

**AGENDA**  
**JAMES CITY COUNTY CHESAPEAKE BAY BOARD**  
**REGULAR MEETING**  
**COUNTY GOVERNMENT CENTER BOARD ROOM**  
**101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185**  
**May 8, 2024**  
**5:00 PM**

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**A. CALL TO ORDER**

**B. ROLL CALL**

**C. MINUTES**

1. Minutes from the April 10, 2024, Regular Meeting

**D. PUBLIC COMMENT**

**E. PUBLIC HEARING(S)**

1. CBPA-24-0045 : 275 Old Stage Road
2. CBPA-23-0174 : 9400 Barnes Road
3. CBPA-24-0042 : 140 Freshwater Bay
4. CBPA-24-0031 : 113 Glasgow

**F. BOARD CONSIDERATION(S)**

1. York River State Park - VDOT Presentation
2. CBPA-23-0030 : 153 Shinnecock
3. CBPA-23-0060 : 499 Jolly Pond Road

**G. MATTERS OF SPECIAL PRIVILEGE**

**H. ADJOURNMENT**

**MINUTES**  
**JAMES CITY COUNTY CHESAPEAKE BAY BOARD**  
**REGULAR MEETING**  
**COUNTY GOVERNMENT CENTER BOARD ROOM**  
**101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185**  
**April 10, 2024**  
**5:00 PM**

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**A. CALL TO ORDER**

The Chesapeake Bay Board meeting for April 10, 2024, 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:**

Leslie Bowie  
Charles Roadley, Chair  
Larry Waltrip  
Scott Maye

**Board Members Absent:**

Michael O'Brien, Vice Chair

**Other Staff Present:**

Toni Small, Director, Stormwater and Resource Protection  
Michael Woolson, Resource Protection Section Chief, Stormwater and Resource Protection  
Robin Benedict, Watershed Planner, Stormwater and Resource Protection  
Emily Grojean, Watershed Planner, Stormwater and Resource Protection  
Andrew Dean, Assistant County Attorney, County Attorney's Office

**C. MINUTES**

1. Minutes from the March 13, 2024, Regular Meeting

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

The minutes were approved on a voice vote.

**D. PUBLIC COMMENT**

None.

**E. PUBLIC HEARING(S)**

1. CBPA-23-0174 : 9400 Barnes Road

Ms. Robin Benedict, Watershed Planner, presented the request for deferral submitted by Mr. Mark Boyd, Kimley-Horn and Associates, Inc., on behalf of LI Hazelwood Farms VA Investor LP citing the need for further revision of the site plan. The exception request is for encroachments into the Resource Protection Area (RPA) for the construction of a building. The property is further identified as James City County Real Estate Tax Map Parcel No. 0430100017. Staff also recommended that the Public Hearing should be opened until the May 8, 2024, Regular Board Meeting and remain so as a matter of procedure.

Mr. Roadley opened the Public Hearing.

The Public Hearing would remain open until the May 8, 2024, Board meeting, at which time the case would be heard.

2. CBPA-24-0028 : 7224 Canal Street

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

Ms. Robin Benedict, Watershed Planner, presented the exception request submitted by Mr. Darryl Flattum, on behalf of Mr. Ronald and Ms. Joyce Figg. The exception request is for encroachments into the RPA for the construction of a gazebo and gravel patio. The property is further identified as James City County Real Estate Tax Map Parcel No. 1910900038. If the Board approved the request, staff asked that the suggested conditions be incorporated into the approval.

Mr. Roadley opened the Public Hearing.

The Board discussed the pros and cons of the plan.

Mr. Roadley closed the Public Hearing.

3. CBPA-24-0008 : 3820 Rochambeau Drive and 170 Sand Hill Road

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

Ms. Emily Grojean, Watershed Planner, presented the exception request submitted by Mr. Jeff Huentelman, Land Planning Solutions, Inc., on behalf of MCP Stonehouse, LLC. c/o Mandrake Capital Partners, for encroachments into the RPA for the installation of a waterline and associated grading. The properties at 3820 Rochambeau Drive and 170 Sand Hill Road are further identified as James City County Real Estate Tax Map Parcel Nos. 1310100008A and 1310100019 respectively. 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. Jeff Huentelman, Land Planning Solutions, Inc., 1403 Greenbrier Parkway, Suite 205, Cheasapeake, Virginia presented himself for questions and confirmed that the information provided by Ms. Grojean regarding the route of the waterline was appropriate.

Mr. Roadley and Mr. Huentelman discussed the erosion and sediment issues in the Stonehouse area.

The Board discussed the pros and cons of the plan.

Mr. Roadley closed the Public Hearing.

4. CBPA-24-0017 : 196 The Maine

A motion to Approve w/Conditions was made by Ms. Bowie, the motion result was Passed.

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

Ayes: Waltrip, Maye, Bowie, Roadley

Absent: O'Brien

Ms. Emily Grojean, Watershed Planner, presented the exception request submitted by Mr. Joseph Krallinger, The Structures Group, Inc., on behalf of Ms. Carolyn Hill and Ms. Camilla Buchanan, for encroachments into the RPA for the replacement of a retaining wall. The property is further identified as James City County Real Estate Tax Map Parcel No. 4540200071. 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. Joseph Krallinger, The Structures Group, Inc., 1200 Old Colony Lane, presented himself for questions.

Mr. Roadley closed the Public Hearing.

5. CBPA-24-0030 : 136 John Wickham

A motion to Approve w/ Conditions was made by Mr. Maye, the motion result was Passed.

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

Ayes: Waltrip, Maye, Bowie, Roadley

Absent: O'Brien

Ms. Emily Grojean, Watershed Planner, presented the exception request submitted by Mr. David Soto, The Structures Group, Inc., on behalf of Mr. Scott and Ms. Janet Kruger, 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. 5130200009. 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 open the Public Hearing.

A. Mr. Joseph Krallinger of The Structures Group, Inc., 1200 Old Colony Lane, answered Mr. Waltrip's question regarding drainage and post-construction conditions of the area.

Mr. Roadley closed the Public Hearing.

6. CBPA-23-0152 : 223 Oakmere Park

A motion to Approve w/ Conditions was made by Mr. Maye, the motion result was Passed.

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

Ayes: Waltrip, Maye, Bowie

Nays: Roadley

Absent: O'Brien

Ms. Robin Benedict, Watershed Planner, presented the exception request submitted by Mr. Ryan Linnekin, Williams Landscape and Design, Inc., on behalf of Mr. Derek and Ms. Susan Smith, for encroachments into the RPA for the construction of a paver patio, deck, retaining wall, and fountain. The property is further identified as James City County Real Estate Tax Map Parcel No. 3233100041. The presentation described the current and proposed site conditions. If the Board approved the request, staff asked that the suggested conditions be incorporated into the approval.

Staff clarified the details of the plan for the Board.

Mr. Roadley opened the Public Hearing.

A. Mr. Benny Zhang, Kaufmann & Canoles, P. C., 4801 Courthouse Street, Suite 300, presented the legal background of the property.

Mr. Roadley questioned Mr. Zhang regarding issues surrounding the plan.

B. Mr. Ryan Linnekin, Williams Landscape and Design, Inc., 1554 Penniman Road, presented the background of the original and subsequent site plans and approvals.

Mr. Roadley questioned Mr. Linnekin regarding drainage and Mr. Linnekin stated their solutions.

C. Mr. Derek Smith, 223 Oakmere Park, presented background of the transfer of the property from the previous owner.

D. Mr. James Bartolotta, 219 Oakmere Park, presented as a character witness for the applicant.

The Board discussed the pros and cons of the plan.

Mr. Roadley closed the Public Hearing.

7. CBPA-24-0031 : 113 Glasgow

A motion to Defer was made by Ms. Bowie, the motion result was Passed.

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

Ayes: Waltrip, Maye, Bowie, Roadley

Absent: O'Brien

Ms. Robin Benedict, Watershed Planner, presented the request submitted by Mr. Chase Grogg, LandTech Resources, Inc. on behalf of Mr. John and Ms. Sheree Konstantinou, citing the need for further revision of the site plan. The exception request is for encroachments into the RPA for the construction of a single-family dwelling with an attached deck. The property is further identified as James City County Real Estate Tax Map Parcel No. 3820200058. Staff also recommended that the Public Hearing should be opened until the May 8, 2024, Regular Board Meeting and remain so as a matter of procedure.

Staff clarified details of the plan for the Board.

Mr. Roadley opened the Public Hearing.

A. Mr. Chase Grogg, LandTech Resources, Inc., 205 Bulifants Boulevard, Suite E, presented the

details of the plan.

B. Mr. Leonard Heath Jr., 401 Skimino Landing Drive, presented concerns regarding the impact the plan would have on 115 Glasgow Drive and requested that the Board deny the application.

A. Mr. Grogg provided further details regarding drainage mitigation during construction.

Mr. Roadley voiced concern over no drainage agreement with Ford's Colony.

Mr. Grogg on behalf of Mr. John D. and Ms. Sheree A. Konstantinou requested a deferral until the next Board meeting on May 8, 2024 citing the need for further revision of the site plan.

The Board discussed the pros and cons of the plan.

Mr. Roadley closed the Public Hearing.

**F. BOARD CONSIDERATION(S)**

Mr. Michael Woolson, Resource Protection Section Chief, Stormwater and Resource Protection, introduced Mr. Mark McElroy, the new Chesapeake Bay Board and Wetlands Board alternate member.

**G. MATTERS OF SPECIAL PRIVILEGE**

None.

**H. ADJOURNMENT**

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

The meeting adjourned at 6:47 p.m.

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-24-0045. 275 Old Stage Road  
Staff Report for the May 8, 2024, Chesapeake Bay Board Public Hearing**

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*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.*

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**EXISTING SITE DATA AND INFORMATION**

Applicant: LI Hazelwood Farms VA Investor, LP  
Agent: Mr. Mark Boyd, Kimley-Horn and Associates, Inc.  
Location: 275 Old Stage Road  
Parcel Identification No.: 0440100013  
Parcel: Hazelwood  
Lot Size: 193.75 acres  
Area of Lot in Resource Protection Area (RPA): 50 acres (26%)  
Watershed: Diascund Creek (JL27)  
Floodplain: None  
Proposed Activity: Extension of off-site public utilities  
Impervious Cover: 0 square feet  
RPA Encroachment: 12,992 square feet, total RPA impacts  
Staff Contact: Robin Benedict, Watershed Planner Phone: 253-6781

**BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES**

Mr. Mark Boyd, Kimley-Horn and Associates, Inc., has applied for a Chesapeake Bay Exception on behalf of LI Hazelwood Farms VA Investor, LP, for encroachments into the RPA buffer for the extension of off-site public utilities that will serve 275 Old Stage Road within the Diascund Creek watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 0440100013. The parcel was platted in 2016, after the changes to the Chesapeake Bay Preservation Ordinance in 2004.

The applicant is proposing to extend and install public water and sanitary force main utilities to serve the proposed development of the Lovett 64 Commerce Center. The impacts are proposed within the right-of-way of Barhamsville Road and are proposed within the existing shoulder section of the road. The installation of the sewer force main extension will equal 7,996 square feet and the installation of the water main will equal 4,996 square feet of impacts, for a total of 12,992 square feet of impacts to the RPA. As all the impacts are within the right-of-way, no mitigation is required for this proposal.

**STAFF EVALUATION**

Staff has evaluated the application and exception request for the extension of off-site public utilities. This application meets the Ordinance conditions in Sections 23-11 and 23-14 and should be heard by the Board because this project is outside the scope of an administrative approval.

## **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 nonconforming 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. This exception request approval will become null and void if construction has not begun by May 8, 2026; and
3. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than March 27, 2026, six weeks prior to the expiration date.

RB/md  
CBPA24-45\_275OStRd

Attachments:

1. Resolution
2. Site Plan



## RESOLUTION

CASE NO. CBPA-24-0045. 275 OLD STAGE ROAD

### JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Mark Boyd, Kimley-Horn and Associates, Inc., on behalf of LI Hazelwood Farms VA Investor, LP (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on May 8, 2024, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property located at 275 Old Stage Road (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 0440100013, as set forth in the application CBPA-24-0045 for the purpose of extending off-site public utilities; 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-24-0045, subject to the following conditions:

1. The Applicant must obtain all other necessary federal, state, and local permits as required for the project; and
2. This exception request approval will become null and void if construction has not begun by May 8, 2026; and
3. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than March 27, 2026, six weeks prior to the expiration date.

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Charles Roadley  
Chair, Chesapeake Bay Board

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Robin Benedict  
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 8th day of May, 2024.

CBPA24-45\_275OStRdApp-res

**RESOLUTION**

CASE NO. CBPA-24-0045. 275 OLD STAGE ROAD

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Mark Boyd, Kimley-Horn and Associates, Inc., on behalf of LI Hazelwood Farms VA Investor, LP (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on May 8, 2024, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property located at 275 Old Stage Road (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 0440100013, as set forth in the application CBPA-24-0045 for the purpose of extending off-site public utilities; 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-24-0045.

\_\_\_\_\_  
Charles Roadley  
Chair, Chesapeake Bay Board

\_\_\_\_\_  
Robin Benedict  
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 8th day of May, 2024.

CBPA24-45\_275OStRdDny-res

Plotted By: Collins, Emma Sheet: S:\Projects\2024\113496001\113496001.dwg Date: 03/27/2024 10:02:26 AM Plotter: HP DesignJet 2795DW Plot Size: 36" x 48" Scale: 1" = 300' This document, together with the concepts and designs presented herein, is an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

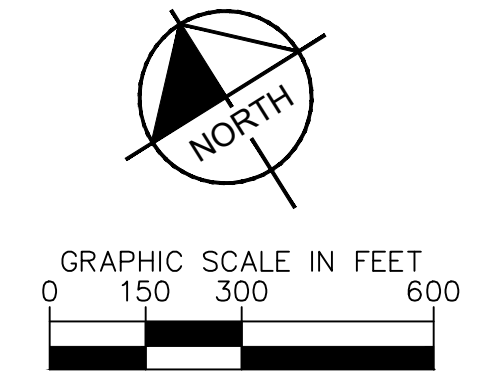


**ENVIRONMENTAL INVENTORY LEGEND**

100' RPA BUFFER	--- RPA --- RPA
LIMITS OF DISTURBANCE	— LOD —
LIMITS OF DISTURBANCE WITHIN RPA	

**RPA IMPACT SUMMARY**

UTILITY	AREA (SF)	AREA (AC)
WATERLINE	4,996	0.115
SFM	7,954	0.183
TOTAL	12,950	0.297



NO.	REVISIONS	DATE	BY
1	ADRESSED COMMENTS	02/19/2024	EC

**Kimley»Horn**  
 © 2023 KIMLEY-HORN AND ASSOCIATES, INC.  
 2035 MAYNELL ST., SUITE 200, RICHMOND, VA 23230  
 PHONE: 804-673-9882  
 WWW.KIMLEY-HORN.COM

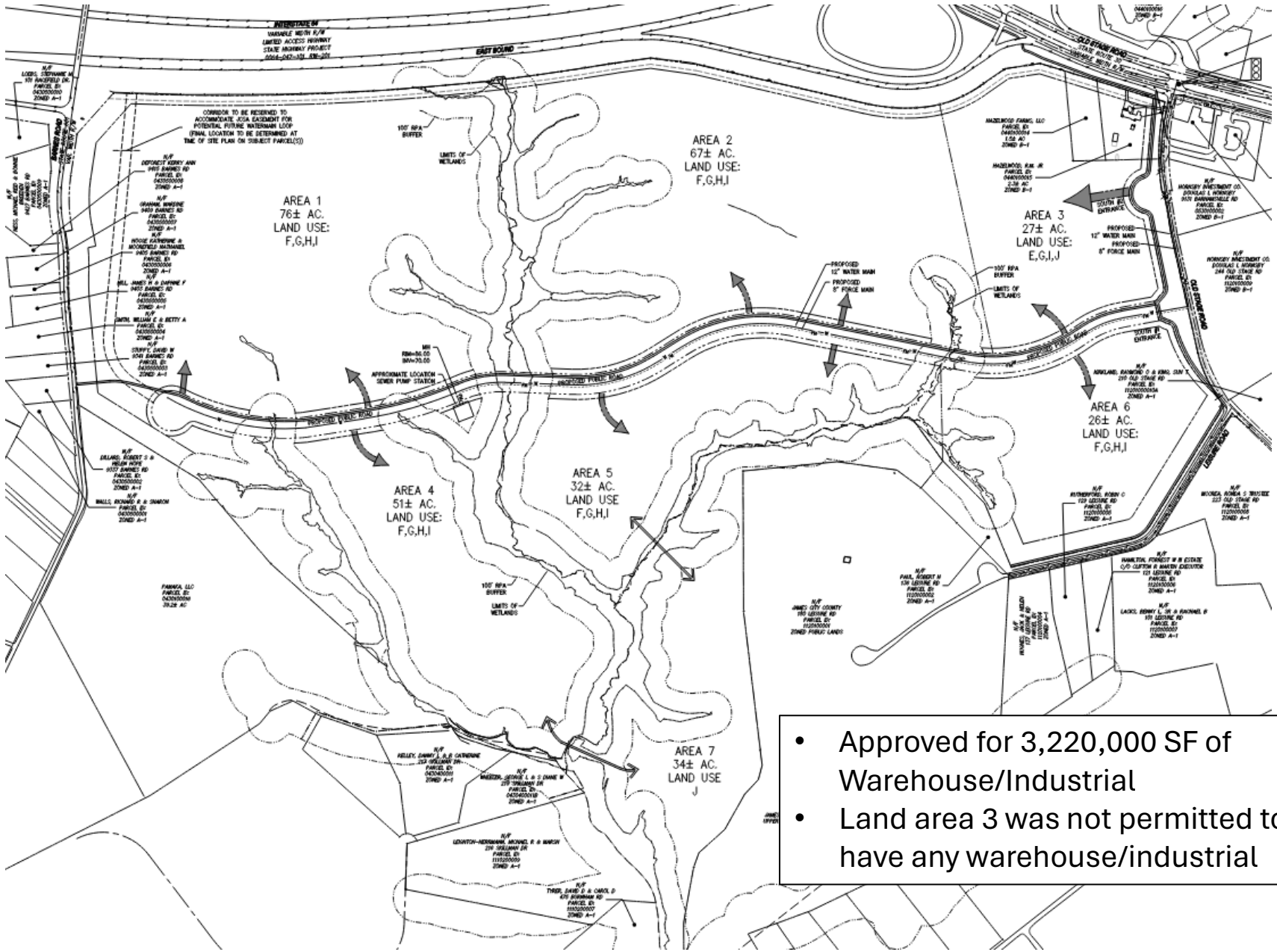
COMMONWEALTH OF VIRGINIA  
  
 MARK R. BOYD  
 Lic. No. 94889  
 02/19/2024  
 PROFESSIONAL ENGINEER

KHA PROJECT	113496001
DATE	03/27/2024
SCALE	AS SHOWN
DESIGNED BY	APM
DRAWN BY	APM
CHECKED BY	MRE

**RPA IMPACT EXHIBIT**



# Property Masterplan Approved in 2022 Re-Zone

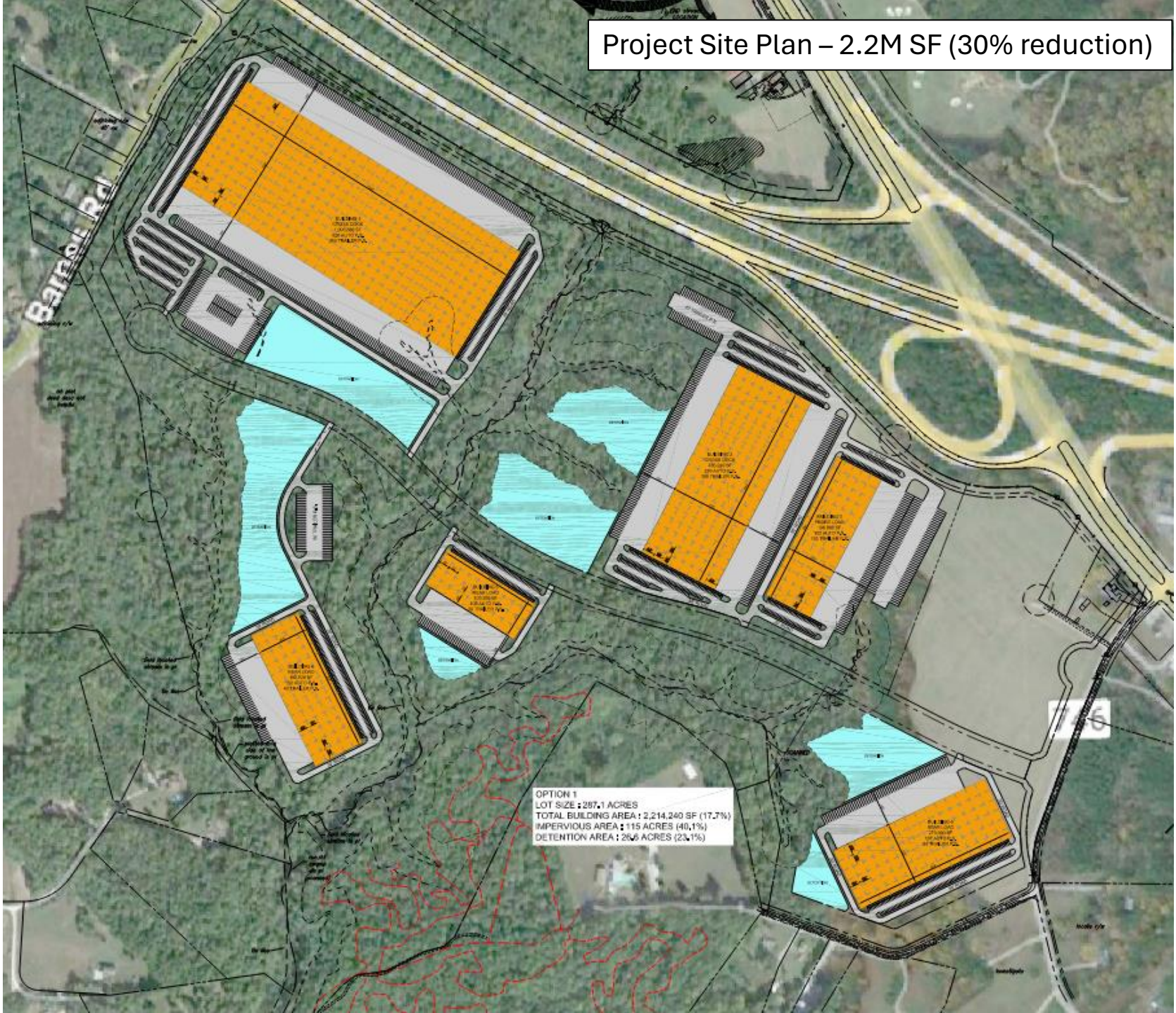


- Approved for 3,220,000 SF of Warehouse/Industrial
- Land area 3 was not permitted to have any warehouse/industrial

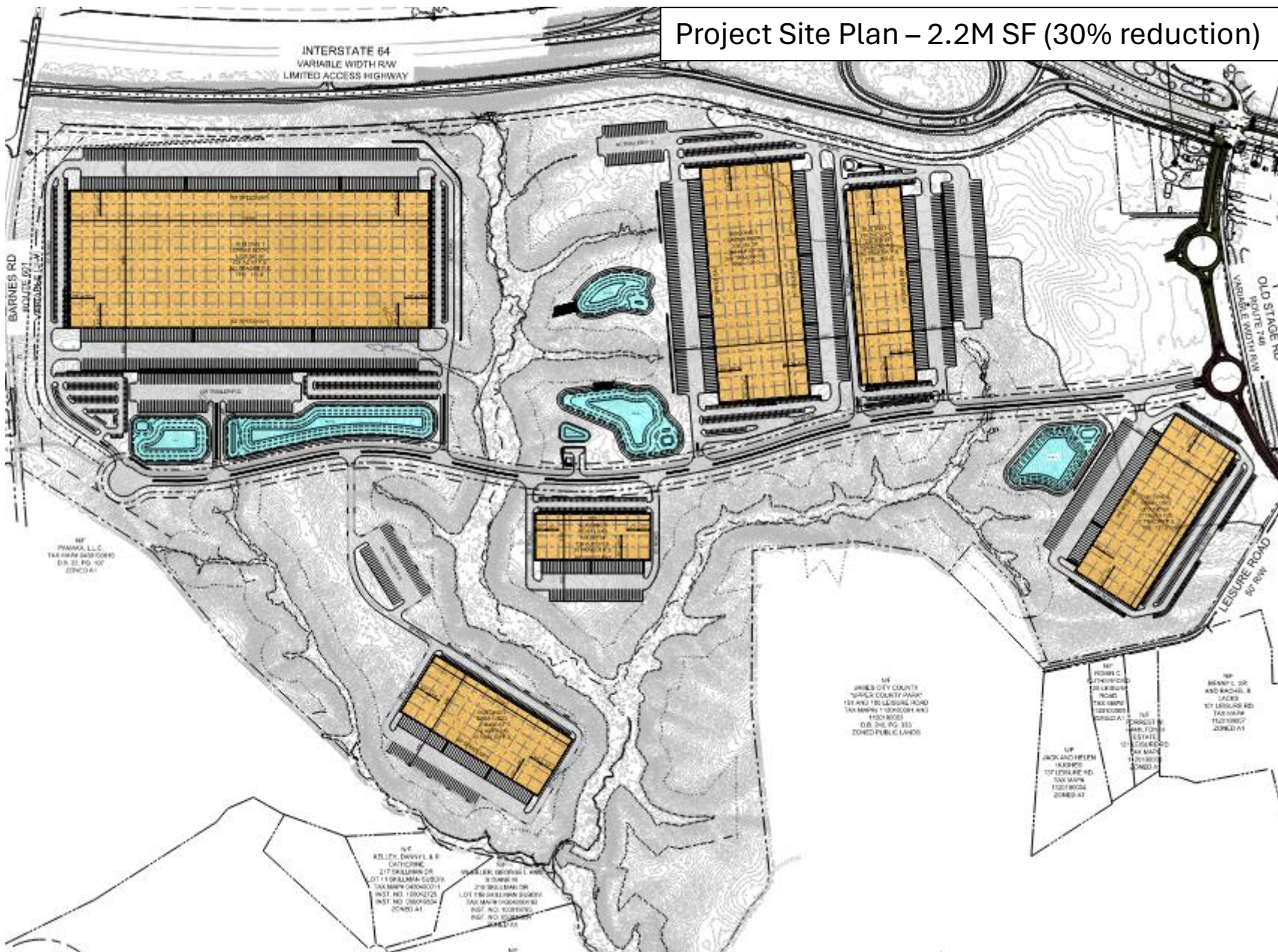
Site plan showing construction of all allowable square footage per the approved SUP – 3.2M SF



# Project Site Plan – 2.2M SF (30% reduction)



# Project Site Plan – 2.2M SF (30% reduction)





Approved Core Permit Impact Map  
(Approved 1/19/2024)

**IMPACT #1**  
4,200 SF (0.10 AC) PFO  
169 SF (<0.01 AC), 169 LF R6  
PERMANENT

**IMPACT #2**  
12,914 SF (0.30 AC) PFO  
198 SF (<0.01 AC), 66 LF R3  
900 SF (0.02 AC), 300 LF R4  
166 SF (<0.01 AC), 166 LF R6  
PERMANENT



**IMPACT #3**  
18,840 SF (0.43 AC) PFO  
886 SF (0.02 AC), 180 LF R3  
PERMANENT

**IMPACT #4**  
4,471 SF (0.10 AC) PFO  
520 SF (0.01 AC), 110 LF R3  
295 SF (0.01 AC), 98 LF R4  
PERMANENT

TOPOGRAPHY, SITE BOUNDARY AND SITE DESIGN PROVIDED BY  
KIMLEY-HORN, WAS USED AS A BASE FOR THIS EXHIBIT.

