

MINUTES
JAMES CITY COUNTY CHESAPEAKE BAY BOARD
REGULAR MEETING
County Government Center, Building F
101 Mounts Bay Road, Williamsburg, Virginia 23185
August 12, 2020
5:00 PM

A. CALL TO ORDER

The Chesapeake Bay Board meeting for August 12, 2020, 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
Charles Roadley
Larry Waltrip
Michael O'Brien

Board Members Absent:

Halle Dunn

Other Staff Present:

Toni Small, Director, Stormwater and Resource Protection
Liz Parman, Assistant County Attorney
Michael Woolson, Senior Watershed Planner, Stormwater and Resource Protection
Janice Petty, Stormwater Assistant, Stormwater and Resource Protection

C. MINUTES

1. Minutes from June 10, 2020, Regular Meeting

A motion to Approve the minutes was made by Mr. Gussman. The minutes were approved on a voice vote.

D. PUBLIC HEARINGS

1. Case No. CBPA 20-0053 : 146 Red Oak Landing Road

Mr. Michael Woolson, Senior Watershed Planner, presented the exception request submitted by Mr. Don Newsom, Delightful Gardens Landscape Company (Delightful Gardens), on behalf of Mr. C. Thomas Turbeville, Jr., for encroachments into the Resource Protection Area (RPA) buffer for the construction of a retaining wall located at 146 Red Oak Landing, within the Powhatan Creek watershed. The property is further identified as James City County Tax Map Parcel No. 4730100033. The presentation described the current and proposed site conditions. If the Board approved the request, staff asked that the attached conditions be incorporated into the approval.

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

Mr. Gussman inquired if erosion was occurring on-site.

Mr. Woolson replied in one corner, upslope side of the shed, but deferred to the applicant for answer.

Mr. Gussman opened the Public Hearing.

A. Mr. Don Newsom, Delightful Gardens, outlined the project to the Board.

Mr. Roadley inquired about the amount of sediment loss experienced on-site.

A. Mr. Newsom replied that there was some sediment loss because of the steep drop-off in that area.

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

Mr. Apperson made a motion to Adopt the resolution for Chesapeake Bay Board Case No. CBPA 20-0053 at 146 Red Oak Landing.

A motion to Approve with Conditions was made by Mr. Apperson, the motion result was:

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1

AYES: Gussman, Apperson, Roadley, O'Brien, Waltrip

NAYS: None

ABSENT: Dunn

E. BOARD CONSIDERATIONS

1. CBPA 19-0087 : 7612 Uncles Neck

Mr. Michael Woolson presented the extension request requested by Ms. Theresa Whelan for encroachments into the RPA buffer for the grading of the bank for access to the beach and pier on the property located at 7612 Uncles Neck within the Yarmouth Creek watershed.

Mr. Roadley made a motion to grant the resolution for extension of Chesapeake Bay Board Case No. CBPA 19-0087 for 7612 Uncles Neck, extended to August 12, 2021.

A motion to Approve the resolution for extension was made by Mr. Roadley, the motion result was:

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1

AYES: Gussman, Apperson, Roadley, O'Brien, Waltrip

NAYS: None

ABSENT: Dunn

2. Appeal - 4720 Yeardley Loop

Mr. Michael Woolson presented the appeals. The first appeal was from Mr. Richard Cassell, 4720 Yeardley Loop, appealing an administrative decision to remove all improvements on the easement property behind his house, replanting the disturbed area, and a one-time payment of a civil charge.

Staff was alerted in April 2020, that there was some unauthorized tree clearing and removal in the Natural Open Space Easement which is homeowners' association (HOA) property, behind

4720 Yeardeley Loop. Staff went out and investigated, took some pictures, and sent a Notice of Violation to the HOA. Mr. Cassell was also sent a Notice of Violation.

The Deed for Natural Open Space was recorded October 30, 2008, and was put in place for Stormwater purposes. Condition No. 4 of the easement states that the easement property shall remain in its natural condition with respect to natural leaf litter, understory, and tree canopy vegetation.

Mr. Woolson showed pictures of the violation.

Mr. Roadley inquired if the Open Space Easement was to offset any pollutant load that would be otherwise treated by best management practices (BMPs).

Mr. Woolson replied that in this instance it was used to offset conventional BMPs for that portion of the property.

Mr. Roadley noted that there are two appellants. He inquired if recommendations were for each or total.

Mr. Woolson replied that his recommendations are separate.

Mr. Roadley noted that the total fine in this case could be \$10,000.

A. Mrs. Monika Cassell and Mr. Richard Cassell, 4720 Yeardeley Loop, addressed the Board with their concerns asking for an appeal. They are not the owners of the easement property. The Cassell's fence is within three feet of the property line, and where they have grass planted is technically their property. They do not know who cut the trees down.

Mr. Gussman reminded everyone that this is a legal proceeding and it is being recorded.

Mr. Gussman asked if the Cassells cut down any of the trees in the easement. He also inquired if the Cassells had hired anyone to cut down the trees.

A. Mrs. Monika Cassell replied no to both inquiries.

Mr. Gussman inquired if the Cassells know who cut down any of the trees. Discussion ensued about children walking the trails, fruit trees planted, and neighbors getting firewood.

B. William Sleeth, III, Esquire, Gordon Rees Scully Mansukhani, LLP, legal counsel to The Pointe Homes Association residential homeowners association for the neighborhood. The HOA notified the County that trees had been cut down.

C. Ms. Margo Zechman, Treasurer of the HOA Board at The Pointe at Jamestown, 4731 Yeardeley Loop. The HOA did not contact the neighbors on either side of 4720 Yeardeley Loop. She noted trees do come down during storms.

Mr. Roadley inquired concerning the responsible party for a violation on a property.

Mr. Woolson replied that the County always starts with the property owner.

A. Mrs. Monika Cassell and Mr. Richard Cassell responded to remarks. The Cassells provided current pictures to the Board, showing that the picnic table is no longer there. Mrs. Cassell did reach out to Mr. Hamilton, the HOA President and to Ms. Tabitha Clark of Chesapeake Bay Management Inc., (CBM) asking when the last neighborhood inspection had been conducted. Prior to this she understood that there were to be quarterly inspections by

CBM. Ms. Clark informed Mrs. Cassell that the last inspection had been in February 2020.

B. Mr. William Sleeth, III, asked if Ms. Jennifer Smith, the community manager would speak.

D. Ms. Jennifer Smith, work address, 603 Pilot House Drive, Suite 300, Newport News, VA 23606, responded to questions from the Board.

Mr. Roadley inquired if the land was eroding or showing anything detrimental that would contribute to degraded water quality.

Mr. Woolson replied that the loss of canopy cover has prompted herbaceous growth across the course of the summer.

E. Ms. Liz Parham, Assistant County Attorney, described options that the Board could take, including holding either, neither, or both parties responsible. The Board could also modify or add additional conditions and surety.

Mr. O'Brien inquired if the civil penalty would be considered a surety.

E. Liz Parham, replied yes, the penalty can be waived and required as surety instead of a fine, noting whatever conditions were felt appropriate were attached.

Discussion ensued among the Board members.

Mr. Gussman made a motion to grant the Appeal of a Notice of Violation for 4720 Yeardeley Loop.

A motion to Grant the Appeal was made by Mr. Gussman, the motion result was:

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1

AYES: Gussman, Apperson, Roadley, O'Brien, Waltrip

NAYS: None

ABSENT: Dunn

3. Appeal - Natural Open Space, Phase 2B, The Pointe at Jamestown

Mr. Michael Woolson presented the appeal of Mr. William Sleeth, III, on behalf of The Pointe Homes Association, of an administrative decision to remove all improvements in the easement property behind 4720 Yeardeley Loop, replanting the disturbed area, and a one-time payment of a civil charge.

Mr. Apperson made a motion to deny the Appeal of Notice of Violation for Natural Open Space, Phase 2B, The Pointe at Jamestown.

A motion to Deny the Appeal was made by Mr. Apperson, the motion result was:

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1

AYES: Gussman, Apperson, Roadley, O'Brien, Waltrip

NAYS: None

ABSENT: Dunn

F. MATTERS OF SPECIAL PRIVILEGE

None

G. ADJOURNMENT

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

The meeting adjourned at 6:59 p.m.

ITEM SUMMARY

DATE: 8/12/2020

TO: Chesapeake Bay Board

FROM: Michael Woolson, Chesapeake Bay Board Secretary

SUBJECT: Minutes from June 10, 2020, Regular Meeting

ATTACHMENTS:

	Description	Type
	Minutes	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	8/8/2020 - 12:50 PM
Chesapeake Bay Group	Small, Toni	Approved	8/10/2020 - 8:55 AM
Publication Management	Daniel, Martha	Approved	8/10/2020 - 9:00 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	8/10/2020 - 10:21 AM

MINUTES
JAMES CITY COUNTY CHESAPEAKE BAY BOARD
REGULAR MEETING
County Government Center, Building F
101 Mounts Bay Road, Williamsburg, Virginia 23188
June 10, 2020
5:00 PM

A. CALL TO ORDER

The Chesapeake Bay Board meeting for June 10, 2020, 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
Halle Dunn
Robert Lukens, remote participation from Chapel Hill, NC

Board Members Absent:

Charles Roadley

Other Staff Present:

Toni Small, Director, Stormwater and Resource Protection
Liz Parman, Assistant County Attorney
Michael Woolson, Senior Watershed Planner, Stormwater and Resource Protection
Trevor Long, Watershed Planner, Stormwater and Resource Protection
Janice Petty, Stormwater Assistant, Stormwater and Resource Protection

C. MINUTES

1. Minutes from May 13, 2020, Regular Meeting

A motion to Approve the minutes was made by Mr. Gussman. The minutes were approved on a voice vote.

D. PUBLIC HEARINGS

1. Case No. CBPA 20-0037 : 855 Drewry Lane

Mr. Trevor Long, Watershed Planner, presented the exception request submitted by Ms. Gayle Basler for encroachments into the Resource Protection Area (RPA) buffer for the construction of a carport located at 855 Drewry Lane, within the Diascund Creek watershed. The property is further identified as James City County Tax Map Parcel No. 0940100005. The presentation described the current and proposed site conditions. If the Board approved the request, staff asked that the attached conditions be incorporated into the approval. The Board deliberated on the pros and cons of this application.

Mr. Dunn inquired if this was to have a concrete parking pad.

Mr. Long replied that was to remain a gravel surface, but deferred to the applicant for answer.

Mr. Gussman opened the Public Hearing.

A. Ms. Jody Bozzell, 865 Drewry Lane, replied that the parking pad would remain gravel with a metal carport.

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

Mr. Apperson made a motion to Adopt the resolution for Chesapeake Bay Board Case No. CBPA 20- 0037 at 855 Drewry Lane.

A motion to Approve with Conditions was made by Mr. Apperson.

The motion result was:

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1

AYES: Gussman, Apperson, Waltrip, Dunn, Lukens

NAYS: None

ABSENT: Roadley

2. Case No. CBPA 20-0039 : 6312 Adams Hunt Drive

Mr. Trevor Long, Watershed Planner, presented the exception request submitted by Mr. Shawn Barry for encroachments into the RPA buffer for the construction of a shed and driveway extension located at 6312 Adams Hunt Drive, within the Adam's Hunt subdivision and Powhatan Creek watershed. The property is further identified as James City County Tax Map Parcel No. 3120400031. The presentation described the current and proposed site conditions. If the Board approved the request, staff asked that the attached conditions be incorporated into the approval. The Board deliberated on the pros and cons of this application.

Mr. Dunn inquired if the landowner installed his driveway.

Mr. Long replied that a contractor provided materials and constructed the driveway and deferred to the applicant for further clarification.

Mr. Waltrip inquired if this is a concrete driveway.

Mr. Long answered that it is a concrete driveway.

Mr. Gussman stated that this is a long driveway and not sure that he would have approved this.

Mr. Gussman opened the Public Hearing.

A. Mr. Shawn Barry, property owner, outlined the project to the Board.

Mr. Dunn asked the name of the contractor.

A. Mr. Barry replied that Lowe's built the shed. Williamsburg Paving installed the asphalt. He stated that the county had no objections to the shed. He reached out to the contractor, who said he did not need a permit for a driveway.

B. Mr. Richard Cox, 6313 Adam's Hunt Drive, expressed support for Mr. Barry's exception.

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

Mr. Woolson provided a brief explanation of the ordinance revisions in 2004 for RPA features.

Mr. Gussman stated that he is not sure that he would have approved this as the pad is too big, he would have liked to see it minimized and have pushed for a porous driveway or more mitigation for the impacts.

Mr. Waltrip made a motion to Adopt the resolution for Chesapeake Bay Board Case No. CBPA 20- 0039 at 6312 Adams Hunt Drive.

A motion to Approve with Conditions was made by Mr. Waltrip.

The motion result was:

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1

AYES: Gussman, Apperson, Waltrip, Dunn, Lukens

NAYS: None

ABSENT: Roadley

3. Case No. CBPA 20-0042 : 117 Braddock Road

Mr. Trevor Long, Watershed Planner, presented the exception request submitted by Mr. Corde Gray on behalf of Mr. Andrew Hitt for encroachments into the RPA buffer for the construction of an above ground pool located at 117 Braddock Road, within the Druid Hills subdivision and the Mill Creek watershed. The property is further identified as James City County Tax Map Parcel No. 4720700095. The presentation described the current and proposed site conditions. If the Board approved the request, staff asked that the attached conditions be incorporated into the approval. The Board deliberated on the pros and cons of this application.

Mr. Gussman opened the Public Hearing.

A. Mr. Lycourgos Koliopoulos of Hellas, LLC, contractor, outlined the project to the Board.

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

Mr. Apperson made a motion to Adopt the resolution for Chesapeake Bay Board Case No. CBPA 20- 0042 at 117 Braddock Road.

A motion to Approve with Conditions was made by Mr. Apperson.

The motion result was:

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1

AYES: Gussman, Apperson, Waltrip, Dunn, Lukens

NAYS: None

ABSENT: Roadley

E. BOARD CONSIDERATIONS

1. CBPA 19-0032 : 3884 Fox Run

Mr. Trevor Long presented the extension request. Mr. Dunn made a motion to grant the resolution for extension of Chesapeake Bay Board Case No. CBPA 19 -0032 for 3884 Fox Run, extended to June 10, 2021.

A motion to Approve the resolution for extension was made by Mr. Dunn.

The motion result was:

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1

AYES: Gussman, Apperson, Waltrip, Dunn, Lukens

NAYS: None

ABSENT: Roadley

F. MATTERS OF SPECIAL PRIVILEGE

1. Mr. Gussman voiced concerns about after-the-fact cases with citizens bringing cases to the Board that have the amenities already finished. We need to bring to the public's attention that permits are needed for work in the Resource Protection Areas. This needs to be done as an outreach to the community

2. Mr. Woolson stated that there will not be a July 2020 Wetlands Board or Chesapeake Bay Board meeting.

G. ADJOURNMENT

A motion to Adjourn was made by Mr. Apperson and approved on a voice vote. The meeting adjourned at 6:14 p.m.

ITEM SUMMARY

DATE: 8/12/2020

TO: Chesapeake Bay Board

FROM: Michael Woolson, Senior Watershed Planner

SUBJECT: Case No. CBPA 20-0053 : 146 Red Oak Landing Road

ATTACHMENTS:

	Description	Type
📎	Staff Report	Staff Report
📎	Resolution	Resolution
📎	Presentation	Presentation
📎	Site Plan	Backup Material
📎	Public Advertisement	Backup Material
📎	APO Letter	Backup Material
📎	APO Mailing List	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	8/8/2020 - 12:50 PM
Chesapeake Bay Group	Small, Toni	Approved	8/10/2020 - 8:45 AM
Publication Management	Daniel, Martha	Approved	8/10/2020 - 8:49 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	8/10/2020 - 10:21 AM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-20-0053. 146 Red Oak Landing
Staff Report for the August 12, 2020, 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. C. Thomas Turbeville, Jr.

Agent: Mr. Don Newsom, Delightful Gardens

Location: 146 Red Oak Landing

Parcel Identification No.: 4730100033

Parcel: T. T. Nixon Estate

Lot Size: 1.47 acres

Area of Lot in Resource Protection Area (RPA): 0.70 acres +/- (47%)

Watershed: Powhatan Creek (HUC JL 31)

Floodplain: Zone AE - The Special Flood Hazard Area subject to 1% annual chance flood. Base flood elevations determined at elevation 7

Proposed Activity: Construction of a retaining wall

Impervious Cover: 65 square feet (+/-)

RPA Encroachment: 65 square feet (+/-)

Staff Contact: Michael D. Woolson, Senior Watershed Planner Phone: 253-6823

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Don Newsom has applied for a Chesapeake Bay Exception on behalf of Mr. C. Thomas Turbeville, Jr. for encroachments into the RPA buffer for the construction of a retaining wall on property located at 146 Red Oak Landing within the Powhatan Creek watershed. The property is further identified as James City County Tax Map Parcel No. 4730100033. The parcel was originally platted prior to 1990, before the adoption of the Chesapeake Bay Preservation Ordinance.

The total lot size of this property is 1.47 acres, of which 47% is located within the RPA. The applicant has expressed concern for erosion in the side yard, near an existing shed, and for this reason is proposing to construct a 65-square-foot retaining wall in order to prevent future erosion. The required amount of mitigation for this amount of impervious impacts is three shrubs.

STAFF EVALUATION

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

CONSIDERATION BY THE CHESAPEAKE BAY BOARD

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

1. The exception request is the minimum necessary to afford relief; and
2. Granting the exception will not confer upon the Applicants any special privileges denied by Chapter 23, Chesapeake Bay Preservation, of the James City County Code, to other property owners similarly situated in the vicinity; and
3. The exception request will be in harmony with the purpose and intent of Chapter 23 of the James City County Code and is not of substantial detriment to water quality; and
4. The exception request is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels; and
5. Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality.

STAFF RECOMMENDATIONS

Staff's view of this application is that the request does meet all five of the conditions as presented above and recommends approval. Should the Board find that the exception request meets all five of the conditions above, staff suggests the following conditions be incorporated into the approval:

1. The applicant must obtain all other necessary federal, state, and local permits as required for the project; and
2. A mitigation plan equating to the plantings of three shrubs be submitted to the James City County Stormwater and Resource Protection Division; and
3. A surety of \$250 be paid and in place prior to the commencement of work, in a form acceptable to the James City County Attorney's Office; and
4. This exception request approval shall become null and void if construction has not begun by August 12, 2021; and
5. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than July 1, 2021, six weeks prior to the expiration date.

MDW/nb
CBPA20-53-146REdOakLndg

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA-20-0053. 146 RED OAK LANDING

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. C. Thomas Turbeville, Jr. (the “Applicant”) has applied to the Chesapeake Bay Board of James City County (the “Board”) on August 12, 2020, 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. 4730100033 and further identified as 146 Red Oak Landing (the “Property”) as set forth in the application CBPA 20-0053 for the purpose of constructing a 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 Applicants any special privileges denied by Chapter 23, Chesapeake Bay Preservation, of the James City County Code, to other property owners similarly situated in the vicinity.
3. The exception request will be in harmony with the purpose and intent of Chapter 23 of the James City County Code and is not of substantial detriment to water quality.
4. The exception request is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels.
5. Reasonable and appropriate conditions are hereby imposed, as set forth below, which will prevent the exception request from causing a degradation of water quality.
6. In granting this exception, the following conditions are hereby imposed to prevent this exception request from causing degradation of water quality:
 - a. The applicant must obtain all other necessary federal, state, and local permits required for the project; and
 - b. All development activities located in the special flood hazard area shall comply with Article VI, Division 3, Floodplain Area Regulations of the James City County Zoning Ordinance and receive all required approvals and permits prior to commencement of such activities; and

- c. A surety of \$250 be paid and in place prior to the commencement of work, in a form acceptable to the James City County Attorney's Office; and
- d. A mitigation plan consisting of three shrubs be submitted to the James City County Stormwater and Resource Protection Division; and
- e. The surety will be returned once the mitigation has been planted and approved; and
- f. This exception request approval shall become null and void if construction has not begun by August 12, 2021; and
- g. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than July 1, 2021, six weeks prior to the expiration date.

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 12th day of August, 2020.

CBPA20-53-146RedOakLndg-res



Chesapeake Bay Board of James City County, Virginia

August 12, 2020

CBPA 20-0053

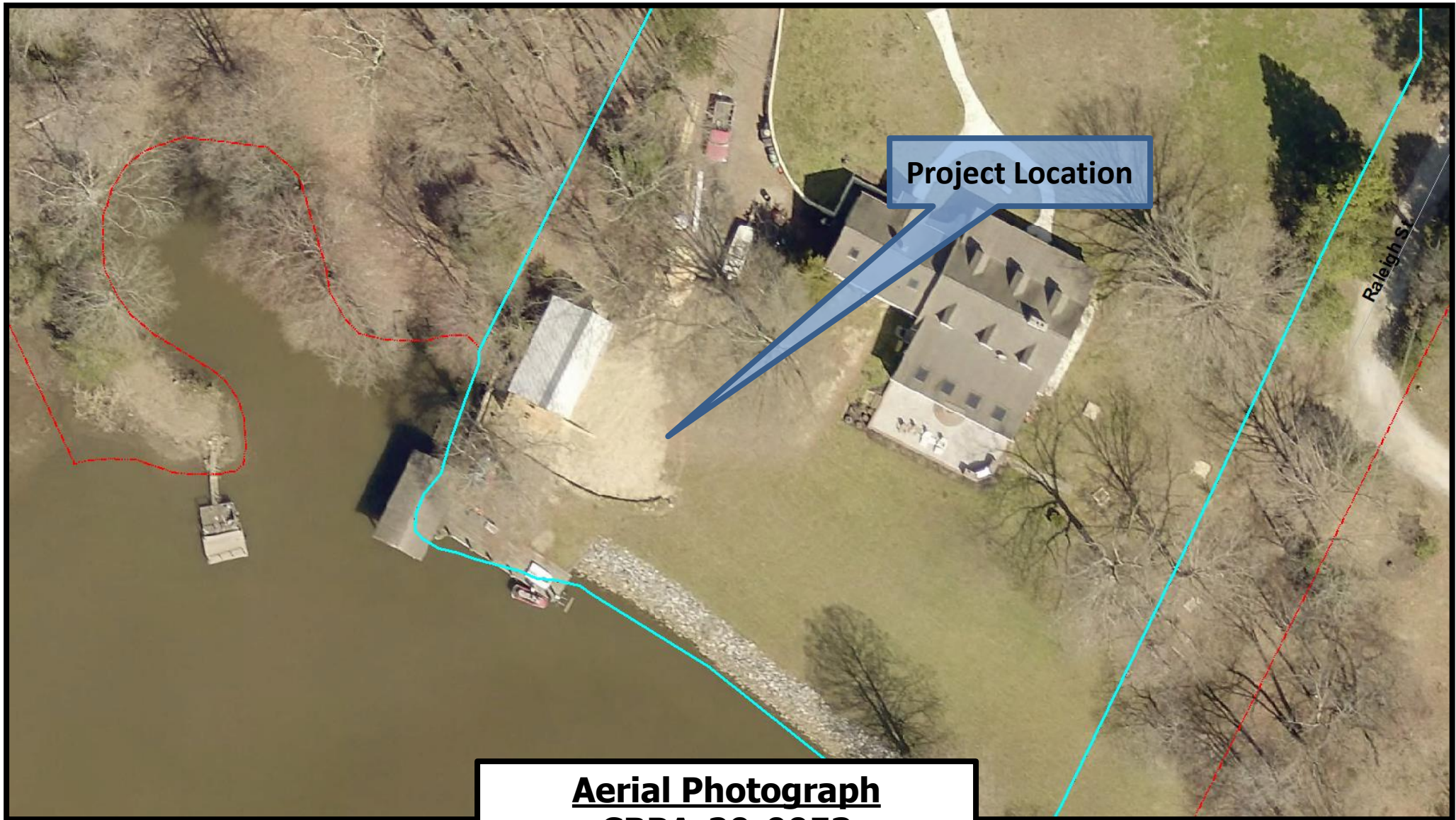
Charles Turbeville Jr.

