

The Chesapeake Bay Preservation Area Board  
Planning Department  
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**MINUTES**

**Chesapeake Bay Preservation Area  
Board**

**November 15, 2017 – 6:00 PM**

Human Resources Training Room

**Call to Order:** Chair Vickie Greene called the Chesapeake Bay Preservation Board meeting of November 15, 2017, to order at 6:00 p.m. in the Human Resources Training Room.

**Roll Call:**

**PRESENT**

Vickie Greene, Chair  
Stephen F. Nowak, Vice-Chair  
Henry Curling, Member  
William Spaur, Member  
Chris Wilson, Member  
Rusty Barath, Member  
John A. Sherman, Member

**ABSENT**

John Klesch, Alternate Member  
Kaite James, Alternate Member

**PLANNING DEPARTMENT STAFF PRESENT**

Michael Anaya, CBPA Planner  
Jennifer Joseph, CBPA Recording Secretary

**CITY ATTORNEY STAFF PRESENT**

Meredith Jacobi, Assistant City Attorney

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**APPROVAL OF MINUTES:**

The October 18, 2017 CBPA Board minutes were presented into the record for Board action.

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**CBPA BOARD ACTION:**

**MINUTES for the October 18, 2017 CBPA Board were APPROVED as previously amended. (7-0; Nowak/Spaur)**

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**CBPA BOARD VOTE:**

Mr. Nowak moved that the **MINUTES** for the **October 18, 2017 CBPA Board meeting** be **APPROVED**. Dr. Spaur seconded the motion. The motion was carried by a vote of 8 - 0.

**CBPA APPLICATION:**

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1. **PLN-CBPA-2017-051**

**PROJECT/LOCATION:** Single-Family Home/1765 Rockwood Drive

**APPLICANT/AGENT:** Diamond Custom Homes/Pinnacle Group Engineering, Inc.

**PROPOSAL:** In accordance with Section 26-528 of the Chesapeake City Code, the applicant is seeking an **EXCEPTION** to construct a new single-family home within the 50-foot landward and 50-foot seaward portions of the 100-foot RPA buffer. A total of 2,600 SF of post-development impervious area is proposed (2,600 SF within RPA).

**SUBDIVISION/LOT #:** 4 BLK 4 PARK VIEW SEC 2

**WATERSHED:** Southern Branch of the Elizabeth River

**TAX MAP SECTION/PARCEL:** 0344002003280

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**CBPA BOARD ACTION:**

The CBPA Board **APPROVED PLN-CBPA-2017-051** with the following stipulations:

1. **Please provide twelve (12) large canopy trees within the RPA to mitigate the impact of the proposed development within the RPA. Per City of Chesapeake Code Sec. 26-520(b)(3), the RPA landscaping requirement is a minimum fifty (50) percent tree canopy coverage, calculated in accordance with the CBPA Specifications Manual. See Appendix A of the Chesapeake Landscape Specifications Manual for recommended tree species.**
  2. **Existing trees on site shall be preserved as depicted on the plan.**
  3. **The “Proposed Mulch Bed” depicted on the plan shall be designed as a bioretention planting bed.**
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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 1765 Rockwood Drive. He stated that the applicant seeks an exception to construct a new single-family home within the 50-foot landward and 50-foot seaward portions of the 100-foot RPA buffer. On December 17, 2014, the CBPA Board approved application CBPA-14-42 for construction of a single-family dwelling within the 50-foot seaward portion of the 100-foot RPA buffer with the stipulation stating that Nine (9) large canopy trees and six (6) small canopy trees shall be planted, and existing vegetation shall be preserved as proposed on the site plan. A portion of the rear of the property is part of the RPA feature. The application was reviewed by the CBPA Review Committee on October 3, 2017. It was recommended that the exception requested in application PLN-CBPA-2017-051 be granted for a period of two years, with the following stipulation: Provide twelve (12) large canopy trees within the RPA to mitigate the impact of the proposed development within the RPA.

Proponent:

Michael Foreman, Pinnacle Group Engineering, 445 North Battlefield Boulevard, Chesapeake, Virginia, agent. Mr. Foreman briefed the Board on the project and informed them that there will be a bioretention mulch bed on site and can improve the bioretention bed if needed.

Eung Kim, 1749 Rockwood Drive, Chesapeake, Virginia, applicant. Mr. Kim has extended the sewer line for the house and hopes to build a home on the site.

Edith Powell, 1708 Rockwood Drive, Chesapeake, Virginia, adjacent property owner. Ms. Powell is concerned that a retention pond will be installed and does not want a retention pond installed near her property.

Board Discussion:

Mr. Wilson asked Mr. Anaya if the vegetation was preserved from previous approval. Mr. Anaya showed the previous proposed map and showed recent pictures showing the vegetation was preserved.

Ms. Powell stated that she did not want a retention pond installed on property. Mr. Anaya stated that no retention pond or utilities are proposed for that area.

Mr. Nowak asked if the existing trees on the back of the property will be preserved. Mr. Foreman stated that he will provide trees with different canopy to provide another layer to preserve the property and keep the existing trees.

Mr. Wilson asked if the trees are in the wetlands. Mr. Foreman stated he believes they are on the line, but the location can be adjusted if necessary. Mr. Anaya stated that a number of the existing trees are in the wetlands.

Mr. Nowak would like to add a stipulation to the approval to state that existing trees on site shall be preserved as depicted on the proposed plan.

Mr. Sherman asked what does TS and PS stand for on the site plan and where are they located. Mr. Foreman stated that TS stands for temporary seeding and PS stands for permanent seeding. The different seeding is intended to meet erosion and sediment control stabilization requirements and is located throughout the yard.

Mr. Wilson asked if the tree spacing is adequate. Mr. Anaya stated that the spacing is 20 feet apart.

Mr. Wilson asked if permeable pavers could be used instead of concrete for the driveway. Ms. Greene stated yes, but it tends to be more expensive. Mr. Foreman stated that larger projects may use permeable pavers; however, on smaller projects it is a cost strain.

Mr. Nowak asked for clarification regarding the Review Committee not including the existing trees in the stipulations. Mr. Anaya stated that the submitted site plan included the existing trees; therefore, the Review Committee did not specify the existing trees in the stipulations.

**CBPA BOARD VOTE:**

Mr. Wilson moved to **APPROVE PLN-CBPA-2017-051** based on the findings contained in the Chesapeake Bay Preservation Act Review Committee staff report with the additional stipulations that existing trees on site shall be preserved as depicted on the plan, and the "Proposed Mulch Bed" depicted on the plan shall be designed as a bioretention planting bed. Mr. Curling seconded the motion. The motion was carried by a vote of 7 – 1, Spaur opposed.

**OTHER BUSINESS:**

**Election of Officers:**

- Chair: Stephen Nowak
- Vice Chair: Chris Wilson

**ADJOURNMENT:**

With no further business, the meeting was adjourned at 6:52 P.M.

Sincerely,

Jennifer Joseph,  
Recording Secretary