

## *Chesapeake Bay Preservation Area Board*

### **Public Hearing Minutes – March 17, 2021 City Council Chambers – 6:00 P.M.**

**Call to Order:** Chairman Chris Wilson called the Chesapeake Bay Preservation Area (CBPA) Board meeting of March 17, 2021, to order at 6:00 p.m. in City Council Chambers.

**Roll Call:**

**PRESENT**

Chris Wilson, Chair  
Kaite James, Member  
John Klesch, Member  
Kimberly Koelsch, Member  
Jillian Sunderland, Member  
Victoria Thomas, Member  
Karen Toida, Alternate Member

**EXCUSED**

Vickie Greene, Member  
Cristan Connito, 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 January 20, 2021, CBPA Board minutes were presented into the record for CBPA Board action.

---

**CBPA BOARD ACTION:**

**Minutes for the January 20, 2021 CBPA Board were APPROVED by unanimous consent.**

**CBPA APPLICATION:**

---

1. **PLN-CBPA-2020-053**

**PROJECT/LOCATION:** 712 Greenwing Drive

**APPLICANT:** Taylor Kool

**PROPOSAL:** In accordance with Section 26-528(c), of the Chesapeake City Code, the applicant seeks an **EXCEPTION** to construct an after-the-fact deck addition within the 50-foot landward portion of the 100-foot RPA buffer. The proposed project will decrease the total impervious area by 64 SF (64 SF in RPA).

**SUBDIVISION/LOT #:** Firman Estates / Lot 60

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

**TAX MAP SECTION/PARCEL:** 0346010000600

---

**CBPA BOARD ACTION:**

**The CBPA Board APPROVED THE EXCEPTION requested in PLN-CBPA-2020-053 as submitted for a period of two years.**

---

**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 712 Greenwing Drive were presented. The Board was informed that the applicant is seeking an approval to construct an after-the-fact deck addition within the 50-foot landward portion of the 100-foot RPA buffer. The homeowner has planted additional trees as shown in the presentation. The proposed project will decrease the total impervious area by 64 SF (64 SF in RPA). The CBPA Review Committee reviewed this application on February 16, 2021, and recommended approval of the application as submitted. The lot was recorded in 2005.

Proponent:

Taylor Kool, 712 Greenwing Drive, Chesapeake, Virginia, applicant. Mr. Kool stated that he has planted trees to mediate the canopy coverage and is now exceeding the recommended coverage. He stated the deck has been reduced and the walkway to the water has been removed, reducing the impervious area.

Board Discussion:

Chairman Wilson requested clarification as to where the new trees had been planted.

Mr. Hoar stated that the trees had been planted in the back corners of the property (Mr. Hoar displayed the location of the trees in the presentation).

**CBPA BOARD VOTE:**

Ms. Toida moved to **APPROVE PLN-CBPA-2020-053** based on the findings contained in the Chesapeake Bay Preservation Act Review Committee staff report. Ms. Sunderland seconded the motion. The motion was carried by a vote of 7 – 0; Connito and Greene excused.

**CBPA VIOLATION:**

- 
2. **V-20-02(v)**  
**LOCATION:** 712 Greenwing Drive  
**SHOWCAUSE VIOLATION:** Unpermitted addition to an existing deck and tree clearing within the Resource Protection Area (RPA).  
**SUBDIVISION/LOT #:** Wingfield Pointe Lot 60  
**WATERSHED:** Southern Branch of the Elizabeth River  
**TAX MAP SECTION/PARCEL:** 0346010000600
- 

**CBPA BOARD ACTION:**

1. **The CBPA Board voted and found that restoration had not been successfully completed. (7 – 0; Toida/Thomas, Connito and Greene excused excused)**
  2. **The CBPA Board voted and found that two (2) of the large canopy trees that were planted should be spaced at a minimum of 10 feet away from one another. Once the trees have been properly spaced please alert staff to confirm so that the violation can be cleared. (7 – 0; Toida/James, Connito and Greene excused excused)**
  3. **The CBPA Board voted and found that if the two (2) large canopy trees are relocated, then no additional penalty will be levied. (7 – 0; Toida/James, Connito and Greene excused excused)**
-

Staff Presentation:

Mr. Hoar presented the Show Cause Violation application, the removal of mature trees in the RPA and an addition to an existing deck without the approval of a CBPA exception application to the Board. He provided background information of the violation. He presented pictures of the restoration that the homeowner at 712 Greenwing Drive has completed.

For the Show Cause Hearing whether restoration was complete or if additional restoration was required.

The Board was also directed to vote on the appropriate penalty (referral to circuit court, civil charge, restoration, reprimand). In determining an appropriate civil charge, the Board should consider the extent of the violation, good faith of the property owner, history of non-compliance and cooperation.

Proponent:

Taylor Kool, 712 Greenwing Drive, Chesapeake, Virginia, applicant. Mr. Kool stated he has complied with the recommendations he was given. He stated there was a delay from the landscape company he was working with to submit an accurate Water Quality Assessment. Mr. Kool stated that after working with Ethan, he bought additional trees to comply with the ordinance. He stated his property now has more trees than any of his neighbors.

Board Discussion:

Ms. Toida questioned if the trees that had been planted would be able to survive as they are planted close together.

Mr. Hoar stated that historically landscape plans submitted showing large and small canopy trees planted close to each other have been approved by the landscape coordinator. However, the city's reforestation guidelines do recommend 12 foot spacing between trees.

Chairman Wilson stated he was also concerned about the spacing of the trees as they were planted. He questioned if replanting the trees to add additional spacing would be something that Mr. Kool would be open to do.

Mr. Kool stated that he is open to any recommendations the board puts forward. He stated that he has never been informed about the spacing of the trees.

Mr. Kool stated he removed trees in fear that if they were to come down by themselves they would damage his house or his neighbor's house. He stated that he has completed everything that has been recommended to him and has been in touch with staff during the entire process. He stated he is concerned that if he has to move trees he would have to spend additional money on planting new trees as is being recommended.

Chairman Wilson stated that although it is recommended to move trees, when the trees were planted they have not yet developed a root system and that only two large canopy trees in total would have to be moved.

Mr. Kool agreed it would not be burdensome to move the two trees to comply with the recommended spacing.

**CBPA BOARD VOTE:**

Ms. Toida moved that restoration had not been completed until the spacing of the trees has been completed as recommended and approved by staff. Ms. Thomas seconded the motion. The motion was carried by a vote of 7 – 0; Greene and Connito excused.

Ms. Toida moved that no penalty was appropriate once the restoration was complete and approved by staff. Ms. James seconded the motion. The motion was carried by a vote of 7 – 0; Greene and Conitto excused.

---

**OTHER BUSINESS:**

- **Introduction of new CBPA Board members Kimberly Koelsch, Jillian Sunderland and Victoria Thomas**
- **Discussion on ways to notify CBPA property owners on the rules and regulations of the CBPA Ordinance.**

**ADJOURNMENT:**

With no further business, the meeting was adjourned at 7:06 P.M.

Sincerely,

Lewis Martinez,  
Recording Secretary

LM/eh