

**A G E N D A**  
**JAMES CITY COUNTY CHESAPEAKE BAY BOARD**  
**REGULAR MEETING**  
**County Government Center, Building F**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**October 10, 2018**  
**5:00 PM**

---

**A. CALL TO ORDER**

**B. ROLL CALL**

**C. MINUTES**

1. Minutes from the September 26, 2018, regular meeting

**D. PUBLIC HEARINGS**

1. CBPA 18-0123 : 102 Walton Heath
2. CBPA 18-0148 : Busch Gardens, Festa Italia

**E. BOARD CONSIDERATIONS**

**F. MATTERS OF SPECIAL PRIVILEGE**

**G. ADJOURNMENT**

**ITEM SUMMARY**

DATE: 10/10/2018

TO: Chesapeake Bay Board

FROM: Chesapeake Bay Board Secretary

SUBJECT: Minutes from the September 26, 2018, regular meeting.

---

**ATTACHMENTS:**

	Description	Type
	Minutes	Minutes

**REVIEWERS:**

Department	Reviewer	Action	Date
Chesapeake Bay Group	Secretary, ChesBay	Approved	10/5/2018 - 1:16 PM

**MINUTES**  
**JAMES CITY COUNTY CHESAPEAKE BAY BOARD**  
**REGULAR MEETING**  
**County Government Center, Building F**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**September 26, 2018**  
**5:00 PM**

---

**A. CALL TO ORDER**

The Chesapeake Bay Board meeting for September 26, 2018, 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:

David Gussman, Chair  
William Apperson, Vice Chair  
Larry Waltrip  
John Hughes  
Charles Roadley

Board Members Absent: None

County Staff Present:

Michael Woolson, Secretary to the Board, Senior Watershed Planner, Stormwater and Resource Protection  
Frances Geissler, Director, Stormwater and Resource Protection  
Liz Parman, Assistant County Attorney  
Trevor Long, Watershed Planner, Stormwater and Resource Protection  
Janice Petty, Assistant, Stormwater and Resource Protection

**C. MINUTES**

1. Minutes from the August 8, 2018 regular meeting

The minutes from the August 8, 2018, regular meeting were approved as written. Mr. Gussman made the motion to accept the minutes.

**D. PUBLIC HEARINGS**

1. CBPA 18-0129 : 343 Neck-O-Land Road

Mr. Jeff Davis has applied for a Chesapeake Bay Exception for encroachments into the Resource Protection Area (RPA) buffer for the construction of a shed on the property located at 343 Neck-O-Land Road being within the Powhatan Creek watershed. The property is

further identified as James City County Tax Map Parcel No. 4730100055. Staff has reviewed the Sensitive Area Activity application and exception request and has determined impacts associated with the proposal to be minor for the proposed development. Staff recommends approval of the application with conditions.

The Board deliberated on the pros and cons of this application.

Mr. Gussman opened the Public Hearing.

Mr. Gussman closed the Public Hearing, as no one wished to speak.

Mr. Hughes made a motion to grant the application for Chesapeake Bay Board Case No. CBPA-18-0129 at 343 Neck-O-Land Road.

The motion was approved: 5-0

Ayes: Roadley, Waltrip, Gussman, Hughes, Apperson

Nays: None

Absent: None

2. CBPA 18-0131 : 113 Wareham's Point

Miley and Jean Walker have applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for construction of a retaining wall on the property located at 113 Wareham's Point in the Wareham's Point subdivision and the Skiffes Creek watershed. The property is further identified as James City County Tax Map Parcel No. 5041900113. Staff has reviewed the Sensitive Area Activity application and exception request and has determined impacts associated with the proposal to be minor for the proposed development. Staff recommends approval of the application with conditions.

The Board deliberated on the pros and cons of this application.

Mr. Gussman opened the Public Hearing.

**A.** Mrs. Jean Walker addressed the Board and responded to questions.

Mr. Gussman asked if there was already a lot of erosion behind the house.

Mrs. Walker affirmatively replied.

**B.** Mr. Don Newsom of Delightful Gardens Landscape Company, Williamsburg, Virginia, addressed the Board and responded to questions.

Mr. Gussman closed the Public Hearing, as no one else wished to speak.

Mr. Hughes made a motion to grant the application for Chesapeake Bay Board Case No. CBPA-18-0131 at 113 Wareham's Point.

The motion was approved: 5-0

Ayes: Roadley, Waltrip, Gussman, Hughes, Apperson

Nays: None

Absent: None

3. CBPA 18-0149 : 213 Southpoint Drive

Mr. Michael Matthews of The Structures Group, on behalf of Ms. Meredith Robertson, has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of retaining walls on the property located at 213 Southpoint Drive within the Kingspoint subdivision and the College Creek watershed. The property is further identified as James City County Tax Map Parcel No. 4930270014. Staff has reviewed the application and exception request and has determined impacts associated with the proposal to be minor for the proposed development. Staff recommends approval of the application with conditions.

The Board deliberated on the pros and cons of this application.

Mr. Gussman questioned if the retaining walls interfere with the existing steps.

Mr. Woolson explained that the retaining wall would be built around the steps or the steps rebuilt. Mr. Woolson deferred to Mr. Matthews for the layout dynamics.

Mr. Hughes inquired if any trees were to be removed.

Mr. Woolson negatively replied, but deferred definitive answer to Mr. Matthews.

Mr. Gussman opened the Public Hearing.

A. Mr. Michael Matthews of The Structures Group addressed the Board and responded to questions.

Mr. Gussman closed the Public Hearing, as no one else wished to speak.

Mr. Waltrip made a motion to grant the application for Chesapeake Bay Board Case No. CBPA-18-0149 at 213 Southpoint Drive.

The motion was approved: 5-0

Ayes: Roadley, Waltrip, Gussman, Hughes, Apperson

Nays: None

Absent: None

4. CBPA 18-0126 : 3936 Vass Lane

Mr. John Hyland has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of a workshop. The project is located on the property known as 3936 Vass Lane in the Vass Meadows Subdivision located in the Mill Creek Watershed. The property is further identified as James City County Tax Map Parcel No. 3842100009. Staff has determined that the impacts with this proposal to be minor for the proposed development. Staff recommends approval with conditions.

The Board deliberated on the pros and cons of this application.

Mr. Gussman opened the Public Hearing.

A. Mr. John Hyland addressed the Board and responded to questions.

Mr. Roadley asked if the workshop would have shingles on the roof and gutters added. He asked if Mr. Hyland had given any thought as to how he would direct the rain water when it comes out of the gutters. Mr. Roadley suggested adding some type of infiltration as we're

trying to minimize sheet flow and the potential for erosion.

Mr. Gussman closed the Public Hearing, as no one else wished to speak.

Mr. Hughes made a motion to grant the application for Chesapeake Bay Board Case No. CBPA-18-0126 at 3936 Vass Lane.

The motion was approved: 5-0

Ayes: Roadley, Waltrip, Gussman, Hughes, Apperson

Nays: None

Absent: None

5. CBPA 18-0134 : 500 Thompson Lane

Ross and Amy Thompson have applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of a new single-family dwelling, garage, patio, two decks, retaining wall and barn tack room addition. The project is located on the property known as 500 Thompson Lane in the Gordon Creek Watershed. The property is further identified as James City County Tax Map Parcel No. 3610100005. Staff has also determined that the impacts with this proposal to be moderate for the proposed development. Staff recommends approval with conditions.

The Board deliberated on the pros and cons of this application.

Mr. Gussman opened the Public Hearing.

**A.** Ross and Amy Thompson addressed the Board and responded to questions.

Mr. Gussman asked if the impact numbers provided were net numbers.

Mr. Woolson responded that there is a net increase of impervious cover.

Amy Thompson explained she took the calculations and that they were net.

Mr. Apperson asked if they managed the pond for algae.

Ross Thompson replied that he has treated the pond two or three times every year that they have owned it for algae and that they have installed an extensive aeration system.

**B.** Tom Hitchens of 350 Thompson Lane provided recommendations for the Thompson's as good stewards of the pond and property.

Mr. Gussman closed the Public Hearing, as no one else wished to speak.

Mr. Gussman questioned Mr. Woolson as to the drainage that goes into Warburton Pond.

Mr. Woolson replied that the drainage is significant. It drains part of Centerville Road and Matoaka Elementary School.

Mr. Apperson made a motion to grant the application for Chesapeake Bay Board Case No. CBPA-18-0134 at 500 Thompson Lane.

The motion was approved: 5-0

Ayes: Roadley, Waltrip, Gussman, Hughes, Apperson  
Nays: None  
Absent: None

**E. BOARD CONSIDERATIONS**

None

**F. MATTERS OF SPECIAL PRIVILEGE**

Mr. Waltrip announced that the James River Association would like to do a presentation of its workshops and programs it provides to the school system at an upcoming Board meeting.

Mr. Trevor Long provided information on James RiverFest to be held on Saturday, September 29, 2018 from 10 a.m. to 2 p.m. at Jamestown Beach Event Park, 2205 Jamestown Road.

**G. ADJOURNMENT**

The meeting was adjourned at 6:15 p.m.

**ITEM SUMMARY**

DATE: 10/10/2018

TO: Chesapeake Bay Board

FROM: Michael Woolson, Senior Watershed Planner

SUBJECT: CBPA 18-0123 : 102 Walton Heath

---

Omega Development, LLC has filed an exception request for encroachment into the RPA buffer for the construction of a single family dwelling, retaining wall and deck at 102 Walton Heath, in Section 6 of the Ford's Colony subdivision, JCC Parcel No. 38103000019.

**ATTACHMENTS:**

	Description	Type
▣	Staff Report	Staff Report
▣	Resolution	Resolution
▣	Water Quality Impact Assessment	Backup Material
▣	Site Plan	Backup Material
▣	Water Quality Calculations	Backup Material
▣	Corps Permit	Backup Material
▣	Public Hearing Notice	Backup Material
▣	APO Notification Letter	Backup Material
▣	APO Notification List	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	10/4/2018 - 2:20 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	10/5/2018 - 1:12 PM



**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-18-0123. 102 Walton Heath  
Staff Report for the October 10, 2018, Chesapeake Bay Board Public Hearing**

---

*This staff report is prepared by 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. Martin Mather, Omega Development, LLC

Agent: Mr. Mathew Roth

Location: 102 Walton Heath

Tax Map/Parcel No.: 38103000019

Parcel: Lot 19, Section 6, Ford's Colony

Lot Size: 0.39 acre

Area of Lot in Resource Protection Area (RPA): 0.39 acre +/- (100%)

Watershed: Powhatan Creek, (HUC JL31)

Floodplain: None

Proposed Activity: Construction of a new principle structure

Impervious Cover: 2,569 square feet

RPA Encroachment: 2,569 square feet in the seaward 50-foot RPA

Staff Contact: Trevor Long, Watershed Planner Phone: 253-6789

**BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES**

Mr. Mathew Roth has applied for a Chesapeake Bay Exception on behalf of Mr. Martin Mathers of Omega Development, LLC for encroachments into the RPA buffer for the construction of a new principle structure on property located at 102 Walton Heath within the Ford's Colony subdivision and the Powhatan Creek watershed. The property is further identified as James City County Tax Map Parcel No. 38103000019. The parcel was platted in 1981 prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The total impervious cover proposed within the seaward 50-foot RPA is 2,569 square feet. The required mitigation for this amount of encroachment would equate to six planting units. To date, the applicant has proposed a mitigation plan consisting of six planting units and the use of a stormwater Best Management Plan to mitigate runoff. Additionally, the applicant has agreed to enroll in the Turf Love program and also has proposed to place 3 inches of gravel underneath the entirety of the deck. Therefore, proposed mitigation plantings exceed County requirements.

**STAFF EVALUATION**

Staff has evaluated the application and exception request for the construction of a new principle structure and finds that the application meets the conditions in Sections 23-11 and 23-14 and that the application should be heard by the Board because the proposed construction extends into the seaward 50-foot RPA.

Therefore, this request must be considered by the Board following a public hearing under the formal exception process.

### **WATER QUALITY IMPACT ASSESSMENT (WQIA)**

A WQIA must be submitted, per Sections 23-11 and 23-14 of the County Ordinance, for any proposed land disturbing activity resulting from development or redevelopment within RPAs. To date, the applicant has submitted the required information as outlined in the *James City County Water Quality Impact Assessment Guidelines*.

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

The exception granting body is permitted to require reasonable and appropriate conditions in granting the exception request in accordance with Section 23-14. The Chesapeake Bay Board should fully consider Chesapeake Bay Exception CBE-18-0123 as outlined and presented above and review the request for exception along with the WQIA. The Board may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of the County's Chesapeake Bay Preservation Ordinance.

### **STAFF RECOMMENDATIONS**

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

1. The applicant must obtain all other necessary federal, state and local permits as required for the project.
2. The applicant must execute an Affidavit at the Williamsburg-James City County courthouse and provide evidence of such to the County.
3. That the applicant submit a \$4,000 surety to guarantee the plantings and enrollment in the Turf Love Program.
4. The mitigation plantings shall have a survivability of at least 90% at one year post planting prior to final surety release. Up to 50% of the surety may be released once mitigation has been planted.
5. The rain garden feature will follow the standards and specifications found in the Virginia Department of Environmental Quality Stormwater Specification No. 9 Bioretention, current version.
6. This exception request approval shall become null and void if construction has not begun by October 10, 2019.
7. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than August 29, 2019.

TL/md  
CBE18-0123OmegaDev

#### Attachments:

1. Resolution
2. Water Quality Impact Assessment Package
3. Site Plan
4. Mitigation Plan

## **RESOLUTION**

**CASE NO. CBPA-18-0123. 102 WALTON HEATH**

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

WHEREAS, Mr. Martin Mather (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on October 10, 2018, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property identified as James City County Real Estate Tax Map Parcel No. 3810300019 and further identified as 102 Walton Heath in the Ford’s Colony subdivision (the “Property”) as set forth in the application CBE-18-020 for the purpose of constructing a single-family dwelling, deck 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, 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 and permissions as required for the project.
  - b. The applicant must execute an Affidavit at the Williamsburg-James City County courthouse and provide evidence of such to the County.