146 Red Oak Landing

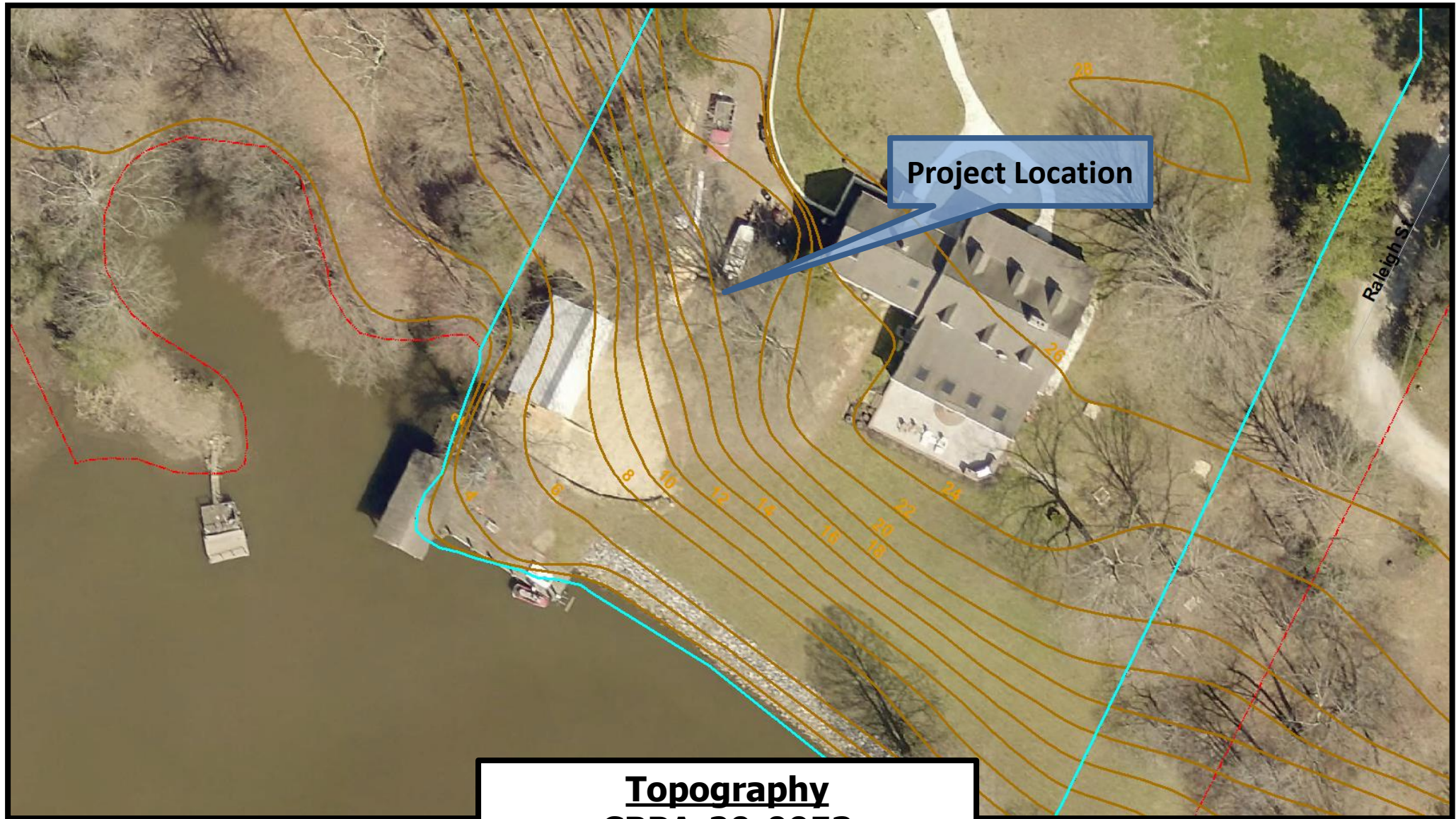
Applicant Request

- ✓ Construct a retaining wall.



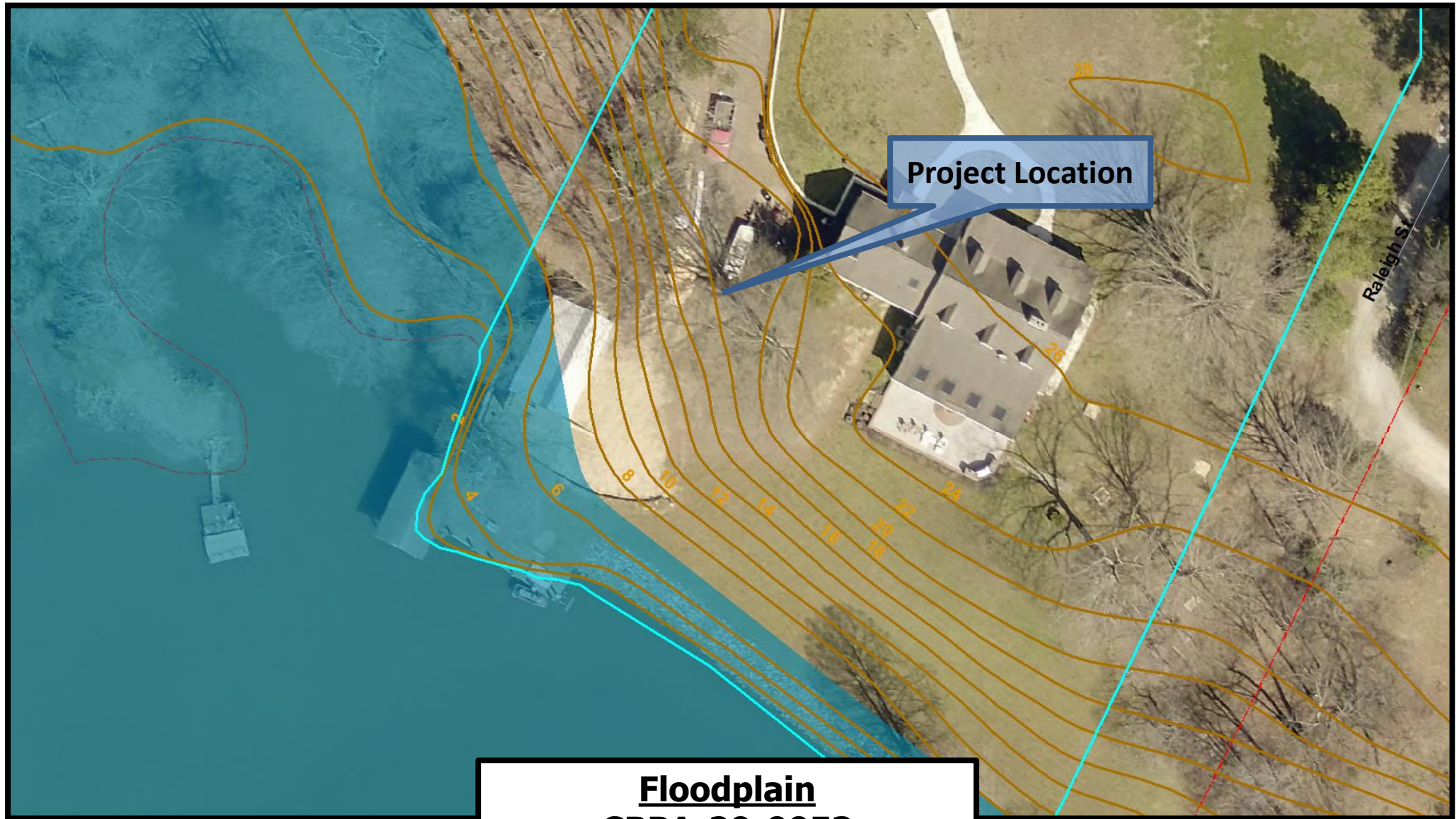


Aerial Photograph
CBPA-20-0053
146 Red Oak Landing

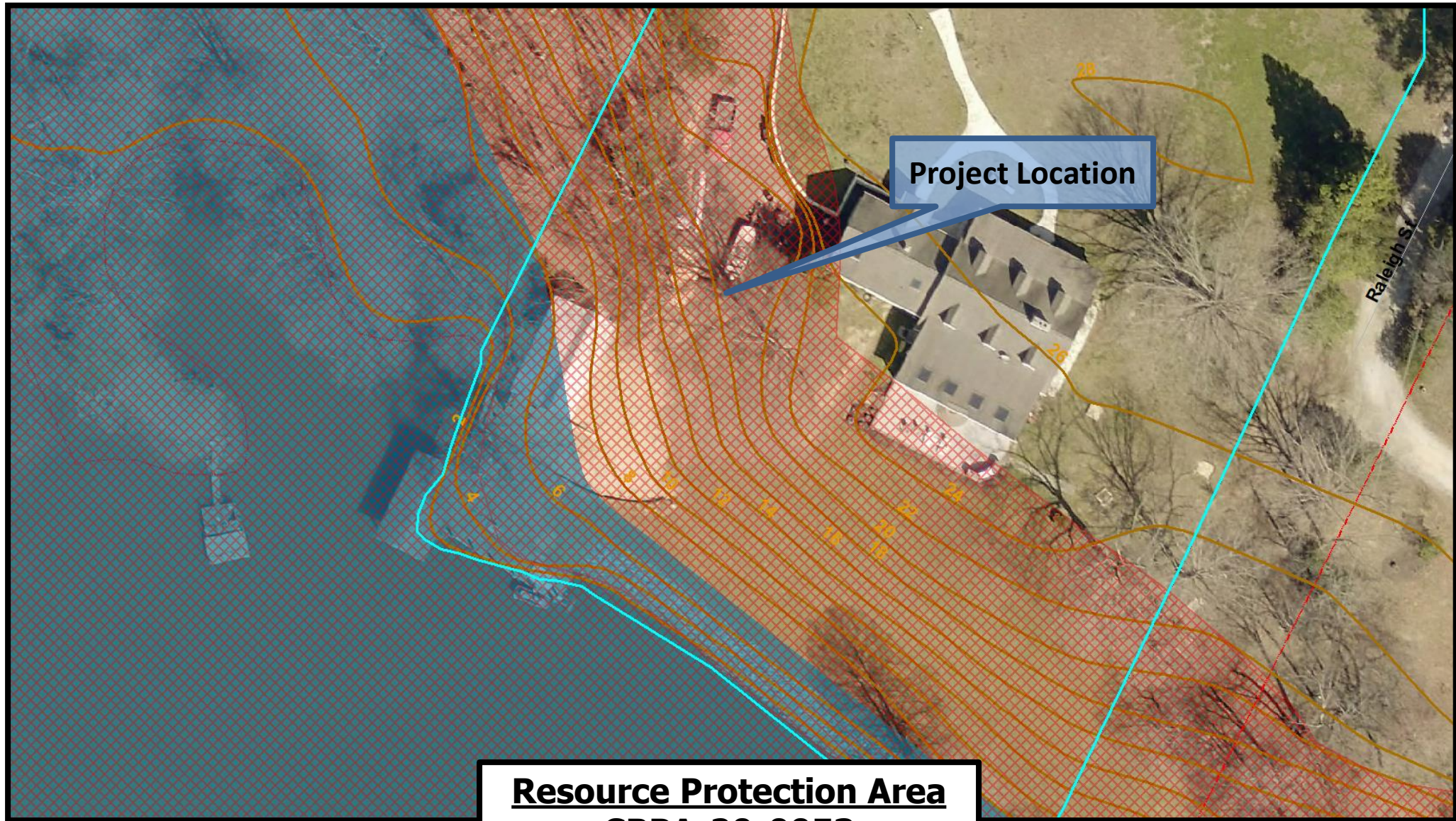


Project Location

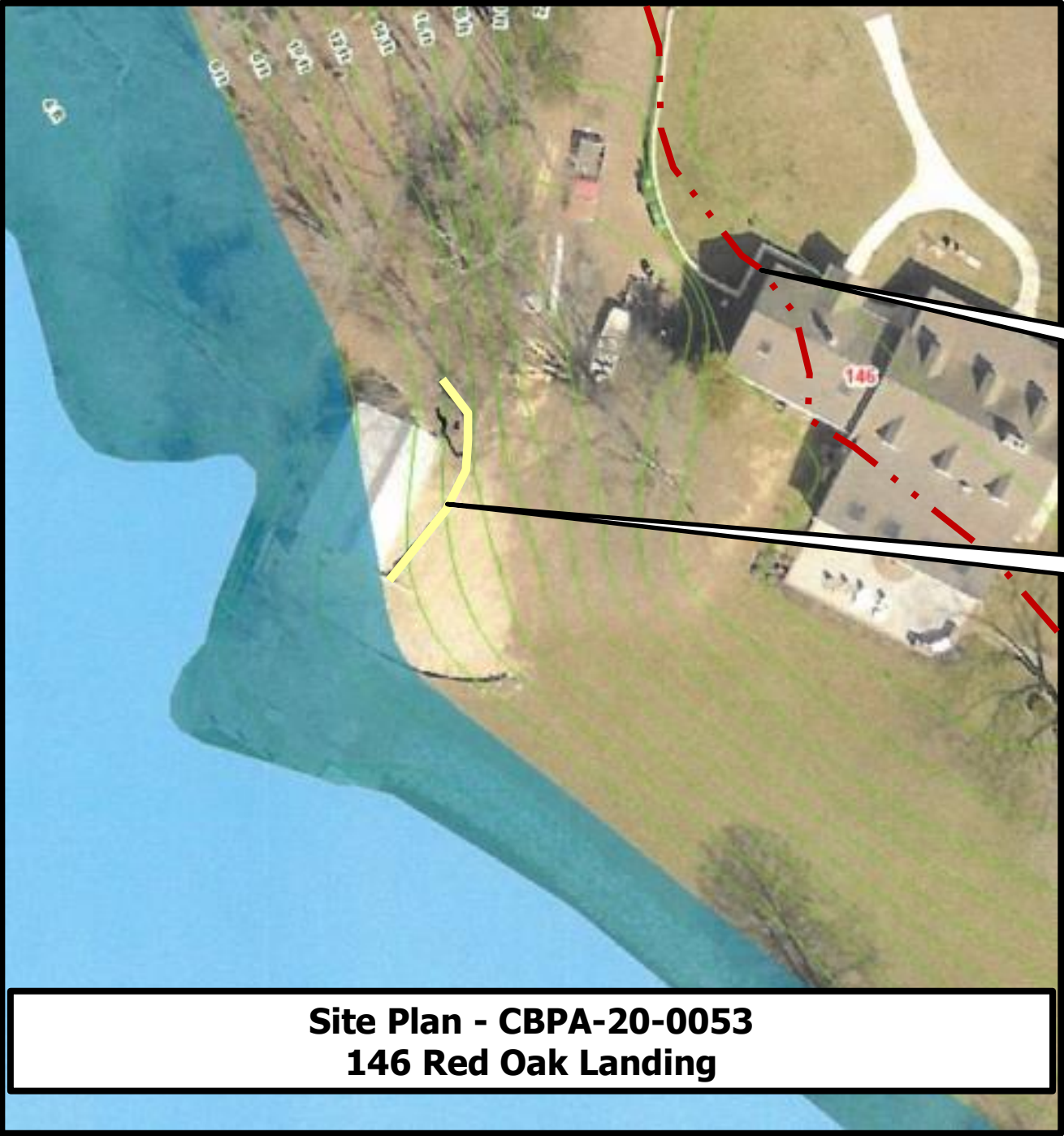
Topography
CBPA-20-0053
146 Red Oak Landing



Floodplain
CBPA-20-0053
146 Red Oak Landing



Resource Protection Area
CBPA-20-0053
146 Red Oak Landing



Site Plan showing
proposed improvements,
submitted June 23, 2020.
For representative use
only for presentation of
case #CBPA-20-0053

100 foot Resource
Protection Area

Proposed Retaining Wall

Site Plan - CBPA-20-0053
146 Red Oak Landing



Site Photograph #1 - CBPA-20-0053
146 Red Oak Landing





Site Photograph #2 - CBPA-20-0053
146 Red Oak Landing





Site Photograph #3 - CBPA-20-0053
146 Red Oak Landing



Permit Conditions



Staff Recommendation – Approval

- ✓ All other necessary local, state and federal permits.
- ✓ All development activities located in the special flood hazard area shall comply with Article VI, Division 3, Floodplain Area Regulations of the James City County Zoning Ordinance and receive all required approvals and permits prior to commencement of such activities.

Permit Conditions



Staff Recommendation – Approval

- ✓ A surety of \$250 be paid and in place prior to the commencement of work, in a form acceptable to the James City County Attorney's Office.
- ✓ A mitigation plan consisting of three shrubs be submitted to the James City County Stormwater and Resource Protection Division.
- ✓ The surety will be returned once the mitigation has been planted and approved.

Permit Conditions



Staff Recommendation – Approval

- ✓ This exception request approval shall become null and void if construction has not begun by August 12, 2021.

- ✓ Written requests for extension submitted no later than July 1, 2021.





PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA WILL HOLD A PUBLIC HEARING **WEDNESDAY AUGUST 12, 2020 AT 5 P.M.** IN THE BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE WETLANDS BOARD WILL CONSIDER THE FOLLOWING CASES:

WJPA 20-0023/VMRC 20-1053: Mr. Daniel Winall of Waters Edge Construction, on behalf of Larry Waltrip, has applied for a wetlands permit to install a floating pier, retaining wall, bulkhead, riprap revetment and a boat house at 20 Marclay Road, JCC Parcel 4820100012.

WJPA 20-0024/VMRC 20-1074: Mr. David Butler of Gallup Surveyors & Engineers, on behalf of David and Diane Lee, has applied for a wetlands permit for a bulkhead repair, riprap revetment, pier repair and replacement, a new adjacent pier and stairway extension and repair at 176 The Maine, JCC Parcel 4540200061.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASE:

CBPA 20-0053: Mr. Don Newsom of Delightful Gardens, on behalf of Mr. Charles Turbeville, has filed an exception request for encroachments into the RPA buffer for a retaining wall at 146 Red Oak Landing, JCC Parcel 4730100033.

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

All interested parties are invited to attend the meetings. There is also a call-in option for the public hearings. To participate, call 757-253-6772 to record a comment that will be played during the meeting. Recorded comments must be submitted no later than noon on the day of the meeting. Please give your name and address for the public record and limit comments to five minutes or less. Questions? Call 757-253-6823.

The applications and plans are on file and may be viewed during normal office hours in the Stormwater and Resource Protection Division, 101-E Mounts Bay Road, James City County, Virginia.

NOT FOR PUBLICATION

DISPLAY: WEDNESDAY – July 29 and August 5, 2020.

ACCOUNT NO.: 0011350200 - VIRGINIA GAZETTE

COPIES: PLANNING
 ASSISTANT COUNTY ATTORNEY
 WETLANDS/CHESAPEAKE BAY BOARD MEMBERS



General Services
107 Tewning Road
Williamsburg, VA 23188
P: 757-259-4080
General.Services@jamescitycountyva.gov
jamescitycountyva.gov

Capital Projects 107 Tewning Road Williamsburg, VA 23188 757-259-4080	Fleet 103 Tewning Road Williamsburg, VA 23188 757-259-4122	Stormwater and Resource Protection 101-E Mounts Bay Road Williamsburg, VA 23185 757-253-6670	Facilities & Grounds 113 Tewning Road Williamsburg, VA 23188 757-259-4080	Solid Waste 1204 Jolly Pond Road Williamsburg, VA 23188 757-565-0971
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July 22, 2020

RE: CBPA-20-0053
146 Red Oak Landing Road
Retaining Wall

Dear Adjacent Property Owner:

In accordance with State and County Codes, this letter is to notify you that a request has been filed with the James City County Chesapeake Bay Board by Mr. Don Newsom of Delightful Gardens Landscape on behalf of Mr. Charles Turbeville, Jr., for encroachment into the Resource Protection Area (RPA) buffer for the construction of a retaining wall. The project is located at 146 Red Oak Landing Road and further identified as JCC Parcel No. 4730100033.

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, August 12, 2020 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,

Michael D. Woolson

Michael D. Woolson
Chesapeake Bay Board Secretary
757-253-6823
michael.woolson@jamescitycountyva.gov

cc: Delightful Gardens Landscape
Mr. Don Newsom

MDW: jep

Mailing List for: CBPA-20-0053–146 Red Oak Landing Rd – Retaining Wall

Owner: 4730100033

Turbeville, C Thomas
146 Red Oak Landing Road
Williamsburg, VA 23185-2383

Turbeville, Charles Thomas, Jr.
146 Red Oak Landing Road
Williamsburg, VA 23185-2383

4732300009

Moore, William M & Audrey E
2740 Holly Ridge Lane
Williamsburg, VA 23185-8358

4730100031

Malara, Anthony D & Anna Schneck
136 Raleigh Street
Williamsburg, VAS 23185-2332

4730300018

Doman, Sean Michael Q & Sara Hye Yeon
163 Albemarle Drive
Williamsburg, VA 23185-2318

Contractor:

Delightful Gardens Landscape
Attn: Mr. Don Newsom
7242 Merrimac Trail
Williamsburg, VA 23185

4730100032A

Seltzer, Michael E & Karis J
138 Red Oak Landing Road
Williamsburg, VA 23185-2383

4732400001A-25.57 A

Landfall at Jamestown Community
Association
103 Bulifants Boulevard, Suite A
Williamsburg, VA 23188-5722

4732300001A – 2.06 A

Holly Ridge Homes Association
Drawer 18 – Parkview Station
Newport News, VA 23605-0018

4730100034

Hewitt, William E, Trustee & Ann J, Trustee
147 Raleigh Street
Williamsburg, VA 23185-2382

ITEM SUMMARY

DATE: 8/12/2020

TO: Chesapeake Bay Board

FROM: Michael Woolson, Senior Watershed Planner

SUBJECT: CBPA 19-0087 : 7612 Uncles Neck

Mr. Wilbur Jordan, on behalf of Ms. Theresa Whelan, has requested a 1 year extension to CBPA 19-0087, which expires on August 14, 2020.

ATTACHMENTS:

	Description	Type
📎	Staff Memo	Staff Report
📎	Resolution	Resolution
📎	Extension Request	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Secretary, ChesBay	Approved	8/10/2020 - 9:56 PM

MEMORANDUM

DATE: August 12, 2020

TO: The Chesapeake Bay Board

FROM: Michael Woolson, Senior Watershed Planner

SUBJECT: Chesapeake Bay Board Exception No. CBPA 19-0087. 7612 Uncles Neck

Mr. Wilbur Jordan, on behalf of Ms. Theresa Whelan, is requesting a one-year extension to CBPA 19-0087, originally granted on August 14, 2019. The project is scheduled to begin before the end of calendar year 2020. Staff concurs with this request, with the stipulation that all permit conditions, except for the expiration date, be reauthorized and that the new date of expiration be August 12, 2021.

