

Chesapeake Bay Buffer Modification FAQ Sheet

If you are planning to build a house or accessory structure, construct an addition to an existing dwelling, place a mobile home or clear some land, all of these activities must be done outside the RPA.

What is the RPA?

RPA stands for **Resource Protection Area**. Resource Protection Area is 100 foot buffer area required around perennial streams, rivers, tidal wetlands and certain non-tidal wetlands. No development or land disturbance is allowed in this 100-foot area unless permitted by the Chesapeake Bay Preservation Ordinance Administrative Board.

How do I know if my property has RPA?

Contact the Office of Codes Compliance at 804-693-4040 or stop in at 6582 Main Street.

What is the purpose of the RPA?

The RPA is a natural area of trees and other plants which filter and remove pollutants from runoff before the runoff enters a river or wetland area. Plants in the buffer area take up pollutants and improve water quality. Roots keep soil in place and prevent sediment from smothering aquatic animals and blocking sunlight needed by plants for photosynthesis, and much more!

What happens if my house or addition must be located in the RPA?

Apply for a Chesapeake Bay Preservation Ordinance Waiver Application for a buffer modification to encroach or “infringe” into the buffer. Buffer modifications may be approved based on hardship. You must demonstrate that your project must be located in the buffer and cannot be located outside the buffer. Examples of hardship include size of lot, location of drainfield, existing structure located in RPA, etc. A waiver application should be submitted for an addition / modification to a non-conforming structure. An exception application is submitted for any other structural modifications.

How do I apply for a buffer modification?

- 1.) Fill out a Chesapeake Bay Preservation Ordinance (CBPO) Administrative Board Waiver or CBPO Preservation and Erosion Commission Exception Application, available at the Codes Compliance office at 6582 Main Street.
- 2.) Provide a drawing of your lot showing the location of your new house, addition or other project and **distance of the project to the river or wetland area**.
- 3.) Provide the **dimensions of your project** within the buffer area.
- 4.) Staff will make a site visit to the project to photograph site and check applicant’s measurements for accuracy.
- 5.) **Completed applications must be received by the preceding meeting day.**

- 6.) **Waiver applications are reviewed by the Environmental Programs Administrator. Exception applications are reviewed by the Preservation and Erosion Commission on the 2nd Wednesday of the month.**
- 7.) If your project is approved, you will receive a copy of an approved application for your specified project. If your project is denied you will receive a copy of a denied application.
- 8.) Please note: Chesapeake Bay approval is not a permit to construct. Once you have Chesapeake Bay approval, you must obtain a zoning and building permit. You may also need a land disturbance permit.
- 9.) Provide a **mitigation plan** showing the location and dimensions of proposed planting area and indicate the size and type of plants to be installed. Planting area should be as contiguous as possible with a variety of perennial species.

A surety equal to the landscaping expense is required to be posted prior to issuance of a building permit for all projects approved in the RPA buffer. This surety is released once required vegetation is satisfactorily planted and survives a growing season (determined by County staff). Surety checks should be made payable to “Gloucester County”. Please note that surety checks will be cashed, checks are not held.

What is a mitigation plan?

To compensate for proposed encroachment into the buffer, a land area equal in size to the encroached area must be established to a variety of perennial vegetation elsewhere in the 100-foot buffer. For example, if a 10’ x 10’ addition to an existing house is proposed to encroach into the buffer, a similar area of vegetation would be required to be planted to mitigate or “make up” for the proposed encroachment. This area must be planted in a variety of perennial vegetation. The square footage of planting area must be contiguous and create a vegetated filter strip between the proposed project and water. Note that the buffer review may require more than the minimum square footage area to be planted.

Who reviews the waiver applications to the Chesapeake Bay Preservation Ordinance?

The Gloucester County Environmental Programs Administrator) reviews the waiver applications.

Who comprises the Chesapeake Bay Preservation Ordinance Preservation and Erosion Commission (PEC)?

Members of the Wetlands Board also serve as members of the PEC. This Board meets the 2nd Wednesday of each month. Deadline for submitting applications is the preceeding month’s meeting date.

What is the fee?

There is a \$50.00 fee for the waiver application. There is a \$275 fee for the public hearing expenses associated with a PEC exception request.