*Applicant:*  
LI Hazelwood Farms VA Investor, LP  
401 Franklin Street, Suite 2555  
Houston, TX 77003

*Agent:*  
Wetland Studies and Solutions, Inc.  
5300 Wellington Branch Drive, Suite 100  
Gainesville, VA 20155  
(Phone) 703-679-5600 (Fax) 703-679-5601

**LOVETT 64**  
**COMMERCE CENTER**  
Proposed Impacts to Nontidal  
Waters of the U.S.  
James City County, Virginia

**Overall WOTUS**  
**Impact Map**

Date: August 2023 (Rev. Oct. 2023)

Scale: 1" = 2000' | Sheet: 2 of 11



**General Services**  
107 Tewning Road  
Williamsburg, VA 23188  
P: 757-259-4080  
General.Services@jamescitycountyva.gov  
[jamescitycountyva.gov](http://jamescitycountyva.gov)

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

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

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

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

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

«Last\_Name»  
«Address\_Line\_1»  
«City», «State» «Zip\_Code»

RE: CBPA-24-0045  
275 Old Stage Road  
Extension of public utilities

April 18, 2024

Dear Adjacent Property Owner:

In accordance with State and County Codes, this letter is to notify you that a request has been filed with the James City County Chesapeake Bay Board by Mr. Mark Boyd, Kimley-Horn, on behalf of LI Hazelwood Farms VA Investor LP, for encroachments into the Resource Protection Area buffer for the extension of public utilities. The project is located at 275 Old Stage Road, JCC Tax Map Parcel No. 0440100013.

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

The Chesapeake Bay Board will hold an advertised public hearing on **Wednesday, May 8, 2024, 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,

*Robin Benedict*

Robin Benedict  
Chesapeake Bay Board Secretary  
757-253-6781  
Robin.Benedict@jamescitycountyva.gov

## Adjacent Property Owner Mailing List for Case Number: CBPA-23-0174

PIN	Last Name	Address Line 1	City	State	Zip Code
440100013	LI HAZELWOOD FARMS VA INVESTOR LP	275 OLD STAGE ROAD	TOANO	VA	23168-9412
1120100010A	KING, SUN T	210 OLD STAGE ROAD	TOANO	VA	23168-8912
1120100008	MCCREA, RONDA S TRUSTEE	223 OLD STAGE ROAD	TOANO	VA	23168-9411
1120100007	OSMAN, DAVID G TRUSTEE & LUNDBERG, PAM	101 LEISURE ROAD	TOANO	VA	23168-9402
1120100006	LEISURE ROAD LLC	121 LEISURE ROAD	TOANO	VA	23168-9402
1120100005	RUTHERFORD, ROBIN C	129 LEISURE ROAD	TOANO	VA	23168-9402
1120100004	HUGHES, JACK & HELEN	137 LEISURE ROAD	HOUSTON	TX	23168-9402
1120100002	PAUL, ROBERT H	136 LEISURE ROAD	TOANO	VA	23168-9401
440100014	LI HAZELWOOD FARMS VA INVESTOR LP	9211 OLD STAGE ROAD	TOANO	VA	23168
440100015	LI HAZELWOOD FARMS VA INVESTOR LP	301 OLD STAGE ROAD	TOANO	VA	23168-9414
440100032	AMERICAN DYNC HOLDINGS TOANO LLC	9210 OLD STAGE ROAD	TOANO	VA	23168
440100016	AMERICAN DYNC HOLDINGS TOANO LLC	9220 OLD STAGE ROAD	TOANO	VA	23168-9423
1120100009	HORNSBY ENTERPRISES, INC % DOUGLAS HO	244 OLD STAGE ROAD	TOANO	VA	23168-9410
1210600001B	MICHELLE POINT LLC	8900 COCOS PATH	TOANO	VA	23168-9420
0640100001A	STONEHOUSE SELF STORAGE LLC	3500 LA GRANGE PARKWAY	TOANO	VA	23168
1210100043	D & D PROPERTIES L L C	9001 WESTMONT DRIVE	TOANO	VA	23168
440100018	HORNSBY OIL CO % DOUGLAS L HORNSBY	9200 BARHAMSVILLE RD	TOANO	VA	23168-9424
440100019	SMO INCORPORATED	9201 BARHAMSVILLE RD	TOANO	VA	23168-9424
530100002	HORNSBY INVESTMENT CO LP	9131 BARHAMSVILLE RD	TOANO	VA	23168-9422
440100020	MCDONALDS CORPORATION	9193 BARHAMSVILLE RD	TOANO	VA	23168-9422
1210100002	MARVIN, JOAN M	9049 BARHAMSVILLE RD	TOANO	VA	23168-9420
1210100047	SCP-JTL STONEHOUSE OWNER 1 LLC	3501 LA GRANGE PKWY	TOANO	VA	23168
1210100003A	CHESAPEAKE BANK	8909 BARHAMSVILLE RD	TOANO	VA	23168-9420



**PUBLIC HEARING NOTICE**

THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD A PUBLIC HEARING ON **WEDNESDAY, MAY 8, 2024 AT 5:00 P.M.** IN THE COUNTY GOVERNMENT CONFERENCE ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-24-0042: Mr. Larry Walk, Walk Wright Construction, LLC., on behalf of Mr. James and Ms. Mary Kim, has applied for a Chesapeake Bay Exception for the construction of a retaining wall on property located at 140 Freshwater Bay, JCC Real Estate Tax Map Parcel No. 3131500023.

CBPA-24-0045: Mr. Mark Boyd, Kimley-Horn, on behalf of LI Hazelwood Farms VA Investor LP, has applied for a Chesapeake Bay Exception for the extension of off-site public utilities on property located at 275 Old Stage Road, JCC Real Estate Tax Map Parcel No. 0440100013.

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 Mounts Bay Road, Building E, James City County, Virginia.

**NOT FOR PUBLICATION**

DISPLAY: WEDNESDAY – April 24, 2024 and May 1, 2024  
ACCOUNT NO. CU00015112  
VIRGINIA GAZETTE  
1/8 PAGE, VERTICAL, B/W

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-23-0174. 9400 Barnes Road  
Staff Report for the May 8, 2024, Chesapeake Bay Board Public Hearing**

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*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.*

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**EXISTING SITE DATA AND INFORMATION**

Applicant: LI Hazelwood Farms VA Investor, LP

Agent: Mr. Mark Boyd, Kimley-Horn and Associates, Inc.

Location: 9400 Barnes Road

Parcel Identification No.: 0430100017

Parcel: Pt Parkers

Lot Size: 130.60 acres

Area of Lot in Resource Protection Area (RPA): 33.24 acres (26%)

Watershed: Diascund Creek (JL27)

Floodplain: None

Proposed Activity: Grading associated with the construction of a building (Building 1) and construction of a retaining wall

Impervious Cover: 53,143 square feet (1.22 acres)

RPA Encroachment: 121,045 square feet, total RPA impacts

Staff Contact: Robin Benedict, Watershed Planner Phone: 253-6781

**BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES**

Mr. Mark Boyd, Kimley-Horn and Associates, Inc., has applied for a Chesapeake Bay Exception on behalf of LI Hazelwood Farms VA Investor, LP, for encroachments into the RPA buffer for the grading associated with the construction of a building (Building 1) and construction of a retaining wall located at 9400 Barnes Road within Diascund Creek watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 0430100017. The parcel was platted prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

A wetland delineation and RPA study was performed in 2023 and approved by the United States Army Corps of Engineers and the County, respectively. The total lot size of this property is 130.60 acres, of which 26% is located within the RPA. The applicant is proposing to construct a building and retaining wall in association with the Lovett 64 Commerce Center construction. Impervious cover impacts to the RPA will be caused by the construction of a drive aisle and retaining wall and equal approximately 53,143 square feet of impacts to the RPA. Total impacts to the RPA associated with this proposal equal 121,045 square feet. Construction of this building will also result in permanent impacts to wetlands and stream channels. Required mitigation for this amount of impervious cover impact is the recordation of a Deed of Natural Open Space for an area twice the size of the impacted RPA (242,090 square feet, 5.56 acres), outside of all required stormwater Forested Open Space.

## **STAFF EVALUATION**

Staff has evaluated the application and exception request for the grading associated with the construction of a building (Building 1) and construction of a retaining wall. This application meets the Ordinance conditions in Sections 23-11 and 23-14 and should be heard by the Board because the project is outside the scope of an administrative approval.

## **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 nonconforming that are related to adjacent parcels; and
5. Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality.

## **STAFF RECOMMENDATIONS**

Staff has reviewed the application and exception request and has determined the impacts associated with the proposal to be major for the proposed development. Should the Board find that the exception request meets all five conditions outlined above, 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 record a Deed of Natural Open Space in the Williamsburg/James City County Courthouse for the additional 5.56 acres of Natural Open Space beyond that which is required to meet stormwater management compliance for the project, prior to the issuance of a Land Disturbing Permit; and
3. This exception request approval will become null and void if construction has not begun by May 8, 2029; and
4. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than March 27, 2029, six weeks prior to the expiration date.

RB/ap  
CBPA23-174\_9400Brnes

Attachments:

1. Resolution
2. Site Plan

**RESOLUTION**

**CASE NO. CBPA-23-0174. 9400 BARNES ROAD**

**JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION**

WHEREAS, Mr. Mark Boyd, Kimley-Horn and Associates, Inc., on behalf of LI Hazelwood Farms VA Investor, LP (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on May 8, 2024, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property located at 9400 Barnes Road (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 0430100017, as set forth in the application CBPA-23-0174 for the purpose of grading associated with the construction of a building (Building 1) and construction of a retaining wall; and

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

NOW, THEREFORE, BE IT RESOLVED that the Chesapeake Bay Board of James City County, Virginia, following a public hearing, finds that the application meets all the requirements for an exception to the Chesapeake Bay Preservation Ordinance and therefore **APPROVES** the exception request for Chesapeake Bay Board Case No. CBPA-23-0174, 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 record a Deed of Natural Open Space in the Williamsburg/James City County Courthouse for the additional 5.56 acres of Natural Open Space beyond that which is required to meet stormwater management compliance for the project, prior to the issuance of a Land Disturbing Permit; and
3. This exception request approval will become null and void if construction has not begun by May 8, 2029; and
4. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than March 27, 2029, six weeks prior to the expiration date.

\_\_\_\_\_  
Charles Roadley  
Chair, Chesapeake Bay Board

\_\_\_\_\_  
Robin Benedict  
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 8th day of May, 2024.

CBPA23-174\_9400BrnesApp-res

**RESOLUTION**

**CASE NO. CBPA-23-0174. 9400 BARNES ROAD**

**JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION**

WHEREAS, Mr. Mark Boyd, Kimley-Horn and Associates, Inc., on behalf of LI Hazelwood Farms VA Investor, LP (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on May 8, 2024, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property located at 9400 Barnes Road and further identified as James City County Real Estate Tax Map Parcel No. 0430100017, as set forth in the application CBPA-23-0174 for the purpose of grading associated with the construction of a building (Building 1) and construction of a retaining wall; and

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

NOW, THEREFORE, BE IT RESOLVED that the Chesapeake Bay Board of James City County, Virginia, following a public hearing, finds that the application 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-23-0174.

\_\_\_\_\_  
Charles Roadley  
Chair, Chesapeake Bay Board

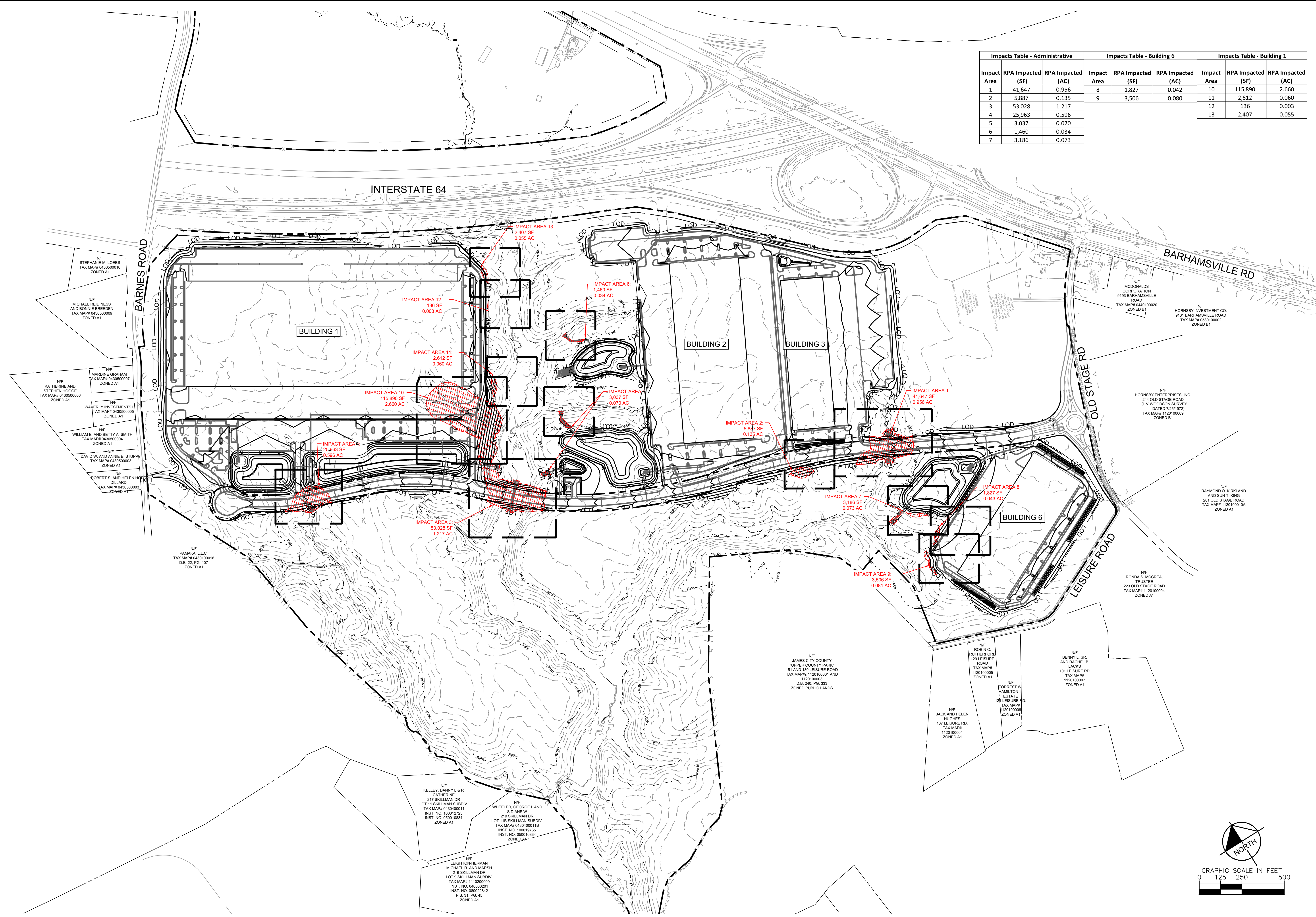
\_\_\_\_\_  
Robin Benedict  
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 8th day of May, 2024.

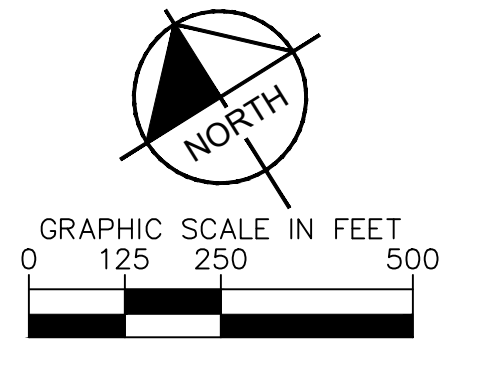
CBPA23-174\_9400BrnesDny-res



Plotted By: Boyd, Mark. Sheet: Lovett 64 Commerce Center - Phase 1, Layout 1, December 20, 2023, 11:04:02pm. K:\VIC\_OVA\113451000 - Hazelwood Farms - James City County\CAD\Exhibits\2023-10-2 RPA Impacts Exhibit\RPA Impact Exhibit.dwg  
 This document, together with the concepts and designs presented herein, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.



Impacts Table - Administrative			Impacts Table - Building 6			Impacts Table - Building 1		
Impact Area	RPA Impacted (SF)	RPA Impacted (AC)	Impact Area	RPA Impacted (SF)	RPA Impacted (AC)	Impact Area	RPA Impacted (SF)	RPA Impacted (AC)
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2	5,887	0.135	9	3,506	0.080	11	2,612	0.060
3	53,028	1.217				12	136	0.003
4	25,963	0.596				13	2,407	0.055
5	3,037	0.070						
6	1,460	0.034						
7	3,186	0.073						



No.	REVISIONS	DATE	BY

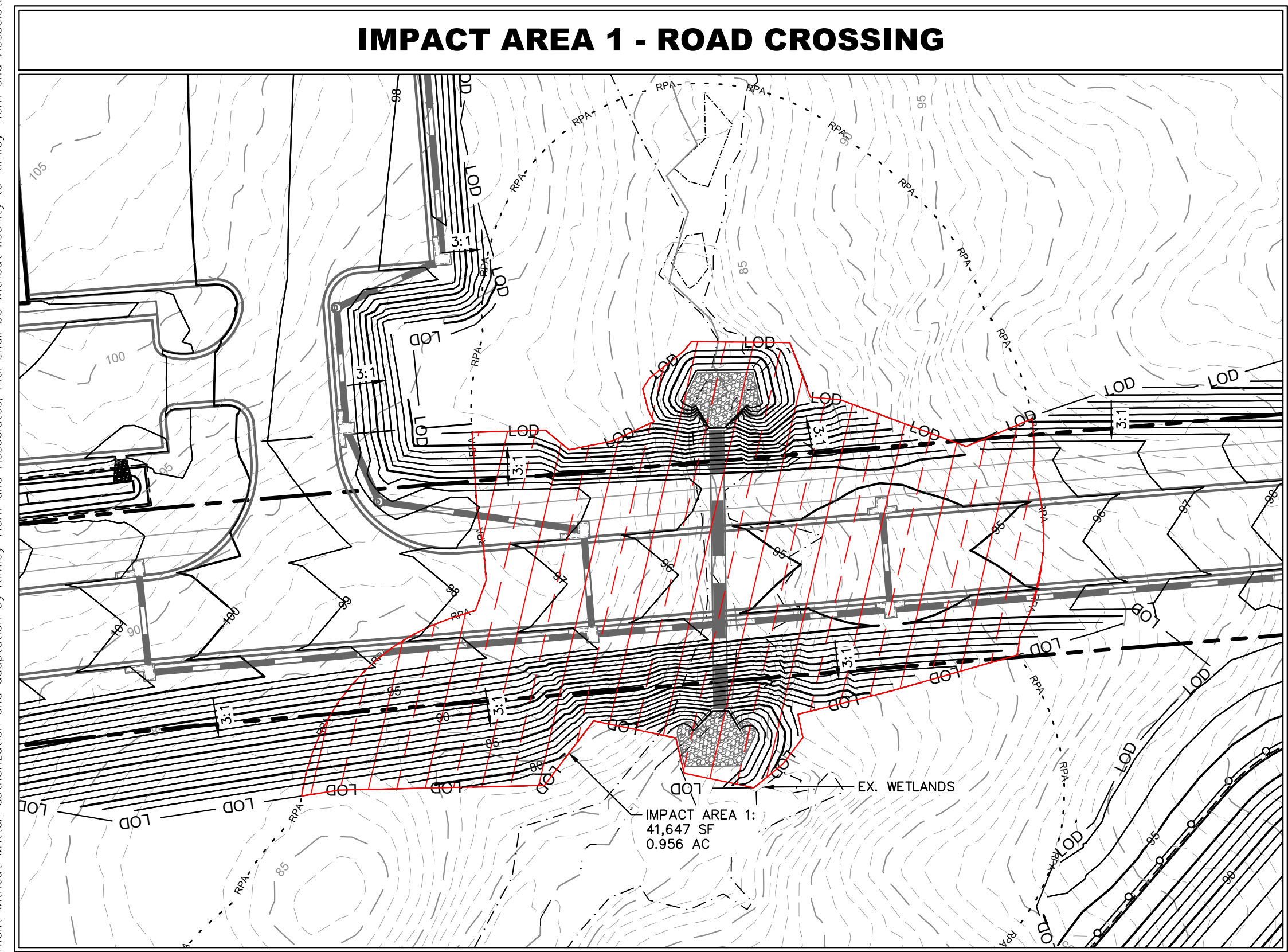
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 PHONE: 804-673-9882  
 WWW.KIMLEY-HORN.COM

