Chesapeake Bay Exception for the installation of a sewer force main on property located at 3426 North Riverside Dr, JCC Tax Map Parcel No. 0940100008K.

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 – July 26, 2023 and August 2, 2023
ACCOUNT NO. CU00015112



PUBLIC HEARING NOTICE

VIRGINIA GAZETTE
1/8 PAGE, VERTICAL, B/W

ITEM SUMMARY

DATE: 8/9/2023

TO: Chesapeake Bay Board

FROM: Trevor Long, Chesapeake Bay Board Secretary

SUBJECT: CBPA-23-0085 : 4816 Hickory Signpost

CBPA-23-0085: Mr. Chase Grogg, Landtech Resources, Inc., on behalf of Mr. Sone Marcano, has applied for a Chesapeake Bay Exception for the construction of a single-family dwelling on property located at 4816 Hickory Signpost Rd, JCC Tax Map Parcel No. 4720100045.

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	8/2/2023 - 1:22 PM
Chesapeake Bay Group	Small, Toni	Approved	8/2/2023 - 3:05 PM
Publication Management	Daniel, Martha	Approved	8/2/2023 - 3:36 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	8/2/2023 - 3:38 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-23-0085. 4816 Hickory Signpost Road
Staff Report for the August 9, 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. and Ms. Sone Marcano

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

Location: 4816 Hickory Signpost Road

Parcel Identification No.: 4720100045

Parcel: Lot 11, Point of Thomas

Lot Size: 0.56 acres

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

Watershed: Mill Creek (JL33)

Floodplain: None

Proposed Activity: Construction of a single-family dwelling

Impervious Cover: 1,082 square feet

RPA Encroachment: 134 square feet, landward 50-foot RPA
948 square feet, seaward 50-foot RPA

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

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

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

The total lot size of this property is 0.56 acres, of which 100% is located within the RPA. The applicants are proposing to construct a 420-square-foot single-family dwelling. Total impacts to the RPA associated with this proposal equate to 134 square feet of impacts to the landward 50-foot RPA and 948 square feet of impacts to the seaward 50-foot RPA for a total of 1,082 square feet of impacts.

In May 2022, the applicants gained approval from the Board of Zoning Appeals to move the building setback from 60 feet to 30 feet in an effort to move the proposed dwelling further from the wetlands. This property appeared before the Chesapeake Bay Board in June 2022 for the approval of a 548-square-foot single-family dwelling with a 140-square-foot deck, 109-square-foot patio, and 942-square-foot driveway.

This exception request, CBPA-22-0060 was denied during this meeting. A new application, CBPA-22-0082 was then brought before the Chesapeake Bay Board in July 2022 for the approval of a 550-square-foot single-family dwelling with a 135-square-foot patio, 20-square-foot balcony, and 555-square-foot driveway. This application was denied during the meeting.

The applicants are now proposing a 420-square-foot single-family dwelling with an 88-square-foot balcony and 566-square-foot driveway. Required mitigation for this amount of impervious impacts equals three planting units (three canopy trees, six understory trees, and nine shrubs). Additionally, the applicants have proposed a Bioretention Best Management Practice (BMP) on the property which will treat water from all the proposed impervious cover in this project. Staff is requesting that an affidavit be recorded in the Williamsburg/James City County Courthouse due to the environmental sensitivity of this lot. The current proposal is a 657-square-foot reduction from the June 2022 submittal.

STAFF EVALUATION

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

CONSIDERATION BY THE CHESAPEAKE BAY BOARD

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

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

STAFF RECOMMENDATIONS

Staff has reviewed the application and exception request and has determined the impacts associated with the proposal to be moderate for the proposed development. 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 three planting units (three canopy trees, six understory trees, and nine shrubs) and the Bioretention BMP facility to the Stormwater and Resource Protection Division prior to project start; and

4. The Applicants must submit a surety of \$3,000 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 August 9, 2024; and
6. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than June 28, 2024, six weeks prior to the expiration date.

TAL/ap
CBPA23-85_4816HckrySpt

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA-23-0085. 4816 HICKORY SIGNPOST ROAD

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. and Ms. Sone Marcano (the “Applicants”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on August 9, 2023, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property located at 4816 Hickory Signpost Road (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 4720100045, as set forth in the application CBPA-23-0085 for the purpose of constructing a single-family dwelling; and

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

NOW, THEREFORE, BE IT RESOLVED that the Chesapeake Bay Board of James City County, Virginia, following a public hearing, finds that the application meets all the requirements for an exception to the Chesapeake Bay Preservation Ordinance and therefore **APPROVES** the exception request for Chesapeake Bay Board Case No. CBPA-23-0085, 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 three planting units (three canopy trees, six understory trees, and nine shrubs) and the Bioretention BMP facility to the Stormwater and Resource Protection Division prior to project start; and
4. The Applicants must submit a surety of \$3,000 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 August 9, 2024; and
6. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than June 28, 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 9th day of August, 2023.

CBPA23-85_4816HckrySptApp-res

RESOLUTION

CASE NO. CBPA-23-0085. 4816 HICKORY SIGNPOST ROAD

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. and Ms. Sone Marcano (the “Applicants”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on August 9, 2023, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property located at 4816 Hickory Signpost Road (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 4720100045, as set forth in the application CBPA-23-0085 for the purpose of constructing a single-family dwelling; and

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

NOW, THEREFORE, BE IT RESOLVED that the Chesapeake Bay Board of James City County, Virginia, following a public hearing, finds that the application does not meet all the requirements for an exception to the Chesapeake Bay Preservation Ordinance and therefore **DENIES** the exception request for Chesapeake Bay Board Case No. CBPA-23-0085.

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 9th day of August, 2023.

CBPA23-85_4816HckrySptDny-res

GENERAL NOTES

- THIS PLAT WAS PRODUCED WITHOUT THE BENEFIT OF A TITLE REPORT AND REFLECTS ONLY THOSE ENCUMBRANCES, EASEMENTS AND SETBACKS AS SHOWN IN P.B. 28, PG. 9.
- ELEVATION SHOWN HEREON ARE IN FEET AND ARE CLOSELY RELATED TO JCC GIS MAPPING.
- WETLANDS SHOWN PER ROTH ENVIRONMENTAL FIELD DELINEATION.
- THIS FIRM MADE NO ATTEMPT TO LOCATE UNDERGROUND UTILITIES.
- PARCEL LIES IN F.I.R.M. ZONE "X" ACCORDING TO COMMUNITY PANEL #51095C0182D, DATED DECEMBER 16, 2015.
- LOT SERVED BY PUBLIC WATER AND SEWER.
- CONTRACTOR SHALL PROVIDE POSITIVE DRAINAGE AWAY FROM BUILDINGS SHOWN HEREON.
- TOPOGRAPHIC DATA AS SHOWN IS BASED ON A FIELD SURVEY DATED 12/6/2017.
- CONTRACTOR SHALL DETERMINE EXACT FINISH FLOOR ELEVATION AFTER EXCAVATION.
- ALL DIMENSIONS SHOWN HEREON ARE TO THE FRAMELINE OF THE BUILDING.
- CONTRACTOR TO INSTALL CLEANOUTS AT BENDS OF DRAINAGE LINE FOR FUTURE INSPECTIONS & MAINTENANCE

EROSION & SEDIMENT CONTROL NOTES

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

BUILDING INFORMATION

PROPOSED BUILDING IS A 1-STORY FRAME
NO PROPOSED GARAGE

SITE INFORMATION

PARCEL ID: 4720100045
 TOTAL AREA: 24,526 S.F. / 0.563 AC.
 IMPERVIOUS AREA: 1,082 S.F. / 0.025 AC.
 DISTURBED AREA: 3,660 S.F. / 0.084 AC.
 IMPERVIOUS WITHIN 50' RPA: 948 S.F. / 0.022 AC.
 IMPERVIOUS WITHIN 100' RPA: 134 S.F. / 0.003 AC
 IMPERVIOUS WITHIN RPA TOTAL: 1,082 S.F. / 0.025 AC.
 ZONING DISTRICT: R1 LIMITED RESIDENTIAL
 PROPERTY IS LOCATED IN AN RPA
 EXISTING SITE IS WOODED AS SHOWN

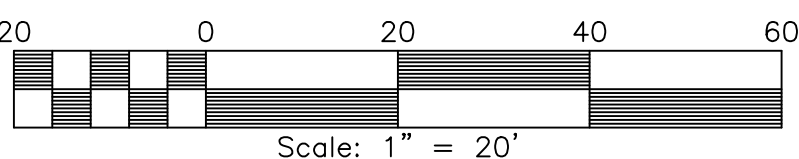
BUILDING SETBACK (SBL)

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

EXISTING ADDRESS:

