

AGENDA
JAMES CITY COUNTY CHESAPEAKE BAY BOARD
REGULAR MEETING
COUNTY GOVERNMENT CENTER BOARD ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185
June 12, 2024
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

1. Minutes from the May 8, 2024, Regular Meeting

D. PUBLIC COMMENT

E. PUBLIC HEARING(S)

1. CBPA-24-0051 : 105 Shellbank Drive
2. CBPA-24-0052 : 105 Mahogany Run
3. CBPA-24-0047 : 3120 Windy Branch Drive
4. CBPA-24-0046 : 4820 Wellesley Boulevard
5. CBPA-24-0065 : 9400 Barnes Road

F. BOARD CONSIDERATION(S)

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
May 8, 2024
5:00 PM

A. CALL TO ORDER

The Chesapeake Bay Board meeting for May 8, 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:

Charles Roadley, Chair
Larry Waltrip
Scott Maye
Leslie Bowie

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 April 10, 2024, Regular Meeting

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

The minutes were approved on a voice vote.

Mr. Roadley stated that Item No7 of the minutes needed to be updated from closed to deferred.

D. PUBLIC COMMENT

None.

E. PUBLIC HEARING(S)

1. CBPA-24-0042 : 140 Freshwater Bay

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. Larry Walk, Walk Wright Construction, LLC, on behalf of Mr. James and Ms. Mary Kim for encroachments into the Resource Protection Area (RPA) for the construction of a retaining wall. The property is further identified as James City County Real Estate Tax Map Parcel No. 3131500023. 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. James Kim, Owner of 140 Freshwater Bay, explained the design and purpose of the retaining wall.

The Board discussed the pros and cons of the plan.

Mr. Roadley closed the Public Hearing.

2. CBPA-24-0045 : 275 Old Stage Road

A motion to Approve w/ Conditions was made by Mr. Waltrip, 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. Mark Boyd, Kimley-Horn and Associates, Inc., on behalf of LI Hazelwood Farms VA Investor, LP, for encroachments into the RPA for the extension of public utilities. The property is further identified as James City County Real Estate Tax Map Parcel No. 0440100013. 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. Mark Boyd, Kimley-Horn and Associates, Inc., 2035 Maywill Street, Richmond, Virginia, explained the details of the plan.

The Board discussed the pros and cons of the plan.

Mr. Roadley closed the Public Hearing.

3. CBPA-23-0174 : 9400 Barnes Road

A motion to Approve w/ Conditions was made by Mr. Waltrip, the motion result was Failed.

AYES: 2 NAYS: 2 ABSTAIN: 0 ABSENT: 1

Ayes: Waltrip, Roadley

Nays: Maye, Bowie

Absent: O'Brien

Ms. Robin Benedict, Watershed Planner, presented the exception request submitted by Mr.

Mark Boyd, Kimley-Horn and Associates, Inc., on behalf of LI Hazelwood Farms VA Investor, LP, for encroachments into the RPA for the site grading associated with the construction of a building. The property is further identified as James City County Real Estate Tax Map Parcel No. 0430100017. 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. Ben Swift, Lovett Industrial, 923 15th Street, Washington, D.C., provided background and additional information on the project. Mr. Swift responded to the Board's concerns.

The Board discussed the pros and cons of the plan. Mr. Maye expressed concern that the application was not the minimum necessary to afford relief and would be a detriment to water quality.

Mr. Roadley closed the Public Hearing.

4. CBPA-24-0031 : 113 Glasgow

A motion to Deny 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. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. John and Ms. Sheree Konstantinou 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. 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 announced that the Public Hearing remained open from the April 10, 2024, Regular Meeting.

A. Mr. Chase Grogg, LandTech Resources, Inc., 205 Bulifants Boulevard, Suite E, updated the Board on actions taken since the case was previously brought before the Board.

B. Mr. Leonard Heath, Jr., Heath & Verser, P.L.C., 11832 Rock Landing Drive, Suite 201, Newport News, stated that the actions taken by the developer would still impact drainage onto the neighboring lot.

A. Mr. Grogg confirmed that the concerns regarding drainage were based on a prior application.

In response to Mr. Waltrip's inquiry, Mr. Grogg reported that the lots are in a flood zone and in any major rain event the system would fail.

B. Mr. Heath expressed concern that no warranties or agreements have been presented that would address future drainage issues.

The Board discussed the pros and cons of the plan.

Mr. Roadley reminded that the purpose of the Board is to protect the RPA. Mr. Maye stated

that the plan presented is favorable under the circumstances.

Mr. Roadley closed the Public Hearing.

F. BOARD CONSIDERATION(S)

1. York River State Park - VDOT Presentation

Mr. Joseph Parfitt, Virginia Department of Transportation (VDOT), presented updates on the York River State Park project. VDOT entered into an agreement with the Department of Conservation and Recreation (DCR) to implement shoreline stabilization. Work was around the trail between the Visitors Center and Fossil Beach in Summer 2022; however, Hurricane Ian damaged the stabilization measures and additional storm damage occurred in 2023. Permanent stabilization was completed in April 2024.

2. CBPA-23-0030 : 153 Shinnecock

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 an extension request for the exception originally approved by the Board on July 12, 2023. The exception was originally submitted by Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. Howard Jones. Staff proposed that the new expiration date of July 12, 2025 be approved.

3. CBPA-23-0060 : 499 Jolly Pond 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 an extension request for the exception originally approved by the Board on June 14, 2023. The exception was originally submitted by Mr. Ryan Stephenson, AES Consulting Engineers, on behalf of Colonial Heritage, LLC. Staff proposed that the new expiration date of June 14, 2025 be approved.

G. MATTERS OF SPECIAL PRIVILEGE

None.

H. ADJOURNMENT

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

The meeting adjourned at 6:21 p.m.

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-24-0051. 105 Shellbank Drive
Staff Report for the June 12, 2024, Chesapeake Bay Board Public Hearing**

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

EXISTING SITE DATA AND INFORMATION

Applicant: Mr. Bruce Christman

Agent: None

Location: 105 Shellbank Drive

Parcel Identification No.: 4530200014

Parcel: New Lot 14, S-A Shellbank

Lot Size: 1.14 acres

Area of Lot in Resource Protection Area (RPA): 0.31 acres (27%)

Watershed: James River (JL30)

Floodplain: Zone AE - Base flood elevation 8 feet mean sea level

Proposed Activity: Construction of a fire pit and patio

Impervious Cover: 380 square feet

RPA Encroachment: 380 square feet, landward 50-foot RPA

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

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Bruce Christman has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of a fire pit and patio located at 105 Shellbank Drive within the Shellbank subdivision and the James River watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 4530200014. The parcel was platted in 2001, prior to the changes in the Chesapeake Bay Preservation Ordinance in 2004.

The total lot size of this property is 1.14 acres, of which 27% is located within the RPA. The applicant is proposing to construct a fire pit and patio to the rear of the existing house. Total impacts to the RPA associated with this proposal equate to 380 square feet of impacts to the landward 50-foot RPA. Required mitigation for this amount of impervious impacts equals one planting unit (one canopy tree, two understory trees, and three shrubs).

STAFF EVALUATION

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

CONSIDERATION BY THE CHESAPEAKE BAY BOARD

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

1. The exception request is the minimum necessary to afford relief; and
2. Granting the exception will not confer upon the Applicant any special privileges denied by Chapter 23, Chesapeake Bay Preservation, of the James City County Code, to other property owners similarly situated in the vicinity; and
3. The exception request will be in harmony with the purpose and intent of Chapter 23 of the James City County Code and is not of substantial detriment to water quality; and
4. The exception request is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances, either permitted or 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. The Applicant must submit a surety of \$1,000 in a form acceptable to the James City County Attorney's Office to guarantee the mitigation plan equaling one planting unit (one canopy tree, two understory trees, and three shrubs); and
3. This exception request approval will become null and void if construction has not begun by June 12, 2025; and
4. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than May 1, 2025, six weeks prior to the expiration date.

RB/ap
CBPA24-51_105Shllbnk

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA-24-0051. 105 SHELLBANK DRIVE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Bruce Christman (the “Applicant”) has applied to the Chesapeake Bay Board of James City County (the “Board”) on June 12, 2024, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property located at 105 Shellbank Drive (“the Property”) and further identified as James City County Real Estate Tax Map Parcel No. 4530200014, as set forth in the application CBPA-24-0051 for the purpose of constructing a fire pit and patio; and

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

NOW, THEREFORE, BE IT RESOLVED that the Chesapeake Bay Board of James City County, Virginia, following a public hearing, finds that the application meets all the requirements for an exception to the Chesapeake Bay Preservation Ordinance and therefore **APPROVES** the exception request for Chesapeake Bay Board Case No. CBPA-24-0051, subject to the following conditions:

1. The Applicant must obtain all other necessary federal, state, and local permits as required for the project; and
2. The Applicant must submit a surety of \$1,000 in a form acceptable to the James City County Attorney’s Office to guarantee the mitigation plan equaling one planting unit (one canopy tree, two understory trees, and three shrubs); and
3. This exception request approval will become null and void if construction has not begun by June 12, 2025; and
4. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than May 1, 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 12th day of June, 2024.

CBPA24-51_105ShllbnkApp-res

RESOLUTION

CASE NO. CBPA-24-0051. 105 SHELLBANK DRIVE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Bruce Christman (the “Applicant”) has applied to the Chesapeake Bay Board of James City County (the “Board”) on June 12, 2024, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property located at 105 Shellbank Drive (“the Property”) and further identified as James City County Real Estate Tax Map Parcel No. 4530200014, as set forth in the application CBPA-24-0051 for the purpose of constructing a fire pit and patio; and

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

NOW, THEREFORE, BE IT RESOLVED that the Chesapeake Bay Board of James City County, Virginia, following a public hearing, finds that the application does not meet all the requirements for an exception to the Chesapeake Bay Preservation Ordinance and therefore **DENIES** the exception request for Chesapeake Bay Board Case No. CBPA-24-0051.

Charles Roadley
Chair, Chesapeake Bay Board

Robin Benedict
Secretary to the Board

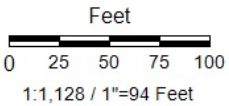
Adopted by the Chesapeake Bay Board of James City County, Virginia, this 12th day of June, 2024.

CBPA24-51_105ShllbnkDny-res



Legend

- Parcels
- Resource Protection Area RPA

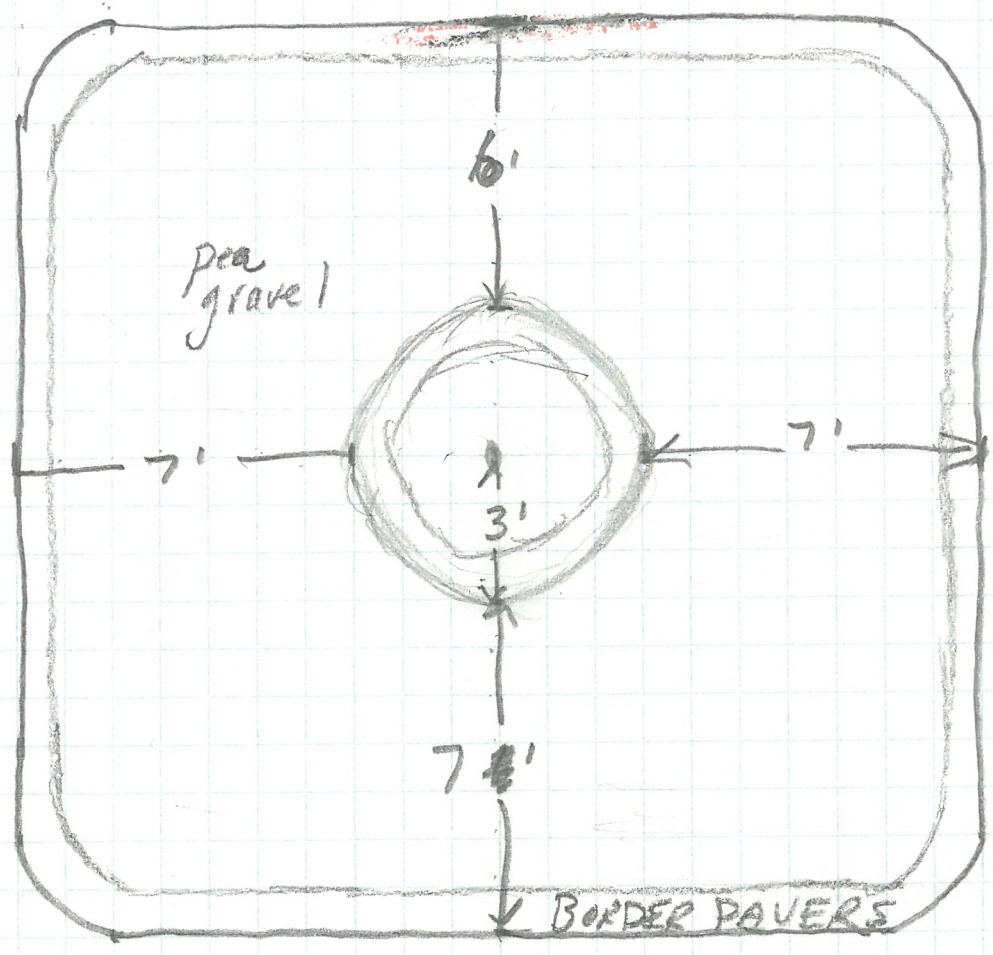


Title:

Date: 5/24/2024

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

WATER



Adjacent Property Owner Mailing List for Case Number: CBPA-24-0051

PIN	Last Name	Address Line 1	City	State	Zip Code
4530300275	BROWN, SANDRA L & STRONG, FRE	100 SHELLBANK DR	WILLIAMSBURG	VA	23185-1421
4530200014	CHRISTMAN, BRUCE L TRUSTEE	105 SHELLBANK DR	WILLIAMSBURG	VA	23185-1420
4530200013	SHIELD, STEPHEN W & KATHERINE	107 SHELLBANK DR	WILLIAMSBURG	VA	23185-1420
4530200015	TRAVER, ANTHONY J TRUSTEE &	103 SHELLBANK DR	WILLIAMSBURG	VA	23185-1420



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-24-0051
105 Shellbank Drive
Construction of fire pit, patio

May 31, 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. Bruce Christman for encroachments into the Resource Protection Area buffer for the construction of a fire pit and patio. The project is located at 105 Shellbank Drive, JCC Tax Map Parcel No. 4530200014.

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, June 12, 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



PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY, JUNE 12, 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-24-0051: Mr. Bruce Christman has applied for a Chesapeake Bay Exception for the construction of a fire pit and patio on property located at 105 Shellbank Drive, JCC Tax Map Parcel No. 4530200014.

CBPA-24-0052: Mr. Corey Bell, Williams Landscape and Design, on behalf of Mr. Anthony and Ms. Kathleen A. Zotto, have applied for a Chesapeake Bay Exception for the construction of a patio on property located at 105 Mahogany Run, JCC Tax Map Parcel No. 3131000011.

CBPA-24-0047: Mr. Mitchell Foos, The Kings Garden, on behalf of Mr. Jeffrey and Ms. Mary Scaggs, has applied for a Chesapeake Bay Exception for the construction of a patio and seating wall on property located at 3120 Windy Branch Drive, JCC Tax Map Parcel No. 520400005.

CBPA-24-0065: Mr. Mark Boyd, Kimley-Horn, on behalf of LI Hazelwood Farms VA Investor LP, has applied for a Chesapeake Bay Exception for the construction of a building on property located at 9400 Barnes Road, JCC Tax Map Parcel No. 430100017.

CBPA-24-0046: Scott Massie, Massie Construction and Land Management LLC, on behalf of Villages at Westminster Homeowners Association, has applied for a Chesapeake Bay Exception for the installation of a concrete swale, additional storm drains and associated grading on property located at 4820 Wellesley Blvd, JCC Tax Map Parcel No. 3221000001A.

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 – May 29, 2024 and June 5, 2024
ACCOUNT NO. CU00015112
VIRGINIA GAZETTE
1/8 PAGE, VERTICAL, B/W

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-24-0052. 105 Mahogany Run
Staff Report for the June 12, 2024, Chesapeake Bay Board Public Hearing**

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

EXISTING SITE DATA AND INFORMATION

Applicants: Mr. Anthony and Ms. Kathleen Zotto

Agent: Mr. Corey Bell, Williams Landscape & Design

Location: 105 Mahogany Run

Parcel Identification No.: 3131000011

Parcel: Lot 11, Section 18, Ford's Colony

Lot Size: 0.53 acres

Area of Lot in Resource Protection Area (RPA): 0.28 acres (53%)

Watershed: Powhatan Creek (JL31)

Floodplain: None

Proposed Activity: Construction of a patio, fireplace, and water feature

Impervious Cover: 439 square feet, new impervious cover

RPA Encroachment: 439 square feet, landward 50-foot RPA

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

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Corey Bell, Williams Landscape & Design, has applied for a Chesapeake Bay Exception on behalf of Mr. Anthony and Ms. Kathleen Zotto for encroachments into the RPA buffer for the construction of a patio, fireplace, and water feature located at 105 Mahogany Run 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. 3131000011. The parcel was platted in 1996, prior to the changes in the Chesapeake Bay Preservation Ordinance in 2004.

The total lot size of this property is 0.53 acres, of which 53% is located within the RPA. The applicants are proposing to install a new 368-square-foot patio and fireplace, extending off an existing 126-square-foot patio previously approved under Case No. CBE-14-030. Additionally, the applicants are seeking approval for an existing 71-square-foot water feature.

Total impacts to the RPA associated with this proposal equate to 439 square feet of new impervious surface in the landward 50-foot RPA. The proposed patio is 368 square feet of impacts to the landward 50-foot RPA. Due to this water feature approval being after-the-fact, mitigation requirements for this 71-square-foot portion are doubled. Total required mitigation for this amount of impervious impacts equals one and a half planting units (one canopy tree, two understory trees, and seven shrubs). With one planting unit accounting for the proposed patio and fireplace, the additional half unit comes from the after-the-fact water

feature with two shrubs being doubled to four shrubs. The applicants have provided a mitigation plan equating to 16 shrubs and two understory trees; therefore, satisfying County mitigation requirements.

STAFF EVALUATION

Staff has evaluated the application and exception request for the construction of a patio, fireplace, and water feature. This application meets the Ordinance conditions in Sections 23-11 and 23-14 and should be heard by the Board because the construction of a patio 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 \$1,500 in a form acceptable to the James City County Attorney's Office to guarantee the mitigation plan equaling one and a half planting units; and
3. This exception request approval will become null and void if construction has not begun by June 12, 2025; and
4. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than May 1, 2025, six weeks prior to the expiration date.

RB/ap
CBPA24-52_105MahgnyRn

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA-24-0052. 105 MAHOGANY RUN

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Corey Bell, Williams Landscape & Design, on behalf of Mr. Anthony and Ms. Kathleen Zotto (the “Applicants”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on June 12, 2024, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property located at 105 Mahogany Run (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 3131000011, as set forth in the application CBPA-24-0052 for the purpose of the construction of a patio, fireplace, and water feature; 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-24-0052, 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 \$1,500 in a form acceptable to the James City County Attorney’s Office to guarantee the mitigation plan equaling one and a half planting units; and
3. This exception request approval will become null and void if construction has not begun by June 12, 2025; and
4. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than May 1, 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 12th day of June, 2024.

CBPA24-52_105MahgnyRnApp-res

RESOLUTION

CASE NO. CBPA-24-0052. 105 MAHOGANY RUN

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Corey Bell, Williams Landscape & Design, on behalf of Mr. Anthony and Ms. Kathleen Zotto (the “Applicants”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on June 12, 2024, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property located at 105 Mahogany Run (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 3131000011, as set forth in the application CBPA-24-0052 for the purpose of the construction of a patio, fireplace, and water feature; 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-24-0052.

Charles Roadley
Chair, Chesapeake Bay Board

Robin Benedict
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 12th day of June, 2024.