- c. Surety of \$4,000 will be required in a form acceptable to the County Attorney's office to guarantee all of the mitigation components.
- d. The mitigation plantings shall have a survivability of at least 90% at one year post planting prior to final surety release. Up to 50% of the surety may be released once mitigation has been planted.
- e. The rain garden feature will follow the standards and specifications found in the Virginia Department of Environmental Quality Stormwater Specification No. 9 Bioretention, current version.
- f. This exception request approval shall become null and void if construction has not begun by October 10, 2019.
- g. Written requests for an extension to this exception shall be submitted to the Stormwater and Resource Protection Division no later than August 29, 2019.

\_\_\_\_\_  
David Gussman  
Chair, Chesapeake Bay Board

\_\_\_\_\_  
Michael D. Woolson  
Secretary, Chesapeake Bay Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 10th day of October, 2018.

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_ IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF JAMES CITY.

\_\_\_\_\_  
NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_

CBPA18-0123OmegaDev-res



# Chesapeake Bay Preservation Ordinance Sensitive Area Activity Application

For Office Use Only

CB Number \_\_\_\_\_

## **Submission Requirements:** (Check all applicable)

- ☐ A \$25 non-refundable processing fee payable to Treasurer, James City County.
- ☐ RPA - landward 50' – Complete Items 1 – 5, and sign on Page 3.
- ☐ RPA - seaward 50' – Complete Items 1 – 5, sign on Page 3 and submit an additional \$100 non-refundable fee payable to Treasurer, James City County, for the Chesapeake Bay Board.
- ☐ Conservation Easement – Complete Items 1, 2, 3, and 5, and sign on Page 3.
- ☐ Steep Slopes  $\geq$  25 percent - Complete Items 1, 2, 3, and 5, and sign on Page 3.
- ☐ Attach plans as required (see instruction on Page 4, Item 4).
- ☐ Applicable surety as required for mitigation (see **Mitigation Rates Table** on Page 2).

**Upon completion, please return pages 1-3 to the JCC Engineering and Resource Protection Division**

## **Property Owner Information:**

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

## **Contact (if different from above):**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Email: \_\_\_\_\_

## **Project Information:**

Project Address: \_\_\_\_\_

Subdivision Name, Lot, and Section No.: \_\_\_\_\_

Parcel Identification No. or Tax Map No.: \_\_\_\_\_

Date Lot was platted: \_\_\_\_\_ Line or Bldg Permit No.: \_\_\_\_\_

## **Activity Location and Impacts (Square Feet - SF):** (check all that apply)

- |  |   |
|--|---|
| <input type="checkbox"/> Steep Slopes $\geq$ 25 percent _____ (SF) | <input type="checkbox"/> RPA - Landward 50' _____ (SF)        |
| <input type="checkbox"/> Conservation Easement _____ (SF)          | <input type="checkbox"/> RPA - Seaward 50' _____ (SF)         |
| <input type="checkbox"/> Trees to be Removed _____ (#)             | <input type="checkbox"/> Proposed Impervious Cover _____ (SF) |

## **Activity involves:** (check all that apply)

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> New principal structure construction    | <input type="checkbox"/> Building addition to principal structure | <input type="checkbox"/> Attached Deck     |
| <input type="checkbox"/> Permitted buffer modifications:         | <input type="checkbox"/> Dead/diseased/dying tree removal         | <input type="checkbox"/> Sightline         |
| <input type="checkbox"/> Accessory (Detached) Structure or Patio | <input type="checkbox"/> Invasive/noxious weed removal            | <input type="checkbox"/> Access path/trail |
| <input type="checkbox"/> Other: _____                            | <input type="checkbox"/> Redevelopment: _____                     |  |

# Chesapeake Bay Preservation Ordinance Sensitive Area Activity Application

Page 2

For Office Use Only

CB Number \_\_\_\_\_

## 1. Description of requested sensitive area activity and reason for request:

*(In the description, please indicate the reason for the proposed structure or activity, the location, sizes and dimensions of feature. For decks or expansions, indicate if ground floor, first floor or other levels)*

2. As per Section 23-9 of the Chesapeake Bay Preservation Ordinance, if there is an on-site sewage disposal system on this property, has it been inspected and/or pumped out in the past five years? ☐ Yes ☐ No

3. Are permits from other local, State or Federal agencies required for any portion of this project? ☐ Yes ☐ No  
(If yes, please explain) \_\_\_\_\_

## 4. Water Quality Impact Assessment

The purpose of a water quality impact assessment is to demonstrate that the project will result in the removal of no less than 75 percent of sediments and 40 percent of nutrients from post-development stormwater run-off and that it will retard runoff, prevent accelerated erosion, promote infiltration, and filter non-point source pollution equivalent to the full undisturbed 100-foot buffer.

A. Why is this encroachment necessary? Can it be relocated to avoid RPA impacts?

B. What measures will be used to minimize impervious area? Examples: pervious pavers, removal of existing impervious surfaces (concrete, pavement, etc.) in the RPA not needed for the project

## 5. Proposed mitigation measures:

**Note:** All mitigation measures must be shown in detail on a mitigation plan. Show both location of mitigation measures and plant species if applicable. All mitigation plants must be native species and be located in the sensitive area (RPA or Conservation Easement).

### Mitigation Rates Table

<u>Impervious Area (SF)</u>	<u>Mitigation Required</u>	<u>Surety</u>
<400	1 tree and 3 shrubs	\$250
400-1,000	1 canopy tree, 2 understory trees and 3 shrubs per 400 SF (or fraction thereof)	\$1,000
>1,000	Plant at same rate as 400 – 1,000; or may be determined by Director of Engineering and Resource Protection Division	To be determined

**Chesapeake Bay Preservation Ordinance  
Sensitive Area Activity Application**

**Page 3**

**For Office Use Only**

**CB Number** \_\_\_\_\_

A. Vegetation/ground cover enhancement of buffer (see Mitigation Rates Table on previous page).

- ☒ Number of native canopy trees 6
- ☒ Number of native understory trees 3
- ☒ Number of native shrubs 36
- ☐ Square feet of native ground cover \_\_\_\_\_
- ☒ Square feet of mulch 2,262

B. Best Management Practices (BMPs)

- ☐ EC-2 (degradable) erosion control matting
- ☐ Dry Swale
- ☒ Silt fence
- ☒ Turf (Nutrient) Management Plan
- ☒ Gravel under deck (3" of gravel over synthetic filter fabric under entire deck area)
- ☐ Other: \_\_\_\_\_
- ☒ Bioretention or rain garden practice
- ☐ Infiltration Area/Trench/Drywell
- ☐ Structural BMP (Wet or Dry Pond)
- ☐ Rain Barrel

**I understand that the following are approval conditions:**

- 1) Mitigation for the above activity shall follow the approved mitigation plan and be guaranteed with a form of surety acceptable to the County Attorney.
- 2) Limits of disturbance as shown on the approved plan shall not be exceeded.
- 3) This approval shall become null and void if construction has not begun within 12 months of the approval date.
- 4) Surety will be released following the completion and inspection of mitigation plantings.

Property owner signature [Signature] Date 4/25/18

Program Administrator \_\_\_\_\_ Date \_\_\_\_\_

Authorized Signature

**For Office Use Only**

**Surety Amount:** \_\_\_\_\_

**Date/Rec No.:** \_\_\_\_\_

**Fee Paid?** ☐ Yes ☐ No

**Amount:** \_\_\_\_\_

**Date/Rec No.:** \_\_\_\_\_



## **ROTH ENVIRONMENTAL, LLC**

**102 WALTON HEATH**

**FORD'S COLONY**

**OMEGA DEVELOPMENT CORPORATION**

**WATER QUALITY IMPACT ASSESSMENT**

**AND**

**MITIGATION PLAN**

**June 27, 2018**

The property located at 102 Walton Heath is situated in the central section of the Ford's Colony subdivision. The 0.4 acre wooded lot is located northeast of the intersection of Walton Heath and Edinburgh. As an "infill lot", it is completely surrounded by development.

The applicant has chosen to redesign the proposed primary structure on the site and add a best management feature (BMP). A smaller structure is currently proposed.

The applicant has reduced the size of the structure, reduced the total proposed impervious area on the lot, and added a bioretention area.

### **General Project Information**

The topography on the lot is at its highest on the western portion of the property adjacent to the road. In this area the property is at elevation 56'. The property slopes from west to east. Along the eastern portions of the site, the property elevations are as low as 45'. An intermittent stream is found in these lower elevations. This stream is an unnamed tributary of Long Hill Swamp.

Roth Environmental performed a wetland delineation on the site. Fieldwork for the wetland delineation was performed using the *Routine Determination Method outlined in the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region (TR-10-30)*. This manual uses three parameters (vegetation, soils, and hydrology) in determining and delineating wetlands. The limits of the wetlands and Waters of the U.S. were delineated in the field using numbered pink and black flagging. These areas have been confirmed by the U.S. Army Corps of Engineers.

Nontidal wetlands associated with an intermittent stream are found along the central and eastern edges of the site. There are also nontidal wetlands found in the central portion of the site that are associated with a hillside seep. All of the wetlands have been survey located and are shown on the attached site plan. The uplands on the property are situated in the central and western portions of the lot.

The wetlands on the site are connected and contiguous to downstream perennial streams. A break in this system was not found during Roth Environmental's delineation of the wetlands. Pursuant to the DCR guidance document, "Resource Protection Areas: Nontidal Wetlands" revised dated December 10, 2007, nontidal wetlands that are connected and contiguous to



downstream perennial streams are RPA features. Roth Environmental coordinated with the James City County Engineering and Resource Protection Division and confirmed this assessment.

A site plan is attached to this submission package. This plan shows the locations of the nontidal wetlands and the limits of the 50-foot RPA buffer. The majority of the site is either RPA feature (nontidal wetland) or is within the seaward 50-foot portion of the RPA buffer.

As shown on the site plans, the site cannot be developed without permits from the James City County CBPA Board and the Corps of Engineers. A permit for the proposed development has been issued by the Corps of Engineers. This permit will be provided to the Watershed Planner.

The proposed plan for the development on the lot includes the construction of a house, driveway, deck, and bioretention area. All of these features will encroach into the RPA feature or RPA buffer. As with many of the other lots in Ford's Colony, development of the site cannot be accomplished without encroachment into nontidal wetlands and the RPA buffer.

#### **Development Alternatives**

The location of the proposed house on this lot is dictated by the front building setback. In an attempt to minimize the impact to the wetlands and RPA buffer caused by the development on the lot, the applicant submitted a request to the Ford's Colony Architecture Review Committee (ARC) for a five-foot reduction in the front building setback.

A one-foot setback reduction was discussed with and tentatively approved by the ARC pending the submission of the revised plan (see attached email). The applicant has positioned the house on this revised setback limit.

As the grading plan has been altered to incorporate the bioretention area, more drainage will be directed to the north of the house. This allows for the drainage swale on the southern side of the house to be reduced to the side setback limit.

#### **Impervious Encroachment in the RPA Buffer**

Based on the site plans, the impervious area is divided as follows:

House – 1,649 square feet

Deck and steps – 136 square feet

Driveway, sidewalk, & steps – 698 square feet

Retaining Wall – 86 square feet

Total Impervious Area within the RPA Feature and Buffer – 2,569 square feet

As a comparison to other nearby single family development in Ford's Colony, the proposed impervious area on the subject site is similar to the impervious areas within the RPA buffers and/or wetlands on three nearby lots at 177 Southport ( $\pm 5,200$  s.f.), 181 Southport (4,166 s.f.), and 184 Southport ( $\pm 6,800$  s.f.).

The impervious area of the subject site is significantly less than these properties that have been approved for their impervious areas in the RPA.

Roth Environmental and LandTech Resources worked together to reduce the footprint of the proposed development. The table below compares the previously submitted site plan with the current site plan.

*Table 1: Comparison to Previous Application at 102 Walton Heath*

	Proposed Plan	Original Plan	Differential
Disturbed Area	9,650 s.f.	9,754 s.f.	-104 s.f.
Impervious Area	2,569 s.f.	3,320 s.f.	-751 s.f.
Bioretention Area	1	0	Increase of 1
Permanent Wetland Impact	2,614 s.f.	3,320 s.f.	-706 s.f.
Temporary Wetland Impact	748 s.f. (Sewer line connection)	748 s.f. (Sewer line connection)	0 s.f.

### **Mitigation**

The goal of the mitigation plan is to protect the environmental resources downstream. The greatest potential for degradation of the downstream resources caused by the proposed plan is nonpoint source pollution.

Mitigation for the impervious surface created by the proposed plan will include four elements. These are mitigative plantings, installation of gravel under the deck, enrollment in the “Turf Love” program, and the addition of a bioretention basin. By incorporating all of these elements into the site plan, the applicant has provided removal of potential nonpoint source pollutants associated with the project. Downstream wetlands and waters will not be adversely impacted by the project.