4816 HICKORY SIGNPOST ROAD
 JAMES CITY COUNTY, VIRGINIA

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



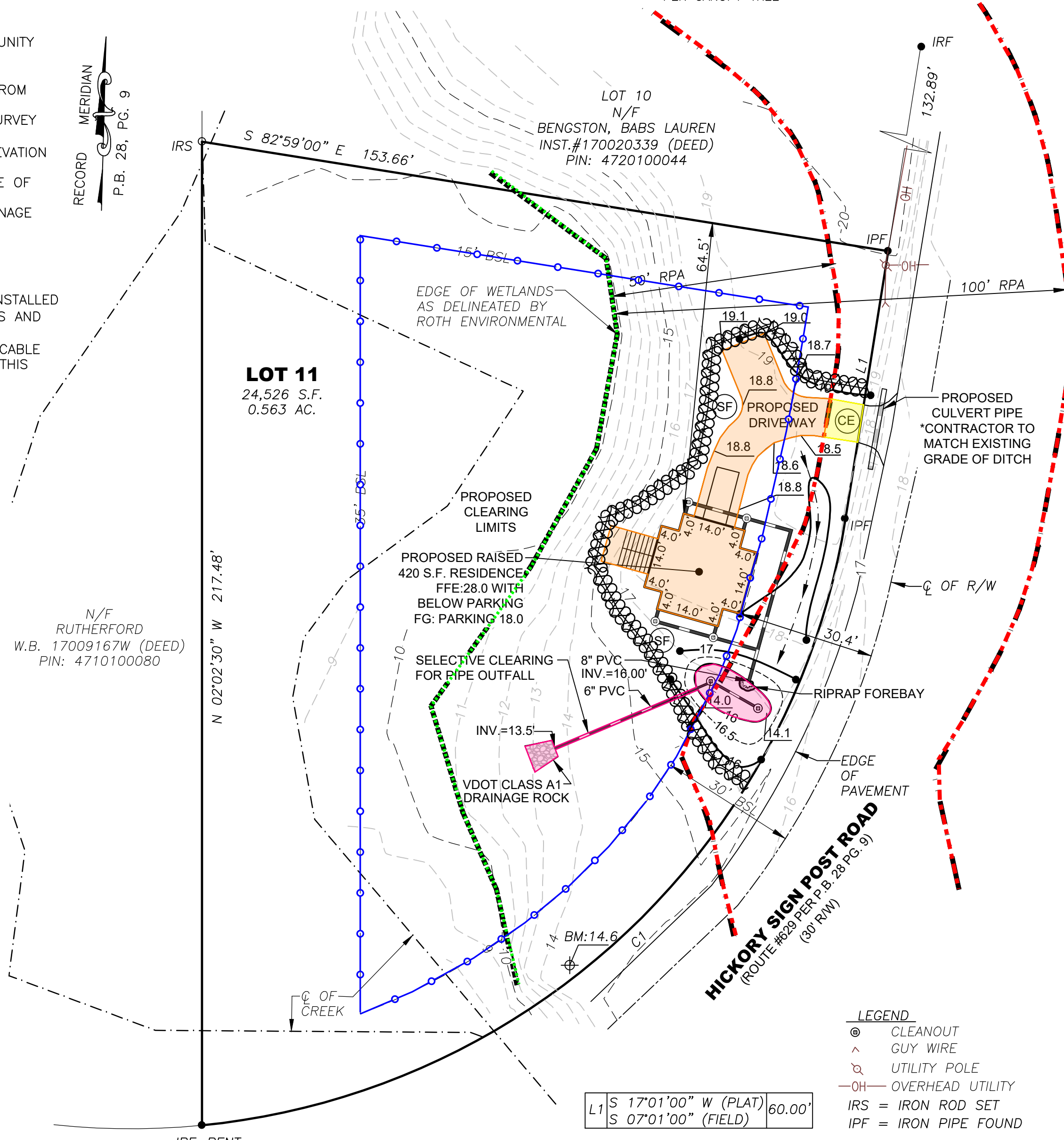
LANDSCAPING NOTES

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

MITIGATION TABLE

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

2 SHRUBS PER UNDERSTORY TREE AND 4 SHRUBS PER CANOPY TREE



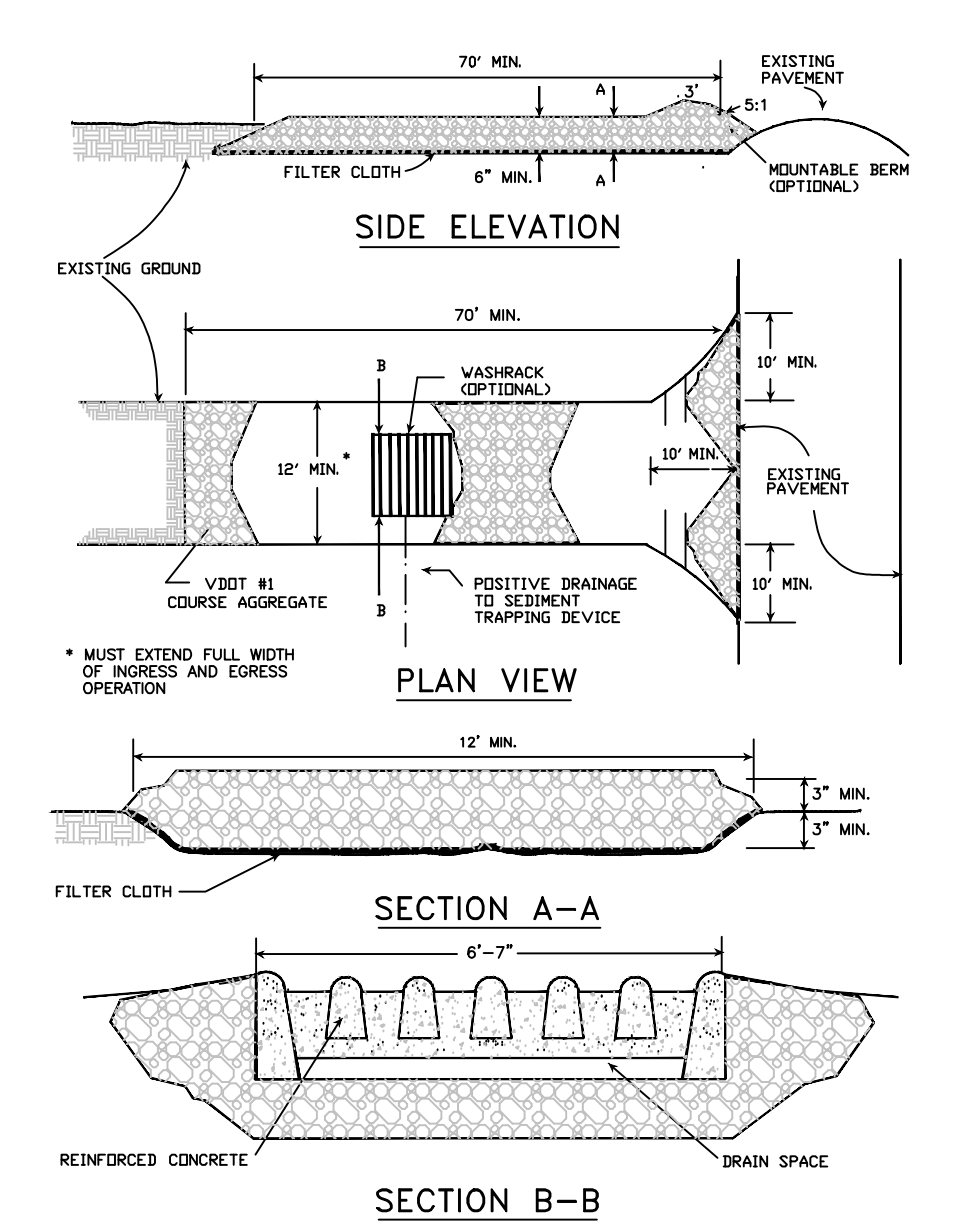
N/F RUTHERFORD
 W.B. 17009167W (DEED)
 PIN: 4710100080

LOT 11
 24,526 S.F.
 0.563 AC.

