

M I N U T E S
JAMES CITY COUNTY CHESAPEAKE BAY BOARD
REGULAR MEETING
County Government Center, Building D
101 Mounts Bay Road, Williamsburg, Virginia 23188
August 11, 2021
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

1. Minutes from July 14, 2021, Regular Meeting

D. PUBLIC HEARINGS

1. CBPA 21-0089 : 105 Thorpe's Parish
2. CBPA 21-0083 : 114 Constance Avenue
3. CBPA 21-0079 : 6015 Richmond Road

E. BOARD CONSIDERATIONS

F. MATTERS OF SPECIAL PRIVILEGE

G. ADJOURNMENT

ITEM SUMMARY

DATE: 8/11/2021

TO: Chesapeake Bay Board

FROM: Michael Woolson, Chesapeake Bay Board Secretary

SUBJECT: Minutes from July 14, 2021, Regular Meeting

ATTACHMENTS:

Description	Type
Minutes	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	8/4/2021 - 12:11 PM
Chesapeake Bay Group	Small, Toni	Approved	8/4/2021 - 12:26 PM
Publication Management	Daniel, Martha	Approved	8/4/2021 - 12:29 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	8/4/2021 - 12:44 PM

MINUTES
JAMES CITY COUNTY CHESAPEAKE BAY BOARD
REGULAR MEETING
County Government Center, Building F
101 Mounts Bay Road, Williamsburg, Virginia 23188
July 14, 2021
5:00 PM

A. CALL TO ORDER

The Chesapeake Bay Board meeting for July 14, 2021, 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:

Halle Dunn, Acting Chairperson
William Apperson
Charles Roadley
Larry Waltrip
Michael O'Brien

Board Members Absent:

David Gussman

Other Staff Present:

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

C. MINUTES

1. Minutes from June 9, 2021 Regular Meeting

A motion to Approve the minutes was made by Mr. Dunn.

The minutes were approved on a voice vote.

D. PUBLIC HEARINGS

1. Case No. CBPA 21-0064 : 101 Abigail Lane

Ms. Robin Benedict, Watershed Planner, presented the exception request submitted by Ms. Susan Maida for encroachments into the Resource Protection Area (RPA) buffer for the construction of a retaining wall located at 101 Abigail Lane, within Tazewell's Hundred Phase 2, Kingsmill Subdivision and the College Creek watershed. This case was deferred from the

June 9, 2021 meeting. The property is further identified as James City County Tax Map Parcel No. 5030400082. The presentation described the current and proposed site conditions. If the Board approved the request, staff asked that the suggested conditions be incorporated into the approval.

The Board deliberated the pros and cons of this application.

Mr. Gussman previously opened the Public Hearing at the June 9, 2021 meeting.

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

Mr. Roadley made a motion to Adopt the resolution for Chesapeake Bay Board Case No. CBPA-21-0064 at 101 Abigail Lane.

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

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

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

NAYS: None

ABSENT: Gussman

2. Case No. CBPA 21-0083 : 114 Constance Avenue

The Applicant requested that the case be deferred until the August 11, 2021, meeting.

Mr. Dunn opened the Public Hearing.

3. Case No. CBPA 21-0087 : 10007 Sycamore Landing Road

Mr. Trevor Long, Watershed Planner, presented the exception request submitted by Mr. Harold Breeden for encroachments into the RPA buffer for the addition of fill material located at 10007 Sycamore Landing Road within the Stephens Tract No. 2 Subdivision and the Ware Creek watershed. The property is further identified as James City County Tax Map Parcel No. 0720400011. The presentation described the current and proposed site conditions. If the Board approved the request, staff asked that the suggested conditions be incorporated into the approval.

The Board deliberated the pros and cons of this application.

Mr. Apperson inquired if Stormwater and Resource Protection staff managed the Erosion and Sediment and Control Plan.

Mr. Long affirmatively replied and added that staff would review that plan along with the Land Disturbing Permit and ensure if this plan were to be approved, that the appropriate erosion and sediment control measures were in place.

Mr. Roadley stated that staff does not have a well-defined site plan. He stated it would be nice to see a site plan that would show where the plantings were going to go so once the permit is issued and the work undertaken, the end result could be matched up to what was approved by the Board.

Mr. Long stated that staff could obtain that and share with the Board as well.

Mr. Dunn opened the Public Hearing.

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

Mr. Roadley stated that he would be willing to approve if staff would be provided the mitigation plans so the Board can judge compliance.

Mr. Waltrip and Mr. Dunn concurred.

Mr. Roadley made a motion to Adopt the resolution for Chesapeake Bay Board Case No. CBPA-21-0087 at 10007 Sycamore Landing Road subject to the condition that the applicant submit a mitigation plan acceptable to staff.

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

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

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

NAYS: None

ABSENT: Gussman

4. Case No. CBPA 21-0075 : 10006 Sycamore Landing Road

Mr. Trevor Long, Watershed Planner, presented the exception request submitted by Mr. Daniel Winall, Waters Edge Construction on behalf of Mr. David Lambey and Mrs. Kim Lambey, for encroachments into the RPA buffer for bank grading located at 10006 Sycamore Landing Road within the York River and Ware Creek watersheds. The property is further identified as James City County Tax Map Parcel No. 0720100002. The presentation described the current and proposed site conditions. If the Board approved the request, staff asked that the suggested conditions be incorporated into the approval.

The Board deliberated the pros and cons of this application.

Mr. Roadley inquired of provision in the Chesapeake Bay Ordinance for shoreline projects that have already been duly authorized.

Mr. Long replied, he was not aware of one but that could be looked into.

Mr. Dunn opened the Public Hearing.

A. Mr. Daniel Winall, Waters Edge Construction, outlined the project for the Board.

Mr. Dunn closed the Public Hearing.

Mr. Apperson made a motion to Adopt the resolution for Chesapeake Bay Board Case No. CBPA-21- 0075 at 10006 Sycamore Landing 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: Dunn, Apperson, Roadley, Waltrip, O'Brien

NAYS: None

ABSENT: Gussman

E. BOARD CONSIDERATIONS

Wetlands and Chesapeake Bay Board Meetings will be held in Building D for August 11, 2021.

F. MATTERS OF SPECIAL PRIVILEGE

None.

G. ADJOURNMENT

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

The meeting adjourned at 5:50 p.m.

ITEM SUMMARY

DATE: 8/11/2021

TO: Chesapeake Bay Board

FROM: Trevor Long, Watershed Planner

SUBJECT: CBPA 21-0089: 105 Thorp's Parish

CBPA 21-0089: Mr. Mark and Ms. Linda Wenger, have filed an exception request for encroachments into the RPA buffer for the construction of a deck at 105 Thorpe's Parish, JCC Parcel ID No. 5030300015.