*Table 2: Nonpoint source pollutants identified in the Chesapeake Bay Preservation Act, their potential to affect the downstream resources, and the mitigation proposed to offset these potential impacts are shown in the table below.*

<b>Pollutant</b>	<b>Main Potential to Affect Downstream Resources</b>	<b>Measures to Control Pollutants</b>
Sediment	Moderate during construction, high flows of stormwater during and after construction, and if area around the house is left unvegetated/unstabilized	During construction – DEQ approved erosion and sediment controls. Following construction – bioretention area, permanent seeding, mitigation plantings, mulching, and gravel under decking
Nutrients	Moderate as part of lawn care	Enrollment in the Turf Love Program will reduce over-

		application of fertilizers and pesticides. Mitigative plantings will use available nutrients and the bioretention area will infiltrate stormwater.
Bacteria	No significant sources of bacteria	N/A
Viruses	No significant sources of viruses	N/A
Oxygen Depletion	This could potentially be caused downstream by very high application of fertilizers	Enrollment in the Turf Love Program will reduce over-application of fertilizers and pesticides.
Hydrocarbons	Minimal - Potentially caused by leaks from construction equipment during land disturbing activities	Standard DEQ pollution prevention controls will be utilized during heavy equipment use on-site. This includes a spill prevention kit on-site during land disturbing activities
Toxic Metals	None – no toxic metals are anticipated to be used on the site	N/A
Toxic Chemicals	None – no toxic chemicals are anticipated to be used on the site	N/A
Chlorides/Chlorinated Water	Low – No pools proposed, exceptionally low potential from lawn watering	N/A
Increases in Water Temperature	Low/Moderate from rooftop	The bioretention area will capture the first flush of stormwater off the site. This is the warmest water that could discharge from the site. Mitigative plantings will also provide shade that reduces potential thermal pollution in runoff.

### Mitigative Plantings

The first mitigation element is plantings. The applicant is offering six mitigation units as recommended in the Riparian Buffer Restoration Guide.

Traditional vegetative mitigation accounts for 6 canopy trees, 3 understory trees, and 36 shrubs. Due to the limited clearing on the lot and number of tree species that can be installed,

we are asking for a modification to this ratio by substituting two shrubs for each understory tree that cannot be incorporated into the plan.

All plantings will be located within the RPA buffer (and feature) and will be incorporated into the landscape plan required by Ford's Colony. As such, some plantings will be located around the foundation of the house, along the edges of the clearing limits, and in the bioretention basin. We specifically added the plants around the clearing limits and in the bioretention basin so that they will have a greater opportunity to absorb nutrients, stabilize the soils, and prevent erosion.

Mitigative plantings have also been incorporated into the wetlands on-site. The wetlands contain scattered vegetation. Increasing the density of the plantings in these areas will increase the wetland's ability to absorb nutrients, toxicants, and reduce sediments. It will also aid in stabilizing the soils in the drainage feature. The vegetation will also aid in the reduction of thermal pollution of the stormwater runoff by creating shaded areas.

The added vegetation will also aid in treating stormwater that flows into the wetland from the adjacent lot to the south and flow from Edinburgh that has no stormwater treatment to its runoff.

Canopy trees will be a minimum of 1.5" caliper or six feet tall. Understory trees will be a minimum of 0.75" caliper or five feet tall. Shrubs will be a minimum of 3 gallons in size or 18" tall. The goal of the landscape plan is to achieve a minimum of 75% native species planted for the mitigation effort. The remainder of the species may be non-native ornamental species. It is recommended that all plantings be installed in the fall or early winter.

Native trees and shrubs will be selected from the Native Plant List found on the James City County website. Recommended species include the following:

**Canopy Trees:**

Uplands and Wetlands – red maple (*Acer rubrum*), river birch (*Betula nigra*), bald cypress (*Taxodium distichum*), and willow oak (*Quercus phellos*).

**Understory Trees:**

Uplands – flowering dogwood (*Cornus florida*), eastern redbud (*Cercis canadensis*), American holly (*Ilex opaca*), and Canada serviceberry (*Amelanchier canadensis*).

Wetlands – white fringe tree (*Chionanthus virginicus*) and sweetbay magnolia (*Magnolia virginiana*).

**Shrubs:**

Uplands – American beautyberry (*Callicarpa americana*), inkberry holly (*Ilex glabra*), winterberry (*Ilex verticillata*), sweetspire (*Itea virginica*), New Jersey tea (*Ceanothus americanus*), waxmyrtle (*Morella cerifera*), and red chokeberry (*Aronia arbutifolia*).

Wetlands – spicebush (*Lindera benzoin*), sweet pepperbush (*Clethra alnifolia*), fetterbush (*Leucothoe racemosa*), and button bush (*Cephalanthus occidentalis*).

The Mitigation Plan included with the submission package shows the approximate location of these plantings. Once the applicant has selected the specific species for these locations, they will coordinate the final landscape plan with the CBPA Board's Staff Liaison, Michael Woolson, for review and approval.

Should specified native species not be available from local nursery stock or the applicant chooses to incorporate ornamentals into the non-native portion of the mitigation plan, they will coordinate with Mr. Woolson prior to purchase of the plant materials.

As part of the typical CBPA encroachment requirements, the applicant will post a surety for the proposed plantings. This surety will be determined by county staff and be returned to the applicant once the mitigative plantings are installed and the county verifies their installation. Additionally, the applicant will enter into the standard county agreement to maintain the mitigative plantings.

#### Under Deck Gravel

The applicant will incorporate gravel under the proposed deck in order to provide the opportunity for infiltration from this feature. For the installation of the gravel bed, three inches of soil will be removed, filter fabric will be used to line the excavated area. Three inches of gravel will be used to fill the area under the deck. This will allow for the infiltration of stormwater that drains through the deck. It will also slow any erosive flows of water under the deck due to large storm events.

#### Turf Love Program

With the use of turf grass in the site design, the applicants will enroll in the "Turf Love" program administered by the Virginia Cooperative Extension for all areas within the buffer that are proposed for turf grass. As part of this program, a cooperative extension agent will perform an on-site lawn/site analysis and will teach the residents how to produce healthy turf while reducing the use of fertilizers, pesticides, and insecticides.

#### Bioretention Basin

The revised plan incorporates a bioretention area on the southeastern edge of the clearing limits. The stormwater from the site will be directed to this feature via swales and roof leaders from the downspouts (where applicable). The swales on the site will direct the majority of the stormwater around the northern side of the house. A narrow retaining wall has been added to the plan to allow for the swale to be created between the house and the outfall stream. The retaining wall creates a barrier so that the stormwater does not discharge directly into the outfall stream.

The bioretention basin has been appropriately sized for the site. A level spreader will allow any overflow from the BMP to flow toward the rear of the site. Additionally, a shallow swale will be created downslope of this BMP. This swale will direct flows from two sources to the drainage easement. The first source is the overflow from the proposed bioretention area. This will only occur in larger storms. The second source is flow from the neighboring yard and runoff from Edinburgh. Currently, this runoff is scouring the area causing erosion. By creating the shallow swale, the stormwater will be directed to the drainage easement and will function to aid in the stabilization of the area. This will not affect the hydrology in the wetland area.

Macintosh HD:Users:Roth:Documents:Roth Environmental, LLC:Projects:2016:16-202.102 Walton Heath:CBPA Submission #3:2018.06.27:Project Description and Mitigation Plan.102 Walton Heath.docx

**Subject:** FW: Lot 119 Section VI - Ford's Colony

**Date:** Wednesday, June 27, 2018 at 10:27:09 AM Eastern Daylight Time

**From:** Matthew Roth

----- Forwarded message -----

From: **Lynn Combs** <[lcombs@fchoa.net](mailto:lcombs@fchoa.net)>

Date: Tue, May 8, 2018 at 3:56 PM

Subject: Lot 119 Section VI - Ford's Colony

To: [marty@omegacccorp.com](mailto:marty@omegacccorp.com), Chase Grogg <[cgrogg@landtechresources.com](mailto:cgrogg@landtechresources.com)>

Cc: [kpeavey@fchoa.net](mailto:kpeavey@fchoa.net), Rick Boye <[Fwboye@cox.net](mailto:Fwboye@cox.net)>

To: Omega Development

From: Lynn Combs, Manager

Architectural Review Committee (ARC)

Ford's Colony Williamsburg

Date: May 8, 2018

Subj: Lot 119 Section VI

[102 Walton Heath](#)

Ford's Colony

With respect to the proposed site plan for the above referenced homesite, prepared by Landtech Resources, Inc, revision dated February 11, 2018, I regret to inform you the Architectural Review Committee (ARC) did not approve your request for a 5 ft. front setback variance. As discussed, the ARC would entertain a 6"- 12" relief, but nothing greater than a 1 ft. variance.

Further dialogue for consideration, propose improvements in the drainage swale along the left side yard.

*Best Regards,*

*Lynn D. Combs, CMCA*

Realtec Community Services

[100 Manchester Drive](#)

[Williamsburg, VA 23188](#)

[757-258-4230](#)

[lcombs@fchoa.net](mailto:lcombs@fchoa.net)

Architectural Review Committee, Manager

Sub-Associations, Manager



BUILDING INFORMATION

PROPOSED RESIDENCE IS 2-STORY  
PROPOSED GARAGE IS 1-BAY / FRONT LOADING

SITE INFORMATION

TOTAL AREA: 16,944 S.F. / 0.389 AC.  
DISTURBED AREA: 9,650 S.F. / 0.220 AC.  
IMPERVIOUS: 2,569 S.F. / 0.058 AC.  
PARCEL ID: 3810300019  
ZONING DISTRICT: R4  
EXISTING SITE IS WOODED AS SHOWN  
EXISTING ADDRESS:  
102 WALTON HEATH  
JAMES CITY COUNTY, VIRGINIA

NOTE TO CONTRACTOR

- ALL DISTURBED AREAS ARE TO BE SEEDED, SODDED, OR MULCHED WITHIN 7 DAYS OF REACHING FINAL GRADE.
- THE CONTRACTOR IS RESPONSIBLE FOR CONTACTING "MISS UTILITY" @ 1-800-552-7001 72 HOURS PRIOR TO CONSTRUCTION.
- THE CONTRACTOR SHALL REPORT ANY ERRORS, OMISSIONS, CONFLICTS, OR DISCREPANCIES TO THE DEVELOPER FOR RESOLUTION BEFORE CONTINUING WITH THE WORK.
- EROSIONS AND SEDIMENT CONTROL SHALL CONFORM TO THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK, LATEST EDITION.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY AND ALL DAMAGE TO UTILITIES, PUBLIC OR PRIVATE, THAT MAY OCCUR AS A RESULT OF CONSTRUCTION ACTIVITIES.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPLACING WITH MATCHING MATERIALS, ANY PAVEMENT, DRIVEWAYS, SHOULDERS, WALKS, LAWNS, SHRUBS, DITCHES, ETC. THAT MAY BE CUT OR DAMAGED DURING OR AS A RESULT OF CONSTRUCTION ACTIVITIES.
- CONTRACTOR IS RESPONSIBLE FOR INSTALLING ORANGE SAFETY FENCE AROUND LIMITS OF CONSTRUCTION
- CONTRACTOR SHALL DETERMINE EXACT FINISH FLOOR ELEVATION AFTER.
- CONTRACTOR TO DETERMINE LOCATION OF HVAC UNIT.

BUILDING SETBACKS (PER FORD'S COLONY)

FRONT SETBACK: 30' (1' VARIANCE NEEDED)  
REAR SETBACK: 35'  
SIDE SETBACK: 10'

NOTES

- HOUSE DIMENSIONS SHOWN BASE ON INFORMATION PROVIDED BY OWNER. BUILDER SHALL VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION.
- ALL TREES LARGER THAN 3" IN DIAMETER AND OUTSIDE THE LIMITS OF CLEARING SHOWN MAY NOT BE REMOVED WITHOUT THE CONSENT OF FORD'S COLONY OR ITS ASSIGNS.
- IN THE EVENT THE ARCHITECTURAL REVIEW COMMITTEE (ARC) SHALL DETERMINE THAT APPLICATION OF THE AFORESAID SETBACKS TO A PARTICULAR LOT WOULD UNREASONABLY LIMIT THE USE THEREOF BY THE OWNER AND EFFECTIVELY DEPRIVE HIM/HER OF AN APPROPRIATE CONSTRUCTION SITE, THE ARC SHALL GRANT A VARIANCE TO THE OWNER OF SAID LOT FROM THE PROVISIONS OF THESE SETBACK REQUIREMENTS.

GENERAL NOTES

- A TITLE REPORT HAS NOT BEEN FURNISHED TO THIS FIRM.
- WETLANDS WERE DELINEATED BY ROTH ENVIRONMENTAL AND LOCATED IN THE FIELD BY THIS FIRM.
- THIS FIRM MADE NO ATTEMPT TO LOCATE UNDERGROUND UTILITIES.
- PARCEL LIES IN F.I.R.M. ZONE "X" ACCORDING TO COMMUNITY PANEL #51095C0117D, DATED DECEMBER 16, 2015.
- LOT SERVED BY PUBLIC WATER AND SEWER.
- CONTRACTOR SHALL PROVIDE POSITIVE DRAINAGE AWAY FROM BUILDINGS SHOWN HEREON.
- ELEVATION AS SHOWN HEREON ARE IN FEET AND ARE CLOSELY RELATED TO JCC GIS.
- DIMENSIONS SHOWN HEREON ARE TO THE FRAMELINE OF THE BUILDING

SURVEYORS CERTIFICATION

THIS DRAWING REPRESENTS AN ACTUAL FIELD SURVEY. ALL THE INFORMATION SHOWN HEREON IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. LANDTECH RESOURCES, INC. HAS BEEN RETAINED AND PAID TO STAKE, AS A MINIMUM, THE BUILDING ENVELOPE & ANY DETACHED ACCESSORY STRUCTURE.

*Matthew H. Connolly*  
MATTHEW H. CONNOLLY, L.S.

