

Wetlands Board

December 13, 2006 - 7 p.m.

A. Roll Call

B. Minutes - November 8, 2006

C. Public Hearings

1. W-30-06: Douglas Strup – 171 West Landing

D. Board Considerations

E. Matters of Special Privilege

F. Adjournment

MEMORANDUM

DATE: December 13, 2006
TO: The Wetlands Board
FROM: Patrick Menichino, Wetlands Board Secretary
SUBJECT: Case NO. W-30-06/VMRC 06-2402; 171 West Landing

Mr. Daniel Winall, of Water's Edge Construction, on behalf of the owner, Mr. Douglas Strup of 171 West Landing, has applied for a wetlands permit to repair approximately 340 feet of existing concrete rubble riprap revetment by overlaying said revetment with Class 3 riprap to prevent erosion. The property is further identified as parcel 5031200014 in the James City County Real Estate system. The project site is located on the James River main stem.

Environmental Division staff visited the site on November 16 and 29, 2006, along with representatives from VMRC and VIMS to discuss the project scope and potential impacts. Total proposed impacts for this project have been determined to be 3060 square feet, and are comprised of 3060 square feet of impact to the Intertidal Rubble Community and 1530 square feet of fill impact to the Intertidal Rubble Community.

It is the staff's recommendation that the Board approve this application, with the following conditions:

1. The limits of construction shall be flagged in the field prior to the preconstruction meeting.
2. All vegetation to be removed shall be clearly flagged or marked with spray paint prior to the preconstruction meeting.
3. The landward areas of the Resource Protection Area (RPA) buffer that are proposed to be cleared and disturbed through the placement of the construction access will require restoration with native vegetation consisting of trees, shrubs and ground cover. An RPA restoration plan with surety shall be submitted and approved by the Environmental Division prior to the preconstruction meeting.
4. A preconstruction meeting will be held on-site prior to construction.
5. A turbidity curtain will not be required for this project as proposed. The Environmental Director reserves the right to require a turbidity curtain if field conditions change.
6. The existing concrete riprap rubble will be broken up into smaller core size stone prior to the placement of new riprap. If the existing rubble is removed, filter fabric will be installed prior to re-installation.
7. All new riprap used shall be Class 3. The riprap shall tie into existing grade at the top and a 2' deep buried toe shall be installed at the bottom of the slope. The maximum width of the revetment shall not exceed 30 linear feet.
8. Upon completion of the shoreline work, the construction access shall be regraded to existing slope conditions. The RPA restoration plan shall be implemented with all plantings installed as approved. The RPA surety will be held a minimum of one year after plant installation to ensure the long-term viability of the installed plant materials.
9. The permit shall expire December 13, 2007.
10. If an extension of this permit is needed, a written request shall be submitted to the Environmental Division no later than two weeks prior to expiration date.

CBE-05-068. Marywood Subdivision.

Staff report for the December 13, 2006 Chesapeake Bay Board public hearing.

This staff report has been prepared by the James City County Environmental Division to provide information to assist the Chesapeake Bay Board in making a recommendation. This information may also be found to be beneficial to the members of the general public who are interested in the environmental impacts as proposed with the associated project.

Summary Facts

Applicant	Mr. V. Marc Bennett, P.E. of AES Consulting Engineers, Inc.
Land Owner	Centex Homes
Location	North of Kingswood and Druid Hills subdivisions
Tax Map	(47-2) (1-47)
Staff Contact	William Cain, Phone: 253-6702

Project Description

Mr. V. Marc Bennett, P.E. of AES Consulting Engineers, Inc. has applied on behalf of Centex Homes, for an exception to the Chesapeake Bay Preservation Ordinance for impacts associated with the Marywood project. The project is generally located to the north of Kingswood and Druid Hills subdivisions, to the south of Hickory Sign Post Road, and to the west of the Riverside Medical Center and La Fontaine Condominiums.

For the purposes of constructing the necessary stormwater management facility outfalls, sanitary sewer gravity main, and road infrastructure, Centex Homes is proposing 2.24 acres of total encroachment into the Resource Protection Area (RPA). This has been reduced from the previously anticipated 4.40 acres associated with the previous application.

History

Centex Homes submitted the proposed plan of development for the Marywood development to the Planning Division in September, 2004. The James City County Planning Committee approved the master plan for the development at the December 5, 2005, Planning Commission meeting after the plan preparer and applicant addressed all concerns pertaining to perennial stream locations, stormwater management requirements, erosion and sediment control objectives, and planning issues which stemmed from previous DRC meetings where the plan was originally deferred.

