

Chesapeake Bay Preservation Area Board

Public Hearing Minutes – January 20, 2021 City Council Chambers – 6:00 P.M.

Call to Order: Chairman Chris Wilson called the Chesapeake Bay Preservation Area (CBPA) Board meeting of January 20, 2021, to order at 6:00 p.m. in City Council Chambers.

Roll Call:

PRESENT

Chris Wilson, Chair
Henry Curling, Vice-Chair
Vickie Greene, Member
John Klesch, Member

EXCUSED

Kaite James, Member
Stephen F. Nowak, Member
Cristan Connito, Alternate Member
Karen Toida, Alternate Member

PLANNING DEPARTMENT STAFF PRESENT

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

CITY ATTORNEY STAFF PRESENT

Meredith Jacobi, Assistant City Attorney

APPROVAL OF MINUTES:

The December 16, 2020, CBPA Board minutes were presented into the record for CBPA Board action.

CBPA BOARD ACTION:

Minutes for the December 16, 2020 CBPA Board were APPROVED by unanimous consent (Greene/Curling).

CBPA APPLICATION:

- PLN-CBPA-2020-050**
PROJECT/LOCATION: 1104 Inland Road
APPLICANT: Steven Froncillo
PROPOSAL: In accordance with Section 26-528, of the Chesapeake City Code, the applicant seeks an **EXCEPTION** to construct a single family home and driveway within the 50-foot landward and 50-foot seaward portions of the 100-foot RPA buffer. The total proposed additional impervious area will be 4,007 SF (4,007 SF in RPA).
SUBDIVISION/LOT #: Property of J.J. Halstead / Lots 1 and 2
WATERSHED: Southern Branch of the Elizabeth River
TAX MAP SECTION/PARCEL: 0461001000010
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CBPA BOARD ACTION:

The CBPA Board APPROVED THE EXCEPTION requested in PLN-CBPA-2020-050 with the following stipulations:

- In addition to the proposed 500 square-foot mulched planting bed, provide an additional two (2) foot wide mulched planting bed along the existing bulkhead to include low lying plant materials.**
 - The driveway shall be constructed with the required apron and with two (2) runners that provide access to the two (2) required parking spaces. No additional impervious parking area will be permitted.**
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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 1104 Inland Road were presented. The Board was informed that the applicant is seeking an approval to construct a single family home and driveway within the 50-foot landward and 50-foot seaward portions of the 100-foot RPA buffer. The total proposed additional impervious area will be 4,007 SF (4,007 SF in RPA). The CBPA Review Committee reviewed this application on December 1, 2020, and recommended approval with the stipulations that the applicant provide an additional two (2) foot wide mulched planting bed along the existing bulkhead to include low lying plant materials and that the driveway shall be constructed with the required apron and with two (2) runners that provide access to the two (2) required parking spaces. No additional impervious parking area will be permitted. The lot was recorded in 1993.

Proponent:

Steven Froncillo, 1612 Burks Mill Lane, Chesapeake, Virginia, applicant. Mr. Froncillo stated he is requesting a change to the site plan of the previous application to reduce the impervious area the house. The house is also moved forward from the previous site plan.

Board Discussion:

Ms. Greene questioned if this application had been previously approved.

Mr. Hoar confirmed that a previous application had been approved using the previous footprint of a previous house. A previous owner had submitted that application, however, the current owner is requesting a change to the site plan. He stated the submitted site plan has approximately 900 square feet less of impervious area compared to the previous approved application.

Ms. Greene questioned how big the deck was that is shown on the site plan.

Mr. Froncillo stated the deck was about 500 square feet.

CBPA BOARD VOTE:

Vice Chairman Curling moved to **APPROVE PLN-CBPA-2020-050** based on the findings contained in the Chesapeake Bay Preservation Act Review Committee staff report. Mr. Klesch seconded the motion. The motion was carried by a vote of 4 – 0; Connito, James, Nowak and Toida excused.

CBPA APPLICATION:

2. PLN-CBPA-2020-055**PROJECT/LOCATION:** 703 Watch Island Reach**APPLICANT:** W. Scott Berry**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 seaward portion of the 100-foot RPA buffer. The total proposed additional impervious area will be 1,207 SF (1,207 SF in RPA).**SUBDIVISION/LOT #:** River Walk / Lot 13**WATERSHED:** Southern Branch of the Elizabeth River**TAX MAP SECTION/PARCEL:** 0369008000130

CBPA BOARD ACTION:

The CBPA Board **DENIED THE EXCEPTION** requested in PLN-CBPA-2020-055 with the following findings:

- 1. The proposed development would be a substantial detriment to water quality.**
 - 2. Granting of the exception WOULD confer upon the applicant special privileges that are denied by this article to other property owners who are subject to its provisions and who are similarly situated.**
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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 703 Watch Island Reach were presented. The Board was informed that the applicant is seeking an approval to construct a pool within the 50-foot seaward portion of the 100-foot RPA buffer. The total proposed additional impervious area will be 1,207 SF (1,207 SF in RPA). The CBPA Review Committee reviewed this application on December 15, 2020, and recommended approval with the stipulation that mitigation shall be implemented as depicted on the submitted site plan. The lot was recorded in 1992.

Proponent:

Wesley Scott Berry, 703 Watch Island Reach, Chesapeake, Virginia, applicant. Mr. Berry stated that he is requesting the pool addition for outdoor activities for his kids as well as a place to have family gatherings. He stated the landscape plan was just a proposal and would be willing to adjust species planted. Mr. Berry stated there are pools located on different properties in the area.

Board Discussion:

Ms. Greene questioned if the landscape plan shown was existing or proposed to be put in.

Mr. Hoard stated it is proposed.

Mr. Klesch questioned if there is a Homeowner's Association (HOA) that would have to approve this application prior to approving the site plan and if there were any pools on the properties in the area.

Chairman Wilson questioned the homeowner was made aware of the CBPA regulations and developing in the area requested is not something that is typically approved.

Mr. Berry stated he was not aware that the application would not be approved, he was under the impression that it was just a process to gain approval.

Chairman Wilson questioned if there was a community pool that could be used since gaining approval of a pool in the 50 foot seaward portion was not typically approved.

Mr. Berry stated the HOA told him to gain CBPA approval prior to HOA approval. He stated there is a community pool, however, he is not comfortable with exposure to large amounts of people and wishes to keep away from the community pool.

Mr. Berry questioned if there were any accommodations that could be made to gain approval.

Ms. Greene stated that there should be a vegetated buffer of 100 feet to allow water to be filtrated prior to running off into the Chesapeake Bay. Pools are permanent structures that are a detriment to water quality.

Chairman Wilson clarified if the pool had been placed in the 50 foot landward buffer it would be more reasonable, however, since it is in the 50 foot seaward buffer, pools are typically not approved.

CBPA BOARD VOTE:

Ms. Greene moved to **DENY PLN-CBPA-2020-055** based on the findings that the proposed development would be a substantial detriment to water quality and that granting the exception would confer upon the applicant special privileges that are denied by this article to other property owners who are subject to its provisions and who are similarly situated. Vice Chairman Curling seconded the motion. The motion was carried by a vote of 4 – 0; Connito, James, Nowak and Toida excused.

OTHER BUSINESS:

- **Discussion about having CBPA Board meetings conducted virtually due to COVID-19.**
- **Discussion on continuing education for CBPA Board members.**

ADJOURNMENT:

With no further business, the meeting was adjourned at 7:04 P.M.

Sincerely,

Lewis Martinez,
Recording Secretary

LM/eh