

Chesapeake Bay Preservation Area Board

Public Hearing Minutes – March 15, 2023 City Council Chambers – 6:00 P.M.

Call to Order: Chairman Weckworth called the Chesapeake Bay Preservation Board meeting of March 15, 2023, to order at 6:00 p.m. in the City Council Chambers.

Roll Call:

PRESENT

Bruce Weckworth, Chair
John Klesch, Member
Jillian Sunderland, Member
Victoria Thomas, Member
Rick Underhill, Alternate Member
Chris Wilson, Alternate Member

EXCUSED

Kimberly Koelsch, Member
Karen Toida, Member

PLANNING DEPARTMENT STAFF PRESENT

Ethan Hoar, CBLP, CBPA Planner
Sherry Carawan CBPA Recording Secretary
Gilbert Bostwick, AICP, Current Planning Administrator

CITY ATTORNEY STAFF PRESENT

Joshua Johnson, Assistant City Attorney

APPROVAL OF MINUTES:

The January 18, 2023, CBPA Board minutes were presented into the record for Board action.

CBPA BOARD ACTION:

MINUTES for the January 18, 2023, CBPA Board were APPROVED by unanimous consent.
(Koelsch and Toida, excused)

CBPA APPLICATION:

1. **PLN-CBPA-2022-006**

PROJECT/LOCATION: Burrow Avenue

APPLICANT/OWNER: Richmond Sign Company

AGENCY: Glasser & Macon, PC

PROPOSAL: In accordance with Section 26-528, of the Chesapeake City Code, the applicant seeks an **EXCEPTION** to construct a commercial structure within the 50-foot landward and 50-foot seaward portions of the 100-foot Resource Protection Area (RPA) buffer. The total proposed additional impervious area will be 13,340 square feet (SF) (13,340 SF in RPA).

SUBDIVISION/LOT #: Raleigh Heights / PT 1-13 PC Water Lots 38

WATERSHED: Southern Branch of the Elizabeth River

TAX MAP PARCEL: 1580000000690

CBPA BOARD ACTION:

The CBPA Board **CONTINUED PLN-CPBA-2022-006** to the **May 17, 2023, CBPA Board** meeting. (6 - 0; Underhill/Thomas, Koelsch and Toida excused)

Staff Presentation:

Mr. Hoar read **PLN-CBPA-2022-006** into the record for the Board's review and action. Mr. Hoar presented the CBPA Review Committee's findings and recommendations and presented pictures of the site.

Proponent:

Jim Bradford, 3452 Cricket Hollow Lane, Chesapeake, Virginia, agent. Mr. Bradford provided background information and will stand by for questions.

Gerald Hanssen, 4205 1st Street, Chesapeake, Virginia, agent. Mr. Hanssen provided background information and will stand by for questions.

Board Discussion:

Mr. Wilson asked Mr. Hoar about the number of parcels included in the impervious area calculations. Mr. Hoar stated that the calculations only include the parcel requested to be developed.

Mr. Klesh asked Mr. Hoar about the parking lot. Mr. Hoar stated a structure that is indoor storage with no office space requires fewer parking spaces than a structure that would have interior office space. The new plan shows the indoor office space and the required necessary additional parking spaces.

Mr. Wilson asked Mr. Hoar if there was any information on the underground storage quantities. Mr. Hoar stated there is a cross section on the site plan, but that no additional engineering information was provided on the plan.

Ms. Sunderland asked Mr. Bradford about the existing and proposed trees on the property. Mr. Bradford stated that the existing trees on the property will not be taken down unless they are dead or diseased.

Mr. Wilson stated he would like to see more information on the BMP. Mr. Bradford stated that a drainage study was submitted with the application. Mr. Wilson stated without a geotechnical boring and a monitoring well, it would be hard to size the BMP based on the groundwater elevation. Mr. Bradford stated the applicant could have a geotechnical consultant go out and do test holes to show the location of the water table. Mr. Wilson stated that he would like to see the drainage report and know that a geotechnical boring was done.

CBPA BOARD VOTE:

Mr. Underhill moved to **CONTINUE PLN-CBPA-2022-006** to the **May 17, 2023, CBPA Board meeting**. Ms. Thomas seconded the motion. The motion was carried by a vote of 6 – 0. Board members Koelsch and Toida were excused.

CBPA APPLICATION:

2. PLN-CBPA-2022-023

PROJECT/LOCATION: Pine Wood Run

APPLICANT/OWNER: Jerry Bowman

OWNER: Baker Grove Ave, Inc.

AGENCY: Civil Engineering and Construction Services, Inc.

PROPOSAL: In accordance with Section 26-528, of the Chesapeake City Code, the applicant seeks an **EXCEPTION** for a townhouse development within the 50-foot landward and 50-foot seaward portions of the 100-foot Resource Protection Area (RPA) buffer. The total proposed additional impervious area will be 9,427 square feet (SF) (7,636 SF in RPA).