Environmental Division conditions for approval of the master plan consisted primarily of reducing impacts to environmentally sensitive areas. Plan modifications provided to address this requirement consisted of steeper cut and fill slopes, the relocation of the

southernmost stormwater management basin, and a net decrease in the number of proposed lots.

A site specific perennial stream evaluation revealed that multiple perennial streams existed on the parcel, all of which outfall to Lake Powell and ultimately to the James River through the Mill Creek tributary. As this plan of development was submitted after January 1, 2004, the project was not grandfathered from the revised Chesapeake Bay Preservation Ordinance and as a result, a Resource Protection Area (RPA) buffer of 100 feet has been imposed on both sides of the streams and contiguous wetlands. Due to the necessity to connect the subdivision to the existing sanitary sewer pump station at Hickory Signpost, the sanitary sewer gravity main connection will be located within the limits of the RPA.

Section 23-11 of the revised James City County Chesapeake Bay Ordinance states that “a Water Quality Impact Assessment (WQIA) shall be required for any proposed land disturbance in the RPA resulting from development or redevelopment activities.” AES Consulting Engineers previously submitted a WQIA for the Marywood project and that case was heard at the September 13, 2006, Chesapeake Bay Board meeting. Though staff recommended approval, the case was denied by the Board due to the location of the stormwater management basin within the limits of the RPA and atop a perennial stream. This basin has been removed from the plan and the revised areas of encroachment before the Chesapeake Bay Board at this time result from impacts (clearing and grading) associated only with a utility (sewer) crossing. All previous impacts have either been removed from the RPA or have been reduced to the point that they will only require an administrative exception.

Water Quality Impact Assessment

The impacts to the RPA buffer and RPA features resulting from the current plan of development requiring administrative and board actions have been reduced from 4.40 acres to 2.24 acres. The impacts are associated with the extension of Oxford Road (Impacts #1.1 and 1.2), the proposed ravine crossing of Braddock Road (Impact #2), stormwater conveyance system and BMP outfalls (Impacts #3.1, 3.2, 3.5), and a utility bridge (Impact #4). These impacts are presented in Section II of the WQIA as provided by AES. Only those encroachments associated with Impact #4 require a board action as all others are administrative actions by Ordinance. With this being the case, the total impacts to components of the RPA requiring Board approval at this time are 0.32 acres. To mitigate for the both the proposed administrative and Board impacts, the following will be implemented into the associated plan of development:

- Erosion control type 3 blanket matting will be applied to all cut and fill slopes throughout the site;
- Stilling basins to reduce turbulence at stormwater outfalls and downstream erosion will be provided at all BMP outfalls and the outfalls of stormwater conveyance systems not immediately discharging to a stormwater management basin;

- Conservation seed mix will be used on the slopes of all BMP embankments.
- Installation of Rain Barrels on all houses along Collington Court (These units do not drain to one of the proposed stormwater management basins).

Other environmental considerations are the creation of a 15-foot building setback from the RPA buffer, and the preservation of 9+ acres of open space along Hickory Signpost Road .

AES acting on behalf of Centex Homes, has submitted the required information as outlined in the *James City County Water Quality Impact Assessment Guidelines*. The Board is to determine whether or not the proposed development is consistent with the spirit and intent of the Ordinance and make a finding based upon the following criteria, as outlined in Section 23-14(c):

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 this chapter to other property owners similarly situated in the vicinity;
3. The exception request will be in harmony with the purpose and intent of this chapter, 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; and
5. Reasonable and appropriate conditions are imposed which will prevent the exception request from causing degradation of water quality.

Recommendations

Staff does find that the WQIA and the project are consistent with the spirit and intent of the Ordinance and the criteria as outlined in section 23-14(c) of the James City County Code. Staff therefore recommends that the Chesapeake Bay Board approve the WQIA and the exceptions for the Marywood project. Furthermore, all recommendations listed therein are to be incorporated into the site plans for the project, which must then receive final approval by the Environmental Division. This exception request approval shall become null and void if construction has not begun by December 13, 2007. Any changes to the plan of development that would cause any deviation from the items listed in the WQIA, either in the form of increased impacts to components of the RPA or omission of mitigation requirements from the submitted plan of development, must be reviewed and approved by the Board.

Staff report prepared by:

William Cain;
Civil Engineer

CONCUR:

Darryl Cook;
Environmental Director

- Exception Approved with Staff Recommendations
- Exception Denied
- Exception Deferred

William Apperson;
Chairman,
Chesapeake Bay Board

Attachment:

1. Water Quality Impact Assessment of proposed Site Improvements for the Marywood Subdivision (Revised November 2006).