

The Chesapeake Bay Preservation Area Board
Planning Department
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MINUTES

**Chesapeake Bay Preservation Area
Board**

September 20, 2017 – 6:00 PM

Human Resources Training Room

Call to Order: Vice-Chair Stephen Nowak called the Chesapeake Bay Preservation Board meeting of September 20, 2017, to order at 6:00 p.m. in the Human Resources Training Room.

Roll Call:

PRESENT

Stephen F. Nowak, Vice-Chair
Henry Curling, Member
William Spaur, Member
Chris Wilson, Member
Rusty Barath, Member
John A. Sherman, Member
John Klesch, Alternate Member
Katie James, Alternate Member

EXCUSED

Vickie Greene, Chair

PLANNING DEPARTMENT STAFF PRESENT

Michael Anaya, CBPA Planner
Jennifer Joseph, CBPA Recording Secretary

CITY ATTORNEY STAFF PRESENT

Meredith Jacobi, Assistant City Attorney

APPROVAL OF MINUTES:

The July 19, 2017 CBPA Board minutes were presented into the record for Board action.

CBPA BOARD ACTION:

MINUTES for the July 19, 2017 CBPA Board were APPROVED.

(6-0; Spaur/Barath, Greene was excused)

CBPA BOARD VOTE:

Dr. Spaur moved that the **MINUTES** for the **July 19, 2017 CBPA Board meeting** be **APPROVED**. Mr. Barath seconded the motion. The motion was carried by a vote of 6 - 0.

CBPA APPLICATION:

1. **PLN-CBPA-2017-039**

PROJECT/LOCATION: Riprap Installation/3070 Falmouth Drive

APPLICANT: John Cooper Tuttle

PROPOSAL: In accordance with Section 26-528 of the Chesapeake City Code, the applicant is seeking an **EXCEPTION** to install riprap within the 50-foot seaward portion of the 100-foot RPA buffer for shoreline stabilization purposes. Approximately 3,264 SF of disturbance is proposed within the construction limits of the new retaining wall, with 1,294 SF of riprap to be placed, all within the 50-foot seaward portion of the 100-foot RPA buffer.

SUBDIVISION/LOT #: LOT 3A RESUB OF LOTS 2 3 5 & 6 TUTTLES

WATERSHED: Western Branch of the Elizabeth River

TAX MAP SECTION/PARCEL: 0108003000030

CBPA BOARD ACTION:

The CBPA Board **APPROVED** (6 – 0, Curling/Spaur, Greene was excused)
PLN-CBPA-2017-039 with the following stipulation:

Provide six (6) 400 square-foot units in accordance with Restoration/Establishment Table A in Chapter 5.1 of the Virginia Department of Conservation and Recreation Chesapeake Bay Local Assistance Riparian Buffers Modification & Mitigation Guidance Manual within a 10' wide landscaping strip along the top of the proposed revetment.

Staff Presentation:

Mr. Anaya presented the application to the Board, along with the CBPA Review Committee's findings and recommendations. He presented pictures of the site at 3070 Falmouth Drive. He stated the applicant seeks an **EXCEPTION** to install 1,294 SF of riprap within the 50-foot seaward portion of the 100-foot RPA buffer. A similar project on the property was approved in 2004, but never constructed. The CBPA Overlay District Review Committee, at its August 3, 2004 meeting, reviewed and approved, with stipulations, application CBPA-04-05 to install 2,500 square feet of fill associated with 178 linear feet of proposed riprap revetment. Portions of the shoreline showed evidence of erosion, particularly in the center, reportedly as a result of hurricane Isabel.

The current application was reviewed by the CBPA Review Committee on August 1, 2017. Based on the CBPA Review Committee's findings, it is recommended that the exception requested in application PLN-CBPA-2017-039 be GRANTED for a period of two years with the stipulation that the applicant provide a 10' wide landscaping strip along the top of the proposed revetment in accordance with Restoration/Establishment Table A in Chapter 5.1 of the Virginia Department of Conservation and Recreation Chesapeake Bay Local Assistance Riparian Buffers Modification & Mitigation Guidance Manual.

Proponent:

Carl Eason, Wolcott Rivers Gates PC, Virginia Beach, Virginia, appeared before the Board as the attorney representing the applicant. Mr. Eason explained the background of the application. He stated that the applicant wants to avoid impacts to the wetlands and is also agreeable to the recommended buffer landscaping in accordance with the DCR Manual.

John Tuttle, 3070 Fallmouth Drive, Chesapeake, Virginia, appeared before the Board on behalf representing himself.

Board Discussion:

Mr. Nowak asked what the yellow line on the aerial map was. Mr. Anaya stated it is the parcel outline.

Mr. Wilson asked about the calculations for the different RPA canopy requirements stating 25 large canopy trees versus the riparian buffers modification and mitigation guidance manual restoration/establishment requirements. Mr. Anaya stated that the requirement of 25 trees is calculated from the City's 50 percent canopy coverage requirements, based on the overall area within the RPA buffer on the property. Mr. Anaya explained the buffer restoration/establishment units in the DCR Buffer Manuals and the establishment of the buffer above the revetment.

Mr. Spaur asked if there was a super high tide, does the water come up to the lawn. Mr. Tuttle responded that it does not.

CBPA BOARD VOTE:

Mr. Curling moved to **APPROVED PLN-CBPA-2017-039** based on the findings contained in the Chesapeake Bay Preservation Area Review Committee staff report. Dr. Spaur seconded the motion. The motion was carried by a vote of 6 – 0, Greene was excused.

OTHER BUSINESS:

Mr. Anaya informed the CBPA Board that all applications for the McCoy Road subdivision have been withdrawn.

ADJOURNMENT:

With no further business, the meeting was adjourned at 6:25 P.M.

Sincerely,

Jennifer Joseph,
Recording Secretary