ATTACHMENTS:

Description	Type
Staff Report	Staff Report
Resolution	Resolution
Site Plan	Backup Material
Presentation	Presentation
Public Advertisement	Backup Material
Adjacent Property Owner Letter	Backup Material
Adjacent Property Owner List	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	8/4/2021 - 12:09 PM
Chesapeake Bay Group	Small, Toni	Approved	8/4/2021 - 12:26 PM
Publication Management	Daniel, Martha	Approved	8/4/2021 - 12:35 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	8/4/2021 - 3:33 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA 21-0089. 105 Thorpe's Parish
Staff Report for the August 11, 2021, Chesapeake Bay Board Public Hearing**

This staff report is prepared by the 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

Applicants: Mr. Mark and Ms. Linda Wenger

Agent: None

Location: 105 Thorpe's Parish

Parcel Identification No.: 5030300015

Parcel: Lot 15, Tutter's Neck

Lot Size: 0.47 acres

Area of Lot in Resource Protection Area (RPA): 0.25 acres +/- (53%)

Watershed: College Creek (HUC JL 34)

Floodplain: None affecting this property

Proposed Activity: Construction of a deck

Impervious Cover: 588 square feet

RPA Encroachment: 588 square feet, landward 50-foot RPA

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

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Mark and Ms. Linda Wenger have applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of a deck on property located at 105 Thorpe's Parish within the Kingsmill subdivision and the College Creek watershed. The property is further identified as James City County Tax Map Parcel No. 5030300015. The parcel was platted in 1978, prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The total lot size of this property is 0.47 acres, of which 53% is located within the RPA. The applicants are proposing to construct a deck to the rear of the existing house equating to approximately 588 square feet of impacts to the landward 50-foot RPA. Required mitigation of this amount of impervious impacts to the RPA equals the planting of 1.5 planting units (one canopy tree, two understory trees, and six shrubs).

STAFF EVALUATION

Staff has evaluated the application and exception request for the construction of a deck. This application meets the Ordinance conditions in Sections 23-11 and 23-14 and should be heard by the Board because the construction of a deck is considered 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 has reviewed the application and exception request and has determined the impacts associated with the proposal to be minor for the proposed development. Staff recommends approval for this exception request and if the Board wishes to approve this request, Staff recommends 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, including a building permit if necessary; and
2. The submittal of a mitigation plan equating to one canopy tree, two understory trees, and six shrubs be submitted to the Stormwater and Resource Protection Division; and
3. A surety of \$500 be submitted in a form acceptable to the James City County Attorney's Office to guarantee the mitigation plantings; and
4. This exception request approval shall become null and void if construction has not begun by August 11, 2022; and
5. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than June 30, 2022, six weeks prior to the expiration date.

TAL/ap
CBPA21-89_105ThorpsPar

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA 21-0089. 105 THORPE'S PARISH

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Mark and Ms. Linda Wenger (the "Applicants") have applied to the Chesapeake Bay Board of James City County (the "Board") on August 11, 2021, 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. 5030300015 and further identified as 105 Thorpe's Parish (the "Property") as set forth in the application CBPA 21-0089 for the purpose of construction of a deck; 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 applicants must obtain all other necessary federal, state, and local permits as required for the project, including a building permit if necessary; and
 - b. The submittal of a mitigation plan equaling one canopy tree, two understory trees, and six shrubs be submitted to the Stormwater and Resource Protection Division; and
 - c. A surety of \$500 be submitted in a form acceptable to the James City County Attorney's Office to guarantee the mitigation plantings; and

- d. This exception request approval shall become null and void if construction has not begun by August 11, 2022; and
- e. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than June 30, 2022, six weeks prior to the expiration date.

David Gussman
Chairman, Chesapeake Bay Board

Michael D. Woolson
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 11th day of August, 2021.