KHA PROJECT	113451001
DATE	12/22/2023
SCALE	AS SHOWN
DESIGNED BY	JHN
DRAWN BY	JHN
CHECKED BY	MRE

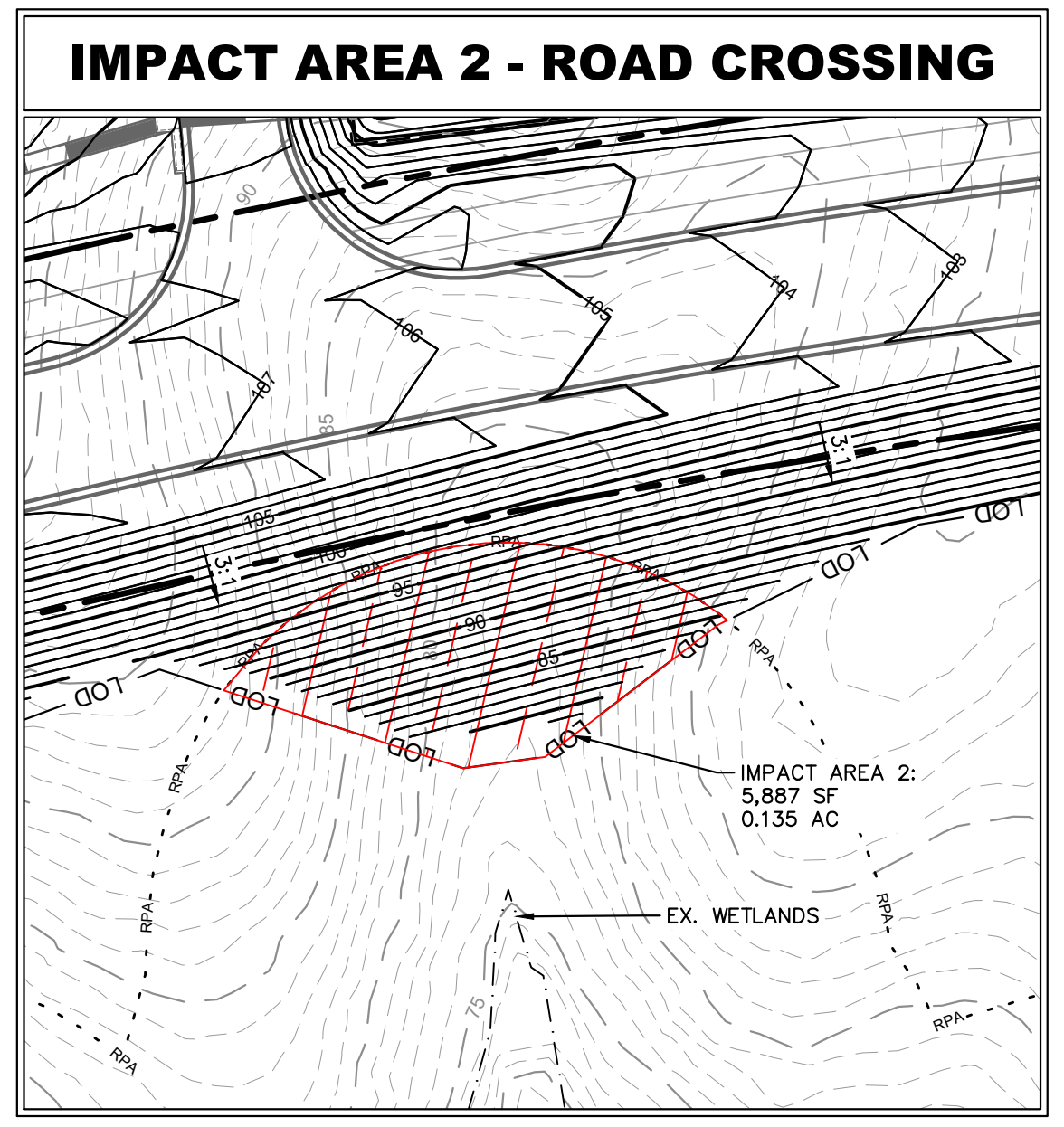
**RPA IMPACT EXHIBIT**

**LOVETT 64  
 COMMERCE CENTER  
 PHASE 1 SITE PLANS**  
 VIRGINIA  
 JAMES CITY COUNTY

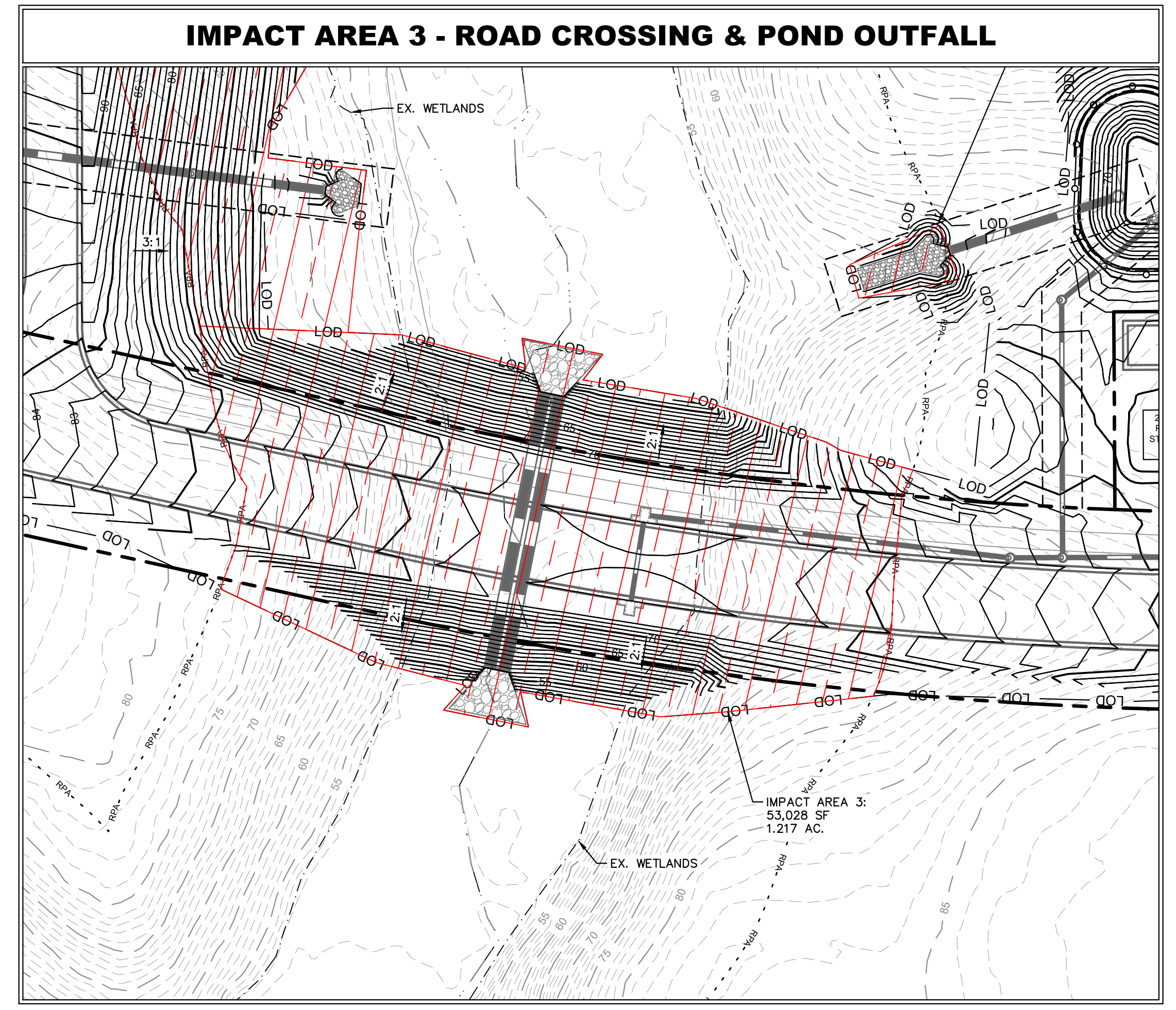
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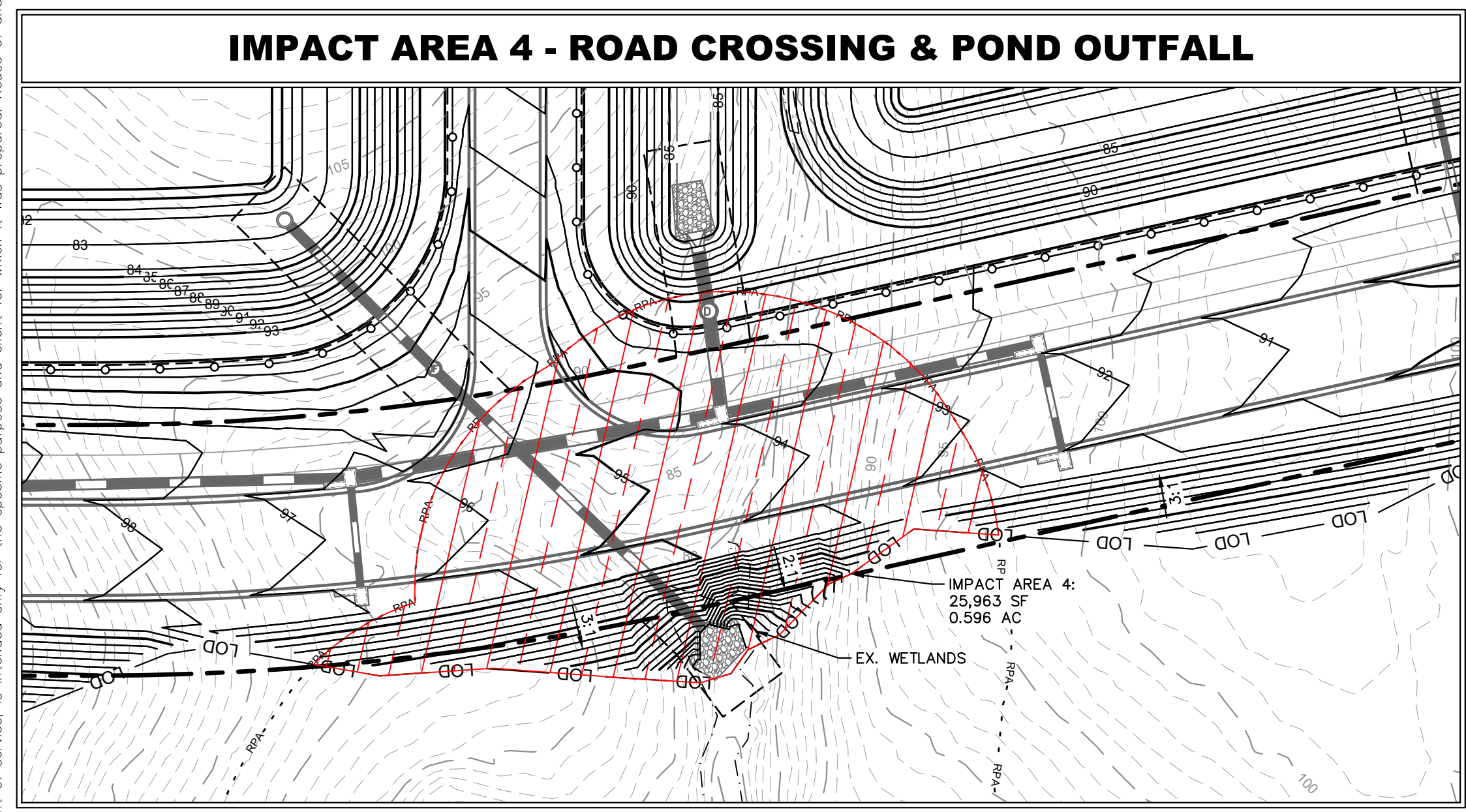
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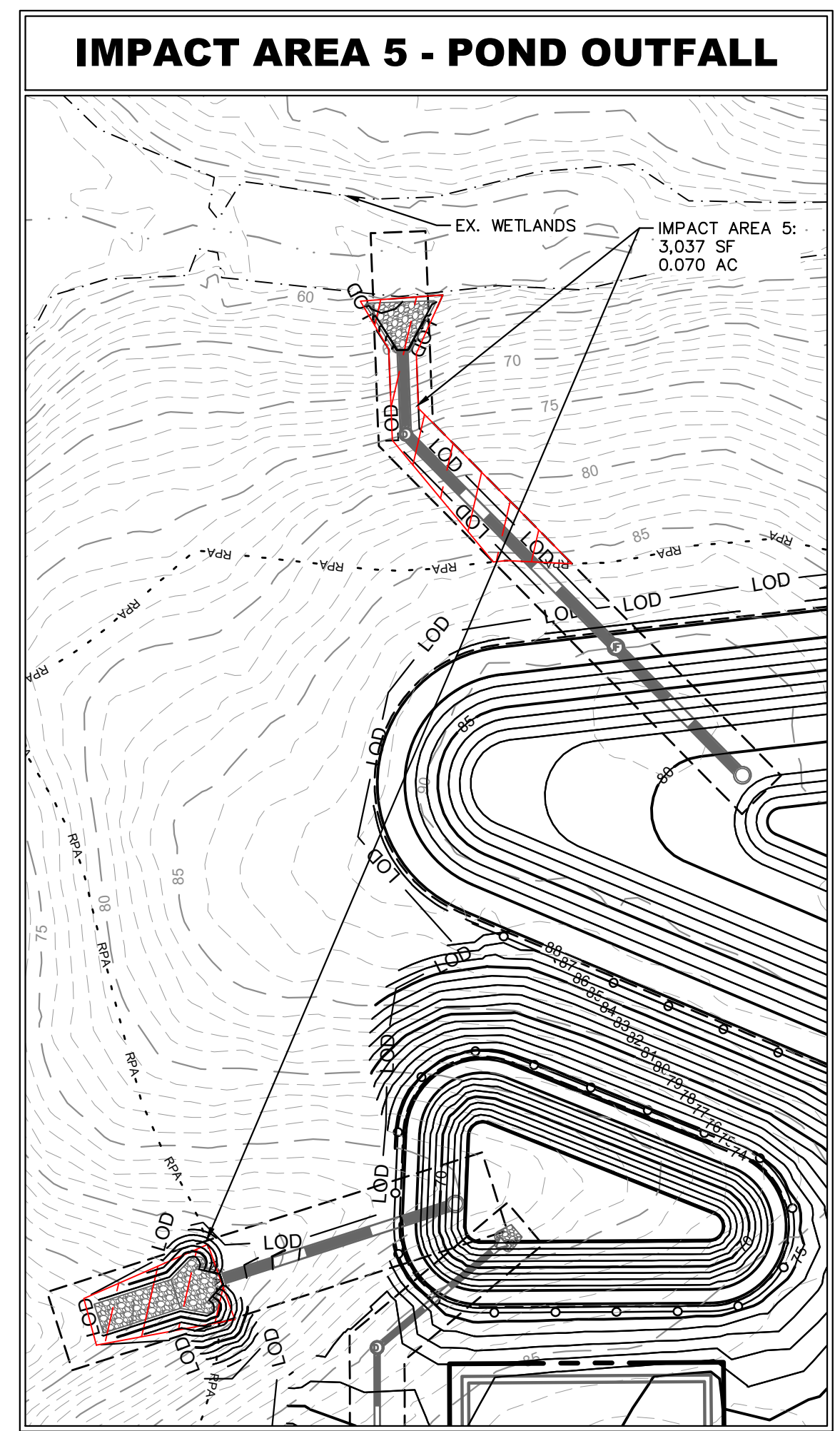
**IMPACT AREA 2 - ROAD CROSSING**



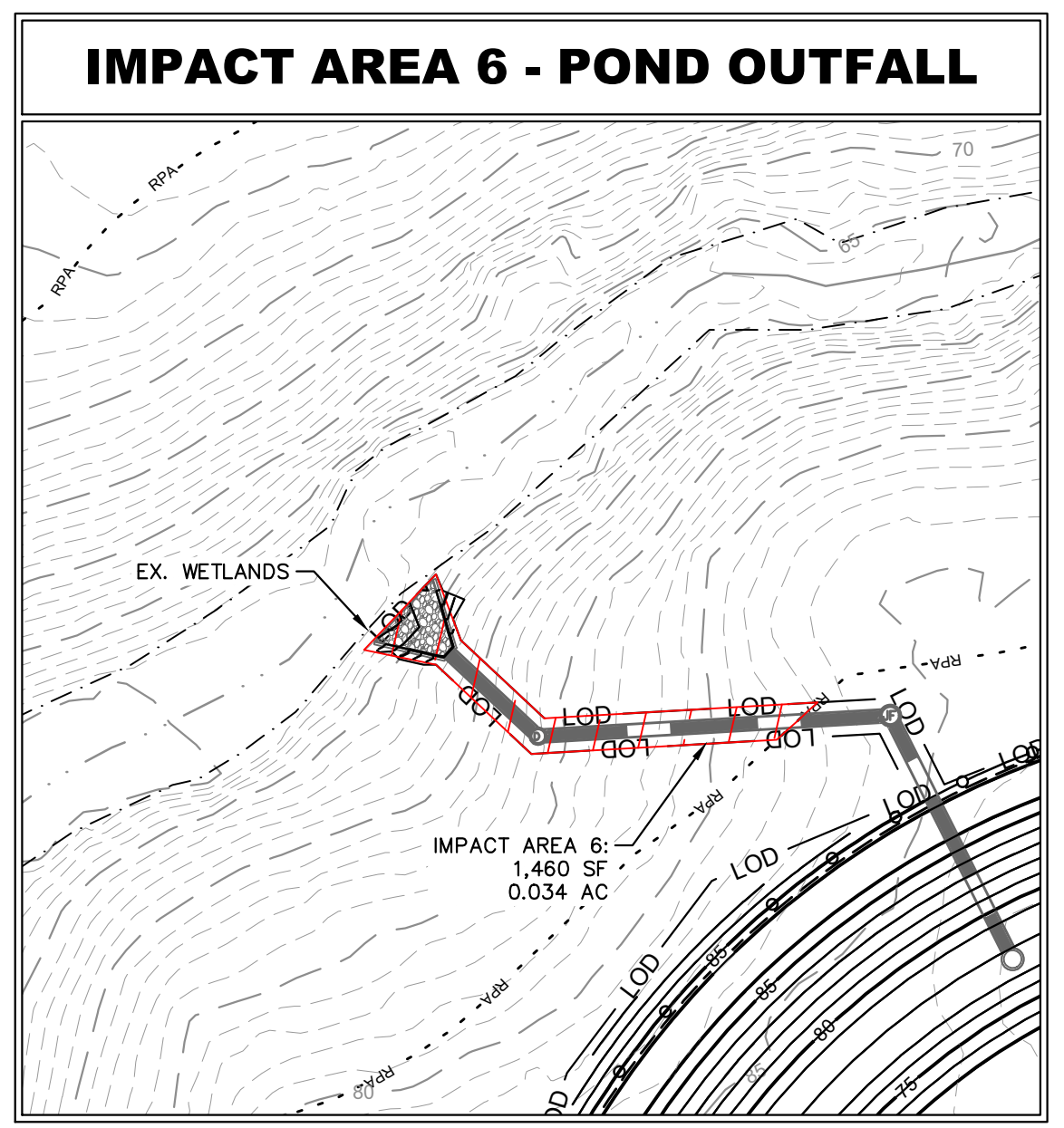
**IMPACT AREA 3 - ROAD CROSSING & POND OUTFALL**



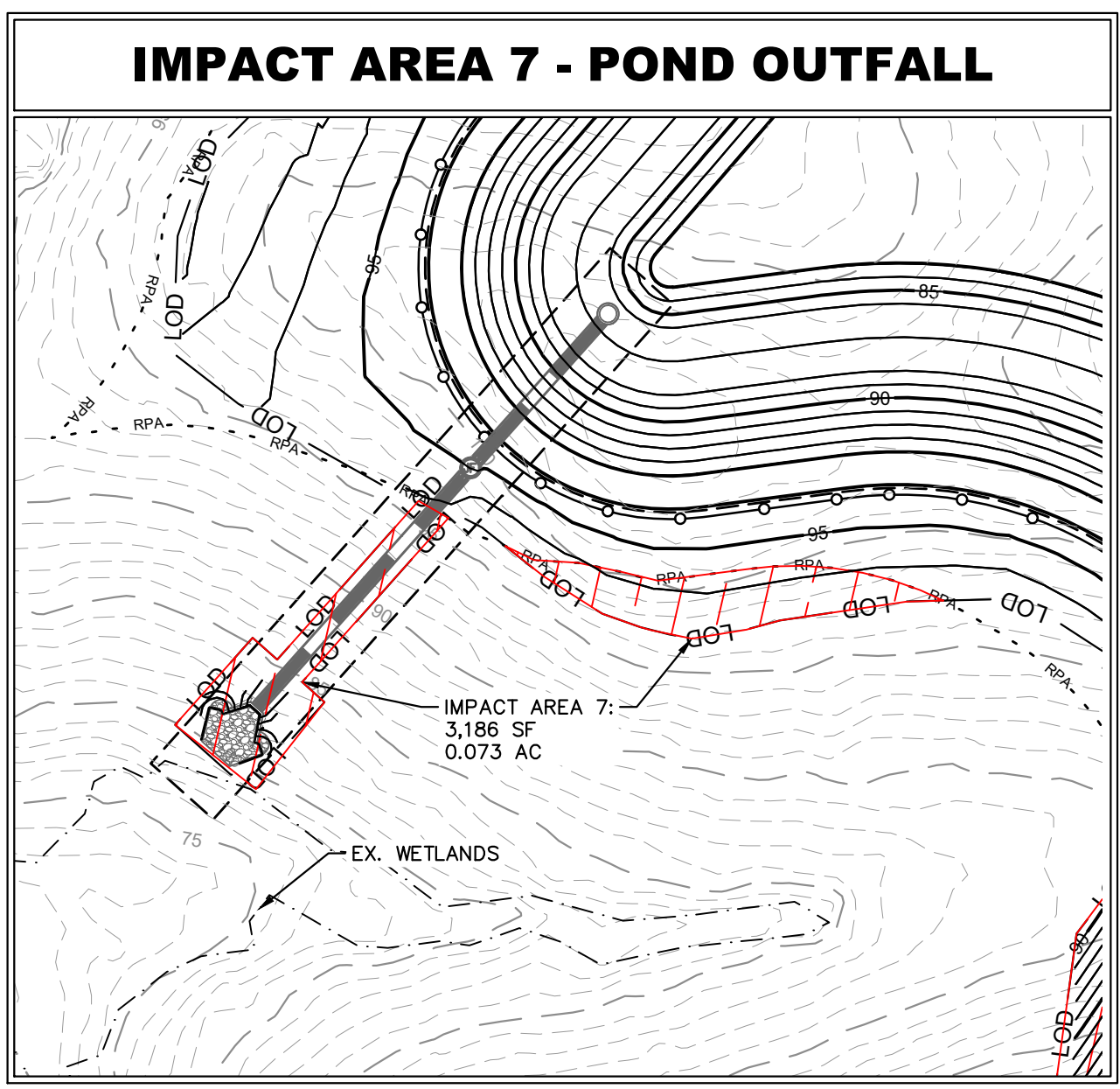
**IMPACT AREA 4 - ROAD CROSSING & POND OUTFALL**