RESOLUTION

CASE NO. CBPA 19-0087. 7612 UNCLES NECK

GRANTING AN EXTENSION OF AN EXCEPTION

WHEREAS, Ms. Theresa Whelan (the “Applicant”) has requested an extension of the exception granted by the Chesapeake Bay Board of James City County (the “Board”) on August 14, 2019. The exception request is for use of the Resource Protection Area (the “RPA”) on a parcel of property identified as James City County Real Estate Tax Parcel No. 2030200028 and further identified as 7612 Uncles Neck in the Uncles Neck subdivision (the “Property”) as set forth in the application CBPA 19-0087, for the purpose of grading the bank; and

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

NOW, THEREFORE, BE IT RESOLVED that the Chesapeake Bay Board of James City County, Virginia, following a public hearing, by a majority vote of its members FINDS that:

1. The exception request is the minimum necessary to afford relief.
2. Granting the exception will not confer upon the Applicant any special privileges denied by Chapter 23, Chesapeake Bay Preservation, of the James City County Code, to other property owners similarly situated in the vicinity.
3. The exception request will be in harmony with the purpose and intent of Chapter 23 of the James City County Code and is not of substantial detriment to water quality.
4. The exception request is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels.
5. Reasonable and appropriate conditions are hereby imposed, as set forth below, which will prevent the exception request from causing a degradation of water quality.
6. In granting this exception, the following conditions are hereby imposed to prevent this exception request from causing degradation of water quality:
 - a. The applicant must obtain all other necessary federal, state, and local permits required for the project; and
 - b. A surety of \$500 be paid and in place prior to the commencement of work, in a form acceptable to the James City County Attorney, to ensure the mitigation requirements; and
 - c. All development activities located in the special flood hazard area shall comply

with Article VI, Division 3, Floodplain Area Regulations of the James City County Zoning Ordinance and receive all required approvals and permits prior to commencement of such activities; and

- d. This exception request approval shall become null and void if construction has not begun by August 12, 2021; and
- e. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than July 1, 2021, six weeks prior to the expiration date.

David Gussman
Chair, Chesapeake Bay Board

Michael Woolson
Senior Watershed Planner

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 12th day of August, 2020.

Michael Woolson

From: j_m_c_i_@cox.net j_m_c_i_@cox.net <j_m_c_i_@cox.net>
Sent: Monday, August 10, 2020 1:47 PM
To: Michael Woolson
Subject: [External] request extension for Theresa M. Whelan

request extension for Theresa M. Whelan

Wetland permit # VMRC#19-V1124 (Chickahominy River)

6712 Uncles Neck- Toano

Please send reply upon receiving

Thank You

Wilber Jordan

JMCI

ITEM SUMMARY

DATE: 8/12/2020

TO: Chesapeake Bay Board

FROM: Michael Woolson, Senior Watershed Planner

SUBJECT: Appeal - 4720 Yeardley Loop

Mr. Richard Cassell is appealing the Notice of Violation

ATTACHMENTS:

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution to Grant	Resolution
☐	Resolution to Deny	Resolution
☐	Notice of Violation, June 11, 2020	Backup Material
☐	Presentation	Presentation
☐	Vicinity Map	Backup Material
☐	Deed of Easement	Backup Material
☐	Recorded Plat, Sheet 1 of 3	Backup Material
☐	Recorded Plat, Sheet 2 of 3	Backup Material
☐	Recorded Plat, Sheet 3 of 3	Backup Material
☐	Site Photograph #1	Backup Material
☐	Site Photograph #2	Backup Material
☐	Site Photograph #3	Backup Material
☐	Site Photograph #4	Backup Material
☐	Site Photograph #5	Backup Material
☐	Site Photograph #6	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Secretary, ChesBay	Approved	8/10/2020 - 9:10 PM

MEMORANDUM

DATE: August 12, 2020

TO: The Chesapeake Bay Board

FROM: Michael D. Woolson, Senior Watershed Planner

SUBJECT: Appeal of Notice of Violation – Natural Open Space Easement Behind 4720 Yeardley Loop

Mr. Richard Cassell, owner at 4720 Yeardley Loop, has filed an appeal to the James City County Chesapeake Bay Board (Board) on June 22, 2020. He is appealing an administrative decision to remove all improvements on the easement property behind this house, replanting the disturbed area, and a one-time payment of a civil charge.

Background Information

On or about April 24, 2020, an anonymous complaint was received by our office about unauthorized tree removal in the buffer between Mainland Farm and The Pointe at Jamestown. Once investigated, it was determined that the area in question was located behind 4720 Yeardley Loop.

On June 11, 2020, staff issued a Notice of Violation (NOV) to the Cassells stating that the area behind their house was in violation of Sections 23-10, because the area of disturbance exceeded 2,500 square feet and needed a plan of development and a land disturbing permit. The area was also a violation of Condition #4 of the recorded Deed of Easement for Natural Open Space which states that the easement property shall remain in its natural condition with respect to leaf litter, understory vegetation and tree canopy.

On June 22, 2020, Mr. Cassell submitted a written appeal of the NOV, meeting the 30 day deadline as stated in the Ordinance and the NOV.

Staff Guidance and Recommendations

Staff has reviewed the appeal and associated documents and offers the following information for the Board's consideration.

1. Mr. Richard Cassell is the owner of property located at 4720 Yeardley Loop.
2. The Cassell's bought the property from the developer, Hampton Roads Development.
3. Photographs show fresh cut stumps and logs in the area behind 4720 Yeardley Loop.
4. The Developer recorded the Deed of Easement for Natural Open Space on October 30, 2008.

Section 23-17(b) of the Ordinance gives guidance to the Board and states "In rendering its decision, the Board shall balance the hardship to the property owner with the purpose, intent and objectives of this chapter. The Board shall **not** (emphasis added) decide in favor of the appellant unless it finds:

1. The hardship is not generally shared by other properties in the vicinity;
2. The Chesapeake Bay, its tributaries and other properties in the vicinity will not be adversely affected; and
3. The appellant acquired the property in good faith and the hardship is not self-inflicted.”

Staff’s guidance to the Board on deciding this matter is as follows:

1. The hardship (wooded buffer) is shared by other properties within The Pointe at Jamestown subdivision along Yeardeley Loop.
2. The granting of the appeal in this case will adversely affect the Chesapeake Bay, its tributaries and other properties in the vicinity. By granting the appeal, the Board reduces the effectiveness of the Deed of Easement for Natural Open Space.
3. The appellant acquired the property in good faith, but the hardship is self-inflicted. The photographs bear out that 4720 Yeardeley Loop lies directly in line with the disturbance in the easement.

Staff contends that the owner of 4720 Yeardeley Loop caused the impacts to the natural open space easement. Staff believes that the restoration of 30 loblolly pines and the removal of all ‘improvements’ should occur. Staff believes that a one-time civil charge is warranted due to the impacts to the easement. Staff requests that the Board uphold the NOV.

Attachments:

1. Notice of Violation
2. Vicinity Map
3. Deed of Easement for Natural Open Space
4. Recorded Plats
5. Site Photographs

RESOLUTION

GRANTING AN APPEAL ON JAMES CITY COUNTY REAL ESTATE

TAX PARCEL NO. 4640600001E

WHEREAS, Mr. Richard Cassell, (the “Appellant”) has submitted a request to the Chesapeake Bay Board of James City County (the “Board”) to appeal a Notice of Violation (NOV) (SRP-20-0008) dated June 11, 2020, ordering the removal of all improvements, the replanting of 30 loblolly pines and a \$5,000 civil charge, on a property identified as James City County Real Estate Tax Parcel No. 4640600001E and further identified as 4732 Yeardeley Loop in The Pointe at Jamestown subdivision (the “Property”); 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 meeting on August 12, 2020, by a majority vote of its members FINDS that all of the following conditions have been met:

1. The hardship is not generally shared by other properties in the vicinity;
2. The Chesapeake Bay, its tributaries and other properties in the vicinity will not be adversely affected; and
3. The appellant acquired the property in good faith and the hardship is not self-inflicted.

THEREFORE, the Chesapeake Bay Board of James City County, Virginia, is granting the appeal filed by Mr. Cassell on June 22, 2020 and overturning the June 11, 2020 NOV issued by James City County Stormwater and Resource Protection Division.

David Gussman
Chair, Chesapeake Bay Board

Michael Woolson
Senior Watershed Planner

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 12th day of August, 2020.

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: _____

RESOLUTION

DENYING AN APPEAL ON JAMES CITY COUNTY REAL ESTATE

TAX PARCEL NO. 4640600001E

WHEREAS, Mr. Richard Cassell, (the “Appellant”) has submitted a request to the Chesapeake Bay Board of James City County (the “Board”) to appeal a Notice of Violation (NOV) (SRP-20-0008) dated June 11, 2020, ordering the removal of all improvements, the replanting of 30 loblolly pines and a \$5,000 civil charge, on a property identified as James City County Real Estate Tax Parcel No. 4640600001E and further identified as 4732 Yeardeley Loop in The Pointe at Jamestown subdivision (the “Property”); 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 meeting on August 12, 2020, by a majority vote of its members FINDS that all of the following conditions have not been met:

1. The hardship is not generally shared by other properties in the vicinity;
2. The Chesapeake Bay, its tributaries and other properties in the vicinity will not be adversely affected: and
3. The appellant acquired the property in good faith and the hardship is not self-inflicted.

THEREFORE, the Chesapeake Bay Board of James City County, Virginia, is denying the appeal filed by Mr. Cassell on June 22, 2020 and upholding the June 11, 2020 NOV issued by James City County Stormwater and Resource Protection Division.

David Gussman
Chair, Chesapeake Bay Board

Michael Woolson
Senior Watershed Planner

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 12th day of August, 2020.

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: _____



General Services
107 Tewning Road
Williamsburg, VA 23188
P: 757-259-4080
General.Services@jamescitycountyva.gov
jamescitycountyva.gov

Capital Projects
107 Tewning Road
Williamsburg, VA 23188
757-259-4080

Fleet
103 Tewning Road
Williamsburg, VA 23188
757-259-4122

**Stormwater and
Resource Protection**
101-E Mounts Bay Road
Williamsburg, VA 23185
757-253-6670

Facilities & Grounds
113 Tewning Road
Williamsburg, VA 23188
757-259-4080

Solid Waste
1204 Jolly Pond Road
Williamsburg, VA 23188
757-565-0971

NOTICE OF VIOLATION
of James City County's Environmental Regulations

June 11, 2020

Richard and Monika Cassell
4720 Yeardeley Loop
Williamsburg, Virginia 23185

Re: **Natural Open Space Easement, Phase 2B**
James City County PIN 4640600001E, Behind 4720 Yeardeley Loop
SRP-20-0008

To Whom It May Concern:

On April 24, 2020, representatives of the James City County Stormwater and Resource Protection Division investigated a complaint of unauthorized tree clearing that has occurred behind 4720 Yeardeley Loop, in the Pointe of Jamestown subdivision. The area in question was platted on October 30, 2008 as Instrument Number 080026641, is located at 4732 Yeardeley Loop, is identified as James City County PIN 4640600001E (the "Property") and is owned by the Pointe Homes Association. The Property is protected by a Deed of Natural Open Space granted to the County, recorded on October 30, 2008 as Instrument Number 080026642 (the "Easement"). There is no active request on file for work on the Property at this location.

During the investigation, it was determined that approximately 20 to 30 trees have been removed from the Property. Chapter 23, Chesapeake Bay Preservation, of the James City County Code, regulates development activities within the County. Specifically, the tree removal from the Property is a violation of section 23-10 which requires a plan of development for areas exceeding 2,500 square feet in disturbance. Further, this activity would also have required a land disturbing permit. The activity that has occurred is a violation of the Chesapeake Bay Preservation Ordinance, and is subject to a civil penalty of up to \$5,000 per day of the violation. The activity is also subject to a civil charge of up to \$10,000 and may be in addition to the costs of restoration required by the Board of Supervisors.

Removing trees from the Property is also a violation of Condition 4 of the Easement which states, "The Easement Property shall remain in its natural condition with respect to natural leaf litter or other ground covering vegetation, under-story vegetation or shrub layer, and tree canopy, except as otherwise expressly provided in this Deed of Easement. The activities of Grantor within the Easement Property shall be limited to those which do not remove or damage any vegetation or disturb any soil. Such activities include selective trimming and pruning which will not alter the natural character of the Easement

Property, with the express written consent of the County Watershed Planner. Grantor may, with the express written consent of the County Watershed Planner (i) install and maintain walking trails and other passive recreational facilities such as boardwalks, (ii) conduct historic preservation and archeological activities, (iii) remove dead, diseased, poisonous or invasive vegetation and (iv) install additional or supplemental vegetation to ensure the maintenance or establishment of a vegetative buffer.”

Finally, it appears that in addition to tree removal, various unauthorized improvements have been made to the Property, including the planting of fruit trees, planting of other non-native shrubs, and the planting of grass. None of these improvements are permitted in the Easement.

To remedy these violations, the following actions must be taken:

- (1) All improvements to the property must be removed.
- (2) The disturbed area must be replanted with 30 loblolly pines, 6 to 8 feet in height.
- (3) Payment of a one-time \$5,000 civil charge to the County.

Please note that under Section 23-17 of the Chesapeake Bay Preservation Ordinance, the “owner of property subject to an administrative decision, order or requirement under this chapter may appeal by submitting a written request for review to the board no later than 30 days from the rendering of such decision, order or requirement. The Board shall hear the appeal as soon as practical after receipt of the request.” The Board that this section refers to is the Chesapeake Bay Board.

Please contact our office at 757-253-6670 to discuss this matter within the next 30 days. After 30 days from the date of this letter, the matter is no longer appealable to the Chesapeake Bay Board.

Sincerely,

Michael Woolson

Michael Woolson
Senior Watershed Planner
Stormwater and Resource Protection Division

cc: Toni Small, Stormwater and Resource Protection Division Director, via email
Liz Parman, Assistant County Attorney, via email
Paul Holt, Community Development Director, via email
Christy Parrish, Zoning Administrator, via email



Chesapeake Bay Board of James City County, Virginia

August 12, 2020

Appeal of Notice of Violation

Richard Cassell

The Pointe Homes Association

The Pointe at Jamestown Subdivision



Applicant Request

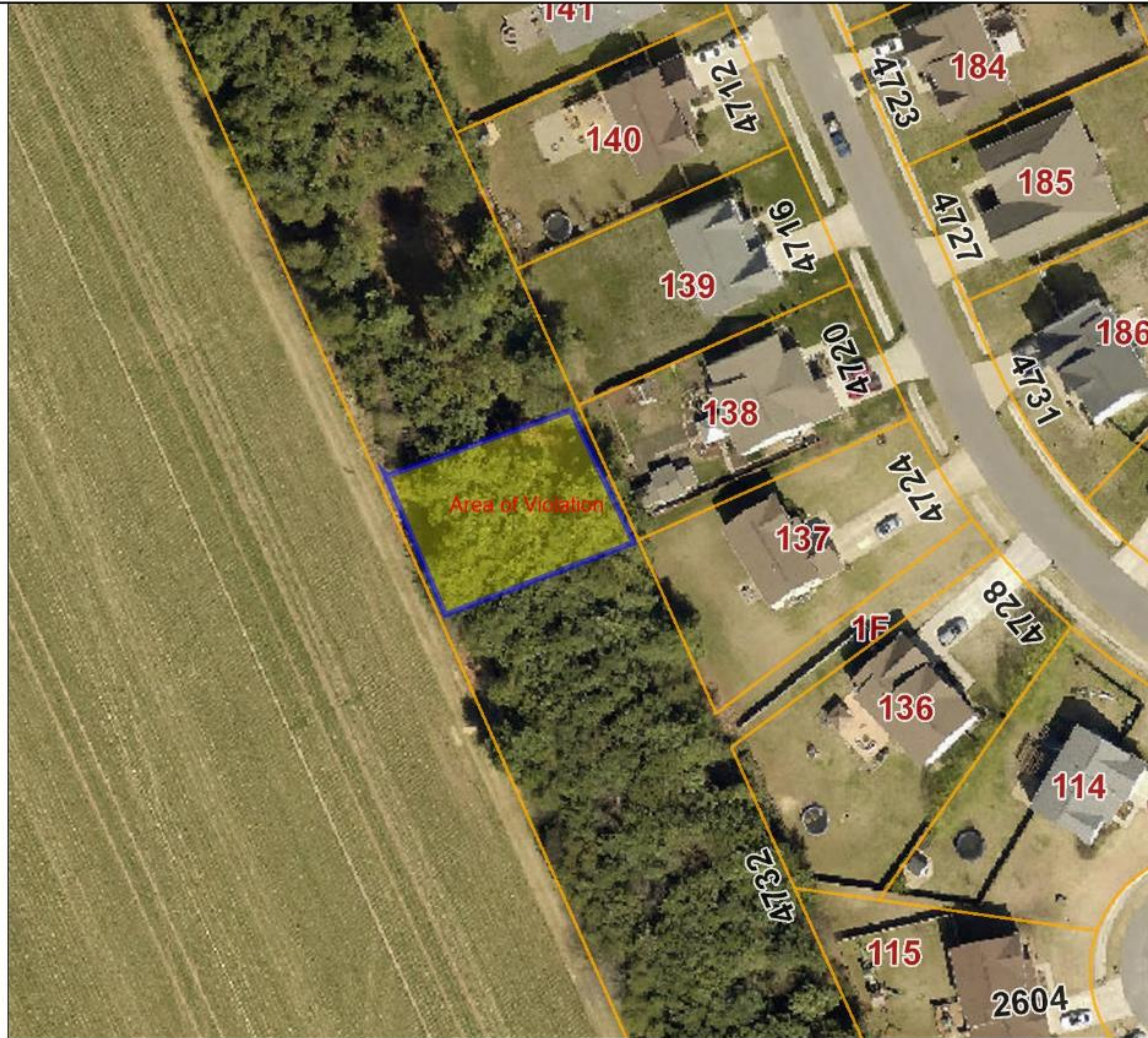
- ✓ Both Richard Cassell and The Pointe Homes Association are appealing their individual Notices of Violations on HOA property behind 4720 Yeardley Loop, within the Natural Open Space Easement of Phase 2B, The Pointe at Jamestown.

James City County,
Virginia

Legend

□ Parcels

Feet
0 20 40 60 80
1:1,128 / 1"=74 Feet



Title:

Date: 5/1/2020

DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and James City

Vicinity Map
SRP-20-0009
4732 Yeardley Loop

080026641

OWNER'S CERTIFICATE

THE SUBDIVISION OF LAND SHOWN ON THIS PLAT AND KNOWN AS THE POINT AT JAMESTOWN, SECTION 2-B IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNERS, PROPRIETORS AND OR TRUSTEES.

10/4/18
DATE
HAMPSON ROADS DEVELOPMENT, L.L.C.
BY: VIRGINIA ENTERPRISES, INC., A VIRGINIA CORPORATION,
ITS MANAGER
BY: GEORGE E. FISCELLA, PRESIDENT

CERTIFICATE OF NOTARIZATION

STATE OF VIRGINIA
COUNTY OF HAMPSHIRE, I, John B. Cunningham, A NOTARY PUBLIC
IN AND FOR THE CITY/COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY
THAT THE PERSON WHOSE NAME IS SIGNED TO THE FOREGOING WRITING HAS
ACKNOWLEDGED THE SAME BEFORE ME IN THE CITY/COUNTY AFORESAID,
GIVEN UNDER MY HAND THIS 10/4/18 DAY OF OCTOBER, 2018.

MY COMMISSION EXPIRES March 31, 2011
John B. Cunningham Reg # 207651
NOTARY PUBLIC

CERTIFICATE OF SOURCE OF TITLE

THE PROPERTY SHOWN ON THIS PLAT WAS CONVEYED BY ASSOCIATED DEVELOPERS, INC.,
AND WELFORD CORPORATION TO HAMPSON ROADS DEVELOPMENT, L.L.C. BY DEED DATED
10/19/01 AND RECORDED AS INSTRUMENT #R.010019015, AND BY ASSOCIATED DEVELOPERS,
INC., AND WELFORD CORPORATION BY DEED DATED 2/15/02 AND RECORDED AS INSTRUMENT
#R.02004578. BOTH DEEDS BEING RECORDED IN THE OFFICE OF THE CLERK OF THE
CIRCUIT COURT OF THE COUNTY OF JAMES CITY, VIRGINIA.

ENGINEERS OR SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE OR BELIEF,
THIS PLAT COMPLIES WITH ALL OF THE REQUIREMENTS OF THE BOARD OF
SUPERVISORS AND ORDINANCES OF THE COUNTY OF JAMES CITY, VIRGINIA,
REGARDING THE PLATTING OF SUBDIVISIONS WITHIN THE COUNTY.

10-20-08
DATE
Matthew H. Connolly
MATTHEW H. CONNOLLY L.S. #002053

CERTIFICATE OF APPROVAL

THIS SUBDIVISION IS APPROVED BY THE UNDERSIGNED IN ACCORDANCE
WITH EXISTING SUBDIVISION REGULATION AND MAY BE ADMITTED TO RECORD.
10/29/08 B. L. H. H. H.

DATE
VIRGINIA DEPARTMENT OF TRANSPORTATION
DATE
N/A
VIRGINIA DEPARTMENT OF HEALTH
10/30/08 Ellen G. G.
DATE
SUBDIVISION AGENT OF JAMES CITY COUNTY

STATE OF VIRGINIA, JAMES CITY COUNTY

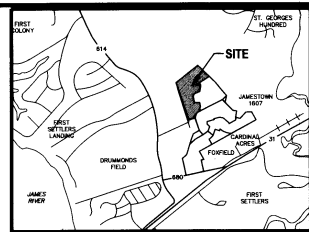
IN THE CLERK'S OFFICE OF THE CIRCUIT COURT FOR THE COUNTY OF
JAMES CITY THE 30 DAY OF October, 2018 @ 3:54 PM
THIS MAP WAS PRESENTED AND ADMITTED TO RECORD AS THE LAW
DIRECTS IN PLAT BOOK 2050330 PAGE 1

TESTE
BY John B. Cunningham Clerk
Andrew H. H. H. Dep. Clerk

3 Large/Small Plats(s) Recorded
herein as # 080026641

NOTES CONC:

- EASEMENTS DENOTED AS "JCSA UTILITY EASEMENTS" ARE FOR THE EXCLUSIVE USE
OF THE JAMES CITY SERVICE AUTHORITY AND THE PROPERTY OWNER. OTHER
UTILITY SERVICE PROVIDERS DESIRING TO USE THESE EASEMENTS WITH THE
EXCEPTION OF PERPENDICULAR UTILITY CROSSINGS MUST OBTAIN AUTHORIZATION
FOR ACCESS AND USE FROM JCSA AND THE PROPERTY OWNER. ADDITIONALLY,
JCSA SHALL NOT BE HELD RESPONSIBLE FOR ANY DAMAGE TO IMPROVEMENTS WITHIN
THIS EASEMENT, FROM ANY CAUSE.
- NATURAL OPEN SPACE EASEMENT SHALL REMAIN IN A NATURAL UNDISTURBED STATE EXCEPT
FOR THOSE ACTIVITIES REFERENCED IN THE DEED OF EASEMENTS.



VICINITY MAP
SCALE: 1" = 2000'

SECTION 2-B SITE DATA:

- LOT AREA (53 LOTS): 568,368 S.F. / 15.344 AC.
- R/W DEDICATION: 126,754 S.F. / 2.910 AC.
- NATURAL OPEN SPACE EASMT: 182,038 S.F. / 4.179 AC.
- COMMON AREA B: 54,904 S.F. / 1.250 AC.
- 20' ACCESS AREAS (2): 7,076 S.F. / 0.162 AC.
- TOTAL AREA: 1,039,140 S.F. / 23.855 AC.

- PARCEL ID # (46-4)(01-26) & (46-4)(01-27)
- ZONING DISTRICT: R2 WITH PROFFERS (SEE CASE#
Z-9-94, Z-19-95, & Z-20-95).
- BUILDING SETBACK:
FRONT = 25'
SIDE = 10'
- CORNER LOTS: THE FRONT OF THE LOT SHALL BE THE SHORTER
OF THE TWO SIDES FRONTING ON STREETS. NO STRUCTURES SHALL
BE LOCATED CLOSER THAN 25' TO THE SIDE STREET. CORNER LOTS
SHALL HAVE A MINIMUM WIDTH AT THE SETBACK LINE OF 100'.
ALL LOTS SERVED BY PUBLIC WATER & PUBLIC SEWER.