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

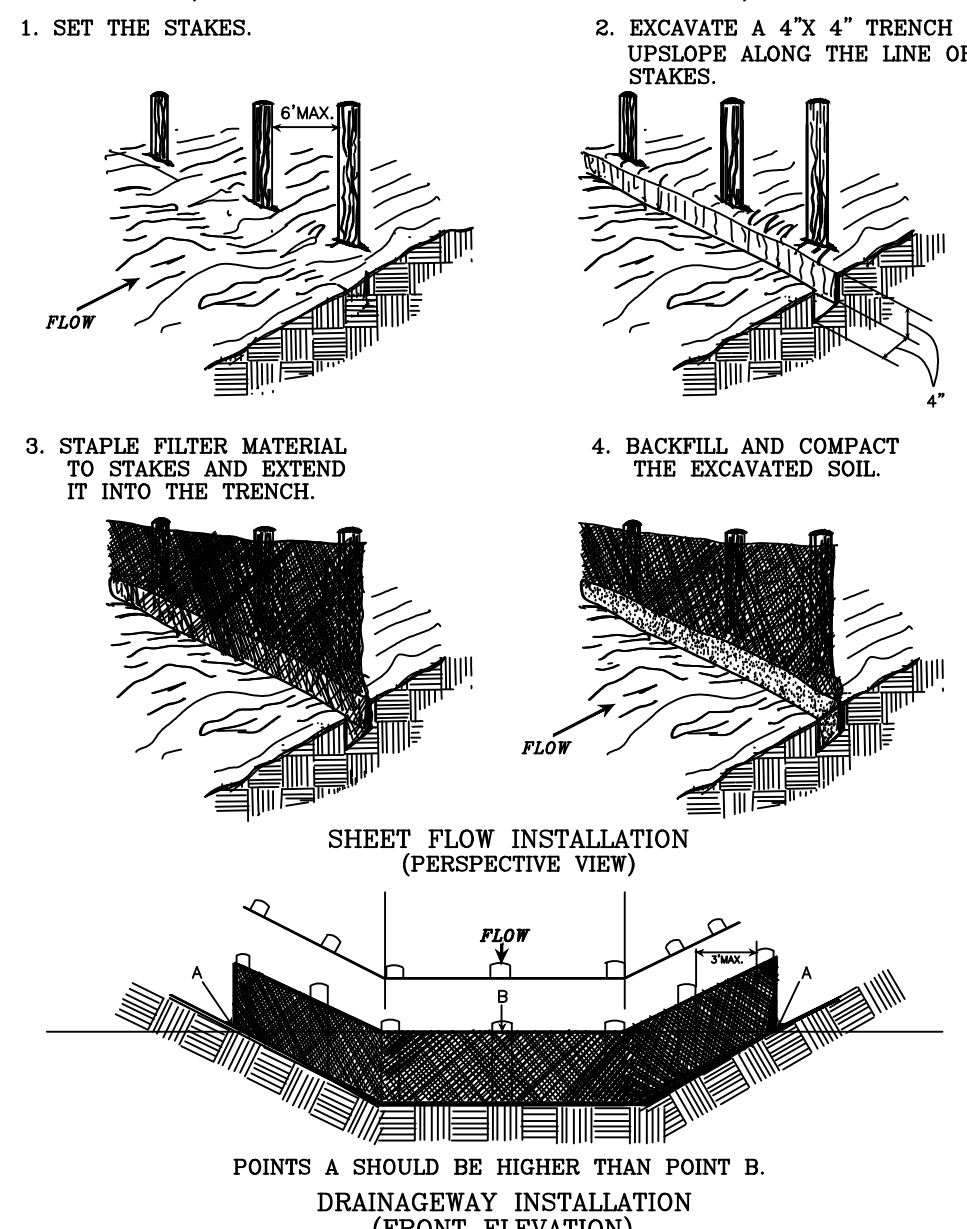
- LEGEND**
- ⊙ CLEANOUT
 - ^ GUY WIRE
 - ⊕ UTILITY POLE
 - OH- OVERHEAD UTILITY
 - IRS = IRON ROD SET
 - IPF = IRON PIPE FOUND

STONE CONSTRUCTION ENTRANCE



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

CONSTRUCTION OF A SILT FENCE (WITHOUT WIRE SUPPORT)



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

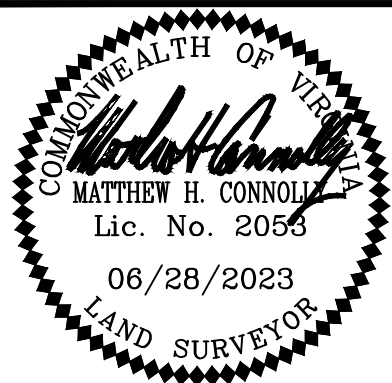
SHEET 1 OF 2

DATE: 6/28/2023
 DRAWN BY: CG
 PROJECT No. 17-590
 FILE NAME: 17-590PP.DWG
 REFERENCES:
 P.B. 28, PG. 9

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

JAMES CITY COUNTY VIRGINIA

NO.	DATE	REVISION / COMMENT / NOTE
6	6/28/2023	NEW HOUSE
5	6/30/2022	REVISED PER COUNTY COMMENTS
4	6/28/2022	UPDATED BMP CALCULATIONS
3	6/20/2022	REVISED PER COUNTY COMMENTS
2	6/8/2022	CORRECTED IMPERVIOUS CALCULATIONS
1	6/1/2022	REVISED PER COUNTY COMMENTS



LRI LANDTECH RESOURCES, INC.
 ENGINEERING · SURVEYING · GPS

205 E Bullfants Blvd., Williamsburg, VA 23188
 Ph: (757) 565-1677 Fax: (757) 565-0782
 web: landtechresources.com

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

IMPERVIOUS AREA: 1,146 S.F. / 0.026 AC. (D SOILS)
 TURF AREA: 2,514 S.F. / 0.066 AC. (D SOILS)
 TOTAL CDA: 3,660 S.F. / 0.084 AC. (D SOILS)

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

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

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

BIO FILTER SURFACE AREA –
 SURFACE AREA (SA) = TREATMENT VOLUME (T_v) / D_{eq}
 $SA = 160$ cf / $1.45'$
 SA REQUIRED = 101 S.F.
 SA PROVIDED = 135 S.F.

