

**MINUTES**

**Chesapeake Bay Preservation Area  
Board**

**December 19, 2018– 6:00 PM**

Human Resources Training Room

**Call to Order:** Chair Stephen Nowak called the Chesapeake Bay Preservation Board meeting of December 19, 2018 to order at 6:00 p.m. in the Human Resources Training Room.

**Roll Call:**

**PRESENT**

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

**EXCUSED**

Henry Curling, Member

**PLANNING DEPARTMENT STAFF PRESENT**

John Harbin, Interim CBPA Planner  
Allison Gurkin, CBPA Recording Secretary

**CITY ATTORNEY STAFF PRESENT**

Meredith Jacobi, Assistant City Attorney

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**APPROVAL OF MINUTES:**

The September 19, 2018 CBPA Board minutes were presented into the record for Board action.

**CBPA BOARD ACTION:**

**MINUTES for the September 19, 2018 CBPA Board were APPROVED.**  
(4-0, Greene/Wilson; James, Curling and Spaur abstained)

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**CBPA BOARD VOTE:**

Ms. Greene moved that the **MINUTES** for the **September 19, 2018 CBPA Board meeting** be **APPROVED**. Mr. Wilson seconded the motion. The motion was carried by a vote of 4 - 0.

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**APPROVAL OF MINUTES:**

The November 28, 2018 CBPA Board minutes were presented into the record for Board action.

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**CBPA BOARD ACTION:**

**MINUTES for the November 28, 2018 CBPA Board were APPROVED.**  
(5-0, Wilson/James – Curling was excused, Greene abstained)

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**CBPA BOARD VOTE:**

Mr. Wilson moved that the **MINUTES** for the **November 28, 2018 CBPA Board meeting** be **APPROVED**. Ms. James seconded the motion. The motion was carried by a vote of 5 - 0.

**CBPA APPLICATION:**

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1. **PLN-CBPA-2018-029**  
**PROJECT/LOCATION:** New Single-Family Home/1828 Rockwood Drive  
**APPLICANT/AGENT:** Stephen Alexander Homes, LLC/American Engineering Associates-Southeast, PA  
**PROPOSAL:** In accordance with Section 26-528 of the Chesapeake City Code, the applicant is seeking an **EXCEPTION** for authorization 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 1,808 SF of new impervious area is proposed (1,808 SF within the 100-foot RPA buffer).

**SUBDIVISION/LOT #:** 8 BLK 7 PARK VIEW SEC 2

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

**TAX MAP SECTION/PARCEL:** 0344002003681

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**CBPA BOARD ACTION:**

Per Article IV, Section 9 of the CBPA Board Bylaws, the Board did not take action on this application as the applicant or representative was not present at the time of the meeting. The application will automatically be forwarded to the January 16, 2019 meeting.

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Staff Presentation:

Mr. Harbin presented the application to the Board, along with the CBPA Review Committee's findings and recommendations. He presented pictures of the site at 1828 Rockwood Drive. He stated that the applicant is seeking an exception for authorization 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 1,808 SF of new impervious area is proposed. The lot was recorded in 1953. The CBPA Review Committee reviewed this application on November 20, 2018. They have recommended approval with the stipulation that (11) large canopy trees be provided within the 100-foot RPA Buffer.

Opponent:

Jeremy Wagner, 1824 Rockwood Drive, Chesapeake, VA appeared before the Board in opposition of PLN-CBPA-2018-029.

Christine Wagner, 1824 Rockwood Drive, Chesapeake, VA appeared before the Board in opposition of PLN-CBPA-2018-029.

Board Discussion:

Mr. Wagner introduced himself to the Board and proceeded to express his concerns. He explained that there are significant drainage issue between his lot and the applicant's lot. He feels these issues will be aggravated further if a new 3-story home is built. Mr. Wagner also explained that the ditch in front of his home and the applicant's property is almost always full. He added that behind the property where the creek feeds into the low lying area there is a large amount of debris.

Ms. Greene explained to Mr. Wagner that the applicant's lot was recorded prior to the CBPA ordinance, therefore the Board is limited in their decision making. She agreed with Mr. Wagner when he stated that there should not be development in marsh areas like this.

Mr. Nowak explained to Mr. Wagner that the Board's main focus is water quality. He suggested Mr. Wagner may need to work with other city departments to have his drainage issues resolved.

Dr. Spaur supported Mr. Wagner's comments regarding the ditches on Rockwood Drive. He explained that the ditch in front of the property in question is a part of a perennial stream.

Mr. Wilson explained that the Board manages the quality of water, however, public works would likely need to contact to assist with water quantity concerns. Mr. Wilson also suggested Mr. Wagner speak with the builder of his home in order to understand how the ditches were designed and constructed.

Mr. Wagner informed the Board that he has been in contact with various City of Chesapeake departments, American Engineering and Stephen Alexander homes to resolve the issue. A new ditch was installed in front of the applicant's property.

Mr. Wagner requested that some sort of vegetation be planted in between his lot and the adjacent lot to assist with the absorption of rainwater.

Ms. Greene explained that the Board can require total tree canopy, but cannot dictate where the trees are placed.

Mr. Wilson advised Mr. Wagner that he could inquire about installing a rain garden on his property to assist with the absorption of water.

Mr. Klesch questioned whether the previous home on Mr. Wagner's lot was grandfathered in. Mr. Harbin advised that the builder likely increased the original footprint, therefore they would have gone before the Board for an exception. He added that the previous home was on one lot, but the resident's likely owned both lots.

Mr. Nowak questioned whether the ditch that was created would be treated as a wetland. Ms. Jacobi and Mr. Harbin stated they would research an answer to the question.

Ms. Wagner added that she does not feel that applicants are being held to the mitigation stipulations. She explained that the home they moved into was short three trees, which have since been installed. Ms. Greene explained that there is a new procedure to ensure applicants are in compliance.

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**OTHER BUSINESS:**

- Mr. Harbin discussed the Customer Service Request feature on the City's website that Board members may utilize to make staff aware of a Chesapeake Bay Preservation Area issue.
- Ms. Jacobi provided an update to the Board regarding vested rights and how to submit a request for legal advice.
- There was discussion of the requirements of alternate member's attendance. The Board member's agreed that alternate member's shall follow the same attendance policy as regular members.

**ADJOURNMENT:**

With no further business, the meeting was adjourned at 6:53 P.M.

Sincerely,

Allison Gurkin,  
Recording Secretary

AG/jh

**APPROVED: January 16, 2019**