NOTES:

- RECORDED REFERENCES:
PLAT BOOK 76, PAGE 94: INSTRUMENT #R.010019015,
INSTRUMENT #R.02004578, INSTRUMENT #R.030033966,
INSTRUMENT #R.040020605, INSTRUMENT #R.050000637
OFFICE OF THE CLERK OF THE CIRCUIT COURT OF JAMES CITY COUNTY, VIRGINIA.
- NRP FLOOD ZONE X. SEE FRM#S10201-0045-B, EFFECTIVE DATE 2/6/91.
FLOOD ZONES SUBJECT TO CHANGE BY FEMA.
- COMMON AREAS TO BE DEDICATED TO THE POINTE AT JAMESTOWN HOMEOWNERS'
ASSOCIATION.
- ANY ANY EXISTING UNUSED WELLS SHALL BE ABANDONED IN ACCORDANCE
WITH STATE PRIVATE WELL REGULATIONS AND JAMES CITY COUNTY CODE.
- ALL STREETS HEREBY DEDICATED FOR PUBLIC USE.
- IN ACCORDANCE WITH SECTION 19-33 OF THE SUBDIVISION ORDINANCE,
ALL UTILITIES SHALL BE PLACED UNDERGROUND. MONUMENTS SHALL BE
SET IN ACCORDANCE WITH SECTIONS 19-34 THROUGH 19-36 OF THE
SUBDIVISION ORDINANCE.
- ALL EXTERIOR SIGNS SHALL COMPLY WITH THE REGULATIONS IN ARTICLE
II, DIVISION 3 OF THE JAMES CITY COUNTY ZONING ORDINANCE. IN ACCORDANCE
WITH SECTION 19-55 OF THE SUBDIVISION ORDINANCE, EITHER THE STREET
SIGNS OR THE ALPHA NUMERIC LETTERING SHALL BE OF A REFLECTIVE MATERIAL.
- UNLESS OTHERWISE NOTED ALL DRAINAGE EASEMENTS DESIGNATED ON
THIS PLAT SHALL BE PRIVATE.
- A NON-EXCLUSIVE DRAINAGE EASEMENT IS RESERVED FOR USE BY THE POINTE
AT JAMESTOWN HOMEOWNERS' ASSOCIATION ON, OVER, AND ACROSS EACH LOT,
10' IN WIDTH CONTIGUOUS WITH THE REAR LOT LINE, AND 5' IN WIDTH CONTIGUOUS
WITH SIDE LOT LINES OR AS SHOWN ON THE PLAT.

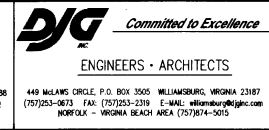
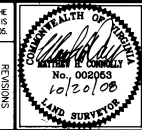
CURVE DATA TABLE:

NUMBER	DELTA ANGLE	RADIUS	ARC LENGTH	TANGENT	CHORD DIRECTION	CHORD LENGTH
C54	72°07'29"	325.00	408.11	236.67	S 61°06'29" E	382.63
C55	89°20'42"	260.00	405.43	257.04	S 19°37'37" W	365.59
C56	17°20'18"	300.00	196.38	101.85	S 83°03'07" W	192.89
C57	25°17'56"	275.00	121.43	61.72	N 87°21'59" E	120.44
C58	10°25'03"	275.00	50.00	25.07	S 69°30'28" W	49.93
C59	13°58'29"	235.00	57.32	28.80	N 57°18'44" E	57.18
C60	24°51'47"	235.00	101.98	51.80	S 37°53'35" W	101.18
C61	24°53'03"	235.00	102.06	51.85	N 13°01'10" E	101.26
C62	25°37'23"	235.00	105.09	53.44	S 12°14'03" E	104.22
C63	17°29'14"	300.00	91.56	46.14	S 33°47'22" E	91.21
C64	26°53'36"	300.00	140.81	71.73	S 55°58'46" E	139.52
C65	17°16'20"	300.00	90.44	45.56	S 78°03'44" E	90.09
C66	18°32'46"	300.00	96.64	43.62	N 85°01'43" E	96.33
C67	14°05'41"	350.00	86.10	43.27	N 85°28'26" W	85.88
C68	82°20'16"	25.00	35.93	21.86	S 60°24'18" W	32.91
C69	52°19'49"	30.00	27.40	14.74	S 06°55'44" E	26.46
C70	37°04'16"	60.00	38.62	20.12	S 14°33'29" E	38.15
C71	52°47'36"	60.00	55.29	29.78	N 30°22'28" E	53.35
C72	37°24'07"	60.00	39.17	20.31	N 75°28'20" E	38.48
C73	20°35'46"	60.00	21.57	10.90	S 75°31'44" E	21.45
C74	21°54'57"	60.00	22.95	11.62	S 54°16'22" E	22.81
C75	61°47'43"	60.00	64.71	35.91	N 12°25'02" W	61.62
C76	53°05'08"	60.00	55.59	29.97	S 45°01'26" W	53.62
C77	52°19'49"	30.00	27.40	14.74	S 45°24'05" W	26.46
C78	82°20'16"	25.00	35.93	21.86	S 21°55'58" E	32.91
C79	13°21'50"	350.00	81.64	41.00	S 56°25'09" E	81.45
C80	08°06'22"	350.00	55.63	27.87	S 45°11'05" E	55.57
C81	03°16'31"	350.00	20.01	10.01	N 38°59'39" W	20.00
C82	09°45'25"	350.00	59.60	29.87	N 32°28'41" W	59.53
C83	06°36'13"	285.00	32.85	16.44	S 21°44'37" E	32.83
C84	15°36'58"	285.00	77.68	39.08	S 10°38'02" E	77.44
C85	05°23'06"	285.00	26.79	13.40	S 00°07'59" E	26.78
C86	38°53'34"	75.00	52.22	27.22	S 17°23'14" E	51.17
C87	15°29'51"	75.00	20.29	10.21	S 45°04'57" E	20.22
C88	08°15'02"	425.00	61.20	30.65	S 48°42'21" E	61.15
C89	10°26'59"	425.00	77.51	38.86	S 39°21'22" E	77.40
C90	09°05'08"	425.00	67.39	33.77	S 29°35'18" E	67.32
C91	23°19'44"	150.00	61.87	30.97	S 13°22'52" E	60.65
C92	18°39'17"	150.00	48.84	24.64	S 07°36'38" W	48.62
C93	09°16'47"	150.00	24.29	12.17	N 21°34'40" E	24.27
C94	07°35'46"	150.00	19.89	9.96	S 30°00'57" W	19.87
C95	24°31'59"	30.00	12.85	6.52	S 21°32'50" W	12.75
C96	18°06'27"	60.00	18.96	9.56	S 18°20'04" W	18.88
C97	56°29'50"	60.00	59.16	32.24	S 55°36'13" W	56.80
C98	41°27'25"	60.00	43.41	22.71	S 75°23'10" E	42.47
C99	42°29'14"	60.00	44.49	23.33	N 33°24'51" W	43.48
C100	44°15'08"	60.00	46.34	24.40	N 09°57'21" E	45.20
C101	19°11'34"	60.00	20.10	10.14	S 41°40'42" W	20.00
C102	44°34'04"	60.00	46.67	24.59	S 75°33'31" W	45.50
C103	99°01'05"	30.00	51.85	35.14	S 46°20'00" W	45.63
C104	21°52'11"	100.00	38.17	19.32	S 14°06'38" E	37.94
C105	11°57'10"	375.00	78.23	39.26	N 31°01'19" W	78.09
C106	13°21'58"	375.00	87.48	43.94	N 43°40'55" W	87.28
C107	10°12'01"	30.00	53.13	36.70	S 78°53'56" W	46.45
C108	21°09'04"	285.00	105.21	53.21	S 38°46'00" W	104.61
C109	13°36'29"	285.00	67.69	34.00	N 56°08'46" E	67.53
C110	01°20'57"	285.00	6.71	3.36	N 63°37'36" E	6.71
C111	02°20'04"	325.00	13.24	6.62	N 65°27'57" E	13.24
C112	13°25'09"	325.00	76.12	38.23	S 72°20'37" W	75.84
C113	11°01'06"	325.00	62.50	31.35	N 85°33'44" E	62.40
C114	12°13'53"	325.00	69.38	34.82	S 82°48'46" E	69.25
C115	21°17'04"	158.89	59.02	29.86	N 67°18'21" W	58.69
C116	27°08'04"	400.00	189.43	96.53	N 38°36'51" W	187.67
C117	78°42'26"	125.00	173.89	104.34	N 14°45'29" E	180.21
C118	02°33'14"	350.00	15.60	7.80	N 28°19'29" W	15.60

SCALE AS NOTED	COMMISSION NUMBER 2050330
DESIGNED MUT/PRC	CHECKED MHC
DRAWN BK	DATE 10/20/04
SHEET NUMBER 1 OF 3	

SUBDIVISION PLAT THE POINTE AT JAMESTOWN, SECTION 2-B OWNER/DEVELOPER HAMPSON ROADS DEVELOPMENT, L.L.C.	
BERKELEY DISTRICT	JAMES CITY COUNTY VIRGINIA

THIS DOCUMENT IS THE SOLE PROPERTY OF DJS, INC. OF WILLIAMSBURG, VIRGINIA. THE REPRODUCTION, IN WHOLE OR PART, OR THE MODIFICATION OF ANY DETAIL OR DESIGN IS NOT TO BE MADE WITHOUT THE EXPRESS WRITTEN CONSENT OF DJS, INC. COPYRIGHT 2005.		
NO.	DATE	DESCRIPTION
1	7/11/05	REVISIONS PER COUNTY COMMENTS
2	8/08/05	REVISIONS PER JCSA COMMENTS

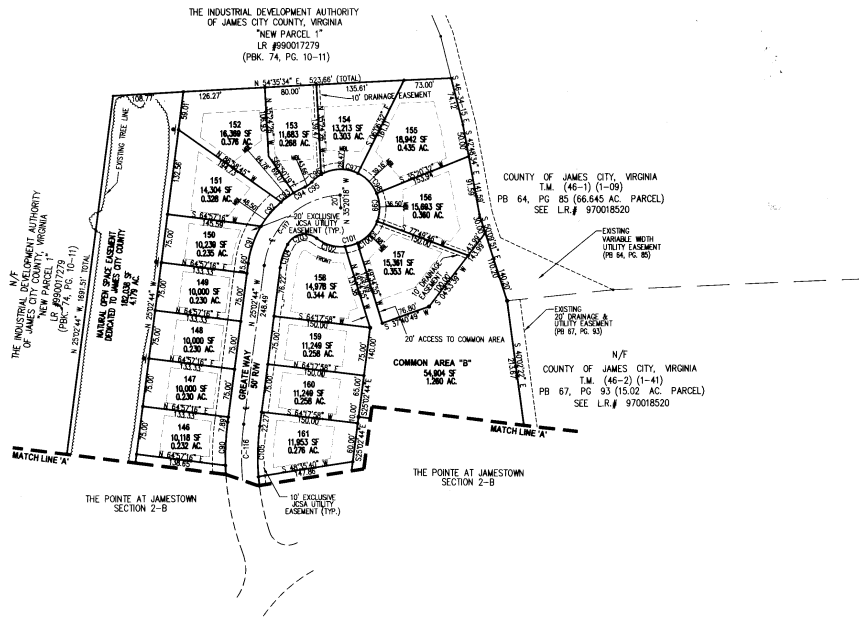


Recorded Plat
SRP-20-0009
4732 Yeardley Loop

Width of Easement = 107 ft

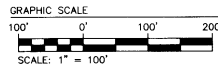


080026641



- LEGEND**
- P.B.K. = PLAT BOOK
 - D.B.K. = DEED BOOK
 - L.R. = LAND RECORD
 - R/W = RIGHT OF WAY
 - SF = SQUARE FEET
 - AC = ACRES
 - N/F = NOW OR FORMERLY
 - JCSA = JAMES CITY SERVICE AUTHORITY
 - CL = CENTERLINE
 - = DENOTES IRON ROD SET
 - IRF = IRON ROD FOUND
 - MBL = MINIMUM BUILDING LINE (WITH SET BACK DIMENSION)
 - W = JAMES CITY COUNTY CONSERVATION EASEMENT SIGN

City of Williamsburg & County of James City Circuit Court. This PLAT was recorded on 30 September 2008 at 3:57 AM/PM. PB --- PG --- DOCUMENT # 080026641 BETSY B. WOODRIDGE, CLERK *Betsy Woodridge* Clerk



3 Large (same) (11x17) recorded herewith as # 080026641

3 OF 3	COMMISSION NUMBER 2050330	SCALE AS NOTED	SUBDIVISION PLAT THE POINTE AT JAMESTOWN, SECTION 2-B	THIS DOCUMENT IS THE SOLE PROPERTY OF DUG, INC. OF WILLIAMSBURG, VIRGINIA. THE REPRODUCTION, IN WHOLE OR PART, OR THE MODIFICATION OF ANY DETAIL OR DESIGN IS NOT TO BE MADE WITHOUT THE EXPRESS WRITTEN CONSENT OF DUG, INC. COPYRIGHT 2005.		REVISIONS				
	SHEET NUMBER 3	DESIGNED NMT	OWNER/DEVELOPER HAMPTON ROADS DEVELOPMENT, L.L.C.	NO.	DATE					DESCRIPTION
	DRAWN RK	DATE 10/20/04	BERKELEY DISTRICT JAMES CITY COUNTY VIRGINIA	1	7/11/05					REVISIONS PER COUNTY COMMENTS
	CHECKED MFC									

Recorded Plat

SRP-20-0009

4732 Yeardley Loop



April 24, 2020



April 24, 2020

Site Photo #1 and #2
SRP-20-0009
4732 Yeardley Loop



Site Photo #3 and #4
SRP-20-0009
4732 Yeardley Loop



April 24, 2020



April 24, 2020

Site Photo #5 and #6
SRP-20-0009
4732 Yeardley Loop



Site Photo #7 and #8
SRP-20-0009
4732 Yeardley Loop

Notice of Violation



- ✓ To remedy the violations, the following actions
 - ✓ - All improvements to the property must be removed.
 - ✓ - The disturbed area must be replanted with 30 loblolly pines, 6 to 8 feet in height.
 - ✓ - Payment of a one-time \$5,000 civil charge to the County.

Civil Charge Matrix



Civil Charge Determination

Water Quality Impact	Significant	\$5,000	\$7,500	\$10,000
	Moderate	\$1,500	\$3,000	\$ 4,500
	Minor	\$500	\$1,000	\$ 1,500

Minor Moderate Major

Degree of Non-Compliance

Staff Guidance



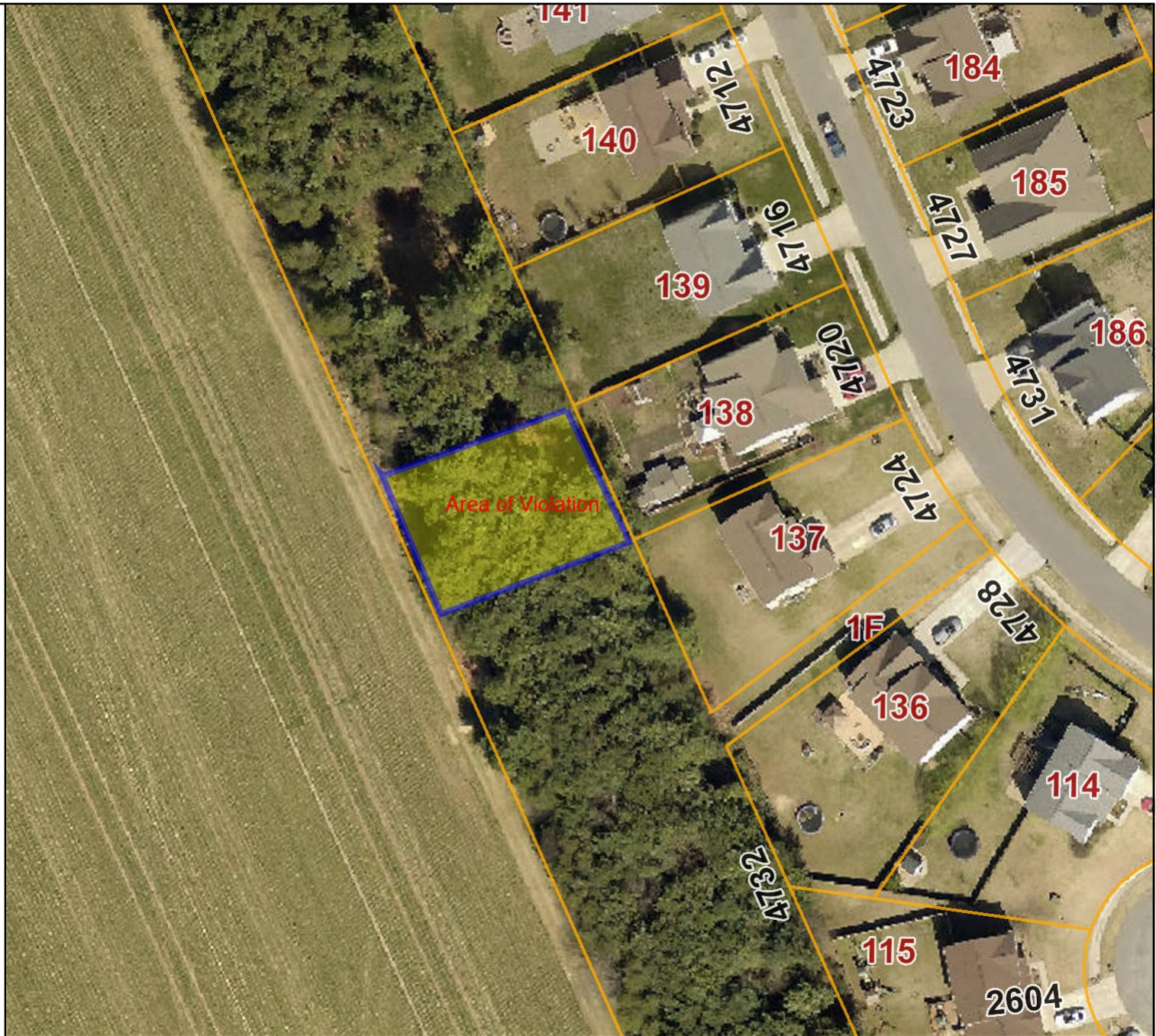
Section 23-17(b)

- ✓ The Board shall balance the hardship to the property owner with the purpose, intent and objectives of this chapter. The Board shall not decide in favor of the appellant unless it finds:
 - ✓ - The hardship is not generally shared by other properties in the area.
 - ✓ - The Chesapeake Bay, its tributaries and other properties in the vicinity will not be adversely affected.
 - ✓ - The appellant acquired the property in good faith and the hardship is not self-inflicted.

James City County, Virginia

Legend

Parcels



Feet
0 20 40 60 80
1:1,128 / 1"=74 Feet

Title:

Date: 5/1/2020

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

080 026642

EXEMPT FROM RECORDATION TAX UNDER VIRGINIA CODE
SECTION 58.1-811(A)(3), AS AMENDED

Parcel ID Nos.: (46-4)(01-26) & (46-4)(01-27)

DEED OF EASEMENT FOR NATURAL OPEN SPACE

THIS DEED OF EASEMENT, made as of September 24, 2008, by and between HAMPTON ROADS DEVELOPMENT, L.L.C., a Virginia limited liability company, and its successors and assigns ("Grantor"); and the COUNTY OF JAMES CITY, VIRGINIA ("Grantee").

WHEREAS, the Grantor is the owner of certain property known as **The Pointe at Jamestown, Section 2-B**, consisting of a tract of land containing 23.855 acres, more or less (the "Development Property"); and

WHEREAS, Grantee has adopted the Chesapeake Bay Preservation Ordinance, Chapter 23 of the James City County Code, as required by Chapter 21 of Title 10.1 of the Code of Virginia to protect the Chesapeake Bay and its tributaries from non-point source pollution within the Chesapeake Bay drainage area; and

WHEREAS, the Grantor wishes to preserve land as natural open space as part of Grantor's efforts to improve the quality of storm water runoff from the Development Property.

NOW, THEREFORE, in recognition of the foregoing and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor does hereby grant and convey to Grantee an easement in perpetuity in gross, with the right in perpetuity to restrict the use as described below, of that certain tract, lot, piece or parcel of land, more particularly described in Exhibit "A" attached hereto and made a part of this document (the "Easement Property").

The restrictions hereby imposed on the use of the Easement Property, the acts which the Grantor covenants to do or not to do, and the restrictions which the Grantee is hereby entitled to enforce, shall be as follows:

1. No building or structure shall be built or maintained on the Easement Property other than such buildings or structures approved in writing by the County Watershed Planner.

Prepared by: Kaufman & Canoles, P.C., 2236 Cunningham Drive, Hampton, Virginia
Return to

2. The Easement Property shall be kept free and clear of any junk, trash, rubbish, or other unsightly or offensive material.

3. No new signs, billboards, outdoor advertising, road or utility lines shall be placed on the Easement Property without the express written consent of the County Watershed Planner.

4. The Easement Property shall remain in its natural condition with respect to natural leaf litter or other ground covering vegetation, under-story vegetation or shrub layer, and tree canopy, except as otherwise expressly provided in this Deed of Easement. The activities of Grantor within the Easement Property shall be limited to those which do not remove or damage any vegetation or disturb any soil. Such activities include selective trimming and pruning which will not alter the natural character of the Easement Property, with the express written consent of the County Watershed Planner. Grantor may, with the express written consent of the County Watershed Planner (i) install and maintain walking trails and other passive recreational facilities such as boardwalks, (ii) conduct historic preservation and archeological activities, (iii) remove dead, diseased, poisonous or invasive vegetation and (iv) install additional or supplemental vegetation to ensure the maintenance or establishment of a vegetative buffer.

5. Grantee and its representatives may enter upon the Easement Property from time to time for inspection, to enforce the terms of this Easement and to post a sign or marker identifying Grantee's interest in the Easement Property as natural open space.

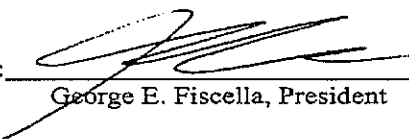
6. In the event of a violation of this Easement, the Grantee shall have the right to seek all appropriate legal and equitable relief, including but not limited to, reasonable attorneys' fees and costs, the right to restore the Easement Property to its natural condition and assess the cost of such restoration as a lien against the Easement Property.

Although this Easement in gross will benefit the public in the ways cited above, nothing herein shall be construed to convey a right to the public of access to or use of the Easement Property, except as provided in Paragraph 5, and the Grantor shall retain exclusive right to such access and use, subject only to the provisions of this Easement.

Witness the following signatures and seals on the date first above written.

HAMPTON ROADS DEVELOPMENT, L.L.C., a Virginia
limited liability company

By: Virginia Enterprises, Inc.
a Virginia corporation, its Manager

By: 
George E. Fiscella, President

COMMONWEALTH OF VIRGINIA
AT LARGE, to-wit:

The foregoing instrument was acknowledged before me in Newport News, Virginia, this
24th day of September, 2008, by George E. Fiscella, President of Virginia Enterprises,
Inc., a Virginia corporation, the Manager of Hampton Roads Development, L.L.C., a Virginia
limited liability company, for and on behalf of the corporation and company, respectively. The said
George E. Fiscella ☒ is personally known to me or ☐ has produced satisfactory evidence of
identity.

My commission expires: March 31, 2011

John B. Armstrong #207651
Notary Public (Affix Seal & Registration Number)



The form of this Deed of Easement is approved and, pursuant to Resolution of the Board of Supervisors of James City County, Virginia, duly executed on the 9th day of September, 2008, this conveyance is hereby accepted on behalf of said County.

Date: October 14, 2008

Adam R. Kinsman
Approved by County Attorney

COMMONWEALTH OF VIRGINIA
AT LARGE, to-wit:

The foregoing instrument was acknowledged before me in James City County, Virginia, this 14th day of October, 2008, by Adam R. Kinsman, the Deputy County Attorney for the County of James City, Virginia, for and on behalf of the County. The aforementioned individual ☒ is personally known to me or ☐ has produced satisfactory evidence of identity.