CBPA24-52_105MahgnyRnDny-res

Qty	Botanical Name	Common Name	Size	Condition
Flowering Trees				
2	CORNUS FLORIDA	DOGWOOD WHITE FLOWERING	#15	MITG, PLNT
2	STYRAX JAPONICUS	SNOWBELL JAPANESE	#15	
Trees				
1	ACER PALMATUM 'BLOODGOOD'	MAPLE BLOODGOOD	45 G	
3	BETULA NIGRA	BIRCH RIVER	45 G	
Shrubs				
7	ABELIA X GRANDIFLORA 'ROSE CREEK'	ABELIA ROSE CREEK	#3	
3	CAMELLIA SASANGUA 'HANA JIMAN'	CAM. S. HANA JIMAN	15 G	
11	ILEX GLABRA 'SHAMROCK'	HOLLY GLABRA SHAMROCK INKBERRY	#3	MITG, PLNT
10	ITEA VIRGINICA 'SMNVDFC'	ITEA SCENTLANDIA	#3	MITG, PLNT
3	ROSA 'RADCON'	ROSE THE PINK KNOCK OUT	3 G	
Ornamental Grasses				
3	BERBERIS THUNBERGII 'CONCORDE'	BARBERRY CONCORDE	3 G	
12	COREOPSIS VERTICILLATA 'MOONBEAM'	COREOPSIS MOONBEAM	1 G	
2	MISCANTHUS SINENSIS 'MORNING LIGHT'	GRASS MORNING LIGHT	3 G	
7	PHLOX SUBULATA 'MARTIN'S RED'	PHLOX MARTIN'S RED	1 G	
17	VERONICA SPICATA 'MINUET'	SPEEDWELL MINUET	1 G	
Bulbs				
8	ABELIA X GRANDIFLORA 'CONTI'	ABELIA CONFETTI	3 G	
6	BUXUS MICROPHYLLA VAR. KOREANA 'WINTER GEM'	BOXWOOD WINTER GEM	7 G	
3	VIBURNUM TINUS 'COMPACTUM'	VIBURNUM SPRING BOUQUET	7 G	
Perennials				
1	CORNUS KOUSA	DOGWOOD KOUSA	30 G	
2	ILEX X 'CONIN'	HOLLY ROBIN	30 G	
1	ILEX X 'NELLIE R. STEVENS'	HOLLY NELLIE R. STEVENS	30 G	
3	ILEX X 'NELLIE R. STEVENS'	HOLLY NELLIE R. STEVENS	15 G	
2	LAGERSTROEMIA INDICA 'TUSCARORA'	GRAPEMYRTLE TUSCARORA	30 G	
1	PENNISETUM ALOPECUROIDES 'CASSIAN'	GRASS DWARF FOUNTAIN CASSIAN	3 G	
3	PRUNUS LAUROCERASUS 'OTTO LUYKEN'	LAUREL OTTO LUYKEN	10 G	

PHASE II PAVER PATIO
TOTAL AREA - 364 SQ'
MAIN FIELD - 3PC MODULAR PAVER - 260 SQ'
BELGARD - DIMENSIONS 12 - HICKORY
BORDER & BENCH SEAT - 6" PAVER - 40 SQ'
BELGARD - DIMENSIONS 6 - HICKORY
RETAINING WALL - 30 L' @ 24" HT
SEATING WALL - 30 L' @ 18" HT
BELGARD - HIGHLAND STONE - JAMES RIVER
FIREPLACE -
BELGARD - BORDEAUX SIERIS - SIENNA

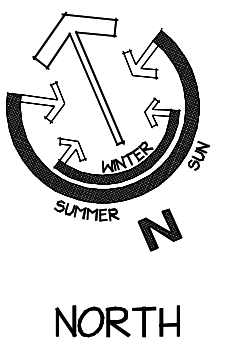
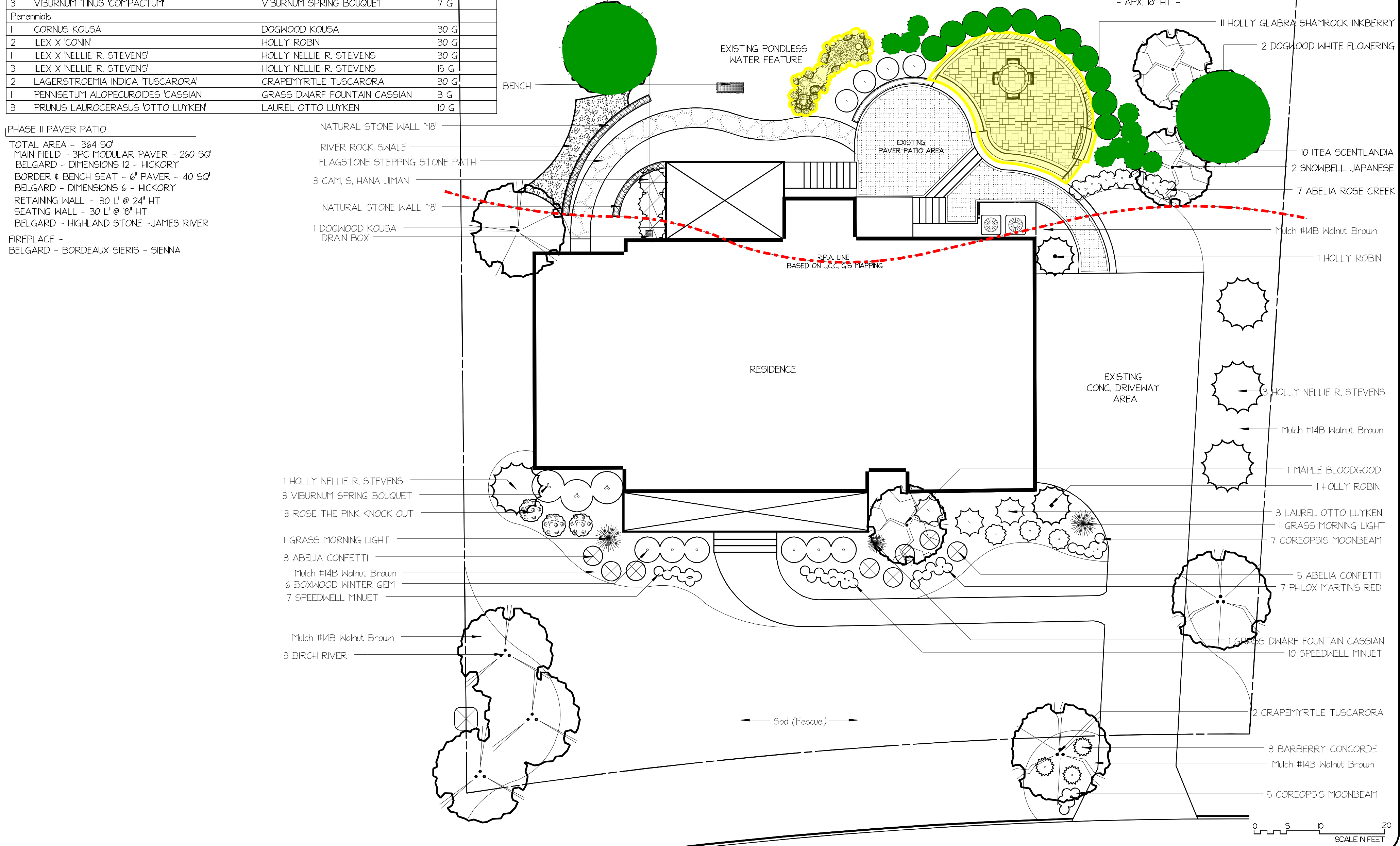
PAVER AREA - NEW HILLSIDE PATIO
TOTAL AREA - 238 SQ'
HERRINGBONE PAT - 170 SQ'
BORDER - SOLDIER COURSE - 40 SQ'
RETAINING WALL - LEVEL PATIO -
38 L' @ 18" MAX. HT
5' RETAINING WALL / SEATING - HOLD BACK GRADE -
19 L' @ 2' MAX. HT
PILLARS - 2
STEPPERS - 4
NOTE : NEW PAVER TO MATCH EXISTING
IN SIZE, COLOR & PATTERN UNLESS OTHERWISE
NOTED

NOTE : NEW PATIO AREA
TO BE APX. 12" LOWER
THAN EXISTING PATIO AREA

INSTALL NEW PAVER
PATIO AREA
PATIO WITH OPTIONAL
FIRE PLACE

RETAINING WALL TO
LEVEL PATIO AREA
- APX. 24" HT -

RETAINING / SEATING WALL TO
HOLD BACK SLOPE
- APX. 18" HT -



ZOTTO RESIDENCE

105 MUHOGANY RUN
WILLIAMSBURG, VA.
DATE 9/12/18
RVSN : 52924
DRAWING # LANDSCAPE PLAN : PHASE III
PRJ # -03 PATIO EXPANSION

SCALE 1" = 10'

Adjacent Property Owner Mailing List for Case Number: CBPA-24-0052

PIN	Last Name	Address Line 1	City	State	Zip Code
3131000012	AHERN, JAMES F JR TRUSTEE &	101 MAHOGANY RUN	WILLIAMSBURG	VA	23188-8412
3131000002	CHOWDHURY, MASUDUR R & OULAYVONE	108 MAHOGANY RUN	WILLIAMSBURG	VA	23188-8412
	Corey Bell Williams Landscape & Design	1554 Penniman Road	Williamsburg	VA	23185
3131000010	MOSS, VICTOR M JR & PATTON, PENNY B	109 MAHOGANY RUN	WILLIAMSBURG	VA	23188-8412
3131000001	TOMASKI LIVING TRUST	100 MAHOGANY RUN	WILLIAMSBURG	VA	23188-8412
3131000011	ZOTTO, ANTHONY M & KATHLEEN A	21492 HEARTHSTONE CT	BROADLANDS	VA	20148-5001



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-24-0052
105 Mahogany Run
Construction of patio

May 31, 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. Corey Bell, Williams Landscape and Design, on behalf of Mr. Anthony and Ms. Kathleen A. Zotto, for encroachments into the Resource Protection Area buffer for the construction of a patio. The project is located at 105 Mahogany Run, JCC Tax Map Parcel No. 3131000011.

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, June 12, 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



PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY, JUNE 12, 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-24-0051: Mr. Bruce Christman has applied for a Chesapeake Bay Exception for the construction of a fire pit and patio on property located at 105 Shellbank Drive, JCC Tax Map Parcel No. 4530200014.

CBPA-24-0052: Mr. Corey Bell, Williams Landscape and Design, on behalf of Mr. Anthony and Ms. Kathleen A. Zotto, have applied for a Chesapeake Bay Exception for the construction of a patio on property located at 105 Mahogany Run, JCC Tax Map Parcel No. 3131000011.

CBPA-24-0047: Mr. Mitchell Foos, The Kings Garden, on behalf of Mr. Jeffrey and Ms. Mary Scaggs, has applied for a Chesapeake Bay Exception for the construction of a patio and seating wall on property located at 3120 Windy Branch Drive, JCC Tax Map Parcel No. 520400005.

CBPA-24-0065: Mr. Mark Boyd, Kimley-Horn, on behalf of LI Hazelwood Farms VA Investor LP, has applied for a Chesapeake Bay Exception for the construction of a building on property located at 9400 Barnes Road, JCC Tax Map Parcel No. 430100017.

CBPA-24-0046: Scott Massie, Massie Construction and Land Management LLC, on behalf of Villages at Westminster Homeowners Association, has applied for a Chesapeake Bay Exception for the installation of a concrete swale, additional storm drains and associated grading on property located at 4820 Wellesley Blvd, JCC Tax Map Parcel No. 3221000001A.

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 – May 29, 2024 and June 5, 2024
ACCOUNT NO. CU00015112
VIRGINIA GAZETTE
1/8 PAGE, VERTICAL, B/W

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-24-0047. 3120 Windy Branch Drive
Staff Report for the June 12, 2024, Chesapeake Bay Board Public Hearing**

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

EXISTING SITE DATA AND INFORMATION

Applicants: Mr. Jeremy and Ms. Mary Scaggs

Agent: Mr. Mitchell Foos, The King’s Garden

Location: 3120 Windy Branch Drive

Parcel Identification No.: 0520400005

Parcel: Lot 5, Section 3, Bent Tree at Stonehouse

Lot Size: 0.55 acres

Area of Lot in Resource Protection Area (RPA): 0.29 acres (53%)

Watershed: Ware Creek (YO62)

Floodplain: None

Proposed Activity: Construction of a patio, seating wall, and outdoor fireplace

Impervious Cover: 344 square feet

RPA Encroachment: 284 square feet, landward 50-foot RPA

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

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Mitchell Foos, The King’s Garden, has applied for a Chesapeake Bay Exception on behalf of Mr. Jeremy and Ms. Mary Scaggs for encroachments into the RPA buffer for the construction of a patio, seating wall, and outdoor fireplace located at 3120 Windy Branch Drive within the Stonehouse subdivision and the Ware Creek watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 0520400005. The parcel was platted in 2001, prior to the changes to the Chesapeake Bay Preservation Ordinance in 2004.

The total lot size of this property is 0.55 acres, of which 53% is located within the RPA. The applicants are proposing to construct a patio, seating wall, and outdoor fireplace behind the existing house. Total impacts to the RPA associated with this proposal equate to 284 square feet of impacts to the landward 50-foot RPA. Required mitigation for this amount of impervious impacts equals 10 shrubs. The applicants have proposed a mitigation plan that satisfies this mitigation requirement.

STAFF EVALUATION

Staff has evaluated the application and exception request for the construction of a patio, seating wall, and outdoor fireplace. This application meets the Ordinance conditions in Sections 23-11 and 23-14 and should

be heard by the Board because the construction of a patio, seating wall, and outdoor fireplace are 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 \$500 in a form acceptable to the James City County Attorney's Office to guarantee the mitigation plan equaling 10 shrubs; and
3. This exception request approval will become null and void if construction has not begun by June 12, 2025; and
4. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than May 1, 2025, six weeks prior to the expiration date.

RB/md
CBPA24-47_3120WBrnch

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA-24-0047. 3120 WINDY BRANCH DRIVE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Mitchell Foos, The King’s Garden, on behalf of Mr. Jeremy and Ms. Mary Scaggs (the “Applicants”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on June 12, 2024, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property located at 3120 Windy Branch Drive (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 0520400005, as set forth in the application CBPA-24-0047 for the purpose of constructing a patio, seating wall, and outdoor fireplace; 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-24-0047, 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 \$500 in a form acceptable to the James City County Attorney’s Office to guarantee the mitigation plan equaling 10 shrubs; and
3. This exception request approval will become null and void if construction has not begun by June 12, 2025; and
4. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than May 1, 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 12th day of June, 2024.

CBPA24-47_3120WBrnchApp-res

RESOLUTION

CASE NO. CBPA-24-0047. 3120 WINDY BRANCH DRIVE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Mitchell Foos, The King’s Garden, on behalf of Mr. Jeremy and Ms. Mary Scaggs (the “Applicants”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on June 12, 2024, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property located at 3120 Windy Branch Drive (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 0520400005, as set forth in the application CBPA-24-0047 for the purpose of constructing a patio, seating wall, and outdoor fireplace; 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-24-0047.

Charles Roadley
Chair, Chesapeake Bay Board

Robin Benedict
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 12th day of June, 2024.

CBPA24-47_3120WBrnchDny-res

Key	Qty	Botanical Name	Common Name	Size/Condition	Remarks
Trees					
TRG	5	THUJA PLICATA 'GREEN GIANT'	ARBORVITAE GREEN GIANT	8-25	
Shrubs					
CAC	1	CLETHRA ALNFOLIA 'CRYSTALNA'	CLETHRA SUGARTINA	#3	MITIGATION PLANTING
GJ	10	ILEX GLABRA DENSA	HOLLY GLABRA DENSA AKBERRY	#3	MITIGATION PLANTING
Ornamental Grasses					
GCE	18	CAREX OSHRENGIS 'EVERILLO'	CAREX EVERCOLOR EVERILLO	#1	MITIGATION PLANTING

PAVER PATIO AREA - WITH FIRE PLACE

TOTAL AREA = 302 SQ
 MAIN FIELD / OUTER BORDER - BELGARD - DIMENSIONS 0 - 230 SQ
 MAIN BOND - BELGARD - DIMENSIONS ACCENT 362 - 40 SQ
 FIRE PLACE - 43' W x 27' D x 78" HT
 WOOD BOXES - 2 - 33' W x 27' D x 37" HT
 RETAINING WALL - BELGARD - HIGHLAND STONE - 52 L' @ 24" HT
 STEPPERS - BELGARD - LANDSCAPE STEP - 3

PAVER WALKWAY - DRIVEWAY TO PATIO

TOTAL AREA = 25 SQ
 MAIN FIELD - BELGARD - DIMENSIONS 6 - 25 SQ
 STEPPERS - BELGARD - LANDSCAPE STEP - 10
 SNAPEDGING - 64 L'

FENCE

TOTAL LENGTH = 1565 L'
 GATES - (1) SINGLE - (2) DOUBLE

PAVER WALKWAY - NEW PATIO TO CONC PATIO

TOTAL AREA = 16 SQ
 MAIN FIELD - BELGARD - DIMENSIONS 6 - 16 SQ
 RETAINING WALL - BELGARD - HIGHLAND STONE - 43 L' @ 18" HT
 SNAPEDGING - 60 L'

CORN HOLE / GATE AREA

TOTAL AREA = 390 SQ
 TURF AREA / LEVEL GROUND = 30 SQ
 RETAINING WALL - BELGARD - HIGHLAND STONE - 60 L' @ 24" HT
 STEPPERS - BELGARD - LANDSCAPE STEP - 3



Belgard Dimensions 12, Belgard Dimensions Accent Pavers, Fireplace Concept



Belgard Highland Stone Wall, Belgard Landscape Step Braun



Arborvitae Green Giant



Clethra Sugartina



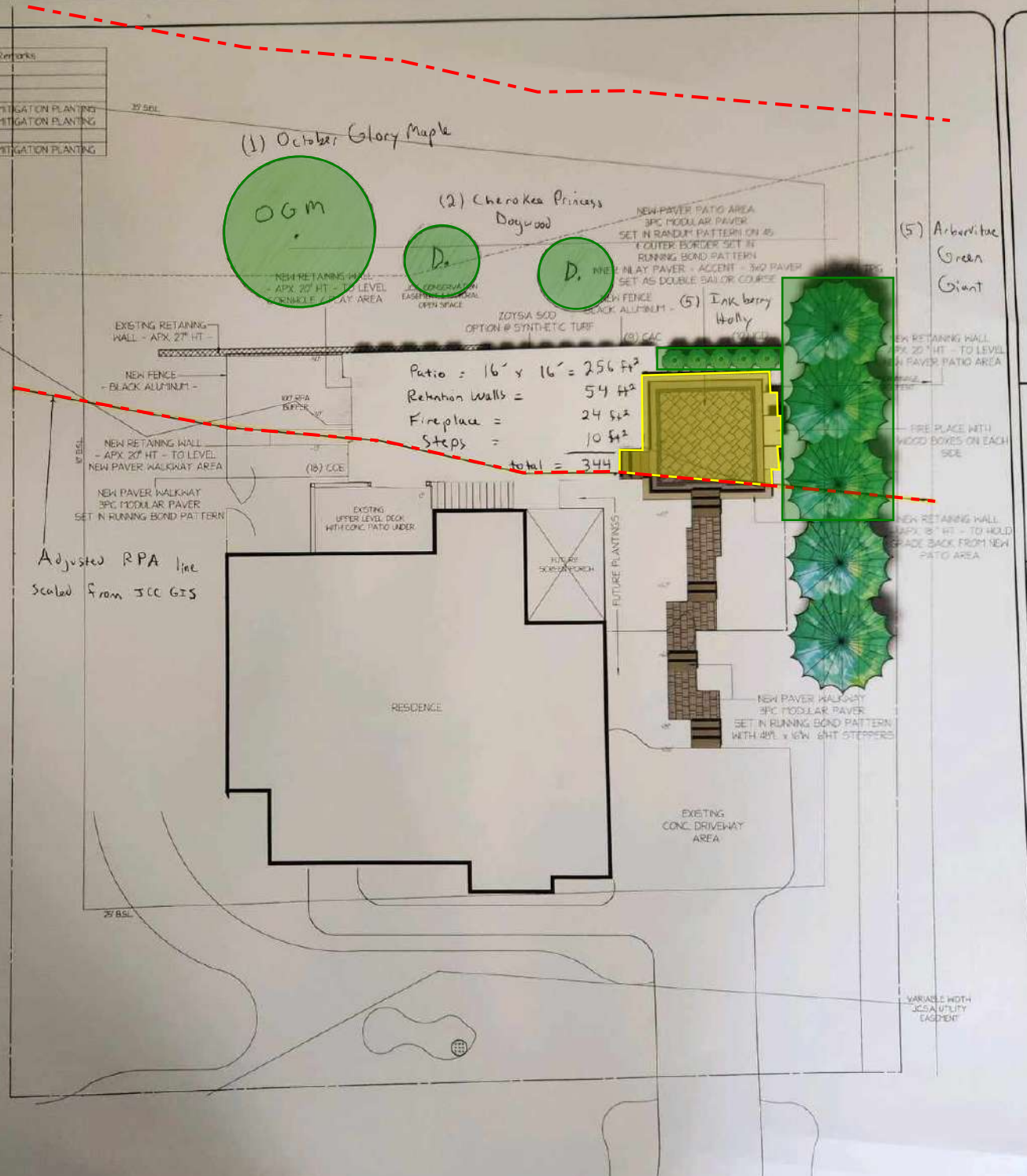
Holly Akberry



Thuja Plicata

REVISED MITIGATION PLANT LIST

- 1 (CANOPY TREE) / OCTOBER GLORY MAPLE / ACER RUBRUM 'OCTOBER GLORY' / 8-10 FT
- 2 (UNDERSTORY TREE) / CHEROKEE PRINCESS DOGWOOD / CORNUS FLORIDA / 6-8 FT
- 5 (SHRUB) / INKBERRY HOLLY / ILEX GLABRA DENSA / 3-5 GALLON 24-30 IN
- 5 (SHRUB) / ARBORVITAE GREEN GIANT / THUJA PLICATA / 10 GALLON 5-6 FEET



NORTH

SCAGGS RESIDENCE
 3120 WINDY BRANCH DRIVE
 WILLIAMSBURG, VA. DRAWING #
 DATE
 SCALE



SCALE IN FEET

Adjacent Property Owner Mailing List for Case Number: CBPA-24-0047

PIN	Last Name	Address Line 1	City	State	Zip Code
520400006	DENIS, LINDA HUTCHINSON TRUSTEE	3124 WINDY BRANCH DR	TOANO	VA	23168-9626
520300016	HARTSOUGH, DAVID L & BROWN, MARGENE	9927 WALNUT CRK	TOANO	VA	23168-9628
520300015	LEIGHTON, GARY & NANCYLEE	9931 WALNUT CREEK	TOANO	VA	23168-9628
	Mitchell Foos The Kings Garden	8850 Merry Oaks Lane	Toano	VA	23168
520400005	SCAGGS, JEFFREY & MARY	3120 WINDY BRANCH DR	TOANO	VA	23168-9626
520400004	SIERODZINSKI, JOSEPH J & KATHLEEN S	3116 WINDY BRANCH DR	TOANO	VA	23168-9626



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-24-0047
3120 Windy Branch Drive
Construction of patio, seating wall

May 31, 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. Mitchell Foos, The Kings Garden, on behalf of Mr. Jeffrey and Ms. Mary Scaggs, for encroachments into the Resource Protection Area buffer for the construction of a patio and seating wall. The project is located at 3120 Windy Branch Drive, JCC Tax Map Parcel No. 520400005.

