

## *Chesapeake Bay Preservation Area Board*

### **Public Hearing Minutes – July 21, 2021 City Council Chambers – 6:00 P.M.**

**Call to Order:** Chairman Bruce Weckworth called the Chesapeake Bay Preservation Area (CBPA) Board meeting of July 21, 2021, to order at 6:00 p.m. in City Council Chambers.

**Roll Call:**

**PRESENT**

Bruce Weckworth, Chair  
Kimberly Koelsch, Vice Chair  
John Klesch, Member  
Jillian Sunderland, Member  
Karen Toida, Member  
Rick Underhill, Alternate Member  
Chris Wilson, Alternate Member

**EXCUSED**

Kaite James, Member  
Victoria Thomas, Member

**PLANNING DEPARTMENT STAFF PRESENT**

Ethan Hoar, CBPA Planner  
Gilbert Bostwick, AICP, Current Planning Administrator  
Lewis Martinez, CBPA Recording Secretary

**CITY ATTORNEY STAFF PRESENT**

Meredith Jacobi, Assistant City Attorney

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**APPROVAL OF MINUTES:**

The June 16, 2021, CBPA Board minutes were presented into the record for CBPA Board action.

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**CBPA BOARD ACTION:**

**Minutes for the June 16, 2021 CBPA Board were APPROVED by unanimous consent.**

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**CBPA APPLICATION:**

- 1. PLN-CBPA-2021-022**  
**PROJECT/LOCATION:** 1808 Rockwood Drive  
**APPLICANT:** Thomas Dillard  
**PROPOSAL:** In accordance with Section 26-528, of the Chesapeake City Code, the applicant seeks an **EXCEPTION** to construct a pool within the 50-foot landward portion of the 100-foot buffer. The total proposed impervious area will be 450 SF (450 SF in RPA).  
**WATERSHED:** Southern Branch of the Elizabeth River  
**TAX MAP PARCEL:** 0344002003710
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**CBPA BOARD ACTION:**

**The CBPA Board APPROVED THE EXCEPTION requested in PLN-CBPA-2021-022 for a period of two years with the following stipulations:**

- 1. Two (2) large canopy trees (LCT) shall be planted in the Resource Protection Area (RPA) to mitigate the additional impervious area associated with the proposed development. See appendix A of the Chesapeake Landscape Specifications Manual for recommended tree species.**
  - 2. The two (2) foot by sixty (60) foot mulched planting bed located along the western property boundary shall be split into two (2) thirty (30) foot mulched planting beds. One to remain along the western property boundary and the other to be placed along the northern boundary. Ten (10) shrubs shall be placed in each of the mulched planting beds resulting in a total of twenty (20) shrubs.**
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**Chairman Weckworth read the following Disclosure into the record prior to the application being presented to the Board:**

**“I would like to disclose that Thomas Dillard, the property owner/applicant for 1808 Rockwood Drive is my neighbor. While I do not have a legal conflict under Virginia law, I wish to disclose my relationship with the applicant, and state that I am able to participate in this transaction (PLN-CBPA-2021-022) fairly, objectively, and in the public interest.”**

Staff Presentation:

Mr. Hoar presented the application to the Board, along with the CBPA Review Committee’s findings and recommendations. Pictures of the site at 1808 Rockwood Drive were presented. The Board was informed that the applicant is seeking an approval to construct an above ground pool within the 50-foot landward portion of the 100-foot buffer. The CBPA Review Committee reviewed this application on June 15, 2021, and recommended approval of the application with the following stipulations: two (2) large canopy trees (LCT) shall be planted in the Resource Protection Area (RPA) to mitigate the additional impervious area associated with the proposed development and twenty (20) shrubs shall be placed at three (3) feet on center within the 120 square-foot mulched planting bed. The lot was recorded in 1953.

Proponent:

Thomas Dillard, 1808 Rockwood Drive, Chesapeake, Virginia, Applicant. Mr. Dillard stated that he purchased the house with the intention of building a pool and learned about the exception process from his neighbors.

Board Discussion:

Mr. Underhill questioned the direction of the slope of the rear of the property.

Mr. Hoar stated that it is a gentle slope to the north of the property.

Mr. Wilson questioned if the approval of the initial application would limit the amount of requests the property owner would be allowed.