CBPA21-89_105ThorpsPar-res



Chesapeake Bay Board of James City County, Virginia

August 11, 2021

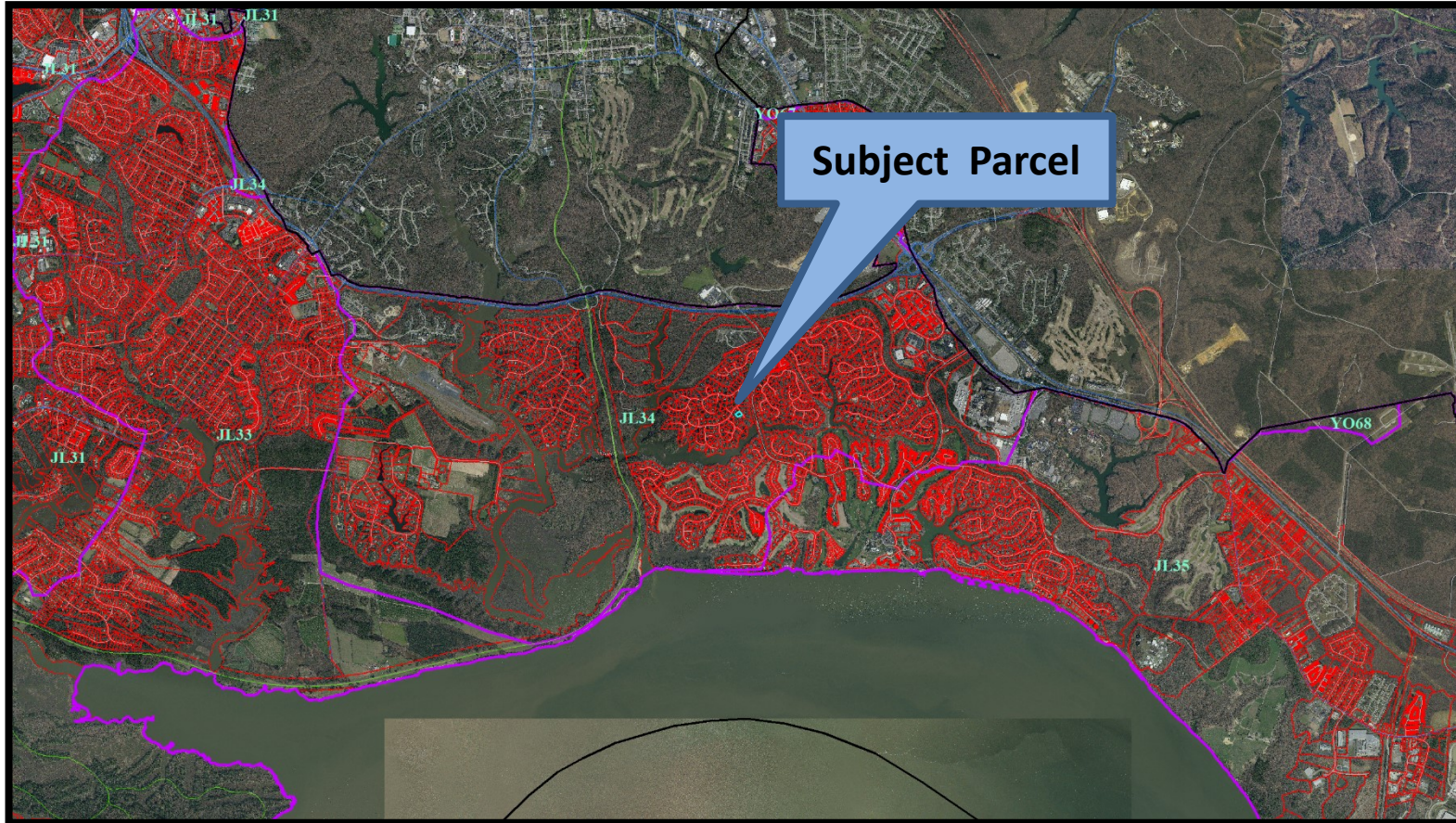
CBPA 21-0089

Mark and Linda Wenger

105 Thorpe's Parish

Applicant Request

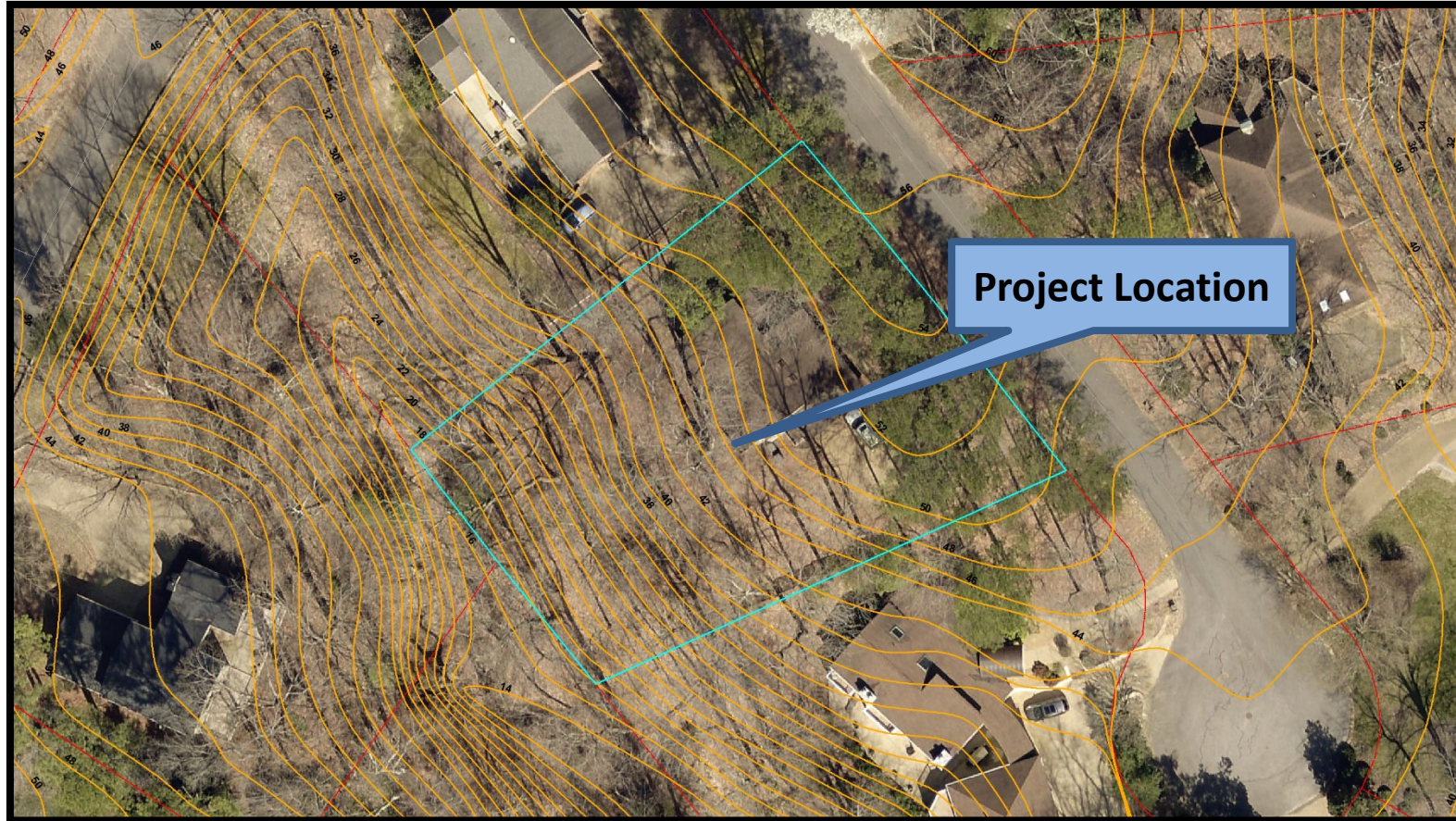
- ✓ Construct a deck.