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, June 12, 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



PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY, JUNE 12, 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-24-0051: Mr. Bruce Christman has applied for a Chesapeake Bay Exception for the construction of a fire pit and patio on property located at 105 Shellbank Drive, JCC Tax Map Parcel No. 4530200014.

CBPA-24-0052: Mr. Corey Bell, Williams Landscape and Design, on behalf of Mr. Anthony and Ms. Kathleen A. Zotto, have applied for a Chesapeake Bay Exception for the construction of a patio on property located at 105 Mahogany Run, JCC Tax Map Parcel No. 3131000011.

CBPA-24-0047: Mr. Mitchell Foos, The Kings Garden, on behalf of Mr. Jeffrey and Ms. Mary Scaggs, has applied for a Chesapeake Bay Exception for the construction of a patio and seating wall on property located at 3120 Windy Branch Drive, JCC Tax Map Parcel No. 520400005.

CBPA-24-0065: Mr. Mark Boyd, Kimley-Horn, on behalf of LI Hazelwood Farms VA Investor LP, has applied for a Chesapeake Bay Exception for the construction of a building on property located at 9400 Barnes Road, JCC Tax Map Parcel No. 430100017.

CBPA-24-0046: Scott Massie, Massie Construction and Land Management LLC, on behalf of Villages at Westminster Homeowners Association, has applied for a Chesapeake Bay Exception for the installation of a concrete swale, additional storm drains and associated grading on property located at 4820 Wellesley Blvd, JCC Tax Map Parcel No. 3221000001A.

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 – May 29, 2024 and June 5, 2024
ACCOUNT NO. CU00015112
VIRGINIA GAZETTE
1/8 PAGE, VERTICAL, B/W

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-24-0046. 4820 Wellesley Boulevard
Staff Report for the June 12, 2024, Chesapeake Bay Board Public Hearing**

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

EXISTING SITE DATA AND INFORMATION

Applicant: Ms. Kelly Coronel, Villages at Westminster Homeowners Association (HOA)
Agent: Mr. Scott Massie, Massie Construction & Land Management, LLC
Location: 4820 Wellesley Boulevard
Parcel Identification No.: 3221000001A
Parcel: Open Space P-1 S-1, Villages at Westminster
Lot Size: 2.89 acres, 0.19-acre project area
Area of Lot in Resource Protection Area (RPA): 1.14 acres (39%)
Watershed: Powhatan Creek (JL31)
Floodplain: None
Proposed Activity: Installation of a concrete swale, additional storm drains, and associated grading
Impervious Cover: 432 square feet
RPA Encroachment: 432 square feet, landward 50-foot RPA
Staff Contact: Robin Benedict, Watershed Planner Phone: 253-6781

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Scott Massie, Massie Construction & Land Management, LLC, has applied for a Chesapeake Bay Exception on behalf of Ms. Kelly Coronel, Villages at Westminster HOA for encroachments into the RPA buffer for the installation of a concrete swale, additional storm drains, and associated grading located at 4820 Wellesley Boulevard within the Villages at Westminster subdivision and the Powhatan Creek watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 3221000001A. The parcel was platted in 2002, prior to the changes in the Chesapeake Bay Preservation Ordinance in 2004.

The total lot size of this property is 2.89 acres, 0.19-acre project area, of which 39% is located within the RPA. In February of 2024, officials from the James City County Stormwater and Resource Protection Division received notice that a concrete swale and new storm drains were being installed on this property without the submission of a Chesapeake Bay Preservation Exception Request. The applicant stopped all construction and began the process of obtaining a permit for the proposed work. The applicant is proposing to install a 3-foot-wide concrete swale around an existing pool, two additional storm drains, and associated grading. Total impacts to the RPA associated with this proposal equate to 432 square feet of new impervious surface within the 50-foot landward RPA buffer. Required mitigation for this amount of impervious impacts equals 11 shrubs. Because this exception request is being heard before the Board after the fact, staff would

require double the mitigation units equaling 22 shrubs. The applicant has proposed a mitigation plan equating to 30 shrubs, therefore, satisfying County mitigation requirements.

STAFF EVALUATION

Staff has evaluated the application and exception request for the installation of a concrete swale, additional storm drains, and associated grading. This application meets the Ordinance conditions in Sections 23-11 and 23-14 and should be heard by the Board because the installation of a concrete swale, additional storm drains, and the associated grading is outside of the scope of 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 moderate for the proposed development. Staff recommends approval for this exception request and if the Board wishes to approve the request, staff recommends the following conditions be incorporated into the approval:

1. The Applicant must obtain all other necessary federal, state, and local permits as required for the project; and
2. The Applicant must submit a surety of \$2,000 in a form acceptable to the James City County Attorney's Office to guarantee the mitigation plan equaling 30 shrubs; and
3. This exception request approval will become null and void if construction has not begun by June 12, 2025; and
4. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than May 1, 2025, six weeks prior to the expiration date.

RB/md
CBPA24-46_4820WellsBlv

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA-24-0046. 4820 WELLESLEY BOULEVARD

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Scott Massie, Massie Construction & Land Management, LLC, on behalf of Ms. Kelly Coronel, Villages at Westminster Homeowners Association (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on June 12, 2024, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property located at 4820 Wellesley Boulevard (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 3221000001A, as set forth in the application CBPA-24-0046 for the purpose of installing a concrete swale, additional storm drains, and associated grading; and

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

NOW, THEREFORE, BE IT RESOLVED that the Chesapeake Bay Board of James City County, Virginia, following a public hearing, finds that the application meets all the requirements for an exception to the Chesapeake Bay Preservation Ordinance and therefore **APPROVES** the exception request for Chesapeake Bay Board Case No. CBPA-24-0046, subject to the following conditions:

1. The Applicant must obtain all other necessary federal, state, and local permits as required for the project; and
2. The Applicant must submit a surety of \$2,000 in a form acceptable to the James City County Attorney’s Office to guarantee the mitigation plan equaling 30 shrubs; and
3. This exception request approval will become null and void if construction has not begun by June 12, 2025; and
4. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than May 1, 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 12th day of June, 2024.

RESOLUTION

CASE NO. CBPA-24-0046. 4820 WELLESLEY BOULEVARD

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Scott Massie, Massie Construction & Land Management, LLC, on behalf of Ms. Kelly Coronel, Villages at Westminster Homeowners Association (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on June 12, 2024, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property located at 4820 Wellesley Boulevard (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 3221000001A, as set forth in the application CBPA-24-0046 for the purpose of installing a concrete swale, additional storm drains, and associated grading; and

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

NOW, THEREFORE, BE IT RESOLVED that the Chesapeake Bay Board of James City County, Virginia, following a public hearing, finds that the application does not meet all the requirements for an exception to the Chesapeake Bay Preservation Ordinance and therefore **DENIES** the exception request for Chesapeake Bay Board Case No. CBPA-24-0046.

Charles Roadley
Chair, Chesapeake Bay Board

Robin Benedict
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 12th day of June, 2024.

CBPA24-46_4820WellsBlvDny-res



**A Quality Project Completed Safely and
Timely by a Professional Team**

March 15, 2024

Ms. Kelly Coronel
President of the Westminster HOA
Villages of Westminster Homeowners Association, Inc.
4820 Wellesley Blvd.
Williamsburg, Va. 23188

Ref: Documents needed for the Residential Accessory Project Site Plan

Dear Ms. Coronel,

Massie Construction & Land Management, LLC. is pleased to put this Residential Accessory Project Site Plan together for the Villages of Westminster Homeowners Association. Massie Construction and Land Management, LLC met with James City County prior to putting this plan together to ensure we had proper preparation, and we provided the County with all the items necessary for the plan to be approved. Chief Civil Engineer Deirdre Wells was a tremendous help with this process. Ms. Wells provided us with an email that you were copied on which listed the items we would be required to provide the county with. Massie Construction & Land Management, LLC used this email and its attachments to base the Residential Accessory Project Plan on. The exhibits below are the items required for the Residential Accessory Project Site Plan:

Exhibits Included in this Residential Accessory Project Site Plan:

1. **Exhibit #1:** Registered Land Disturber Certification
2. **Exhibit #2:** RPA Zone Per James City County Map / Environmental Inventory Impact Chart
3. **Exhibit #3:** Conservation Easement Per James City County Map
4. **Exhibit #4:** Storm Surge / Flood Zone Per James City County Map
5. **Exhibit #5:** James City County Standard Stormwater Notes Page #1
6. **Exhibit #6:** James City County Standard Stormwater Notes Page #2
7. **Exhibit #7:** The Residential Accessory Project Site Plan Sequence of Construction
8. **Exhibit #8:** Existing Site as Is Prior to Construction Starting
9. **Exhibit #9:** Existing Aerial Photo of Site Showing Total Limits of Site (**Not Disturbed Area**) (8,449.25 SF)
10. **Exhibit #10:** Existing Aerial Photo of Actual Disturbed Area on Site (**Disturbed Area**) (2,328.02 SF)
11. **Exhibit #11:** Temporary Stockpile Area for Stripped Topsoil
12. **Exhibit #12:** Erosion Control Measures to be Installed
13. **Exhibit #13:** Location of Wooden Truck Mats Installed for Access Road to Limit Disturbance
14. **Exhibit #14:** Site Plan - Existing Concrete Elevations
15. **Exhibit #15:** Site Plan - Proposed New Storm Drain Plan
16. **Exhibit #16:** Site Plan - Proposed New Concrete Swale Plan
17. **Exhibit #17:** Site Plan - Topsoil, Seed, Fertilize, Lime & Straw / EC-2 Site
18. **Exhibit #18:** Site Plan - Final Site Cleanup and Demobilization

Sincerely,

Scott Massie

Exhibit #1: (Registered Land Disturber Certification)

COMMONWEALTH OF VIRGINIA

State Water Control Board

1111 East Main Street, Richmond, Virginia 23219

Responsible Land Disturber

Scott Livingston Massie

CERTIFICATE NUMBER

RLD21525

EXPIRATION DATE

4/29/2025



This certificate is for your records and should be kept in a safe location. Please detach the above certificate and the two wallet size cards below. It is your responsibility to ensure that your certification is kept current and that you meet the requirements for re-certification before the expiration date.

COMMONWEALTH OF VIRGINIA
State Water Control Board
1111 East Main Street, Richmond, Virginia 23219

Responsible Land Disturber

Scott Livingston Massie

Certificate Number

RLD21525



Expiration Date

4/29/2025

COMMONWEALTH OF VIRGINIA
State Water Control Board
1111 East Main Street, Richmond, Virginia 23219

Responsible Land Disturber

Scott Livingston Massie

Certificate Number

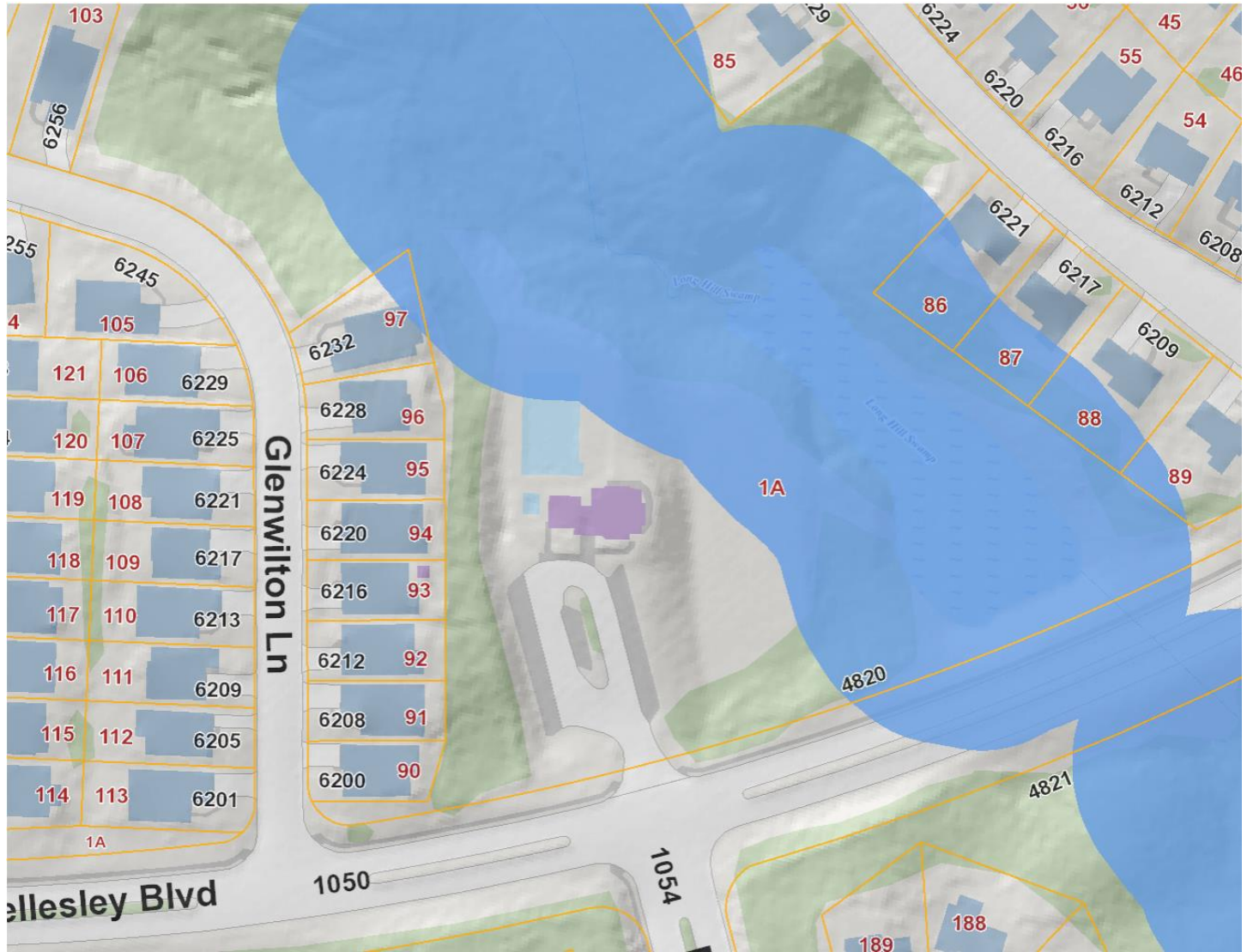
RLD21525



Expiration Date

4/29/2025

Exhibit #2: (RPA Zone Per James City County Map / Environmental Inventory Impact Chart)

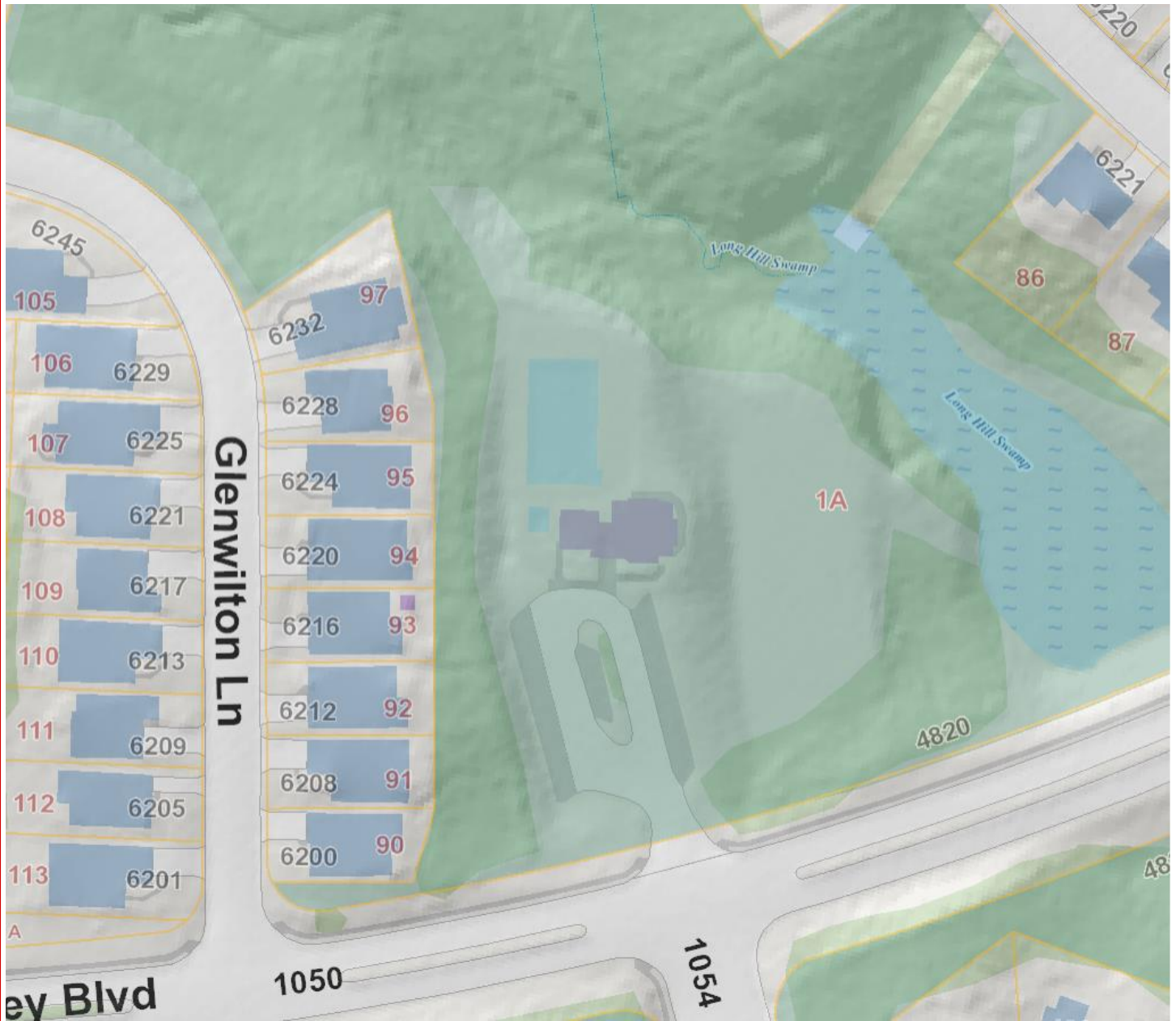


The map above is the RPA map off the James City County Website. The RPA area is the Blue clouded area. The pool for the Westminster Club House is shown in the map in the light blue color.

ENVIRONMENTAL INVENTORY IMPACTS

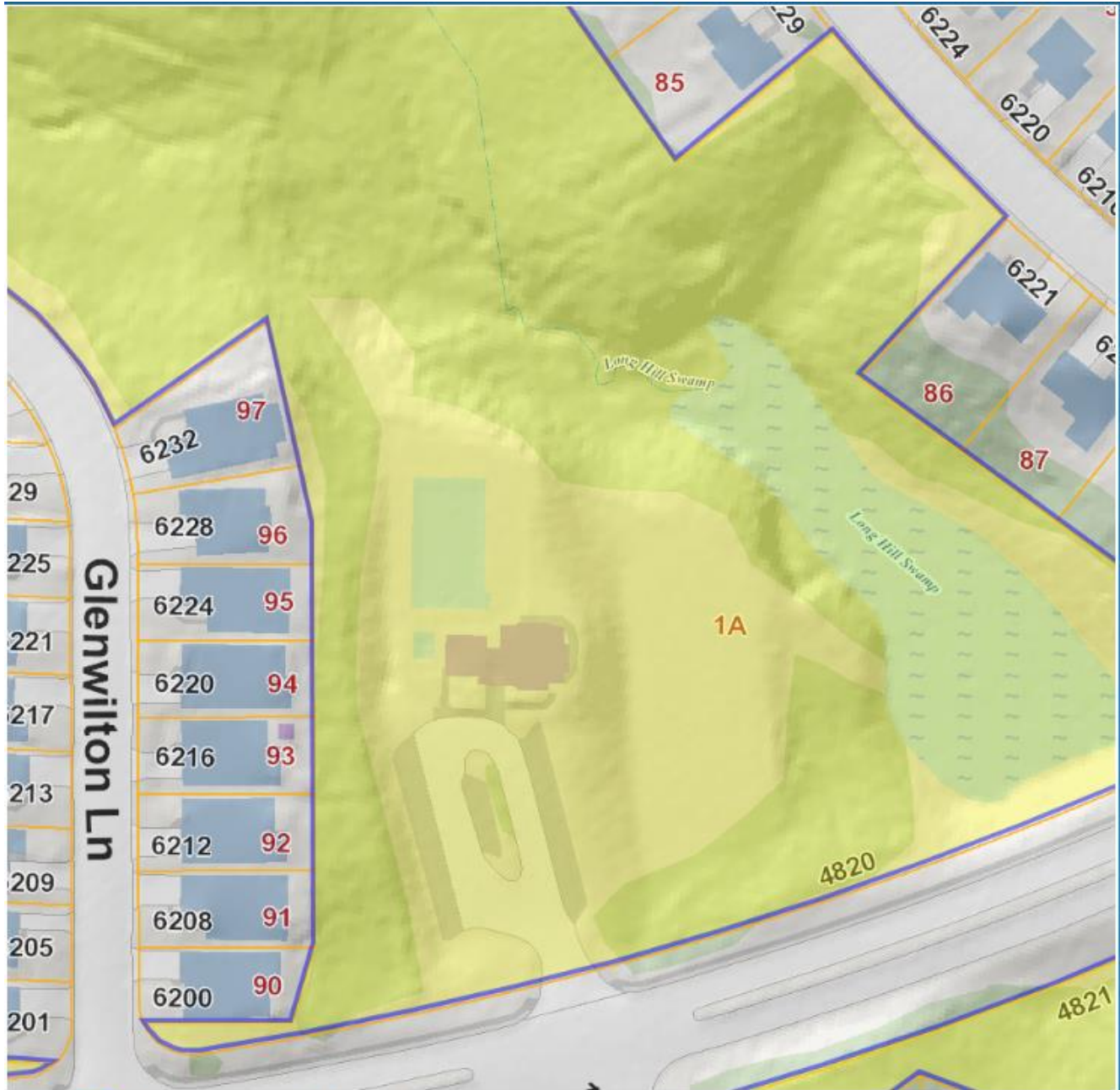
TIDAL WETLANDS:	Non Within the Limits of this Site.
TIDAL SHORES:	Non Within the Limits of this Site.
NON-TIDAL WETLANDS:	Non Within the Limits of this Site.
100 FT RPA BUFFER:	See Exhibit #2 Above.
NON TIDAL WETLANDS IN RMA:	Non Within the Limits of this Site.
SLOPES > 25%	Non Within the Limits of this Site.

