

Chesapeake Bay Preservation Area Board

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

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

Roll Call:

PRESENT

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

EXCUSED

Kaitlyn James, Member
Karen Toida, Member

PLANNING DEPARTMENT STAFF PRESENT

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

CITY ATTORNEY STAFF PRESENT

Meredith Jacobi, Assistant City Attorney

APPROVAL OF MINUTES:

The September 15, 2021, CBPA Board minutes were presented into the record for CBPA Board action.

Ms. Sunderland recommended a change to page 3 of the September 15, 2021 CBPA Board minutes. The recommended change is as follows “Ms. Sunderland stated there should also be an increase of plantings parallel to the fence in addition to the reduction of pavers.” The changes have been made to the September 15, 2021 CBPA Board Minutes.

CBPA BOARD ACTION:

Minutes for the September 15, 2021 CBPA Board were APPROVED by unanimous consent with the recommended changes.

CBPA APPLICATION:

1. **PLN-CBPA-2021-029**
PROJECT/LOCATION: 2255 Angler Lane
PROPERTY OWNER: William and Cassandra Small
APPLICANT/AGENCY: Ryan Smith, Dream Decks, LLC
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 total proposed additional impervious area will be 122 SF (122 SF in RPA).
WATERSHED: Southern Branch of the Elizabeth River
TAX MAP PARCEL: 0462004000770

CBPA BOARD ACTION:

The CBPA Board APPROVED THE EXCEPTION requested in PLN-CBPA-2021-029 for a period of two years with the following stipulation:

Five (5) shrubs shall be planted in the Resource Protection Area (RPA) to mitigate the additional impervious area associated with the proposed development.

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 2255 Angler Lane 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 CBPA Review Committee reviewed this application on September 21, 2021, and recommended approval of the application with the following stipulation: five (5) shrubs shall be planted in the Resource Protection Area (RPA) to mitigate the additional impervious area associated with the proposed development. The lot was recorded in 2003.

Proponent:

Ryan Smith, 752 Cedar Road, Chesapeake, Virginia, Applicant. Mr. Smith stated the deck would be beneficial to the homeowner's as well as the neighborhood. He stated there would be additional plantings that were recommended by the City.

Board Discussion:

Mr. Underhill questioned if there was a mulch bed on the site plan.

Mr. Hoar stated that there was a mulch bed in the front yard located in the Resource Management Area.

Chairman Weckworth questioned how much impervious area the deck added to the property.

Mr. Hoar stated that the deck added 1.3 percent to the impervious area.

Mr. Underhill questioned if the plantings were juvenile or mature plants.

Mr. Smith stated they have not planted the plants yet, however, they would plant what would be recommended by the Board.

Mr. Hoar stated they would be three-gallon pot sizes in accordance with the Landscape Specifications Manual.

Mr. Wilson questioned if there was a permit requested prior to building the deck.

Mr. Smith stated that a permit was not requested because the project initially was just a resurface, but the existing material was rotting and would have to be redone. He stated that he has applied for other permits, and they have been granted, the CBPA permit is the last one before the project is completed.

Mr. Wilson questioned how big the previous deck was and how big the new deck is.

Mr. Smith Stated the previous deck was 10 feet by 14 feet and the new deck is around the same size.

Mr. Hoar stated the site plan marks the deck as 20 feet by 12 feet. The Water Quality Impact Assessment lists the deck as expanding by 122 square feet to include the landing.

Ms. Sunderland questioned if Mr. Smith had applied for CBPA permits in the past as he has stated he has applied for numerous permits in the past.

Mr. Smith stated that he has not applied for a CBPA permit in the past and has advised customers in the past that if a CBPA permit is required he could not do the job.

CBPA BOARD VOTE:

Vice Chairman Koelsch moved to **APPROVE PLN-CBPA-2021-029** based on the findings contained in the Chesapeake Bay Preservation Act Review Committee staff report. Mr. Wilson seconded the motion. The motion was carried by a vote of 7 – 0; James and Toida excused.

OTHER BUSINESS:

- **Discussion on possible formation of Wetlands Board.**

ADJOURNMENT:

With no further business, the meeting was adjourned at 6:30 P.M.

Sincerely,

Lewis Martinez,
Recording Secretary

LM/eh