

24090048

EXCEPTION APPLICATION CBPEC 24-41

An application for Exception is required for new, non-water-dependent development, redevelopment, and construction within 50' of the Resource Protection Area (RPA).

APPLICANT/AGENT INFORMATION:

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Mailing Address: 5248 Olde Towne Road Suite 1
City/State/Zip: Williamsburg, Virginia 23188
Email: jason.grimes@aesva.com

PROPERTY OWNER INFORMATION:

Name: Pete Henderson Phone: 757-565-1090
Mailing Address: 5806 Mooretown Road
City/State/Zip: Williamsburg, Virginia 23188
Email: pete@hendersoninc.com

PROPERTY INFORMATION:

Tax Map or RPC: 42798 E911 Street Address: N/A
Date Lot Recorded: 2/8/2008 Nearest Water Body: Cow Creek Pond
Distance to RPA Feature: 0' (crossing) Sq Ft. of Encroachment: 9,595 sf (0.22ac)

DETAILS OF REQUEST:

Build driveway from Patriots Way East to opposite side of Cow Creek. Current property access is no longer serviceable and will be vacated and restored as part of this application.

DIRECTIONS TO THE PROPERTY:

Wooded parcel which has been previously timbered.

PRIVACY ACT STATEMENT: Information provided in the Chesapeake Bay application will be used in the permit review process and is a matter of public record once the application is filed. Disclosure of the requested information is voluntary, but it may not be possible to evaluate the permit application or to issue a permit if the information requested is not provided.

CERTIFICATION: I am hereby applying for all permits typically issued by Department of Environmental Quality, Virginia Marine Resource Commission, U.S. Army Corps of Engineers, Chesapeake Bay process, and/or Local Wetlands Boards for the activities I have described herein. I agree to allow the duly authorized representatives of any regulatory or advisory agency to enter upon the premises of the project site at reasonable times to inspect and photograph site conditions, both in reviewing a proposal to issue a permit and after permit issuance to determine compliance with the permit. In addition, I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

[Signature]
Printed Name: _____

Jason Grimes
Signature

9-20-24
Date



CONDITIONS FOR GRANTING EXCEPTION

(Sec. 5.5-14)

Required by Code – please provide any input as to how your project complies.

1. **Requirements shall be minimum necessary to afford relief.**
Driveway width and grading to be minimal to safely access property for land owner.

2. **Reasonable and appropriate conditions are imposed, as warranted, that will prevent the allowed activity from causing a degradation of water quality.**
Work to be performed by licensed contractor with appropriate erosion and sediment control measures installed.

3. **Granting exception will not confer applicant any special privileges that are denied to other property owners subject to its provisions and are similarly situated.**
Exception is minimum necessary to gain access to property.

4. **Exception is in harmony with purpose and intent of Ordinance and not of substantial detriment to water quality.**
Exception is minimum necessary to gain access to property.

5. **Exception not based on self-imposed/created conditions or circumstances.**
Exception is minimum necessary to gain access to property. Exception is a reduction over previously approved exception for two roadway crossings.

6. **Other findings, as appropriate and required by Gloucester County.**

Please use additional sheets if necessary for completing the questions above.

Water Quality Impact Assessment

Patriots Walk Phase 3 Driveway Access

Revised: September 25, 2024



CONSULTING ENGINEERS

Prepared by:

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I. INTRODUCTION

Cow Creek LLC has modified the previously approved Water Quality Impact Assessment which outlined 8 areas of impacts to the RPA and is currently requesting only 2 areas of impact to provide access to the property on the western side of Cow Creek from the end of Patriots Way East. Not specific to this application but as an overall way of preserving the property, the western side of the creek has been placed in a Conversation Easement limiting the development of the property. Additionally this access is the minimal necessary to provide safe vehicular access and is intended for private access only. The access is intended as a driveway that may be used for up to two future residential homes that are all that will be permitted on the property.

A previous access to the property will be abandoned and restored as part of the permit to impact the wetlands in this area. The current wetland and RPA buffer crossing which permits access to the western side of the creek will no longer be accessible with the future sale/construction on Lot 70 within Patriots Walk Section 2.