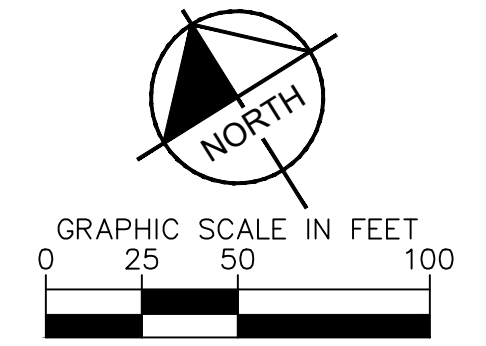
**IMPACT AREA 5 - POND OUTFALL**



**IMPACT AREA 6 - POND OUTFALL**



**IMPACT AREA 7 - POND OUTFALL**



NO.	REVISIONS	DATE	BY

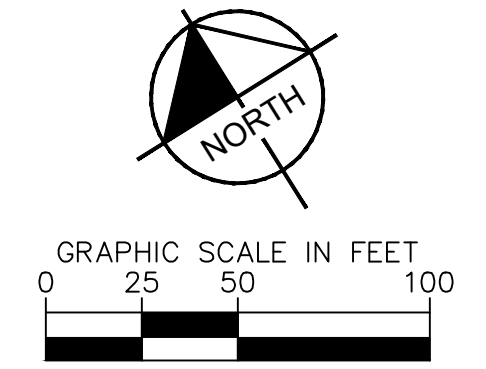
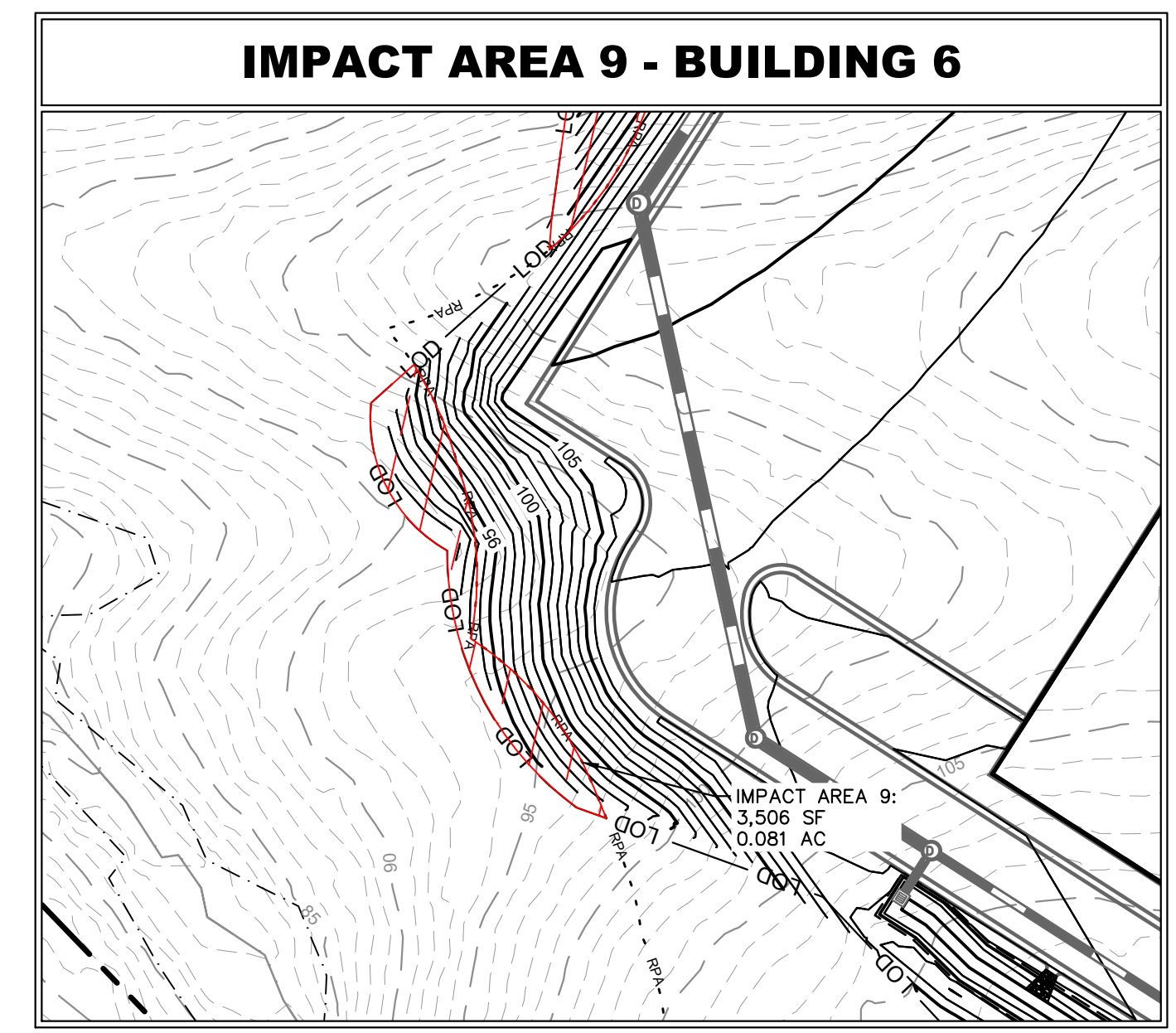
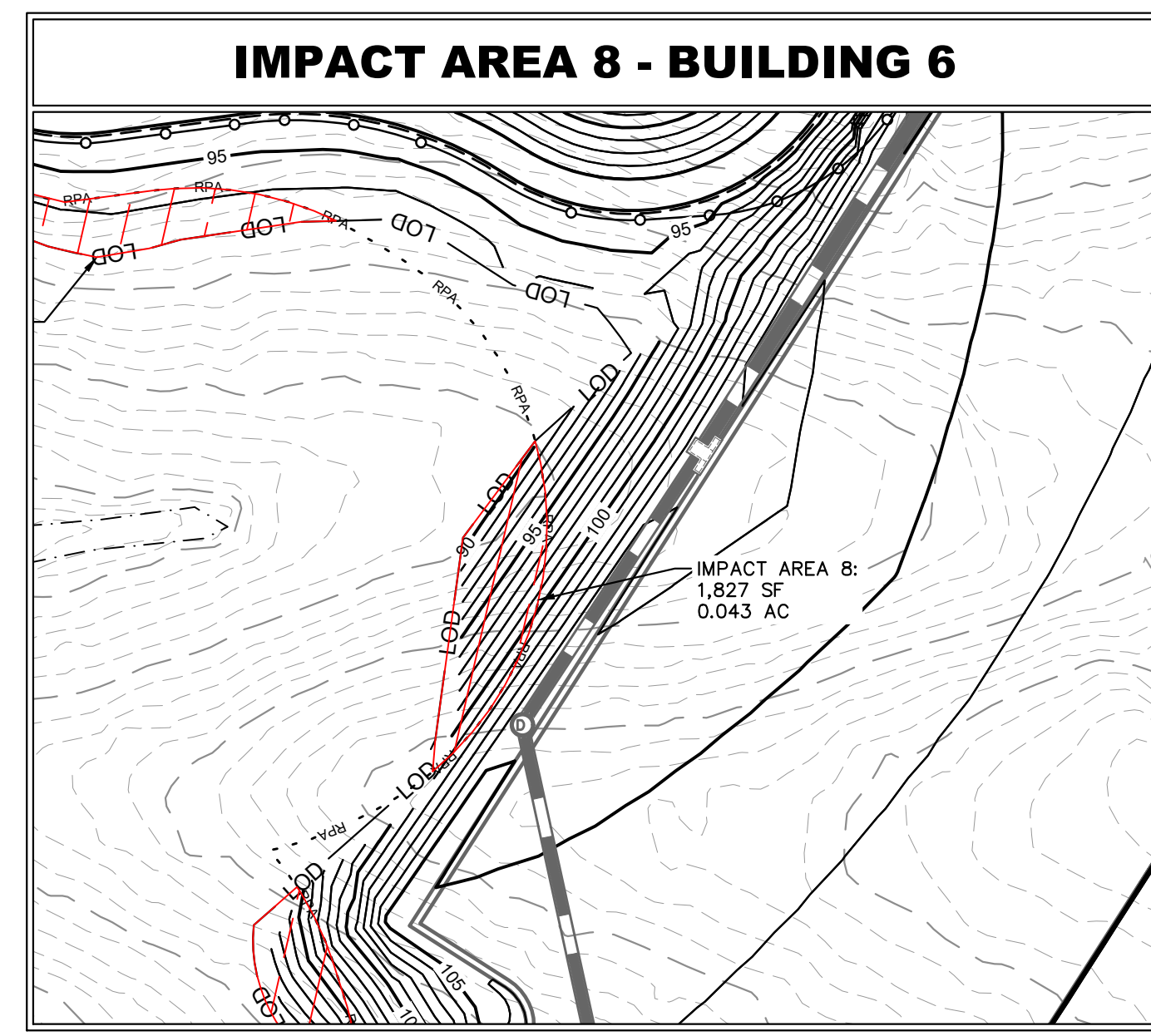
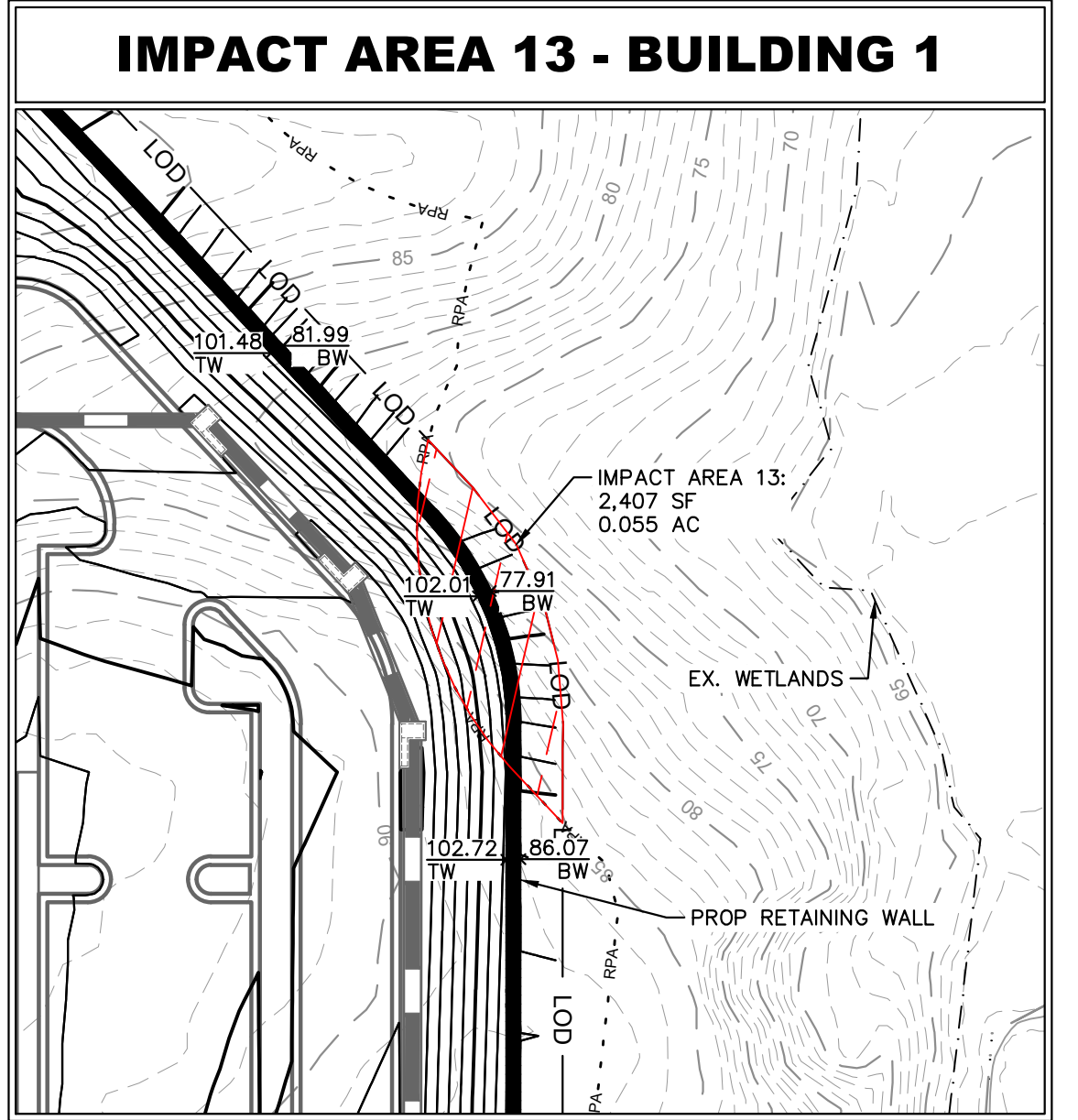
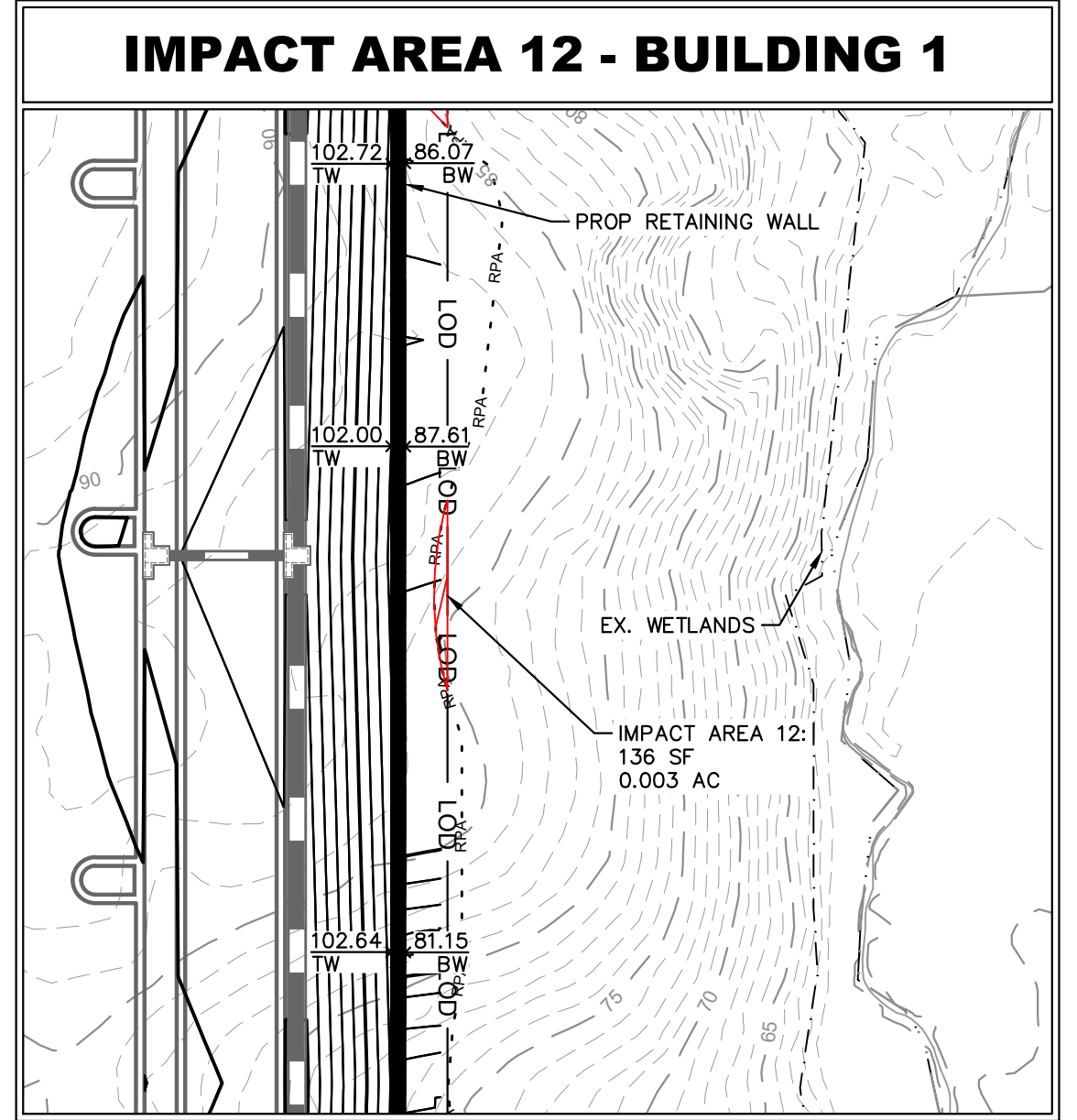
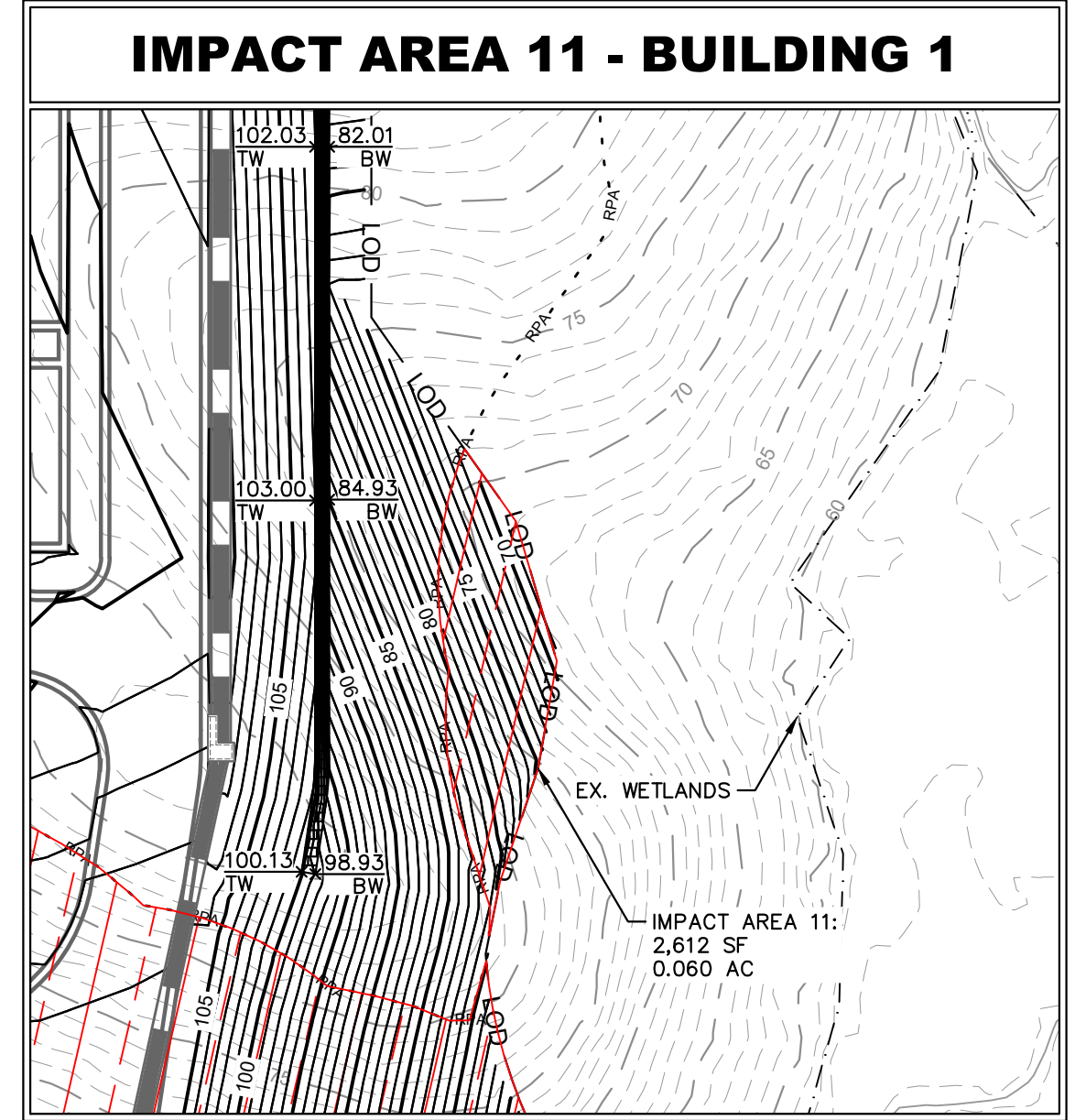
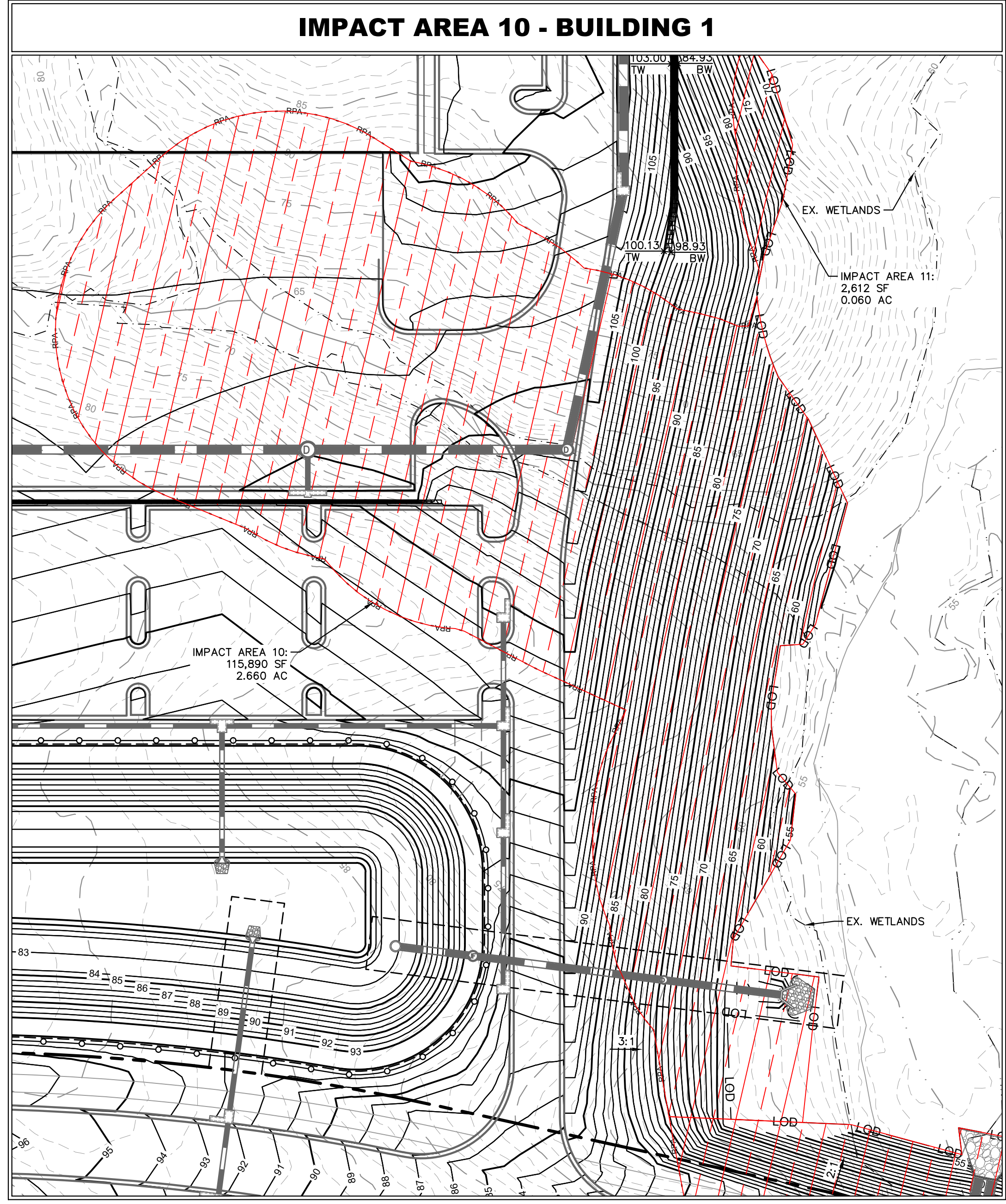
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 PHONE: 804-673-9882  
 WWW.KIMLEY-HORN.COM

KHA PROJECT	113451001
DATE	12/22/2023
SCALE	AS SHOWN
DESIGNED BY	JHN
DRAWN BY	JHN
CHECKED BY	MRE

**RPA IMPACT EXHIBIT**

LOVETT 64  
 COMMERCE CENTER  
 PHASE 1 SITE PLANS  
 JAMES CITY COUNTY VIRGINIA

Plotted By: Boyd, Mark. Sheet: Set: LOVETT 64 COMMERCE CENTER - PHASE 1. Layout: 3. December 20, 2023. 11:07:27pm. K:\RICHMOND\113451000 - Hazewood Farms - James City County\CAD\Exhibits\2023-10-2 RPA Impacts Exhibit\RPA Impact Exhibit.dwg  
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<b>LOVETT 64 COMMERCE CENTER PHASE 1 SITE PLANS</b>	<b>RPA IMPACT EXHIBIT</b>	<b>Kimley»Horn</b> <small>© 2023 KIMLEY-HORN AND ASSOCIATES, INC.                  2035 MAYWELL ST., SUITE 200, RICHMOND, VA 23230                  PHONE: 804-673-9882                  WWW.KIMLEY-HORN.COM</small>
KHA PROJECT: 113451001 DATE: 12/22/2023 SCALE: AS SHOWN DESIGNED BY: JHN DRAWN BY: JHN CHECKED BY: MRE	REVISIONS No. _____ DATE _____ BY _____	
SHEET NUMBER <b>3 OF 3</b>	VIRGINIA JAMES CITY COUNTY	



**General Services**  
107 Tewning Road  
Williamsburg, VA 23188  
P: 757-259-4080  
General.Services@jamescitycountyva.gov  
[jamescitycountyva.gov](http://jamescitycountyva.gov)

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

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

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

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

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

«Last\_Name»  
«Address\_Line\_1»  
«City», «State» «Zip\_Code»

RE: CBPA-23-0174  
9400 Barnes Road  
Site grading associated  
construction of building

April 18, 2024

Dear Adjacent Property Owner:

In accordance with State and County Codes, this letter is to notify you that a request has been filed with the James City County Chesapeake Bay Board by Mr. Mark Boyd, Kimley-Horn, on behalf of LI Hazelwood Farms VA Investor LP, for encroachments into the Resource Protection Area buffer for the site grading associated with the construction of a building. The project is located at 9400 Barnes Road, JCC Tax Map Parcel No. 0430100017.

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

The Chesapeake Bay Board will hold an advertised public hearing on **Wednesday, May 8, 2024, 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,

*Robin Benedict*

Robin Benedict  
Chesapeake Bay Board Secretary  
757-253-6781  
Robin.Benedict@jamescitycountyva.gov

## Adjacent Property Owner Mailing List for Case Number: CBPA-23-0174

<b>PIN</b>	<b>Last Name</b>	<b>Address Line 1</b>	<b>City</b>	<b>State</b>	<b>Zip Code</b>
430300006	BUEL, RICHARD L JR & LISA A	9323 BARNES RD	TOANO	VA	23168-8910
430500008	DEFOREST, KERRY ANN	9415 BARNES RD	TOANO	VA	23168-8912
430500002	DILLARD, ROBERT S &	4403 WARE CREEK RD	WILLIAMSBURG	VA	23188-1123
430500007	GRAHAM, MARDINE	9409 BARNES RD	TOANO	VA	23168-8912
430400011	KELLEY, DANNY L TRUSTEE	217 SKILLMAN DR	TOANO	VA	23168-8933
430300003	LAGUESSE, JOSHUA I	9313 BARNES RD	TOANO	VA	23168-8910
430100017	LI HAZELWOOD FARMS VA INVESTOR LP	401 FRANKLIN ST ~STE 2555	HOUSTON	TX	77002-1569
430500010	MARLEY, RANDALL W	101 RACEFIELD DR	TOANO	VA	23168-8918
430500006	MOOREFIELD , KATHRINE ANN & NATHANIEL	8862 HICKS ISLAND RD	LANEXA	VA	23089-9017
	Mr. Mark Boyd Kimley-Horn	2035 Maywill Street, Suite 200	Richmond	VA	23230-30
430500009	NESS, BONNIE BREEDEN	9427 BARNES RD	TOANO	VA	23168-8912
430300004	SCOTT, JOSIAH J & RIGSBY, LOGAN T	9317 BARNES RD	TOANO	VA	23168-8910
430500004	SMITH, DWAYNE GASTON JR	9347 BARNES ROAD	TOANO	VA	23688-8910
430500003	STUPPY, DAVID W & ANNIE E	9341 BARNES RD	TOANO	VA	23168-8910
430500001	WALLS, RICHARD R & SHARON ANN	9331 BARNES RD	TOANO	VA	23168-8910
430500005	WAVERLY INVESTMENTS LLC	215 MCLAWS CIR ~STE 2B	WILLIAMSBURG	VA	23185-5799
0430400011B	WHEELER, GEORGE L & S DIANE W	219 SKILLMAN DR	TOANO	VA	23168-8933



**PUBLIC HEARING NOTICE**

THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD A PUBLIC HEARING ON **WEDNESDAY, MAY 8, 2024 AT 5:00 P.M.** IN THE COUNTY GOVERNMENT CONFERENCE ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-24-0042: Mr. Larry Walk, Walk Wright Construction, LLC., on behalf of Mr. James and Ms. Mary Kim, has applied for a Chesapeake Bay Exception for the construction of a retaining wall on property located at 140 Freshwater Bay, JCC Real Estate Tax Map Parcel No. 3131500023.

CBPA-24-0045: Mr. Mark Boyd, Kimley-Horn, on behalf of LI Hazelwood Farms VA Investor LP, has applied for a Chesapeake Bay Exception for the extension of off-site public utilities on property located at 275 Old Stage Road, JCC Real Estate Tax Map Parcel No. 0440100013.

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 Mounts Bay Road, Building E, James City County, Virginia.

**NOT FOR PUBLICATION**

DISPLAY: WEDNESDAY – April 24, 2024 and May 1, 2024  
ACCOUNT NO. CU00015112  
VIRGINIA GAZETTE  
1/8 PAGE, VERTICAL, B/W

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-24-0042. 140 Freshwater Bay  
Staff Report for the May 8, 2024, Chesapeake Bay Board Public Hearing**

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*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.*

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**EXISTING SITE DATA AND INFORMATION**

Applicants: Mr. James and Ms. Mary Kim

Agent: Mr. Larry Walk, Walk Wright Construction, LLC

Location: 140 Freshwater Bay

Parcel Identification No.: 3131500023

Parcel: Lot 23, Section 33, Ford's Colony

Lot Size: 0.58 acres

Area of Lot in Resource Protection Area (RPA): 0.18 acres (31%)

Watershed: Powhatan Creek (JL31)

Floodplain: None

Proposed Activity: Construction of a retaining wall

Impervious Cover: 120 square feet

RPA Encroachment: 120 square feet, landward 50-foot RPA

Staff Contact: Robin Benedict, Watershed Planner Phone: 253-6781

**BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES**

Mr. Larry Walk, Walk Wright Construction, LLC, has applied for a Chesapeake Bay Exception on behalf of Mr. James and Ms. Mary Kim for encroachments into the RPA buffer for the construction of a retaining wall located at 140 Freshwater Bay within the Ford's Colony subdivision and the Powhatan Creek watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 3131500023. The parcel was platted in 2008, after the changes to the Chesapeake Bay Preservation Ordinance in 2004.

The total lot size of this property is 0.58 acres, of which 31% is located within the RPA. The applicants are proposing to construct a foot-wide retaining wall. Total impacts to the RPA associated with this proposal equate to 120 square feet of impacts within the landward 50-foot RPA for a total of 120 square feet of impervious impacts. Required mitigation for this amount of impervious impacts equals six shrubs. The applicants have provided a mitigation plan equal to 72 shrubs for both the administratively approved home and retaining wall, therefore satisfying County mitigation requirements.

## **STAFF EVALUATION**

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

## **CONSIDERATION BY THE CHESAPEAKE BAY BOARD**

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

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

## **STAFF RECOMMENDATIONS**

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

1. The Applicants must obtain all other necessary federal, state, and local permits as required for the project; and
2. The Applicants must submit a surety of \$4,500 in a form acceptable to the James City County Attorney's Office to guarantee the mitigation plan equaling 72 shrubs; and
3. This exception request approval will become null and void if construction has not begun by May 8, 2025; and
4. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than March 27, 2025, six weeks prior to the expiration date.

RB/md  
CBPA24-42\_140FWtrBy

Attachments:

1. Resolution
2. Site Plan



## RESOLUTION

CASE NO. CBPA-24-0042. 140 FRESHWATER BAY

### JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Larry Walk, Walk Wright Construction, LLC, on behalf of Mr. James and Ms. Mary Kim (the “Applicants”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on May 8, 2024, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property located at 140 Freshwater Bay (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 3131500023, as set forth in the application CBPA-24-0042 for the purpose of constructing a retaining wall; and

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

NOW, THEREFORE, BE IT RESOLVED that the Chesapeake Bay Board of James City County, Virginia, following a public hearing, finds that the application meets all the requirements for an exception to the Chesapeake Bay Preservation Ordinance and therefore **APPROVES** the exception request for Chesapeake Bay Board Case No. CBPA-24-0042, subject to the following conditions:

1. The Applicants must obtain all other necessary federal, state, and local permits as required for the project; and
2. The Applicants must submit a surety of \$4,500 in a form acceptable to the James City County Attorney’s Office to guarantee the mitigation plan equaling 72 shrubs; and
3. This exception request approval will become null and void if construction has not begun by May 8, 2025; and
4. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than March 27, 2025, six weeks prior to the expiration date.

\_\_\_\_\_  
Charles Roadley  
Chair, Chesapeake Bay Board

\_\_\_\_\_  
Robin Benedict  
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 8th day of May, 2024.

**RESOLUTION**

**CASE NO. CBPA-24-0042. 140 FRESHWATER BAY**

**JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION**

WHEREAS, Mr. Larry Walk, Walk Wright Construction, LLC, on behalf of Mr. James and Ms. Mary Kim (the “Applicants”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on May 8, 2024, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property located at 140 Freshwater Bay (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 3131500023, as set forth in the application CBPA-24-0042 for the purpose of constructing a retaining wall; and

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

NOW, THEREFORE, BE IT RESOLVED that the Chesapeake Bay Board of James City County, Virginia, following a public hearing, finds that the application does not meet all the requirements for an exception to the Chesapeake Bay Preservation Ordinance and therefore **DENIES** the exception request for Chesapeake Bay Board Case No. CBPA-24-0042.