My commission expires: December 31, 2012

Beth Klapper
Notary Public (Affix Seal & Registration Number)

4049128\1

Beth Klapper
Notary Public No.: 7182762
Commonwealth of Virginia
My Commission Expires:
December 31, 2012

ATTACHED TO AND MADE A PART OF DEED OF EASEMENT FOR NATURAL OPEN SPACE.

EXHIBIT "A"

EASEMENT PROPERTY DESCRIPTION

All that certain strip or parcel of land located in the County of James City, Virginia, designated and described as "NATURAL OPEN SPACE EASEMENT DEDICATED TO JAMES CITY COUNTY" as shown on that certain plat entitled "SUBDIVISION PLAT, THE POINTE AT JAMESTOWN, SECTION 2-B", dated October 20, 2004, last revised August 8, 2005, made by DJG, Inc., Engineers - Architects, and LandTech Resources, Inc., Surveying - GPS - Engineering, and duly recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City, Virginia, as instrument # 080026641 to which said plat reference is here made for a more particular description of the property.

Subject, however, to any and all covenants, restrictions, easements, rights of way and other conditions of record affecting said property.

4049128V1

VIRGINIA: CITY OF WILLIAMSBURG & COUNTY OF JAMES CITY
This document was admitted to record on 30 Oct 08
at 3:57 AM/PM. The taxes imposed by Virginia Code
Section 58.1-801, 58.1-802 & 58.1-814 have been paid.

STATE TAX LOCAL TAX ADDITIONAL TAX

\$ _____ \$ _____ \$ _____
TESTE: BETSY B. WOOLRIDGE, CLERK

5 of 5

BY Betsy B. Woolridge Clerk

080026641

OWNER'S CERTIFICATE

THE SUBDIVISION OF LAND SHOWN ON THIS PLAT AND KNOWN AS THE POINTE AT JAMESTOWN, SECTION 2-B IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNERS, PROPRIETORS AND OR TRUSTEES.

10/21/18

DATE

HAMPTON ROADS DEVELOPMENT, L.L.C.

BY: VIRGINIA ENTERPRISES, INC., A VIRGINIA CORPORATION,
ITS MANAGER

BY: GEORGE E. FISCELLA, PRESIDENT

CERTIFICATE OF NOTARIZATION

STATE OF VIRGINIA

CITY/COUNTY OF James City, John B. Armstrong, A NOTARY PUBLIC IN AND FOR THE CITY/COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT THE PERSON WHOSE NAME IS SIGNED TO THE FOREGOING WRITING HAS ACKNOWLEDGED THE SAME BEFORE ME IN THE CITY/COUNTY AFORESAID, GIVEN UNDER MY HAND THIS 21 DAY OF October, 2018.

MY COMMISSION EXPIRES March 31, 2011John B. Armstrong Reg # 207651
NOTARY PUBLIC

CERTIFICATE OF SOURCE OF TITLE

THE PROPERTY SHOWN ON THIS PLAT WAS CONVEYED BY ASSOCIATED DEVELOPERS, INC., AND WELFORD CORPORATION TO HAMPTON ROADS DEVELOPMENT, LLC BY DEED DATED 10/19/01 AND RECORDED AS INSTRUMENT #LR.010019015; AND BY ASSOCIATED DEVELOPERS, INC., AND WELFORD CORPORATION BY DEED DATED 2/15/02 AND RECORDED AS INSTRUMENT #LR.020004578. BOTH DEEDS BEING RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF THE COUNTY OF JAMES CITY, VIRGINIA.

ENGINEERS OR SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE OR BELIEF, THIS PLAT COMPLIES WITH ALL OF THE REQUIREMENTS OF THE BOARD OF SUPERVISORS AND ORDINANCES OF THE COUNTY OF JAMES CITY, VIRGINIA, REGARDING THE PLATTING OF SUBDIVISIONS WITHIN THE COUNTY.

10-20-08

DATE

MATTHEW H. CONNOLLY L.S. #002053

CERTIFICATE OF APPROVAL

THIS SUBDIVISION IS APPROVED BY THE UNDERSIGNED IN ACCORDANCE WITH EXISTING SUBDIVISION REGULATIONS AND MAY BE ADMITTED TO RECORD.

10/29/08 BANK A.W.
DATE VIRGINIA DEPARTMENT OF TRANSPORTATIONDATE N/A
VIRGINIA DEPARTMENT OF HEALTH10/30/08 Ellen Lutz
DATE SUBDIVISION AGENT OF JAMES CITY COUNTY

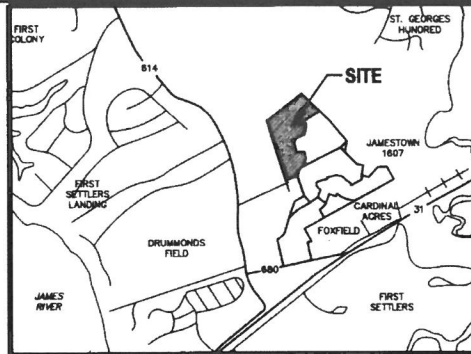
STATE OF VIRGINIA, JAMES CITY COUNTY

IN THE CLERK'S OFFICE OF THE CIRCUIT COURT FOR THE COUNTY OF JAMES CITY THE 30 DAY OF October, 2018 @ 3:54 PM

THIS MAP WAS PRESENTED AND ADMITTED TO RECORD AS THE LAW DIRECTS IN PLAT BOOK 2050330 PAGE 1TESTE Betty B. Winkler, ClerkBY Claudia H. Hinkley, Dep. Clerk3 Large/Small Plat(s) Recorded
herein as # 080026641

NOTES CONT.

10. EASEMENTS DENOTED AS "JCSA UTILITY EASEMENTS" ARE FOR THE EXCLUSIVE USE OF THE JAMES CITY SERVICE AUTHORITY AND THE PROPERTY OWNER. OTHER UTILITY SERVICE PROVIDERS DESIRING TO USE THESE EASEMENTS WITH THE EXCEPTION OF PERPENDICULAR UTILITY CROSSINGS MUST OBTAIN AUTHORIZATION FOR ACCESS AND USE FROM JCSA AND THE PROPERTY OWNER. ADDITIONALLY, JCSA SHALL NOT BE HELD RESPONSIBLE FOR ANY DAMAGE TO IMPROVEMENTS WITHIN THIS EASEMENT, FROM ANY CAUSE.
11. NATURAL OPEN SPACE EASEMENT SHALL REMAIN IN A NATURAL UNDISTURBED STATE EXCEPT FOR THOSE ACTIVITIES REFERENCED IN THE DEED OF EASEMENTS.

VICINITY MAP
SCALE: 1" = 2000'

SECTION 2-B SITE DATA:

- * LOT AREA (53 LOTS): 668,368 S.F./ 15.344 AC.
- * R/W DEDICATION: 126,754 S.F./ 2.910 AC.
- * NATURAL OPEN SPACE EASMT: 182,038 S.F./ 4.179 AC.
- * COMMON AREA: 54,904 S.F./ 1.260 AC.
- * 20' ACCESS AREAS (2): 7,076 S.F./ 0.162 AC.
- * TOTAL AREA: 1,039,140 S.F./ 23.855 AC.

* PARCEL ID #: (46-4)(01-26) & (46-4)(01-27)

* ZONING DISTRICT: R2 WITH PROFFERS (SEE CASE# Z-9-94, Z-19-95, & Z-20-95).

* BUILDING SETBACK:

FRONT = 25'

REAR = 35'

SIDE = 10'

* CORNER LOTS: THE FRONT OF THE LOT SHALL BE THE SHORTER OF THE TWO SIDES FRONTING ON STREETS. NO STRUCTURES SHALL BE LOCATED CLOSER THAN 25' TO THE SIDE STREET. CORNER LOTS SHALL HAVE A MINIMUM WIDTH AT THE SETBACK LINE OF 100'.

* ALL LOTS SERVED BY PUBLIC WATER & PUBLIC SEWER.

NOTES:

- RECORDED REFERENCES:
PLAT BOOK 76, PAGE 94; INSTRUMENT #LR.010019015,
INSTRUMENT #LR.020004578, INSTRUMENT #LR.030033966,
INSTRUMENT #LR.040020605, INSTRUMENT #LR.050000637
OFFICE OF THE CLERK OF THE CIRCUIT COURT OF JAMES CITY COUNTY, VIRGINIA.
- NFIP FLOOD ZONE X. SEE FIRM#510201-0045-B, EFFECTIVE DATE 2/6/91.
FLOOD ZONES SUBJECT TO CHANGE BY FEMA.
- COMMON AREAS TO BE DEDICATED TO THE POINTE AT JAMESTOWN HOMEOWNER'S ASSOCIATION.
- ANY ANY EXISTING UNUSED WELLS SHALL BE ABANDONED IN ACCORDANCE WITH STATE PRIVATE WELL REGULATIONS AND JAMES CITY COUNTY CODE.
- ALL STREETS HEREBY DEDICATED FOR PUBLIC USE.
- IN ACCORDANCE WITH SECTION 19-33 OF THE SUBDIVISION ORDINANCE, ALL UTILITIES SHALL BE PLACED UNDERGROUND. MONUMENTS SHALL BE SET IN ACCORDANCE WITH SECTIONS 19-34 THROUGH 19-36 OF THE SUBDIVISION ORDINANCE.
- ALL EXTERIOR SIGNS SHALL COMPLY WITH THE REGULATIONS IN ARTICLE II, DIVISION 3 OF THE JAMES CITY COUNTY ZONING ORDINANCE. IN ACCORDANCE WITH SECTION 19-55 OF THE SUBDIVISION ORDINANCE, EITHER THE STREET SIGNS OR THE ALPHA NUMERIC LETTERING SHALL BE OF A REFLECTIVE MATERIAL.
- UNLESS OTHERWISE NOTED ALL DRAINAGE EASEMENTS DESIGNATED ON THIS PLAT SHALL BE PRIVATE.
- A NON-EXCLUSIVE DRAINAGE EASEMENT IS RESERVED FOR USE BY THE POINTE AT JAMESTOWN HOMEOWNER'S ASSOCIATION ON, OVER, AND ACROSS EACH LOT, 10' IN WIDTH CONTIGUOUS WITH THE REAR LOT LINE, AND 5' IN WIDTH CONTIGUOUS WITH SIDE LOT LINES OR AS SHOWN ON THE PLAT.

CURVE DATA TABLE:

NUMBER	DELTA ANGLE	RADIUS	ARC LENGTH	TANGENT	CHORD DIRECTION	CHORD LENGTH
C54	72°07'29"	325.00	409.11	236.67	S 61°06'29" E	382.63
C55	89°20'42"	260.00	405.43	257.04	S 19°37'37" W	365.59
C56	37°30'18"	300.00	196.38	101.85	S 83°03'07" W	192.89
C57	25°17'56"	275.00	121.43	61.72	N 87°21'59" E	120.44
C58	10°25'03"	275.00	50.00	25.07	S 69°30'28" W	49.93
C59	13°58'29"	235.00	57.32	28.80	N 57°18'44" E	57.18
C60	24°51'47"	235.00	101.98	51.80	S 37°53'35" W	101.18
C61	24°53'03"	235.00	102.06	51.85	N 13°01'10" E	101.26
C62	25°37'23"	235.00	105.09	53.44	S 12°14'03" E	104.22
C63	17°29'14"	300.00	91.56	46.14	S 33°47'22" E	91.21
C64	26°53'36"	300.00	140.81	71.73	S 55°58'46" E	139.52
C65	17°16'20"	300.00	90.44	45.56	S 78°03'44" E	90.09
C66	16°32'46"	300.00	86.64	43.62	N 85°01'43" E	86.33
C67	14°05'41"	350.00	86.10	43.27	N 85°28'26" W	85.88
C68	82°20'16"	25.00	35.93	21.86	S 60°24'18" W	32.91
C69	52°19'49"	30.00	27.40	14.74	S 06°55'44" E	26.46
C70	37°04'16"	60.00	38.82	20.12	S 14°33'29" E	38.15
C71	52°47'36"	60.00	55.29	29.78	N 30°22'28" E	53.35
C72	37°24'07"	60.00	39.17	20.31	N 75°28'20" E	38.48
C73	20°35'46"	60.00	21.57	10.90	S 75°31'44" E	21.45
C74	21°54'57"	60.00	22.95	11.62	S 54°16'22" E	22.81
C75	61°47'43"	60.00	64.71	35.91	N 12°25'02" W	61.62
C76	53°05'08"	60.00	55.59	29.97	S 45°01'26" W	53.62
C77	52°19'49"	30.00	27.40	14.74	S 45°24'05" W	26.46
C78	82°20'16"	25.00	35.93	21.86	S 21°55'58" E	32.91
C79	132°15'0"	350.00	81.64	41.00	S 56°25'09" E	81.45
C80	09°06'22"	350.00	55.63	27.87	S 45°11'05" E	55.57
C81	03°16'31"	350.00	20.01	10.01	N 38°59'39" W	20.00
C82	09°45'25"	350.00	59.60	29.87	N 32°28'41" W	59.53
C83	06°36'13"	285.00	32.85	16.44	S 21°44'37" E	32.83
C84	15°36'58"	285.00	77.68	39.08	S 10°38'02" E	77.44
C85	05°23'06"	285.00	26.79	13.40	S 00°07'59" E	26.78
C86	39°53'34"	75.00	52.22	27.22	S 17°23'14" E	51.17
C87	15°29'51"	75.00	20.29	10.21	S 45°04'57" E	20.22
C88	08°15'02"	425.00	61.20	30.65	S 48°42'21" E	61.15
C89	10°26'59"	425.00	77.51	38.86	S 39°21'22" E	77.40
C90	09°05'08"	425.00	67.39	33.77	S 29°35'18" E	67.32
C91	23°19'44"	150.00	61.07	30.97	S 13°22'52" E	60.65
C92	18°39'17"	150.00	48.84	24.64	S 07°36'38" W	48.62
C93	09°16'47"	150.00	24.29	12.17	N 21°34'40" E	24.27
C94	07°35'46"	150.00	19.89	9.96	S 30°00'57" W	19.87
C95	24°31'59"	30.00	12.85	6.52	S 21°32'50" W	12.75
C96	18°06'27"	60.00	18.96	9.56	S 18°20'04" W	18.88
C97	56°29'50"	60.00	59.16	32.24	S 55°38'13" W	56.80
C98	41°27'25"	60.00	43.41	22.71	S 75°23'10" E	42.47
C99	42°29'14"	60.00	44.49	23.33	N 33°24'51" W	43.48
C100	44°15'08"	60.00	46.34	24.40	N 09°57'21" E	45.20
C101	19°11'34"	60.00	20.10	10.14	S 41°40'42" W	20.00
C102	44°34'04"	60.00	46.67	24.59	S 73°33'31" W	45.50
C103	99°01'05"	30.00	51.85	35.14	S 46°20'00" W	45.63
C104	21°52'11"	100.00	38.17	19.32	S 14°06'38" E	37.94
C105	11°57'10"	375.00	78.23	39.26	N 31°01'19" W	78.09
C106	13°21'58"	375.00	87.48	43.94	N 43°40'55" W	87.28
C107	101°28'19"	30.00	53.13	36.70	S 78°53'56" W	46.45
C108	21°09'04"	285.00	105.21	53.21	S 38°46'00" W	104.61
C109	13°36'29"	285.00	67.69	34.00	N 56°08'46" E	67.53
C110	01°20'57"	285.00	6.71	3.36	N 63°37'36" E	6.71
C111	02°20'04"	325.00	13.24	6.62	N 65°27'57" E	13.24
C112	13°25'09"	325.00	76.12	38.23	S 73°20'37" W	75.94
C113	11°01'06"	325.00	62.50	31.35	N 85°33'44" E	62.40
C114	12°13'53"	325.00	69.38	34.82	S 82°48'46" E	69.25
C115	21°17'04"	158.89	59.02	29.86	N 67°18'21" W	58.69
C116	27°08'04"	400.00	189.43	96.53	N 38°36'51" W	187.67
C117	79°42'26"	125.00	173.89	104.34	N 14°48'29" E	160.21
C118	02°33'14"	350.00	15.60	7.80	N 26°19'29" W	15.60

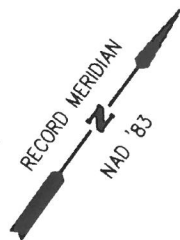
1 OF 3	COMMISSION NUMBER 2050330	SCALE AS NOTED	DESIGNED MLH/RR	DRAWN RR	CHECKED MHC	DATE 10/20/04	SUBDIVISION PLAT THE POINTE AT JAMESTOWN, SECTION 2-B OWNER/DEVELOPER HAMPTON ROADS DEVELOPMENT, L.L.C. BERKELEY DISTRICT JAMES CITY COUNTY VIRGINIA			THIS DOCUMENT IS THE SOLE PROPERTY OF DJG, INC. OF WILLIAMSBURG, VIRGINIA. THE REPRODUCTION, IN WHOLE OR PART, OR THE MODIFICATION OF ANY DETAIL OR DESIGN IS NOT TO BE MADE WITHOUT THE EXPRESS WRITTEN CONSENT OF DJG, INC., COPYRIGHT 2005.			REVISIONS 1 7/11/05 REVISIONS PER COUNTY COMMENTS 2 8/08/05 REVISIONS PER JCSA COMMENTS	LAND SURVEYOR MATTHEW H. CONNOLLY No. 002063 10/20/08	LandTech Resources, Inc. Surveying • GPS • Engineering 205-E Bulfinch Boulevard, Williamsburg, VA 23188 Phone: (757) 565-1677 Fax: (757) 565-0782 web: landtechresources.com	DJG Committed to Excellence ENGINEERS • ARCHITECTS 449 McLaws Circle, P.O. Box 3505 Williamsburg, Virginia 23187 (757)253-0673 FAX: (757)253-2319 E-MAIL: williamsburg@djginc.com NORFOLK - VIRGINIA BEACH AREA (757)874-5015

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ENGINEERS • ARCHITECTS

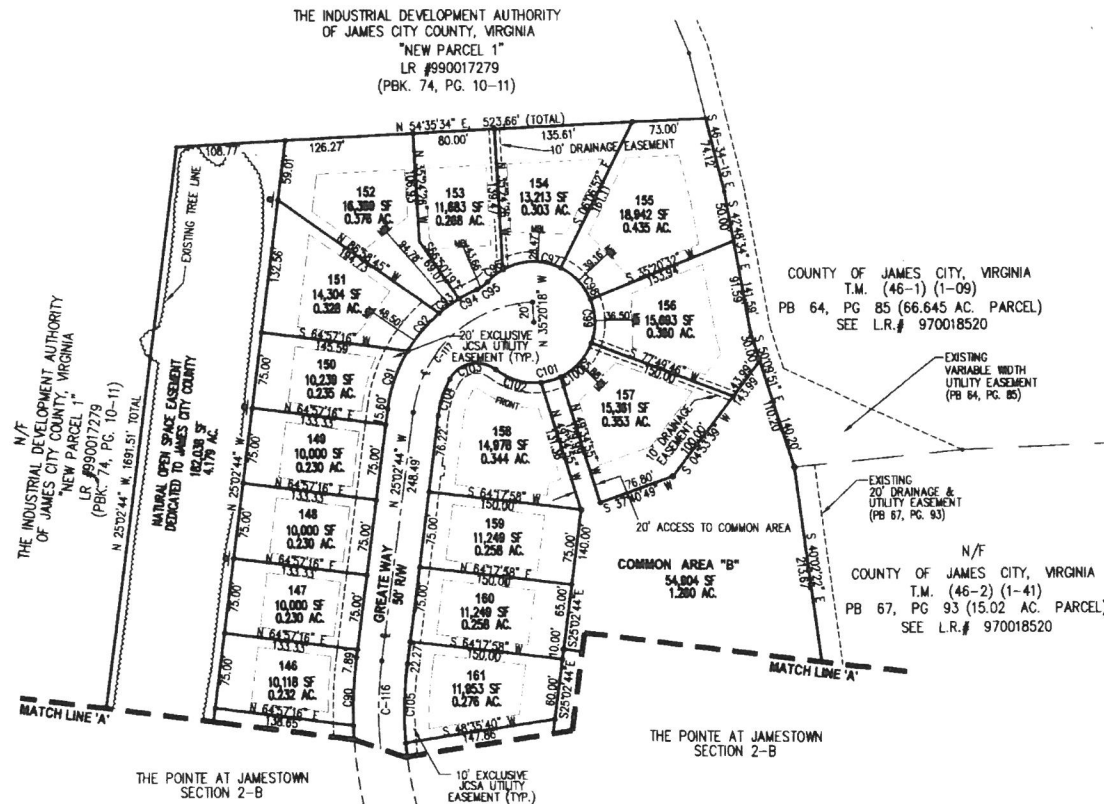
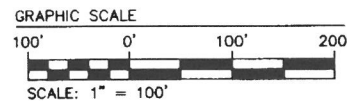
449 McLAWS CIRCLE, P.O. BOX 3505 WILLIAMSBURG, VIRGINIA 23187
(757)253-0673 FAX: (757)253-2319 E-MAIL: williamsburg@djginc.com
NORFOLK - VIRGINIA BEACH AREA (757)874-5015

080026641



- LEGEND**
- P.BK. = PLAT BOOK
 - D.BK. = DEED BOOK
 - L.R. = LAND RECORD
 - R/W = RIGHT OF WAY
 - SF = SQUARE FEET
 - AC = ACRE(S)
 - N/F = NOW OR FORMERLY
 - JCSA = JAMES CITY SERVICE AUTHORITY
 - CL = CENTERLINE
 - = DENOTES IRON ROD SET
 - IRF = IRON ROD FOUND
 - MBL = MINIMUM BUILDING LINE (WITH SET BACK DIMENSION)
 - ☞ = JAMES CITY COUNTY CONSERVATION EASEMENT SIGN

City of Williamsburg & County of James City
 Circuit Court: This PLAT was recorded on
30.6.2008
 at 3:54 AM/PM PB --- PG ---
 DOCUMENT # 080026641
 BETSY B. WOOLRIDGE, CLERK
Betsy B. Woolridge Clerk



3 Large/Small Maps Recorded
 herewith as # 080026641

3 OF 3 SHEET NUMBER 3	SCALE AS NOTED DESIGNED MLHT DRAWN RK CHECKED MMC DATE 10/20/04	SUBDIVISION PLAT THE POINTE AT JAMESTOWN, SECTION 2-B OWNER/DEVELOPER HAMPTON ROADS DEVELOPMENT, L.L.C. BERKELEY DISTRICT JAMES CITY COUNTY VIRGINIA	THIS DOCUMENT IS THE SOLE PROPERTY OF DJG, INC. OF WILLIAMSBURG, VIRGINIA. THE REPRODUCTION, IN WHOLE OR PART, OR THE MODIFICATION OF ANY DETAIL OR DESIGN IS NOT TO BE MADE WITHOUT THE EXPRESS WRITTEN CONSENT OF DJG, INC., COPYRIGHT 2005.	NO. DATE DESCRIPTION 1 7/11/05 REVISIONS PER COUNTY COMMENTS	REVISIONS		205-E Bulfinch Boulevard, Williamsburg, VA 23108 Phone: (757) 565-1677 Fax: (757) 565-0782 web: landtechresources.com	ENGINEERS • ARCHITECTS 449 McLaws Circle, P.O. Box 3506 Williamsburg, Virginia 23187 (757) 253-0673 FAX: (757) 253-2319 E-MAIL: williamsburg@djginc.com NORFOLK - VIRGINIA BEACH AREA (757) 874-5015
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April 24, 2020



April 24, 2020



April 24, 2020



April 24, 2020



April 24, 2020



April 24, 2020

ITEM SUMMARY

DATE: 8/12/2020

TO: Chesapeake Bay Board

FROM: Michael Woolson, Senior Watershed Planner

SUBJECT: The Pointe Homes Association is appealing the Notice of Violation.