Mr. Hoar stated that the property owner has the right to request any additional exceptions as long as the request can be mitigated and would need approval from the Review Committee or the CBPA Board.

Mr. Klesch questioned if the patio was installed by the current property owner or if it was put in place by the previous owner.

Mr. Hoar stated that the patio was installed prior to the current property owner purchasing the property.

Ms. Sunderland questioned if there was any consideration of moving the planned mulch bed along the fence on the north end of the property.

Mr. Dillard stated that it was considered, however, they did not want shrubs growing taller than the fence that is there.

Mr. Underhill questioned if Mr. Dillard would be open to adjusting the proposed mulch bed to 30 feet along the west and 30 feet along the north ends of the property.

Mr. Dillard stated that he would agree to that stipulation.

**CBPA BOARD VOTE:**

Mr. Wilson moved to **APPROVE PLN-CBPA-2021-022** based on the findings contained in the Chesapeake Bay Preservation Act Review Committee staff report with the addition that the sixty (60) foot mulched planting bed located along the western property boundary shall be split into two (2) thirty (30) foot mulched planting beds. One to remain along the western property boundary and the other to be placed along the northern boundary and ten (10) shrubs shall be placed in each of the mulched planting beds resulting in a total of twenty (20) shrubs. Mr. Underhill seconded the motion. The motion was carried by a vote of 7 – 0; James and Thomas excused.

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**CBPA APPLICATION:**

2. **PLN-CBPA-2021-023**

**PROJECT/LOCATION:** 3700 Indian River Road

**APPLICANT:** City of Chesapeake Department of Parks Recreation & Tourism

**AGENCY:** Kimley-Horn

**PROPOSAL:** In accordance with Section 26-528, of the Chesapeake City Code, the applicant seeks an **EXCEPTION** to place rip-rap and construct a boardwalk, sidewalk, pavilion and parking area within the 50-foot landward and 50-foot seaward portions of the 100-foot RPA buffer. The total proposed additional impervious area will be 8,377 SF (5,770 SF in RPA).

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

**TAX MAP PARCELS:** 0133010000020 and 0133010000030

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**CBPA BOARD ACTION:**

**The CBPA Board APPROVED THE EXCEPTION requested in PLN-CBPA-2021-023 as submitted for a period of two years.**

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Staff Presentation:

Mr. Hoar presented the application to the Board, along with the CBPA Review Committee's findings and recommendations. Pictures of the site at 3700 Indian River Road were presented. The Board was informed that the applicant is seeking an approval to place rip-rap and construct a boardwalk, sidewalk, pavilion and parking area within the 50-foot landward and 50-foot seaward portions of the 100-foot RPA buffer. The CBPA Review Committee reviewed this application on June 15, 2021, and recommended approval of the application. The lot was recorded in 1928.

Proponent:

Greg Schmitt, 4525 Main Street Suite 1000, Virginia Beach, Virginia, Agent. He stated that the proposed project will open up the waterways to the citizens of Chesapeake. Mr. Schmitt stated the project will remove the concrete shoreline and replace it with a living shoreline which will be beneficial to the Chesapeake Bay.

Rogard Ross, 3800 Rivercrest Place, Chesapeake, Virginia, Citizen. He stated that the Friends of Indian River are in favor of this project. Mr. Ross stated it will be removing an old parking and replacing it with access to kayaking, fishing and the ability to learn about the river.

Board Discussion:

Mr. Underhill questioned if any trees currently located on the property will be kept.

Mr. Hoar stated he is not aware of any trees that will be kept with this project.

Mr. Schmitt stated that the existing mature trees will be removed and replaced with native trees and plants.

Recording Secretary Martinez read an email Mr. Ross sent prior to the meeting into the record.

**CBPA BOARD VOTE:**

Mr. Wilson moved to **APPROVE PLN-CBPA-2021-023** based on the findings contained in the Chesapeake Bay Preservation Act Review Committee staff report. Mr. Underhill seconded the motion. The motion was carried by a vote of 7 – 0; James and Thomas excused.

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**OTHER BUSINESS:**

- **None.**

**ADJOURNMENT:**

With no further business, the meeting was adjourned at 7:16 P.M.

Sincerely,

Lewis Martinez,  
Recording Secretary

LM/eh