\_\_\_\_\_  
Charles Roadley  
Chair, Chesapeake Bay Board

\_\_\_\_\_  
Robin Benedict  
Secretary to the Board

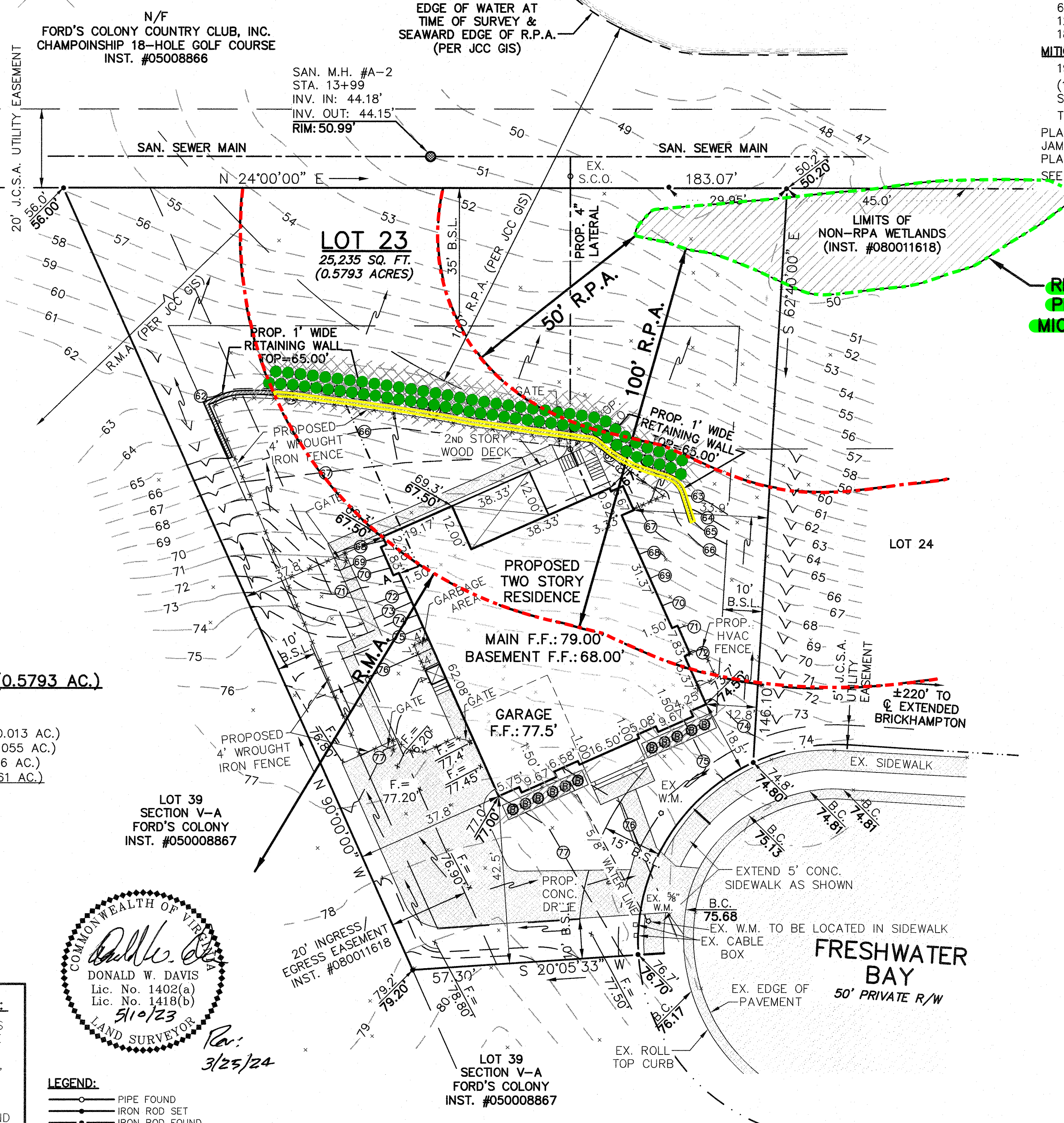
Adopted by the Chesapeake Bay Board of James City County, Virginia, this 8th day of May, 2024.

CBPA24-42\_140FWtrByDny-res

ORNAMENTAL PLANTINGS			
COUNT	TYPE	COMMON NAME	SYMBOL
11	EVERGREEN	BURFORD'S HOLLY	

**R.P.A. BUFFER MITIGATION CALCULATIONS**  
 IMPERVIOUS AREA WITHIN 50' R.P.A.: 0 S.F. (0 AC.)  
 IMPERVIOUS AREA WITHIN 100' R.P.A.: 2,295 SQ. FT. (0.0527 ACRES)  
 IMPERVIOUS AREA WITHIN R.M.A.: 4,733 SQ. FT. (0.1087 ACRES)  
**REQUIRED UNITS = 6 (2,295/400)**  
**REQUIRED PLANTINGS:**  
 6 CANOPY TREES  
 12 UNDERSTORY TREES  
 18 SHRUBS  
**MITIGATION PROVIDED:**  
 19 EXISTING TREES TO REMAIN.  
 (18 REQUIRED TREES REPLACED WITH SHRUBS AT A RATIO OF 3 SHRUBS TO 1 TREE)  
 TOTAL SHRUBS PROVIDED: 72  
 PLANTINGS TO BE USED ARE NATIVE STOCK, USE HRPDC PLANT LIST OR JAMES CITY COUNTY APPROVED PLANTINGS. OWNER TO PROVIDE PLANTING LIST FROM NURSERY PLANT LIST.  
 SEE PROPOSED PLANTING LIST ON SHEET 3 OF 3.

RECORD NORTH  
 INST. #080011618



**REVISED SEAWARD EDGE OF R.P.A., PER JAMES CITY COUNTY OFFICIAL, MICHAEL WOOLSON (MARCH 13, 2024)**

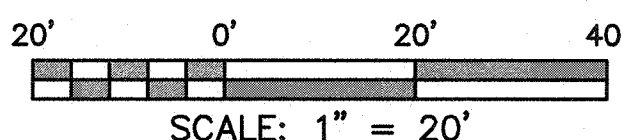
**TOTAL LOT AREA = 25,235 S.F. (0.5793 AC.)**  
**PROPOSED IMPERVIOUS COVER**  
 STRUCTURES - 3,781 S.F. (0.087 AC.)  
 PATIO, STOOP, & WOOD DECK - 562 S.F. (0.013 AC.)  
 DRIVE & WALKS ON SITE - 2,405 S.F. (0.055 AC.)  
 DRIVE & WALKS IN R/W - 280 S.F. (0.006 AC.)  
 TOTAL DRIVE & WALKS - 2,685 S.F. (0.061 AC.)  
 TOTAL AREA - 7,028 S.F. (0.161 AC.)

NOTE:  
 CONTRACTOR TO STEP DOWN THE SIDEWALK ALONG THE WEST SIDE OF THE HOUSE TO ALLEVIATE STEEP SLOPE.

**EROSION & SEDIMENT CONTROL NOTE:**  
 LOT 23, FORD'S COLONY @ WILLIAMSBURG, IS A SINGLE FAMILY RESIDENTIAL LOT. THE SITE IS PARTLY WOODED WITH GOOD NATURAL DRAINAGE. LITTLE LOT GRADING IS REQUIRED, HOWEVER, WHERE GRADING IS NECESSARY, ADEQUATE PRECAUTIONS WILL BE TAKEN TO MINIMIZE EROSION AND SEDIMENT RUN-OFF. SEDIMENT WILL BE TRAPPED ON SITE. GROUND LEFT DENUDED FOR LONGER THAN 30 DAYS WILL NOT BE ALLOWED. IF NECESSARY, TEMPORARY SEEDING WILL BE USED. ALL EROSION CONTROL MEASURES WILL BE CHECKED AND REPAIRED IF NECESSARY, ESPECIALLY AFTER EACH SIGNIFICANT STORM.

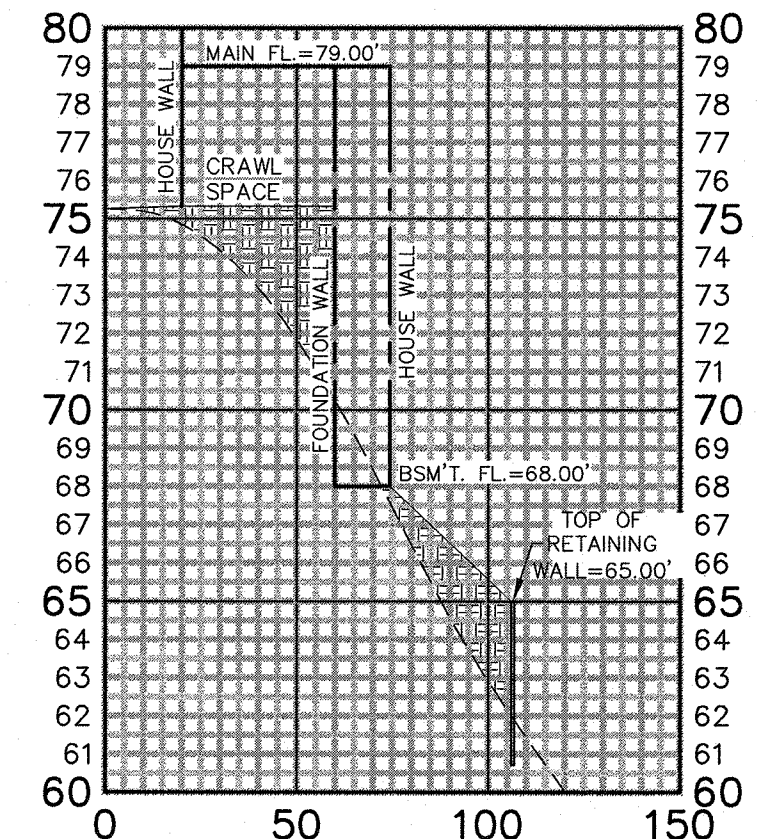
COMMONWEALTH OF VIRGINIA  
 DONALD W. DAVIS  
 Lic. No. 1402(a)  
 Lic. No. 1418(b)  
 5/10/23  
 LAND SURVEYOR  
 Rev: 3/25/24

- LEGEND:**
- PIPE FOUND
  - IRON ROD SET
  - IRON ROD FOUND
  - CONC. MONUMENT
  - DENOTES SPOT ELEVATION
  - DENOTES EXISTING ELEVATION
  - DENOTES PROPOSED ELEVATION
  - DENOTES PROP. CONTOUR
  - DENOTES EXIST. CONTOUR



NOTE: DOWN SPOUTS TO BE CONNECTED TO UNDERGROUND 4" PVC DOWNSPOUTS

DAVIS & ASSOCIATES, P.C.  
 SURVEYORS - PLANNERS  
 3630 GEORGE WASHINGTON  
 MEMORIAL HIGHWAY - SUITE G  
 YORKTOWN, VIRGINIA 23693  
 (757)867-8583



**SECTION "A-A"**  
 HORIZONTAL SCALE: 1" = 50'  
 VERTICAL SCALE: 1" = 5'

DEVELOPMENT PLAN JOB LOCATION: #140 FRESHWATER BAY  
**LOT 23**  
 PLAT OF BOUNDARY LINE ADJUSTMENT AND LOT LINE EXTINGUISHMENT  
**LOTS 23-37, SECTION XXXIII FORD'S COLONY**  
 POWHATAN DISTRICT  
 JAMES CITY COUNTY, VIRGINIA  
 INSTRUMENT #080011618

**NOTES:**

1. RESIDENCE SHOWN HEREON IS LOCATED IN ZONE X AS SHOWN ON FLOOD INSURANCE RATE COMMUNITY NUMBER 510201, MAP NUMBER 51095C0116D, EFFECTIVE DATE: DECEMBER 16, 2015.
2. THIS DRAWING REPRESENTS AN ACTUAL FIELD SURVEY AND INFORMATION SHOWN HEREON IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.
3. HOUSE DIMENSIONS BASED ON INFORMATION SUPPLIED BY OWNER/DEVELOPER. BUILDING DIMENSIONS SHOWN HEREON ARE TO THE FRAME LINE.
4. THE BUILDING SITE IS NOT IN A FLOOD PLAIN.
5. THE BUILDER MUST VERIFY THE BUILDING DIMENSIONS FROM THE ARCHITECTURAL PLANS BEFORE ANY CONSTRUCTION TAKES PLACE. NOT ADHERING TO THIS REQUIREMENT WILL INVALIDATE THIS SITE PLAN AND ANY CONSTRUCTION STAKE-OUT.
6. ALL TREES LARGER THAN 3" IN DIAMETER AND OUTSIDE THE LIMITS OF CLEARING MAY NOT BE REMOVED WITHOUT THE CONSENT OF FORD'S COLONY OR ITS ASSIGNS.
7. ALL DISTURBED AREAS ARE TO BE SEEDED, SODDED, OR MULCHED WITHIN SEVEN DAYS OF REACHING FINAL GRADE.
8. ELEVATIONS SHOWN HEREON ARE BASED ON SEWER MANHOLE 55202-0011, ELEV: 50.99' (1988 DATUM).
9. AREA OF DISTURBANCE = 17,529 SQ. FT.
10. HORIZONTAL & VERTICAL UNITS OF MEASUREMENT ARE U.S. SURVEY FEET.
11. THIS DEVELOPMENT PLAN WAS PERFORMED AT THE DIRECTION OF JAMES C. KIM, OWNER.
12. STORMWATER RUN-OFF MUST BE CONTAINED ON SITE TO AN ACCEPTABLE LOCATION. STORMWATER WILL NOT BE ALLOWED ONTO ADJACENT PROPERTIES.
13. THIS DEVELOPMENT PLAN WAS COMPLETED UNDER THE DIRECT AND RESPONSIBLE CHARGE OF DONALD W. DAVIS FROM AN ACTUAL GROUND SURVEY MADE UNDER HIS SUPERVISION. THE ORIGINAL DATA WAS OBTAINED ON 10 MAY, 2023. THIS PLAT MEETS MINIMUM ACCURACY STANDARDS UNLESS OTHERWISE NOTED.

I HAVE BEEN RETAINED AND PAID TO STAKE, AT A MINIMUM, THE BUILDING ENVELOPE. THE ARCHITECTURAL PLANS WERE PROVIDED BY SCOTT HALL RESIDENTIAL DESIGNS, DATED 24TH JULY, 2023.

SIGNED: *Donald W. Davis* 5/10/23  
 LAND SURVEYOR DATE  
 Rev: 3/25/24

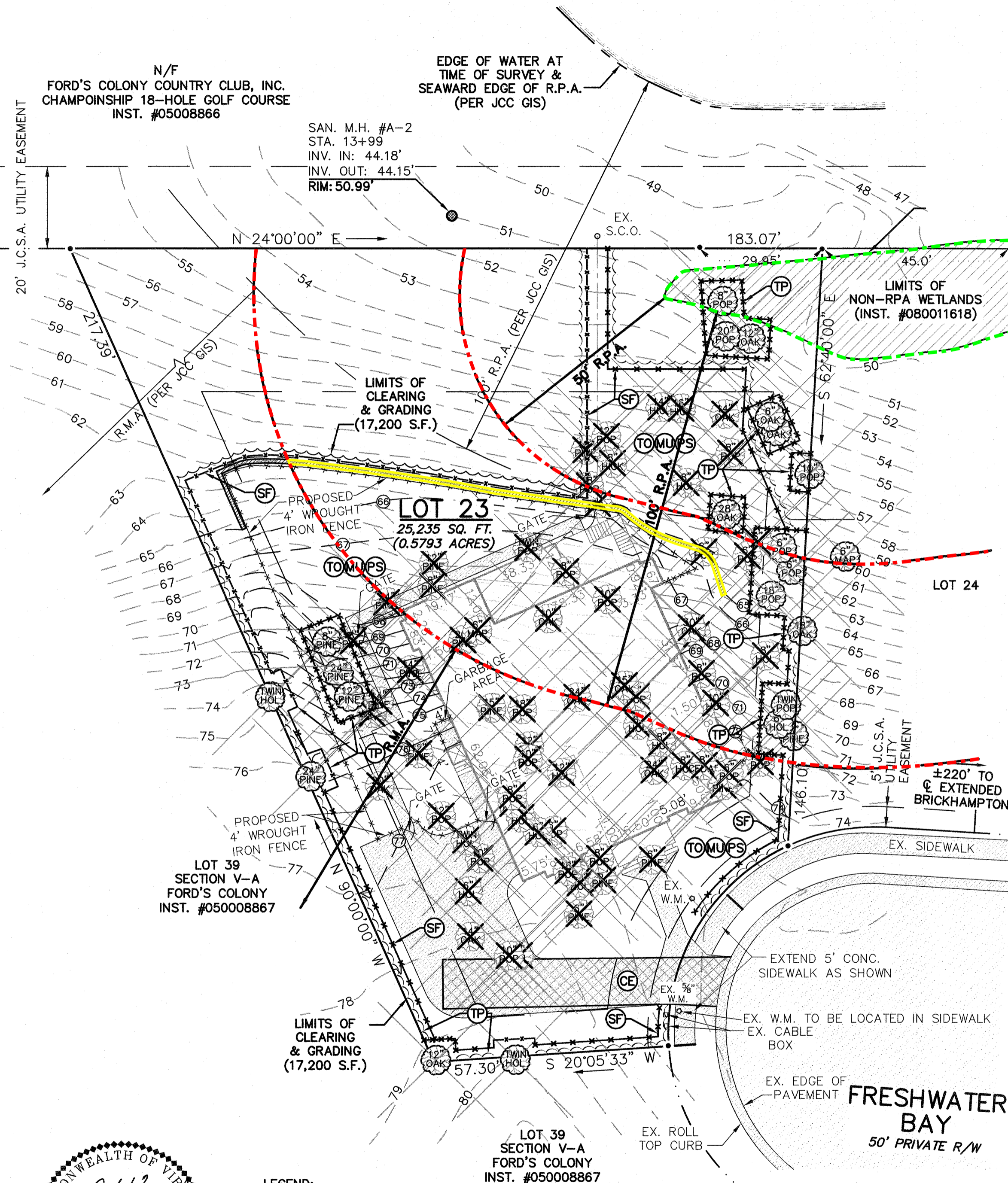
**BUILDING SETBACKS (PER COVENANTS)**

- FRONT SETBACK: 15' (FEET) FROM FRONT LOT LINE
- SIDE SETBACK: 10' (FEET) FROM SIDE LOT LINES
- REAR SETBACK: 35' (FEET)

IN THE EVENT THE ENVIRONMENTAL CONTROL COMMITTEE SHALL DETERMINE THAT APPLICATION OF THE AFORESAID SETBACKS TO A PARTICULAR LOT WOULD UNREASONABLY LIMIT THE USE THEREOF BY THE OWNER AND EFFECTIVELY DEPRIVE HIM OF AN APPROPRIATE CONSTRUCTION SITE, THE ENVIRONMENTAL CONTROL COMMITTEE SHALL GRANT A VARIANCE TO THE OWNER OF SAID LOT FROM THE PROVISIONS OF THESE SETBACK REQUIREMENTS.

OWNER AND CONTRACTOR ARE HEREBY REFERRED TO FORD'S COLONY PROTECTIVE COVENANTS FOR MORE COMPLETE DEFINITIONS AND LOCATIONS OF ADDITIONAL EXISTING EASEMENTS AND SETBACKS NOT SHOWN ON THIS DRAWING.

RECORD NORTH  
 INST. #080011618



**LEGEND**

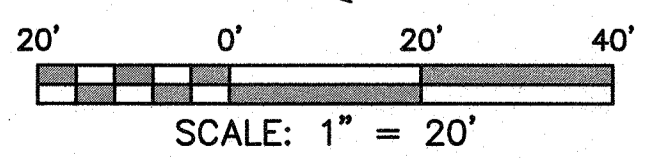
- DENOTES EXISTING TREE TO REMAIN
- DENOTES TREE TO BE REMOVED
- DENOTES CONSTRUCTION ENTRANCE
- DENOTES SILT FENCE
- DENOTES TREE PROTECTION
- DENOTES TOPSOILING
- DENOTES MULCHING
- DENOTES PERMANENT SEEDING

**OWNER INFORMATION:**  
 OWNER: JAMES C. KIM & MARY P. KIM  
 MAILING ADDRESS:  
 2369 LONGSPUR DRIVE  
 ALEDO, TX 76008  
 TELEPHONE: (917) 301-0198  
 DEED: INSTRUMENT #202216435

EXISTING TREE COUNT		
ABBREVIATION	SPECIES	COUNT
CED	CEDAR	1
HICK	HICKORY	3
HOL	HOLLY	18
MAP	MAPLE	2
PINE	PINE	20
POP	POPLAR	31
OAK	OAK	15

COMMONWEALTH OF VIRGINIA  
*Donald W. Davis*  
 DONALD W. DAVIS  
 Lic. No. 1402(a)  
 Lic. No. 1418(b)  
 5/10/23  
 LAND SURVEYOR  
 Rev: 3/25/24

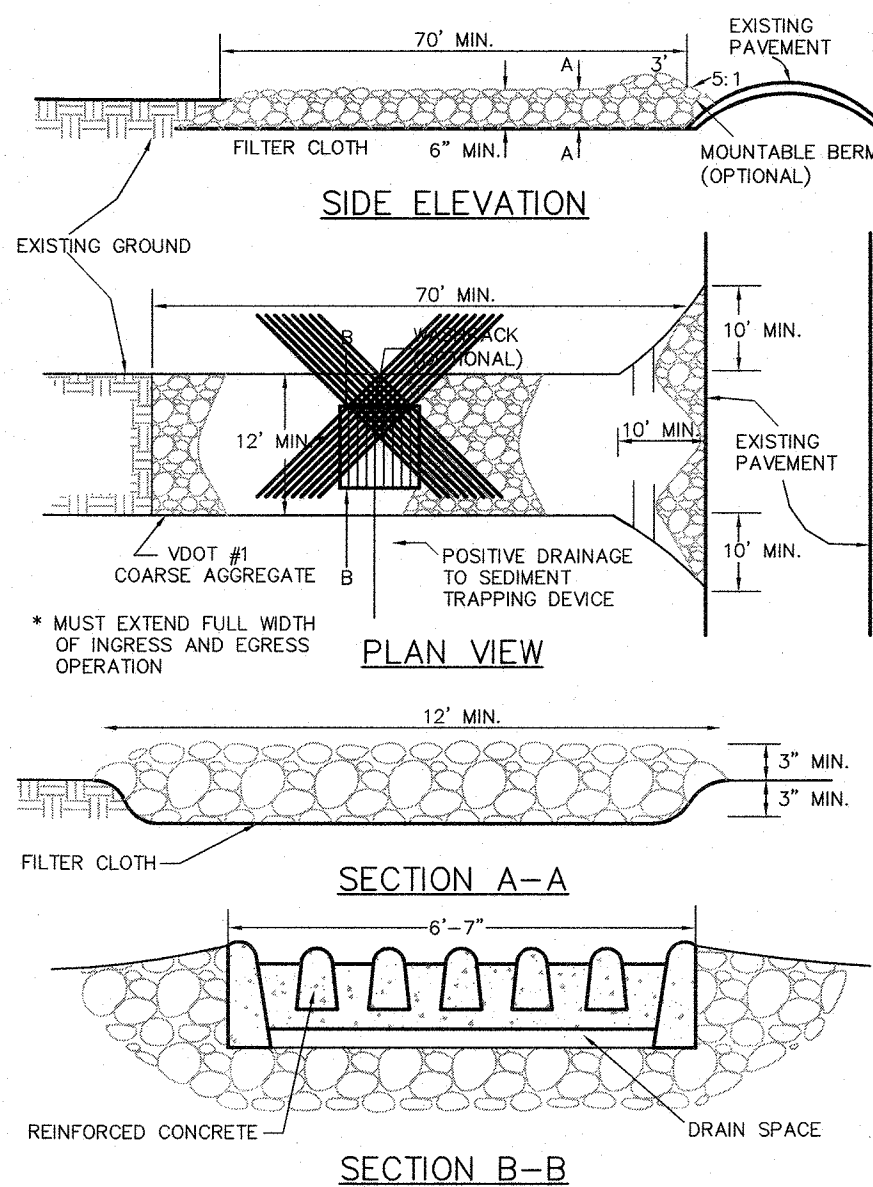
- LEGEND:**
- PIPE FOUND
  - IRON ROD SET
  - IRON ROD FOUND
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  - DENOTES SPOT ELEVATION
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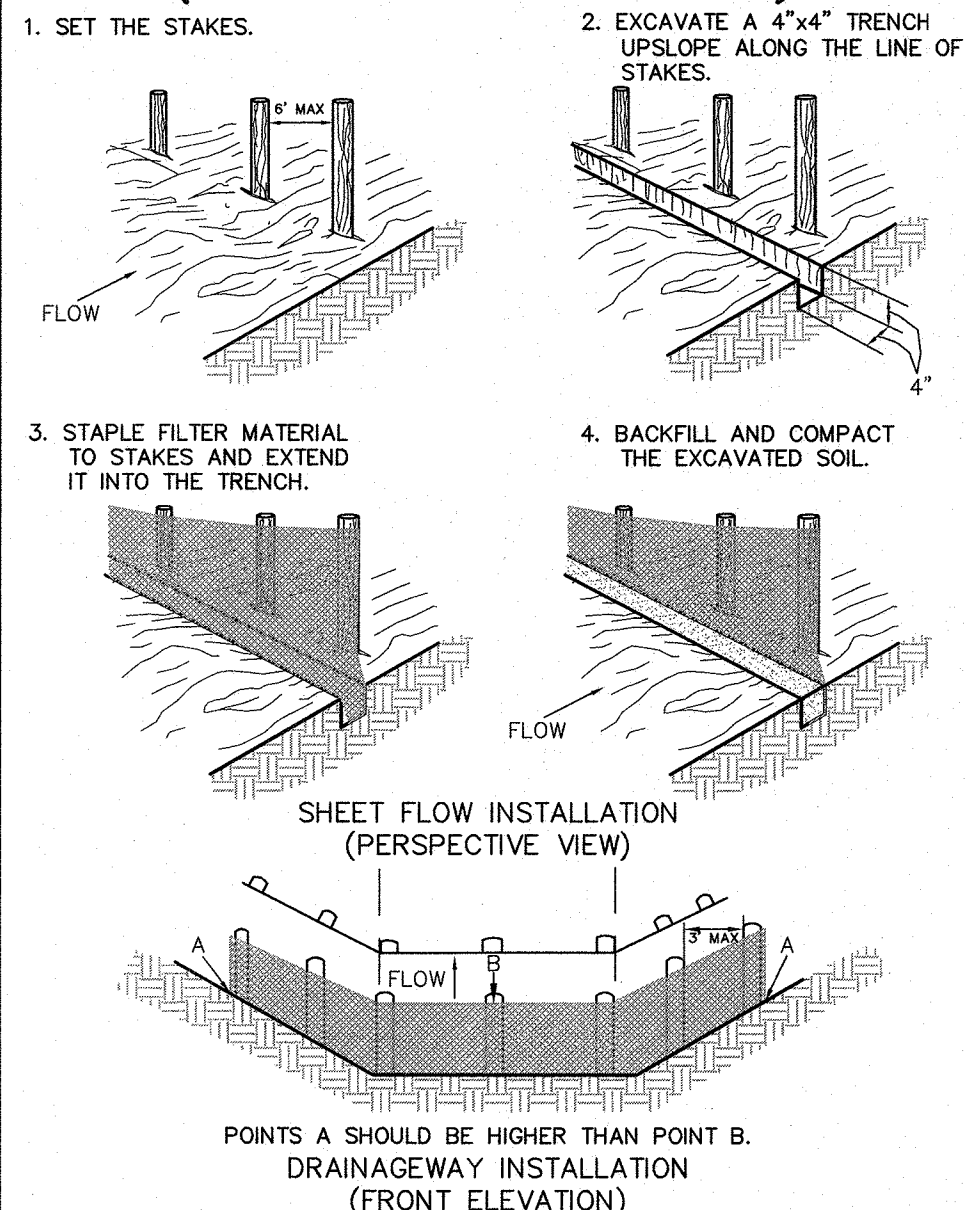
DAVIS & ASSOCIATES, P.C.  
 SURVEYORS - PLANNERS  
 3630 GEORGE WASHINGTON  
 MEMORIAL HIGHWAY - SUITE G  
 YORKTOWN, VIRGINIA 23693  
 (757)867-8583