ATTACHMENTS:

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution to Grant	Resolution
☐	Resolution to Deny	Resolution
☐	Notice of Violation, May 6, 2020	Backup Material
☐	Presentation	Presentation
☐	Vicinity Map	Backup Material
☐	Deed of Easement	Backup Material
☐	Recorded Plat, Sheet 1 of 3	Backup Material
☐	Recorded Plat, Sheet 2 of 3	Backup Material
☐	Recorded Plat, Sheet 3 of 3	Backup Material
☐	Site Photograph #1	Backup Material
☐	Site Photograph #2	Backup Material
☐	Site Photograph #3	Backup Material
☐	Site Photograph #4	Backup Material
☐	Site Photograph #5	Backup Material
☐	Site Photograph #6	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Secretary, ChesBay	Approved	8/10/2020 - 9:13 PM

MEMORANDUM

DATE: August 12, 2020

TO: The Chesapeake Bay Board

FROM: Michael D. Woolson, Senior Watershed Planner

SUBJECT: Appeal of Notice of Violation – Natural Open Space Easement at 4732 Yeardeley Loop, Phase 2B The Pointe at Jamestown

Mr. William Sleeth, III, on behalf of The Pointe Homes Association, has filed an appeal to the James City County Chesapeake Bay Board (Board) on July 9, 2020. They are appealing an administrative decision to remove all improvements in the easement property behind 4720 Yeardeley Loop, replanting the disturbed area, and a one-time payment of a civil charge.

Background Information

On or about April 24, 2020, an anonymous complaint was received by our office about unauthorized tree removal in the buffer between Mainland Farm and The Pointe at Jamestown. Once investigated, it was determined that the area in question was located behind 4720 Yeardeley Loop.

On May 6, 2020, staff issued a Notice of Violation (NOV) to the President/Manager of The Pointe Homes Association stating that the area behind 4720 Yeardeley Loop was in violation of Sections 23-10, because the area of disturbance exceeded 2,500 square feet and needed a plan of development and a land disturbing permit. The area was also a violation of Condition #4 of the recorded Deed of Easement for Natural Open Space which states that the easement property shall remain in its natural condition with respect to leaf litter, understory vegetation and tree canopy.

On June 10, 2020, Mr. Sleeth submitted a request that the County pursue enforcement actions against the responsible parties and stated that it appeared to be reasonable to assume the involvement of the current owner of the referenced lot. On July 9, 2020, Mr. Sleeth submitted an appeal of the NOV. Staff extended the appeal deadline because the original NOV went to an old address.

Staff Guidance and Recommendations

Staff has reviewed the appeal and associated documents and offers the following information for the Board's consideration.

1. Mr. William Sleeth, III represents The Pointe Homes Association.
2. The Pointe Homes Association is the owner of JCC Parcel Identification No. 464060000E, which has a mailing address of 4732 Yeardeley Loop.
3. Photographs show fresh cut stumps and logs in the area behind 4720 Yeardeley Loop.
4. The Developer recorded the Deed of Easement for Natural Open Space on October 30, 2008.

Section 23-17(b) of the Ordinance gives guidance to the Board and states “In rendering its decision, the Board shall balance the hardship to the property owner with the purpose, intent and objectives of this chapter. The Board shall **not** (emphasis added) decide in favor of the appellant unless it finds:

1. The hardship is not generally shared by other properties in the vicinity;
2. The Chesapeake Bay, its tributaries and other properties in the vicinity will not be adversely affected; and
3. The appellant acquired the property in good faith and the hardship is not self-inflicted.”

Staff’s guidance to the Board on deciding this matter is as follows:

1. The hardship (wooded buffer) is shared by other properties within The Pointe at Jamestown subdivision along Yeardley Loop.
2. The granting of the appeal in this case will adversely affect the Chesapeake Bay, its tributaries and other properties in the vicinity. By granting the appeal, the Board reduces the effectiveness of the Deed of Easement for Natural Open Space.
3. The appellant acquired the property in good faith, but the hardship is not self-inflicted. While the photographs bear out that 4720 Yeardley Loop lies directly in line with the disturbance in the easement, The Pointe Homes Association did not authorize the clearing.

Staff contends that The Pointe Homes Association has management responsibilities of 4732 Yeardley Loop and should pursue action against those with whom they feel are responsible for the clearing. Staff believes that the restoration of 30 loblolly pines and the removal of all ‘improvements’ should occur. Staff believes that a one-time civil charge is warranted due to the impacts to the easement. Staff requests that the Board uphold the NOV.

Attachments:

1. Notice of Violation
2. Vicinity Map
3. Deed of Easement for Natural Open Space
4. Recorded Plats
5. Site Photographs

RESOLUTION

GRANTING AN APPEAL ON JAMES CITY COUNTY REAL ESTATE

TAX PARCEL NO. 4640600001E

WHEREAS, The Pointe Homes Association (the "Appellant") has submitted a request to the Chesapeake Bay Board of James City County (the "Board") to appeal a Notice of Violation (NOV) (SRP-20-0008) dated May 6, 2020, ordering the removal of all improvements, the replanting of 30 loblolly pines and a \$5,000 civil charge, on a property identified as James City County Real Estate Tax Parcel No. 4640600001E and further identified as 4732 Yeardeley Loop in The Pointe at Jamestown subdivision (the "Property"); 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 meeting on August 12, 2020, by a majority vote of its members FINDS that all of the following conditions have been met:

1. The hardship is not generally shared by other properties in the vicinity;
2. The Chesapeake Bay, its tributaries and other properties in the vicinity will not be adversely affected: and
3. The appellant acquired the property in good faith and the hardship is not self-inflicted.

THEREFORE, the Chesapeake Bay Board of James City County, Virginia, is granting the appeal filed by The Pointe Homes Association on July 9, 2020 and overturning the May 6, 2020 NOV issued by James City County Stormwater and Resource Protection Division.

David Gussman
Chair, Chesapeake Bay Board

Michael Woolson
Senior Watershed Planner

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 12th day of August, 2020.

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: _____

RESOLUTION

DENYING AN APPEAL ON JAMES CITY COUNTY REAL ESTATE

TAX PARCEL NO. 4640600001E

WHEREAS, The Pointe Homes Association (the “Appellant”) has submitted a request to the Chesapeake Bay Board of James City County (the “Board”) to appeal a Notice of Violation (NOV) (SRP-20-0008) dated May 6, 2020, ordering the removal of all improvements, the replanting of 30 loblolly pines and a \$5,000 civil charge, on a property identified as James City County Real Estate Tax Parcel No. 4640600001E and further identified as 4732 Yeardeley Loop in The Pointe at Jamestown subdivision (the “Property”); 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 meeting on August 12, 2020, by a majority vote of its members FINDS that all of the following conditions have not been met:

1. The hardship is not generally shared by other properties in the vicinity;
2. The Chesapeake Bay, its tributaries and other properties in the vicinity will not be adversely affected; and
3. The appellant acquired the property in good faith and the hardship is not self-inflicted.

THEREFORE, the Chesapeake Bay Board of James City County, Virginia, is denying the appeal filed by The Pointe Homes Association on July 9, 2020 and upholding the May 6, 2020 NOV issued by James City County Stormwater and Resource Protection Division.

David Gussman
Chair, Chesapeake Bay Board

Michael Woolson
Senior Watershed Planner

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 12th day of August, 2020.

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: _____



General Services
107 Tewning Road
Williamsburg, VA 23188
P: 757-259-4080
General.Services@jamescitycountyva.gov
jamescitycountyva.gov

Capital Projects
107 Tewning Road
Williamsburg, VA 23188
757-259-4080

Fleet
103 Tewning Road
Williamsburg, VA 23188
757-259-4122

**Stormwater and
Resource Protection**
101-E Mounts Bay Road
Williamsburg, VA 23185
757-253-6670

Facilities & Grounds
113 Tewning Road
Williamsburg, VA 23188
757-259-4080

Solid Waste
1204 Jolly Pond Road
Williamsburg, VA 23188
757-565-0971

NOTICE OF VIOLATION
of James City County's Environmental Regulations

May 6, 2020

President/Manager, The Pointe Homes Association
The Pointe at Jamestown
Drawer 18 Parview Station
Newport News, Virginia 23605

Re: **Natural Open Space Easement, Phase 2B**
James City County PIN 4640600001E, Behind 4720 Yeardley Loop
SRP-20-0008

To Whom It May Concern:

On April 24, 2020, representatives of the James City County Stormwater and Resource Protection Division investigated a complaint of unauthorized tree clearing that has occurred behind 4720 Yeardley Loop, in the Pointe of Jamestown subdivision. The area in question was platted on October 30, 2008 as Instrument Number 080026641, is located at 4732 Yeardley Loop, is identified as James City County PIN 4640600001E (the "Property") and is owned by the Pointe Homes Association. The Property is protected by a Deed of Natural Open Space granted to the County and recorded on October 30, 2008 as Instrument Number 080026642 (the "Easement"). There is no active request on file for work on the Property.

During the investigation, it was determined that approximately 20 to 30 trees have been removed from the Property. Chapter 23, Chesapeake Bay Preservation, of the James City County Code, regulates development activities within the County. Specifically, the tree removal from the Property is a violation of section 23-10 which requires a plan of development for areas exceeding 2,500 square feet in disturbance. Further, this activity would also have required a land disturbing permit. The activity that has occurred is a violation of the Chesapeake Bay Preservation Ordinance, and is subject to a civil penalty of up to \$5,000 per day of the violation. The activity is also subject to a civil charge of up to \$10,000 and may be in addition to the costs of restoration required by the Board of Supervisors.

Removing trees from the Property is also a violation of Condition 4 of the Easement which states, "The Easement Property shall remain in its natural condition with respect to natural leaf litter or other ground covering vegetation, under-story vegetation or shrub layer, and tree canopy, except as otherwise expressly provided in this Deed of Easement. The activities of Grantor within the Easement Property shall be limited to those which do not remove or damage any vegetation or disturb any soil. Such activities include selective trimming and pruning which will not alter the natural character of the Easement

Property, with the express written consent of the County Watershed Planner. Grantor may, with the express written consent of the County Watershed Planner (i) install and maintain walking trails and other passive recreational facilities such as boardwalks, (ii) conduct historic preservation and archeological activities, (iii) remove dead, diseased, poisonous or invasive vegetation and (iv) install additional or supplemental vegetation to ensure the maintenance or establishment of a vegetative buffer.”

Finally, it appears that in addition to tree removal, various unauthorized improvements have been made to the Property, including the planting of fruit trees, planting of other non-native shrubs, and the planting of grass. None of these improvements are permitted in the Easement.

To remedy these violations, the following actions must be taken:

- (1) All improvements to the property must be removed.
- (2) The disturbed area must be replanted with 30 loblolly pines, 6 to 8 feet in height.
- (3) Payment of a one-time \$5,000 civil charge to the County.

I note that under Section 23-17 of the Chesapeake Bay Preservation Ordinance, the “owner of property subject to an administrative decision, order or requirement under this chapter may appeal by submitting a written request for review to the board no later than 30 days from the rendering of such decision, order or requirement. The Board shall hear the appeal as soon as practical after receipt of the request.” The Board that this section refers to is the Chesapeake Bay Board.

Please contact our office at 757-253-6670 to discuss this matter within the next 30 days. After 30 days from the date of this letter, the matter is no longer appealable to the Chesapeake Bay Board.

Sincerely,

Michael Woolson

Michael Woolson
Senior Watershed Planner
Stormwater and Resource Protection Division

cc: Toni Small, Stormwater and Resource Protection Division Director, via email
Liz Parman, Assistant County Attorney, via email
Paul Holt, Community Development Director, via email
Christy Parrish, Zoning Administrator, via email



Chesapeake Bay Board of James City County, Virginia

August 12, 2020

Appeal of Notice of Violation

Richard Cassell

The Pointe Homes Association

The Pointe at Jamestown Subdivision



Applicant Request

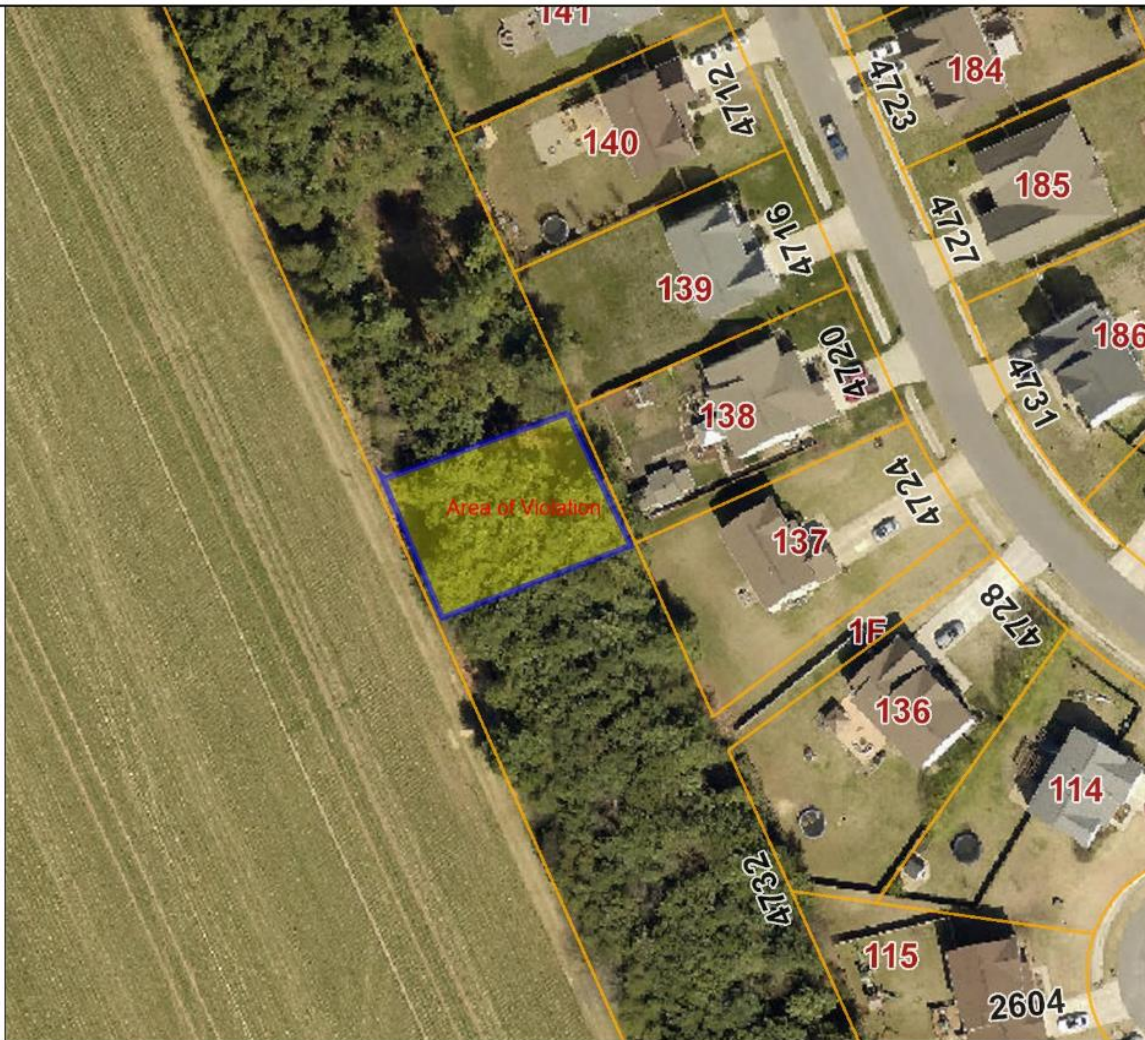
- ✓ Both Richard Cassell and The Pointe Homes Association are appealing their individual Notices of Violations on HOA property behind 4720 Yeardley Loop, within the Natural Open Space Easement of Phase 2B, The Pointe at Jamestown.

James City County,
Virginia

Legend

□ Parcels

Feet
0 20 40 60 80
1:1,128 / 1"=74 Feet



Title:

Date: 5/1/2020

DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and James City

Vicinity Map
SRP-20-0009
4732 Yeardley Loop

080026641

OWNER'S CERTIFICATE

THE SUBDIVISION OF LAND SHOWN ON THIS PLAT AND KNOWN AS THE POINT AT JAMESTOWN, SECTION 2-B IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNERS, PROPRIETORS AND OR TRUSTEES.

10/4/18
DATE
HAMPSON ROADS DEVELOPMENT, L.L.C.
BY: VIRGINIA ENTERPRISES, INC., A VIRGINIA CORPORATION,
ITS MANAGER
BY: GEORGE E. FISCELLA, PRESIDENT

CERTIFICATE OF NOTARIZATION

STATE OF VIRGINIA
COUNTY OF HAMPSHIRE, I, John B. Connelly, A NOTARY PUBLIC
IN AND FOR THE CITY/COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY
THAT THE PERSON WHOSE NAME IS SIGNED TO THE FOREGOING WRITING HAS
ACKNOWLEDGED THE SAME BEFORE ME IN THE CITY/COUNTY AFORESAID,
GIVEN UNDER MY HAND THIS 10/4/18 DAY OF OCTOBER, 2018.

MY COMMISSION EXPIRES March 31, 2011
John B. Connelly Reg # 207651
NOTARY PUBLIC

CERTIFICATE OF SOURCE OF TITLE

THE PROPERTY SHOWN ON THIS PLAT WAS CONVEYED BY ASSOCIATED DEVELOPERS, INC.,
AND WELFORD CORPORATION TO HAMPSON ROADS DEVELOPMENT, L.L.C. BY DEED DATED
10/19/01 AND RECORDED AS INSTRUMENT #R.010019015, AND BY ASSOCIATED DEVELOPERS,
INC., AND WELFORD CORPORATION BY DEED DATED 2/15/02 AND RECORDED AS INSTRUMENT
#R.02004578. BOTH DEEDS BEING RECORDED IN THE OFFICE OF THE CLERK OF THE
CIRCUIT COURT OF THE COUNTY OF JAMES CITY, VIRGINIA.

ENGINEERS OR SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE OR BELIEF,
THIS PLAT COMPLIES WITH ALL OF THE REQUIREMENTS OF THE BOARD OF
SUPERVISORS AND ORDINANCES OF THE COUNTY OF JAMES CITY, VIRGINIA,
REGARDING THE PLATTING OF SUBDIVISIONS WITHIN THE COUNTY.

10-20-08
DATE
Matthew H. Connelly
MATTHEW H. CONNELLY L.S. 002053

CERTIFICATE OF APPROVAL

THIS SUBDIVISION IS APPROVED BY THE UNDERSIGNED IN ACCORDANCE
WITH EXISTING SUBDIVISION REGULATION AND MAY BE ADMITTED TO RECORD.

10/29/08
DATE
B. L. H. H. H.
VIRGINIA DEPARTMENT OF TRANSPORTATION
DATE
N/A
VIRGINIA DEPARTMENT OF HEALTH
10/30/08
DATE
Ellen G. G.
SUBDIVISION AGENT OF JAMES CITY COUNTY

STATE OF VIRGINIA, JAMES CITY COUNTY

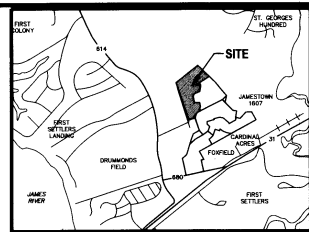
IN THE CLERK'S OFFICE OF THE CIRCUIT COURT FOR THE COUNTY OF
JAMES CITY THE 30 DAY OF October, 2018 @ 3:54 PM
THIS MAP WAS PRESENTED AND ADMITTED TO RECORD AS THE LAW
DIRECTS IN PLAT BOOK 2050330 PAGE 1

TESTE
BY John B. Connelly Clerk
BY Matthew H. Connelly Reg Clerk

3 Large/Small Plats(s) Recorded
herein as # 080026641

NOTES CONC:

- EASEMENTS DENOTED AS "JCSA UTILITY EASEMENTS" ARE FOR THE EXCLUSIVE USE
OF THE JAMES CITY SERVICE AUTHORITY AND THE PROPERTY OWNER. OTHER
UTILITY SERVICE PROVIDERS DESIRING TO USE THESE EASEMENTS WITH THE
EXCEPTION OF PERPENDICULAR UTILITY CROSSINGS MUST OBTAIN AUTHORIZATION
FOR ACCESS AND USE FROM JCSA AND THE PROPERTY OWNER. ADDITIONALLY,
JCSA SHALL NOT BE HELD RESPONSIBLE FOR ANY DAMAGE TO IMPROVEMENTS WITHIN
THIS EASEMENT, FROM ANY CAUSE.
- NATURAL OPEN SPACE EASEMENT SHALL REMAIN IN A NATURAL UNDISTURBED STATE EXCEPT
FOR THOSE ACTIVITIES REFERENCED IN THE DEED OF EASEMENTS.



VICINITY MAP
SCALE: 1" = 2000'

SECTION 2-B SITE DATA:

- LOT AREA (53 LOTS) : 568,368 S.F. / 15.344 AC.
- R/W DEDICATION : 126,754 S.F. / 2.910 AC.
- NATURAL OPEN SPACE EASMT : 182,038 S.F. / 4.179 AC.
- COMMON AREA (2) : 54,904 S.F. / 1.250 AC.
- 20' ACCESS AREAS : 7,076 S.F. / 0.162 AC.
- TOTAL AREA : 1,039,140 S.F. / 23.855 AC.

- PARCEL ID # (46-4)(01-26) & (46-4)(01-27)
- ZONING DISTRICT : R2 WITH PROFFERS (SEE CASE#
Z-9-94, Z-19-95, & Z-20-95).
- BUILDING SETBACK :
FRONT = 25'
SIDE = 10'
- CORNER LOTS: THE FRONT OF THE LOT SHALL BE THE SHORTER
OF THE TWO SIDES FRONTING ON STREETS. NO STRUCTURES SHALL
BE LOCATED CLOSER THAN 25' TO THE SIDE STREET. CORNER LOTS
SHALL HAVE A MINIMUM WIDTH AT THE SETBACK LINE OF 100'.
ALL LOTS SERVED BY PUBLIC WATER & PUBLIC SEWER.

NOTES:

- RECORDED REFERENCES:
PLAT BOOK 76, PAGE 94: INSTRUMENT #R.010019015,
INSTRUMENT #R.02004578, INSTRUMENT #R.030033966,
INSTRUMENT #R.040020605, INSTRUMENT #R.050000637
OFFICE OF THE CLERK OF THE CIRCUIT COURT OF JAMES CITY COUNTY, VIRGINIA.
- NRP FLOOD ZONE X. SEE FRM#S10201-0045-B, EFFECTIVE DATE 2/6/91.
FLOOD ZONES SUBJECT TO CHANGE BY FEMA.
- COMMON AREAS TO BE DEDICATED TO THE POINTE AT JAMESTOWN HOMEOWNERS'
ASSOCIATION.
- ANY ANY EXISTING UNUSED WELLS SHALL BE ABANDONED IN ACCORDANCE
WITH STATE PRIVATE WELL REGULATIONS AND JAMES CITY COUNTY CODE.
- ALL STREETS HEREBY DEDICATED FOR PUBLIC USE.
- IN ACCORDANCE WITH SECTION 19-33 OF THE SUBDIVISION ORDINANCE,
ALL UTILITIES SHALL BE PLACED UNDERGROUND. MONUMENTS SHALL BE
SET IN ACCORDANCE WITH SECTIONS 19-34 THROUGH 19-36 OF THE
SUBDIVISION ORDINANCE.
- ALL EXTERIOR SIGNS SHALL COMPLY WITH THE REGULATIONS IN ARTICLE
II, DIVISION 3 OF THE JAMES CITY COUNTY ZONING ORDINANCE. IN ACCORDANCE
WITH SECTION 19-55 OF THE SUBDIVISION ORDINANCE, EITHER THE STREET
SIGNS OR THE ALPHA NUMERIC LETTERING SHALL BE OF A REFLECTIVE MATERIAL.
- UNLESS OTHERWISE NOTED ALL DRAINAGE EASEMENTS DESIGNATED ON
THIS PLAT SHALL BE PRIVATE.
- A NON-EXCLUSIVE DRAINAGE EASEMENT IS RESERVED FOR USE BY THE POINTE
AT JAMESTOWN HOMEOWNERS' ASSOCIATION ON, OVER, AND ACROSS EACH LOT,
10' IN WIDTH CONTIGUOUS WITH THE REAR LOT LINE, AND 5' IN WIDTH CONTIGUOUS
WITH SIDE LOT LINES OR AS SHOWN ON THE PLAT.