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

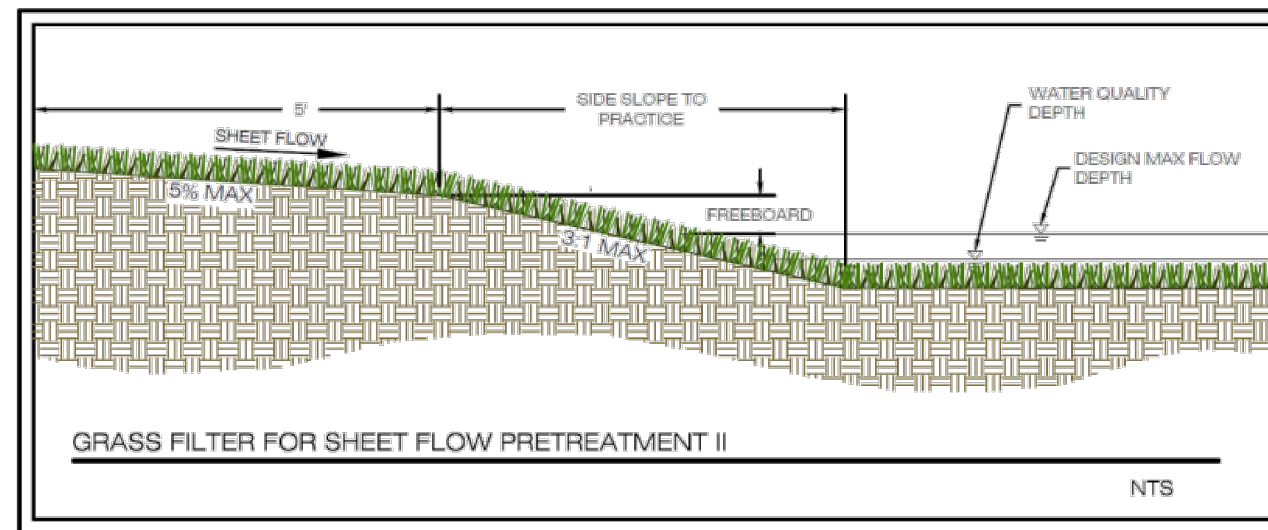


Figure 9.7 - Pretreatment I and II - Grass Filter for Sheet Flow

VA DEQ STORMWATER DESIGN SPECIFICATION NO. 9 BIORETENTION

Table 9.4. Popular Native Plant Materials for Bioretention

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

Version 1.9, March 1, 2011

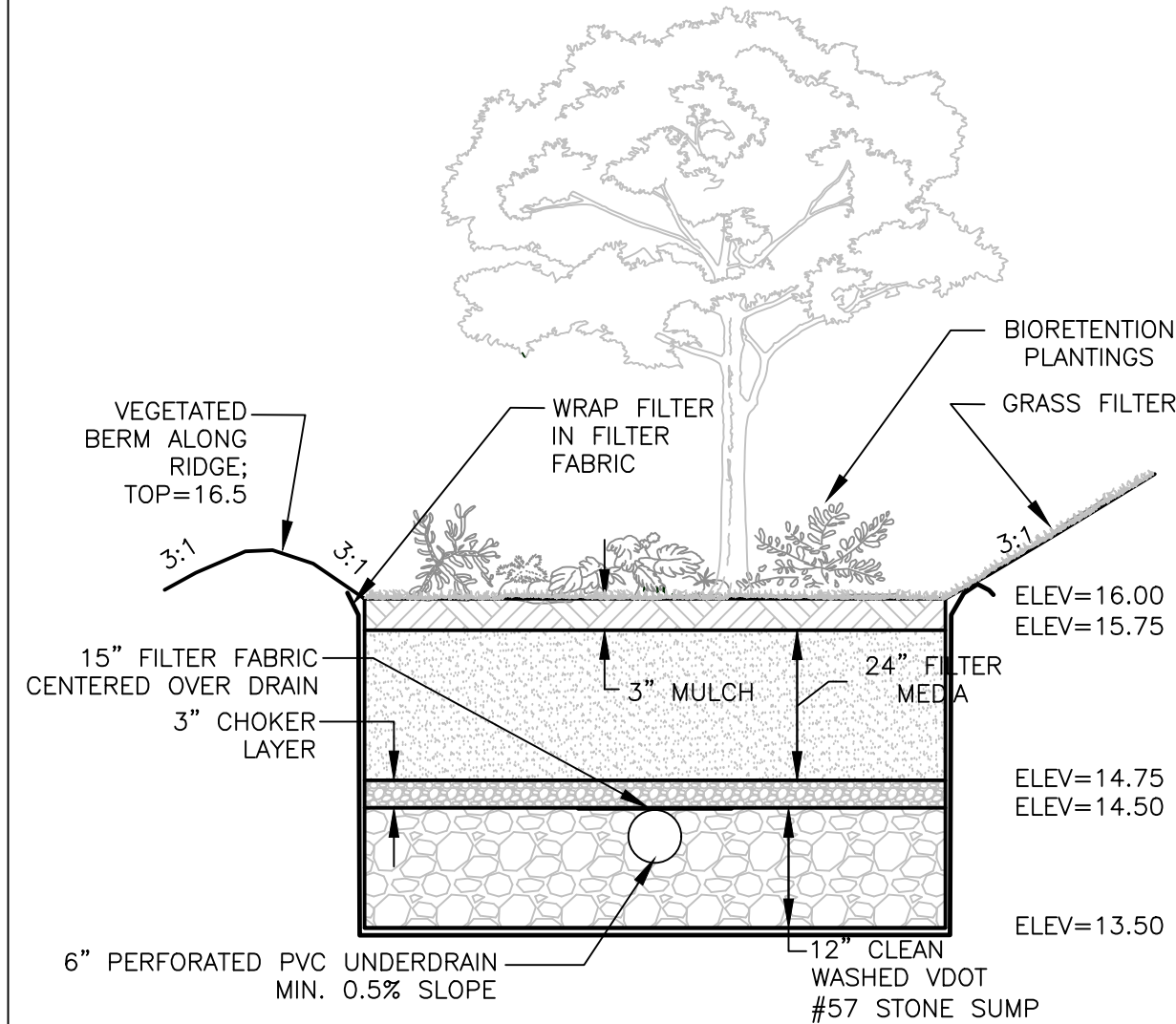
Page 28 of 54

VA DEQ STORMWATER DESIGN SPECIFICATION NO. 9 BIORETENTION

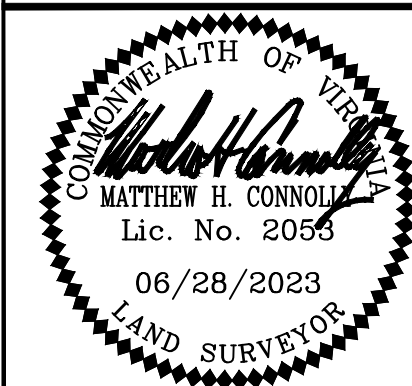
Table 9.6. Bioretention Material Specifications

Material	Specification	Notes
Filter Media Composition	Filter Media to contain: • 85%-88% sand • 8%-12% soil fines • 3%-5% organic matter in the form of leaf compost	The volume of filter media based on 110% of the plan volume, to account for settling or compaction.
Filter Media Testing	P-index range = 10-30, OR Between 7 and 21 mg/kg of P in the soil media	The media must be procured from approved filter media vendors.
Mulch Layer	Use aged, shredded hardwood bark mulch.	Lay a 2 to 3 inch layer on the surface of the filter bed.
Alternative Surface Cover	Use river stone or pea gravel, cor and jute matting, or turf cover.	Lay a 2 to 3 inch layer of to suppress weed growth.
Top Soil For Turf Cover	Loamy sand or sandy loam texture, with less than 5% clay content, pH corrected to between 6 and 7, and an organic matter content of at least 2%.	3 inch surface depth.
Geotextile/Liner	Use a non-woven geotextile fabric with a flow rate of > 110 gal./min./sq. ft. (e.g., Geotex 351 or equivalent)	Apply only to the sides and above the underdrain. For hotspots and certain karst sites only, use an appropriate liner on bottom.
Choking Layer	Lay a 2 to 4 inch layer of sand over a 2 inch layer of choker stone (typically #8 or #89 washed gravel), which is laid over the underdrain stone.	
Stone Jacket for Underdrain and/or Storage Layer	1 inch stone should be double-washed and clean and free of all fines (e.g., VDOT #57 stone).	12 to 18 inches for the underdrain; 12 to 18 inches for the stone storage layer, if needed.
Underdrains, Cleanouts, and Observation Wells	Use 6 inch rigid schedule 40 PVC pipe (or equivalent corrugated HDPE for micro-bioretention), with 3/8-inch perforations at 6 inches on center; position each underdrain on a 1% or 2% slope located not more than 20 feet from the next pipe.	Lay the perforated pipe under the length of the bioretention cell, and install non-perforated pipe as needed to connect with the storm drain system. Install T's and Y's as needed, depending on the underdrain configuration. Extend cleanout pipes to the surface with vented caps at the T's and Y's.
Plant Materials	Plant one tree per 250 square feet (15 feet on-center, minimum 1 inch caliper). Shrubs a minimum of 30 inches high planted a minimum of 10 feet on-center. Plant ground cover plugs at 12 to 18 inches on-center. Plant container-grown plants at 18 to 24 inches on-center, depending on the initial plant size and how large it will grow.	Establish plant materials as specified in the landscaping plan and the recommended plant list. In general, plant spacing must be sufficient to ensure the plant material achieves 80% cover in the proposed planting areas within a 3-year period. If seed mixes are used, they should be from a qualified supplier, should be appropriate for stormwater basin applications, and should consist of native species (unless the seeding is to establish maintained turf).

Version 1.9, March 1, 2011



SHEET 2 OF 2



DATE: 6/28/2023
 DRAWN BY: CG
 PROJECT No. 17-590
 FILE NAME: 17-590PP.DWG
 REFERENCES:
 P.B. 28, PG. 9

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

JAMES CITY COUNTY

VIRGINIA

NO.	DATE	REVISION / COMMENT / NOTE
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1	6/1/2022	REVISED PER COUNTY COMMENTS

Case Number: CBPA-23-0085

PIN	Last Name	Address Line 1	City	State	Zip Code
4720100044	Bengtson, Babs Lauren	4824 Hickory Signpost Rd	Williamsburg	VA	23185-2406
4721800005	Bishop, Ruby Diane	4847 Hickory Signpost Rd	Williamsburg	VA	23185-2418
4720100046A	James City Service Authority	119 Tewing Rd	Williamsburg	VA	23188-2639
4720100045	Marcano, Sone L	817 23RD Street	Virginia Beach	VA	23451-6310
	Mr. Chase Grogg LandTech Resources, Inc.	205-E Bulifants Blvd	Williamsburg	VA	23188
4710100080	Rutherford, Sallie Smith Estate C/o Bowling, Elizabeth Rutherford Ex	4676 Hickory Signpost Rd	Williamsburg	VA	23185-2462
4711900001A	Settlers Mill Association C/o Town Management	4801 Courthouse St ~ste 202	Williamsburg	VA	23188-2678



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

Bengtson, Babs Lauren
4824 Hickory Signpost Rd
Williamsburg, VA 23185-2406

RE: CBPA-23-0085
4816 Hickory Signpost Rd
Construction of single-family
dwelling

July 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. Sone Marcano, for encroachments into the Resource Protection Area buffer for the construction of a single-family dwelling. The project is located at 4816 Hickory Signpost Rd, JCC Tax Map Parcel No. 4720100045.

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

The Chesapeake Bay Board will hold an advertised public hearing on **August 9, 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



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

Bishop, Ruby Diane
4847 Hickory Signpost Rd
Williamsburg, VA 23185-2418

RE: CBPA-23-0085
4816 Hickory Signpost Rd
Construction of single-family
dwelling

July 20, 2023

Dear Adjacent Property Owner:

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Sincerely,

Trevor Long

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



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

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

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

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

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

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

James City Service Authority
119 Tewning Rd
Williamsburg, VA 23188-2639

RE: CBPA-23-0085
4816 Hickory Signpost Rd
Construction of single-family
dwelling

July 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. Sone Marcano, for encroachments into the Resource Protection Area buffer for the construction of a single-family dwelling. The project is located at 4816 Hickory Signpost Rd, JCC Tax Map Parcel No. 4720100045.

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

The Chesapeake Bay Board will hold an advertised public hearing on **August 9, 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



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**

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Williamsburg, VA 23185
757-259-6670

Facilities & Grounds

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

Solid Waste

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

Marcano, Sone L
817 23RD Street
Virginia Beach, VA 23451-6310

RE: CBPA-23-0085
4816 Hickory Signpost Rd
Construction of single-family
dwelling

July 20, 2023

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757-259-6670

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Williamsburg, VA 23188
757-259-4080

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

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

RE: CBPA-23-0085
4816 Hickory Signpost Rd
Construction of single-family
dwelling

July 20, 2023

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trevor.long@jamescitycountyva.gov



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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

Rutherford, Sallie Smith Estate
C/o Bowling, Elizabeth Rutherford Ex
4676 Hickory Signpost Rd
Williamsburg, VA 23185-2462

RE: CBPA-23-0085
4816 Hickory Signpost Rd
Construction of single-family
dwelling

July 20, 2023

Dear Adjacent Property Owner:

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trevor.long@jamescitycountyva.gov



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757-259-4080

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

Settlers Mill Association
C/o Town Management
4801 Courthouse St ~ste 202
Williamsburg, VA 23188-2678

RE: CBPA-23-0085
4816 Hickory Signpost Rd
Construction of single-family
dwelling

July 20, 2023

Dear Adjacent Property Owner:

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Sincerely,

Trevor Long

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



PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY, AUGUST 9, 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-23-0024: Mr. Jordan Clifford, Riverworks, Inc., on behalf of Mr. Mark Notley, has applied for a Wetlands Permit for the installation of a revetment on property located at 223 Sherwood Forest, JCC Tax Map Parcel No. 1730200011.