E&S CONTROL PLAN JOB LOCATION: #140 FRESHWATER BAY  
**EROSION AND SEDIMENT CONTROL PLAN**  
**LOT 23**  
 PLAT OF BOUNDARY LINE ADJUSTMENT  
 AND LOT LINE EXTINGUISHMENT  
**LOTS 23-37, SECTION XXXIII**  
**FORD'S COLONY**  
 POWHATAN DISTRICT  
 JAMES CITY COUNTY, VIRGINIA  
 INSTRUMENT #080011618

**CE STONE CONSTRUCTION ENTRANCE**



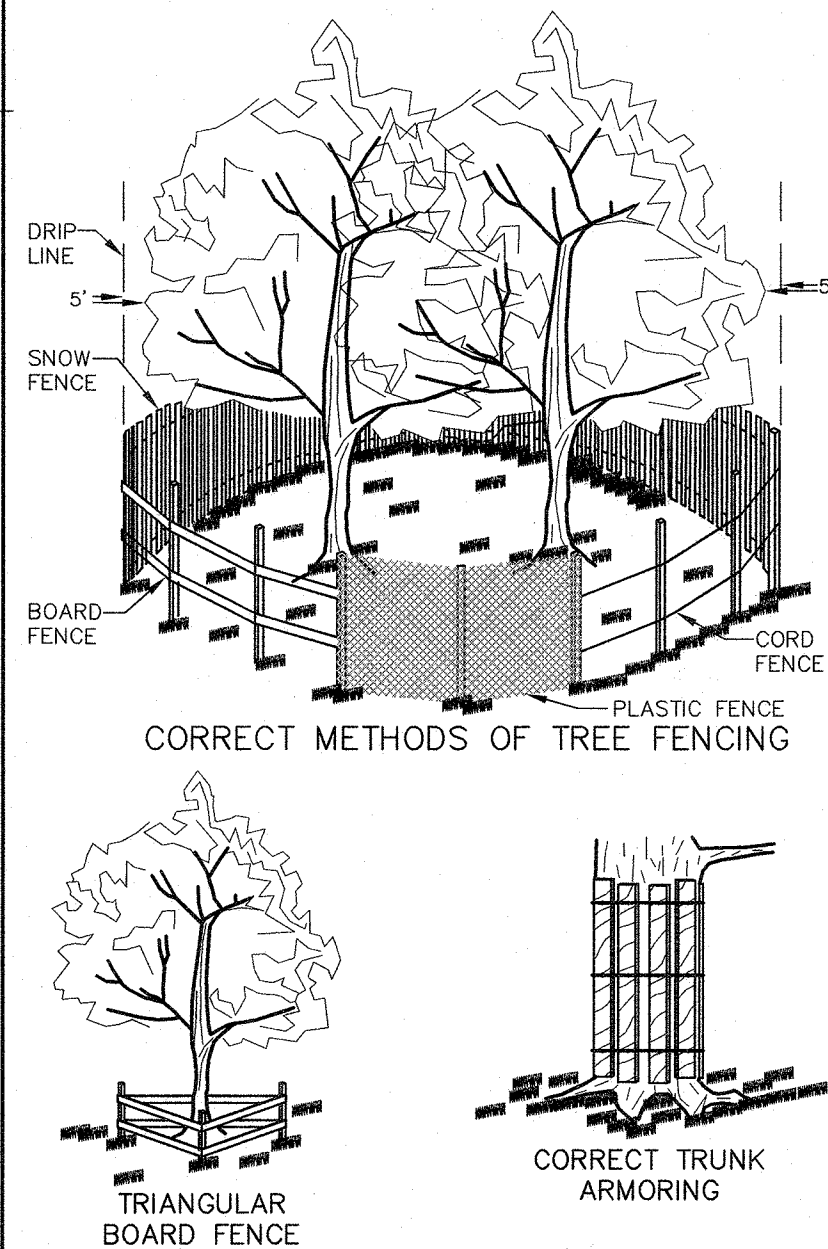
**SF CONSTRUCTION OF A SILT FENCE (WITHOUT WIRE SUPPORT)**



**PROPOSED SHRUB LIST**

SYMBOL	QUANTITY	BOTANICAL NAME	COMMON NAME	HEIGHT	SPREAD	SHRUB TYPE
Ⓢ1	18	CEPHALANTHUS OCCIDENTALIS	BUTTONBUSH	15"	-	DECIDUOUS SHRUB
Ⓢ2	18	CLETHRA AINIFOLIA	PEPPERBUSH	15"	-	DECIDUOUS SHRUB
Ⓢ3	18	EUBOTRYS RACEMOSUS	FETTERBUSH	15"	-	EVERGREEN SHRUB
Ⓢ4	18	KALMIA LATIFOLIA	MOUNTAIN LAUREL	15"	-	EVERGREEN SHRUB

**TP FENCING AND ARMORING**



COMMONWEALTH OF VIRGINIA  
 DONALD W. DAVIS  
 Lic. No. 1402(a)  
 Lic. No. 1418(b)  
 5/10/23  
 LAND SURVEYOR

Rev:  
 3/25/24

DAVIS & ASSOCIATES, P.C.  
 SURVEYORS - PLANNERS  
 3630 GEORGE WASHINGTON  
 MEMORIAL HIGHWAY - SUITE G  
 YORKTOWN, VIRGINIA 23693  
 (757)867-8583

DETAILS SHEET JOB LOCATION: #140 FRESHWATER BAY  
**EROSION AND SEDIMENT CONTROL PLAN**  
**LOT 23**  
 PLAT OF BOUNDARY LINE ADJUSTMENT  
 AND LOT LINE EXTINGUISHMENT  
**LOTS 23-37, SECTION XXXIII**  
**FORD'S COLONY**  
 POWHATAN DISTRICT  
 JAMES CITY COUNTY, VIRGINIA  
 INSTRUMENT #080011618



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

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

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

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

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

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

«Last\_Name»  
«Address\_Line\_1»  
«City», «State» «Zip\_Code»

RE: CBPA-24-0042  
140 Freshwater Bay  
Construction of retaining wall

April 18, 2024

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. Larry Walk, Walk Wright Construction, LLC., on behalf of Mr. James and Ms. Mary Kim, for encroachments into the Resource Protection Area buffer for the construction of a retaining wall. The project is located at 140 Freshwater Bay, JCC Tax Map Parcel No. 3131500023.

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

The Chesapeake Bay Board will hold an advertised public hearing on **Wednesday, May 8, 2024, 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,

*Robin Benedict*

Robin Benedict  
Chesapeake Bay Board Secretary  
757-253-6781  
Robin.Benedict@jamescitycountyva.gov

## Adjacent Property Owner Mailing List for Case Number: CBPA-24-104

<b>PIN</b>	<b>Last Name</b>	<b>Address Line 1</b>	<b>City</b>	<b>State</b>	<b>Zip Code</b>
3131500024	KIM, JAMES C & MARY P	2369 LONGSPUR DR	ALEDO	TX	76008-2006
	Larry Walk Walk Wright Construction, LLC	162 Devon Road	Williamsburg	VA	23188
3130600039	WHALEY, DAVID A TRUSTEE &	324 DOGLEG DR	WILLIAMSBURG	VA	23188-7415



**PUBLIC HEARING NOTICE**

THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD A PUBLIC HEARING ON **WEDNESDAY, MAY 8, 2024 AT 5:00 P.M.** IN THE COUNTY GOVERNMENT CONFERENCE ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-24-0042: Mr. Larry Walk, Walk Wright Construction, LLC., on behalf of Mr. James and Ms. Mary Kim, has applied for a Chesapeake Bay Exception for the construction of a retaining wall on property located at 140 Freshwater Bay, JCC Real Estate Tax Map Parcel No. 3131500023.

CBPA-24-0045: Mr. Mark Boyd, Kimley-Horn, on behalf of LI Hazelwood Farms VA Investor LP, has applied for a Chesapeake Bay Exception for the extension of off-site public utilities on property located at 275 Old Stage Road, JCC Real Estate Tax Map Parcel No. 0440100013.

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 Mounts Bay Road, Building E, James City County, Virginia.

**NOT FOR PUBLICATION**

DISPLAY: WEDNESDAY – April 24, 2024 and May 1, 2024  
ACCOUNT NO. CU00015112  
VIRGINIA GAZETTE  
1/8 PAGE, VERTICAL, B/W



**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-24-0031. 113 Glasgow  
Staff Report for the May 8, 2024, Chesapeake Bay Board Public Hearing**

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*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.*

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**EXISTING SITE DATA AND INFORMATION**

Applicants: Mr. John and Ms. Sheree Konstantinou

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

Location: 113 Glasgow

Parcel Identification No.: 3820200058

Parcel: Lot 58, Section 11A, Ford's Colony

Lot Size: 0.27 acres

Area of Lot in Resource Protection Area (RPA): 0.27 acres (100%)

Watershed: Powhatan Creek (JL31)

Floodplain: Zone AE - Base flood elevation approximately 42.5 feet mean sea level

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

Impervious Cover: 2,714 square feet

RPA Encroachment: 1,243 square feet, seaward 50-foot RPA  
1,471 square feet, impervious within wetlands

Staff Contact: Robin Benedict, Watershed Planner Phone: 253-6781

**BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES**

Mr. Chase Grogg, LandTech Resources, Inc., has applied for a Chesapeake Bay Exception on behalf of Mr. John and Ms. Sheree Konstantinou for encroachments into the RPA buffer for the construction of a single-family dwelling with an attached deck located at 113 Glasgow within the Ford's Colony subdivision and the Powhatan Creek watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 3820200058. The parcel was platted in 1988, prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The total lot size of this property is 0.27 acres, of which 100% is located within the RPA. Existing conditions on this property include a wooded lot with wetlands through the middle and back of the lot as well as floodplain. The applicants are proposing to construct a single-family dwelling with an attached deck. Case No. CBPA-23-0083 was originally heard before this Board on October 11, 2023, where it was denied. This case, CBPA-24-0031, was heard before this Board on April 10, 2024, where the applicants requested a deferral to address drainage concerns from adjacent property owners.

The original site plan (CBPA-23-0083) included 3,011 square feet of impacts to the seaward 50-foot RPA and 1,678 square feet of permanent wetland impacts. The applicants have since decreased the proposed house size, making total impacts to the RPA associated with this proposal equal to 1,243 square feet of impacts to the seaward 50-foot RPA and 1,471 square feet of permanent wetland impacts for a total of 2,714 square feet of impervious impacts. Additionally, the applicants have included a river rock swale on the left side of the property before the existing concrete swale, three French drains that outfall to the proposed river rock swale, and a proposed drainage easement for the existing concrete swale and proposed improvements. The minimum first-floor square footage required for this section of Ford's Colony is 1,100 square feet. The proposed house has a first-floor square footage equal to 1,167 square feet, a 6% increase. Required mitigation for this amount of impervious impacts equals seven planting units (seven canopy trees, 14 understory trees, and 21 shrubs). The applicants have submitted a mitigation plan consisting of five canopy trees, eight understory trees, and 41 shrubs, therefore satisfying the County mitigation requirements. Additionally, the applicants are proposing two micro-bioretenment Best Management Practices (BMPs) to manage drainage on the lot. Staff is also requesting that an affidavit be recorded in the Williamsburg/James City County Courthouse due to the environmental sensitivity of the lot.

### **STAFF EVALUATION**

Staff has evaluated the application and exception request for the construction of a single-family dwelling with an attached deck. This application meets the Ordinance conditions in Sections 23-11 and 23-14 and should be heard by the Board because the construction of the single-family dwelling is entirely within 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 nonconforming that are related to adjacent parcels; and
5. Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality.

### **STAFF RECOMMENDATIONS**

Staff has reviewed the application and exception request and has determined the impacts associated with the proposal to be major for the proposed development. If the Board wishes to approve 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 surety of \$7,000 in a form acceptable to the James City County Attorney's Office to guarantee the mitigation plan equaling seven planting units (seven canopy trees, 14 understory trees, and 21 shrubs) and the construction of two micro-bioretenention BMP facilities; and
4. The Applicants must submit to the Stormwater and Resource Protection Division a Letter of Installation from a qualified professional, confirming compliance with the approved construction plan(s) for the stormwater BMP facility or facilities. No surveyed as-built drawings are required; and
5. This exception request approval will become null and void if construction has not begun by May 8, 2025; and
6. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than March 27, 2025, six weeks prior to the expiration date.

RB/ap  
CBPA24-31\_113Glsgow

Attachments:

1. Resolution
2. Site Plan

## RESOLUTION

CASE NO. CBPA-24-0031. 113 GLASGOW

### JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. John and Ms. Sheree Konstantinou (the “Applicants”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on May 8, 2024, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property located at 113 Glasgow (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 3820200058, as set forth in the application CBPA-24-0031 for the purpose of constructing a single-family dwelling with an attached deck; and

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

NOW, THEREFORE, BE IT RESOLVED that the Chesapeake Bay Board of James City County, Virginia, following a public hearing, finds that the application meets all the requirements for an exception to the Chesapeake Bay Preservation Ordinance and therefore **APPROVES** the exception request for Chesapeake Bay Board Case No. CBPA-24-0031, 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 surety of \$7,000 in a form acceptable to the James City County Attorney’s Office to guarantee the mitigation plan equaling seven planting units (seven canopy trees, 14 understory trees, and 21 shrubs) and the construction of two micro-bioretenion Best Management Practice (BMP) facilities; and
4. The Applicants must submit to the Stormwater and Resource Protection Division a Letter of Installation from a qualified professional, confirming compliance with the approved construction plan(s) for the stormwater BMP facility or facilities. No surveyed as-built drawings are required; and
5. This exception request approval will become null and void if construction has not begun by May 8, 2025; and
6. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than March 27, 2025, six weeks prior to the expiration date.

---

Charles Roadley  
Chair, Chesapeake Bay Board

---

Robin Benedict  
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 8th day of May, 2024.

CBPA24-31\_113GlsgowApp-res

## RESOLUTION

CASE NO. CBPA-24-0031. 113 GLASGOW

### JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. John and Ms. Sheree Konstantinou (the “Applicants”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on May 8, 2024, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property located at 113 Glasgow (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 3820200058, as set forth in the application CBPA-24-0031 for the purpose of constructing a single-family dwelling with an attached deck; and

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

NOW, THEREFORE, BE IT RESOLVED that the Chesapeake Bay Board of James City County, Virginia, following a public hearing, finds that the application does not meet all the requirements for an exception to the Chesapeake Bay Preservation Ordinance and therefore **DENIES** the exception request for Chesapeake Bay Board Case No. CBPA-24-0031.

\_\_\_\_\_  
Charles Roadley  
Chair, Chesapeake Bay Board

\_\_\_\_\_  
Robin Benedict  
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 8th day of May, 2024.

CBPA24-31\_113GlsgowDny-res

**GENERAL NOTES**

1. THIS PLAT WAS PRODUCED WITHOUT THE BENEFIT OF A TITLE REPORT AND REFLECTS ONLY THOSE ENCUMBRANCES, EASEMENTS AND SETBACKS AS SHOWN IN P.B. 49, PG. 45-50.
2. ELEVATIONS SHOWN HEREON ARE IN FEET AND ARE BASED ON A FIELD SURVEY COMPLETED BY SEBERT SURVEYING WITH PERMISSION OF USE BY THIS FIRM.
3. WETLANDS, IF ANY, WERE NOT RESEARCHED OR LOCATED FOR THIS PLAT.
4. THIS FIRM MADE NO ATTEMPT TO LOCATE UNDERGROUND UTILITIES.
5. PARCEL LIES IN F.I.R.M. ZONE "X" ZONE "AE" (ELEV 42) ACCORDING TO COMMUNITY PANEL #51095C0117D, DATED DECEMBER 16, 2015.
6. LOT SERVED BY PUBLIC WATER AND SEWER. CONTRACTOR TO COORDINATE CONNECTIONS WITH JAMES CITY COUNTY UTILITIES.
7. CONTRACTOR SHALL PROVIDE POSITIVE DRAINAGE AWAY FROM BUILDINGS SHOWN HEREON.
8. TOPOGRAPHIC DATA AS SHOWN IS BASED ON A CURRENT FIELD SURVEY COMPLETED BY SEBERT SURVEYING & LAYOUT, LLC..
9. CONTRACTOR SHALL DETERMINE EXACT FINISHED FLOOR ELEVATION AFTER EXCAVATION.
10. PROPOSED RESIDENCE SHOWN BASED OFF OF PLANS PROVIDED BY CLIENT. ALL DIMENSIONS TO BE CONFIRMED BY CONTRACTOR PRIOR TO CONSTRUCTION.
11. CONTRACTOR TO INSTALL ORANGE SAFETY FENCE AROUND PERIMETER OF CONSTRUCTION.

**EROSION & SEDIMENT CONTROL NOTES**

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

**BUILDING INFORMATION**

PROPOSED BUILDING IS A 2-STORY FRAME  
 FORD'S COLONY FIRST FLOOR MIN. S.F.: 1,100  
 PROPOSED FIRST FLOOR S.F.: 1,167  
 PROPOSED GARAGE IS FRONT LOADING

**SITE INFORMATION**

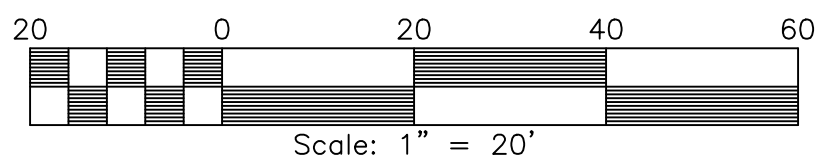
PARCEL ID: 3820200058  
 TOTAL AREA: 11,687 S.F. / 0.7683 AC.  
 IMPERVIOUS AREA: 2,714 S.F. / 0.062 AC.  
 IMPERVIOUS WITHIN WETLANDS : 1,471 S.F. / 0.034 AC.  
 IMPERVIOUS WITHIN 50'RPA : 1,243 S.F. / 0.29 AC.  
 DISTURBED AREA: 8,774 S.F. / 0.201 AC.  
 ZONING DISTRICT: R4 - RESIDENTIAL PLANNED COMMUNITY  
 EXISTING SITE IS PARTLY WOODED AS SHOWN

**BUILDING SETBACK (SBL)**

\*SETBACKS TO BE CONFIRMED BY FORD'S COLONY  
 FRONT: 30'  
 REAR: 25' OR 25% WHICHEVER IS GREATER  
 SIDE: 5'

**EXISTING ADDRESS:**

113 GLASGOW  
 JAMES CITY COUNTY, VIRGINIA

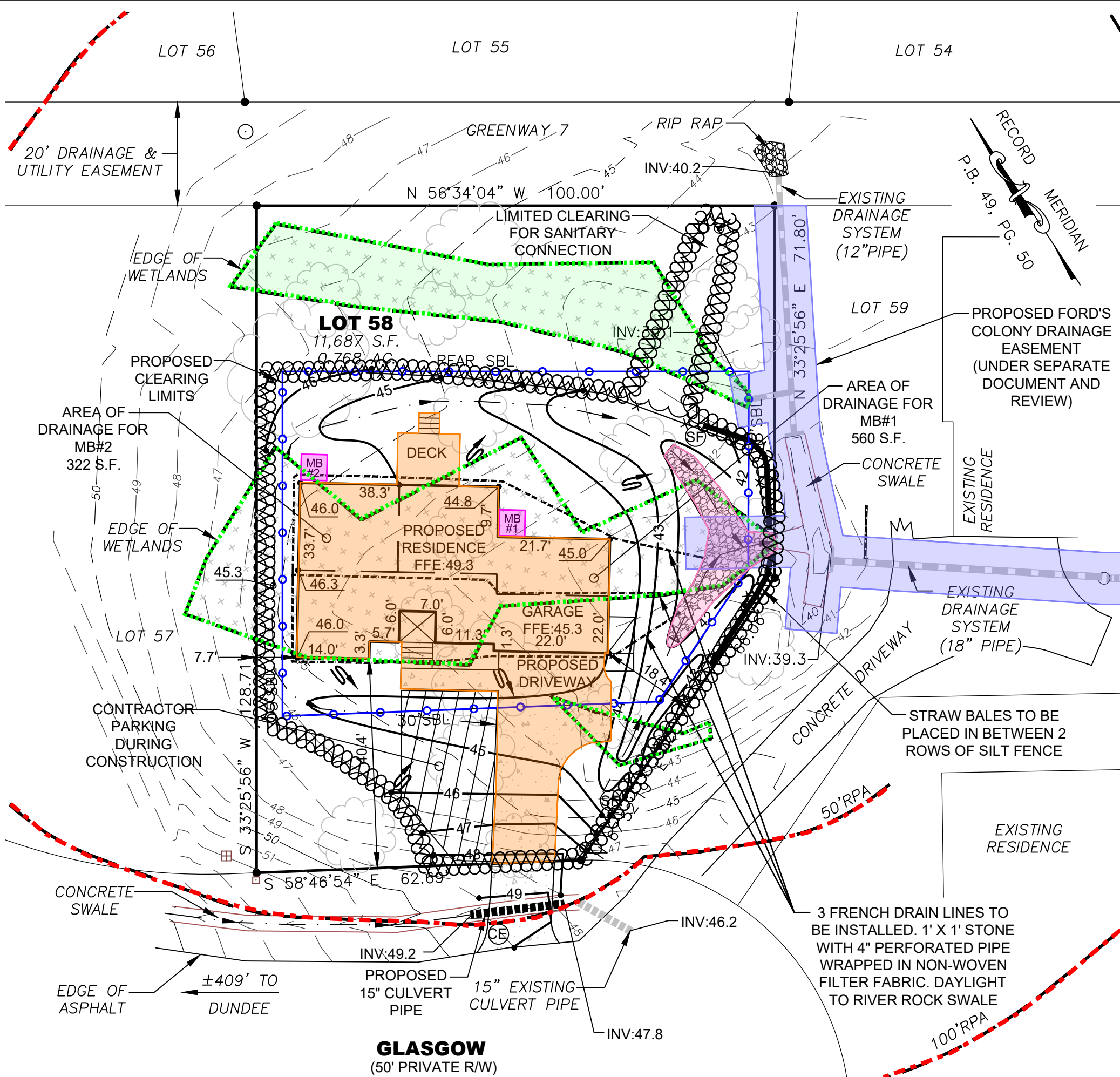


**LEGEND**

- WATER METER
- ⊙ SEWER CLEAN OUT
- TELEPHONE PEDESTAL
- ▣ HVAC UNIT AND TRASH ENCLOSURE
- SANITARY SEWER MANHOLE

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

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



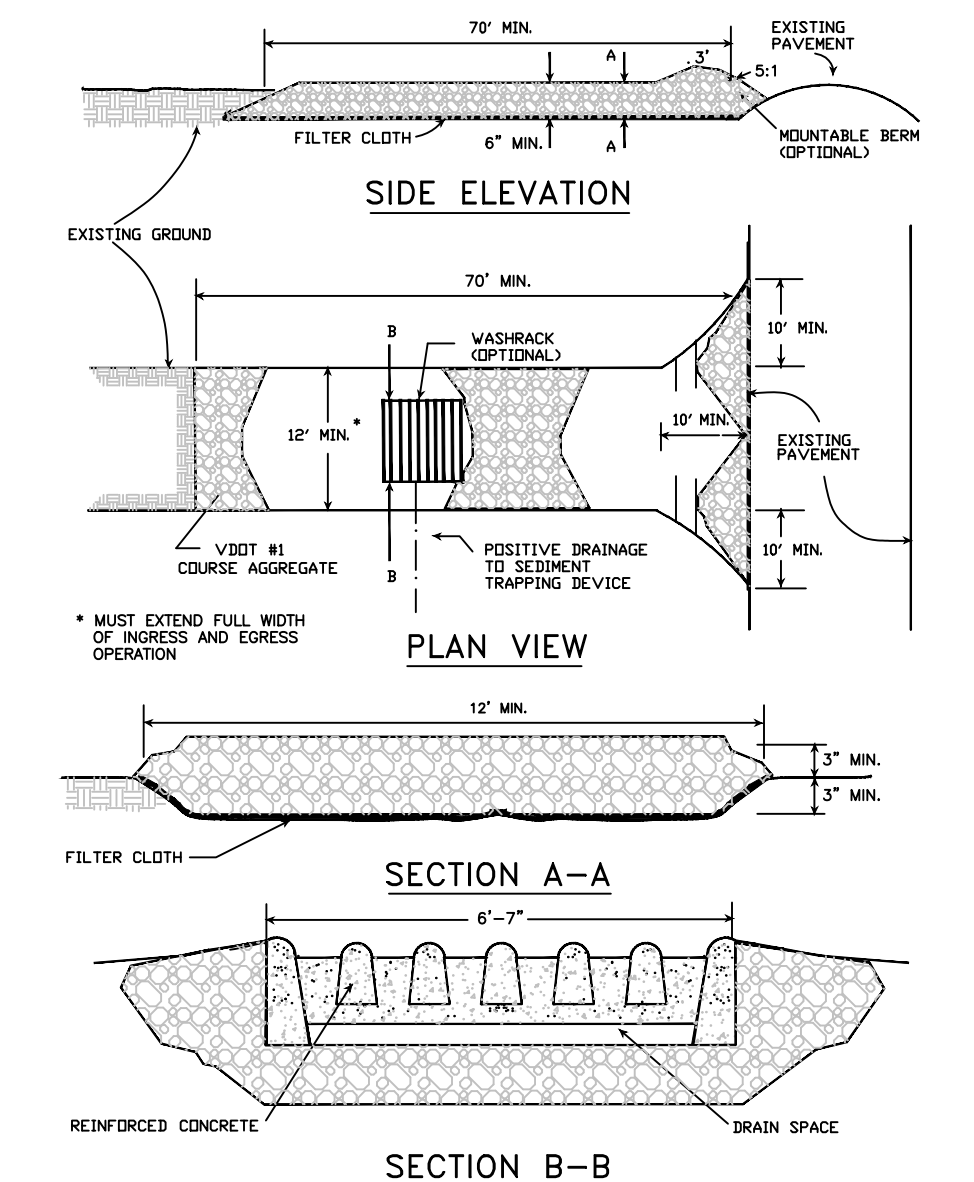
**MICRO BMP CALCULATIONS**

**BMP #1 - BIO-RETENTION FILTER**  
 IMPERVIOUS AREA - 560 S.F.  
 TREATMENT VOLUME -  $T_v = 560 \text{ S.F.} \times 0.08' = 45 \text{ cf}$   
 MEDIA DEPTH -  
 SOIL MEDIA ( $V_r=0.25$ ): DEPTH=18"  
 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 -  
 $D_{eq} = (1.5' \times 0.25) + (1.00' \times 0.40) + (0.25 \times 0.20) + (0.50' \times 1.00) = 1.33'$   
 BIO FILTER SURFACE AREA -  
 $SA = T_v / D_{eq} = 45 \text{ cf} / 1.33' = 33.8 \text{ S.F.}$   
 (MINIMUM SIZE 50 S.F. AS SHOWN)