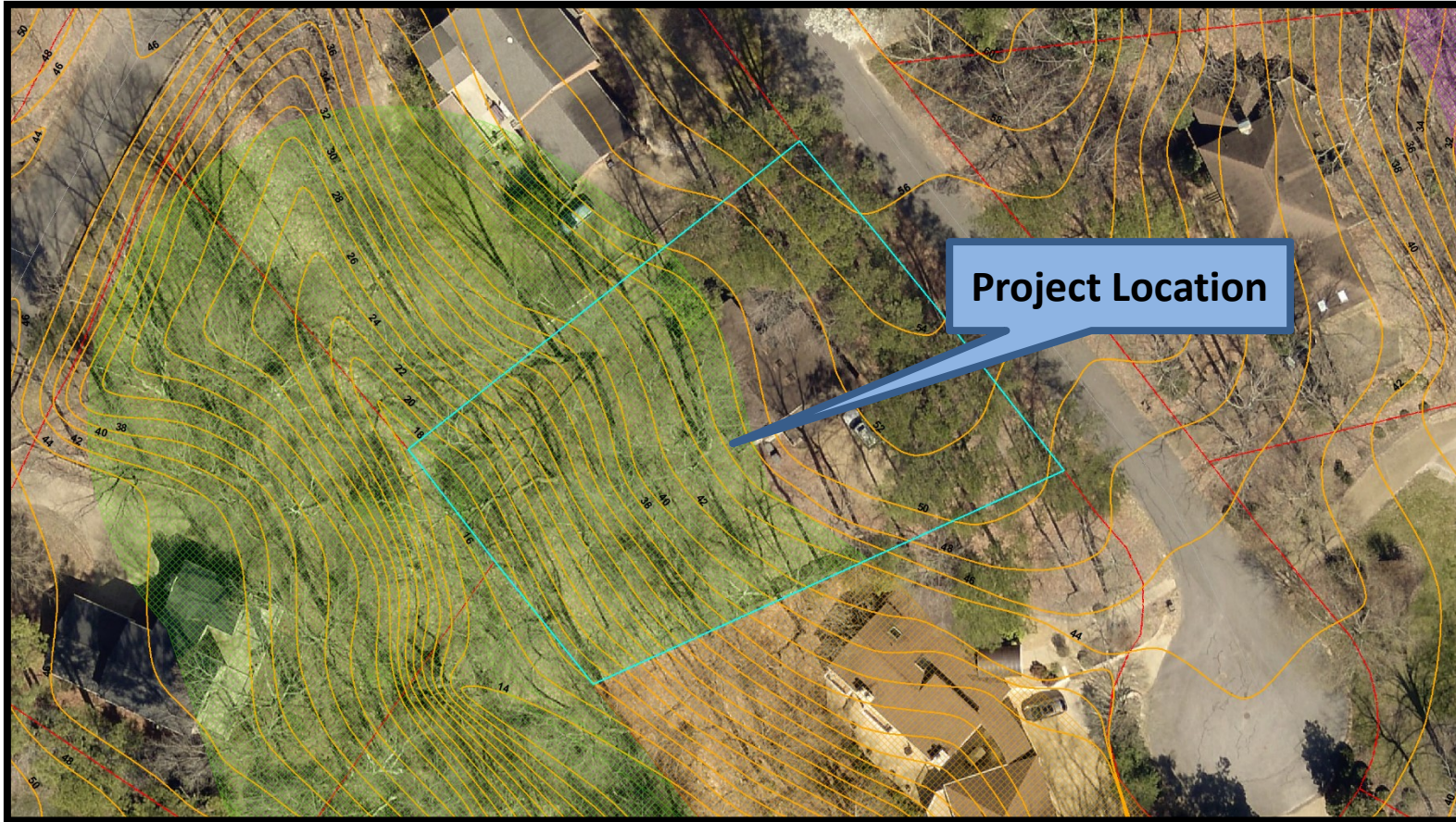
Vicinity Map
CBPA-21-0089
105 Thorpe's Parish



Aerial Photograph
CBPA-21-0089
105 Thorpe's Parish



Topography
CBPA-21-0089
105 Thorpe's Parish

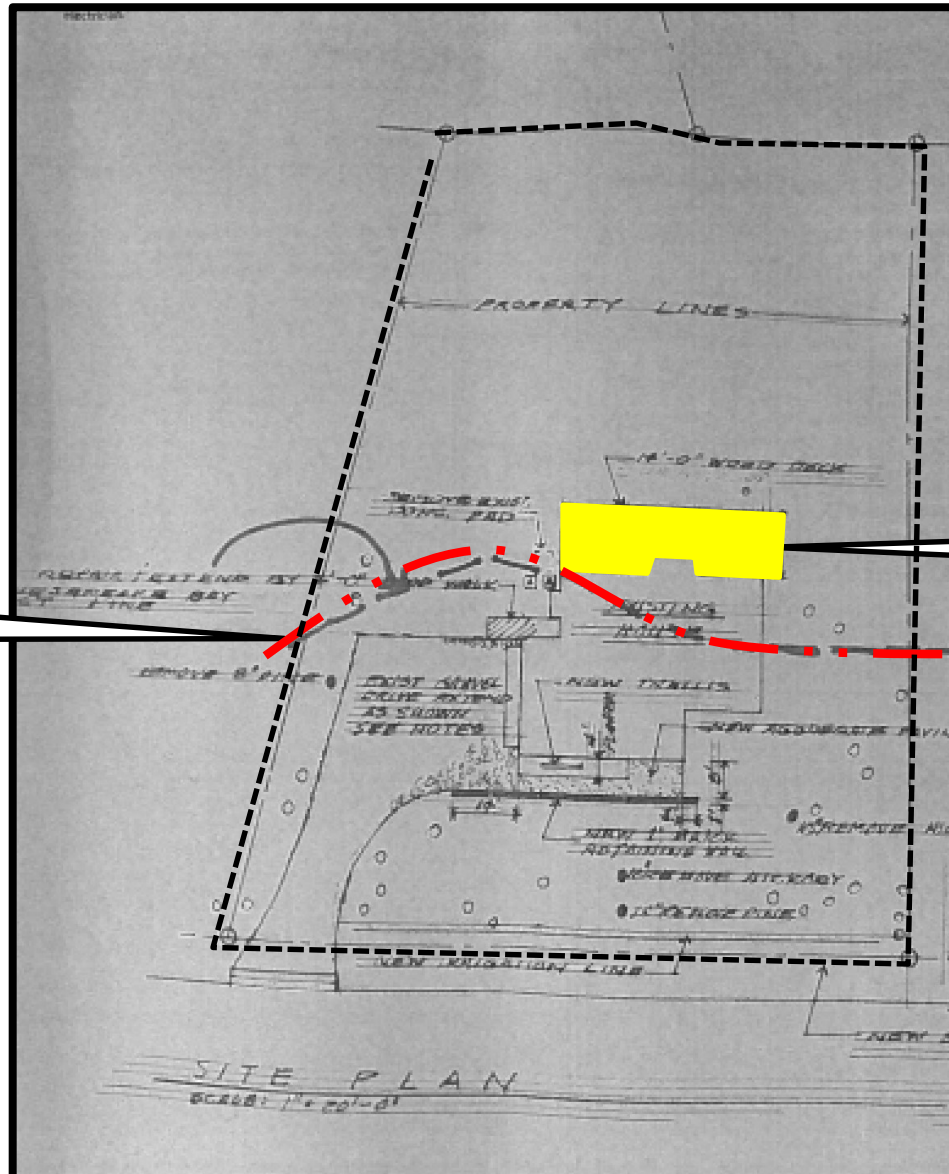


Resource Protection Area
CBPA-21-0089
105 Thorpe's Parish

**Site Plan showing
proposed improvements,
submitted June 16, 2021.
For representative use
only for presentation of
case #CBPA-21-0089**

