

**JAMES CITY COUNTY CHESAPEAKE BAY BOARD
MINUTES**

Wednesday April 13, 2016

A. ROLL CALL

David Gussman - Chair
William Apperson
John Hughes
Charles Roadley
Roger Schmidt - Alternate

ABSENT
Larry Waltrip

OTHERS PRESENT

County Staff:

Michael Woolson, Senior Watershed Planner
Maxwell Hlaven, 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 February 10, 2016 Board Meeting minutes were approved as written.

C. PUBLIC HEARINGS

1. CBE-16-074: 7608 Uncles Neck

Senior Watershed Planner, Michael Woolson presented the exception request submitted by Karla Havens, Mid-Atlantic Resource Consulting on behalf of Patrick and Lee Holder for approximately 13,000 sqft of encroachment into the RPA buffer to regrade the bank to a more stable configuration in conjunction with a stone revetment on their property at 7608 Uncles Neck. The property is further identified as James City County Tax Map Parcel No. 2030200027. The shoreline project for the revetment was granted by the Wetlands Board. Mr. Woolson described the project and required mitigation. Staff determined the impacts associated with this project to be major and recommended approval of the exception request with the conditions outlined in the Resolution to Grant the Exception.

Mr. Gussman opened the public hearing.

A. Karla Havens, Mid-Atlantic Resource Consulting stated the submitted drawing depicted the maximum foot print that might be necessary for the project. She said the 8 ft bench was suggested by the contractor that would most likely be doing the work.

Mr. Hughes asked Ms. Havens if she had also represented the Fishers (the adjacent property owners) on their project and asked how the plantings were surviving on that property.

A. Ms. Havens said they were doing well and Mr. Fisher, who was present at the meeting, concurred.

Mr. Gussman asked what would be done with the excavated material.

A. Ms. Havens said that could vary depending on the contractor selected. There were low areas that could be filled but the final determination would be done by the contractor with the approval from County staff.

Mr. Woolson also concurred that the plantings on the Fisher property had survived and were doing well.

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

Mr. Hughes made a motion to adopt the Resolution to Grant the Exception for Chesapeake Bay Board Case CBE-16-074 at 7608 Uncles Neck, Parcel ID No. 2030200027.

The motion was approved by a 5-0 vote.

RESOLUTION
CASE NO. CBE-16-074. 7608 UNCLES NECK
JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Patrick and Lee Holder, (the "Applicant") have applied to the Chesapeake Bay Board of James City County (the "Board") on April 13, 2016, to request an exception to use of the Resource Protection Area (the "RPA") on a parcel of property identified as James City County Real Estate Tax Parcel No. 2030200027 and further identified as 7608 Uncles Neck in the Rivers Bend at Uncles Neck subdivision (the "Property") as set forth in the application CBE-16-074 for the purpose of building a stone revetment and associated bank grading; and

WHEREAS, the Board has listened to the arguments presented and has 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, 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:
 - a. The applicant must obtain all other necessary federal, state and local permits required for the project; and
 - b. An Erosion and Sediment Control plan for the excess bank grading material must be submitted for review and approval by the Engineering and Resource Protection Division. Said plan will require fees and bonding (surety) to ensure acceptable stabilization. All plans and surety must be approved and in place prior to the pre-construction meeting; and
 - c. The limits of clearing shall be flagged in a continuous fashion prior to the pre-construction meeting; and
 - d. A pre-construction meeting will be held on-site prior to work commencing; and
 - e. Surety of \$4,000 will be required in a form acceptable to the County Attorney's office to guarantee the slope (shrub) re-plantings; and

- f. This exception request approval shall become null and void if construction has not begun by April 13, 2017; and
- g. Written requests for an extension to an exception shall be submitted to the Engineering and Resource Protection Division no later than six weeks prior to the expiration date.

D. BOARD CONSIDERATIONS - none

E. MATTERS OF SPECIAL PRIVILEGE - none

F. ADJOURNMENT

The meeting adjourned at 8:20 p.m.



David Gussman
Chesapeake Bay Board Chair



Melanie Davis
Secretary to the Board