**MICRO BMP CALCULATIONS**

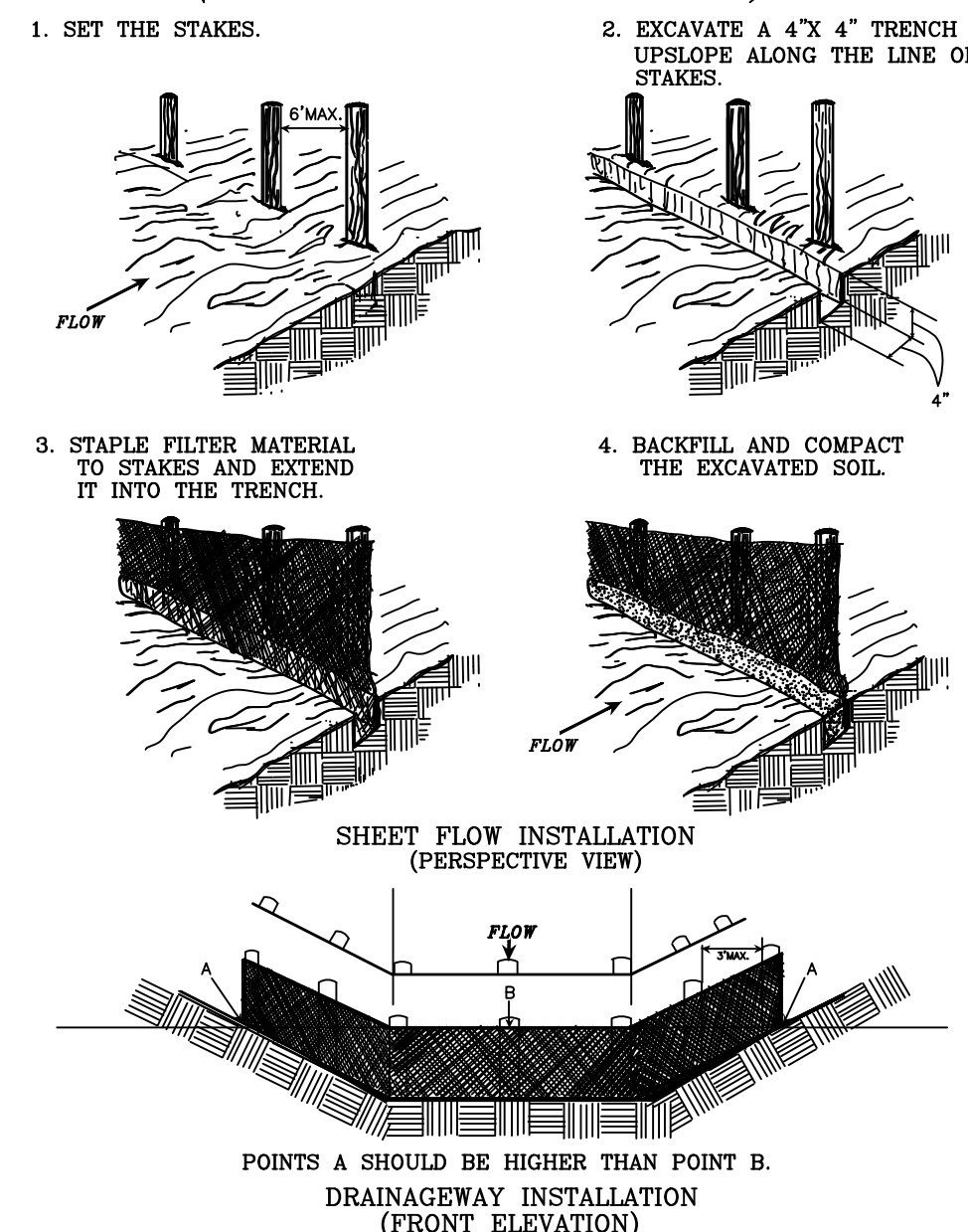
**BMP #2 - BIO-RETENTION FILTER**  
 IMPERVIOUS AREA - 322 S.F.  
 TREATMENT VOLUME -  $T_v = 322 \text{ S.F.} \times 0.08' = 26 \text{ cf}$   
 MEDIA DEPTH -  
 SOIL MEDIA ( $V_r=0.25$ ): DEPTH=18"  
 GRAVEL ( $V_r=0.40$ ): DEPTH=12"  
 CHOKER ( $V_r=0.20$ ): DEPTH=3"  
 SURFACE PONDING ( $V_r=1.00$ ): DEPTH=6"  
 BIO FILTER EQUIVALENT STORAGE DEPTH -  
 $D_{eq} = (1.5' \times 0.25) + (1.00' \times 0.40) + (0.25 \times 0.20) + (0.50' \times 1.00) = 1.33'$   
 BIO FILTER SURFACE AREA -  
 $SA = T_v / D_{eq} = 26 \text{ cf} / 1.33' = 19.5 \text{ S.F.}$   
 (MINIMUM SIZE 50 S.F. AS SHOWN)

**STONE CONSTRUCTION ENTRANCE**

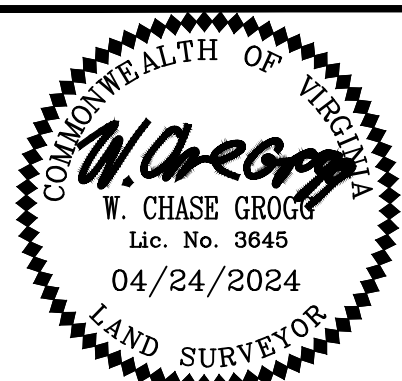


SOURCE: ADAPTED FROM 1983 Maryland Standards for Soil Erosion and Sediment Control, and Va. DSWC Plate 3.02-1

**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 Hyant PLATE 3.05-2



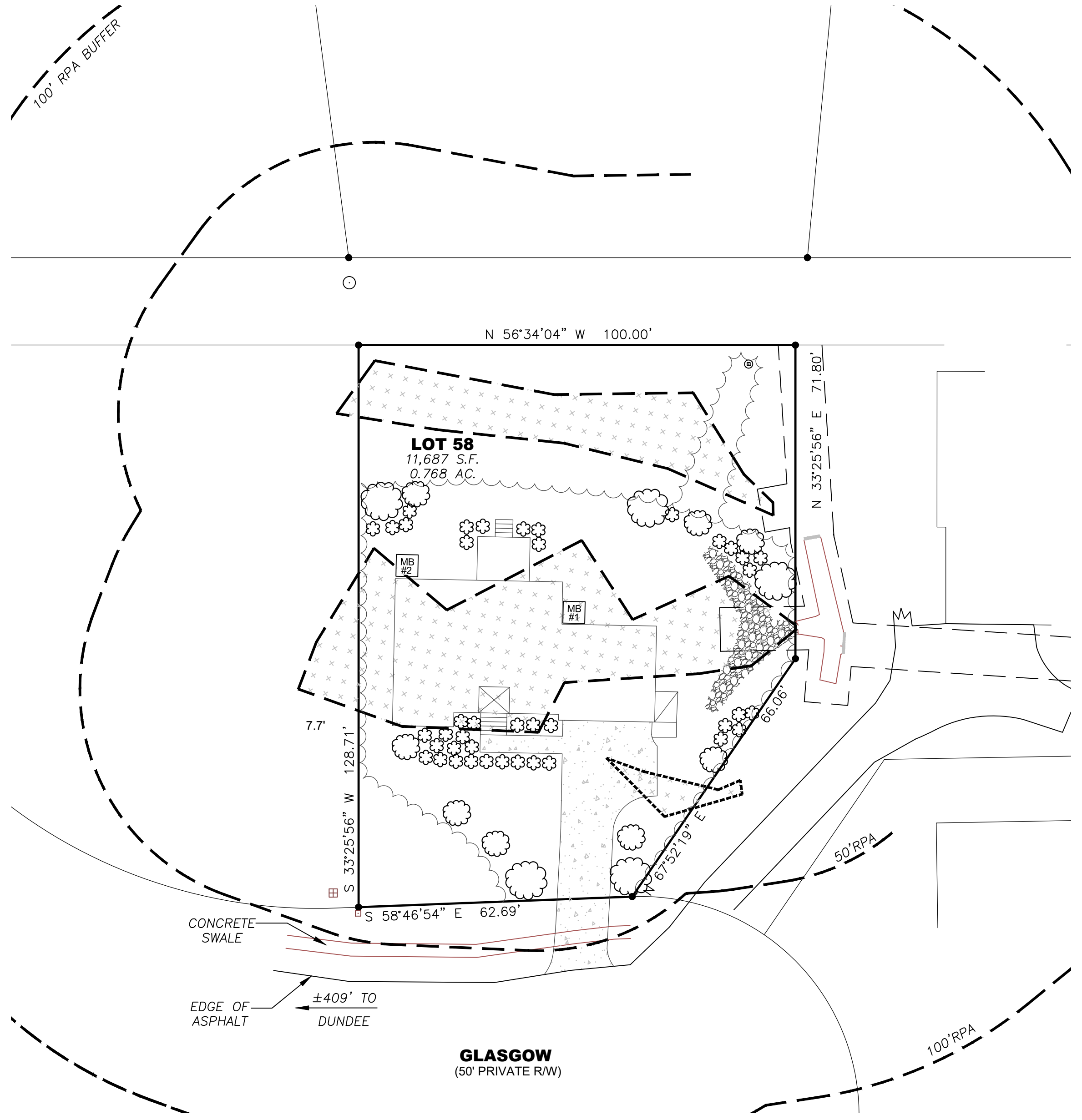
DATE: 2/28/2024  
 DRAWN BY: AEQ  
 PROJECT No. 24-022  
 FILE NAME: 24-022.DWG  
 REFERENCES:  
 P.B. 49, PG. 45-50

LOT PLAN OF  
 LOT 58, SECTION XI-A  
 FORD'S COLONY  
 FOR  
 JOHN KONSTANTINOU  
 JAMES CITY COUNTY VIRGINIA




NO.	DATE	REVISION / COMMENT / NOTE
3	4/24/2024	REVISED PER FORD'S COLONY COMMENTS
2	3/13/2024	REVISED PER FORD'S COLONY COMMENTS
1	3/6/2024	REVISED PER COUNTY COMMENTS



RECORD MERIDIAN  
P.B. 49, PG. 50



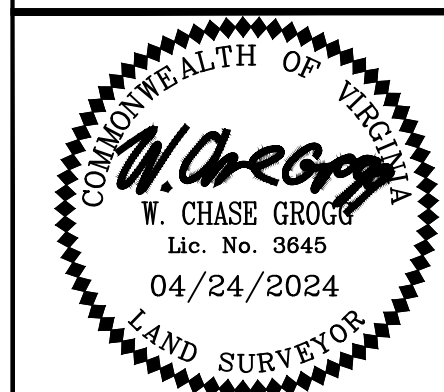
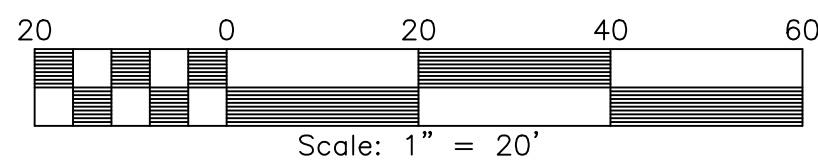
**LANDSCAPE LEGEND**

-  CANOPY =5 SHOWN
-  UNDERSTORY =8 SHOWN
-  SHRUBS =41 SHOWN

MITIGATION TABLE: 2,714 S.F. / 400 S.F. = 7 CREDITS

MITIGATION MEASURE	QTY.(NEEDED)
NATIVE CANOPY TREES	7
NATIVE UNDERSTORY TREES	14
NATIVE SHRUBS	21

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



DATE: 2/28/2024  
 DRAWN BY: AEQ  
 PROJECT No. 24-022  
 FILE NAME: 24-022.DWG  
 REFERENCES:  
 P.B. 49, PG. 45-50

PLOT PLAN OF  
 LOT 58, SECTION XI-A  
 FORD'S COLONY  
 FOR  
 JOHN KONSTANTINOU

JAMES CITY COUNTY VIRGINIA

NO.	DATE	REVISION / COMMENT / NOTE
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2	3/13/2024	REVISED PER FORD'S COLONY COMMENTS
1	3/6/2024	REVISED PER COUNTY COMMENTS

**LRI**  
**LANDTECH**  
**RESOURCES, INC.**  
 ENGINEERING & SURVEYING CONSULTANTS

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



**Prepared by:**

John D. Konstantinou, Esq. (VSB# 36837)  
1315 Jamestown Road, Suite 101  
Williamsburg, Virginia 23185

**MAP/TAX No.:** *Portions of*  
**3820200058 and 3820200059**

Title Insurance Underwriter: None

**Return to:**

John D. Konstantinou, Esq.  
1315 Jamestown Road, Suite 101  
Williamsburg, Virginia 23185

**Assessment:** \$

**Consideration:** \$0.00

THIS DEED OF EASEMENT, made and entered into as of this 23rdnd day of April, 2024, by and between **JORDAN C. HEATH**, owner of Lot 59 shown on the attached Exhibit, **JOHN D. KONSTANTINO** and **SHEREE ANN KONSTANTINO**, on owners of Lot 58 shown on the attached Exhibit, parties of the first part (hereinafter known as "Grantors"), sometimes herein referred to as "Landowners", and **FORD'S COLONY HOMEOWNERS ASSOCIATION, INC.**, a Virginia corporation, party of the second part, (hereinafter known as "Grantee") whose mailing address is 100 Manchester Drive, Williamsburg, Virginia 23188.

**W I T N E S S E T H:**

That for and in consideration of the sum of TEN AND 00/100 (\$10.00) DOLLARS and other good and valuable consideration, receipt of which is hereby acknowledged, GRANTORS do hereby grant and convey with GENERAL WARRANTY OF TITLE, unto GRANTEE, its successors and assigns, forever, a permanent drainage easement (the singular term "Easement") for the installation, maintenance, operation, and repair of drainage facilities, which Easement is beneath, upon, and over a strip of land which is shown and designated as "Exhibit of Proposed Drainage Easement LOT 58 AND LOT 59, SECTION XI-A, FORD'S COLONY" DATED April 16, 2024 , and made by W. Chase Crogg, Land Surveyor, attached hereto to which plat reference is hereby made for a more particular description of the easement hereby conveyed.

1. All facilities, public works, and appurtenances which are installed in or on said properties now or in the future by or for Ford's Colony Homeowner's Association, Inc. ("Ford's Colony") shall be and remain the property of Ford's Colony and no charge shall be made by the Landowners for the use of the property occupied by Ford's Colony or for the privilege of constructing, maintaining and operating said facilities and the necessary or appropriate appurtenances.
2. Ford's Colony and its agents and employees for the purpose of inspecting, maintaining, constructing or operating said facilities shall have the right and easement of ingress and egress over the Landowners adjacent to the described easement between the private road and the described easement in such manner as shall occasion the least practicable damage and inconvenience to Landowners.
3. Ford's Colony shall have the right to inspect, rebuild, repair change, alter, and install utility lines, pipes and facilities, or such additional or substitute lines or facilities within the easement herein granted as Ford's Colony may from time to time deem advisable or expedient , and shall have such rights and privileges as may be reasonably necessary for the full enjoyment or use for any of the aforesaid purposes of the easement and rights herein granted.
4. Ford's Colony shall have the right to trim, cut and remove all trees, limbs, undergrowth, shrubbery, landscape plantings of any kind, fences, buildings, structures, paving or other obstructions or facilities within said easement which it deems in any way to interfere with the proper and efficient construction, operation, and maintenance of the facilities in or on said easement.
5. Ford's Colony shall repair or replace only ground cover now on the said easement which may be disturbed, damaged, or removed as a result of the construction of any of Ford's

Colony's facilities, shall remove all trash and other debris of construction or repair from the easement, and shall restore the surface thereof to its original condition as nearly as reasonably possible, all subject, however, to this exception, to-wit; that Ford's Colony shall not be so obligated when it would be inconsistent with the proper operation, maintenance or use of its facilities.

6. Landowners reserve the right to make use of the land subject to the rights herein granted, which use shall not be inconsistent with the rights herein conveyed or interfere with the use of the said easement by Ford's Colony for the purposes aforesaid; provided, however, that all such use shall be at Landowners' risk unless prior written approval of Ford's Colony is obtained and provided further that this paragraph shall not apply to property conveyed in fee simple.
7. Whether or not the easement herein conveyed is exclusive, no other party shall be granted the right to use or shall use any part of the area within such easement for any purpose or in any manner until a review and a finding by Ford's Colony in writing that such use will not be in conflict with, or inconvenient to, Ford's Colony's use thereof or the purpose for which such easement was granted.
8. Nothing herein shall be deemed to prohibit the placement of structures including fences within the easement by property owners of the underlying fee without prior approval of Ford's Colony; provided that any such improvements shall be placed at the risk of the property owner and Ford's Colony shall have the right to remove any such improvements should they interfere with the rights granted to Ford's Colony herein; and further provided that any such improvements shall be in conformance with all relevant laws and ordinances.

9. Landowners have seen and carefully examined a copy of the hereinabove-described plat, is entirely familiar with the quantity of the land covered by this conveyance, and fully understands the effect that it will or might have on the value of the remaining property.
10. Any easement or right granted to Ford's Colony hereunder is intended to be and shall be usable by and for the benefit of Ford's Colony as such and also assignable to any sanitary district, authority, or any other Ford's Colony or governmental agency or entity operated solely or partially for the benefit of stakeholders or property holders of Ford's Colony, or of the citizens of James City County, or any portion thereof, which such other agency or entity shall enjoy all of the privileges herein granted to Ford's Colony as such. Ford's Colony may also convey the facilities, public works, or appurtenances installed within the easement to such sanitary district, authority, or other governmental agency or authority.
11. Ford's Colony may from time to time grant the right to others to locate facilities serving the public within the easement hereby conveyed, including but not limited to water, electric, telephone or gas utility facilities.
12. Should Ford's Colony dissolve, without successor, the Landowners will pay the costs of maintaining this easement in equal shares.

This instrument covers all the agreements between the parties and no representations or statements, verbal or written, have been made which are inconsistent with the terms of this deed.

*(Signature Pages Follow)*

WITNESS the following signatures and seals:

\_\_\_\_\_  
John D. Konstantinou

\_\_\_\_\_  
Sheree Ann Konstantinou

**COMMONWEALTH OF VIRGINIA**  
**COUNTY OF JAMES CITY, to-wit:**

I, a Notary Public in and for the County/City and Commonwealth State aforesaid, do certify that whose name(s) is/are John D. Konstantinou and Sheree Ann Konstantinou signed to the foregoing Deed in the County/City and Commonwealth aforesaid.

Given under my hand this \_\_\_\_\_ day of April 2024.

\_\_\_\_\_  
Notary Public:

My Commission Expires:  
Registration Number:

WITNESS the following signatures and seals:

\_\_\_\_\_  
Jordan C. Heath

**COMMONWEALTH OF VIRGINIA**  
**COUNTY OF JAMES CITY, to-wit:**

I, a Notary Public in and for the County/City and Commonwealth State aforesaid, do certify that whose name(s) is/are Jordan C. Heath signed to the foregoing Deed in the County/City and Commonwealth aforesaid.

Given under my hand this \_\_\_\_\_ day of April 2024.

\_\_\_\_\_  
Notary Public:

My Commission Expires:  
Registration Number:

WITNESS the following signatures and seals:

Ford's Colony Homeowners Association, Inc.

---

Name:

Title:

**COMMONWEALTH OF VIRGINIA**  
**COUNTY OF JAMES CITY, to-wit:**

I, a Notary Public in and for the County/City and Commonwealth State aforesaid, do certify that whose name(s) is \_\_\_\_\_ signed to the foregoing Deed in the County/City and Commonwealth aforesaid.

Given under my hand this \_\_\_\_\_ day of April 2024.

---

Notary Public:

My Commission Expires:  
Registration Number:

PIN: 3810100001A  
 N/F  
 FORDS COLONY AT WILLIAMSBURG HOMEOWNERS  
 ASSOCIATION

**ADDRESS:**  
 113 GLASGOW  
 115 GLASGOW  
 JAMES CITY COUNTY, VA

RECORD MERIDIAN  
 P.B. 49, PG. 50

LOT 57  
 N/F  
 PIN: 38202000057  
 SHIU, ANTHONY W &  
 MELISSA  
 INST#050018282  
 (DEED)

LOT 58  
 N/F  
 PIN: 38202000058  
 KONSTANTINOU, JOHN D &  
 SHEREE ANN  
 INST#210019576 (DEED)

LOT 59  
 N/F  
 PIN: 38202000058  
 HEATH, JORDAN C  
 INST#210015805  
 (DEED)

PIN: 38101000002  
 N/F  
 FORDS COLONY AT  
 WILLIAMSBURG HOMEOWNERS  
 ASSOCIATION

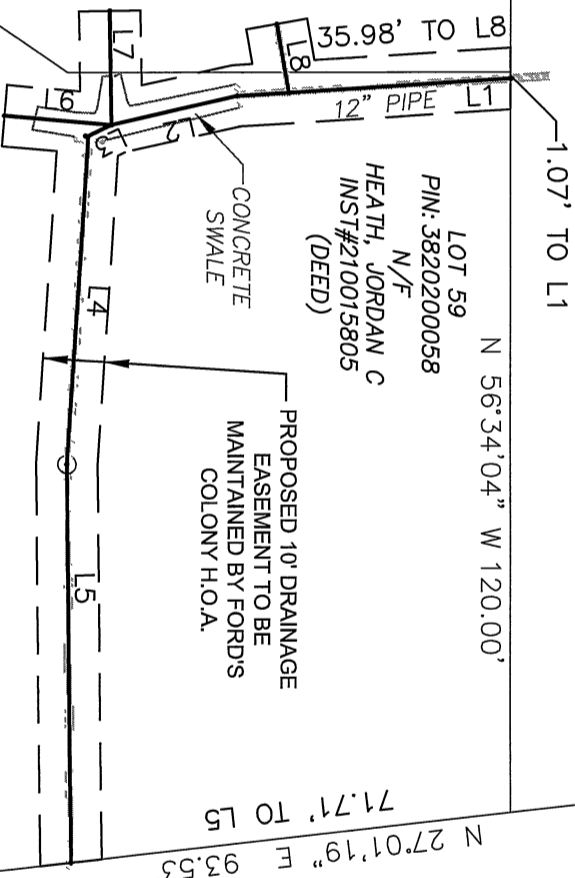
±409' TO  
 DUNDEE

CENTERLINE DRAINAGE  
 EASEMENT TABLE

LINE	BEARING	DISTANCE
L1	N 29°51'57" E	44.41'
L2	N 20°25'44" E	20.89'
L3	S 07°30'11" W	4.19'
L4	N 52°49'35" W	53.29'
L5	N 57°09'11" W	64.47'
L6	N 38°27'47" E	17.47'
L7	S 57°33'35" E	18.53'
L8	S 66°43'19" E	11.33'

**GLASGOW**  
 (50' PRIVATE R/W)

LOT 60  
 N/F  
 PIN: 38202000060  
 STOCKHAUSEN,  
 JEROME LEO JR &  
 PATRICIA A  
 INST#180009789  
 (DEED)



**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. 49, PG. 45-50.  
 2. THE PURPOSE OF THIS SURVEY IS TO CREATE A PRIVATE DRAINAGE EASEMENT AND DOES NOT REFLECT A COMPLETE PHYSICAL SURVEY OF THE PROPERTIES SHOWN HEREON.