~~Cow Creek, LLC, is proposing the residential subdivision of ±181 acres into Phase III of the Patriots Walk subdivision which includes 78 single family detached units. The site is located at Patriots Way, Gloucester, VA 23061.~~

~~The purpose of this assessment is to summarize and organize information about the proposed impacts to the Chesapeake Bay Preservation Area(s) (CBPAs) which are reasonably necessary for the development of this property and to identify proposed mitigation that addresses such impacts.~~

~~For the purposes of this report, there are eight (8) specific areas of CBPA impacts in the project area; Exhibit A, submitted with this report, identifies the relative location of the impacts. Upon approval of the formal exception, the proposed mitigation described in this assessment will be incorporated into the submitted subdivision plans, which are required as part of the development review process.~~

II. WATER QUALITY IMPACT ASSESSMENT

A. Identification of Impacts and Required Information for Review

A majority of the site is moderately sloped, averaging 2-10%, with smaller areas exceeding 10-20%. A majority of lands sloped 20-30% are located in RPA buffers and (with the exceptions listed below) shall not be disturbed. The hydrologic soil groups found to be located on this site are primarily Hydrologic Group B&C that generally indicates a low infiltration rate, with a majority of these soils being located in RPA buffers and wetlands. The Overall Drainage Plan sheet in the Development Plan for more clearly delineates the various soils and their relative hydrological classification, erosive characteristics and typical slopes.

Impact #6A - Non-Tidal Wetlands in RPA

Impact No. 6A is for the construction of Patriots Way East. The area of this impact is 4,432 square feet or 0.10 acres.

Impact #6B - Non-Tidal Wetlands in RPA

Impact No. 6B is for the construction of Patriots Way East. The area of this impact is 5,160 square feet or 0.12 acres.

Impacts listed below were previously approved but no longer being considered:

~~Impact #1 - Non Tidal Wetlands in RPA~~

~~Impact No. 1 is for the construction of the outfall pipe of BMP #7. The area of this impact is 2,829 square feet or 0.065 acres.~~

~~Impact #2 - Non Tidal Wetlands in RPA~~

~~Impact No. 2 is for the construction of the outfall pipe of BMP #8. The area of this impact is 3,595 square feet or 0.083 acres.~~

~~Impact #3 - Non Tidal Wetlands in RPA~~

~~Impact No. 3 is for the construction of the outfall pipe of BMP #9. The area of this impact is 4,057 square feet or 0.093 acres.~~

~~Impact #4 - Non Tidal Wetlands in RPA~~

~~Impact No. 4 is for the construction of the outfall pipe of BMP #10. The area of this impact is 2,157 square feet or 0.050 acres.~~

~~Impact #5A - Non Tidal Wetlands in RPA~~

~~Impact No. 5A is for the construction of Patriots Way West. The area of this impact is 10,906 square feet or 0.250 acres.~~

~~Impact #5B - Non Tidal Wetlands in RPA~~

~~Impact No. 5B is for the construction of Patriots Way West. The area of this impact is 10,839 square feet or 0.249 acres.~~

Although not dependent on the review and approval of this assessment, required permits necessary to develop this project include, but are not limited to: General Virginia Stormwater Management Program (VSMP) Permit, Corps of Engineers Wetland Disturbance Permit, Virginia Department of Environmental Quality's Virginia Water Protection General Permit, Land-Disturbing Permit and Siltation Agreement. These and any other permits that may be required shall be (if not already) applied for at the appropriate time.

B. Proposed Mitigation

Mitigation for the impacts to the buffers include restoration of previous areas of buffer impacted to access the property. These areas are identified to be restored as part of the overall wetlands impact permit but will to the grading shall include minimal disturbance to existing vegetation. Initial mitigation efforts for these impacts shall include E&S measures as described in the Virginia Erosion & Sediment Control Handbook, such as permanent seeding that will incorporate a conservation seed mix applicable to the special requirements of the RPA, silt fencing, and ECSC-2 straw/coconut turf reinforcement matting (manufactured by East Coast Erosion Control or equal). These elements have been designed such that the preservation of existing vegetation will be preserved to the greatest extent possible.

III. CONCLUSION

In summary, the findings of this Water Quality Impact Analysis indicate that:

- All measures or methods have been explored to avoid any impact to the CBPA. When unavoidable, the impacted area has been minimized to the greatest extent possible.
- Extensive measures were also employed to minimize the effects of the subsequent discharge of stormwater to the receiving channel and wetlands.
- E&S measures, conservation seeding and additional natural open space have been provided in order to mitigate for the impacts noted.

IV. APPENDIX

Please refer to attached Exhibit A:

~~Sheet 1 of 6 RPA Impact #1~~
~~Sheet 2 of 6 RPA Impact #2~~
~~Sheet 3 of 6 RPA Impact #3~~
~~Sheet 4 of 6 RPA Impact #4~~
~~Sheet 5 of 6 RPA Impact #5~~
Sheet 6 of 6 RPA Impact #6