THE CHESAPEAKEBAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-23-0070: Mr. Candido Aguilar, on behalf of Greensprings Mobile Home Park LLC, has applied for a Chesapeake Bay Exception for the construction of a deck and porch on property located at 17 Clay Circle, JCC Tax Map Parcel No. 3640100001.

CBPA-23-0081: Ms. Carolyn Hill, has applied for a Chesapeake Bay Exception for the construction of a home extension on property located at 196 The Maine, JCC Tax Map Parcel No. 4540200071.

CBPA-23-0084: Mr. Ryan Linnekin, Williams Landscape & Design, on behalf of Ms. Mary Fox, has applied for a Chesapeake Bay Exception for the installation of retaining walls on property located at 2521 Goodrich Durfey, JCC Tax Map Parcel No. 4840200065.

CBPA-23-0085: Mr. Chase Grogg, Landtech Resources, Inc., on behalf of Mr. Sone Marciano, has applied for a Chesapeake Bay Exception for the construction of a single-family dwelling on property located at 4816 Hickory Signpost Rd, JCC Tax Map Parcel No. 4720100045.

CBPA-23-0094: Mr. Chase Grogg, Landtech Resources, Inc., on behalf of Mr. David Samuels, has applied for a Chesapeake Bay Exception for the installation of a sewer force main on property located at 3426 North Riverside Dr, JCC Tax Map Parcel No. 0940100008K.

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 – July 26, 2023 and August 2, 2023
ACCOUNT NO. CU00015112



PUBLIC HEARING NOTICE

VIRGINIA GAZETTE
1/8 PAGE, VERTICAL, B/W

ITEM SUMMARY

DATE: 8/9/2023

TO: Chesapeake Bay Board

FROM: Trevor Long, Chesapeake Bay Board Secretary

SUBJECT: CBPA-24-0094 : 3426 North Riverside Drive

CBPA-23-0094: Mr. Chase Grogg, Landtech Resources, Inc., on behalf of Mr. David Samuels, has applied for a Chesapeake Bay Exception for the installation of a sewer force main on property located at 3426 North Riverside Dr, JCC Tax Map Parcel No. 0940100008K.

ATTACHMENTS:

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

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	8/2/2023 - 1:23 PM
Chesapeake Bay Group	Small, Toni	Approved	8/2/2023 - 3:06 PM
Publication Management	Daniel, Martha	Approved	8/2/2023 - 3:41 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	8/2/2023 - 3:41 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-23-0094. 3426 North Riverside Drive
Staff Report for the August 9, 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. Daniel Samuels

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

Location: 3426 North Riverside Drive

Parcel Identification No.: 0940100008K

Parcel: Lot 11, Eagle Tree Farms

Lot Size: 28.87 acres

Area of Lot in Resource Protection Area (RPA): 2.65 acres (9%)

Watershed: Diascund Creek (JL27)

Floodplain: None

Proposed Activity: Installation of a sewer force main

Impervious Cover: 0 square feet

RPA Encroachment: +/- 1,400 square feet, landward 50-foot RPA
+/- 1,600 square feet, seaward 50-foot RPA
+/- 1,900 square feet, wetlands impact

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

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Chase Grogg, LandTech Resources, Inc., has applied for a Chesapeake Bay Exception on behalf of Mr. Daniel Samuels for encroachments into the RPA buffer for the installation of a private sewer force main located at 3426 North Riverside Drive within the Eagle Tree Farms subdivision and the Diascund Creek watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 0940100008K. The parcel was platted in 1995, after the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The total lot size of this property is 28.87 acres, of which 9% is located within the RPA. The applicant is proposing to subdivide the property into three lots. In order to do so, the applicant intends to install a sewer force main associated with the construction of the proposed drainfields on the newly subdivided lots because two of the proposed lots do not support traditional septic drainfields and the owner does not want to install alternative septic systems on those two lots. This sewer force main will transfer sewage from one parcel to a conventional septic system on an adjacent, newly subdivided parcel. An existing gravel road currently exists on this property in the area of the proposed project. While there is no impervious increase

associated with this project, total impacts to the RPA equate to 1,400 square feet of impacts to the landward 50-foot RPA and 1,600 square feet of impacts to the seaward 50-foot RPA for a total of 3,000 square feet of impacts. Since there is no increase in impervious area and the installation of the sewer force main is proposed in an area of existing impervious area, there is no required mitigation for this project.

STAFF EVALUATION

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

CONSIDERATION BY THE CHESAPEAKE BAY BOARD

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

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

STAFF RECOMMENDATIONS

Staff has reviewed the application and exception request and has determined the impacts associated with the proposal to be minor for the proposed development. Staff recommends denial of this application because the property owner has the option to install an alternative septic system on each of the proposed lots; 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. This exception request approval will become null and void if construction has not begun by August 9, 2024; and
3. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than June 28, 2024, six weeks prior to the expiration date.

TAL/md
CBPA23-94_3426NRvrsdDr

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA-23-0094. 3426 NORTH RIVERSIDE DRIVE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. Daniel Samuels (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on August 9, 2023, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property located at 3426 North Riverside Drive (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 0940100008K, as set forth in the application CBPA-23-0094 for the purpose of installing a sewer force main; 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-23-0094, 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 August 9, 2024; and
3. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than June 28, 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 9th day of August, 2023.

CBPA23-94_3426NRvrsdDrApp-res

RESOLUTION

CASE NO. CBPA-23-0094. 3426 NORTH RIVERSIDE DRIVE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. Daniel Samuels (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on August 9, 2023, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property located at 3426 North Riverside Drive (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 0940100008K, as set forth in the application CBPA-23-0094 for the purpose of installing a sewer force main; and

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

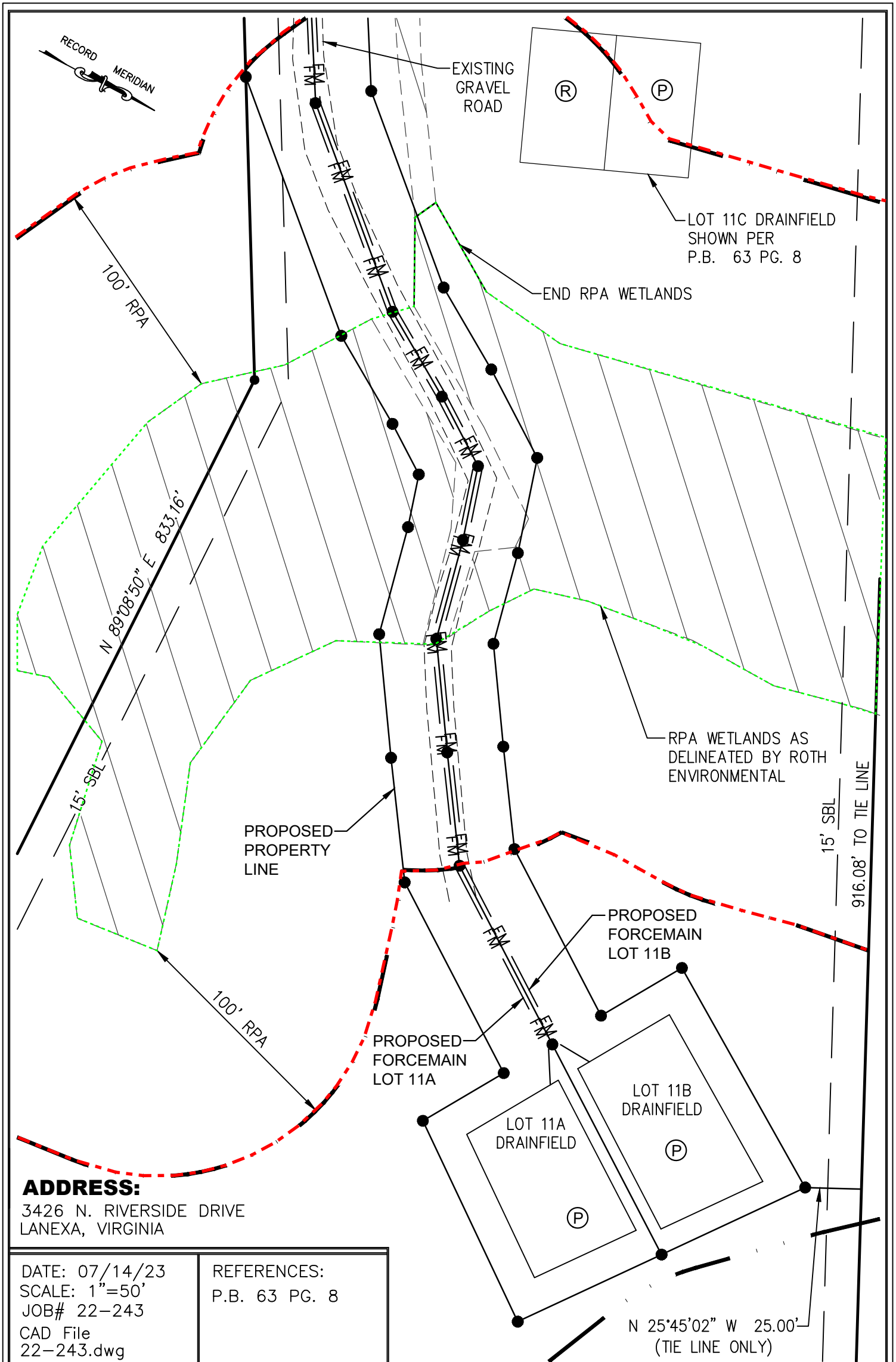
NOW, THEREFORE, BE IT RESOLVED that the Chesapeake Bay Board of James City County, Virginia, following a public hearing, finds that the application does not meet all the requirements for an exception to the Chesapeake Bay Preservation Ordinance and therefore **DENIES** the exception request for Chesapeake Bay Board Case No. CBPA-23-0094, subject to the following conditions:

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 9th day of August, 2023.

