

RESOLUTION

GRANTING AN EXCEPTION ON JCC RE TAX PARCEL NOS. 0440100029, 0440200002,
0440100033, and 0530100017

WHEREAS, **Ms. Kristen Shacochis-Brown, Kerr Environmental Services Corp,** (the “Applicant”) on behalf of **GS Stonehouse Green Land Sub, LLC** (the “Owner”) has appeared before the Chesapeake Bay Board of James City County (the “Board”) on **December 9, 2009** to request an exception to the use of the Resource Protection Area (the “RPA”) on a parcels of property identified as JCC RE Tax Parcel Nos. **0440100029, 0440200002, 0440100033, and 0530100017** and further identified as **9235 Fieldstone Parkway, 9340 Fieldstone Parkway, 9315 Fieldstone Parkway, and 9683 Mill Pond Run** (the “Property”) as set forth in the application **CBE-10-032, for impacts associated with installation of a gravity sewer line and permanent maintenance easement;** and

WHEREAS, the Board has listened to the arguments presented and has carefully considered all evidence entered into the record.

NOW, THEREFORE, following a public hearing, the Chesapeake Bay Board of James City County by a majority vote of its members FINDS that:

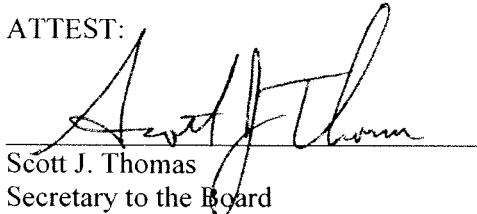
1. The exception request is the minimum necessary to afford relief.
2. Granting the exception will not confer upon the Applicant any special privileges denied by Chapter 23, Chesapeake Bay Preservation, of the James City County Code, to other property owners similarly situated in the vicinity.
3. The exception request will be in harmony with the purpose and intent of Chapter 23 of the James City County Code, and is not of substantial detriment to water quality.
4. The exception request is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels.
5. ~~Reasonable and appropriate conditions are hereby imposed, as set forth below, which will prevent the exception request from causing a degradation of water quality.~~
6. In granting this exception, the following conditions are hereby imposed to prevent this exception request from causing degradation of water quality:
 - **The applicant must obtain all other necessary federal, state, and local permits as required for the project.**
 - **Replant the temporary construction easement (16,266 sqft).**
 - **Preserve 14,810 sqft of non-RPA in Land Bay 3. This area shall be placed within a conservation easement and dedicated to James City County.**

- Replant 5,480 sqft of non-RPA adjacent to BMP 3A in Tract 12 of Stonehouse. This area shall be placed within a conservation easement and dedicated to James City County.
- Payment of \$4,634.70 into the Chesapeake Bay Mitigation Fund.
- Signed letters of permission shall be submitted to the Environmental Division for all offsite property owners affected by this proposal prior to work commencing. This includes 2J Investments and Stonehouse HOA.
- All improvements on the Stonehouse HOA property that are damaged by the installation of the sanitary sewer line shall be replaced, including landscape materials, fencing, and sidewalk/trail.
- This exception request approval shall become null and void if construction has not begun by December 9, 2010.
- Written requests for an extension to an exception shall be submitted to the Environmental Division no later than 2 weeks prior to the expiration date.



William Apperson
Chairman, Chesapeake Bay Board

ATTEST:



Scott J. Thomas
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 9th day of December 2009.

GrantExcTemp.res