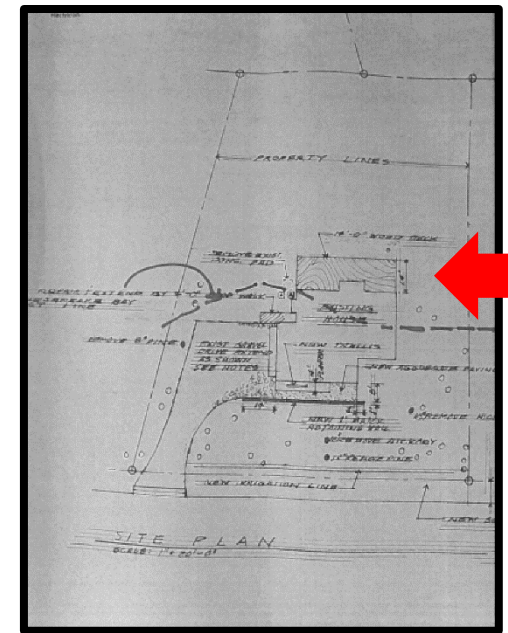
Proposed Deck

100 foot Resource Protection Area

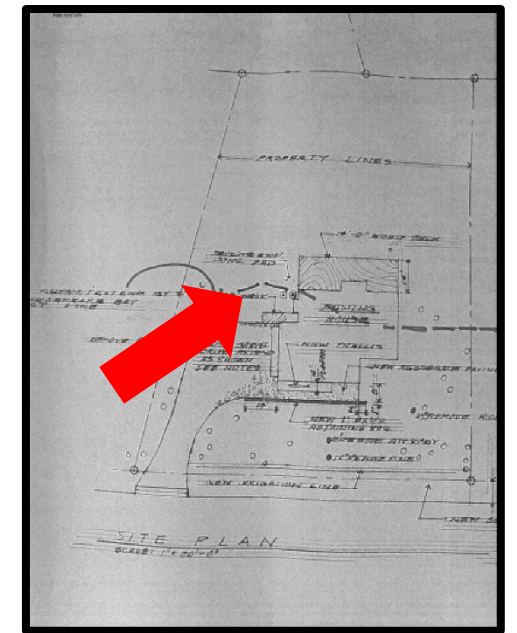


Site Plan - CBPA-21-0089

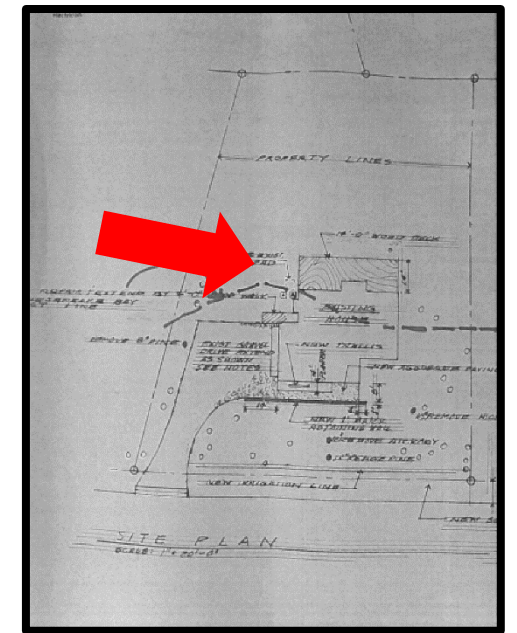
105 Thorpe's Parish



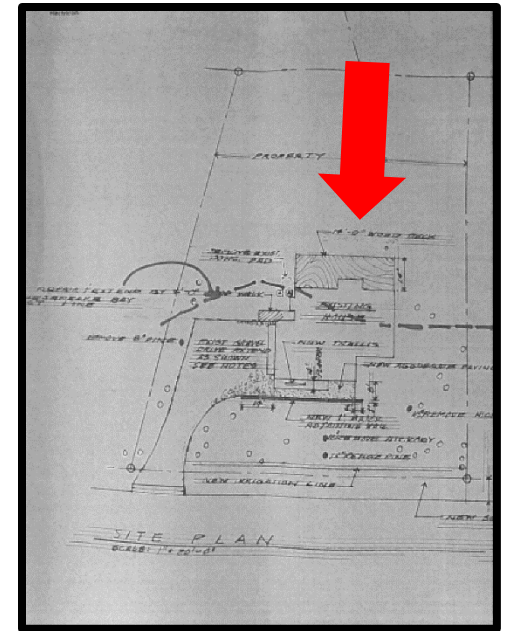
Site Photograph #1 - CBPA-21-0089
105 Thorpe's Parish



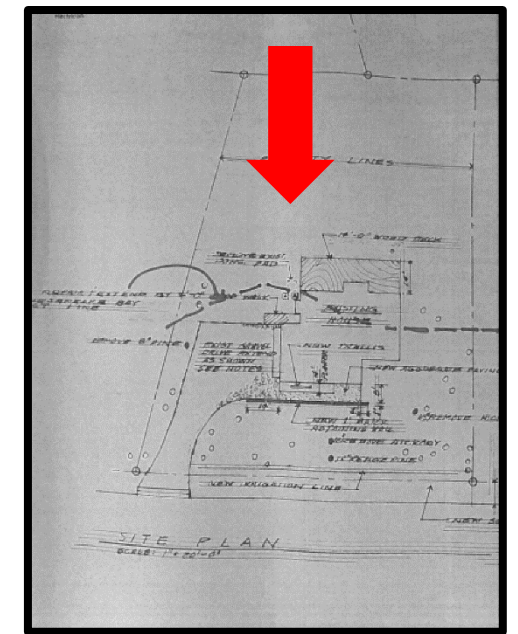
Site Photograph #2 - CBPA-21-0089
105 Thorpe's Parish



Site Photograph #3 - CBPA-21-0089
105 Thorpe's Parish



Site Photograph #4 - CBPA-21-0089
105 Thorpe's Parish



Site Photograph #5 - CBPA-21-0089
105 Thorpe's Parish

Permit Conditions



Staff Recommendation – Approval

- ✓ All other necessary local, state and federal permits
- ✓ A mitigation plan consisting of 1.5 planting units
- ✓ A surety of \$500 to guarantee plantings
- ✓ This exception request approval shall become null and void if construction has not begun by August 11, 2022
- ✓ Written requests for extension submitted no later than June 30, 2022



PUBLIC HEARING NOTICE

THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY, AUGUST 11, 2021 AT 5 P.M.** IN THE COUNTY GOVERNMENT CONFERENCE ROOM OF BUILDING D, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA 21-0079: Wayne Harbin Builder, Inc., has filed an exception request for encroachments into the RPA buffer for sanitary sewer installation and Stormwater Management BMP construction at 6015 Richmond Road, JCC Parcel ID No. 3220100081.