Exhibit #3: (Conservation Easement Per James City County Map)



The map above shows the conservation area per the James City County Website. The Green Shaded area is the designated conservation area per the James City County Map. The map above is unedited. The map on the James City County Website shows the entire Club Facility in the conservation area.

Exhibit #4: (Storm Surge / Flood Zone Per James City County Map)



- Emergency Mgmt
- FEMA/USACE Storm Surge
 - Category 1:
 - Category 2:
 - Category 3:
 - Category 4:

The map above shows that the property is zoned category level 3 per the James City County Web Map for the FEMA Storm Surge and Flood. When I pulled in the flood zone only maps this property does not show up on any map at any level.

Exhibit #5: (James City County Standard Stormwater Notes Page #1)



Standard Stormwater Notes

The following standard County notes shall become part of any approved Erosion and Sediment Control or Stormwater Management plan of development project in James City County, Virginia. The County's Division of Stormwater and Resource Protection (SRP) is designated by Chapter 8 of the County Code as the local Virginia Erosion and Sediment Control Program (VЕСP) authority and the local Virginia Stormwater Management Program (VSMP) authority.

1. All the provisions of Virginia Erosion and Sediment Control (E&SC) Law and Regulations, the Virginia Stormwater Management Act and Regulations, the Virginia Best Management Practice (BMP) Clearinghouse website, State E&SC and Stormwater Management Handbooks, and any associated technical bulletins and guidance documents as published by the State Water Control Board, the Virginia Department of Environmental Quality (DEQ), and the local VЕСP and VSMP authority shall apply to the project.
2. Minimum Standards Numbers 1 through 19 of the Virginia Erosion and Sediment Control Regulations 9VAC25-840 shall apply to the project.
3. The operator shall be responsible to register for Construction General Permit (CGP) coverage, as applicable, in accordance with the General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Discharge of Stormwater from Construction Activities (VAR10) Chapter 880; the VSMP Regulations Chapter 870; and in accordance with the current requirements of the VSMP, the State Water Control Board, the Virginia DEQ, Chapter 8 of the County Code, and the local VЕСP/VSMP authority.
4. The operator shall provide the name of an individual holding a valid Responsible Land Disturber (RLD) certificate issued by DEQ signifying who is responsible for carrying out the land-disturbing activity in accordance with the approved E&SC plan. The RLD must be designated on the E&SC plan or permit as a prerequisite for engaging in land disturbance. The RLD is required to attend the pre-construction meeting for the project.
5. A pre-construction meeting shall be held on-site and include representatives from the local VЕСP/VSMP authority, the operator, the RLD, the contractor, engineer, and other responsible agencies, as applicable, prior to authorization and issuance of a local land disturbing or stormwater construction permit. The operator is required to coordinate scheduling of the pre-construction meeting with the James City County (JCC) SRP Division.
6. A pollution prevention plan (P2 plan), if required, shall be developed, implemented, and updated as necessary and must detail the design, installation, implementation, and maintenance of effective pollution prevention measures to minimize the discharge of pollutants as specified in 9VAC25-870-56. This plan shall be available on-site for review at reasonable times by the local VЕСP/VSMP authority when requested.
7. Off-site areas shall be approved by the local VЕСP/VSMP authority prior to land disturbing activity at the separate location. Off-site areas shall be included as part of the proposed land disturbing activity or covered by a separate approved E&SC plan.
8. Temporary soil stockpiles shall comply with the provisions of section 24-46 of the County Code.
9. Local VЕСP/VSMP authority written approval shall be required prior to deviations from the approved erosion and sediment measures, sequence of construction, or stormwater management plan. Significant deviations from the approved plan may require the submittal of an amended plan for review and approval.

Stormwater and Resource Protection Division
P: 757-253-6670
Stormwater@jamescitycountyva.gov

101-E Mounts Bay Road, PO Box 8784
F: 757-259-4032

Williamsburg, VA 23187-8784
jamescitycountyva.gov

Standard Stormwater Notes

Page 2

10. Permanent or temporary soil stabilization shall be applied to denuded areas within seven days after final grade is reached on any portion of the site. Temporary soil stabilization shall be applied within seven days to denuded areas that may not be at final grade but will remain dormant for longer than 14 days. Permanent stabilization shall be applied to areas that are to be left dormant for more than one year. Irrigation, if necessary, shall comply with all applicable seasonal water use restrictions of the James City Service Authority.
11. For the purposes of bond reductions or releases, final stabilization will be defined as the completion of all soil disturbing activities at the site and the establishment of a permanent vegetative cover on denuded areas not otherwise permanently stabilized. Permanent vegetation shall not be considered established until a ground cover is achieved that is uniform (e.g., evenly distributed), mature enough to survive, and will inhibit erosion.
12. Design and construction of private storm drainage systems, outside of any Virginia Department of Transportation (VDOT) right-of-way, shall be performed in accordance with the current version of the County's Stormwater Drainage Conveyance Systems (Non-BMP related) General Design and Construction Guidelines.
13. Record Drawings (As-builts) and Construction Certifications are required for all applicable stormwater facilities, including stormwater management/BMP facilities and storm drainage conveyance systems. Record drawings and construction certifications must meet established program requirements of the County Code and the VESCP/VSMP authority.
14. All stormwater facilities including BMPs, storm drainage pipes, stormwater conveyances, inlets, manholes, outfalls, and roadside and other open channels shall be inspected by the local VESCP/VSMP authority, the owner, and the applicant/operator/permittee designated geotechnical engineer for the project in accordance with the established County stormwater facility inspection program requirements.
15. The final project certification process shall include an internal closed-circuit television camera (CCTV) post installation inspection performed by the owner in accordance with the JCC CCTV Administrative Guidelines developed by the VSMP authority.

Last Revised April 2023

Exhibit #7: (The Residential Accessory Project Site Plan Sequence of Construction)

Step 1: (Site Setup)

- Install drop inlet protection at the one drop inlet at the southwest corner of project.
- Install waddles / core log around the outside perimeter of site next to woods line per the drawing and along grass slope per drawing provided. The reason the waddles / core logs were chosen over silt fence for this area is the lack of surface area that feeds these areas. There is very little surface area that actually drains towards these areas so the waddles / core log should be more than enough to prevent any sediment from leaving the site.
- Install the silt fence at the toe of the slope per the drawing. This is where the storm drainpipe will drain in the future. The storm drainpipe is not active and will not be active until the project is 100 percent complete. The only water that ever goes into this storm drainpipe is the water that actually hits the concrete deck pool surface. No yard water drains into these structures.
- Once the E&S items are installed, we will install wooden truck mats per the drawing. These will be installed so we do not disturb the existing grass with the repetitive construction traffic and so we disturb less ground surface. The goal is to disturb less than 2500 Sf.

Step 2: (Complete the Storm Drain Install by Completing the Rip Rap Outfall and Stabilize)

- Once the erosion control items are complete, the rip rap outfall at the storm drainpipe will then be installed.
- We will then dress up around the rip rap out fall and dress up the slope coming up the hill from the rip rap out fall all the way to the top of the hill. We will put this area back to the existing contours and respread topsoil on this area.
- Seed, fertilizer, lime, and EC-2 will then be placed around the rip rap outfall and up the slope to stabilize the disturbed area.
- The silt fence will be removed at this point completely from around the rip rap outfall and the filter sock will be relocated up the slope to the top of the hill. The filter socks will be set at the top of the hill above the stabilized slope to separate the disturbed area from the stabilized area.

Step 3: (Install Concrete Swale From Back of Club House headed North and Stabilize)

- Once the slope to the outfall pipe is stabilized with EC-2 and the filter socks are moved to the top of the hill we will start forming up the concrete swale starting at the back of the club house and working north towards the back of the pool. We will form, grade and pour this concrete. This concrete will be finished all the way to the northeast back corner of the pool deck.
- Once the concrete is complete to the northeast corner of the pool deck, we will stop and drop back and complete all the grading and backfilling around the concrete swale.
- Seed, lime, fertilizer and straw or EC-2 matting will be placed as required to achieve stabilization. This way everything from the back side of the club house to the northeast corner of the pool deck is now 100 percent complete.

Step 4: (Install Concrete Swale From North East Corner to North West Corner of Pool Deck and Stabilize)

- Starting from the northeast corner we will continue forming up the concrete swale, grading for concrete and pouring concrete heading back towards the northwest back corner of the pool deck.
- Once the concrete reaches the northwest corner we will then drop back and strip our forms, backfill the concrete swale, dress up the disturbed areas and remove the wooden truck mats.
- Once all the disturbed areas are dressed up and the wooden mats are removed, seed, fertilizer, lime, straw, or EC-2 will be placed in this area so that the yard area is stabilized and 100 percent complete.

Step 5: (Install Concrete Swale From N. West Corner to S. West Corner to front of Pool Deck & Stabilize)

- Now that the back side of the pool deck is 100 percent complete and stabilized, forming, grading, and placing the concrete will start on the northwest to southwest side of the pool deck.
- Once the concrete is placed and complete on this side we will then drop back and strip all the forms, start backfilling the concrete and dressing up all the disturbed areas in preparation for seeding.
- The wooden truck mats will be removed from this area as we dress our way out.
- Seed, lime, fertilizer and straw or EC-2 will be placed to stabilize this area.

Step 6: (Place Concrete Swale From the Club House to the Existing Drop Inlet on S. West Side & Stabilize)

- Now that the southwest and southwest side is complete, forming, grading and pouring the concrete for the last piece of concrete swale that goes from the Club House to the existing drop inlet in the southwest corner of the pool deck.
- Once the concrete is poured in this area we will drop back and strip the forms and start backfilling the concrete and dressing up all the disturbed areas.
- All wooden truck mats will be removed from this area at the same time.
- Once this area is completely dressed up, seed, fertilizer, lime and ec-2 or straw will be placed to stabilize this area. This will complete this area 100 percent.

Step 7: (Site Cleanup and Final Walk Through)

- A final site walk through will be done and any items that need to be fixed at that time will be repaired then. All trash and debris will be removed at this time.

Exhibit #8: (Existing Site As Is Prior to Construction Starting)



The picture above shows the site prior to any construction starting.

Exhibit #9: (Existing Aerial Photo of Site Showing Total Limits of Site) (Not Disturbed Area)



The photo above shows the total area of the construction limits. This is not the total area of disturbance. A lot of this area will be covered in wooden truck mats that will not harm the grass and leave's the soil undisturbed. In the red shaded area above there is 8,449.25 Sf of construction area. Again, this is not the disturbed area.

Exhibit #10: (Existing Aerial Photo of Actual Disturbed Area on Site)



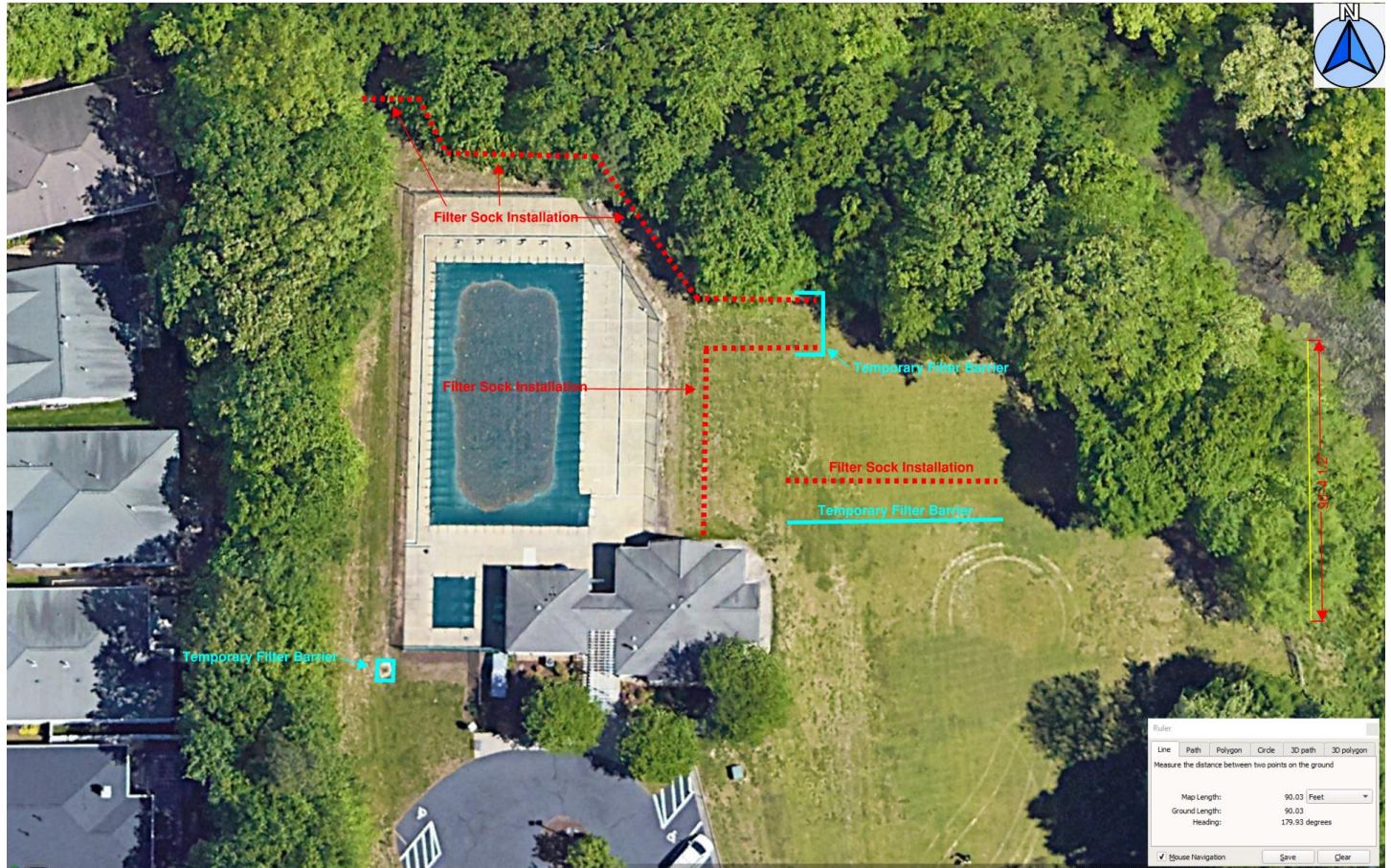
The plan above shows the existing site and the actual limits of disturbance where we actually plan to excavate out for the concrete swale and install the storm drainpipe to drain the swale. There is only 2,328.02 Sf of planned disturbed area on this project.

Exhibit #11: (Temporary Stockpile Area for Stripped Topsoil) (Blue Circle)



The blue circle in the above picture is the approximate location where we will place the temporary stockpile of stripped topsoil. This topsoil will come from the site as we excavate out for the concrete swale. The topsoil will be placed back around the concrete swale once it is poured. If there is any material remaining at the end of the project, it will be removed from the site and the area where the pile was staged will be reseeded and stabilized.

Exhibit #12: (Erosion Control Measures to be Installed)



The drawing above shows the location of the suggested erosion control devices. Due to the lack of volume of water we are suggesting that we use 200 Ft long filter socks to go around the back side of the project where the majority of the runoff could be. This is shown by the red dashed line. We are also placing temporary filter barriers in several locations as well. These areas are shown on the map with the blue line. The north and northeast side of the project is all protected by the filter sock line as shown on the drawing. The west side of the project drains to the drop inlet at the front of the site that will be protected with the silt fence that is shown in the above drawing.

Example of the Filter Sock we are Recommending.



Temporary Filter Barrier

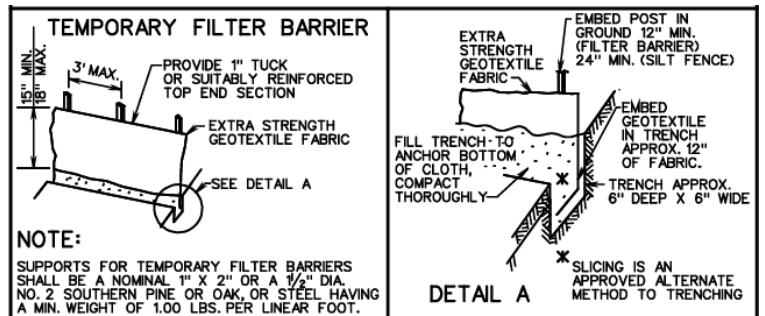
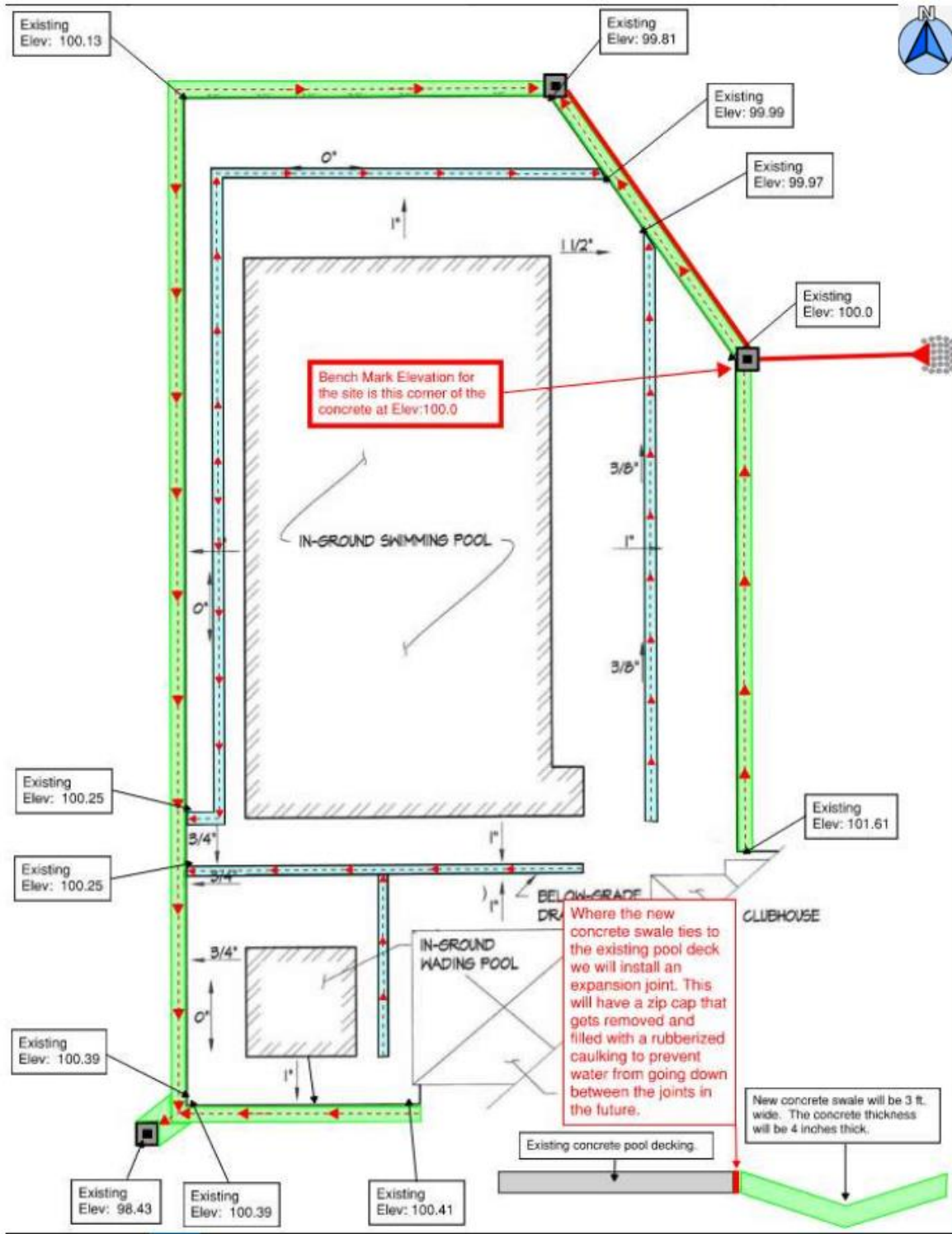


Exhibit #13: (Wooden Truck Mats Installed for Access Road to Limit Disturbance)



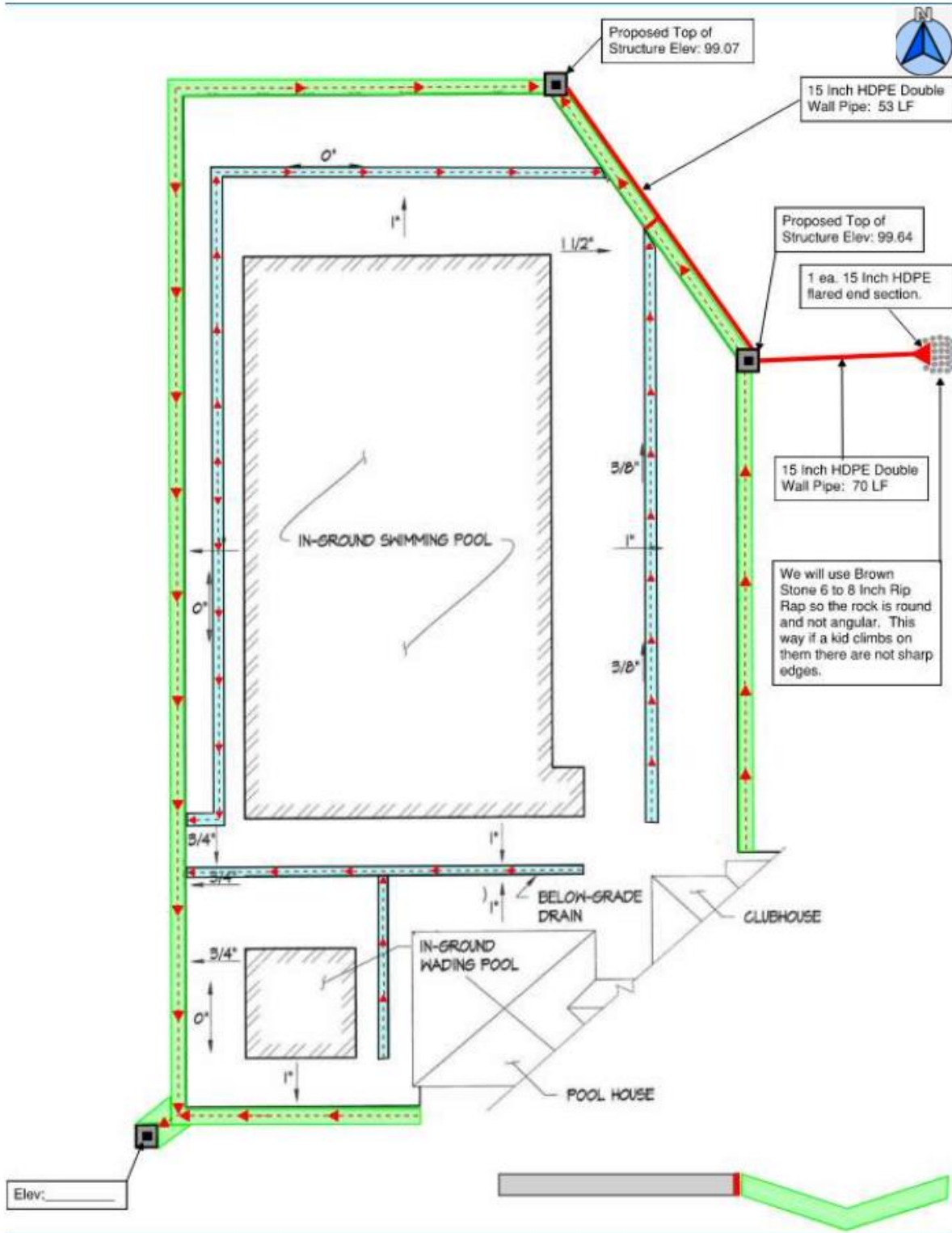
The plan above shows the location where we will install the wooden truck mats around the west side of the pool deck heading back towards the north end of the pool deck. We then place the wooden mats along the north end of the pool deck as well. All equipment traffic will travel on these mats to prevent any disturbance to the existing ground and to limit the amount of ground disturbance around the site.