CBPA23-94_3426NRvrsdDrDny-res



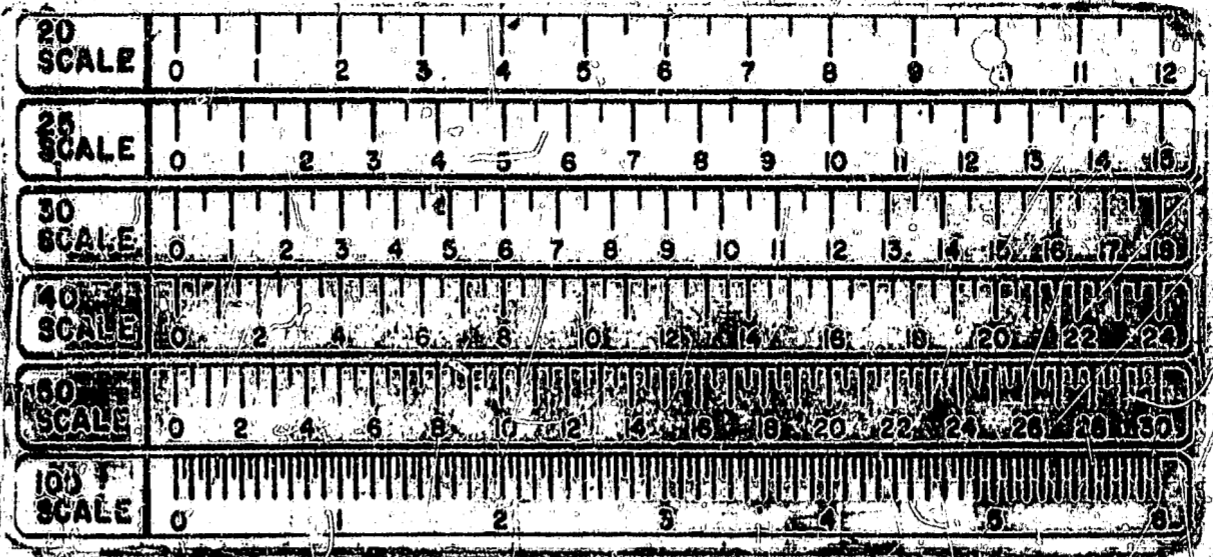
ADDRESS:

3426 N. RIVERSIDE DRIVE
LANEXA, VIRGINIA

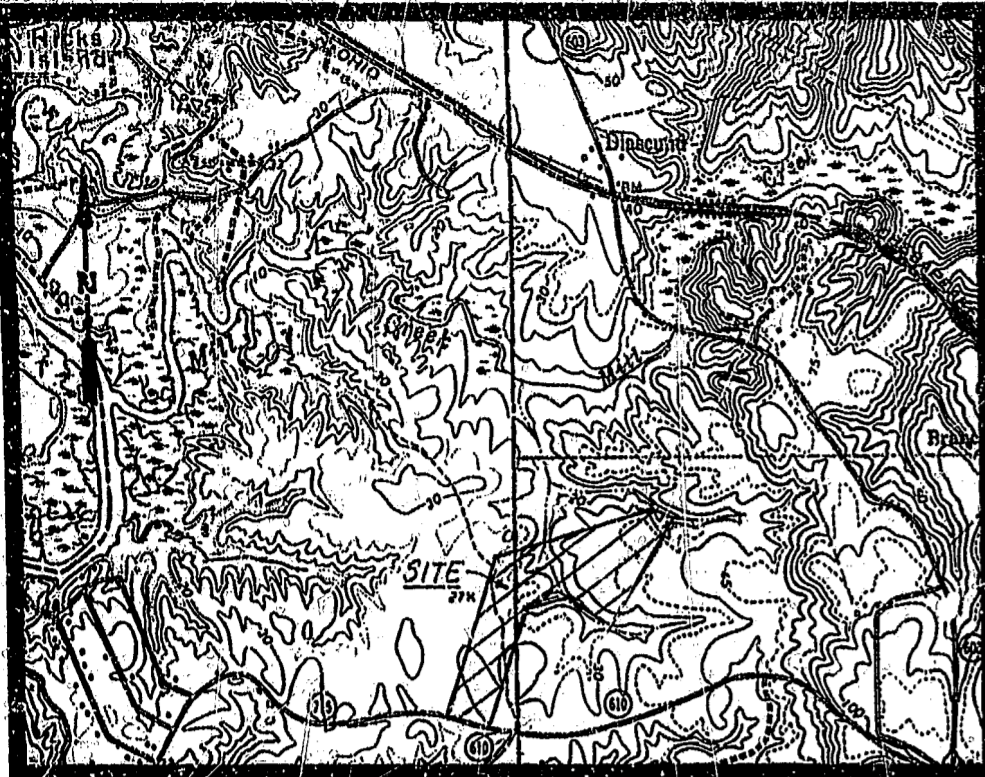
DATE: 07/14/23 SCALE: 1"=50' JOB# 22-243 CAD File 22-243.dwg	REFERENCES: P.B. 63 PG. 8
--	------------------------------

FORCEMAIN EXHIBIT
PID: 094010008K
 LANEXA VIRGINIA

LandTech Resources, Inc.
 Engineering and Surveying Consultants
 205 E Bulifants Blvd., Williamsburg, Virginia 23188
 Telephone: 757-565-1677 Fax: 757-565-0782
 Web: landtechresources.com



RECORD MERIDIAN
PLAT BOOK 60; PAGE 57



VICINITY MAP SCALE : 1" = 2000'

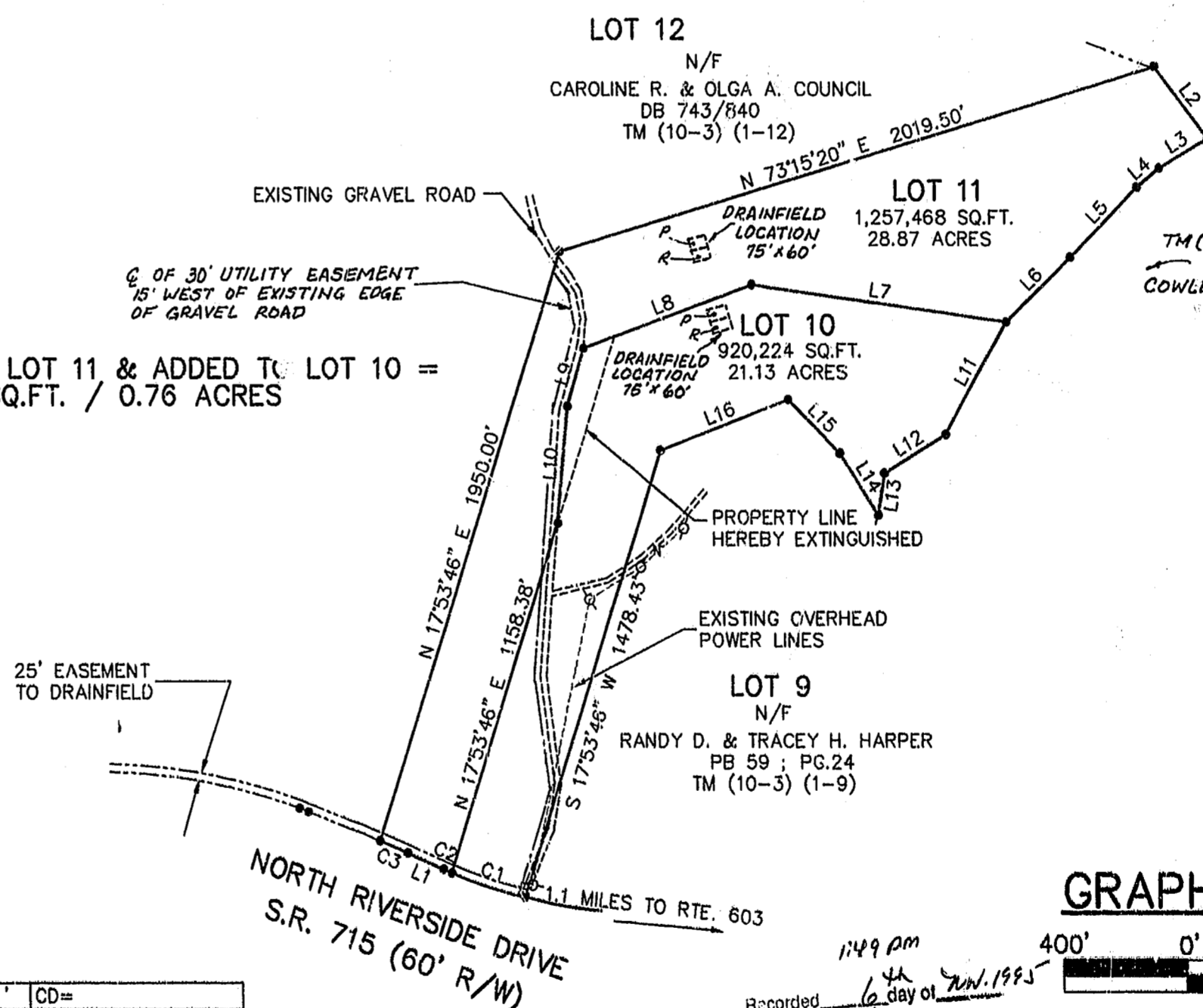
OWNER'S CERTIFICATE
THE PROPERTY LINE ADJUSTMENT & LOT LINE EXTINGUISHMENT SHOWN ON THIS PLAT & KNOWN AS LOTS 10 & 11 EAGLE TREE FARMS, INC. IS WITH THE FREE CONSENT AND IN THE ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS AND OR TRUSTEES
DATE 10/31/95
Thomas C. Sublett
PRES. EAGLE TREE FARM