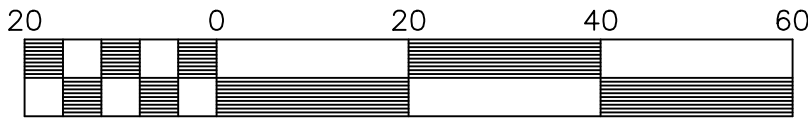
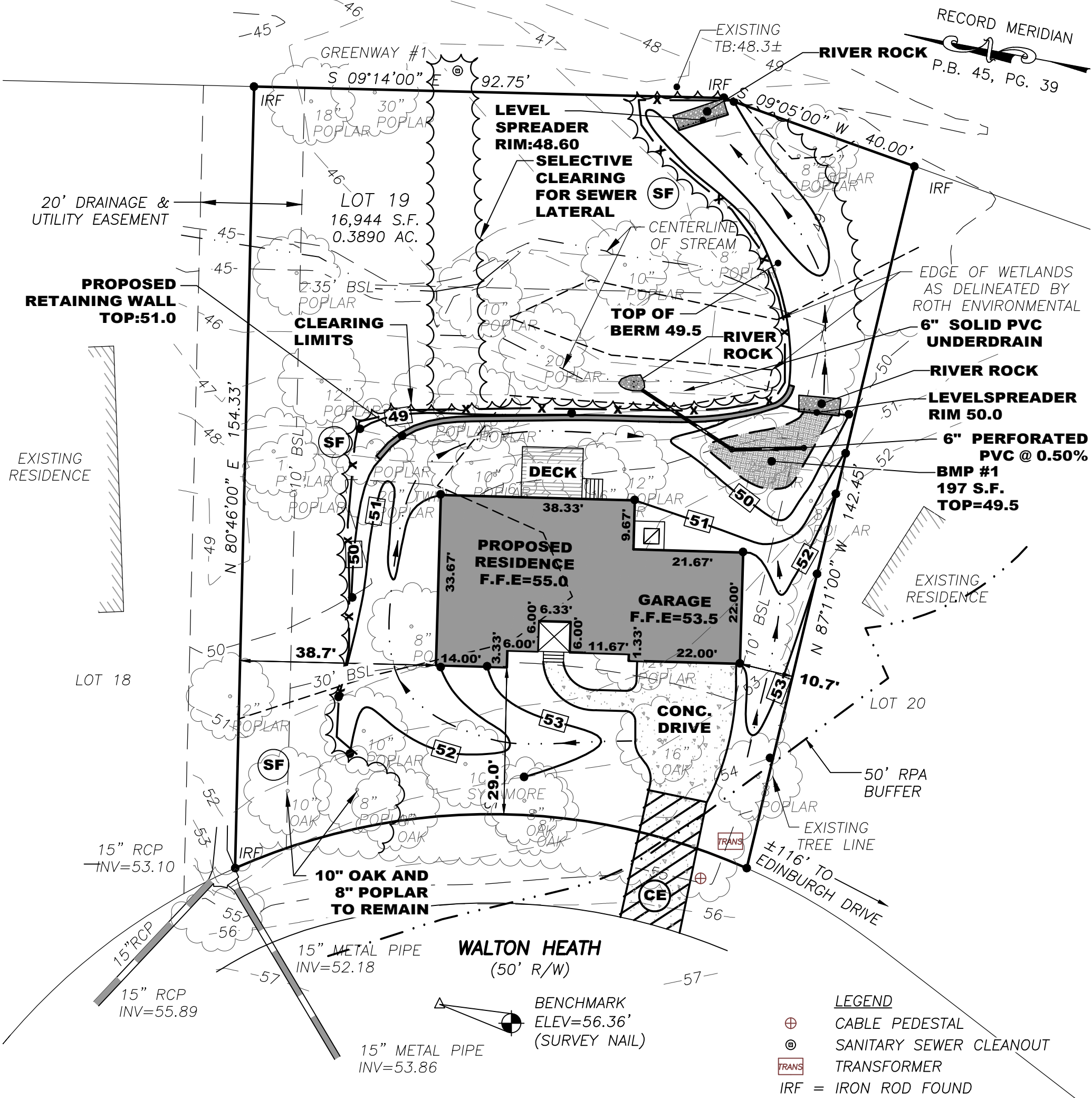
01/15/2018  
DATE

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

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

CURB & GUTTER SECTIONS WILL REQUIRE (2) SCHEDULE 40-4" CONDUITS PLACED 3' BELOW GRADE, OR AS LOW AS POSSIBLE TO NOT CONFLICT WITH OTHER UTILITIES, DIRECTLY BEHIND THE CURB FOR FUTURE WIRES.  
SECTIONS: 3B, 8A, 8B, 10, 12, 13A, 13B, 14A, 14B, 15, 17, 18, 30, 31 & 32  
DATE: \_\_\_\_\_ SIGNED: \_\_\_\_\_

WATER SERVICE NOT FOUND ON SITE AT THE TIME THE SURVEY WAS PERFORMED. CONTRACTOR TO COORDINATE WITH JAMES CITY COUNTY OFFICIALS FOR WATER METER TIE IN.



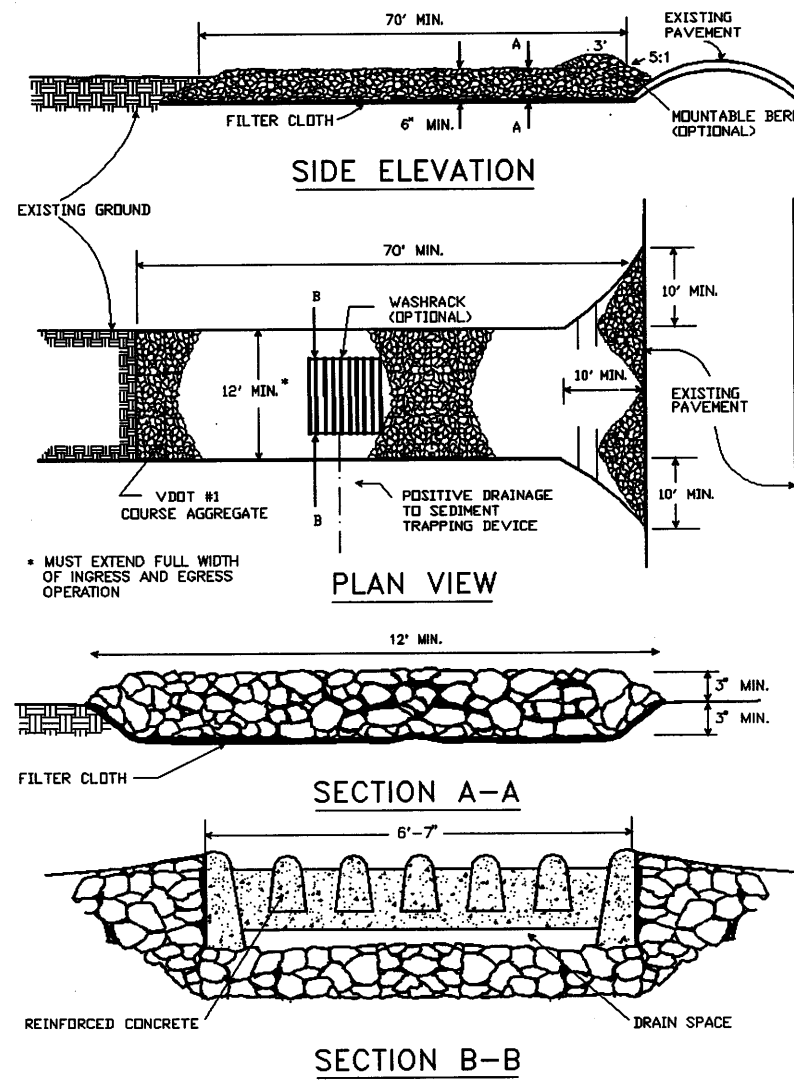
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	125.00'	103.99'	101.02'	N 10°37'19" W	47°39'52"

SHEET 1 OF 2

1992

3.02

STONE CONSTRUCTION ENTRANCE



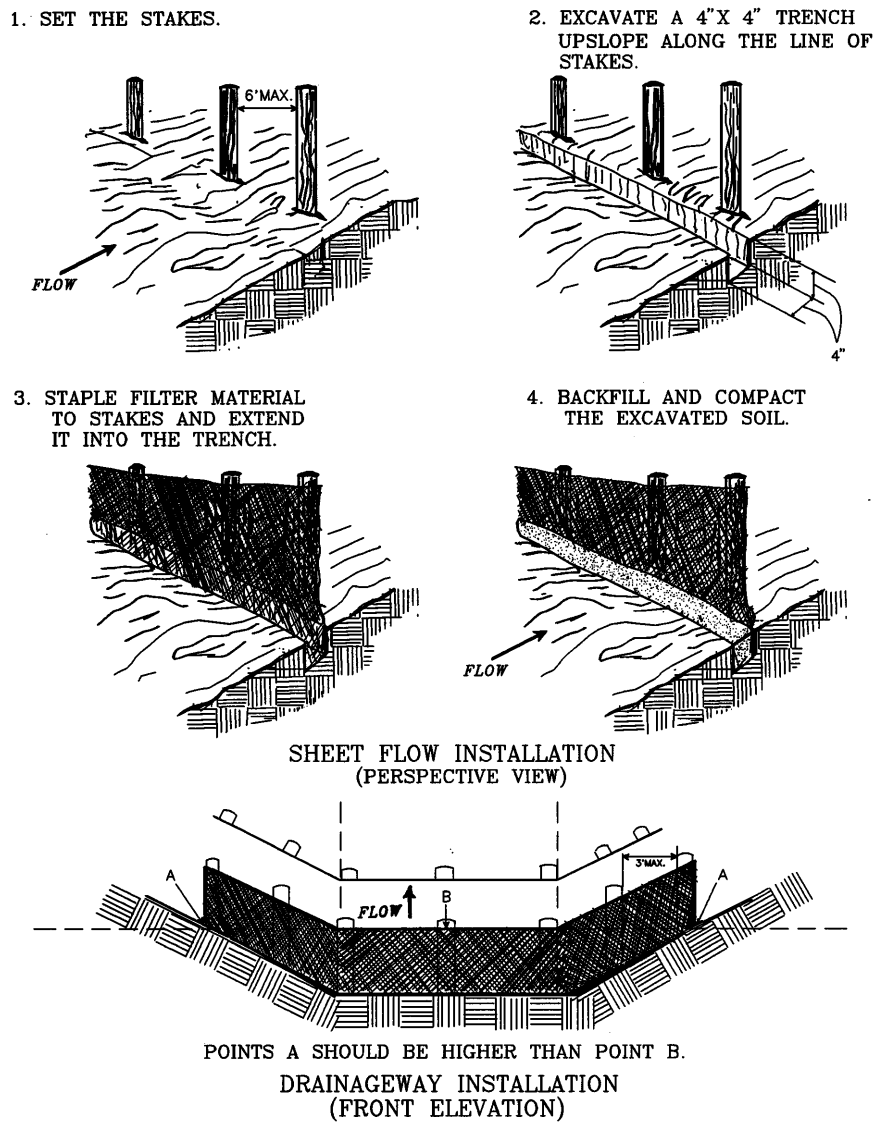
Source: Adapted from 1983 Maryland Standards for Soil Erosion and Sediment Control, and Va. DSWC

Plate 3.02-1

1992

3.05

CONSTRUCTION OF A SILT FENCE (WITHOUT WIRE SUPPORT)



Source: Adapted from Installation of Straw and Fabric Filter Barriers for Sediment Control, Sherwood and Wyant

Plate 3.05-2



DATE: 01-27-2017  
DRAWN BY: LRI  
PROJECT No. 16-550  
FILE NAME: 16-550.DWG  
REFERENCES:  
P.B. 45, PG. 39

PLOT PLAN OF  
LOT 19, SECTION VI, FORD'S COLONY  
FOR  
OMEGA CONCRETE & CONSTRUCTION

JAMES CITY COUNTY

VIRGINIA

NO.	DATE	REVISION / COMMENT / NOTE
1	08-28-2017	REVISED HOUSE
2	01-15-2018	REVISED HOUSE LOCATION
3	01-30-2018	REVISED HOUSE LOCATION
4	02-11-2018	REVISED SETBACK INFORMATION AND TREE SAVE PER FORD'S COLONY COMMENTS
5	06-27-2018	REVISED SITE GRADING AND HOUSE LOCATION





SITE INFORMATION

TOTAL AREA: 16,944 S.F. / 0.389 AC.  
DISTURBED AREA: 9,650 S.F. / 0.220 AC.  
IMPERVIOUS: 2,569 S.F. / 0.058 AC.  
PARCEL ID: 3810300019  
ZONING DISTRICT: R4  
EXISTING SITE IS WOODED AS SHOWN  
EXISTING ADDRESS:  
102 WALTON HEATH  
JAMES CITY COUNTY, VIRGINIA

LANDSCAPING NOTES

1. CONTRACTOR TO PROVIDE 3" OF GRAVEL UNDER THE DECK.  
2. SPECIES OF PLANTS TO BE COORDINATED WITH THE JAMES CITY COUNTY ENGINEERING AND RESOURCE PROTECTION DIVISION.