CBPA 21-0089: Mr. Mark and Ms. Linda Wenger, have filed an exception request for encroachments into the RPA buffer for the construction of a deck at 105 Thorpe's Parish, JCC Parcel ID No. 5030300015.

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

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 – AUGUST 4, 2021 and JULY 28, 2021.
ACCOUNT NO. CU00015112
VIRGINIA GAZETTE
1/8 PAGE, VERTICAL, B/W
CARD # x9941

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



General Services

107 Tewning Road
Williamsburg, VA 23188
P: 757-259-4080

General.Services@jamestownva.gov

jamestownva.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

July 21, 2021

RE: CBPA 21-0089
105 Thorpe's Parish
Deck

Dear Adjacent Property Owner:

In accordance with State and County Codes, this letter is to notify you that a request has been filed with the James City County Chesapeake Bay Board by Mr. Mark and Ms. Linda Wenger for encroachment into the Resource Protection Area (RPA) buffer for the construction of a deck. The project is located at 105 Thorpe's Parish and further identified as JCC Parcel No. 5030300015.

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 11, 2021 at 5:00 p.m.**, in the Conference Room of Building D, 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@jamestownva.gov

MDW: jep

Mailing List for: CBPA-21-0089–105 Thorpe's Parish:- Deck

Owner: 5030300015

Wenger, Mark J & Linda C
105 Thorpe's Parish
Williamsburg, VA 23185-5119

5030300011

Fraley, Jack L, Jr. & Cheryl A
104 Thorpe's Parish
Williamsburg, VA 23185-5119

5030300010

Dal Pozzol, Anna G, Trustee
100 Thorpe's Parish
Williamsburg, VA 23185-5120

5030300012

Bell, Walter A & Lara K
108 Thorpe's Parish
Williamsburg, VA 23185-5120

5030300016

Manos, Dennis M & Cynthia A
101 Thorpe's Parish
Williamsburg, VA 23185-5119

5030300014

Tankersley, Ken L, Trustee & Christy
109 Thorpe's Parish
Williamsburg, VA 23185-5119

5030300017

Longo, Daniele A
140 Tutters Neck
Williamsburg, VA 23185-5137

5030300019

McLendon, Paul Bryon & Aimee
104 Colonel's Way
Williamsburg, VA 23185-5105

ITEM SUMMARY

DATE: 8/11/2021

TO: Chesapeake Bay Board

FROM: Trevor Long, Watershed Planner

SUBJECT: CBPA 21-0083 : 114 Constance Avenue

CBPA 21-0083: Acelution, Inc., on behalf of Mr. Stephen and Mrs. Jessica Smith, has filed an exception request for encroachments into the RPA buffer for the construction of a landing at 114 Constance Avenue, JCC Parcel ID No. 4730500026.

ATTACHMENTS:

Description	Type
Memorandum	Cover Memo
Application Withdrawal	Backup Material
Public Advertisement	Backup Material
Adjacent Property Owner List	Backup Material
Adjacent Property Owner Letter	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	8/4/2021 - 12:11 PM
Chesapeake Bay Group	Small, Toni	Approved	8/4/2021 - 12:26 PM
Publication Management	Daniel, Martha	Approved	8/4/2021 - 12:43 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	8/4/2021 - 3:32 PM

MEMORANDUM

DATE: August 11, 2021

TO: The Chesapeake Bay Board

FROM: Robin Benedict, Watershed Planner

SUBJECT: Chesapeake Bay Exception No. CBPA-21-0083. 114 Constance Avenue

Ms. Brittany Hulstine, Acelution, has requested to withdraw their application for exception to the Chesapeake Bay Preservation Ordinance. Staff concurs with this request. As this case has been public noticed, staff recommends that the public hearing be closed.

From: Production <production@needace.com>
Sent: Wednesday, August 11, 2021 9:53 AM
To: Robin Benedict
Subject: [External] RE: [External] RE: [External] RE: [External] RE: CBPA-21-0083

Good Morning,

We would like to withdraw the application.

Thank you and have a great day!

From: Robin Benedict [<mailto:Robin.Benedict@jamescitycountyva.gov>]
Sent: Monday, August 9, 2021 2:07 PM
To: Production <production@needace.com>
Subject: RE: [External] RE: [External] RE: [External] RE: CBPA-21-0083

I understand. The only thing I will need from you is an email stating you would like to withdraw your application. Thank you.

From: Production <production@needace.com>
Sent: Monday, August 9, 2021 1:45 PM
To: Robin Benedict <Robin.Benedict@jamescitycountyva.gov>
Subject: [External] RE: [External] RE: [External] RE: CBPA-21-0083

Sorry, we will no longer need the meeting for this case, they will be going with someone else. Please let me know if you have any questions.

Thank you and have a great day.

From: Robin Benedict [<mailto:Robin.Benedict@jamescitycountyva.gov>]
Sent: Monday, August 9, 2021 1:35 PM
To: Production <production@needace.com>
Subject: RE: [External] RE: [External] RE: CBPA-21-0083

Thank you for getting back to me. Unfortunately we cannot defer indefinitely, but we can defer for six months and revisit the case at that time. Thank you.

Robin Benedict
Watershed Planner



Stormwater and Resource Protection Division
General Services Department
101-E Mounts Bay Road

Williamsburg, VA 23185

P: 757-253-6781

C: 757-532-1043

[jamescitycountyva.gov](http://www.jamescitycountyva.gov)

Most permit requests and inquiries can now be handled online

Visit JCC Permitlink: <http://www.jamescitycountyva.gov/permitlink>

From: Production <production@needace.com>

Sent: Monday, August 9, 2021 9:45 AM

To: Robin Benedict <Robin.Benedict@jamescitycountyva.gov>

Subject: [External] RE: [External] RE: CBPA-21-0083

Good Morning,

I do apologize for the confusion, for I just received further instruction. We have to postpone this one indefinitely as the Client has to engage with an Engineer.

Thank you and have a great day!

Sincerely,

Brittany Hulstine

Production Staff

You don't have PROBLEMS, just....

Acelution® Inc.

Offices on the Southside & Peninsula

Office Hours (8am-4pm) Mon-Thur

o(757)224-0113

www.needAce.com

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From: Robin Benedict [<mailto:Robin.Benedict@jamescitycountyva.gov>]

Sent: Monday, August 9, 2021 8:37 AM

To: Production <production@needace.com>

Subject: RE: [External] RE: CBPA-21-0083

Good morning,

To confirm, would you like to defer for one month or three months? Thank you.