Exhibit #14: (Site Plan - Existing Concrete Elevations)



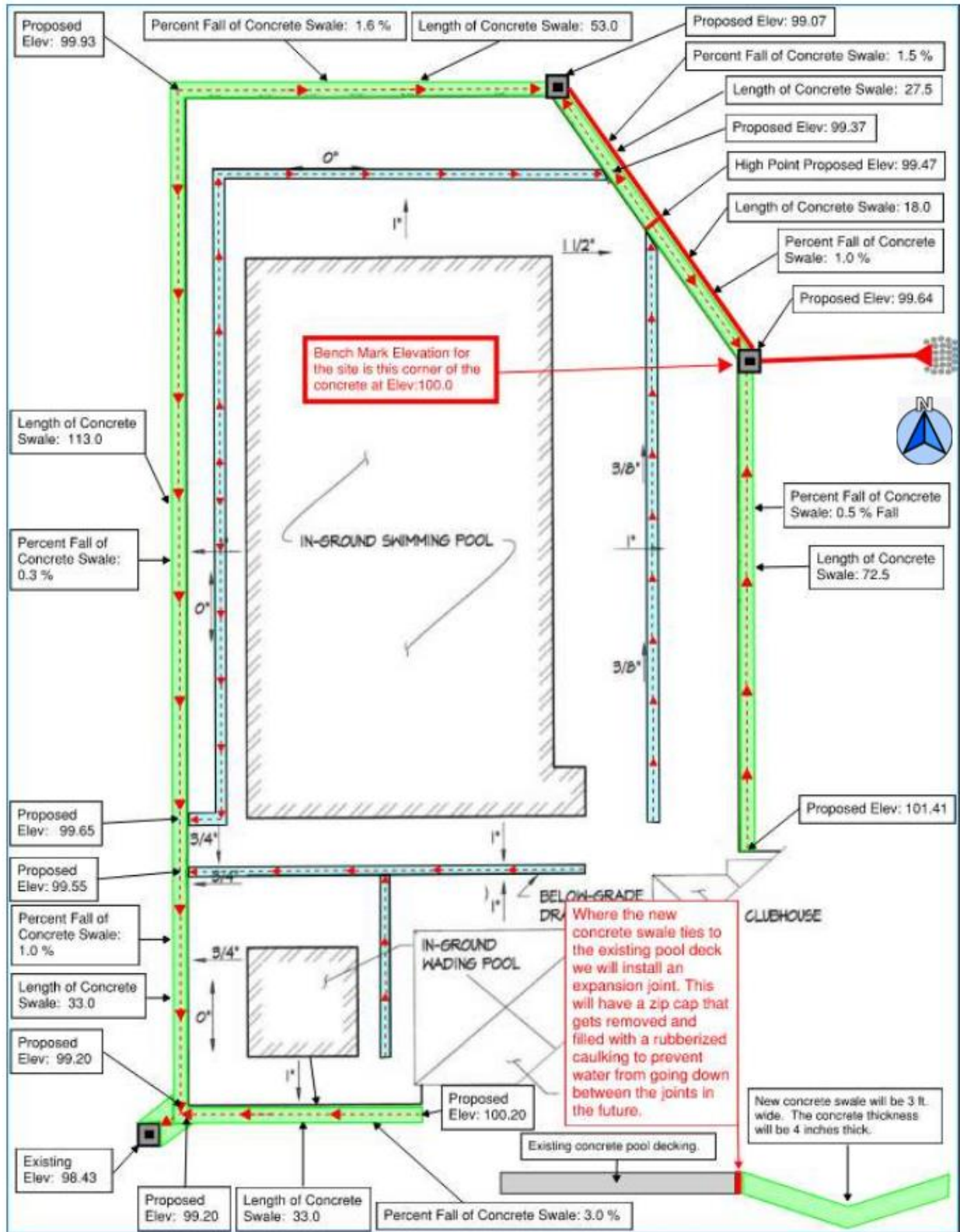
The drawing above shows the plan submitted to the Westminster HOA for their approval for a concrete swale to be installed around the pool deck area. This was being installed to stop the erosion that was occurring off the edges of the concrete pool deck which was undermining the concrete deck in areas and causing a large wash out in another area. The plan above shows the location of the new proposed concrete swale and storm drain. It also shows the existing concrete spot elevations.

Exhibit #15: (Site Plan - Proposed New Storm Drain Plan)



The drawing above shows the plan submitted to the Westminster HOA for their approval for a concrete swale to be installed around the pool deck area. This was being installed to stop the erosion that was occurring off the edges of the concrete pool deck which was undermining the concrete deck in areas and causing a large wash out in another area. The plan above shows the location of the new proposed concrete swale and storm drain. This plan also shows the details of the new storm drain structure and pipe to be installed to carry the water from the concrete swale area down to the flat yard area where the playground / soccer field is. This way the water can still drain into the same drainage area it would have gone into, but it will drain out on to a flat area rather than down over an unvegetated slope that continues to wash out and undermine underneath the pool deck area. No drainage areas have been changed by this system. We are just dispersing the water out in a safer place that drains to the same location.

Exhibit #16: (Site Plan - Proposed New Concrete Swale Plan)



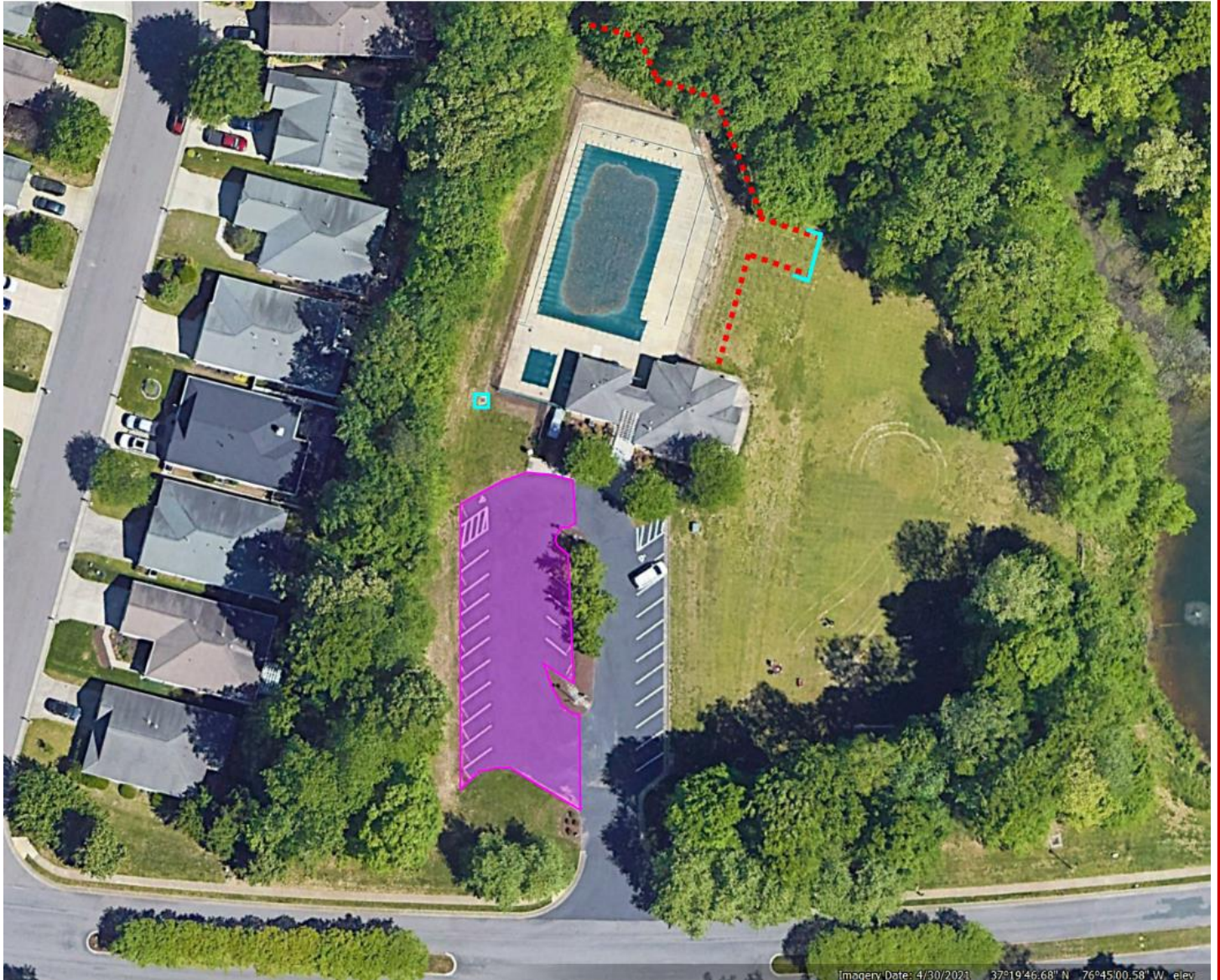
The drawing above shows the plan submitted to the Westminster HOA for their approval for a concrete swale to be installed around the pool deck area. This was being installed to stop the erosion that was occurring off the edges of the concrete pool deck which was undermining the concrete deck in areas and causing a large wash out in another area. The plan above shows the location of the new proposed concrete swale and storm drain. This plan also shows the details of the newly proposed concrete swale.

Exhibit #17: (Site Plan - Topsoil, Seed, Fertilize, Lime & Straw / EC-2 Site)



The drawing above shows the stabilization items that will be used when the site is in its final stages. All of the yard areas that were disturbed will be dressed up back to the existing contours / conditions. We will then spread topsoil across the disturbed areas and prep it for seeding. In the red and blue areas we will then seed, lime and fertilize these areas. Then we will place EC-2 matting in the blue areas to stabilize these seeded areas and in the red areas we will place straw over the seeded areas. In the green areas we will just overseed these areas. The green area is where the wood truck mats were located and this area would not have been disturbed or torn up because of the wood mats so that is why we will only need to just reseed these areas.

Exhibit #18: (Site Plan - Final Site Cleanup and Demobilization)



Once the sitework is complete we will remove all the equipment and excess material from the site. We will then clean up the parking lot by sweeping any loose debris and washing any stained areas off. Once the stabilization takes place in the disturbed areas, we will then remove the silt socks and silt fence from the site.

Adjacent Property Owner Mailing List for Case Number: CBPA-24-0046

PIN	Last Name	Address Line 1	City	State	Zip Code
3221000092	ADAMS, CHRISTINE W	6212 GLENWILTON LN	WILLIAMSBURG	VA	23188-1788
3221000096	BEARD, CHARLES C & JACKSON, DEBRA	6228 GLENWILTON LN	WILLIAMSBURG	VA	23188-1731
3221000085	BURNETTE, PATRICIA E	6229 WEATHERSFIELD WAY	WILLIAMSBURG	VA	23188-1784
3221000088	DICKTER, CHERYL L & GREENE, GERRIS M	6209 WEATHERSFIELD WAY	WILLIAMSBURG	VA	23188-1784
3221000089	FLETCHER, ANDREW J & JULIE L	6201 WEATHERSFIELD WAY	WILLIAMSBURG	VA	23188-1784
3221000097	GLOSSON, JOSEPH A & EUNICE A	6232 GLENWILTON LN	WILLIAMSBURG	VA	23188-1788
3221000087	GRASSIA, VINCENT L JR & MICHELLE M	6217 WEATHERSFIELD WAY	WILLIAMSBURG	VA	23188-1784
3221000084	HALL, CODY ALAN & KELSEY GRACE	6233 WEATHERSFIELD WAY	WILLIAMSBURG	VA	23188-1784
3221000094	HALL, JUDITH H & PHILLIPS, KAREN M	6220 GLENWILTON LN	WILLIAMSBURG	VA	23188-1731
3221000095	HALL, SANDRA M	6224 GLENWILTON LN	WILLIAMSBURG	VA	23188-1731
3221000082	HOME CONVERGE LLC	4012 DUNBARTON CIR	WILLIAMSBURG	VA	23188-6643
3221000086	KNIGHT, VIRGINIA E	6221 WEATHERSFIELD WAY	WILLIAMSBURG	VA	23188-1784
	Mr. Scott Massie Massie Construction & Land Management, LLC	P O Box 242 / 6101 Philbates Creek	Barhamsville	VA	23011
3221000093	REILLY, PHILIP	6216 GLENWILTON LN	WILLIAMSBURG	VA	23188-1788
3221000083	WALLACE, ANDREW J	6237 WEATHERSFIELD WAY	WILLIAMSBURG	VA	23188-1784
3221000091	YARASHUS, ROBERT T & MARY ANN M &	6208 GLENWILTON LN	WILLIAMSBURG	VA	23188-1788
3221000090	YOUNGBLOOD, MICHAEL N & TWIDDY, LESLIE	233 JEFFERSONS HUNDRED	WILLIAMSBURG	VA	23185-8909



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-24-0046
4820 Wellesley Blvd
Installation of concrete swale

May 31, 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 Scott Massie, Massie Construction and Land Management LLC, on behalf of Villages at Westminster Homeowners Association, for encroachments into the Resource Protection Area buffer for the installation of a concrete swale. The project is located at 4820 Wellesley Blvd, JCC Tax Map Parcel No. 3221000001A.

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, June 12, 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



PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY, JUNE 12, 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-24-0051: Mr. Bruce Christman has applied for a Chesapeake Bay Exception for the construction of a fire pit and patio on property located at 105 Shellbank Drive, JCC Tax Map Parcel No. 4530200014.

CBPA-24-0052: Mr. Corey Bell, Williams Landscape and Design, on behalf of Mr. Anthony and Ms. Kathleen A. Zotto, have applied for a Chesapeake Bay Exception for the construction of a patio on property located at 105 Mahogany Run, JCC Tax Map Parcel No. 3131000011.

CBPA-24-0047: Mr. Mitchell Foos, The Kings Garden, on behalf of Mr. Jeffrey and Ms. Mary Scaggs, has applied for a Chesapeake Bay Exception for the construction of a patio and seating wall on property located at 3120 Windy Branch Drive, JCC Tax Map Parcel No. 520400005.

CBPA-24-0065: Mr. Mark Boyd, Kimley-Horn, on behalf of LI Hazelwood Farms VA Investor LP, has applied for a Chesapeake Bay Exception for the construction of a building on property located at 9400 Barnes Road, JCC Tax Map Parcel No. 430100017.

CBPA-24-0046: Scott Massie, Massie Construction and Land Management LLC, on behalf of Villages at Westminster Homeowners Association, has applied for a Chesapeake Bay Exception for the installation of a concrete swale, additional storm drains and associated grading on property located at 4820 Wellesley Blvd, JCC Tax Map Parcel No. 3221000001A.

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 – May 29, 2024 and June 5, 2024
ACCOUNT NO. CU00015112
VIRGINIA GAZETTE
1/8 PAGE, VERTICAL, B/W

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-24-0065. 9400 Barnes Road
Staff Report for the June 12, 2024, Chesapeake Bay Board Public Hearing**

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

EXISTING SITE DATA AND INFORMATION

Applicant: 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 the 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. Case No. CBPA-23-0174, for the same proposed impacts, was heard before this Board on May 8, 2024, where the application was denied. 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 equate to 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 impacts 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. The applicant

has proposed to include one additional acre of Natural Open Space as mitigation for the impacts, equaling a total of 6.56 acres of Natural Open Space easement, 115% of the required amount.

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 6.56 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 June 12, 2029; and
4. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than May 1, 2029, six weeks prior to the expiration date.

RB/ap
CBPA24-65_9400Brnes

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA-24-0065. 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 June 12, 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-24-0065 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-24-0065, 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 6.56 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 June 12, 2029; and
4. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than May 1, 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 12th day of June, 2024.

CBPA24-65_9400BrnesApp-res

RESOLUTION

CASE NO. CBPA-24-0065. 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 June 12, 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-24-0065 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 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-24-0065.

Charles Roadley
Chair, Chesapeake Bay Board

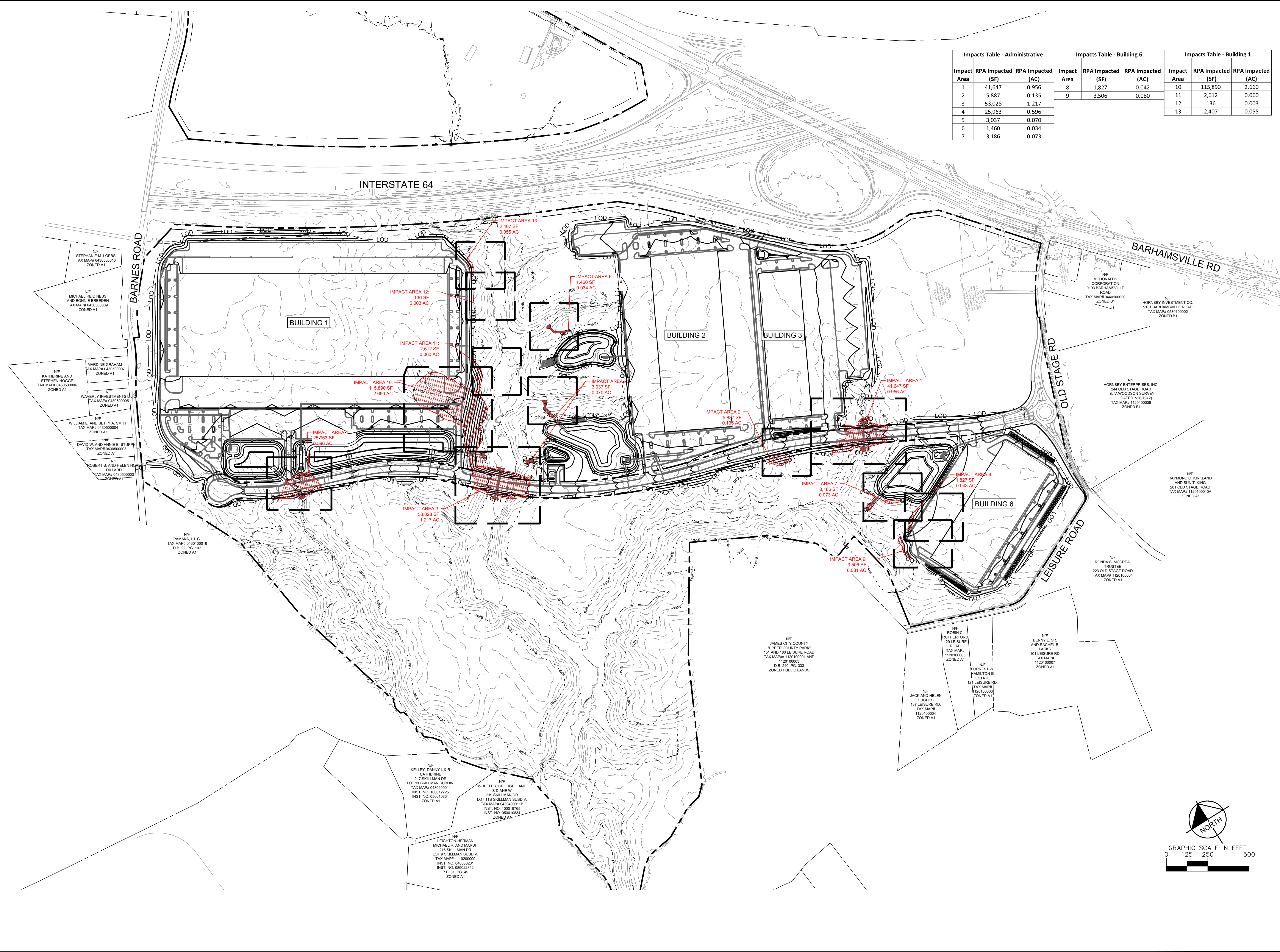
Robin Benedict
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 12th day of June, 2024.