CERTIFICATE OF NOTARIZATION
STATE OF VIRGINIA
CITY/COUNTY OF Williamsburg, James City
A NOTARY PUBLIC IN AND FOR THE CITY/COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT THE PERSON(S) WHOSE NAMES ARE SIGNED TO THE FOREGOING WRITING HAVE ACKNOWLEDGED THE SAME BEFORE ME IN THE CITY/COUNTY AFORESAID, GIVEN UNDER MY HAND THIS 31st DAY OF October 19 95. MY COMMISSION EXPIRES 7-31-99
Patricia L. Gaskin
NOTARY PUBLIC

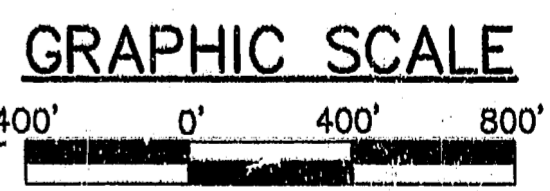
CERTIFICATE OF SOURCE OF TITLE
THE PROPERTY SHOWN ON THIS PLAT WAS CONVEYED FROM ROBERT P. & ELAINE L. FARKAS TO EAGLE TREE FARMS, INC. BY DEED 484; PAGE 307, DATED: 08/01/1990 RECORDED IN THE OFFICE OF THE CLERK OF CIRCUIT COURT OF THE COUNTY OF JAMES CITY.
ENGINEERS OR SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE OR BELIEF THIS PLAT COMPLIES WITH ALL OF THE REQUIREMENTS OF THE BOARD OF SUPERVISORS AND ORDINANCES OF THE COUNTY OF JAMES CITY, VIRGINIA, REGARDING THE PLATING OF SUBDIVISIONS WITHIN THE COUNTY.
DATE 10-26-95
Thomas C. Sublett
THOMAS C. SUBLETT L.S.#1886

CERTIFICATE OF APPROVAL
THIS SUBDIVISION IS APPROVED BY THE UNDERSIGNED IN ACCORDANCE WITH EXISTING SUBDIVISION REGULATIONS AND MAY BE ADMITTED TO RECORD.
DATE 10/31/95
DATE 10/31/95 VIRGINIA DEPARTMENT OF TRANSPORTATION
DATE 10/31/95 VIRGINIA DEPARTMENT OF HEALTH
DATE 10/31/95 SUBDIVISION AGENT OF JAMES CITY COUNTY
STATE OF VIRGINIA, JAMES CITY COUNTY
IN THE CLERK'S OFFICE OF THE CIRCUIT COURT FOR THE COUNTY OF JAMES CITY THE DAY OF November 19 95
THIS MAP WAS PRESENTED AND ADMITTED TO RECORD AS THE LAW DIRECTS IN PLAT BOOK 63 PAGE 8
TESTE Delores E. Howard
BY Delores E. Howard CLERK

AREA TAKEN FROM LOT 11 & ADDED TO LOT 10 =
33019 SQ.FT. / 0.76 ACRES



NUMBER	DIRECTION	DISTANCE
L1	N 65°47'42" W	125.63'
L2	S 37°22'10" E	283.56'
L3	S 59°20'00" W	184.08'
L4	S 50°21'54" W	95.21'
L5	S 44°28'06" W	292.15'
L6	S 45°49'39" W	310.55'
L7	N 81°50'48" W	833.16'
L8	S 69°53'46" W	583.19'
L9	S 16°21'44" W	191.07'
L10	S 05°18'47" W	367.85'
L11	S 29°17'57" W	406.03'
L12	S 58°26'24" W	232.98'
L13	S 08°51'30" W	134.04'
L14	N 32°24'55" W	231.77'
L15	N 44°40'47" W	237.06'
L16	S 68°56'01" W	445.00'



NUMBER	DELTA=	R='	L='	T='	LC='	CD=
C1	10°13'39"	1402.39	250.33	125.50	250.00	N 72°05'21" W
C2	01°10'49"	1402.39	28.89	14.44	28.89	N 68°23'07" W
C3	01°30'52"	3664.07	96.85	48.43	96.84	N 66°33'08" W

Recorded 11:49 AM 6 day of Nov. 1995
U.S. No. 762 pages 55
Delores E. Howard Clerk

5795-1 COMMISSION NO.		ENGINEERS • ARCHITECTS • SURVEYORS INTERIOR DESIGNERS • PLANNERS P.O. BOX 3505 WILLIAMSBURG, VIRGINIA 23187 (804)253-0673 (804)874-5015		REF.	PLAT RECORDED IN P.B. NO. <u>63</u> PAGE <u>8</u>	PLAT OF PROPERTY LINE ADJUSTMENT BETWEEN LOT 10 AND LOT 11 EAGLE TREE FARMS, INC. STONEHOUSE DISTRICT JAMES CITY COUNTY VIRGINIA	
						DATE <u>10/26/1995</u> DESIGNED TCS DRAWN TCS SCALE 1" = 400'	1 OF 1

Case Number: CBPA-23-0094

PIN	Last Name	Address Line 1	City	State	Zip Code
0940100008j	Butler, Brian S	3416 N Riverside Dr	Lanexa	VA	23089-9301
1920100016	Carroll, Joanne	3373 N Riverside Dr	Lanexa	VA	23089-9214
1040100005	Cowles-cowlesville LLC	1010 Marney Ct	Richmond	VA	23229-6079
0940100008q	Grafton, Scott R & Michelle	3418 N Riverside Dr	Lanexa	VA	23089-9324
	Mr. Chase Grogg LandTech Resources, Inc.	205-E Bulifants Blvd	Williamsburg	VA	23188
0940100008m	Porter, Timothy M & Long-porter, Cynthia K	3436 N Riverside Dr	Lanexa	VA	23089-9324
0940100008k	Samuels, David L	233 Shady Wood Dr	Newport News	VA	23602-7337
1030100019	Winall, Daniel R & Marion Virginia	Po Box 352	Toano	VA	23168-0352



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jamescitycountyva.gov

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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

Butler, Brian S
3416 N Riverside Dr
Lanexa, VA 23089-9301

RE: CBPA-23-0094
3426 North Riverside Dr
Installation of sewer force main

July 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. David Samuels, for encroachments into the Resource Protection Area buffer for the installation of a sewer force main. The project is located at 3426 North Riverside Dr, JCC Tax Map Parcel No. 0940100008K.

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 **August 9, 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



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

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757-259-6670

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

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

Carroll, Joanne
3373 N Riverside Dr
Lanexa, VA 23089-9214

RE: CBPA-23-0094
3426 North Riverside Dr
Installation of sewer force main

July 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. David Samuels, for encroachments into the Resource Protection Area buffer for the installation of a sewer force main. The project is located at 3426 North Riverside Dr, JCC Tax Map Parcel No. 0940100008K.

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Sincerely,

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trevor.long@jamescitycountyva.gov



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757-259-6670

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

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

Cowles-cowlesville LLC
1010 Marney Ct
Richmond, VA 23229-6079

RE: CBPA-23-0094
3426 North Riverside Dr
Installation of sewer force main

July 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. David Samuels, for encroachments into the Resource Protection Area buffer for the installation of a sewer force main. The project is located at 3426 North Riverside Dr, JCC Tax Map Parcel No. 0940100008K.

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 **August 9, 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,

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trevor.long@jamescitycountyva.gov



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757-259-6670

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

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

Grafton, Scott R & Michelle
3418 N Riverside Dr
Lanexa, VA 23089-9324

RE: CBPA-23-0094
3426 North Riverside Dr
Installation of sewer force main

July 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. David Samuels, for encroachments into the Resource Protection Area buffer for the installation of a sewer force main. The project is located at 3426 North Riverside Dr, JCC Tax Map Parcel No. 0940100008K.

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Sincerely,

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



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

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

RE: CBPA-23-0094
3426 North Riverside Dr
Installation of sewer force main

July 20, 2023
Dear Adjacent Property Owner:

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Sincerely,

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



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757-259-6670

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

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

Porter, Timothy M & Long-porter,
Cynthia K
3436 N Riverside Dr
Lanexa, VA 23089-9324

RE: CBPA-23-0094
3426 North Riverside Dr
Installation of sewer force main

July 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. David Samuels, for encroachments into the Resource Protection Area buffer for the installation of a sewer force main. The project is located at 3426 North Riverside Dr, JCC Tax Map Parcel No. 0940100008K.