Robin Benedict
Watershed Planner



Stormwater and Resource Protection Division
General Services Department
101-E Mounts Bay Road
Williamsburg, VA 23185
P: 757-253-6781
C: 757-532-1043

[jamestownva.gov](http://www.jamestownva.gov)

Most permit requests and inquiries can now be handled online

Visit JCC Permitlink: <http://www.jamestownva.gov/permitlink>

From: Production <production@needace.com>

Sent: Monday, August 9, 2021 8:27 AM

To: Robin Benedict <Robin.Benedict@jamestownva.gov>

Cc: dan@needace.com; Shannon Holloway <shannon@needace.com>

Subject: [External] RE: CBPA-21-0083

Good Morning,

We would like to request an additional extension for the project referenced below, for we are still working on our site planning. Please let us know if you have any questions.

Thank you and have a great day!

Sincerely,

Brittany Hulstine

Production Staff

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o(757)224-0113

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From: Robin Benedict [<mailto:Robin.Benedict@jamescitycountyva.gov>]

Sent: Friday, August 6, 2021 2:48 PM

To: Production <production@needace.com>

Subject: CBPA-21-0083

Good afternoon,

Your case, CBPA-21-0083, at 114 Constance Avenue, will be heard before the board on August 11 at 101 Mounts Bay Road, Building D, at 5 PM. Please review the attached staff report and contact our office with any questions.

Robin Benedict
Watershed Planner



Stormwater and Resource Protection Division

General Services Department

101-E Mounts Bay Road

Williamsburg, VA 23185

P: 757-253-6781

C: 757-532-1043

jamescitycountyva.gov

Most permit requests and inquiries can now be handled online

Visit JCC **Permitlink**: <http://www.jamescitycountyva.gov/permitlink>



PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY, JULY 14, 2021 AT 5 P.M.** IN THE COUNTY GOVERNMENT CENTER BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE WETLANDS BOARD WILL CONSIDER THE FOLLOWING CASE:

WJPA 21-0027/VMRC-2021-1060: Water's Edge Construction, on behalf of Mr. J. Barry Davidson, Jr. and Mrs. Laura Davidson, and Mr. Richard Costello and Mrs. Nina Costello, has applied for a wetlands permit for the construction of an offshore sill with beach nourishment and the repair of a rip rap revetment at 10016 and 10020 Sycamore Landing Road, JCC Parcel ID No. 0720400002 and JCC Parcel ID No. 0720400004.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA 21-0075: Water's Edge Construction, on behalf of Mr. David and Mrs. Kim Lambey have filed an exception request for encroachments into the RPA buffer for bank grading at 10006 Sycamore Landing Road, JCC Parcel ID No. 0720100002.

CBPA 21-0083: Acelution, Inc., on behalf of Mr. Stephen and Mrs. Jessica Smith, has filed an exception request for encroachments into the RPA buffer for the construction of a landing at 114 Constance Avenue, JCC Parcel ID No. 4730500026.

CBPA 21-0087: Mr. Harold Breeden has filed an exception request for encroachments into the RPA buffer for the addition of fill material at 10007 Sycamore Landing Road, JCC Parcel ID No. 0720400011.

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

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 7, 2021 and JUNE 30, 2021.

ACCOUNT NO. CU00015112

VIRGINIA GAZETTE

1/8 PAGE, VERTICAL, B/W

CARD # x9941

COPIES: PLANNING

ASSISTANT COUNTY ATTORNEY

WETLANDS/CHESAPEAKE BAY BOARD MEMBERS

Mailing List for: CBPA-21-0083–114 Constance Avenue:- Deck

Owner: 4730500026

Smith, Stephen T & Jessica D
114 Constance Avenue
Williamsburg, VA 23185-3145

4730500027 - 116 Constance Avenue

Parks, James N, Trustee & Ruth D, Trustee
1201 Fearrington Post
Pittsboro, NC 27312-5025

4730500025

Haywood, John C
112 Constance Avenue
Williamsburg, VA 23185-3145

Contractor:

Acelution, Inc.
Attn: Ms. Brittany Hulstine
632 Hampton Highway
Yorktown, VA 23693-4100

4730500031

Flynn, Francis Marion, II, Trustee & Virginia O,
Trustee
109 Godspeed Lane
Williamsburg, VA 23185-3171

4730500030

Pruitt, James S & Jessica S
107 Godspeed Lane
Williamsburg, VA 23185-3171



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

June 23, 2021

RE: CBPA 21-0083
114 Constance Avenue
Landing

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 Ms. Brittany Hulstine, Acelution, Inc. on behalf of Mr. Stephen Smith and Mrs. Jessica Smith for encroachment into the Resource Protection Area (RPA) buffer for construction of a landing. The project is located at 114 Constance Avenue and further identified as JCC Parcel No. 4730500026.

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, July 14, 2021 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: Acelution, Inc.
Attn: Ms. Brittany Hulstine

MDW: jep

ITEM SUMMARY

DATE: 8/11/2021

TO: Chesapeake Bay Board

FROM: Trevor Long, Watershed Planner

SUBJECT: CBPA 21-0079: 6015 Richmond Road

CBPA 21-0079: Wayne Harbin Builder, Inc., has filed an exception request for encroachments into the RPA buffer for sanitary sewer installation and Stormwater Management BMP construction at 6015 Richmond Road, JCC Parcel ID No. 3220100081.

ATTACHMENTS:

Description	Type
Deferral Memorandum	Cover Memo
Deferral Request	Backup Material
Public Advertisement	Cover Memo
Adjacent Property Owner Letter	Backup Material
Adjacent Property Owner List	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	8/4/2021 - 12:06 PM
Chesapeake Bay Group	Small, Toni	Approved	8/4/2021 - 12:26 PM
Publication Management	Daniel, Martha	Approved	8/4/2021 - 12:50 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	8/4/2021 - 3:32 PM

MEMORANDUM

DATE: August 11, 2021

TO: The Chesapeake Bay Board

FROM: Robin Benedict, Watershed Planner

SUBJECT: Chesapeake Bay Exception No. CBPA-21-0079. 6015 Richmond Road

Mr. Wayne Harbin, Wayne Harbin Builder Inc., has requested a deferral of this application for exception to the Chesapeake Bay Preservation Ordinance so that they may work through issues with the BMP design. Staff concurs with this request. As this case has been public noticed, staff recommends that the public hearing be opened and stay open until the September meeting, at which time the case will be heard.