CBPA24-65_9400BrnesDny-res

Plotted By: Boyd, Mark. Sheet: Lovett 64 Commerce Center - PHASE 1, Layout 1, December 20, 2023, 11:04:02pm. K:\RVC_OVA\113451000 - Hazelwood Farms - James City County\CAD\Exhibits\2023-10-2 RPA Impacts Exhibit\RPA Impact Exhibit.dwg

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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)
1	41,647	0.956	8	1,827	0.042	10	115,890	2.660
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						

Kimley >>> Horn

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2035 MAYNELL ST., SUITE 200, RICHMOND, VA 23230
PHONE: 804-673-9882
WWW.KIMLEY-HORN.COM

NO.	REVISIONS	DATE	BY

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

RPA IMPACT EXHIBIT

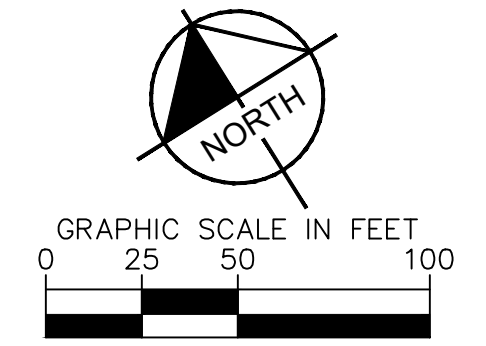
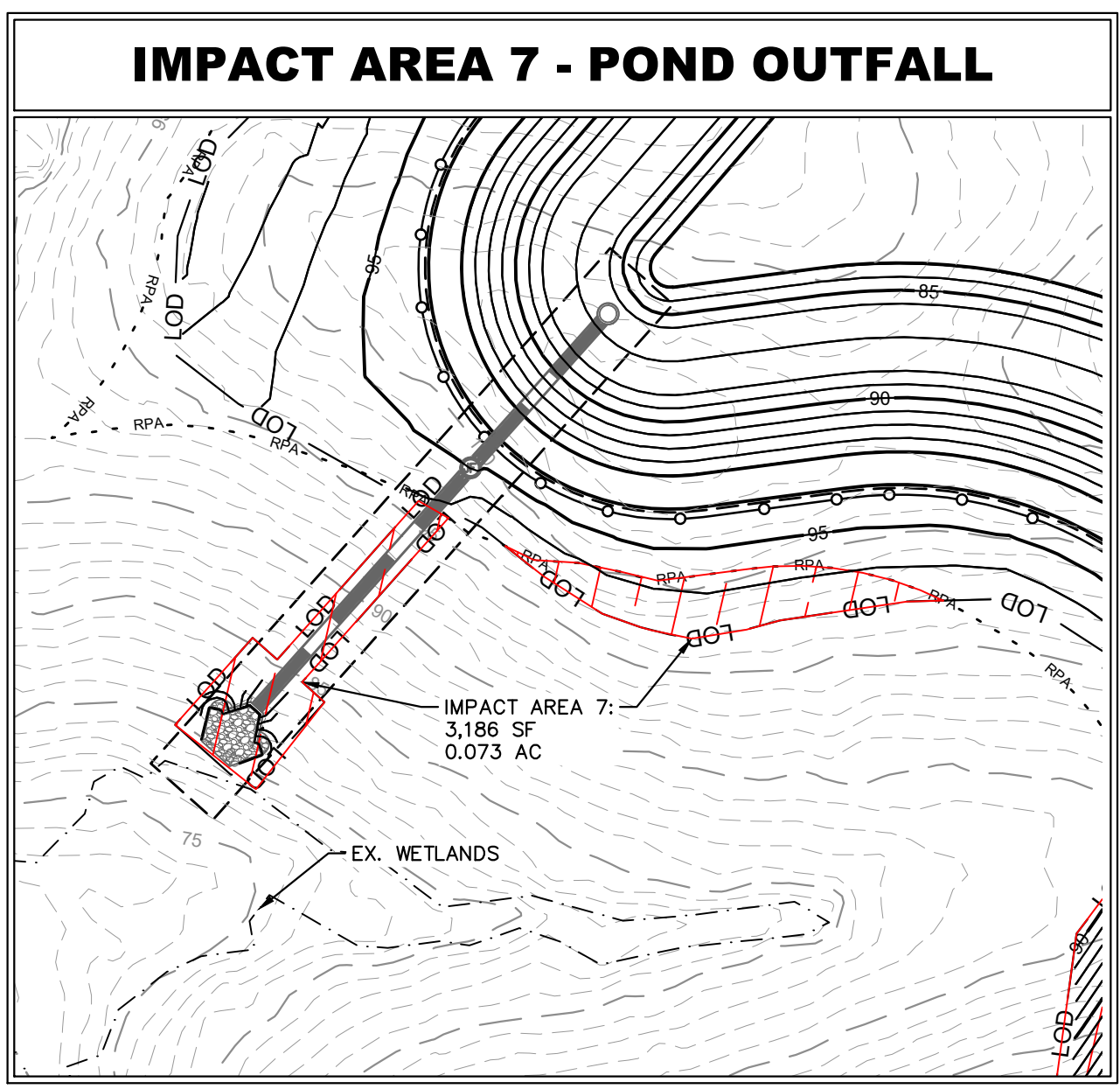
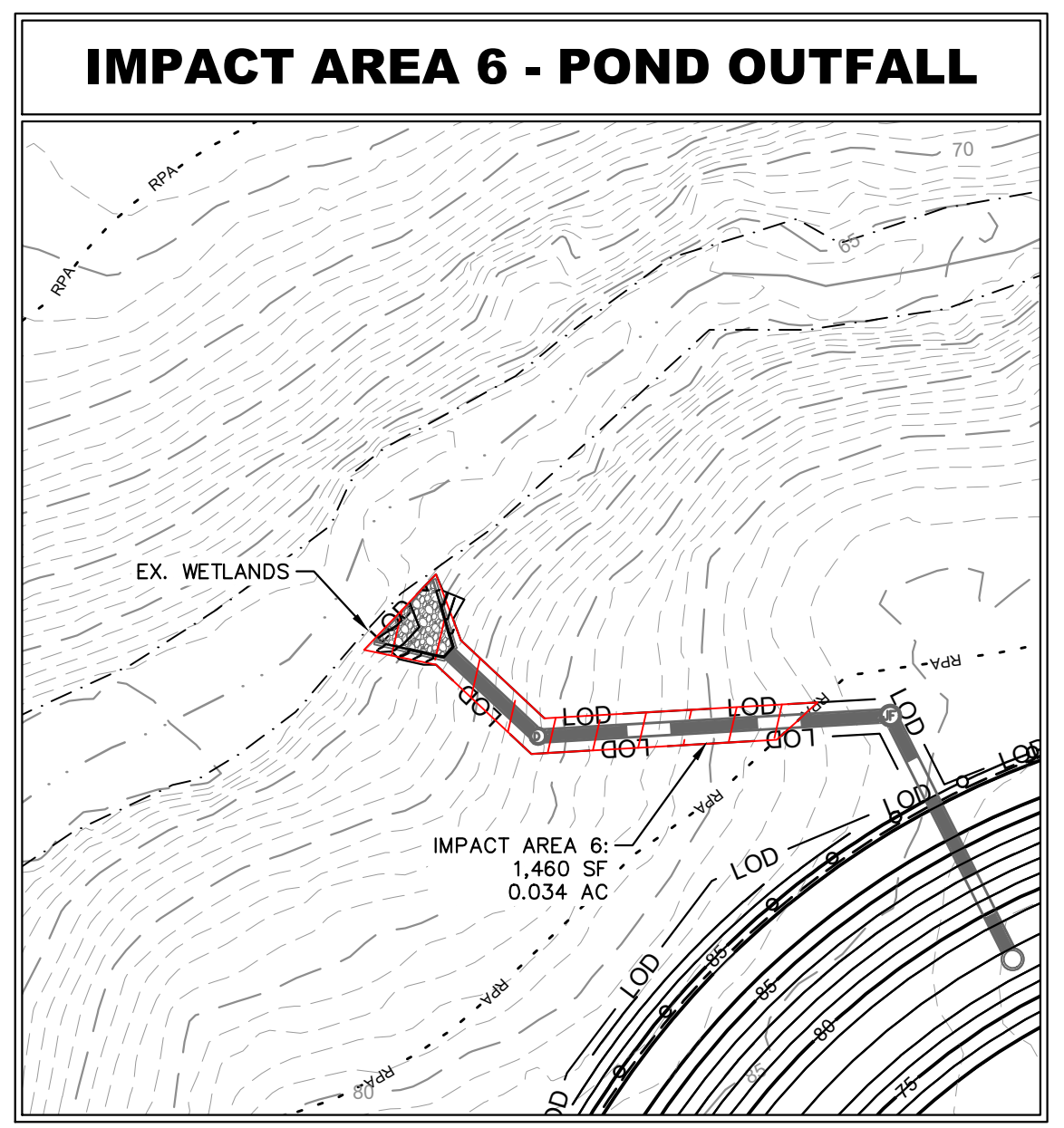
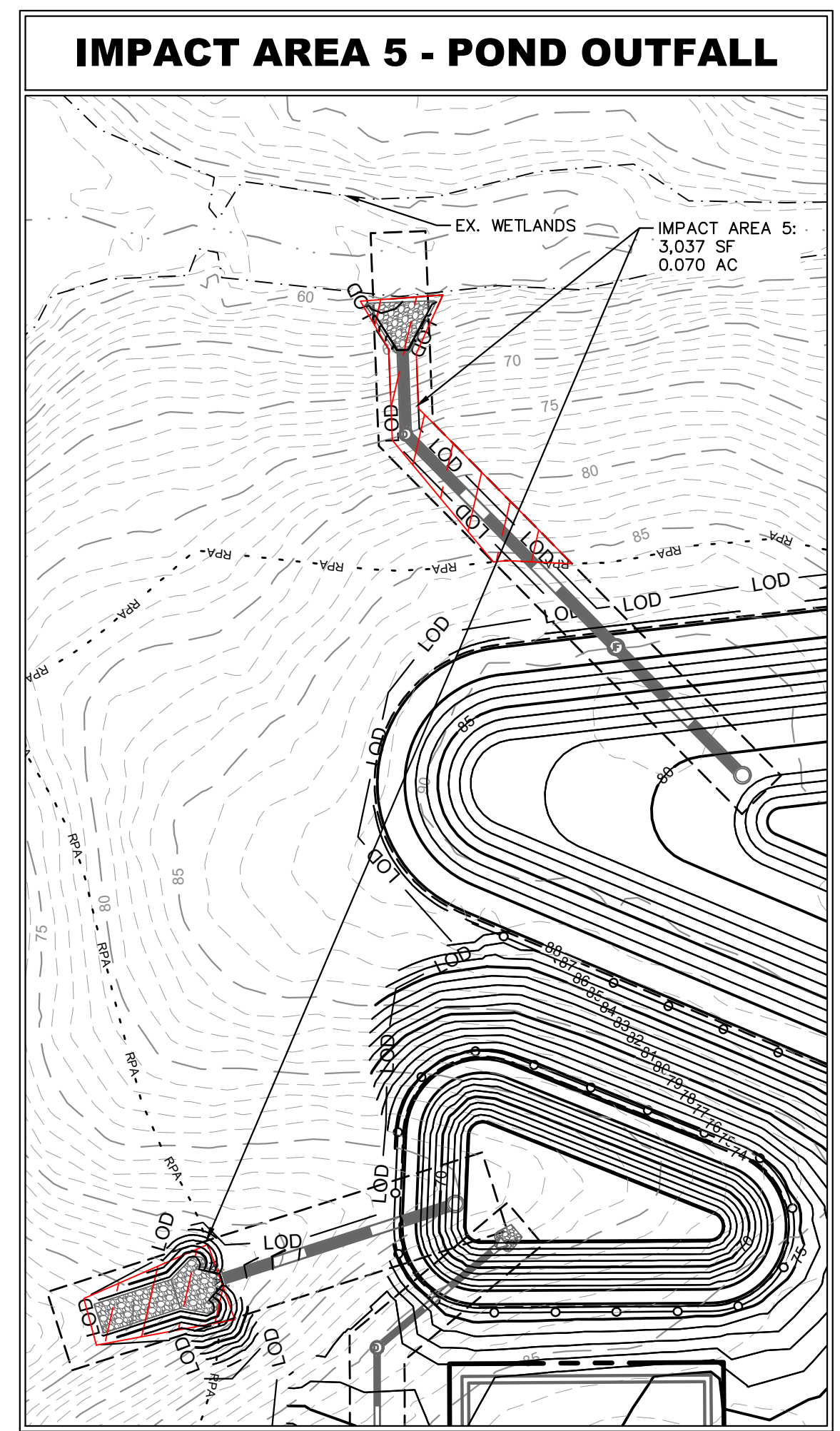
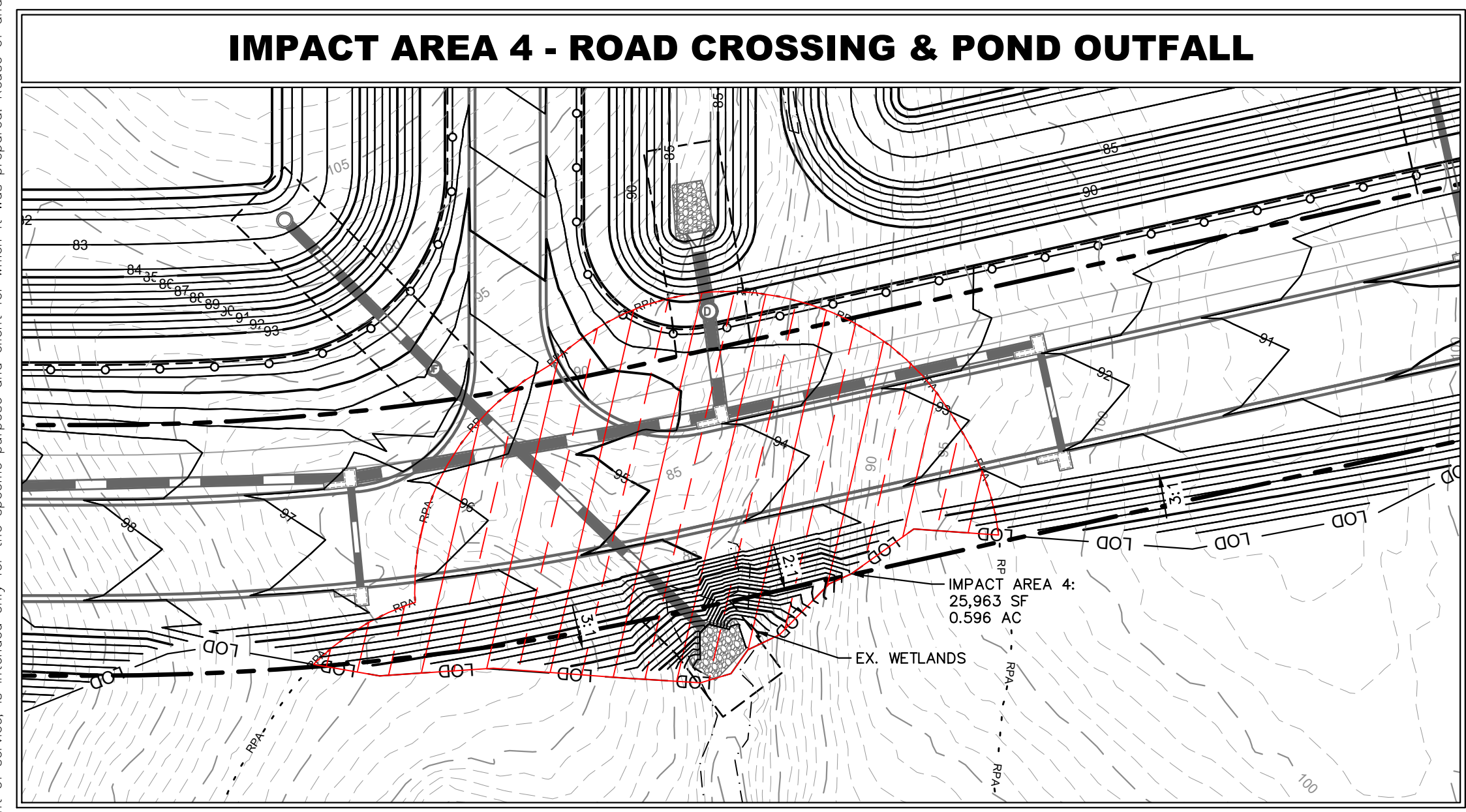
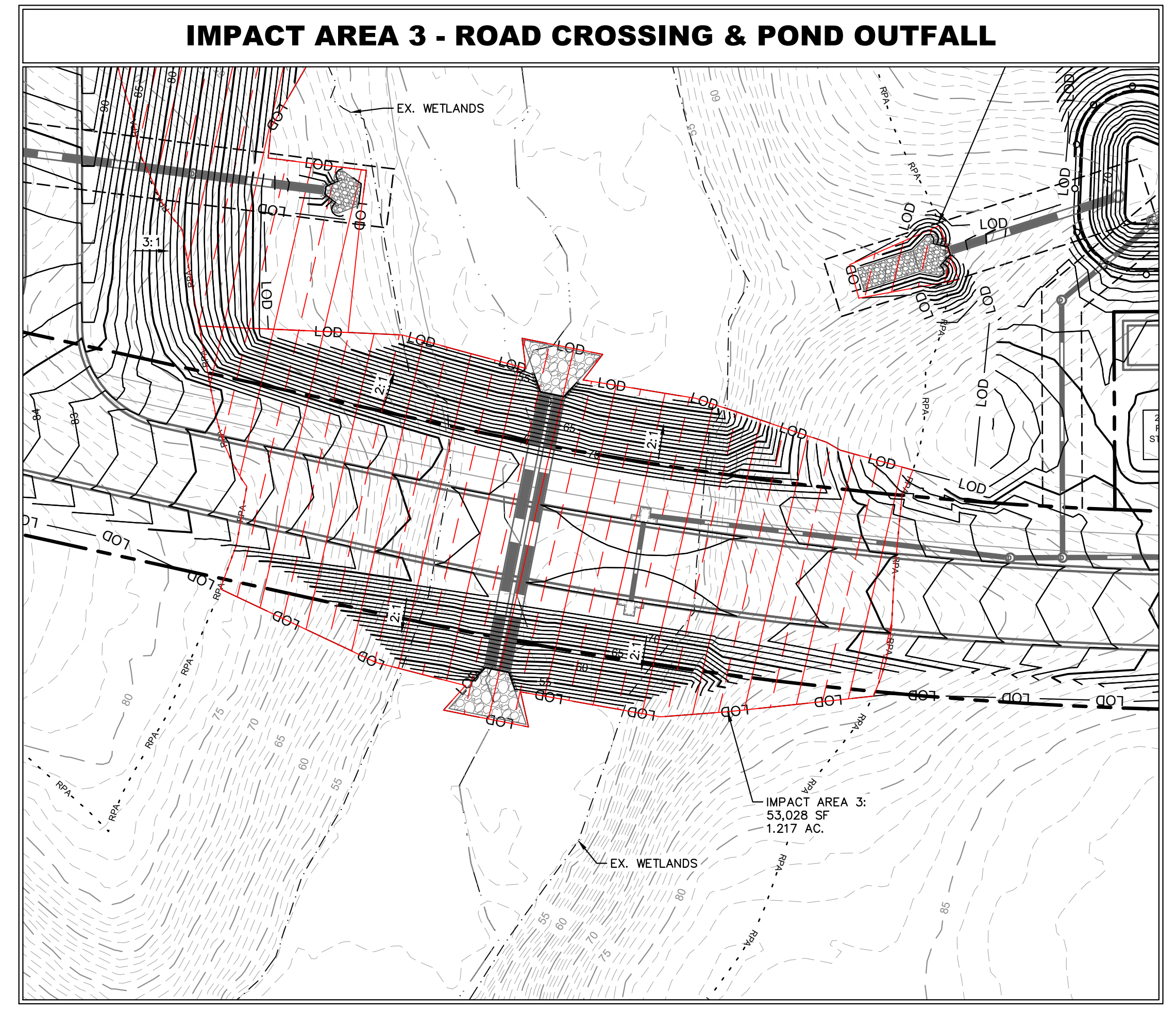
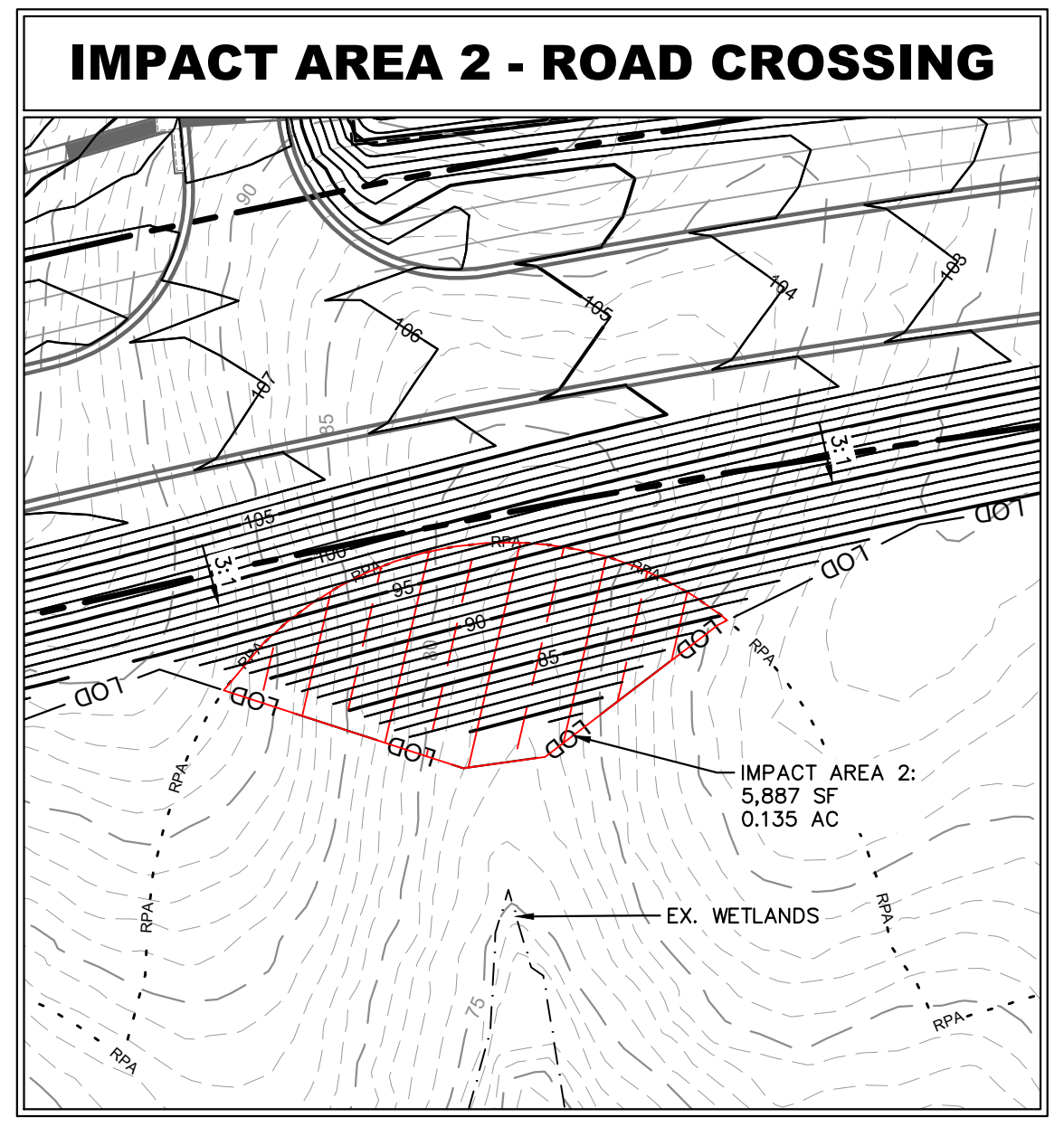
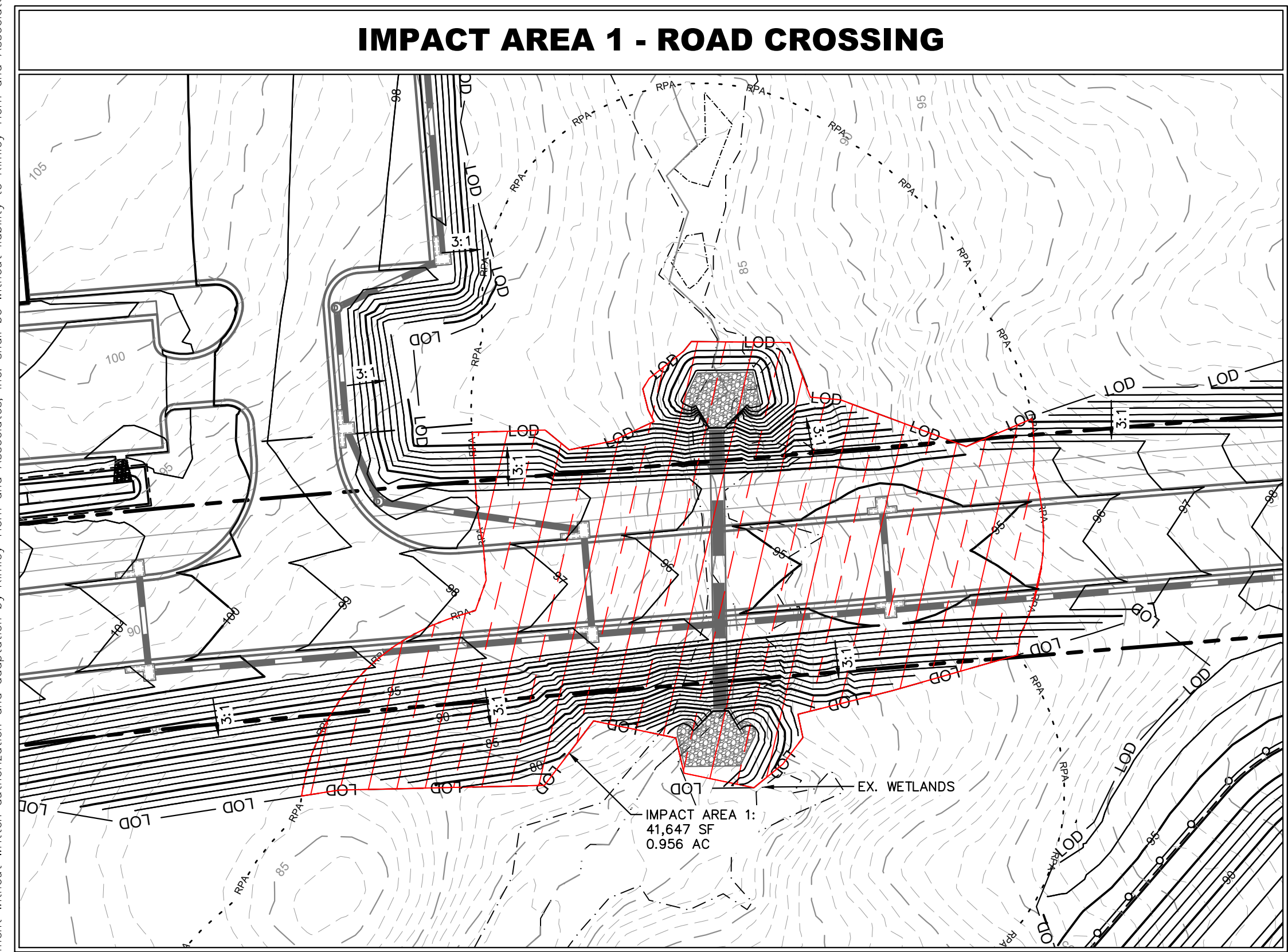
LOVETT 64
COMMERCE CENTER
PHASE 1 SITE PLANS

