

## *Chesapeake Bay Preservation Area Board*

### **Public Hearing Minutes – November 20, 2019 Human Resources Training Room – 6:00 P.M.**

**Call to Order:** Chairman Stephen F. Nowak called the Chesapeake Bay Preservation Area (CBPA) Board meeting of November 20, 2019, to order at 6:00 p.m. in City Council Chambers.

**Roll Call:**

**PRESENT**

Stephen F. Nowak, Chair  
Chris Wilson, Vice-Chair  
Henry Curling, Member  
Vickie Greene, Member  
Kaite James, Member  
John Klesch, Member  
William Spaur, Member  
Cristan Connito, Alternate Member  
Karen Toida, Alternate Member

**PLANNING DEPARTMENT STAFF PRESENT**

James McNamara, Current Planning Administrator  
Lewis Martinez, CBPA Recording Secretary  
Jennifer Joseph, Office Coordinator

**CITY ATTORNEY STAFF PRESENT**

Meredith Jacobi, Assistant City Attorney

**APPROVAL OF MINUTES:**

**MINUTES for the August 21, 2019 CBPA Board were APPROVED.** (7 – 0; Greene/Curling; Nowak and Wilson abstained)

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**CBPA BOARD ACTION:**

Ms. Greene moved that the **MINUTES** for the **August 21, 2019 CBPA Board meeting** be **APPROVED**. Mr. Curling seconded the motion. The motion was carried by a vote of 7 – 0.

**CBPA APPLICATION:**

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- 1. PLN-CBPA-2019-038**  
**PROJECT/LOCATION:** New deck attached to house / 2728 Gilmerton Road  
**APPLICANT/AGENT:** Down River Solutions LLC / Down River Solutions LLC  
**PROPOSAL:** In accordance with Section 26-528 of the Chesapeake City Code, the applicant is seeking **APPROVAL** for the authorization to construct a 1,000 square foot (SF) deck located within the 50-foot landward portion of the 100-foot Resource Protection Area (RPA) buffer. A total of 1,000 SF of new impervious area is proposed (1,000 SF within the RPA buffer).  
**SUBDIVISION/LOT #:** Gilmerton Terrace/1A  
**WATERSHED:** Southern Branch of the Elizabeth River  
**TAX MAP SECTION/PARCEL:** 0251001000211
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**CBPA BOARD ACTION:**

**The CBPA Board GRANTED the exception for a period of two years with the stipulation that the applicant provide all site landscaping as depicted in the submitted site plan dated September 24, 2019.**

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Staff Presentation:

Mr. McNamara presented the application to the Board, along with the CBPA Review Committee's findings and recommendations. Pictures of the site at 2728 Gilmerton Road were presented. The Board was informed that the applicant is seeking an approval for the authorization to construct a 1,000 square foot deck located within the 50-foot landward portion of the 100-foot Resource Protection Area buffer. The CBPA Review Committee reviewed this application on October 1, 2019, and recommended approval. The lot was recorded in 2019.

Proponent:

Keywonnie Gregory, 3535 Tidewater Drive Suite B, Norfolk, Virginia, applicant.

Norman Wynn, 3535 Tidewater Drive Suite B, Norfolk, Virginia, applicant.

Board Discussion:

Ms. Greene questioned if all of the purposed deck would be in the landward portion of the RPA.

Mr. McNamara stated that all of the deck would be in the 50-foot landward portion of the RPA buffer.

Vice Chariman Wilson questioned what type of material would be used to construct the deck.

Mr. McNamara stated the applicant would provide further details on what type of material would be used for the deck.

Mr. Wynn stated that it would be a basic wooden deck. He stated the deck is being requested because the yard is wetlands and the deck would allow the homeowners to enjoy the yard.

Mr. Klesch questioned if the trees proposed in the site plan are still going to be the trees used on the property.

Mr. Wynn confirmed the proposed trees would be the trees planted.

Vice Chairman Wilson questioned if the deck would be a basic wood, non-covered deck.

Mr. Wynn stated that they have thought about covering the deck but it has not been determined at this time.

Vice Chairman Wilson stated that if the deck is impervious the calculations used to determine would change and could affect the outcome of the application.

Mr. Wynn stated that if the deck was covered, rain barrels or other ways to limit water runoff would be used on the deck.

Mr. Curling stated that rain barrels or a rain garden could be used to limit water runoff.

Ms. Greene stated that the applicants have demonstrated appropriate knowledge to maintain water quality and trusts using good faith effort that they will maintain water quality.

**CBPA BOARD VOTE:**

Ms. Greene moved to **APPROVE PLN-CBPA-2019-038** based on the findings contained in the Chesapeake Bay Preservation Act Review Committee staff report. Dr. Spaur seconded the motion. The motion was carried by a vote of 7 – 0.

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**OTHER BUSINESS:**

- **Election of Officers:**  
Chair: Christopher Wilson  
Vice Chair: Henry Curling
- **Update on the ordinance modification to allow Riparian Buffers without City Code Violation**

**ADJOURNMENT:**

With no further business, the meeting was adjourned at 6:21 P.M.

Sincerely,

Lewis Martinez,  
Recording Secretary

LM/jm