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Sincerely,

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

Samuels, David L
233 Shady Wood Dr
Newport News, VA 23602-7337

RE: CBPA-23-0094
3426 North Riverside Dr
Installation of sewer force main

July 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. David Samuels, for encroachments into the Resource Protection Area buffer for the installation of a sewer force main. The project is located at 3426 North Riverside Dr, JCC Tax Map Parcel No. 0940100008K.

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 **August 9, 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,

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



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Williamsburg, VA 23188
757-259-4080

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

Winall, Daniel R & Marion Virginia
Po Box 352
Toano, VA 23168-0352

RE: CBPA-23-0094
3426 North Riverside Dr
Installation of sewer force main

July 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. David Samuels, for encroachments into the Resource Protection Area buffer for the installation of a sewer force main. The project is located at 3426 North Riverside Dr, JCC Tax Map Parcel No. 0940100008K.

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 **August 9, 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 CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY, AUGUST 9, 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-23-0024: Mr. Jordan Clifford, Riverworks, Inc., on behalf of Mr. Mark Notley, has applied for a Wetlands Permit for the installation of a revetment on property located at 223 Sherwood Forest, JCC Tax Map Parcel No. 1730200011.

THE CHESAPEAKEBAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-23-0070: Mr. Candido Aguilar, on behalf of Greensprings Mobile Home Park LLC, has applied for a Chesapeake Bay Exception for the construction of a deck and porch on property located at 17 Clay Circle, JCC Tax Map Parcel No. 3640100001.

CBPA-23-0081: Ms. Carolyn Hill, has applied for a Chesapeake Bay Exception for the construction of a home extension on property located at 196 The Maine, JCC Tax Map Parcel No. 4540200071.

CBPA-23-0084: Mr. Ryan Linnekin, Williams Landscape & Design, on behalf of Ms. Mary Fox, has applied for a Chesapeake Bay Exception for the installation of retaining walls on property located at 2521 Goodrich Durfey, JCC Tax Map Parcel No. 4840200065.

CBPA-23-0085: Mr. Chase Grogg, Landtech Resources, Inc., on behalf of Mr. Sone Marciano, has applied for a Chesapeake Bay Exception for the construction of a single-family dwelling on property located at 4816 Hickory Signpost Rd, JCC Tax Map Parcel No. 4720100045.

CBPA-23-0094: Mr. Chase Grogg, Landtech Resources, Inc., on behalf of Mr. David Samuels, has applied for a Chesapeake Bay Exception for the installation of a sewer force main on property located at 3426 North Riverside Dr, JCC Tax Map Parcel No. 0940100008K.

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 – July 26, 2023 and August 2, 2023
ACCOUNT NO. CU00015112



PUBLIC HEARING NOTICE

VIRGINIA GAZETTE
1/8 PAGE, VERTICAL, B/W

ITEM SUMMARY

DATE: 7/12/2023
TO: Chesapeake Bay Board
FROM: Trevor Long, Chesapeake Bay Board Secretary
SUBJECT: CBPA-23-0054 : 3520 Barrett's Ferry

CBPA-23-0054: Ms. Angelina Ananthram, has applied for a Chesapeake Bay Exception for the installation of a walkway and fire pit patio on property located at 3520 Barrett's Ferry Drive, JCC Tax Map Parcel No. 4310600006.

ATTACHMENTS:

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution to Approve	Resolution
☐	Resolution to Deny	Resolution
☐	Site Plan	Backup Material
☐	Deferral Memo	Backup Material
☐	Gazette Ad	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	7/4/2023 - 9:01 PM
Chesapeake Bay Group	Small, Toni	Approved	7/5/2023 - 7:56 AM
Publication Management	Daniel, Martha	Approved	7/5/2023 - 8:30 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	7/5/2023 - 9:41 AM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-23-0054. 3520 Barrett's Ferry Drive
Staff Report for the August 9, 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: Ms. Angelina Ananthram

Agent: None

Location: 3520 Barrett's Ferry Drive

Parcel Identification No.: 4310600006

Parcel: Lot 6A, Barrett's Ferry

Lot Size: 7.36 acres

Area of Lot in Resource Protection Area (RPA): 1.04 acres (14%)

Watershed: Gordon Creek (JL29)

Floodplain: Zone VE - Base flood elevation 9 feet mean sea level

Proposed Activity: Construction of a walkway (administrative) and fire pit patio (legislative)

Impervious Cover: 605 square feet

RPA Encroachment: 195 square feet, landward 50-foot RPA
410 square feet, seaward 50-foot RPA

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

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Ms. Angelina Ananthram has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of a walkway and fire pit patio located at 3520 Barrett's Ferry Drive within the Barrett's Ferry subdivision and the Gordon Creek watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 4310600006. 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 7.36 acres, of which 14% is located within the RPA. In April 2023, officials from the James City County Stormwater and Resource Protection Division received notice that a walkway and fire pit patio had been constructed on this property without the submission of a Chesapeake Bay Preservation Exception Request. The applicant is proposing to gain approval of the construction of the walkway and fire pit patio after-the-fact. Total impacts to the RPA associated with this proposal equate to 195 square feet of impacts to the landward 50-foot RPA and 410 square feet of impacts to the seaward 50-foot RPA for a total of 605 square feet of impacts. Required mitigation for this amount of impervious impacts equals one and a half planting units (one canopy tree, two understory trees, and seven shrubs). Because this exception request is being heard before the Board after-the-fact, staff would require double

the mitigation units equating to three planting units (three canopy trees, six understory trees, and nine shrubs).

STAFF EVALUATION

Staff has evaluated the application and exception request for the construction of a walkway and fire pit patio. This application meets the Ordinance conditions in Sections 23-11 and 23-14 and should be heard by the Board because the construction of a walkway and fire pit patio are considered accessory in nature. This exception request is being heard before the Board after the construction of the project.

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. If the Board wishes to approve this request, staff recommends the following conditions be incorporated into the approval:

1. The Applicant must obtain all other necessary federal, state, and local permits as required for the project; and
2. The Applicant must submit a mitigation plan equating to three planting units (three canopy trees, six understory trees, and nine shrubs) to the Stormwater and Resource Protection Division; and
3. The Applicant must submit a surety of \$2,250 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 Condition Nos. 2 and 3 of the resolution are not fulfilled by September 9, 2023.

TAL/md
CBPA23-54_3520BarrtFyDr

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA-23-0054. 3520 BARRETT'S FERRY DRIVE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Ms. Angelina Ananthram (the "Applicant"), has applied to the Chesapeake Bay Board of James City County (the "Board") on August 9, 2023, to request an exception to use the Resource Protection Area (the "RPA") on a parcel of property located at 3520 Barrett's Ferry Drive (the "Property") and further identified as James City County Real Estate Tax Map Parcel No. 4310600006, as set forth in the application CBPA-23-0054 for the purpose of constructing a walkway and fire pit patio; 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-23-0054, 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 three planting units (three canopy trees, six understory trees, and nine shrubs) to the Stormwater and Resource Protection Division; and
3. The Applicant must submit a surety of \$2,250 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 Condition Nos. 2 and 3 of the resolution are not fulfilled by September 9, 2023.

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 9th day of August, 2023.

CBPA23-54_3520BarrtFyDrApp-res

RESOLUTION

CASE NO. CBPA-23-0054. 3520 BARRETT'S FERRY DRIVE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Ms. Angelina Ananthram (the "Applicant"), has applied to the Chesapeake Bay Board of James City County (the "Board") on August 9, 2023, to request an exception to use the Resource Protection Area (the "RPA") on a parcel of property located at 3520 Barrett's Ferry Drive (the "Property") and further identified as James City County Real Estate Tax Map Parcel No. 4310600006, as set forth in the application CBPA-23-0054 for the purpose of constructing a walkway and fire pit patio; 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-23-0054.

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 9th day of August, 2023.

CBPA23-54_3520BarrtFyDrDny-res



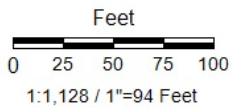
Legend

-  Parcels
-  Conservation
-  Conservation
-  Greenway
-  Open Space
-  Scenic
-  Resource Protection Area RPA



Walkway →

Firepit → **6**



Title:

Date: 4/20/2023

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

MEMORANDUM

DATE: July 12, 2023
TO: The Chesapeake Bay Board
FROM: Robin Benedict, Watershed Planner
SUBJECT: Chesapeake Bay Exception No. CBPA-23-0054. 3520 Barrett's Ferry Drive

Ms. Angelina Ananthram 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 August meeting, at which time the case will be heard.

RB/md
CBPA23-54_3520BarrettFryDef-mem



PUBLIC HEARING NOTICE

THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD A PUBLIC HEARING ON **WEDNESDAY, JULY 12, 2023 AT 5 P.M.** IN THE COUNTY GOVERNMENT CONFERENCE ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE CHESAPEAKEBAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-23-0001: Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. William and Mr. Randolph Taylor, has applied for a Chesapeake Bay Exception for the construction of a retaining wall on property located at 4105 South Riverside Drive, JCC Tax Map Parcel No. 1910900002.

CBPA-23-0054: Ms. Angelina Ananthram, has applied for a Chesapeake Bay Exception for the installation of a walkway and fire pit patio on property located at 3520 Barrett's Ferry Drive, JCC Tax Map Parcel No. 4310600006.

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 – June 28 and July 5
ACCOUNT NO. CU00015112
VIRGINIA GAZETTE
1/8 PAGE, VERTICAL, B/W