VIRGINIA
JAMES CITY COUNTY

SHEET NUMBER
1 OF 3

GRAPHIC SCALE IN FEET
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Plotted By: Ebyd, Mark. Sheet: SHELLOTT 64, COMMERCE CENTER - PHASE 1, LAYOUT 2, December 20, 2023, 11:05:42pm. K:\R\C\014\11345\1000 - Hazewood Forms - 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 an instrument of service, as an instrument of service, and shall be without liability to Kimley-Horn and Associates, Inc.



NO.	REVISIONS	DATE	BY

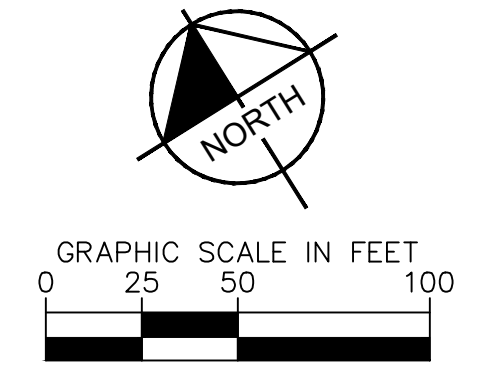
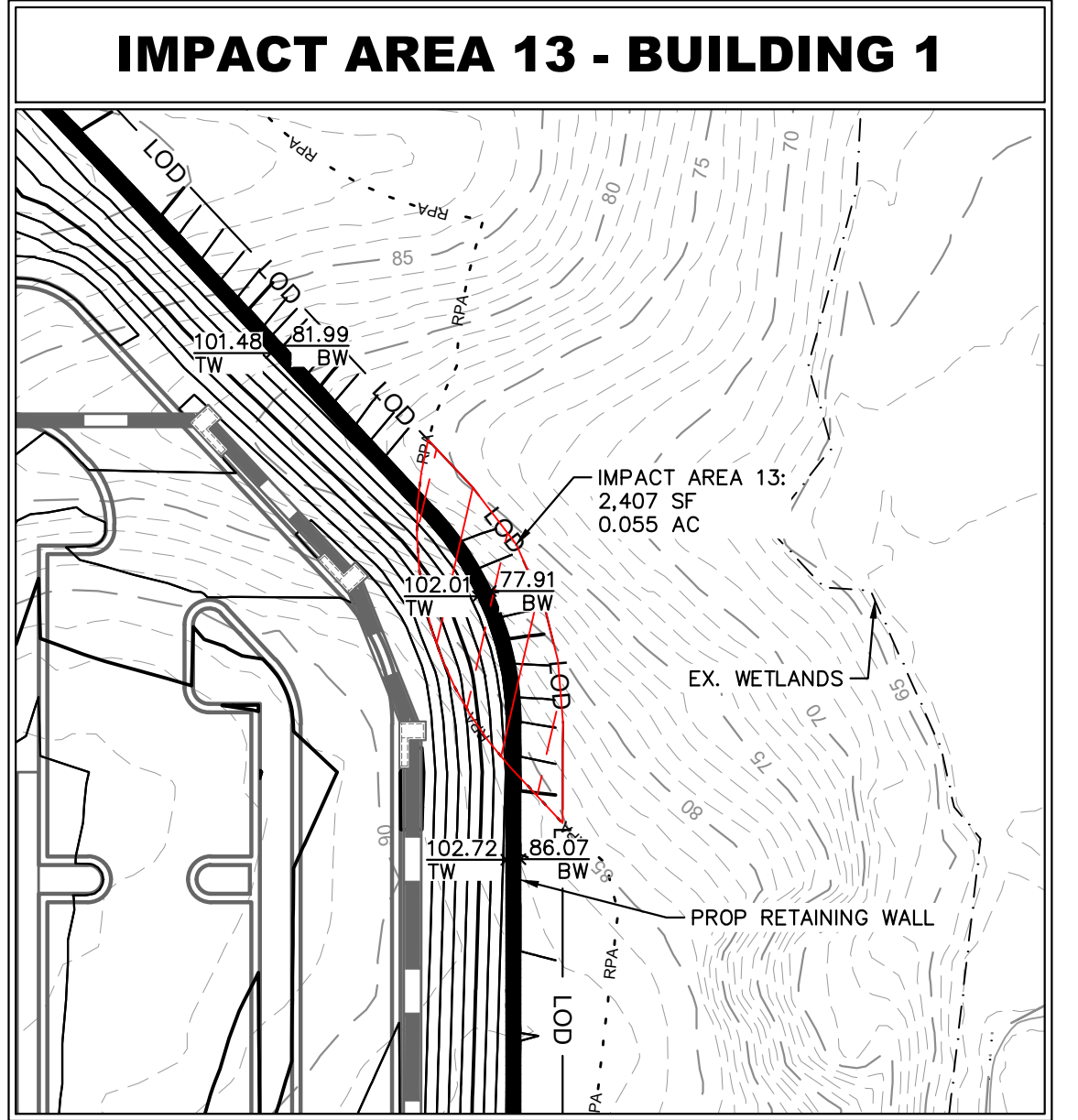
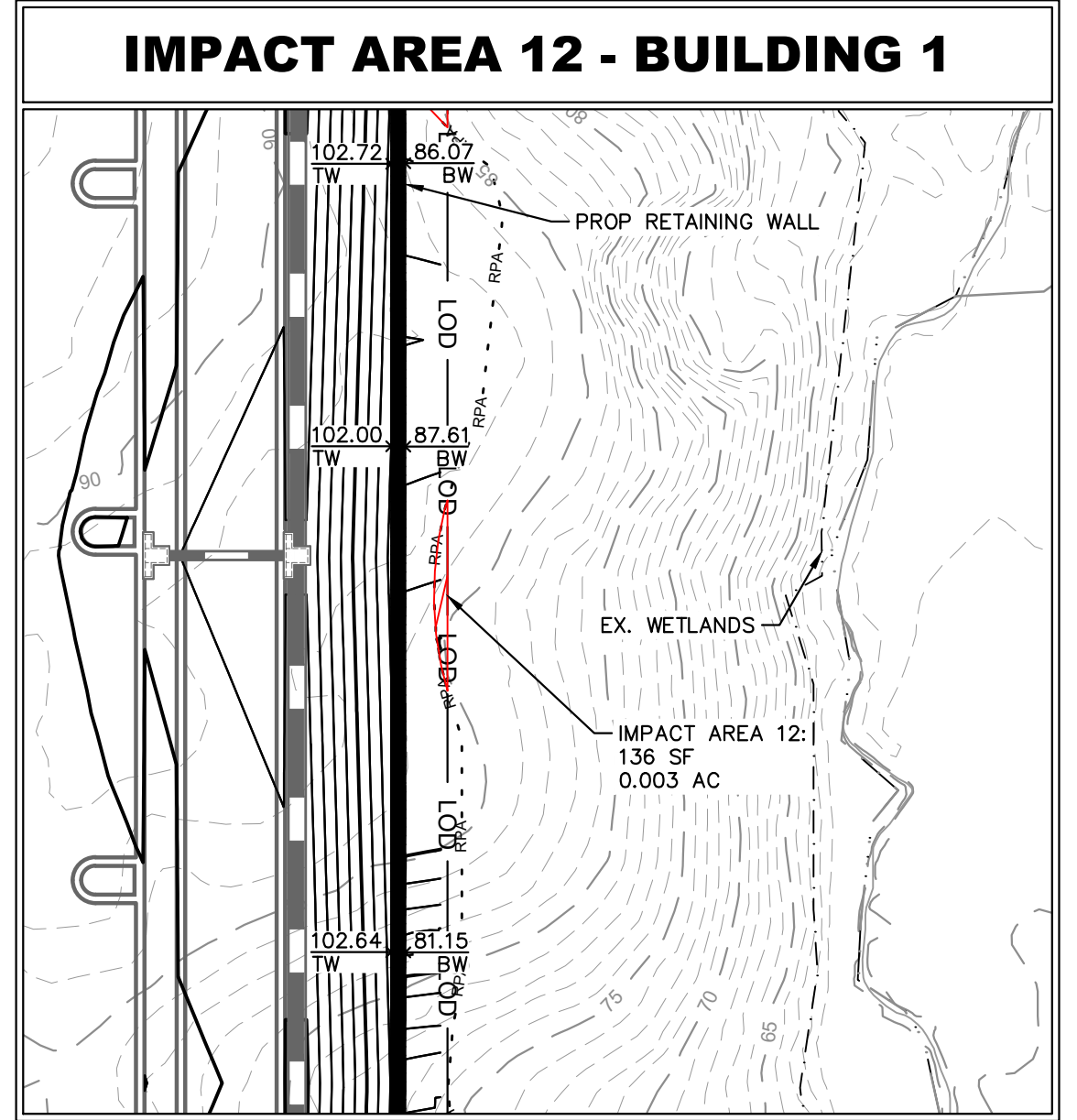
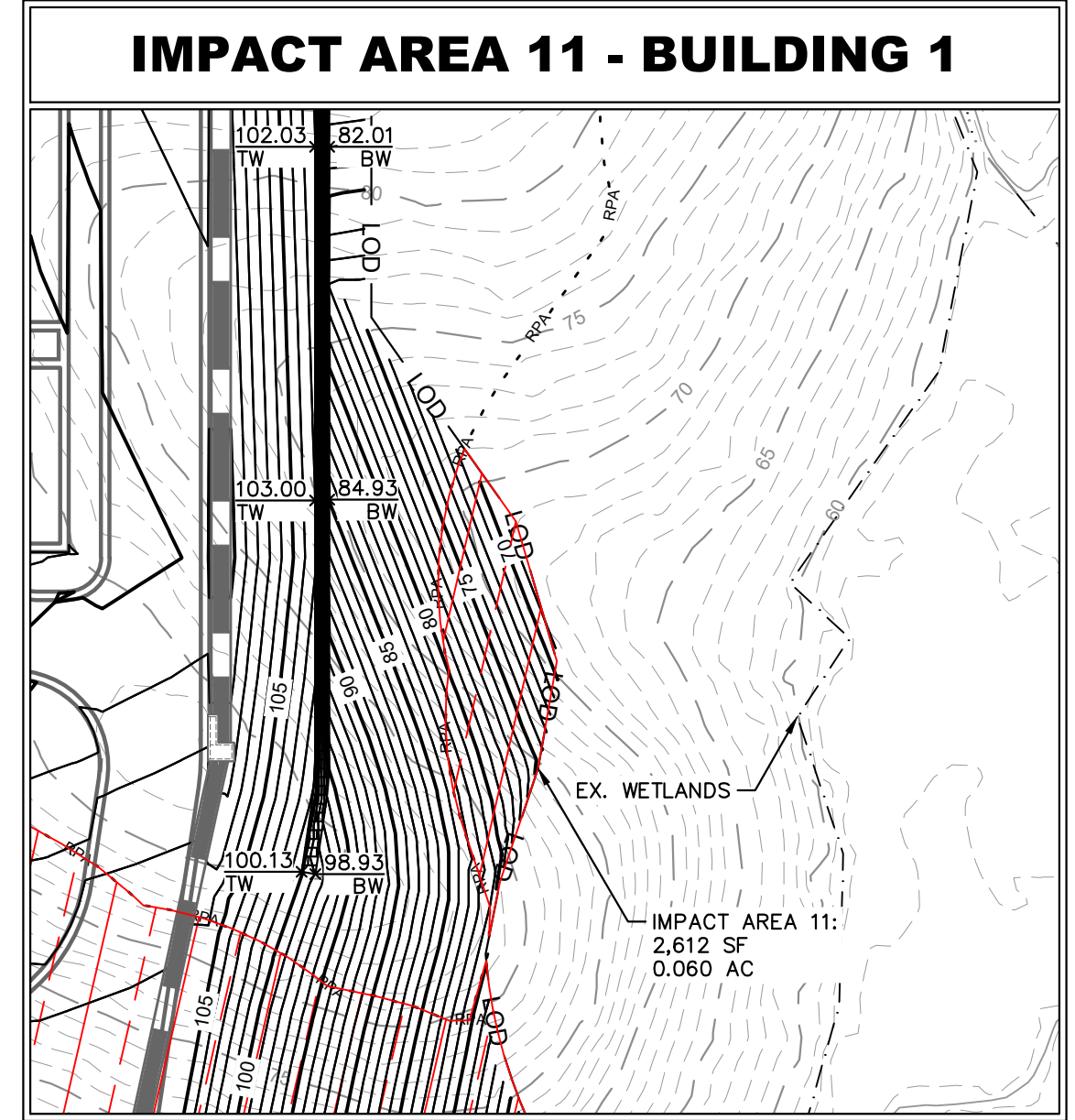
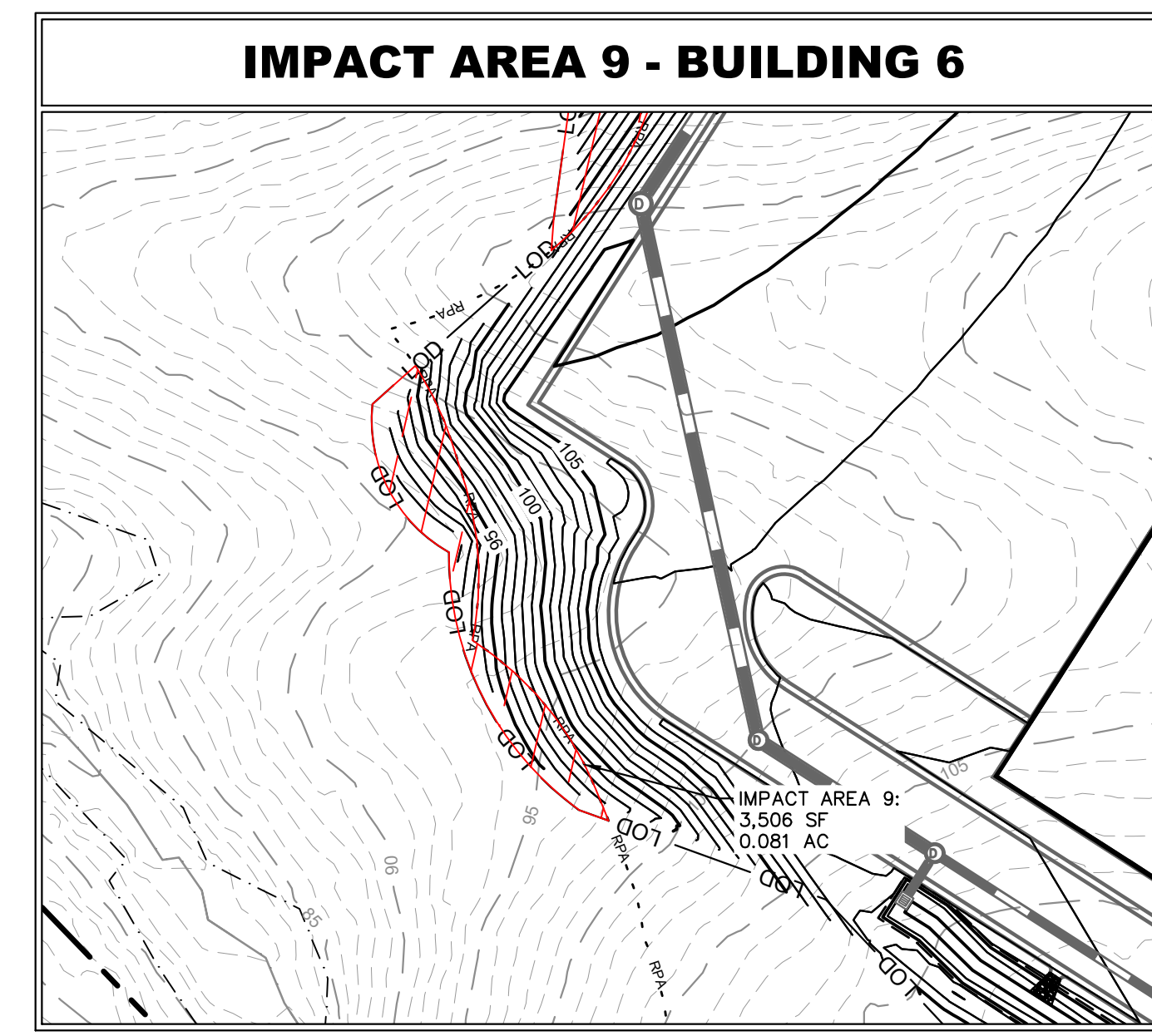
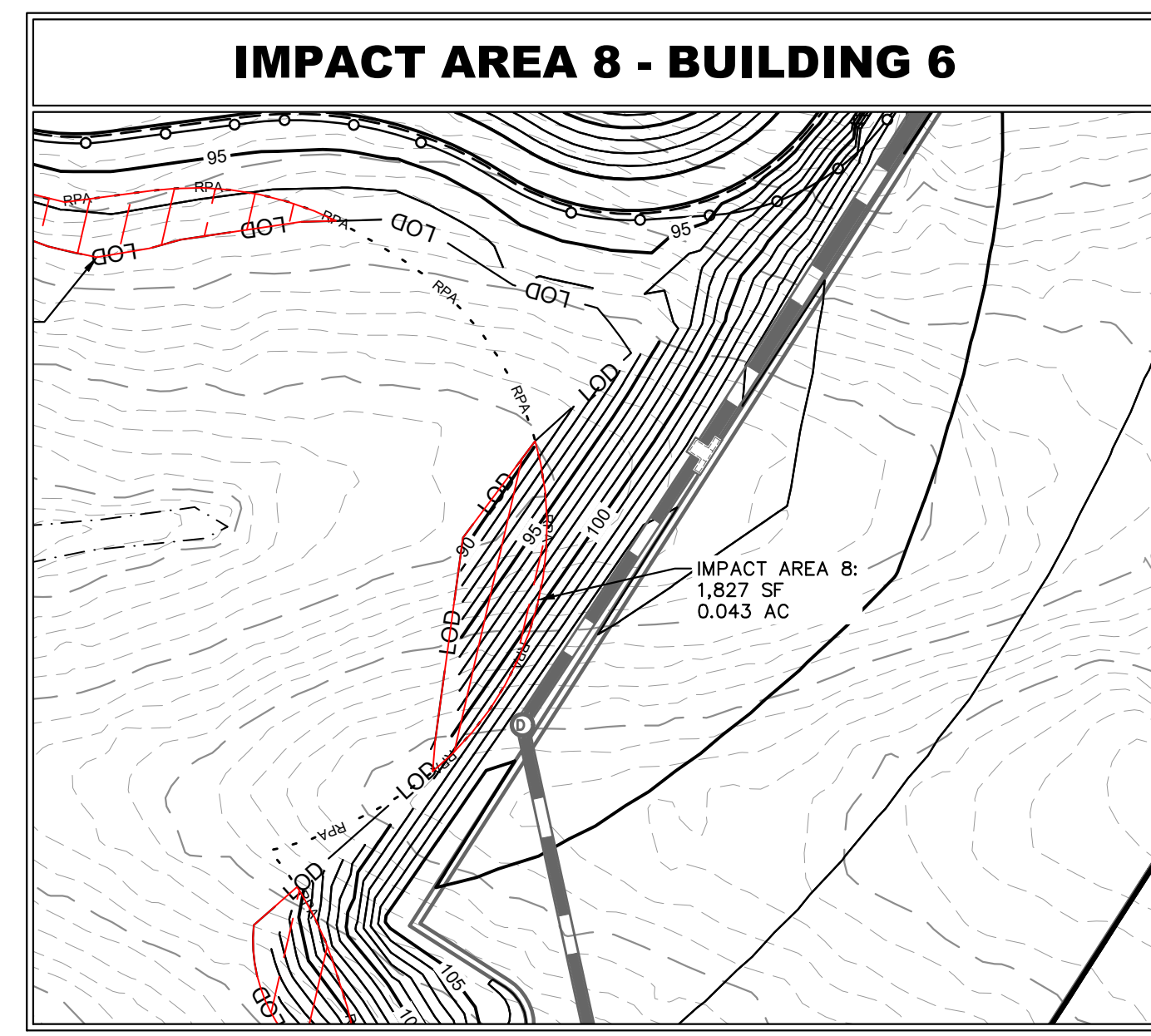
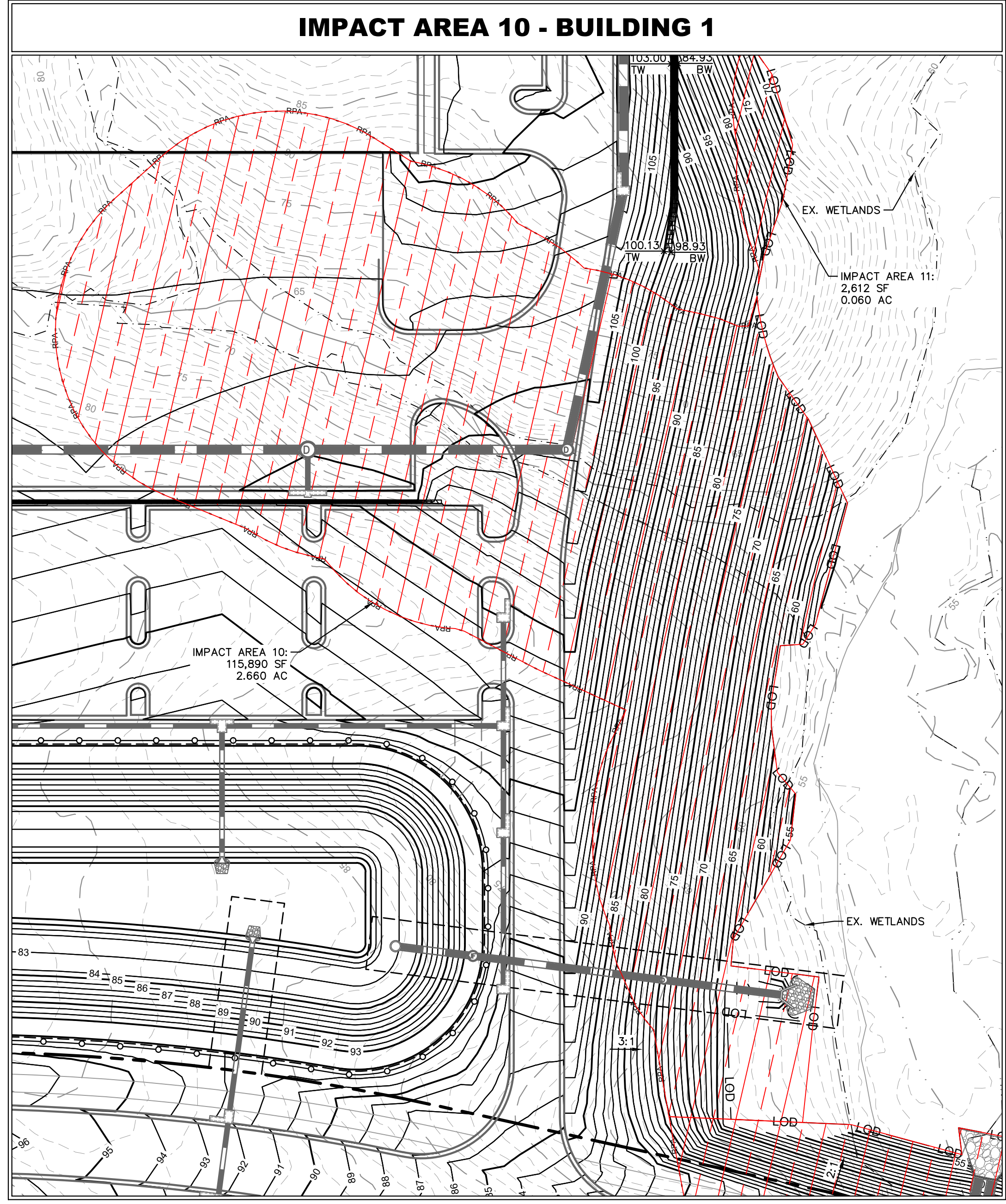
Kimley»Horn
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 2035 MAYNELL ST., SUITE 200, RICHMOND, VA 23230
 PHONE: 804-673-9882
 WWW.KIMLEY-HORN.COM