SUBDIVISION/LOT #: LULENA COWELL EST & POR PINE WOOD RUN 1.917 AC

WATERSHED: Southern Branch of the Elizabeth River

TAX MAP PARCEL: 0360000000541

CBPA BOARD ACTION:

The CBPA Board **GRANTED THE EXCEPTION** requested in **PLN-CBPA-2022-023**. (6 – 0; Sunderland/Thomas, Koelsch and Toida, excused)

Staff Presentation:

Mr. Hoar read **PLN-CBPA-2022-023** into the record for the Board's review and action. Mr. Hoar presented the CBPA Review Committee's findings and recommendations and presented pictures of the site.

Proponent:

Sam Baraki, 5267 Greenwich Road, Suite 300, Chesapeake, Virginia, agent. Mr. Baraki provided background information and will stand by for questions.

Jerry Bowman, 130 West Plume Street, Norfolk, Virginia, applicant. Mr. Bowman provided background information and will stand by for questions.

Board Discussion:

Mr. Underhill asked Mr. Hoar if the right of way was along the expressway. Mr. Hoar stated that there is a sound wall and beyond the wall is the right of way.

Mr. Klesch asked about the existing debris in the RPA and how it will be removed. Mr. Bowman stated that there will be an owner's association to manage the property and take care of the landscaping. Mr. Klesch asked Mr. Bowman about their plan for landscaping. Mr. Bowman stated that there is a large amount of canopy trees that will be maintained and there will be no disturbance during construction to the shrubbery adjacent to the BMP.

CBPA BOARD VOTE:

Ms. Sunderland moved to **GRANT THE EXCEPTION** requested in **PLN-CBPA-2022-023**. Ms. Thomas seconded the motion. The motion was carried by a vote of 6 – 0. Board members Koelsch and Toida were excused.

CBPA APPLICATION:

3. PLN-CBPA-2023-004

PROJECT/LOCATION: 1880 Ames Circle

APPLICANT/OWNER: John and Kelley McKee

AGENCY: Chesapeake Bay Site Solutions, Inc.

PROPOSAL: In accordance with Section 26-528, of the Chesapeake City Code, the applicant seeks an **EXCEPTION** to construct a swimming pool within the 50-foot landward portion of the 100-foot Resource Protection Area (RPA) buffer. The total proposed additional impervious area will be 2,120 square feet (SF) (1,508 SF in RPA).

SUBDIVISION/LOT #: Raleigh Place / Lot 150 Section 4

WATERSHED: Western Branch of the Elizabeth River

TAX MAP PARCEL: 0164004001500

CBPA BOARD ACTION:

The CBPA Board **CONTINUED PLN-CBPA-2023-004** to the **April 19, 2023**, CBPA Board Meeting. (6 – 0; Thomas/Underhill, Koelsch and Toida excused)

Staff Presentation:

Mr. Hoar read **PLN-CBPA-2023-004** into the record for the Board's review and action. Mr. Hoar presented the CBPA Review Committee's findings and recommendations and presented pictures of the site.

Proponent:

Greg Milstead, P.O. Box 6663, Chesapeake, Virginia, agent. Mr. Milstead provided background information and will stand by for questions.

John McKee, 1880 Ames Circle West, Chesapeake, Virginia, applicant. Mr. McKee provided background information and will stand by for questions.

Board Discussion

Mr. Klesch asked Mr. McKee if he would be opposed having a mulch bed that would go along the back yard. Mr. McKee stated that he would not be opposed to any additional vegetation in the backyard.

Mr. Underhill asked Mr. McKee to explain the concrete around the pool. Mr. McKee stated if it is allowed four (4) foot apron around the pool it will leave an additional six (6) foot that does not flow with the rest of the concrete.

Mr. Underhill asked Mr. McKee if he was proposing to move the concrete patio to the back of the pool. Mr. McKee stated that the Review Committee stipulated the pool be eight (8) foot from the house, and Mr. McKee would like to make it ten (10) foot from the house.

Mr. Wilson asked Mr. McKee if the pool size could be reduced to keep the ten (10) foot distance from the house. Mr. McKee stated that the pool could be dropped down to 32' x 16'.

Ms. Thomas stated that the Board may want to continue the application to allow the applicant to go back to the committee and show them a site plan with the reduced impervious area.

Mr. Hoar stated that the Review Committee has already recommended Approval with stipulations and if the applicant were amenable to a thirty (30) day continuance a site plan reducing the impervious area would not need to be reviewed by the committee again and could be directly reviewed by the Board.

Ms. Sunderland asked Mr. Hoar about the condition of the vegetation along the waterway. Mr. Hoar stated that there are many mature pine trees and additional shrubs that all appear to be in healthy condition.

CBPA BOARD VOTE:

Ms. Thomas moved to **CONTINUE PLN-CBPA-2023-004** to the **April 19, 2023, CBPA Board meeting**. Mr. Underhill seconded the motion. The motion was carried by a vote of 6 – 0. Board members Koelsch and Toida were excused.

OTHER BUSINESS:

There was no other business discussed at the meeting.

ADJOURNMENT:

With no further business, the meeting was adjourned at 7:40 P.M.

Sincerely,

Sherry Carawan,
Recording Secretary

EH/sc

APPROVED: April 19, 2023