

Chesapeake Bay Preservation Area Board

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

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

Roll Call:

PRESENT

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

EXCUSED

Kaite James, Member
Victoria Thomas, 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 March 17, 2021, CBPA Board minutes were presented into the record for CBPA Board action.

CBPA BOARD ACTION:

Minutes for the March 17, 2021 CBPA Board were APPROVED by unanimous consent.

CBPA APPLICATION:

1. **PLN-CBPA-2021-008**
PROJECT/LOCATION: 703 Watch Island Reach
APPLICANT: Scott Berry
AGENT: Brad Martin
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 seaward portion of the 100-foot RPA buffer. The total proposed additional impervious area will be 981 SF (981 SF in RPA).
SUBDIVISION/LOT #: Riverwalk Section L-6 / Lot 13A
WATERSHED: Southern Branch of the Elizabeth River
TAX MAP SECTION/PARCEL: 0369008000130
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CBPA BOARD ACTION:

The CBPA Board APPROVED THE EXCEPTION requested in PLN-CBPA-2021-008 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 703 Watch Island Reach were presented. The Board was informed that the applicant is seeking an approval to construct a swimming pool within the 50-foot seaward portion of the 100-foot RPA buffer. The total proposed additional impervious area will be 981 SF (981 SF in RPA). He stated a previous application for a pool had previously been to the CBPA board on January 20, 2021 and was denied. The CBPA Review Committee reviewed this application on March 16, 2021, and recommended approval of the application as submitted. The lot was recorded in 1992.

Proponent:

Brad Martin, 824 West 21st Street, Norfolk, Virginia, Agent. Mr. Martin stated that the new site plan includes a reduction of surface encroaching the seaward buffer as compared to the submitted application from January, as well as a reduction of total impervious area that is currently on the property. He stated that the landscape plan includes bio retention planting beds that will capture and treat run off water before it runs off into the bay. Mr. Martin stated that even though proposed pavers around the pool are impervious, the gaps between the pavers are filled with sand which also filter run off water before it enters the bay.

Scott Berry, 703 Watch Island Reach, Chesapeake, Virginia, applicant. Mr. Berry stated that there have been significant changes to the site plan compared to the first application he submitted. He is requesting this as a way to have his family gather and as a play area for his kids.

Board Discussion:

Ms. Koelsch questioned which trees would be removed in the area where the pool will be placed.

Mr. Hoar showed pictures of the site and stated that the trees to be removed would be clarified by the applicant.

Mr. Weckworth questioned if it is typically been the position of the CBPA board to deny structures being built in the seaward portion of the CBPA.

Chairman Wilson clarified that not all structures are denied in the seaward portion, however it has been the position to deny pools in the seaward portion of the CBPA.

Mr. Klesch questioned if the apron is proposed to be pervious pavers.

Mr. Hoar clarified that the apron and surrounding area of the pool is proposed to be pervious pavers, with no concrete being poured around the structure.

Ms. Sunderland requested clarification on the pools that have been approved in the surrounding areas.

Mr. Hoar stated there have been two previous applications approved for pools each 2003 and 2007. He stated both approved pools did request seaward portion encroachment.

Mr. Underhill questioned the process for the bio retention planting bed.

Mr. Martin stated the bio retention planning bed will be planted alongside the pool. A three foot trench 18 inches deep is dug out and filled with a bio retention planting bed mix that filters pollutants before they can enter the bay.

Mr. Weckworth questioned where the back flush from the pool will run.

Mr. Martin stated that the back flush is internal flushing and will not flow into the bay, instead it will flush into the properties' plumbing system.

CBPA BOARD VOTE:

Mr. Weckworth moved to **APPROVE PLN-CBPA-2021-008** 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 5 – 2; Klesch and Toida opposed, James and Thomas excused.

CBPA VIOLATION:

2. PLN-CBPA-2021-009

PROJECT/LOCATION: 621 River Strand

APPLICANT: Scott Barritt

AGENT: Brad Martin

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 and seaward portions of the 100-foot RPA buffer. The total proposed additional impervious area will be 1,635 SF (1,635 SF in RPA).

SUBDIVISION/LOT #: Riverwalk Section L-5 / Lot 62

WATERSHED: Southern Branch of the Elizabeth River

TAX MAP SECTION/PARCEL: 0369007000620

CBPA BOARD ACTION:

The CBPA Board **APPROVED THE EXCEPTION** requested in PLN-CBPA-2021-009 with the following stipulations:

- 1. Mitigation shall be implemented as depicted on the submitted site plan titled, "Project Analysis" dated March 3, 2021.**
 - 2. Twelve (12) additional shrubs shall be planted along the existing fence between the fence and the connected CBPA feature.**
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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 621 River Strand were presented. The Board was informed that the applicant is seeking an approval to construct a swimming pool within the 50-foot landward and seaward portions of the 100-foot RPA buffer. The total proposed additional impervious area will be 1,635 SF (1,635 SF in RPA). The CBPA Review Committee reviewed this application on March 16, 2021, and recommended approval of the application as submitted. The lot was recorded in 1994.

Proponent:

Brad Martin, 824 West 21st Street, Norfolk, Virginia, Agent. Mr. Martin stated that they did consider moving the pool out of the 50 foot seaward buffer, however, the way the applicants desire to use the space this was the least impervious plan.

Board Discussion:

Mr. Klesch questioned if there was any consideration to move the pool out of the 50 foot seaward buffer.

Mr. Klesch stated that there should be additional plantings along the back of the property to further assist in filtering water before it flows to the bay.

CBPA BOARD VOTE:

Mr. Weckworth moved to **APPROVE PLN-CBPA-2021-009** based on the findings contained in the Chesapeake Bay Preservation Act Review Committee staff report in addition to twelve (12) additional shrubs shall be planted along the existing fence between the fence and the connected CBPA feature. Mr. Underhill seconded the motion. The motion was carried by a vote of 7 – 0; James and Thomas excused.

OTHER BUSINESS:

- **Election of Officers**
 - a. Chair: Bruce Weckworth
 - b. Vice Chair: Kimberly Koelsch
- **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 7:36 P.M.

Sincerely,

Lewis Martinez,
Recording Secretary

LM/eh