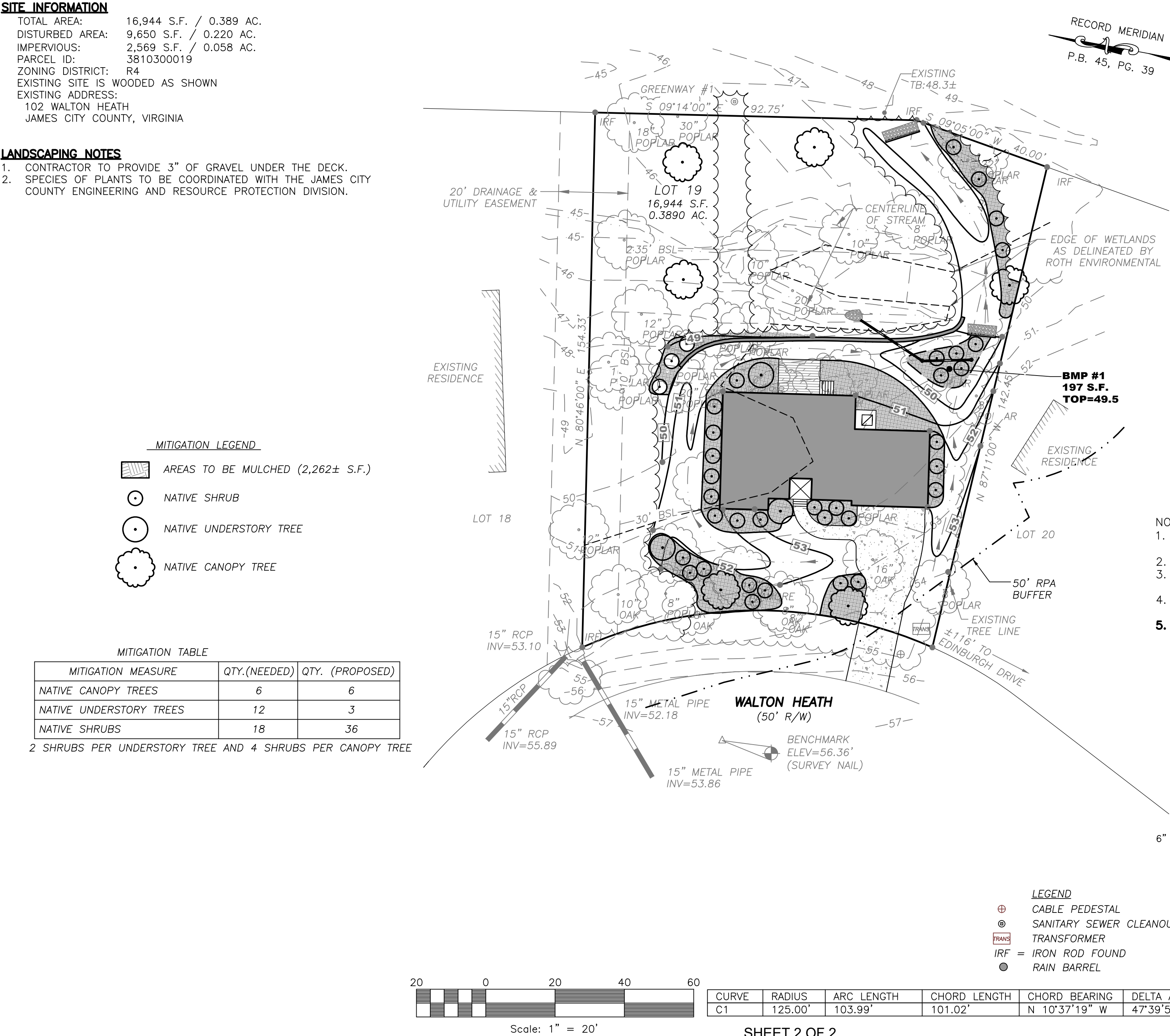
MITIGATION LEGEND

- AREAS TO BE MULCHED (2,262± S.F.)  
NATIVE SHRUB  
NATIVE UNDERSTORY TREE  
NATIVE CANOPY TREE

MITIGATION TABLE

MITIGATION MEASURE	QTY.(NEEDED)	QTY. (PROPOSED)
NATIVE CANOPY TREES	6	6
NATIVE UNDERSTORY TREES	12	3
NATIVE SHRUBS	18	36

2 SHRUBS PER UNDERSTORY TREE AND 4 SHRUBS PER CANOPY TREE



BMP #1 DESIGN - BIO-RETENTION FILTER

TURF AREA: 0.11 ACRES  
IMPERVIOUS AREA: 0.06 ACRES

TOTAL CDA: 0.17 ACRES

VRRM T<sub>v</sub> REQUIRED - 287 CF

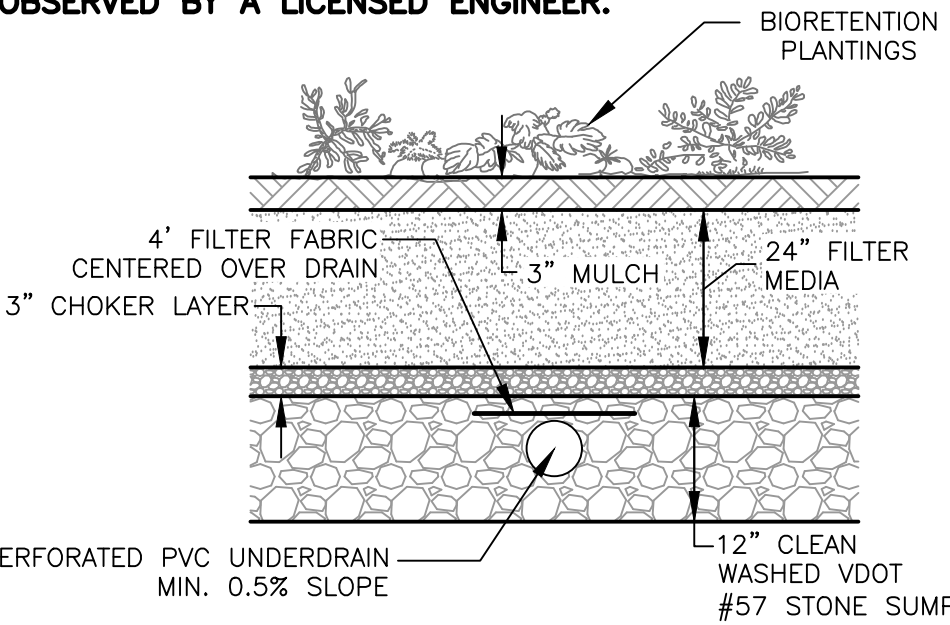
MEDIA DEPTH -  
SURFACE PONDING (V<sub>i</sub>=1.00): DEPTH=6" EQ. DEPTH=6"  
MULCH LAYER: DEPTH=3" EQ. DEPTH=0  
SOIL MEDIA (V<sub>i</sub>=0.25): DEPTH=24" EQ. DEPTH=6"  
GRAVEL CHOKER (V<sub>i</sub>=0.20): DEPTH=3" EQ. DEPTH=0.05"  
GRAVEL LAYER (V<sub>i</sub>=0.40): DEPTH=12" EQ. DEPTH=4.8"

FILTER EQUIVALENT STORAGE DEPTH - 1.45'

MIN. SURFACE AREA REQUIRED -  
(287CF) / (1.45') = 197 FT<sup>2</sup>

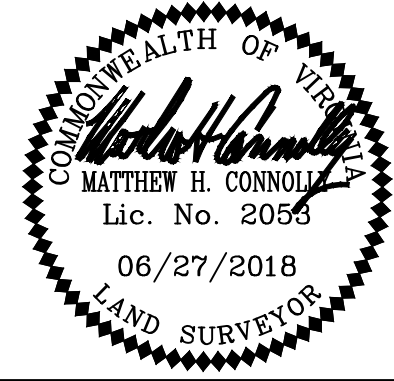
NOTES:

1. A 6" UNDERDRAIN IS REQUIRED WITHOUT PROPER INFILTRATION TESTING.  
2. SIDE SLOPE EXCAVATION IS NOT TO BE VERTICAL.  
3. BIO-RETENTION PLANTINGS TO BE TAKEN FROM VA DEQ STORMWATER DESIGN SPECIFICATION NO. 9 TABLE 9.4.  
4. BIO-RETENTION MATERIAL SPECIFICATIONS TO BE TAKEN FROM VA DEQ STORMWATER DESIGN SPECIFICATION NO. 9 TABLE 9.6.  
5. **INSTALLATION OF THE BIO-RETENTION FACILITY SHOULD BE OBSERVED BY A LICENSED ENGINEER.**



LEGEND

- ⊕ CABLE PEDESTAL  
⊙ SANITARY SEWER CLEANOUT  
TRANS TRANSFORMER  
IRF = IRON ROD FOUND  
● RAIN BARREL



DATE: 05/03/2017  
DRAWN BY: LRI  
PROJECT No. 16-550  
FILE NAME: 16-550.DWG  
REFERENCES:  
P.B. 45, PG. 39

MITIGATION PLAN OF  
LOT 19, SECTION VI, FORD'S COLONY  
FOR  
OMEGA CONCRETE & CONSTRUCTION  
JAMES CITY COUNTY VIRGINIA

NO.	DATE	REVISION / COMMENT / NOTE
1	8-28-17	REVISED HOUSE
2	06-27-2018	REVISED SITE GRADING AND HOUSE LOCATION

**LRI**  
**LANDTECH**  
**RESOURCES, INC.**  
ENGINEERING • SURVEYING • GPS  
3925 Midlands Road, Williamsburg, VA 23188  
Ph: (757) 565-1677 Fax: (757) 565-0782  
web: landtechresources.com

2011 BMP Standards and Specifications

2013 Draft BMP Standards and Specifications

Project Name: 102 Walton Heath

Date: 6/27/2018

CLEAR ALL

data input cells

constant values

calculation cells

final results

BMP Design Specifications List: 2011 Stds &amp; Specs

## Site Information

## Post-Development Project (Treatment Volume and Loads)

## Land Cover (acres)

	A Soils	B Soils	C Soils	D Soils	Totals
Forest/Open Space (acres) -- undisturbed, protected forest/open space or reforested land					0.00
Managed Turf (acres) -- disturbed, graded for yards or other turf to be mowed/managed		0.11			0.11
Impervious Cover (acres)		0.06			0.06
					0.17

## Constants

Annual Rainfall (inches)	43
Target Rainfall Event (inches)	1.00
Total Phosphorus (TP) EMC (mg/L)	0.26
Total Nitrogen (TN) EMC (mg/L)	1.86
Target TP Load (lb/acre/yr)	0.41
Pj (unitless correction factor)	0.90

## Runoff Coefficients (Rv)

	A Soils	B Soils	C Soils	D Soils
Forest/Open Space	0.02	0.03	0.04	0.05
Managed Turf	0.15	0.20	0.22	0.25
Impervious Cover	0.95	0.95	0.95	0.95

## Post-Development Requirement for Site Area

TP Load Reduction Required (lb/yr)

0.11

## LAND COVER SUMMARY -- POST DEVELOPMENT

Land Cover Summary		Treatment Volume and Nutrient Loads	
Forest/Open Space Cover (acres)	0.00	Treatment Volume (acre-ft)	0.0066
Weighted Rv (forest)	0.00	Treatment Volume (cubic feet)	287
% Forest	0%	TP Load (lb/yr)	0.18
Managed Turf Cover (acres)	0.11	TN Load (lb/yr)	1.29
Weighted Rv (turf)	0.20	(Informational Purposes Only)	
% Managed Turf	65%		
Impervious Cover (acres)	0.06		
Rv (impervious)	0.95		
% Impervious	35%		
Site Area (acres)	0.17		
Site Rv	0.46		

Drainage Area A

Drainage Area A Land Cover (acres)

	A Soils	B Soils	C Soils	D Soils	Totals	Land Cover Rv
Forest/Open Space (acres)					0.00	0.00
Managed Turf (acres)		0.11			0.11	0.20
Impervious Cover (acres)		0.06			0.06	0.95
Total					0.17	

CLEAR BMP AREAS

Total Phosphorus Available for Removal in D.A. A (lb/yr)	0.18
Post Development Treatment Volume in D.A. A (ft³)	287

Stormwater Best Management Practices (RR = Runoff Reduction)

--Select from dropdown lists--

Practice	Runoff Reduction Credit (%)	Managed Turf Credit Area (acres)	Impervious Cover Credit Area (acres)	Volume from Upstream Practice (ft³)	Runoff Reduction (ft³)	Remaining Runoff Volume (ft³)	Total BMP Treatment Volume (ft³)	Phosphorus Removal Efficiency (%)	Phosphorus Load from Upstream Practices (lb)	Untreated Phosphorus Load to Practice (lb)	Phosphorus Removed By Practice (lb)	Remaining Phosphorus Load (lb)	Downstream Practice to be Employed
1. Vegetated Roof (RR)													
1.a. Vegetated Roof #1 (Spec #5)	45				0	0	0	0		0.00	0.00	0.00	
1.b. Vegetated Roof #2 (Spec #5)	60				0	0	0	0		0.00	0.00	0.00	

2. Rooftop Disconnection (RR)													
2.a. Simple Disconnection to A/B Soils (Spec #1)	50			0	0	0	0	0	0.00	0.00	0.00	0.00	
2.b. Simple Disconnection to C/D Soils (Spec #1)	25			0	0	0	0	0	0.00	0.00	0.00	0.00	
2.c. To Soil Amended Filter Path as per specifications (existing C/D soils) (Spec #4)	50			0	0	0	0	0	0.00	0.00	0.00	0.00	
2.d. To Dry Well or French Drain #1, Micro-Infiltration #1 (Spec #8)	50			0	0	0	0	25	0.00	0.00	0.00	0.00	
2.e. To Dry Well or French Drain #2, Micro-Infiltration #2 (Spec #8)	90			0	0	0	0	25	0.00	0.00	0.00	0.00	
2.f. To Rain Garden #1, Micro-Bioretenction #1 (Spec #9)	40			0	0	0	0	25	0.00	0.00	0.00	0.00	
2.g. To Rain Garden #2, Micro-Bioretenction #2 (Spec #9)	80			0	0	0	0	50	0.00	0.00	0.00	0.00	
2.h. To Rainwater Harvesting (Spec #6)	0			0	0	0	0	0	0.00	0.00	0.00	0.00	
2.i. To Stormwater Planter, Urban Bioretenction (Spec #9, Appendix A)	40			0	0	0	0	25	0.00	0.00	0.00	0.00	

3. Permeable Pavement (RR)													
3.a. Permeable Pavement #1 (Spec #7)	45			0	0	0	0	25	0.00	0.00	0.00	0.00	
3.b. Permeable Pavement #2 (Spec #7)	75				0	0	0	25		0.00	0.00	0.00	

