

**JAMES CITY COUNTY CHESAPEAKE BAY BOARD
MINUTES**

Wednesday June 10, 2015

A. ROLL CALL

ABSENT

David Gussman - Chair
William Apperson
Charles Roadley
John Hughes
Larry Waltrip

OTHERS PRESENT

County Staff:

Michael Woolson, Senior Watershed Planner
Allison Kotula, Assistant County Attorney
Melanie Davis, Secretary to the Board

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. MINUTES

The May 13, 2015 Board Meeting minutes were approved as written.

C. PUBLIC HEARINGS

1. CBE-15-091: Dozier/Williams Landscape – 3252 Oak Branch Lane

Michael Woolson presented the exception request submitted by Williams Landscape and Design Inc., on behalf of property owner Bend Dozier, for RPA encroachment to install a patio and retaining wall at 3252 Oak Branch Lane in the Stonehouse subdivision, parcel 0530300053. The new patio and wall would add approximately 700 square feet of impervious cover in the landward RPA buffer. Mr. Dozier has agreed to also mitigate for a shed and gravel path of approximately 600 square feet installed by a previous owner without approval from this Board. The proposed mitigation plantings as well as replacement of the existing pool deck with pervious pavers and a nutrient management plan for the entire lot, adequately address the pollution concerns for the additional impervious cover. Mr. Woolson displayed photographs and explain the current conditions of the site and the installation of the proposed patio and wall as well as the areas for the proposed mitigation plantings. Staff determined impacts to be minimal and recommended approval of the exception request with the conditions outlined in the Resolution to Grant the Exception.

Mr. Waltrip asked for the height of the proposed wall and if the existing fence would be moved.

Mr. Hughes asked if the pool was installed when the house was built.

Mr. Woolson stated the wall would be approximately 6 feet tall and deferred to the applicant regarding the movement of the fence during construction. The pool was installed when the house was constructed and is outside of the RPA buffer. The shed and walkway were installed in the RPA buffer later, without this Board's approval.

Mr. Roadley asked and Mr. Woolson provided information on the current topography of the lot.

Mr. Gussman opened the public hearing.

A. Mr. Aaron Williams, Williams Landscape and Design Inc., representing the applicant, explained the fence would be moved during construction of the patio and would then be re-attached to the new wall. He explained that the proposed wall and patio would not extend beyond the location of the existing fence. He further explained the reason for the project was to make the area safer and stop the erosion around the existing pool deck.

Mr. Waltrip asked about the safety of the extended decking as there would still be a drop off.

A. Mr. Williams explained there would be a safety fence around the decking as required by the building code.

Mr. Gussman closed the public hearing as no one else wished to speak.

Mr. Apperson felt the proposed project along with the turf management would improve the site and stop the current erosion of the slope around the pool.

Mr. Roadley stated he was not convinced of the need for additional deck area in an RPA buffer that was already maintained and thought maybe the erosion could be corrected in other ways with less impact to the RPA.

Mr. Hughes felt the erosion into the RPA from the current fill would be resolved by this proposal and the added mitigation plantings.

Mr. Hughes made a motion to adopt the resolution to grant the exception for Chesapeake Bay Board Case CBE-15-091 at 3252 Oak Branch Lane, Parcel #0530300053.

The motion was approved by a 5-0 vote

RESOLUTION
GRANTING AN EXCEPTION ON JCC RE TAX PARCEL 0530300053

WHEREAS, Aaron Williams of Williams Landscape and Design on behalf of Ben Dozier, (the "Applicant") has applied to the Chesapeake Bay Board of James City County (the "Board") to request an exception to the use of the Resource Protection Area (the "RPA") on a parcel of property identified as JCC RE Tax Parcel No. 0530300053 and further identified as 3252 Oak Branch Lane in the Stonehouse subdivision (the "Property") as set forth in the application CBE-15-091 for the purpose of installing an patio and retaining wall; and

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

NOW, THEREFORE, following a public hearing on June 10, 2015, the Chesapeake Bay Board of James City County by a majority vote of its members FINDS that:

1. The exception request is the minimum necessary to afford relief.
2. Granting the exception will not confer upon the Applicant any special privileges denied by Chapter 23, Chesapeake Bay Preservation, of the James City County Code, to other property owners similarly situated in the vicinity.

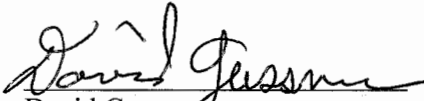
3. The exception request will be in harmony with the purpose and intent of Chapter 23 of the James City County Code, and is not of substantial detriment to water quality.
4. The exception request is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels.
5. Reasonable and appropriate conditions are hereby imposed, as set forth below, which will prevent the exception request from causing a degradation of water quality.
6. In granting this exception, the following conditions are hereby imposed to prevent this exception request from causing degradation of water quality:
 - 1) The applicant must obtain all other necessary permits as required for the project.
 - 2) Prior to construction, a \$1,500 surety shall be submitted in a form acceptable to the County Attorney's office, to guarantee the mitigation.
 - 3) The Engineering and Resource Protection Division Director reserves the right to require additional erosion and sediment control measures for this project if field conditions warrant their use.
 - 4) This exception request approval shall become null and void if construction has not begun by June 10, 2016.
 - 5) Written requests for an extension to an exception shall be submitted to the Engineering and Resource Protection Division no later than 6 weeks prior to the expiration date.

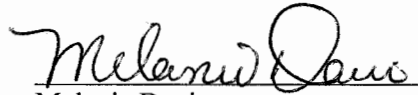
D. BOARD CONSIDERATIONS - None

E. MATTERS OF SPECIAL PRIVILEGE - None

F. ADJOURNMENT

The meeting adjourned at 7:36 p.m.


David Gussman
Chesapeake Bay Board Chair


Melanie Davis
Secretary to the Board