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:\R\C\01A\113451000 - Hozaewood Farms - James City County\CAD\Exhibits\2023-10-2 RPA Impacts Exhibit\RPA Impact Exhibit.dwg
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No.	REVISIONS	DATE	BY

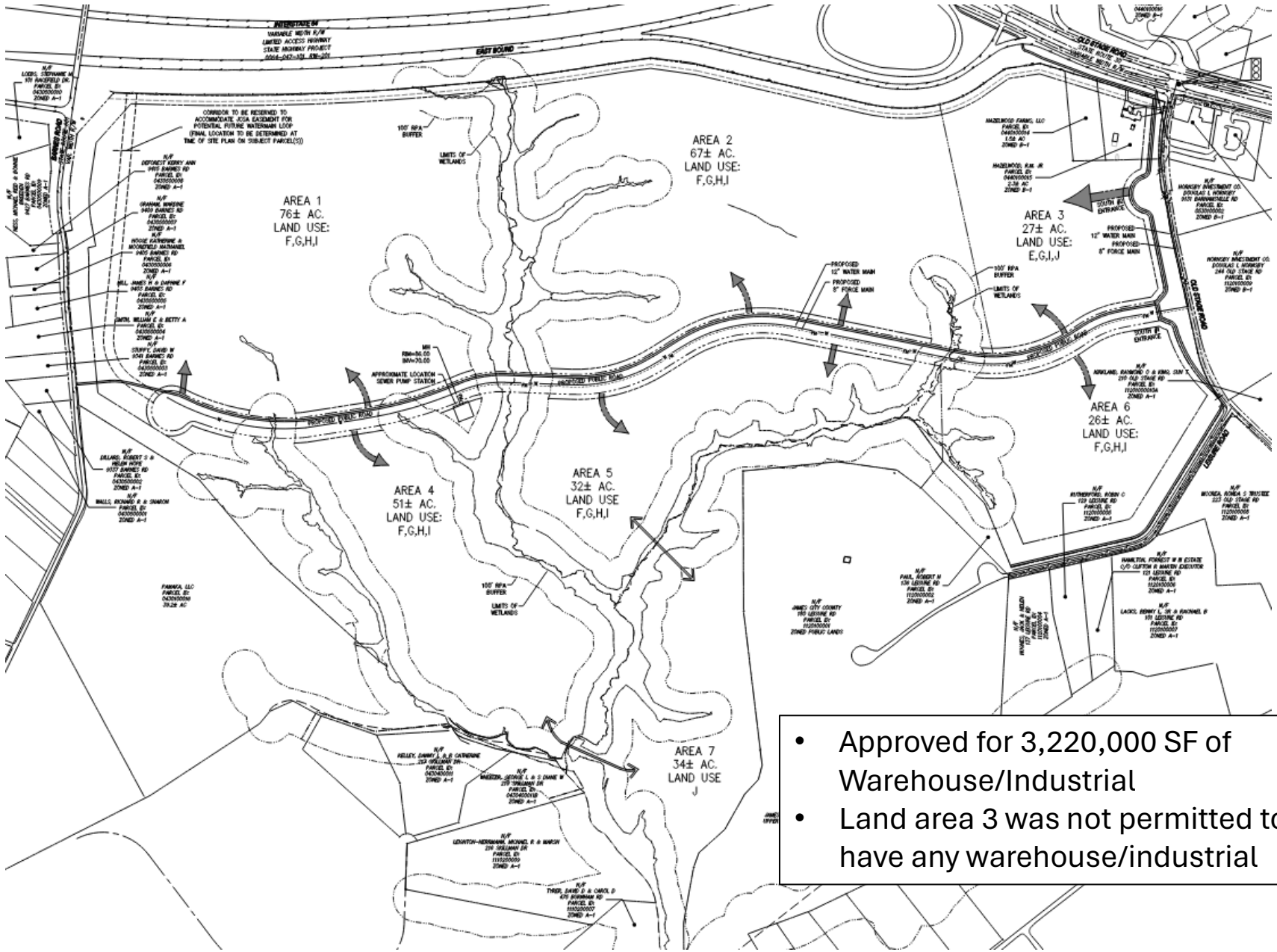
Kimley»Horn
 © 2023 KIMLEY-HORN AND ASSOCIATES, INC.
 2035 MAYWELL ST., SUITE 200, RICHMOND, VA 23230
 PHONE: 804-673-9882
 WWW.KIMLEY-HORN.COM

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

Property Masterplan Approved in 2022 Re-Zone

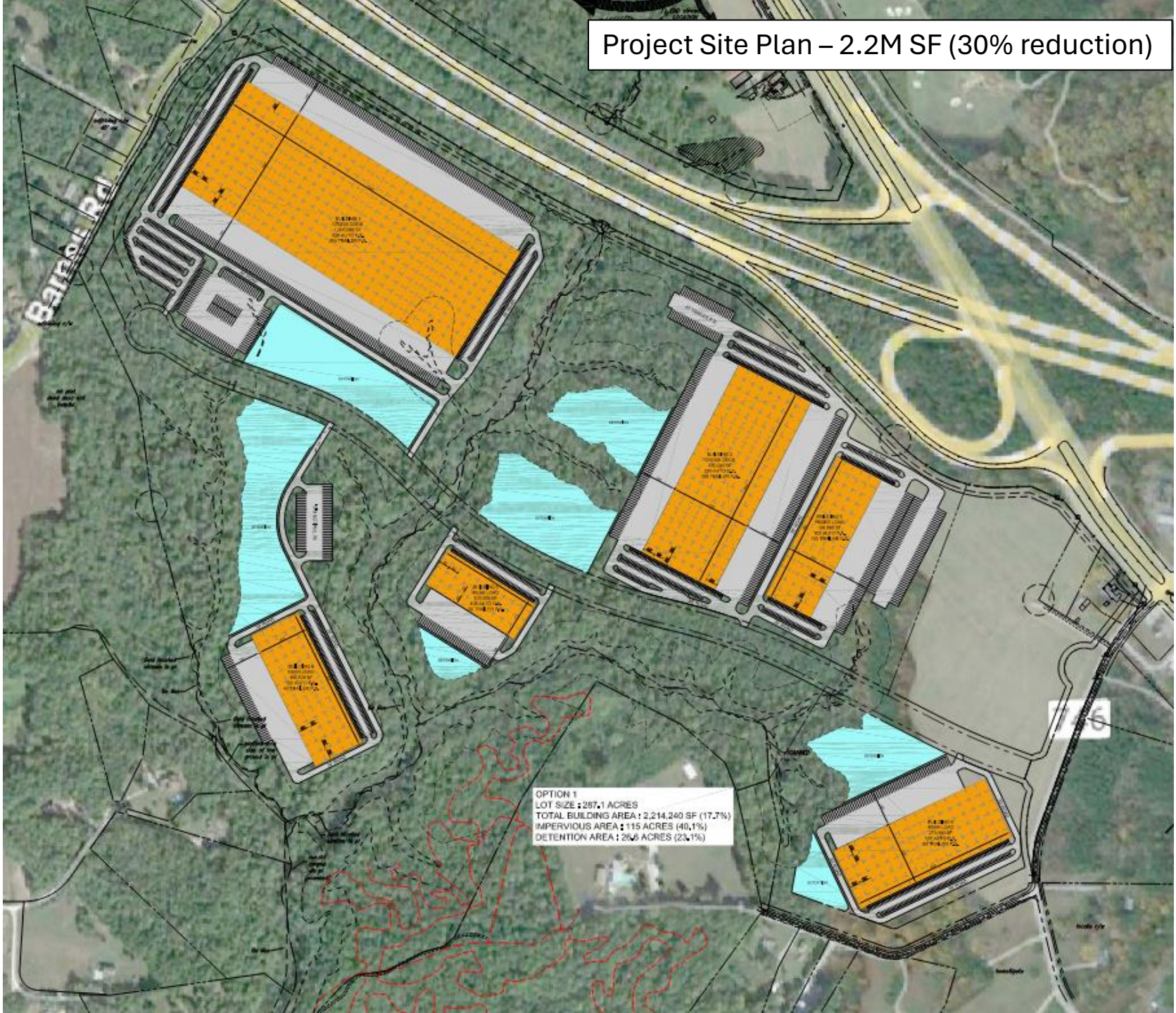


- Approved for 3,220,000 SF of Warehouse/Industrial
- Land area 3 was not permitted to have any warehouse/industrial

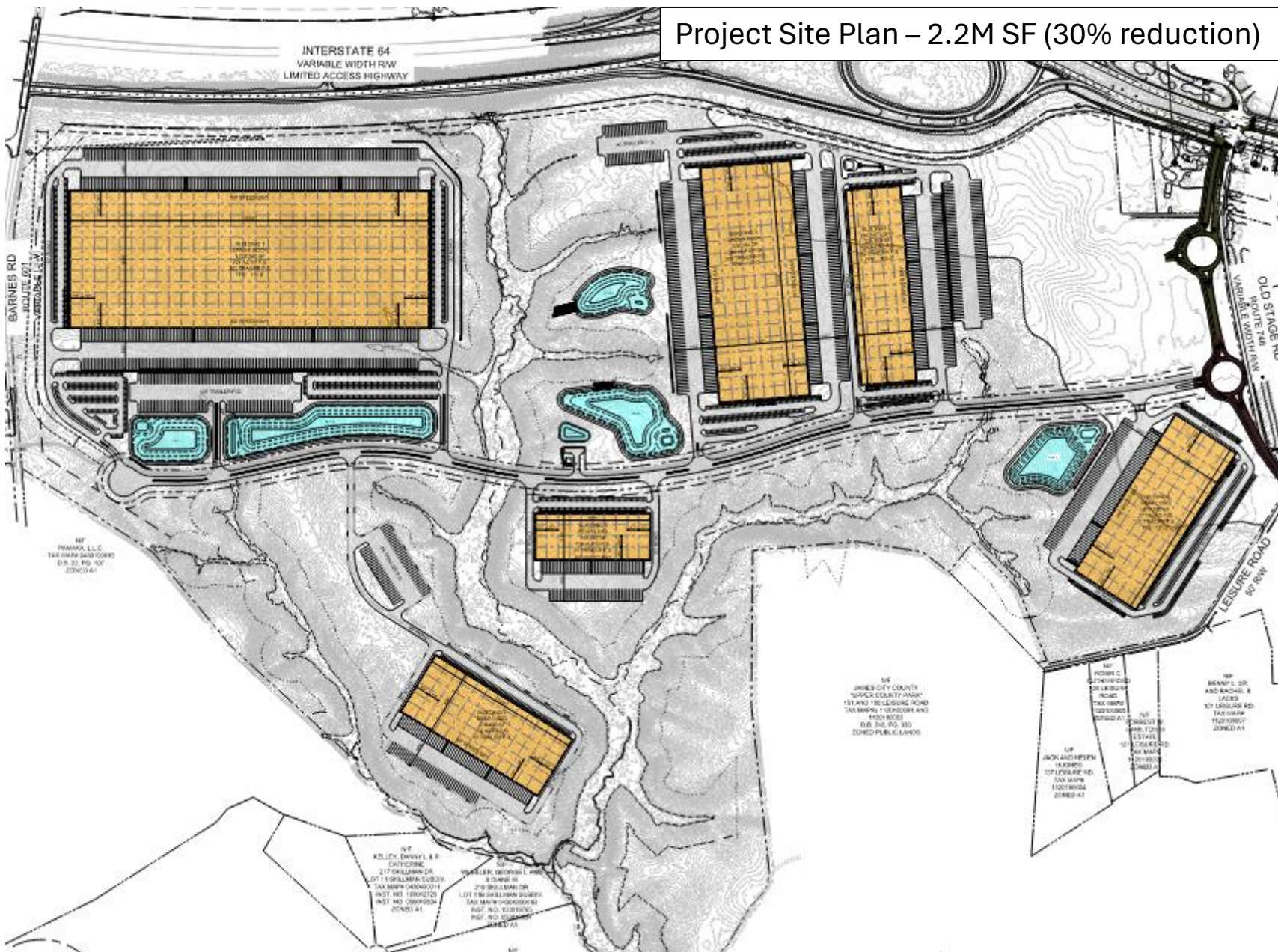
Site plan showing construction of all allowable square footage per the approved SUP – 3.2M SF



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

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

PIN	Last Name	Address Line 1	City	State	Zip Code
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



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-24-0065
9400 Barnes Road
Site grading associated
construction of building

May 31, 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. 430100017.

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, June 12, 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



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CBPA-24-0046: Scott Massie, Massie Construction and Land Management LLC, on behalf of Villages at Westminster Homeowners Association, has applied for a Chesapeake Bay Exception for the installation of a concrete swale, additional storm drains and associated grading on property located at 4820 Wellesley Blvd, JCC Tax Map Parcel No. 3221000001A.

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 – May 29, 2024 and June 5, 2024
ACCOUNT NO. CU00015112
VIRGINIA GAZETTE
1/8 PAGE, VERTICAL, B/W