4. Grass Channel (RR)													
4.a. Grass Channel A/B Soils (Spec #3)	20			0	0	0	0	15	0.00	0.00	0.00	0.00	
4.b. Grass Channel C/D Soils (Spec #3)	10			0	0	0	0	15	0.00	0.00	0.00	0.00	
4.c. Grass Channel with Compost Amended Soils as per specs (see Spec #4)	30			0	0	0	0	15	0.00	0.00	0.00	0.00	

5. Dry Swale (RR)													
5.a. Dry Swale #1 (Spec #10)	40			0	0	0	0	20	0.00	0.00	0.00	0.00	
5.b. Dry Swale #2 (Spec #10)	60			0	0	0	0	40	0.00	0.00	0.00	0.00	

6. Bioretenction (RR)													
6.a. Bioretenction #1 or Micro-Bioretenction #1 or Urban Bioretenction (Spec #9)	40			0	0	0	0	25	0.00	0.00	0.00	0.00	

Nitrogen Removal Efficiency (%)	Nitrogen Load from Upstream Practices (lbs)	Untreated Nitrogen Load to Practice (lbs)	Nitrogen Removed By Practice (lbs)	Remaining Nitrogen Load (lbs)
1. Vegetated Roof (RR)				
0		0.00	0.00	0.00
0		0.00	0.00	0.00

2. Rooftop Disconnection (RR)				
0	0.00	0.00	0.00	0.00
0	0.00	0.00	0.00	0.00
0	0.00	0.00	0.00	0.00
15	0.00	0.00	0.00	0.00
15	0.00	0.00	0.00	0.00
40	0.00	0.00	0.00	0.00
60	0.00	0.00	0.00	0.00
0	0.00	0.00	0.00	0.00
40	0.00	0.00	0.00	0.00

3. Permeable Pavement (RR)				
25	0.00	0.00	0.00	0.00
25		0.00	0.00	0.00

4. Grass Channel (RR)				
20	0.00	0.00	0.00	0.00
20	0.00	0.00	0.00	0.00
20	0.00	0.00	0.00	0.00

5. Dry Swale (RR)				
25	0.00	0.00	0.00	0.00
35	0.00	0.00	0.00	0.00

6. Bioretenction (RR)				
40	0.00	0.00	0.00	0.00

6.b. Bioretention #2 or Micro-Bioretention #2 (Spec #9)	80			0	0	0	0	50	0.00	0.00	0.00	0.00	
7. Infiltration (RR)													
7.a. Infiltration #1 (Spec #8)	50	0.11	0.06	0	143	143	287	25	0.00	0.18	0.11	0.07	
7.b. Infiltration #2 (Spec #8)	90			0	0	0	0	25	0.00	0.00	0.00	0.00	
8. Extended Detention Pond (RR)													
8.a. ED #1 (Spec #15)	0			0	0	0	0	15	0.00	0.00	0.00	0.00	
8.b. ED #2 (Spec #15)	15			0	0	0	0	15	0.00	0.00	0.00	0.00	
9. Sheetflow to Filter/Open Space (RR)													
9.a. Sheetflow to Conservation Area, A/B Soils (Spec #2)	75			0	0	0	0	0	0.00	0.00	0.00	0.00	
9.b. Sheetflow to Conservation Area, C/D Soils (Spec #2)	50			0	0	0	0	0	0.00	0.00	0.00	0.00	
9.c. Sheetflow to Vegetated Filter Strip, A Soils or Compost Amended B/C/D Soils (Spec #2 & #4)	50			0	0	0	0	0	0.00	0.00	0.00	0.00	

TOTAL IMPERVIOUS COVER TREATED (ac)	0.06	AREA CHECK: OK.
TOTAL MANAGED TURF AREA TREATED (ac)	0.11	AREA CHECK: OK.
TOTAL RUNOFF REDUCTION IN D.A. A (ft³)	143	
TOTAL PHOSPHORUS AVAILABLE FOR REMOVAL IN D.A. A (lb/yr)	0.18	
TOTAL PHOSPHORUS REMOVED WITH RUNOFF REDUCTION PRACTICES IN D.A. A (lb/yr)	0.11	
TOTAL PHOSPHORUS REMAINING AFTER APPLYING RUNOFF REDUCTION PRACTICES IN D.A. A (lb/yr)	0.07	
SEE WATER QUALITY COMPLIANCE TAB FOR SITE COMPLIANCE CALCULATIONS		

60	0.00	0.00	0.00	0.00
7. Infiltration (RR)				
15	0.00	1.29	0.74	0.55
15	0.00	0.00	0.00	0.00
8. Extended Detention Pond (RR)				
10	0.00	0.00	0.00	0.00
10	0.00	0.00	0.00	0.00
9. Sheetflow to Filter/Open Space (RR)				
0	0.00	0.00	0.00	0.00
0	0.00	0.00	0.00	0.00
0	0.00	0.00	0.00	0.00

TOTAL RUNOFF REDUCTION IN D.A. A (ft³)	143
NITROGEN REMOVED WITH RUNOFF REDUCTION PRACTICES IN D.A. A (lb/yr)	0.74
SEE WATER QUALITY COMPLIANCE TAB FOR SITE CALCULATIONS (Information Only)	

10. Wet Swale (no RR)													
10.a. Wet Swale #1 (Spec #11)	0			0	0	0	0	20	0.00	0.00	0.00	0.00	
10.b. Wet Swale #2 (Spec #11)	0			0	0	0	0	40	0.00	0.00	0.00	0.00	
11. Filtering Practices (no RR)													
11.a.Filtering Practice #1 (Spec #12)	0			0	0	0	0	60	0.00	0.00	0.00	0.00	
11.b. Filtering Practice #2 (Spec #12)	0			0	0	0	0	65	0.00	0.00	0.00	0.00	
12. Constructed Wetland (no RR)													
12.a.Constructed Wetland #1 (Spec #13)	0			0	0	0	0	50	0.00	0.00	0.00	0.00	
12.b. Constructed Wetland #2 (Spec #13)	0			0	0	0	0	75	0.00	0.00	0.00	0.00	
13. Wet Ponds (no RR)													
13.a. Wet Pond #1 (Spec #14)	0			0	0	0	0	50	0.00	0.00	0.00	0.00	
13.b. Wet Pond #1 (Coastal Plain) (Spec #14)	0			0	0	0	0	45	0.00	0.00	0.00	0.00	
13.c. Wet Pond #2 (Spec #14)	0			0	0	0	0	75	0.00	0.00	0.00	0.00	
13.d. Wet Pond #2 (Coastal Plain) (Spec #14)	0			0	0	0	0	65	0.00	0.00	0.00	0.00	

10. Wet Swale (Coastal Plain) (no RR)				
25	0.00	0.00	0.00	0.00
35	0.00	0.00	0.00	0.00
11. Filtering Practices (no RR)				
30	0.00	0.00	0.00	0.00
45	0.00	0.00	0.00	0.00
12. Constructed Wetland (no RR)				
25	0.00	0.00	0.00	0.00
55	0.00	0.00	0.00	0.00
13. Wet Ponds (no RR)				
30	0.00	0.00	0.00	0.00
20	0.00	0.00	0.00	0.00
40	0.00	0.00	0.00	0.00
30	0.00	0.00	0.00	0.00

14. Manufactured Treatment Devices (no RR)													
14.a. Manufactured Treatment Device-Hydrodynamic	0			0	0	0	0	20	0.00	0.00	0.00	0.00	
14.b. Manufactured Treatment Device-Filtering	0			0	0	0	0	20	0.00	0.00	0.00	0.00	
14.c. Manufactured Treatment Device-Generic	0			0	0	0	0	20	0.00	0.00	0.00	0.00	

14. Manufactured BMP (no RR)				
0	0.00	0.00	0.00	0.00
0	0.00	0.00	0.00	0.00
0	0.00	0.00	0.00	0.00

TOTAL IMPERVIOUS COVER TREATED (ac)		0.06	AREA CHECK: OK.
TOTAL MANAGED TURF AREA TREATED (ac)		0.11	AREA CHECK: OK.
TOTAL PHOSPHORUS REMOVAL REQUIRED ON SITE (lb/yr)		0.11	
TOTAL PHOSPHORUS AVAILABLE FOR REMOVAL IN D.A. A (lb/yr)		0.18	
TOTAL PHOSPHORUS REMOVED WITHOUT RUNOFF REDUCTION PRACTICES IN D.A. A (lb/yr)		0.00	
TOTAL PHOSPHORUS REMOVED WITH RUNOFF REDUCTION PRACTICES IN D.A. A (lb/yr)		0.11	
TOTAL PHOSPHORUS LOAD REDUCTION ACHIEVED IN D.A. A (lb/yr)		0.11	
TOTAL PHOSPHORUS REMAINING AFTER APPLYING BMP LOAD REDUCTIONS IN D.A. A (lb/yr)		0.07	
SEE WATER QUALITY COMPLIANCE TAB FOR SITE COMPLIANCE CALCULATIONS			
NITROGEN REMOVED WITH RUNOFF REDUCTION PRACTICES IN D.A. A (lb/yr)		0.74	
NITROGEN REMOVED WITHOUT RUNOFF REDUCTION PRACTICES IN D.A. A (lb/yr)		0.00	
TOTAL NITROGEN REMOVED IN D.A. A (lb/yr)		0.74	

### Site Results (Water Quality Compliance)

#### Area Checks

	D.A. A	D.A. B	D.A. C	D.A. D	D.A. E	AREA CHECK
FOREST/OPEN SPACE (ac)	0.00	0.00	0.00	0.00	0.00	OK.
IMPERVIOUS COVER (ac)	0.06	0.00	0.00	0.00	0.00	OK.
IMPERVIOUS COVER TREATED (ac)	0.06	0.00	0.00	0.00	0.00	OK.
MANAGED TURF AREA (ac)	0.11	0.00	0.00	0.00	0.00	OK.
MANAGED TURF AREA TREATED (ac)	0.11	0.00	0.00	0.00	0.00	OK.
AREA CHECK	OK.	OK.	OK.	OK.	OK.	

#### Site Treatment Volume (ft<sup>3</sup>)

0

#### Runoff Reduction Volume and TP By Drainage Area

	D.A. A	D.A. B	D.A. C	D.A. D	D.A. E	TOTAL
RUNOFF REDUCTION VOLUME ACHIEVED (ft <sup>3</sup> )	143	0	0	0	0	143
TP LOAD AVAILABLE FOR REMOVAL (lb/yr)	0.18	0.00	0.00	0.00	0.00	0.18
TP LOAD REDUCTION ACHIEVED (lb/yr)	0.11	0.00	0.00	0.00	0.00	0.11
TP LOAD REMAINING (lb/yr)	0.07	0.00	0.00	0.00	0.00	0.07
NITROGEN LOAD REDUCTION ACHIEVED (lb/yr)	0.74	0.00	0.00	0.00	0.00	0.74

#### Total Phosphorus

FINAL POST-DEVELOPMENT TP LOAD (lb/yr)	0.18
TP LOAD REDUCTION REQUIRED (lb/yr)	0.11
TP LOAD REDUCTION ACHIEVED (lb/yr)	0.11
TP LOAD REMAINING (lb/yr):	0.07
REMAINING TP LOAD REDUCTION REQUIRED (lb/yr):	0.00

\*\*

\*\*No further TP load reduction required

#### Total Nitrogen (For Information Purposes)

POST-DEVELOPMENT LOAD (lb/yr)	1.29
NITROGEN LOAD REDUCTION ACHIEVED (lb/yr)	0.74
REMAINING POST-DEVELOPMENT NITROGEN LOAD (lb/yr)	0.55



DEPARTMENT OF THE ARMY  
US ARMY CORPS OF ENGINEERS  
NORFOLK DISTRICT  
FORT NORFOLK  
803 FRONT STREET  
NORFOLK VA 23510-1011

August 7, 2018

Southern Virginia Regulatory Section  
NAO-2016-2007 / VMRC #17-V1545 (Longhill Swamp)

Omega Development  
Attn: Martin Mather  
1012 Estates Court  
Portsmouth, VA 23703

Dear Mr. Mather:

This letter is in regard to your Department of the Army permit application number NAO-2016-2007 (VMRC #17-V1545) to permanently fill the approximately 0.06 acres (2,561 square feet) of wetlands and temporarily impact 0.017 acres (748 square feet) of wetlands in order to develop a 0.4 acre lot with a single family residence. The work will occur at 102 Walton Heath in Williamsburg, Virginia. These impacts are detailed on the enclosed drawings entitled "WETLAND PERMIT DRAWINGS FOR LOT 19, SECTION VI, FORD'S COLONY OVERALL SITE" Figure 2 of 8, date stamped as received by this office on June 28, 2018 (attached).

Your proposed work as outlined above satisfies the criteria contained in the Corps Nationwide Permit(s) (18), attached. The Corps Nationwide Permits were published in the January 6, 2017, Federal Register notice (82 FR 1860) and the regulations governing their use can be found in 33 CFR 330 published in Volume 56, Number 226 of the Federal Register dated November 22, 1991.

This nationwide permit verification is contingent upon the following project specific conditions:

Special Conditions:

Based on the Corps approved compensatory mitigation plan, as compensation for impacts to 0.06 acres of wetlands, the Permittee is required to purchase 0.12 credits from the Chesapeake Wetland Mitigation Bank. The number of credits to be purchased is based on the application of Norfolk District standard ratios (2:1). Evidence that the Permittee has purchased these credits must be provided to the Corps prior to commencing the authorized activity (ies) in jurisdictional waters and wetlands.