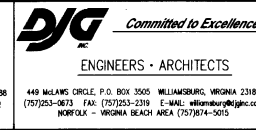
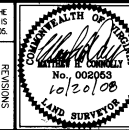
CURVE DATA TABLE:

NUMBER	DELTA ANGLE	RADIUS	ARC LENGTH	TANGENT	CHORD DIRECTION	CHORD LENGTH
C54	72°07'29"	325.00	408.11	236.67	S 61°06'29" E	382.63
C55	89°20'42"	260.00	405.43	257.04	S 19°37'37" W	365.59
C56	17°20'18"	300.00	196.38	101.85	S 83°03'07" W	192.89
C57	25°17'56"	275.00	121.43	61.72	N 87°21'59" E	120.44
C58	10°25'03"	275.00	50.00	25.07	S 69°30'28" W	49.93
C59	13°58'29"	235.00	57.32	28.80	N 57°18'44" E	57.18
C60	24°51'47"	235.00	101.98	51.80	S 37°53'35" W	101.18
C61	24°53'03"	235.00	102.06	51.85	N 13°01'10" E	101.26
C62	25°37'23"	235.00	105.09	53.44	S 12°14'03" E	104.22
C63	17°29'14"	300.00	91.56	46.14	S 33°47'22" E	91.21
C64	26°53'36"	300.00	140.81	71.73	S 55°58'46" E	139.52
C65	17°16'20"	300.00	90.44	45.56	S 78°03'44" E	90.09
C66	18°32'46"	300.00	96.64	43.62	N 85°01'43" E	96.33
C67	14°05'41"	350.00	86.10	43.27	N 85°28'26" W	85.88
C68	82°20'16"	25.00	35.93	21.86	S 60°24'18" W	32.91
C69	52°19'49"	30.00	27.40	14.74	S 06°55'44" E	26.46
C70	37°04'16"	60.00	38.62	20.12	S 14°33'29" E	38.15
C71	52°47'36"	60.00	55.29	29.78	N 30°22'28" E	53.35
C72	37°24'07"	60.00	39.17	20.31	N 75°28'20" E	38.48
C73	20°35'46"	60.00	21.57	10.90	S 75°31'44" E	21.45
C74	21°54'57"	60.00	22.95	11.62	S 54°16'22" E	22.81
C75	61°47'43"	60.00	64.71	35.91	N 12°25'02" W	61.62
C76	53°05'08"	60.00	55.59	29.97	S 45°01'26" W	53.62
C77	52°19'49"	30.00	27.40	14.74	S 45°24'05" W	26.46
C78	82°20'16"	25.00	35.93	21.86	S 21°55'58" E	32.91
C79	13°21'50"	350.00	81.64	41.00	S 56°25'09" E	81.45
C80	08°06'22"	350.00	55.63	27.87	S 45°11'05" E	55.57
C81	03°16'31"	350.00	20.01	10.01	N 38°59'39" W	20.00
C82	09°45'25"	350.00	59.60	29.87	N 32°28'41" W	59.53
C83	06°36'13"	285.00	32.85	16.44	S 21°44'37" E	32.83
C84	15°36'58"	285.00	77.68	39.08	S 10°38'02" E	77.44
C85	05°23'06"	285.00	26.79	13.40	S 00°07'59" E	26.78
C86	38°53'34"	75.00	52.22	27.22	S 17°23'14" E	51.17
C87	15°29'51"	75.00	20.29	10.21	S 45°04'57" E	20.22
C88	08°15'02"	425.00	61.20	30.65	S 48°42'21" E	61.15
C89	10°26'59"	425.00	77.51	38.86	S 39°21'22" E	77.40
C90	09°05'08"	425.00	67.39	33.77	S 29°35'18" E	67.32
C91	23°19'44"	150.00	61.87	30.97	S 13°22'52" E	60.65
C92	18°39'17"	150.00	48.84	24.64	S 07°36'38" W	48.62
C93	09°16'47"	150.00	24.29	12.17	N 21°34'40" E	24.27
C94	07°35'46"	150.00	19.89	9.96	S 30°00'57" W	19.87
C95	24°31'59"	30.00	12.85	6.52	S 21°32'50" W	12.75
C96	18°06'27"	60.00	18.96	9.56	S 18°20'04" W	18.88
C97	56°29'50"	60.00	59.16	32.24	S 55°36'13" W	56.80
C98	41°27'25"	60.00	43.41	22.71	S 75°23'10" E	42.47
C99	42°29'14"	60.00	44.49	23.33	N 33°24'51" W	43.48
C100	44°15'08"	60.00	46.34	24.40	N 09°57'21" E	45.20
C101	19°11'34"	60.00	20.10	10.14	S 41°40'42" W	20.00
C102	44°34'04"	60.00	46.67	24.59	S 75°33'31" W	45.50
C103	99°01'05"	30.00	51.85	35.14	S 46°20'00" W	45.63
C104	21°52'11"	100.00	38.17	19.32	S 14°06'38" E	37.94
C105	11°57'10"	375.00	78.23	39.26	N 31°01'19" W	78.09
C106	13°21'58"	375.00	87.48	43.94	N 43°40'55" W	87.28
C107	10°12'01"	30.00	53.13	36.70	S 78°53'56" W	46.45
C108	21°09'04"	285.00	105.21	53.21	S 38°46'00" W	104.61
C109	13°36'29"	285.00	67.69	34.00	N 56°08'46" E	67.53
C110	01°20'57"	285.00	6.71	3.36	N 63°37'36" E	6.71
C111	02°20'04"	325.00	13.24	6.62	N 65°27'57" E	13.24
C112	13°25'09"	325.00	76.12	38.23	S 72°20'37" W	75.84
C113	11°01'06"	325.00	62.50	31.35	N 85°33'44" E	62.40
C114	12°13'53"	325.00	69.38	34.82	S 82°48'46" E	69.25
C115	21°17'04"	158.89	59.02	29.86	N 67°18'21" W	58.69
C116	27°08'04"	400.00	189.43	96.53	N 38°36'51" W	187.67
C117	78°42'26"	125.00	173.89	104.34	N 14°45'29" E	180.21
C118	02°33'14"	350.00	15.60	7.80	N 28°19'29" W	15.60

SCALE AS NOTED	COMMISSION NUMBER 2050330
DESIGNED MUT/PRC	CHECKED MHC
DRAWN BK	DATE 10/20/04
SHEET NUMBER 1 OF 3	

SUBDIVISION PLAT THE POINTE AT JAMESTOWN, SECTION 2-B OWNER/DEVELOPER HAMPSON ROADS DEVELOPMENT, L.L.C.	
BERKELEY DISTRICT	JAMES CITY COUNTY VIRGINIA

THIS DOCUMENT IS THE SOLE PROPERTY OF DJG, INC. OF WILLIAMSBURG, VIRGINIA. THE REPRODUCTION, IN WHOLE OR PART, OR THE MODIFICATION OF ANY DETAIL OR DESIGN IS NOT TO BE MADE WITHOUT THE EXPRESS WRITTEN CONSENT OF DJG, INC. COPYRIGHT 2005.		
NO.	DATE	DESCRIPTION
1	7/11/05	REVISIONS PER COUNTY COMMENTS
2	8/08/05	REVISIONS PER JCSA COMMENTS

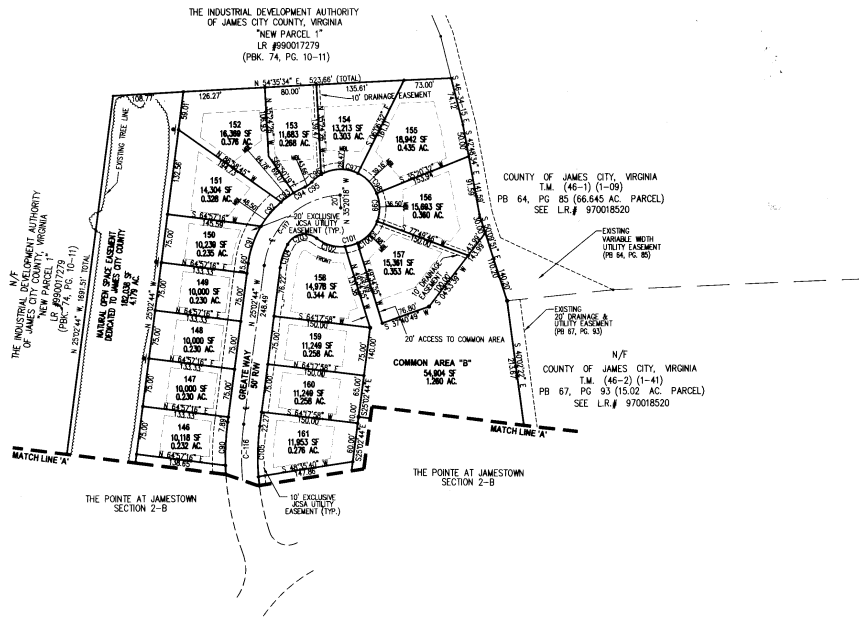


Recorded Plat
SRP-20-0009
4732 Yeardley Loop

Width of Easement = 107 ft

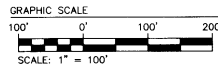


080026641



- LEGEND**
- P.B.K. = PLAT BOOK
 - D.B.K. = DEED BOOK
 - L.R. = LAND RECORD
 - R/W = RIGHT OF WAY
 - SF = SQUARE FEET
 - AC = ACRES
 - N/F = NOW OR FORMERLY
 - JCSA = JAMES CITY SERVICE AUTHORITY
 - CL = CENTERLINE
 - = DENOTES IRON ROD SET
 - IRF = IRON ROD FOUND
 - MBL = MINIMUM BUILDING LINE (WITH SET BACK DIMENSION)
 - W = JAMES CITY COUNTY CONSERVATION EASEMENT SIGN

City of Williamsburg & County of James City Circuit Court. This PLAT was recorded on 30 September 2008 at 3:57 AM/PM. PB --- PG --- DOCUMENT # 080026641 BETSY B. WOODRIDGE, CLERK *Betsy Woodridge* Clerk



3 Large (same) (11x17) recorded herewith as # 080026641

3 OF 3	COMMISSION NUMBER 2050330	SCALE AS NOTED	SUBDIVISION PLAT THE POINTE AT JAMESTOWN, SECTION 2-B	THIS DOCUMENT IS THE SOLE PROPERTY OF DUG, INC. OF WILLIAMSBURG, VIRGINIA. THE REPRODUCTION, IN WHOLE OR PART, OR THE MODIFICATION OF ANY DETAIL OR DESIGN IS NOT TO BE MADE WITHOUT THE EXPRESS WRITTEN CONSENT OF DUG, INC. COPYRIGHT 2005.		REVISIONS	
	SHEET NUMBER 3	DESIGNED NMT	DRAWN RK	OWNER/DEVELOPER HAMPTON ROADS DEVELOPMENT, L.L.C.			
	CHECKED MFC	DATE 10/20/04		BERKELEY DISTRICT JAMES CITY COUNTY VIRGINIA			
	DATE 10/20/04						

205-E Bulfinch Boulevard, Williamsburg, VA 23108
Phone: (757) 565-1677 Fax: (757) 565-0782 web: landtechresources.com

440 MELANS CIRCLE, P.O. BOX 3505 WILLIAMSBURG, VIRGINIA 23187
(757) 253-0673 FAX: (757) 253-2319 E-MAIL: williamsburg@duginc.com
NORFOLK - VIRGINIA BEACH AREA (757) 874-5015

Recorded Plat
SRP-20-0009
4732 Yeardley Loop



April 24, 2020



April 24, 2020

Site Photo #1 and #2
SRP-20-0009
4732 Yeardley Loop



Site Photo #3 and #4
SRP-20-0009
4732 Yeardley Loop



April 24, 2020



April 24, 2020

Site Photo #5 and #6
SRP-20-0009
4732 Yeardley Loop



Site Photo #7 and #8
SRP-20-0009
4732 Yeardley Loop

Notice of Violation



- ✓ To remedy the violations, the following actions
 - ✓ - All improvements to the property must be removed.
 - ✓ - The disturbed area must be replanted with 30 loblolly pines, 6 to 8 feet in height.
 - ✓ - Payment of a one-time \$5,000 civil charge to the County.

Civil Charge Matrix



Civil Charge Determination

Water Quality Impact	Significant	\$5,000	\$7,500	\$10,000
	Moderate	\$1,500	\$3,000	\$ 4,500
	Minor	\$500	\$1,000	\$ 1,500

Minor Moderate Major

Degree of Non-Compliance

Staff Guidance



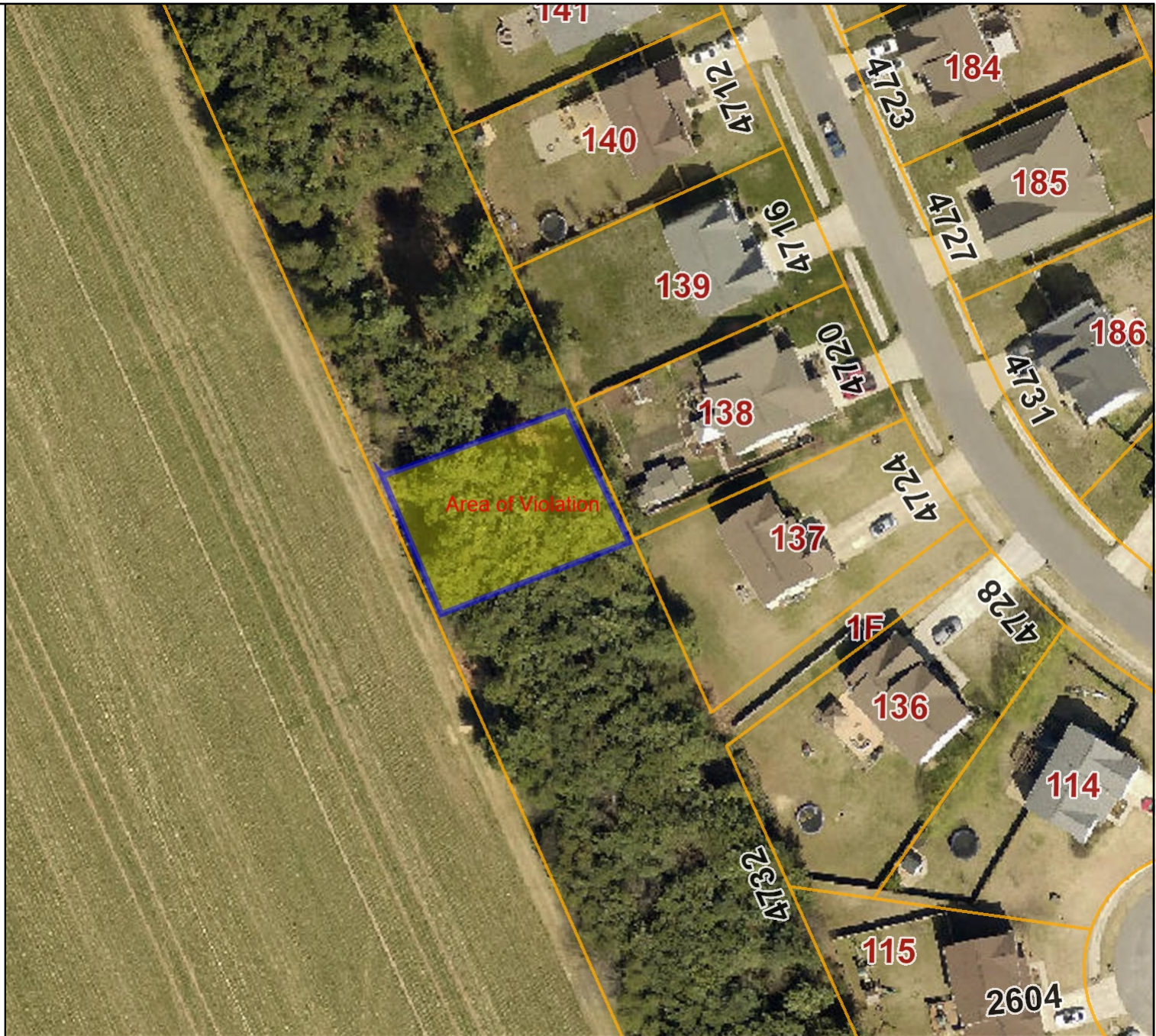
Section 23-17(b)

- ✓ The Board shall balance the hardship to the property owner with the purpose, intent and objectives of this chapter. The Board shall not decide in favor of the appellant unless it finds:
 - ✓ - The hardship is not generally shared by other properties in the area.
 - ✓ - The Chesapeake Bay, its tributaries and other properties in the vicinity will not be adversely affected.
 - ✓ - The appellant acquired the property in good faith and the hardship is not self-inflicted.

James City County, Virginia

Legend

Parcels



Feet
0 20 40 60 80
1:1,128 / 1"=74 Feet

Title:

Date: 5/1/2020

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

080 026642

EXEMPT FROM RECORDATION TAX UNDER VIRGINIA CODE
SECTION 58.1-811(A)(3), AS AMENDED

Parcel ID Nos.: (46-4)(01-26) & (46-4)(01-27)

DEED OF EASEMENT FOR NATURAL OPEN SPACE

THIS DEED OF EASEMENT, made as of September 24, 2008, by and between HAMPTON ROADS DEVELOPMENT, L.L.C., a Virginia limited liability company, and its successors and assigns ("Grantor"); and the COUNTY OF JAMES CITY, VIRGINIA ("Grantee").

WHEREAS, the Grantor is the owner of certain property known as **The Pointe at Jamestown, Section 2-B**, consisting of a tract of land containing 23.855 acres, more or less (the "Development Property"); and

WHEREAS, Grantee has adopted the Chesapeake Bay Preservation Ordinance, Chapter 23 of the James City County Code, as required by Chapter 21 of Title 10.1 of the Code of Virginia to protect the Chesapeake Bay and its tributaries from non-point source pollution within the Chesapeake Bay drainage area; and

WHEREAS, the Grantor wishes to preserve land as natural open space as part of Grantor's efforts to improve the quality of storm water runoff from the Development Property.

NOW, THEREFORE, in recognition of the foregoing and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor does hereby grant and convey to Grantee an easement in perpetuity in gross, with the right in perpetuity to restrict the use as described below, of that certain tract, lot, piece or parcel of land, more particularly described in Exhibit "A" attached hereto and made a part of this document (the "Easement Property").

The restrictions hereby imposed on the use of the Easement Property, the acts which the Grantor covenants to do or not to do, and the restrictions which the Grantee is hereby entitled to enforce, shall be as follows:

1. No building or structure shall be built or maintained on the Easement Property other than such buildings or structures approved in writing by the County Watershed Planner.

Prepared by: Kaufman & Canoles, P.C., 2236 Cunningham Drive, Hampton, Virginia
Return to

2. The Easement Property shall be kept free and clear of any junk, trash, rubbish, or other unsightly or offensive material.

3. No new signs, billboards, outdoor advertising, road or utility lines shall be placed on the Easement Property without the express written consent of the County Watershed Planner.

4. The Easement Property shall remain in its natural condition with respect to natural leaf litter or other ground covering vegetation, under-story vegetation or shrub layer, and tree canopy, except as otherwise expressly provided in this Deed of Easement. The activities of Grantor within the Easement Property shall be limited to those which do not remove or damage any vegetation or disturb any soil. Such activities include selective trimming and pruning which will not alter the natural character of the Easement Property, with the express written consent of the County Watershed Planner. Grantor may, with the express written consent of the County Watershed Planner (i) install and maintain walking trails and other passive recreational facilities such as boardwalks, (ii) conduct historic preservation and archeological activities, (iii) remove dead, diseased, poisonous or invasive vegetation and (iv) install additional or supplemental vegetation to ensure the maintenance or establishment of a vegetative buffer.

5. Grantee and its representatives may enter upon the Easement Property from time to time for inspection, to enforce the terms of this Easement and to post a sign or marker identifying Grantee's interest in the Easement Property as natural open space.

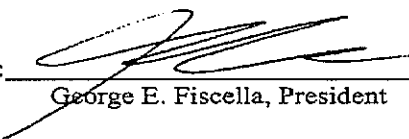
6. In the event of a violation of this Easement, the Grantee shall have the right to seek all appropriate legal and equitable relief, including but not limited to, reasonable attorneys' fees and costs, the right to restore the Easement Property to its natural condition and assess the cost of such restoration as a lien against the Easement Property.

Although this Easement in gross will benefit the public in the ways cited above, nothing herein shall be construed to convey a right to the public of access to or use of the Easement Property, except as provided in Paragraph 5, and the Grantor shall retain exclusive right to such access and use, subject only to the provisions of this Easement.

Witness the following signatures and seals on the date first above written.

HAMPTON ROADS DEVELOPMENT, L.L.C., a Virginia
limited liability company

By: Virginia Enterprises, Inc.
a Virginia corporation, its Manager

By: 
George E. Fiscella, President

COMMONWEALTH OF VIRGINIA
AT LARGE, to-wit:

The foregoing instrument was acknowledged before me in Newport News, Virginia, this
24th day of September, 2008, by George E. Fiscella, President of Virginia Enterprises,
Inc., a Virginia corporation, the Manager of Hampton Roads Development, L.L.C., a Virginia
limited liability company, for and on behalf of the corporation and company, respectively. The said
George E. Fiscella ☒ is personally known to me or ☐ has produced satisfactory evidence of
identity.

My commission expires: March 31, 2011

John B. Armstrong #207651
Notary Public (Affix Seal & Registration Number)



The form of this Deed of Easement is approved and, pursuant to Resolution of the Board of Supervisors of James City County, Virginia, duly executed on the 9th day of September, 2008, this conveyance is hereby accepted on behalf of said County.

Date: October 14, 2008

Adam R. Kinsman
Approved by County Attorney

COMMONWEALTH OF VIRGINIA
AT LARGE, to-wit:

The foregoing instrument was acknowledged before me in James City County, Virginia, this 14th day of October, 2008, by Adam R. Kinsman, the Deputy County Attorney for the County of James City, Virginia, for and on behalf of the County. The aforementioned individual ☒ is personally known to me or ☐ has produced satisfactory evidence of identity.

My commission expires: December 31, 2012

Beth Klapper
Notary Public (Affix Seal & Registration Number)

4049128\1

Beth Klapper
Notary Public No.: 7182762
Commonwealth of Virginia
My Commission Expires:
December 31, 2012

ATTACHED TO AND MADE A PART OF DEED OF EASEMENT FOR NATURAL OPEN SPACE.

EXHIBIT "A"

EASEMENT PROPERTY DESCRIPTION

All that certain strip or parcel of land located in the County of James City, Virginia, designated and described as "NATURAL OPEN SPACE EASEMENT DEDICATED TO JAMES CITY COUNTY" as shown on that certain plat entitled "SUBDIVISION PLAT, THE POINTE AT JAMESTOWN, SECTION 2-B", dated October 20, 2004, last revised August 8, 2005, made by DJG, Inc., Engineers - Architects, and LandTech Resources, Inc., Surveying - GPS - Engineering, and duly recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City, Virginia, as instrument # 080026641 to which said plat reference is here made for a more particular description of the property.