EXHIBIT OF PROPOSED DRAINAGE EASEMENT  
**LOT 58 AND LOT 59, SECTION XI-A**  
**FORDS COLONY**

JAMES CITY COUNTY

VIRGINIA

REFERENCES: 7 DATE: 04/16/24 CAD File  
 P.B. 49 PG. 45-50 SCALE: 1"=30' 24-022.dwg

**LandTech Resources, Inc.**  
 Engineering and Surveying Consultants

205 E Bullfants Blvd., Williamsburg, Virginia 23188  
 Telephone: 757-565-1677 Fax: 757-565-0782  
 Web: landtechresources.com







**General Services**

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

General.Services@jamescitycountyva.gov  
jamescitycountyva.gov

**Capital Projects**

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

**Fleet**

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

**Stormwater and  
Resource Protection**

101-E Mounts Bay Road  
Williamsburg, VA 23185  
757-259-6670

**Facilities & Grounds**

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

**Solid Waste**

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

«Last\_Name»  
«Address\_Line\_1»  
«City», «State» «Zip\_Code»

RE: CBPA-24-0031  
113 Glasgow  
Construction of single-family  
dwelling attached deck

April 18, 2024

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, on behalf of Mr. John and Ms. Sheree Konstantinou, for encroachments into the Resource Protection Area buffer for the construction of a single-family dwelling with an attached deck . The project is located at 113 Glasgow, JCC Tax Map Parcel No. 3820200058.

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

The Chesapeake Bay Board will hold an advertised public hearing on **Wednesday, May 8, 2024, 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,

*Robin Benedict*

Robin Benedict  
Chesapeake Bay Board Secretary  
757-253-6781  
Robin.Benedict@jamescitycountyva.gov

## Adjacent Property Owner Mailing List for Case Number: CBPA-24-0031

<b>PIN</b>	<b>Last Name</b>	<b>Address Line 1</b>	<b>City</b>	<b>State</b>	<b>Zip Code</b>
3820200055	CORSON, CHARLES F TRUSTEE &	102 DUNDEE	WILLIAMSBURG	VA	23188-9118
3810400066	CUNNINGHAM, KENNETH A & MAZINE E	110 GLASGOW	WILLIAMSBURG	VA	23188-9172
3820200063	CURRAN, JOHN R SR & FLORENCE L	116 GLASGOW	WILLIAMSBURG	VA	23188-9172
3820200059	HEATH, JORDAN C	115 GLASGOW	WILLIAMSBURG	VA	23188-9174
3820200056	HILKER, JOHN S TRUSTEE & LISA TRUSTEE	100 DUNDEE	WILLIAMSBURG	VA	23188-9118
3820200058	KONSTANTINOU, JOHN D & SHEREE ANN	1315 JAMESTOWN RD ~STE 101	WILLIAMSBURG	VA	23185-3363
3820200064	MCMAHON, THOMAS P & KATHLEEN S	5772 INDEPENDENCE LN	W BLOOMFIELD	MI	48322-1847
	Mr. Chase Grogg LandTech Resources, Inc.	205-E Bulifants Blvd	Williamsburg	VA	23188
3820200057	SHIU, ANTHONY W & MELISSA	PO BOX 181	SPEONK	NY	11972-0181
3820200060	STOCKHAUSEN, JEROME LEO JR &	117 GLASGOW	WILLIAMSBURG	VA	23188-9174
3820200054	WALK WRIGHT CONSTRUCTION LLC	PO BOX 5261	WILLIAMSBURG	VA	23188-5204
3810400065	WILLIAMS, LARRY L TRUSTEE	101 CHARLES RIVER LANDING RD	WILLIAMSBURG	VA	23185-5001
3820200061	WILLIAMS, LUGENIA M. TRUSTEE	119 GLASGOW	WILLIAMSBURG	VA	23188-9174
3820200062	ZEL, GERALD & BARBARA KANE	118 GLASGOW	WILLIAMSBURG	VA	23188-9172



**PUBLIC HEARING NOTICE**

THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD A PUBLIC HEARING ON **WEDNESDAY, MAY 8, 2024 AT 5:00 P.M.** IN THE COUNTY GOVERNMENT CONFERENCE ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-24-0042: Mr. Larry Walk, Walk Wright Construction, LLC., on behalf of Mr. James and Ms. Mary Kim, has applied for a Chesapeake Bay Exception for the construction of a retaining wall on property located at 140 Freshwater Bay, JCC Real Estate Tax Map Parcel No. 3131500023.

CBPA-24-0045: Mr. Mark Boyd, Kimley-Horn, on behalf of LI Hazelwood Farms VA Investor LP, has applied for a Chesapeake Bay Exception for the extension of off-site public utilities on property located at 275 Old Stage Road, JCC Real Estate Tax Map Parcel No. 0440100013.

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 Mounts Bay Road, Building E, James City County, Virginia.

**NOT FOR PUBLICATION**

DISPLAY: WEDNESDAY – April 24, 2024 and May 1, 2024  
ACCOUNT NO. CU00015112  
VIRGINIA GAZETTE  
1/8 PAGE, VERTICAL, B/W



# **VDOT YORK RIVER STATE PARK SHORELINE STABILIZATION**

James City County, Virginia

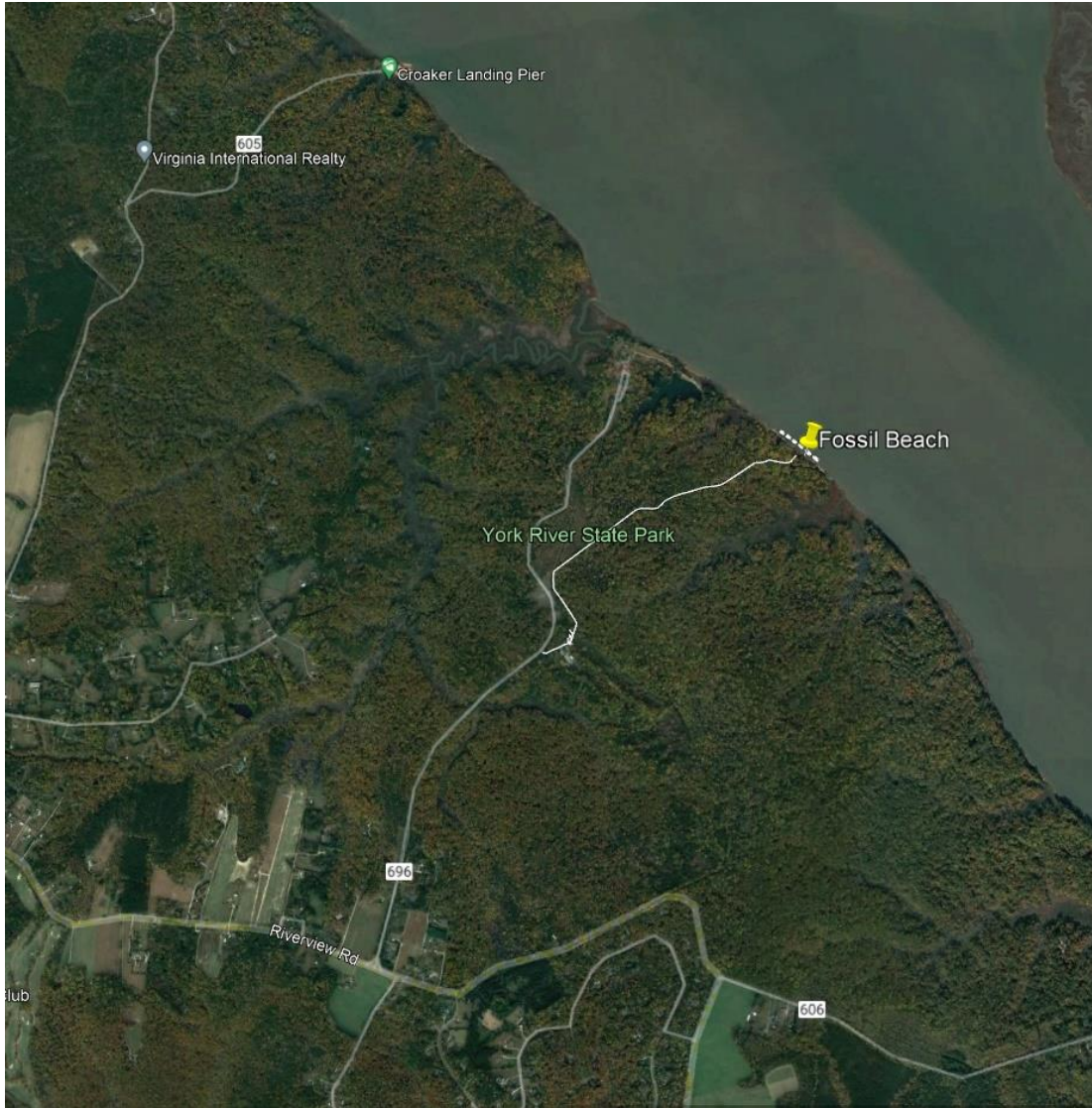
| Joseph Parfitt, VDOT TMDL Program Manager

May 8, 2024

# Why did VDOT do work at York River State Park?

- **Department of Conservation and Recreation (DCR) has need for protection of infrastructure.**
- **VDOT has need for sediment and nutrient reductions for Chesapeake Bay TMDL Compliance.**
- **VDOT entered into an agreement with DCR to implement shoreline stabilization at no cost to DCR.**
- **York River State Park identified as higher priority area after statewide screening of sites.**

# Project Location



# Pre-Construction Shoreline Erosion

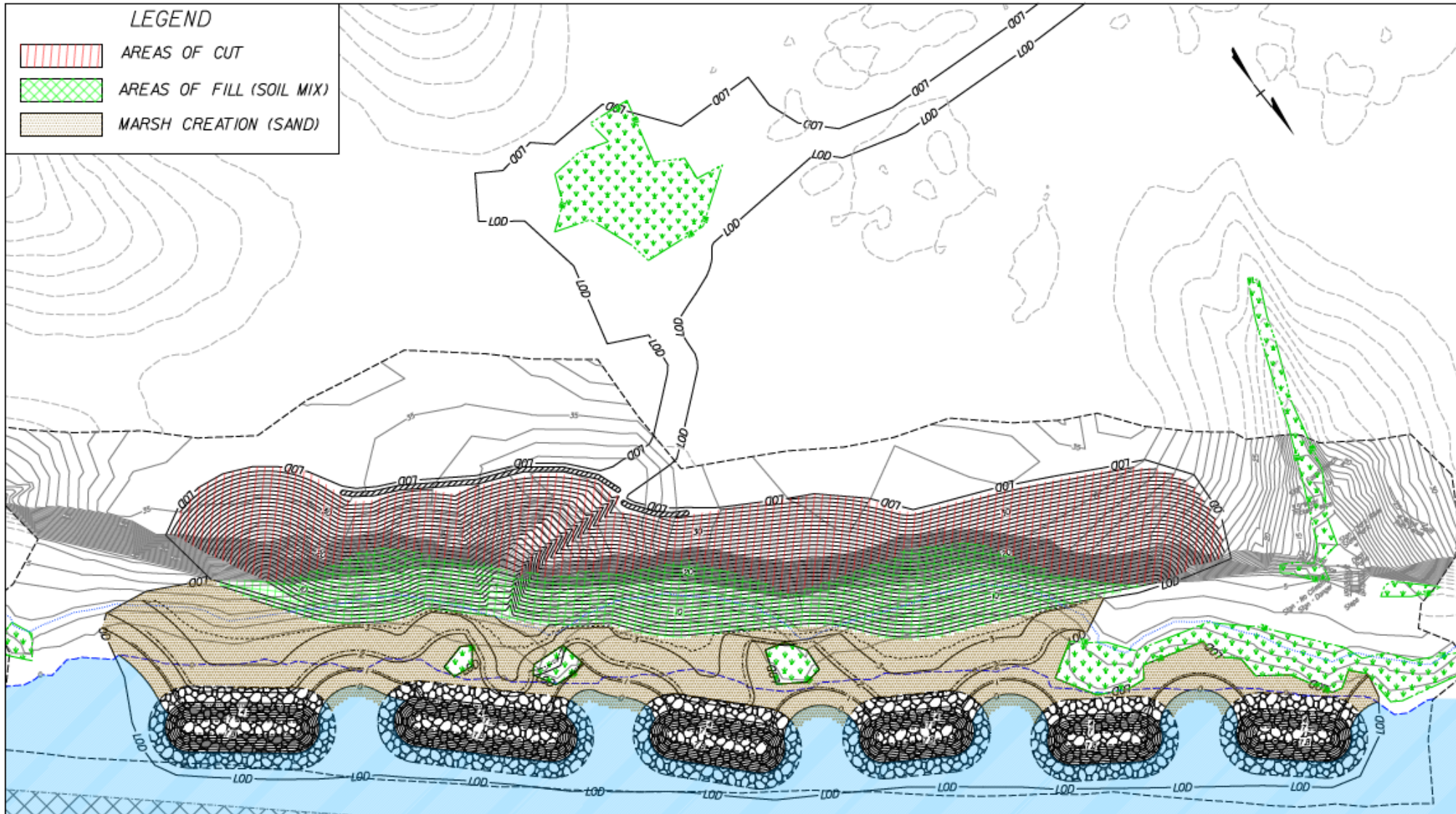




# Pre-Construction Shoreline Erosion



# Proposed Stabilization with Living Shoreline



# Construction Photos – April 2022



# Construction Photos – April 2022



# Update Since April 2022 Presentation

- **Fossil Beach living shoreline completed in Summer 2022**
- **Additional area of excessive erosion observed that was compromising the trail to Fossil Beach**
- **Temporary stabilization measures installed in Summer 2022 to help save the trail**
- **Hurricane Ian damaged the temporary measures in Oct 2022**
- **Additional storm damage incurred in Summer 2023**
- **Permanent stabilization of trail area completed in April 2024**

# Post-Construction Photos – Fossil Beach



# Post-Construction Photos – Fossil Beach



# Post-Construction Photos – Fossil Beach





# Post-Construction Photos – Fossil Beach



# Public Education Signage – Installation Pending

## What is a Living Shoreline?



Our shorelines are under constant assault from storms, boat wake, and rising sea levels. These erosive forces can lead to land loss and water pollution. Living shorelines provide an alternative to bulkheads and riprap revetments and are a nature-based solution that uses marsh grasses and shrubs. These grasses and shrubs can survive when covered with water at high tide and when exposed at low tide. The plants help slow down water and weaken wave energy which reduces erosion. Their roots also hold the sand and mud in place. In addition, the plants make great habitat for the fish, crabs, and birds in the York River.

### WHAT ARE THE BENEFITS?

Living shorelines offer many benefits to property owners and the ecosystem beyond those provided by traditional hardened shoreline structures. Our living shoreline provides many benefits to the York River and the animals that call it home.

#### Climate Resilience



As sea levels rise, living shorelines allow for landward retreat of marsh land, unlike bulkheads. They also provide protection from storms.

#### Natural Habitats



The areas around plants and breakwaters of a living shoreline are great habitat for fish, crabs, birds, and other animals.

#### Water Quality



By reducing shoreline erosion, living shorelines are able to keep water clean and clear for both people and fish to swim in!



The plants in a living shoreline reduce shoreline erosion and improve water quality.



Living shorelines provide habitat for Blue Crabs and juvenile fish which help the ecosystem and the economy.



The shallow waters around living shorelines are great hunting grounds for Great Blue Herons, Raccoons, and more.



Living shorelines prevent sediment from entering our waterways and causing harmful effects like algal blooms.

## Our Fossil Beach Living Shoreline

Before the installation of this living shoreline project, approximately 3,808 tons of soil per year were being eroded into the York River in this area of Fossil Beach. In 2022, the Virginia Department of Transportation, in partnership with the Department of Conservation and Recreation, created a living shoreline to prevent bank erosion and provide a healthy habitat for local wildlife.

### CONSTRUCTION OF THE LIVING SHORELINE WAS A MULTI-STEP PROCESS

- Beach nourishment to replace eroded sand and help protect the banks.
- Building breakwaters offshore to reduce erosion caused by waves.
- Planting native grasses and shrubs as shown below.
- Reshaping the river bank to create a gentle slope.



Smooth Cordgrass was planted in the low marsh behind the breakwaters. It provides shelter for fish and crabs, forms a symbiotic relationship with mussels, and the roots prevent erosion.



A selection of native, saltwater tolerant plants, including Black Needlerush and Groundseltree (pictured) were planted in the high marsh behind the breakwaters to help stabilize the shoreline and provide habitat for birds.



Native species such as Partridge Pea (pictured) and Black-eyed Susan were planted on the slope.



A series of six rock breakwaters were installed just offshore to reduce wave action on the shoreline.



### BEFORE



### AFTER



### PARTS OF A LIVING SHORELINE

#### Breakwater

As a first line of defense, these structures disperse wave energy, protecting the shoreline.

#### Marsh

Grasses slow the flow of water and allow sediment to settle. These areas also decrease wave energy.

#### Shoreline

Plants like Groundseltree and Saltbush protect this vulnerable area from waves during storms.

#### Bluff

Bluffs were graded to a stable slope, matted with coconut fiber matting, and seeded with native vegetation such as Partridge Pea.



# Additional Project Location – Trail Area



# Pre-Construction Conditions – Trail Area



# Temporary Stabilization – Prior to Ian, August 2022



# Post Ian Damage, September 2022



# Repaired Temporary Stabilization – November 2022

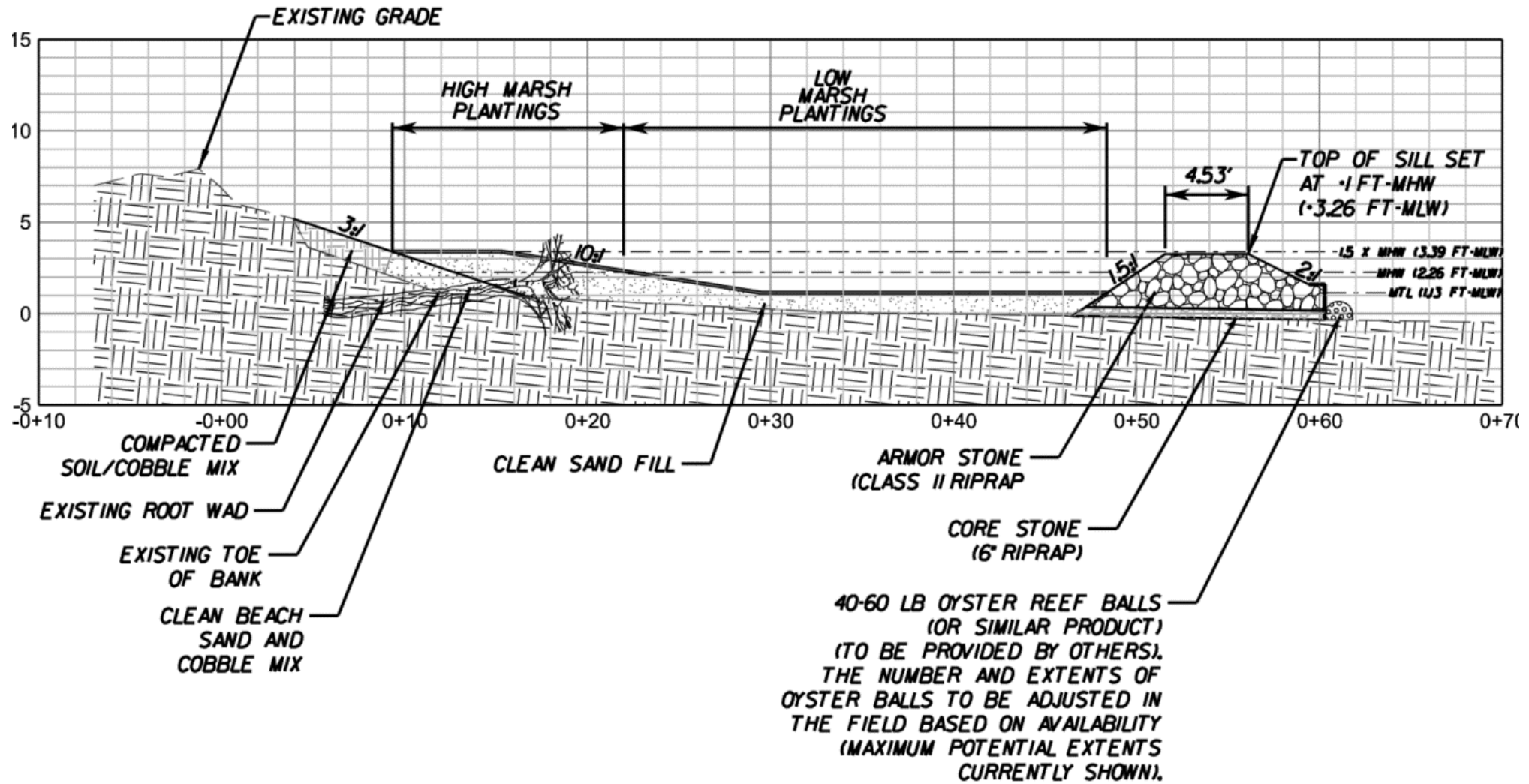


# Permanent Stabilization of Trail Area

- **Proposed marsh sill and vegetated bank stabilization**
- **Additional design, permitting, and funding obtained in 2023**
- **Construction began March 2024**
- **Construction ended April 2024**
- **Marsh plantings scheduled for July 2024**



# Permanent Stabilization of Trail Area



TYPICAL CROSS-SECTION

# Permanent Stabilization of Trail Area – April 2024



# QUESTIONS?

VDOT York River State Park Shoreline Stabilization

| [joseph.parfitt@vdot.virginia.gov](mailto:joseph.parfitt@vdot.virginia.gov) | 804-339-4365

## MEMORANDUM

DATE: May 8, 2024  
TO: The Chesapeake Bay Board  
FROM: Robin Benedict, Watershed Planner  
SUBJECT: Chesapeake Bay Board Exception No. CBPA-23-0030. 153 Shinnecock

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Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. Howard Jones, is requesting a one-year extension to CBPA-23-0030, originally granted on July 12, 2023. Staff concurs with this request, with the stipulation that all permit conditions, except for the expiration date, be reauthorized and that the new date of expiration be July 12, 2025.

RB/ap  
CBPA23-30\_153ShnckExt-mem

Attachments

## RESOLUTION

CASE NO. CBPA-23-0030. 153 SHINNECOCK

### JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. Howard Jones (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on July 12, 2023, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property identified as James City County Real Estate Tax Map Parcel No. 3720400016 and further identified as 153 Shinnecock (the “Property”), as set forth in the application CBPA-23-0030 for the purpose of constructing a single-family dwelling with an attached deck; and

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

NOW, THEREFORE, BE IT RESOLVED that the Chesapeake Bay Board of James City County, Virginia, following a public hearing, finds that the application meets all the requirements for an exception to the Chesapeake Bay Preservation Ordinance and therefore **APPROVES** the exception request for Chesapeake Bay Board Case No. CBPA-23-0030, subject to the following conditions:

1. The Applicant must obtain all other necessary federal, state, and local permits as required for the project; and
2. An affidavit must be recorded in the Williamsburg/James City County Courthouse prior to the issuance of a building permit; and
3. The Applicant must submit a surety of \$9,000 in a form acceptable to the James City County Attorney’s Office to guarantee the mitigation plantings; and
4. The Applicant must place three inches of gravel underlain with filter fabric underneath the footprint of the deck; and
5. This exception request approval will become null and void if construction has not begun by July 12, 2025; and
6. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than May 31, 2025, six weeks prior to the expiration date.

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Charles Roadley  
Chair, Chesapeake Bay Board

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Robin Benedict  
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 8th day of May, 2024.

CBPA23-30\_153ShnckExtApp-res

**RESOLUTION**

CASE NO. CBPA-23-0030. 153 SHINNECOCK

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. Howard Jones (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on July 12, 2023, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property identified as James City County Real Estate Tax Map Parcel No. 3720400016 and further identified as 153 Shinnecock (the “Property”), as set forth in the application CBPA-23-0030 for the purpose of constructing a single-family dwelling with an attached deck; and

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

NOW, THEREFORE, BE IT RESOLVED that the Chesapeake Bay Board of James City County, Virginia, following a public hearing, finds that the application does not meet all the requirements for an exception to the Chesapeake Bay Preservation Ordinance and therefore **DENIES** the exception request for Chesapeake Bay Board Case No. CBPA-23-0030.

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Charles Roadley  
Chair, Chesapeake Bay Board

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Robin Benedict  
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 8th day of May, 2024.

CBPA23-30\_153ShnckExtDny-res

## MEMORANDUM

DATE: May 8, 2024

TO: The Chesapeake Bay Board

FROM: Robin Benedict, Watershed Planner

SUBJECT: Chesapeake Bay Board Exception No. CBPA-23-0060. 499 Jolly Pond Road

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Mr. Ryan Stephenson, AES Consulting Engineers, on behalf of Colonial Heritage, LLC, is requesting a one-year extension to CBPA-23-0060, originally granted on June 14, 2023. Staff concurs with this request, with the stipulation that all permit conditions, except for the expiration date, be reauthorized and that the new date of expiration be June 14, 2025.

RB/ap  
CBPA23-60\_499JPndExt-mem

Attachments

## RESOLUTION

CASE NO. CBPA-23-0060. 499 JOLLY POND ROAD

### JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Ryan Stephenson, AES Consulting Engineers, on behalf of Colonial Heritage, LLC c/o Lennar/Vermont White (the “Applicants”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on June 14, 2023, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property located at 499 Jolly Pond Road (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 2240100007, as set forth in the application CBPA-23-0060 for the purpose of installing a sanitary sewer and sanitary sewer bridge connections; 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-23-0060, subject to the following conditions:

1. The Applicants must obtain all other necessary federal, state, and local permits as required for the project; and
2. The Applicants must submit a mitigation plan equating to eight shrubs to the Stormwater and Resource Protection Division prior to project start; and
3. The Applicants 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 June 14, 2025; and
5. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than May 3, 2025, six weeks prior to the expiration date.

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Charles Roadley  
Chair, Chesapeake Bay Board

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Robin Benedict  
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 8th day of May, 2024.

CBPA23-60\_499JPndExtApp-res



**RESOLUTION**

CASE NO. CBPA-23-0060. 499 JOLLY POND ROAD

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Ryan Stephenson, AES Consulting Engineers, on behalf of Colonial Heritage, LLC c/o Lennar/Vermont White (“the Applicants”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on June 14, 2023, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property located at 499 Jolly Pond Road and further identified as James City County Real Estate Tax Map Parcel No. 2240100007, as set forth in the application CBPA-23-0060 for the purpose of installing a sanitary sewer and sanitary sewer bridge connections; 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-23-0060.

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Charles Roadley  
Chair, Chesapeake Bay Board

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Robin Benedict  
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 8th day of May, 2024.

CBPA23-60\_499JPndExtDny-res