Provided the project specific conditions (above) and the Nationwide Permit General Conditions (enclosed) are met, an individual Department of the Army Permit will not be required. In addition, the Virginia Department of Environmental Quality has provided a conditional §401 Water Quality Certification for Nationwide Permit Number(s) 18. A permit may be required from the Virginia Marine Resources Commission and/or your local wetlands board, and this verification is not valid until you obtain their approval, if necessary. This authorization does not relieve your responsibility to comply with local requirements pursuant to the Chesapeake Bay Preservation Act (CBPA), nor does it supersede local government authority and responsibilities pursuant to the Act. You should contact your local government before you begin work to find out how the CBPA applies to your project.

Enclosed is a "compliance certification" form, which must be signed and returned within 30 days of completion of the project, including any required mitigation. Your signature on this form certifies that you have completed the work in accordance with the nationwide permit terms and conditions.

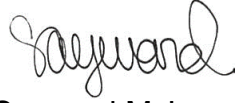
This verification is valid until the NWP is modified, reissued, or revoked. All of the existing NWPs are scheduled to be modified, reissued, or revoked prior to March 18, 2022. It is incumbent upon you to remain informed of changes to the NWPs. We will issue a public notice when the NWPs are reissued. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant nationwide permit is modified or revoked, you will have twelve (12) months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this nationwide permit unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization in accordance with 33 CFR 330.4(e) and 33 CFR 330.5 (c) or (d). Project specific conditions listed in this letter continue to remain in effect after the NWP verification expires, unless the district engineer removes those conditions. Activities completed under the authorization of an NWP which was in effect at the time the activity was completed continue to be authorized by that NWP.

In granting an authorization pursuant to this permit, the Norfolk District has relied on the information and data provided by the permittee. If, subsequent to notification by the Corps that a project qualifies for this permit, such information and data prove to be materially false or materially incomplete, the authorization may be suspended or revoked, in whole or in part, and/or the Government may institute appropriate legal proceedings.

If you have any questions and/or concerns about this permit authorization, please contact Ms. Sayward McLaughlin via telephone at (757) 201-7580 or via email at [sayward.a.meincke@usace.army.mil](mailto:sayward.a.meincke@usace.army.mil).



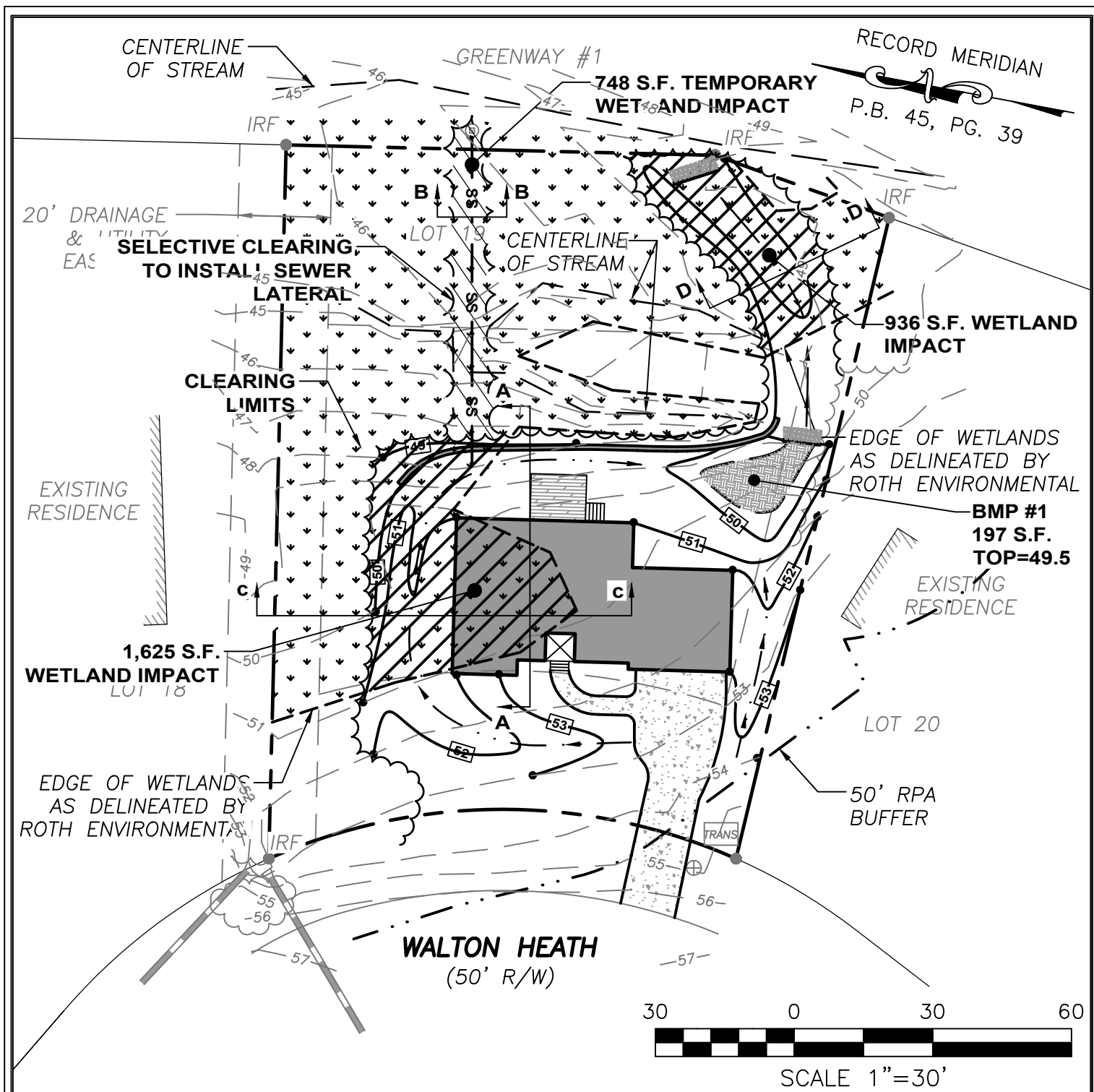
Sincerely,

A handwritten signature in black ink, appearing to read "Sayward".

Sayward McLaughlin  
Project Manager, Southern Virginia  
Regulatory Section

Enclosure(s)

Cc: Virginia Marine Resources Commission  
Local Wetlands Board  
Department of Environmental Quality  
File



DESIGNED BY: MAR  
DRAWN BY: CG

SHEET:  
2 OF 8  
REVISED:  
06/28/2018

DATE: 04/20/17  
JOB# 16-550  
CAD File:  
16-550 Permit  
Drawings.dwg

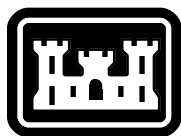
# WETLAND PERMIT DRAWINGS FOR LOT 19, SECTION VI, FORD'S COLONY OVERALL SITE (PROPOSED)

JAMES CITY COUNTY

VIRGINIA

## ROTH ENVIRONMENTAL, LLC

700 Prescott Circle, Newport News, Virginia 23602  
Telephone: 757-814-1048 Fax: 757-249-2257  
rothenv@cox.net



U.S. Army Corps  
Of Engineers  
Norfolk District

**CERTIFICATE OF COMPLIANCE  
WITH  
ARMY CORPS OF ENGINEERS PERMIT**

Permit Number: NAO-2016-2007  
VMRC Number: 17-V1545

Corps Contact: Sayward McLaughlin

Name of Permittee: Omega Development  
Attn: Martin Mather

Date of Issuance: August 7, 2018

Permit Type: NWP-18

**Within 30 days of completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:**

US Army Corps of Engineers - Norfolk District  
CENAO-WRR-S  
Attn: SAYWARD MCLAUGHLIN  
803 Front Street  
Norfolk, VA 23510-1096

Or scan and send via email to [sayward.a.meincke@usace.army.mil](mailto:sayward.a.meincke@usace.army.mil)

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification or revocation.

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation has been completed in accordance with the permit conditions.

---

Signature of Permittee

---

Date



## **PUBLIC HEARING NOTICE**

THE CHESAPEAKE BAY BOARDS OF JAMES CITY COUNTY, VIRGINIA WILL HOLD A PUBLIC HEARING ON **WEDNESDAY, OCTOBER 10, 2018, AT 5 P.M.** IN THE BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA 18-0148: SeaWorld Parks and Entertainment has filed an exception request for encroachment into the RPA buffer for the construction of a new structure in the Festa Italia section of Busch Gardens Williamsburg at 7851 Pocahontas Trail, JCC Parcel No. 55140100009.

CBPA 18-0123: Omega Development, LLC has filed an exception request for encroachment into the RPA buffer for the construction of a new single family dwelling, retaining wall and deck at 102 Walton Heath in Section 6 of the Ford's Colony subdivision, JCC Parcel No. 38103000019.

Appeals from decisions under the Chesapeake Bay Preservation Ordinance may also be heard.

All interested parties are invited to attend the meetings. 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 – September 26, 2018 and October 3, 2018.  
ACCOUNT NO.: 0011040200 - VIRGINIA GAZETTE

COPIES:        PLANNING  
                  GENERAL SERVICES  
                  ASSISTANT COUNTY ATTORNEY  
                  WETLAND/CHESAPEAKE BAY BOARD MEMBERS



General Services  
Stormwater and Resource  
Protection Division  
101-E Mounts Bay Road  
Williamsburg, VA 23185  
757-253-6790

Resource.Protection@jamestownva.gov

September 19, 2018

RE: CBPA-18-0123  
102 Walton Heath  
Single family dwelling with deck

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 Martin Mather with Omega Development LLC, for encroachment into the Resource Protection Area (RPA) buffer associated with construction of a single family dwelling and deck. The project is located at 102 Walton Heath in the Ford's Colony subdivision and further identified as JCC Parcel No. 3810300019.

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, October 10, 2018 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,

*Janice Petty*

Janice Petty  
Stormwater Assistant

*Janice Petty*  
9/19

cc: Roth Environmental, Matthew Roth

Mailing List for: CBPA-18-0123 - 102 Walton Heath - Omega - Roth - sfd with deck

Owner: 3810300019-102 Walton Heath

Omega Development, LLC  
Attn: Martin Mather  
1012 Estates Court  
Portsmouth, VA 23703-5465

Roth Environmental, LLC  
Attn: Matthew Roth  
700 Prescott  
Newport News, VA 23602-7019

3810300018

Drake, Ted W & Carol A  
104 Walton Heath  
Williamsburg, VA 23188-9164

3810300020

Perry-Rivers, Patrice & Rivers, Keith Jerome  
100 Walton Heath  
Williamsburg, VA 23188-9164

3810300001

Pereira, James III & Estes, Laura  
103 Walton Heath  
Williamsburg, VA 23188-9166

3810300027-102 Royal West Norfolk

Bernard Enterprises, Inc.  
116 Royal North Devon  
Williamsburg, VA 23188-7423

3810300026

Fastabend, A David, Trustee &  
Maculley, Karen C, Trustee  
104 Royal West Norfolk  
Williamsburg, VA 23188-9180

3810300001A

Ford's Colony at Williamsburg Homeowner's Association  
100 Manchester  
Williamsburg, VA 23188-7404

**ITEM SUMMARY**

DATE: 10/10/2018

TO: Chesapeake Bay Board

FROM: Michael Woolson, Secretary to the Board

SUBJECT: CBPA 18-0148 : Busch Gardens, Festa Italia

---

SeaWorld Parks and Entertainment has filed an exception request for encroachment into the RPA buffer for the construction of a new structure in the Festa Italia section of Busch Gardens Williamsburg at 7851 Pocahontas Trail, JCC Parcel No. 55140100009.

**ATTACHMENTS:**

	Description	Type
▣	Staff Report	Staff Report
▣	Resolution	Resolution
▣	Water Quality Impact Assessment	Backup Material
▣	Public Hearing Notice	Backup Material
▣	APO Notification Letter	Backup Material
▣	APO Notification List	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	10/4/2018 - 2:22 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	10/5/2018 - 1:12 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-18-0148. 7851 Pocahontas Trail  
Staff Report for the October 10, 2018, Chesapeake Bay Board Public Hearing**

---

*This staff report is prepared by 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:	Seaworld Parks & Entertainment, LLC	
Agent:	Mr. Piotr Swietuchowski	
Location:	7851 Pocahontas Trail	
Tax Map/Parcel No.:	5140100009	
Parcel:	Busch Gardens Williamsburg	
Lot Size:	383.07 acres	
Area of Lot in Resource Protection Area (RPA):	130 acres +/- (39%)	
Watershed:	James River (HUC JL30)	
Floodplain:	Zone X - area determined to be outside of the 0.2% annual chance flood	
Proposed Activity:	Festa Italia expansion	
Impervious Cover:	4,525 square feet	
Temporary RPA Encroachment:	21,895 square feet, landward 50-foot RPA buffer 6,686 square feet, seaward 50-foot RPA buffer	
Permanent RPA Encroachment:	2,961 square feet, landward 50-foot RPA buffer 1,564 square feet, seaward 50-foot RPA buffer	
Staff Contact:	Trevor Long, Watershed Planner	Phone: 253-6789

**BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES**

Mr. Piotr Swietuchowski has applied for a Chesapeake Bay Exception on behalf of Seaworld Parks & Entertainment, LLC for encroachments into the RPA buffer for the expansion of Festa Italia on property located at 7851 Pocahontas Trail within the James River watershed. The property is otherwise known as Busch Gardens Williamsburg and is further identified as James City County Tax Map Parcel No. 5140100009. The parcel was platted in 1974, prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

Due to the scale of the proposed expansion in relation to existing structures surrounding the project site, RPA encroachment is deemed unavoidable for this exception request. Additionally, this site is necessary to maintain the utility and mechanical connectivity with the rest of the park. The anticipated amount of permanent impervious impact for this proposal equates to 4,525 square feet, comprising of 2,961 square feet in the landward 50-foot RPA and 1,564 square feet in the seaward 50-foot RPA buffer. Additionally, anticipated temporary impacts associated with this proposal equate to 28,969 square feet, comprising of 21,895 square



feet within the landward 50-foot RPA buffer and 6,686 square feet within the seaward 50-foot RPA buffer. Due to the topography of the proposed site, 32,457 square feet of steep slopes will be impacted during development.