Subject, however, to any and all covenants, restrictions, easements, rights of way and other conditions of record affecting said property.

4049128V1

VIRGINIA: CITY OF WILLIAMSBURG & COUNTY OF JAMES CITY
This document was admitted to record on 30 Oct 08
at 3:57 AM/PM. The taxes imposed by Virginia Code
Section 58.1-801, 58.1-802 & 58.1-814 have been paid.

STATE TAX LOCAL TAX ADDITIONAL TAX

\$ _____ \$ _____ \$ _____

TESTE: BETSY B. WOOLRIDGE, CLERK

BY: Betsy B. Woolridge Clerk

080026641

OWNER'S CERTIFICATE

THE SUBDIVISION OF LAND SHOWN ON THIS PLAT AND KNOWN AS THE POINTE AT JAMESTOWN, SECTION 2-B IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNERS, PROPRIETORS AND OR TRUSTEES.

10/21/18

DATE

HAMPTON ROADS DEVELOPMENT, L.L.C.

BY: VIRGINIA ENTERPRISES, INC., A VIRGINIA CORPORATION,
ITS MANAGER

BY: GEORGE E. FISCELLA, PRESIDENT

CERTIFICATE OF NOTARIZATION

STATE OF VIRGINIA

CITY/COUNTY OF James City, John B. Armstrong, A NOTARY PUBLIC IN AND FOR THE CITY/COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT THE PERSON WHOSE NAME IS SIGNED TO THE FOREGOING WRITING HAS ACKNOWLEDGED THE SAME BEFORE ME IN THE CITY/COUNTY AFORESAID, GIVEN UNDER MY HAND THIS 21st DAY OF October, 2018.

MY COMMISSION EXPIRES March 31, 2011John B. Armstrong Reg # 207651
NOTARY PUBLIC

CERTIFICATE OF SOURCE OF TITLE

THE PROPERTY SHOWN ON THIS PLAT WAS CONVEYED BY ASSOCIATED DEVELOPERS, INC., AND WELFORD CORPORATION TO HAMPTON ROADS DEVELOPMENT, LLC BY DEED DATED 10/19/01 AND RECORDED AS INSTRUMENT #LR.010019015; AND BY ASSOCIATED DEVELOPERS, INC., AND WELFORD CORPORATION BY DEED DATED 2/15/02 AND RECORDED AS INSTRUMENT #LR.020004578. BOTH DEEDS BEING RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF THE COUNTY OF JAMES CITY, VIRGINIA.

ENGINEERS OR SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE OR BELIEF, THIS PLAT COMPLIES WITH ALL OF THE REQUIREMENTS OF THE BOARD OF SUPERVISORS AND ORDINANCES OF THE COUNTY OF JAMES CITY, VIRGINIA, REGARDING THE PLATTING OF SUBDIVISIONS WITHIN THE COUNTY.

10-20-08

DATE

MATTHEW H. CONNOLLY L.S. #002053

CERTIFICATE OF APPROVAL

THIS SUBDIVISION IS APPROVED BY THE UNDERSIGNED IN ACCORDANCE WITH EXISTING SUBDIVISION REGULATIONS AND MAY BE ADMITTED TO RECORD.

10/29/08 BANK A.W.
DATE VIRGINIA DEPARTMENT OF TRANSPORTATIONDATE N/A
VIRGINIA DEPARTMENT OF HEALTH10/30/08 Ellen Lutz
DATE SUBDIVISION AGENT OF JAMES CITY COUNTY

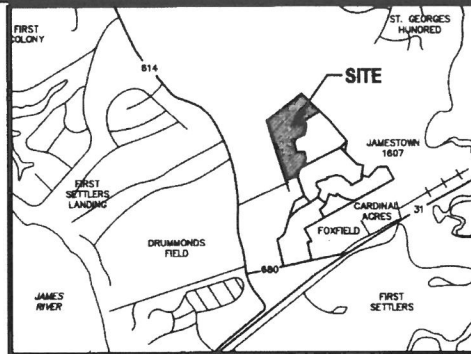
STATE OF VIRGINIA, JAMES CITY COUNTY

IN THE CLERK'S OFFICE OF THE CIRCUIT COURT FOR THE COUNTY OF JAMES CITY THE 30 DAY OF October, 2018 @ 3:54 PM

THIS MAP WAS PRESENTED AND ADMITTED TO RECORD AS THE LAW DIRECTS IN PLAT BOOK 2050330 PAGE 1TESTE Beth B. Winkler, ClerkBY Claudia H. Kikatz, Dep. Clerk3 Large/Small Plat(s) Recorded
herein as # 080026641

NOTES CONT.

10. EASEMENTS DENOTED AS "JCSA UTILITY EASEMENTS" ARE FOR THE EXCLUSIVE USE OF THE JAMES CITY SERVICE AUTHORITY AND THE PROPERTY OWNER. OTHER UTILITY SERVICE PROVIDERS DESIRING TO USE THESE EASEMENTS WITH THE EXCEPTION OF PERPENDICULAR UTILITY CROSSINGS MUST OBTAIN AUTHORIZATION FOR ACCESS AND USE FROM JCSA AND THE PROPERTY OWNER. ADDITIONALLY, JCSA SHALL NOT BE HELD RESPONSIBLE FOR ANY DAMAGE TO IMPROVEMENTS WITHIN THIS EASEMENT, FROM ANY CAUSE.
11. NATURAL OPEN SPACE EASEMENT SHALL REMAIN IN A NATURAL UNDISTURBED STATE EXCEPT FOR THOSE ACTIVITIES REFERENCED IN THE DEED OF EASEMENTS.



VICINITY MAP

SCALE: 1" = 2000'

SECTION 2-B SITE DATA:

- * LOT AREA (53 LOTS): 668,368 S.F./ 15.344 AC.
- * R/W DEDICATION: 126,754 S.F./ 2.910 AC.
- * NATURAL OPEN SPACE EASMT: 182,038 S.F./ 4.179 AC.
- * COMMON AREA: 54,904 S.F./ 1.260 AC.
- * 20' ACCESS AREAS (2): 7,076 S.F./ 0.162 AC.
- * TOTAL AREA: 1,039,140 S.F./ 23.855 AC.

* PARCEL ID #: (46-4)(01-26) & (46-4)(01-27)

* ZONING DISTRICT: R2 WITH PROFFERS (SEE CASE#
Z-9-94, Z-19-95, & Z-20-95).

* BUILDING SETBACK:

FRONT = 25'

REAR = 35'

SIDE = 10'

* CORNER LOTS: THE FRONT OF THE LOT SHALL BE THE SHORTER OF THE TWO SIDES FRONTING ON STREETS. NO STRUCTURES SHALL BE LOCATED CLOSER THAN 25' TO THE SIDE STREET. CORNER LOTS SHALL HAVE A MINIMUM WIDTH AT THE SETBACK LINE OF 100'.

* ALL LOTS SERVED BY PUBLIC WATER & PUBLIC SEWER.

NOTES:

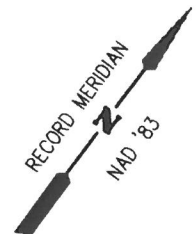
- RECORDED REFERENCES:
PLAT BOOK 76, PAGE 94; INSTRUMENT #LR.010019015,
INSTRUMENT #LR.020004578, INSTRUMENT #LR.030033966,
INSTRUMENT #LR.040020605, INSTRUMENT #LR.050000637
OFFICE OF THE CLERK OF THE CIRCUIT COURT OF JAMES CITY COUNTY, VIRGINIA.
- NFIP FLOOD ZONE X. SEE FIRM#510201-0045-B, EFFECTIVE DATE 2/6/91.
FLOOD ZONES SUBJECT TO CHANGE BY FEMA.
- COMMON AREAS TO BE DEDICATED TO THE POINTE AT JAMESTOWN HOMEOWNER'S ASSOCIATION.
- ANY ANY EXISTING UNUSED WELLS SHALL BE ABANDONED IN ACCORDANCE WITH STATE PRIVATE WELL REGULATIONS AND JAMES CITY COUNTY CODE.
- ALL STREETS HEREBY DEDICATED FOR PUBLIC USE.
- IN ACCORDANCE WITH SECTION 19-33 OF THE SUBDIVISION ORDINANCE, ALL UTILITIES SHALL BE PLACED UNDERGROUND. MONUMENTS SHALL BE SET IN ACCORDANCE WITH SECTIONS 19-34 THROUGH 19-36 OF THE SUBDIVISION ORDINANCE.
- ALL EXTERIOR SIGNS SHALL COMPLY WITH THE REGULATIONS IN ARTICLE II, DIVISION 3 OF THE JAMES CITY COUNTY ZONING ORDINANCE. IN ACCORDANCE WITH SECTION 19-55 OF THE SUBDIVISION ORDINANCE, EITHER THE STREET SIGNS OR THE ALPHA NUMERIC LETTERING SHALL BE OF A REFLECTIVE MATERIAL.
- UNLESS OTHERWISE NOTED ALL DRAINAGE EASEMENTS DESIGNATED ON THIS PLAT SHALL BE PRIVATE.
- A NON-EXCLUSIVE DRAINAGE EASEMENT IS RESERVED FOR USE BY THE POINTE AT JAMESTOWN HOMEOWNER'S ASSOCIATION ON, OVER, AND ACROSS EACH LOT, 10' IN WIDTH CONTIGUOUS WITH THE REAR LOT LINE, AND 5' IN WIDTH CONTIGUOUS WITH SIDE LOT LINES OR AS SHOWN ON THE PLAT.

CURVE DATA TABLE:

NUMBER	DELTA ANGLE	RADIUS	ARC LENGTH	TANGENT	CHORD DIRECTION	CHORD LENGTH
C54	72°07'29"	325.00	409.11	236.67	S 61°06'29" E	382.63
C55	89°20'42"	260.00	405.43	257.04	S 19°37'37" W	365.59
C56	37°30'18"	300.00	196.38	101.85	S 83°03'07" W	192.89
C57	25°17'56"	275.00	121.43	61.72	N 87°21'59" E	120.44
C58	10°25'03"	275.00	50.00	25.07	S 69°30'28" W	49.93
C59	13°58'29"	235.00	57.32	28.80	N 57°18'44" E	57.18
C60	24°51'47"	235.00	101.98	51.80	S 37°53'35" W	101.18
C61	24°53'03"	235.00	102.06	51.85	N 13°01'10" E	101.26
C62	25°37'23"	235.00	105.09	53.44	S 12°14'03" E	104.22
C63	17°29'14"	300.00	91.56	46.14	S 33°47'22" E	91.21
C64	26°53'36"	300.00	140.81	71.73	S 55°58'46" E	139.52
C65	17°16'20"	300.00	90.44	45.56	S 78°03'44" E	90.09
C66	16°32'46"	300.00	86.64	43.62	N 85°01'43" E	86.33
C67	14°05'41"	350.00	86.10	43.27	N 85°28'26" W	85.88
C68	82°20'16"	25.00	35.93	21.86	S 60°24'18" W	32.91
C69	52°19'49"	30.00	27.40	14.74	S 06°55'44" E	26.46
C70	37°04'16"	60.00	38.82	20.12	S 14°33'29" E	38.15
C71	52°47'36"	60.00	55.29	29.78	N 30°22'28" E	53.35
C72	37°24'07"	60.00	39.17	20.31	N 75°28'20" E	38.48
C73	20°35'46"	60.00	21.57	10.90	S 75°31'44" E	21.45
C74	21°54'57"	60.00	22.95	11.62	S 54°16'22" E	22.81
C75	61°47'43"	60.00	64.71	35.91	N 12°25'02" W	61.62
C76	53°05'08"	60.00	55.59	29.97	S 45°01'26" W	53.62
C77	52°19'49"	30.00	27.40	14.74	S 45°24'05" W	26.46
C78	82°20'16"	25.00	35.93	21.86	S 21°55'58" E	32.91
C79	132°15'0"	350.00	81.64	41.00	S 56°25'09" E	81.45
C80	09°06'22"	350.00	55.63	27.87	S 45°11'05" E	55.57
C81	03°16'31"	350.00	20.01	10.01	N 38°59'39" W	20.00
C82	09°45'25"	350.00	59.60	29.87	N 32°28'41" W	59.53
C83	06°36'13"	285.00	32.85	16.44	S 21°44'37" E	32.83
C84	15°36'58"	285.00	77.68	39.08	S 10°38'02" E	77.44
C85	05°23'06"	285.00	26.79	13.40	S 00°07'59" E	26.78
C86	39°53'34"	75.00	52.22	27.22	S 17°23'14" E	51.17
C87	15°29'51"	75.00	20.29	10.21	S 45°04'57" E	20.22
C88	08°15'02"	425.00	61.20	30.65	S 48°42'21" E	61.15
C89	10°26'59"	425.00	77.51	38.86	S 39°21'22" E	77.40
C90	09°05'08"	425.00	67.39	33.77	S 29°35'18" E	67.32
C91	23°19'44"	150.00	61.07	30.97	S 13°22'52" E	60.65
C92	18°39'17"	150.00	48.84	24.64	S 07°36'38" W	48.62
C93	09°16'47"	150.00	24.29	12.17	N 21°34'40" E	24.27
C94	07°35'46"	150.00	19.89	9.96	S 30°00'57" W	19.87
C95	24°31'59"	30.00	12.85	6.52	S 21°32'50" W	12.75
C96	18°06'27"	60.00	18.96	9.56	S 18°20'04" W	18.88
C97	56°29'50"	60.00	59.16	32.24	S 55°38'13" W	56.80
C98	41°27'25"	60.00	43.41	22.71	S 75°23'10" E	42.47
C99	42°29'14"	60.00	44.49	23.33	N 33°24'51" W	43.48
C100	44°15'08"	60.00	46.34	24.40	N 09°57'21" E	45.20
C101	19°11'34"	60.00	20.10	10.14	S 41°40'42" W	20.00
C102	44°34'04"	60.00	46.67	24.59	S 73°33'31" W	45.50
C103	99°01'05"	30.00	51.85	35.14	S 46°20'00" W	45.63
C104	21°52'11"	100.00	38.17	19.32	S 14°06'38" E	37.94
C105	11°57'10"	375.00	78.23	39.26	N 31°01'19" W	78.09
C106	13°21'58"	375.00	87.48	43.94	N 43°40'55" W	87.28
C107	101°28'19"	30.00	53.13	36.70	S 78°53'56" W	46.45
C108	21°09'04"	285.00	105.21	53.21	S 38°46'00" W	104.61
C109	13°36'29"	285.00	67.69	34.00	N 56°08'46" E	67.53
C110	01°20'57"	285.00	6.71	3.36	N 63°37'36" E	6.71
C111	02°20'04"	325.00	13.24	6.62	N 65°27'57" E	13.24
C112	13°25'09"	325.00	76.12	38.23	S 73°20'37" W	75.94
C113	11°01'06"	325.00	62.50	31.35	N 85°33'44" E	62.40
C114	12°13'53"	325.00	69.38	34.82	S 82°48'46" E	69.25
C115	21°17'04"	158.89	59.02	29.86	N 67°18'21" W	58.69
C116	27°08'04"	400.00	189.43	96.53	N 38°36'51" W	187.67
C117	79°42'26"	125.00	173.89	104.34	N 14°48'29" E	160.21
C118	02°33'14"	350.00	15.60	7.80	N 26°19'29" W	15.60

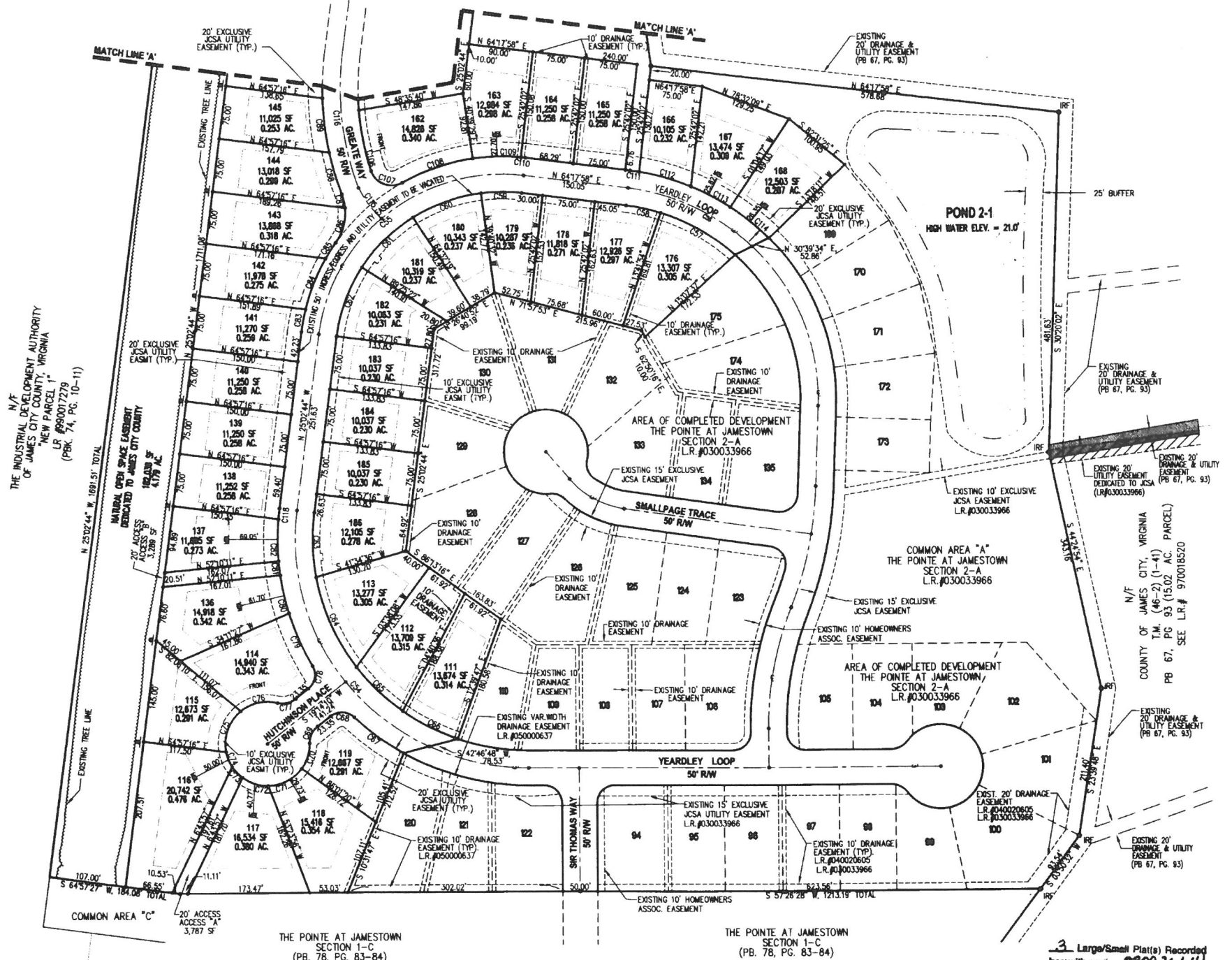
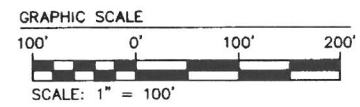
1 OF 3	COMMISSION NUMBER 2050330	SCALE AS NOTED	SUBDIVISION PLAT			THIS DOCUMENT IS THE SOLE PROPERTY OF DJG, INC. OF WILLIAMSBURG, VIRGINIA. THE REPRODUCTION, IN WHOLE OR PART, OR THE MODIFICATION OF ANY DETAIL OR DESIGN IS NOT TO BE MADE WITHOUT THE EXPRESS WRITTEN CONSENT OF DJG, INC., COPYRIGHT 2005.	REVISIONS	COMMITMENT OF EXCELLENCE LAND SURVEYOR No. 002063 10/20/08	LandTech Resources, Inc. Surveying • GPS • Engineering	449 McLaws Circle, P.O. Box 3505, Williamsburg, VA 23187 Phone: (757) 565-1677 Fax: (757) 565-0782 web: landtechresources.com	Committed to Excellence ENGINEERS • ARCHITECTS 449 McLaws Circle, P.O. Box 3505, Williamsburg, Virginia 23187 (757) 253-0673 FAX: (757) 253-2319 E-MAIL: williamsburg@djginc.com NORFOLK - VIRGINIA BEACH AREA (757) 874-5015
			DESIGNED MLH/RK	DRAWN RK	CHECKED MHC						

080026641



- LEGEND**
- P.B.K. = PLAT BOOK
 - D.B.K. = DEED BOOK
 - L.R. = LAND RECORD
 - R/W = RIGHT OF WAY
 - SF = SQUARE FEET
 - AC = ACRE(S)
 - N/F = NOW OR FORMERLY
 - JCSA = JAMES CITY SERVICE AUTHORITY
 - C = CENTERLINE
 - = DENOTES IRON ROD SET
 - IRF = IRON ROD FOUND
 - MBL = MINIMUM BUILDING LINE (WITH SET BACK DIMENSION)
 - ☐ = JAMES CITY COUNTY CONSERVATION EASEMENT SIGN

City of Williamsburg & County of James City
Circuit Court. This PLAT was recorded on
30 October 2008
at 3:54 PM P.M. PB. PG.
DOCUMENT # 080026641
BETSY B. WOOLRIDGE, CLERK
Betsy B. Woolridge Clerk



2 OF 3 SHEET NUMBER 2050330	SCALE AS NOTED	SUBDIVISION PLAT THE POINTE AT JAMESTOWN, SECTION 2-B		THIS DOCUMENT IS THE SOLE PROPERTY OF DJG, INC. OF WILLIAMSBURG, VIRGINIA. THE REPRODUCTION, IN WHOLE OR PART, OR THE MODIFICATION OF ANY DETAIL OR DESIGN IS NOT TO BE MADE WITHOUT THE EXPRESS WRITTEN CONSENT OF DJG, INC., COPYRIGHT 2005.	NO. DATE DESCRIPTION 1 7/11/05 REVISIONS PER COUNTY COMMENTS	REVISIONS			
	DESIGNED NLHT	OWNER/DEVELOPER HAMPTON ROADS DEVELOPMENT, L.L.C.							
	DRAWN RK	BERKELEY DISTRICT JAMES CITY COUNTY VIRGINIA							
	CHECKED MHC								
	DATE 10/20/04								

3 Large/Small Plat(s) Recorded
herewith as # 080026641

3 OF 3	SHEET NUMBER	COMMISSION NUMBER 2050330	SCALE AS NOTED	SUBDIVISION PLAT			THIS DOCUMENT IS THE SOLE PROPERTY OF DJG, INC. OF WILLIAMSBURG, VIRGINIA. THE REPRODUCTION, IN WHOLE OR PART, OR THE MODIFICATION OF ANY DETAIL OR DESIGN IS NOT TO BE MADE WITHOUT THE EXPRESS WRITTEN CONSENT OF DJG, INC., COPYRIGHT 2005.				
			DESIGNED MLHT	THE POINTE AT JAMESTOWN, SECTION 2-B			NO. DATE DESCRIPTION				
DRAWN RK	OWNER/DEVELOPER			1 7/11/05 REVISIONS PER COUNTY COMMENTS		REVISIONS		205-E Bulfinch Boulevard, Williamsburg, VA 23188 Phone: (757) 565-1677 Fax: (757) 565-0782 web: landtechresources.com		449 McLaws Circle, P.O. Box 3505 Williamsburg, Virginia 23187 (757) 253-0673 FAX: (757) 253-2319 E-MAIL: williamsburg@djginc.com NORFOLK - VIRGINIA BEACH AREA (757) 674-5015	
			CHECKED MHC	HAMPTON ROADS DEVELOPMENT, L.L.C.							
			DATE 10/20/04	BERKELEY DISTRICT JAMES CITY COUNTY VIRGINIA							



April 24, 2020



April 24, 2020



April 24, 2020



April 24, 2020



April 24, 2020



April 24, 2020