Michael Woolson

From: Michael Woolson
Sent: Wednesday, August 11, 2021 10:48 AM
To: 'Chase Grogg'
Cc: David Gussman (dsgussman@cox.net); Liz Parman; Toni Small
Subject: RE: [External] RE: [External] Forest Heights

Absolutely.

From: Chase Grogg <cgrogg@landtechresources.com>
Sent: Wednesday, August 11, 2021 10:46 AM
To: Michael Woolson <Michael.Woolson@jamescitycountyva.gov>
Cc: doug@harbinbuilder.com; greg@landtechresources.com; william@landtechresources.com
Subject: [External] RE: [External] Forest Heights

Mike,

Please defer this case until September while we work through these final steps with you.

Thanks,
Chase

From: Michael Woolson <Michael.Woolson@jamescitycountyva.gov>
Sent: Wednesday, August 11, 2021 8:30 AM
To: 'Chase Grogg' <cgrogg@landtechresources.com>
Subject: RE: [External] Forest Heights

I have to run this by Deirdre.

GO ahead and ask for a deferral to the September meeting to allow us to work on things. We can always pull it from the Septmebr meeting later once we do.

From: Chase Grogg <cgrogg@landtechresources.com>
Sent: Wednesday, August 11, 2021 8:01 AM
To: Michael Woolson <Michael.Woolson@jamescitycountyva.gov>
Subject: [External] Forest Heights

Mike,

Attached is all of the revised information for Forest Heights. Thanks for letting us do the 3-1 slope on that side as it did remove the impact into the RPA there. Please let me know if you have any questions or other changes and we will get them done today so we can keep on the administrative approval route instead of the board.

Thanks,
Chase

Chase Grogg

Vice President – Survey Coordinator

LandTech Resources, Inc.

205 Bulifants Blvd., Suite E

Williamsburg, Va. 23188

Phone: [757.565.1677](tel:757.565.1677) Ext. [202](tel:757.565.1677)

Fax: [757.565.0782](tel:757.565.0782)

cgrogg@landtechresources.com

www.landtechresources.com



PUBLIC HEARING NOTICE

THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY, AUGUST 11, 2021 AT 5 P.M.** IN THE COUNTY GOVERNMENT CONFERENCE ROOM OF BUILDING D, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA 21-0079: Wayne Harbin Builder, Inc., has filed an exception request for encroachments into the RPA buffer for sanitary sewer installation and Stormwater Management BMP construction at 6015 Richmond Road, JCC Parcel ID No. 3220100081.

CBPA 21-0089: Mr. Mark and Ms. Linda Wenger, have filed an exception request for encroachments into the RPA buffer for the construction of a deck at 105 Thorpe's Parish, JCC Parcel ID No. 5030300015.

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

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 – AUGUST 4, 2021 and JULY 28, 2021.
ACCOUNT NO. CU00015112
VIRGINIA GAZETTE
1/8 PAGE, VERTICAL, B/W
CARD # x9941

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



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Williamsburg, VA 23188
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General.Services@jamescitycountyva.gov

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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

July 21, 2021

RE: CBPA 21-0079
6015 Richmond Road
Sanitary Sewer Installation and Stormwater Management BMP construction

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 Wayne Harbin Builder, Inc. for encroachment into the Resource Protection Area (RPA) buffer for the construction of a sanitary sewer installation and Stormwater Management BMP. The project is located at 6015 Richmond Road and further identified as JCC Parcel No. 3220100081.

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 11, 2021 at 5:00 p.m.**, in the Conference Room of Building D, 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: Wayne Harbin Builder, Inc.
Attn: Mr. Brad Harbin

MDW: jep

Mailing List for: CBPA-21-0079–6015 Richmond Road:- Sanitary Sewer Installation and Stormwater Management BMP

Owner & Contractor:: 3220100081- 6015

Richmond Road

Wayne Harbin Builder, Inc.

Attn: Mr. Brad Harbin

3705 Strawberry Plains Road, Suite D

Williamsburg, VA 23188-3423

3220100080- 6039 Richmond Road

Gray, Mel & Shanise Kotina

102 Allyson Drive

Williamsburg, VA 23188-1703

3221000001A – 4820 Wellesley Boulevard

Villages at Westminster Homeowners Assoc.

c/o Berkeley Realty Property Management

150 Strawberry Plains Road #A1

Williamsburg, VA 23188-3408

3220100042A

Brown, William A, Jr. & Lakisha D

177 Clark Lane

Williamsburg, VA 23188-1704

3220400003

Johnson, India

115 Forest Heights Road

Williamsburg, VA 23188-1706

3221500027- 141 Forest Heights Road

Barlett, Betty J

P.O. Box 435

Lightfoot, VA 23090-0435

3221500026

Barlett, Betty J

145 Forest Heights Road

Williamsburg, VA 23188-1706

3221500022

Wilhoit, Todd A & Picazo, Christian

169 Forest Heights Road

Williamsburg, VA 23188-1706

Engineer:

Landtech Resources, Inc.

Attn: Mr. Greg Warren

205-E Bulifants Boulevard

Williamsburg, VA 23188-5740

3001500033- 119 Forest Heights Road

3221500032- 123 Forest Height Road

3221400030- 129 Forest Heights Road

3221500029- 133 Forest Heights Road

Habitat For Humanity Peninsula & Greater
Williamsburg

P.O. Box 1443

Newport News, VA 23601-0443

3221500025- 149 Forest Heights Road

3221500024- 153 Forest Heights Road

Billups, Allen J & Earldean N

P.O. Box 112

Lightfoot, VA 23090-0112

3221500028

Anderson, Doris

137 Forest Heights Road

Williamsburg, VA 23188-1706

3221500031- 127 Forest Heights Road

Washington, Clara

429 Emerald Trail Way

Horizon City, TX 79928-6474

3221500023

Jordan, Robert C & Sarah O

165 Forest Heights Road

Williamsburg, VA 23188-1706

3221500021-173 Forest Heights Road

Gutierrez, Ruben Arroyo, Trustee

c/o Ginsberg, Caryn

6553 Orland Street

Falls Church, VA 22043-1813

3220100040-179 Clark Lane

Talley, Lillian F, Trustee
10381 Smithport Drive
Mechanicsville, VA 23116-4708

3220100111

Jackson, Cynthia
171 Clark Lane
Williamsburg, VA 23188-1704

3220100042-175 Clark Lane

Frazier, Alexander Jose
4810 Moss Side Lane
Williamsburg, VA 23188-6703

3220100048-167 Clark Lane

McGilvary, Cynthia Alberta
7824 Vermont Road
West Point, VA 23181-3203