The required vegetative mitigation for this amount of impervious cover is 11 planting units. The applicant has proposed the plantings of 30 native canopy trees, 60 native understory trees and 90 native shrubs, thereby doubling the mitigation requirements of the County. Additionally, the applicant has proposed the use of a dry swale as a Best Management Practice to provide additional water quality treatment of the additional stormwater runoff.

## **STAFF EVALUATION**

Staff has evaluated the application and exception request for the expansion and finds that the application meets the conditions in Sections 23-11 and 23-14 and that the application should be heard by the Board because the expansion encroaches into the seaward 50-foot RPA buffer. Therefore, this request must be considered by the Board following a public hearing under the formal exception process. Per Sections 23-11 and 23-14 of the County Ordinance, a Water Quality Impact Assessment (WQIA) was submitted for the proposed project.

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

The exception granting body is permitted to require reasonable and appropriate conditions in granting the exception request in accordance with Section 23-14. The Chesapeake Bay Board should fully consider Chesapeake Bay Exception CBPA-18-0148 as outlined and presented above and review the request for exception along with the WQIA. The Board may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of the County's Chesapeake Bay Preservation Ordinance.

## **STAFF RECOMMENDATIONS**

Staff has reviewed the application and exception request and has determined impacts associated with the proposal to be major for the proposed development. Staff recommends approval of this exception request with the following conditions incorporated into the approval:

1. The applicant must obtain all other necessary federal, state and local permits as required for the project.
2. A mitigation plan consistent with County requirements be submitted along with a surety of \$10,000 in a form acceptable to the James City County Attorney to ensure the mitigation.
3. This exception request approval shall become null and void if construction has not begun by October 10, 2019.
4. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than August 29, 2019.

TL/md  
CBPA18-0148BGW

### Attachments:

1. Resolution
2. Water Quality Impact Assessment Package
3. Site Plan

## **RESOLUTION**

**CASE NO. CBPA-18-0148. 7851 POCAHONTAS TRAIL**

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

WHEREAS, Seaworld Parks & Entertainment, LLC (the “Applicant”) has applied to the Chesapeake Bay Board of James City County (the “Board”) on October 10, 2018, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property identified as James City County Real Estate Tax Parcel No. 5140100009 and further identified as 7851 Pocahontas Trail (the “Property”) as set forth in the application CBPA-18-0148 for the purpose of the Festa Italia expansion; 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.
  - b. A mitigation plan consistent with County requirements be submitted along with a surety of \$10,000 in a form acceptable to the James City County Attorney to ensure the mitigation.

- c. This exception request approval shall become null and void if construction has not begun by October 10, 2019.
- d. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than August 29, 2019.

\_\_\_\_\_  
David Gussman  
Chair, Chesapeake Bay Board

\_\_\_\_\_  
Michael D. Woolson  
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 10th day of October, 2018.

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_ IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF JAMES CITY.

\_\_\_\_\_  
NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_

CBPA18-0148BGW-res



Chesapeake Bay Preservation Ordinance  
Sensitive Area Activity Application



For Office Use Only

CB Number

CBPA-18-0148

**Submission Requirements:** (Check all applicable)

- ☒ A \$25 non-refundable processing fee payable to Treasurer, James City County.
- ☒ RPA - landward 50' - Complete Items 1 - 5, and sign on Page 3.
- ☒ RPA - seaward 50' - Complete Items 1 - 5, sign on Page 3 and submit an additional \$100 non-refundable fee payable to Treasurer, James City County, for the Chesapeake Bay Board.
- ☐ Conservation Easement - Complete Items 1, 2, 3, and 5, and sign on Page 3.
- ☒ Steep Slopes  $\geq$  25 percent - Complete Items 1, 2, 3, and 5, and sign on Page 3.
- ☒ Attach plans as required (see instruction on Page 4, Item 4).
- ☒ Applicable surety as required for mitigation (see **Mitigation Rates Table** on Page 2).

Upon completion, please return pages 1-3 to the JCC Engineering and Resource Protection Division

**Property Owner Information:**

Date: August 1, 2018

Name: Seaworld Parks & Entertainment, LLC

Address: 1 Busch Gardens Blvd., Williamsburg, VA 23185

Phone: (757) 253-3426

Fax:

Email:

**Contact (if different from above):**

Name: Piotr Swietuchowski - VHB, Inc.

Phone: (757) 220-0500

Email: pswietuchowski@vhb.com

**Project Information:**

Project Address: 7851 Pocahontas Trail, Williamsburg, VA 23185

Subdivision Name, Lot, and Section No.:

Parcel Identification No. or Tax Map No.: 5140100009

Date Lot was platted: Line or Bldg Permit No.:

**Activity Location and Impacts (Square Feet - SF):** (check all that apply)

- |  |       |      |   |       |      |
|--|-------|------|---|-------|------|
| <input checked="" type="checkbox"/> Steep Slopes $\geq$ 25 percent | 26410 | (SF) | <input checked="" type="checkbox"/> RPA - Landward 50'        | 19404 | (SF) |
| <input type="checkbox"/> Conservation Easement                     |       | (SF) | <input checked="" type="checkbox"/> RPA - Seaward 50'         | 9565  | (SF) |
| <input type="checkbox"/> Trees to be Removed                       |       | (#)  | <input checked="" type="checkbox"/> Proposed Impervious Cover | 5879  | (SF) |

**Activity involves:** (check all that apply)

- |  |   |  |
|--|---|--|
| <input checked="" type="checkbox"/> New principal structure construction | <input type="checkbox"/> Building addition to principal structure | <input type="checkbox"/> Attached Deck     |
| <input type="checkbox"/> Permitted buffer modifications:                 | <input type="checkbox"/> Dead/diseased/dying tree removal         | <input type="checkbox"/> Sightline         |
| <input type="checkbox"/> Accessory (Detached) Structure or Patio         | <input type="checkbox"/> Invasive/noxious weed removal            | <input type="checkbox"/> Access path/trail |
| <input type="checkbox"/> Other:  | <input type="checkbox"/> Redevelopment:                           |  |

# Chesapeake Bay Preservation Ordinance

## Sensitive Area Activity Application

Page 2

For Office Use Only

CBPA# 0148

CB Number

### 1. Description of requested sensitive area activity and reason for request:

*(In the description, please indicate the reason for the proposed structure or activity, the location, sizes and dimensions of feature. For decks or expansions, indicate if ground floor, first floor or other levels)*

Busch Gardens desires to use this site as the location for the proposed expansion. The maximum footprint of the proposed expansion within the RPA will be 5187 square feet of new impervious area.

2. As per Section 23-9 of the Chesapeake Bay Preservation Ordinance, if there is an on-site sewage disposal system on this property, has it been inspected and/or pumped out in the past five years? ☐ Yes ☒ No

3. Are permits from other local, State or Federal agencies required for any portion of this project? ☒ Yes ☐ No  
(If yes, please explain) Site plan approval from County is required

### 4. Water Quality Impact Assessment

The purpose of a water quality impact assessment is to demonstrate that the project will result in the removal of no less than 75 percent of sediments and 40 percent of nutrients from post-development stormwater run-off and that it will retard runoff, prevent accelerated erosion, promote infiltration, and filter non-point source pollution equivalent to the full undisturbed 100-foot buffer.

A. Why is this encroachment necessary? Can it be relocated to avoid RPA impacts?

This location is necessary from the standpoint of mechanic and utilities connectivity within the park.

B. What measures will be used to minimize impervious area? Examples: pervious pavers, removal of existing impervious surfaces (concrete, pavement, etc.) in the RPA not needed for the project

The proposed impervious area is the minimum required to ensure safe operation of proposed structure.

### 5. Proposed mitigation measures:

**Note:** All mitigation measures must be shown in detail on a mitigation plan. Show both location of mitigation measures and plant species if applicable. All mitigation plants must be native species and be located in the sensitive area (RPA or Conservation Easement).

#### Mitigation Rates Table

<u>Impervious Area (SF)</u>	<u>Mitigation Required</u>	<u>Surety</u>
<400	1 tree and 3 shrubs	\$250
400-1,000	1 canopy tree, 2 understory trees and 3 shrubs per 400 SF (or fraction thereof)	\$1,000
>1,000	Plant at same rate as 400 – 1,000; or may be determined by Director of Engineering and Resource Protection Division	To be determined



# Chesapeake Bay Preservation Ordinance Sensitive Area Activity Application

Page 3

**For Office Use Only**

CB Number CPA-18-048

A. Vegetation/ground cover enhancement of buffer (see Mitigation Rates Table on previous page).

<input type="checkbox"/>	Number of native canopy trees	30
<input type="checkbox"/>	Number of native understory trees	60
<input type="checkbox"/>	Number of native shrubs	90
<input type="checkbox"/>	Square feet of native ground cover	
<input type="checkbox"/>	Square feet of mulch	

### B. Best Management Practices (BMPs)

<input checked="" type="checkbox"/> EC-2 (degradable) erosion control matting	<input type="checkbox"/> Bioretention or rain garden practice
<input type="checkbox"/> Dry Swale	<input type="checkbox"/> Infiltration Area/Trench/Drywell
<input checked="" type="checkbox"/> Silt fence	<input type="checkbox"/> Structural BMP (Wet or Dry Pond)
<input type="checkbox"/> Turf (Nutrient) Management Plan	<input type="checkbox"/> Rain Barrel
<input type="checkbox"/> Gravel under deck (3" of gravel over synthetic filter fabric under entire deck area)	
<input type="checkbox"/> Other:	

**I understand that the following are approval conditions:**

- 1) Mitigation for the above activity shall follow the approved mitigation plan and be guaranteed with a form of surety acceptable to the County Attorney.
- 2) Limits of disturbance as shown on the approved plan shall not be exceeded.
- 3) This approval shall become null and void if construction has not begun within 12 months of the approval date.
- 4) Surety will be released following the completion and inspection of mitigation plantings.

Property owner signature  Date 8/1/2018

Program Administrator \_\_\_\_\_ Date \_\_\_\_\_  
 \_\_\_\_\_  
 Authorized Signature

For Office Use Only

**Surety Amount:**

**Date/Rec No.:** 

Fee Paid? ☒ Yes ☐ No

Amount: 125.00

Date/Rec No.: 8/1/13 # 3414



## **PUBLIC HEARING NOTICE**

THE CHESAPEAKE BAY BOARDS OF JAMES CITY COUNTY, VIRGINIA WILL HOLD A PUBLIC HEARING ON **WEDNESDAY, OCTOBER 10, 2018, AT 5 P.M.** IN THE BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA 18-0148: SeaWorld Parks and Entertainment has filed an exception request for encroachment into the RPA buffer for the construction of a new structure in the Festa Italia section of Busch Gardens Williamsburg at 7851 Pocahontas Trail, JCC Parcel No. 55140100009.

CBPA 18-0123: Omega Development, LLC has filed an exception request for encroachment into the RPA buffer for the construction of a new single family dwelling, retaining wall and deck at 102 Walton Heath in Section 6 of the Ford's Colony subdivision, JCC Parcel No. 38103000019.

Appeals from decisions under the Chesapeake Bay Preservation Ordinance may also be heard.

All interested parties are invited to attend the meetings. 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 – September 26, 2018 and October 3, 2018.  
ACCOUNT NO.: 0011040200 - VIRGINIA GAZETTE

COPIES:        PLANNING  
                  GENERAL SERVICES  
                  ASSISTANT COUNTY ATTORNEY  
                  WETLAND/CHESAPEAKE BAY BOARD MEMBERS



**General Services**  
**Stormwater and Resource**  
**Protection Division**  
101-E Mounts Bay Road  
Williamsburg, VA 23185

Resource.Protection@jamescitycountyva.gov

September 19, 2018

RE: CBPA-18-0148  
Busch Gardens Festa Italia

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 Kevin Lembke of SeaWorld Parks & Entertainment, LLC, for encroachment into the Resource Protection Area (RPA) buffer associated with the construction of a Festa Italia structure located within Busch Gardens Williamsburg at 7851 Pocahontas Trail and further identified as JCC Parcel No. 5140100009.

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, October 10, 2018 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,

*Janice Petty*

Janice Petty  
Stormwater Assistant

cc: SeaWorld Parks & Entertainment, Suzy Cheely





Mailing List for: CBPA-18-0148 – 7851 Pocahontas Trail– SeaWorld Parks – Madrid Expansion

Owner: 5140100009

SeaWorld Parks & Entertainment LLC c/o PTS

P.O. Box 543185

Dallas, TX 75354-3185

SeaWorld Parks and Entertainment

Attn: Kevin Lembke

One Busch Gardens Blvd

Williamsburg, VA 23185-8765

SeaWorld Parks & Entertainment LLC

9205 South Park Center Loop, Suite 400

Orlando, FL 32819-8651

5130100001 - 7801 Pocahontas Tr

5230100112 – 100 Busch Service Rd

Anheuser-Busch Brewing Properties, LLC

Attn: General Counsel

One Busch Place

Saint Louis, MO 63118-1849

5140100002 – 8397 Pocahontas Tr

Sturdivant, Toni C

8405 Pocahontas Trail

Williamsburg, VA 23185-5952

5140100003 – 8399 Pocahontas Tr

Lee, Robert and Rebecca

215 Telford Drive

Newport News VA 23602-5224

5130100002 – 1000 Carter's Grove

5230100011A – 8581 Pocahontas Tr

5230100111 - 8515 Pocahontas Tr

5230100011B – 101 Busch Service Rd

Escalante Kingsmill Development LLC

2930 Bledsoe Street, Suite 124

Fort Worth, TX 76107-2942