

RESOLUTION

GRANTING AN APPEAL ON JCC RE TAX PARCEL NO. 5920200045

WHEREAS, **George F. Drummond**, (the "Applicant") has appeared before the Chesapeake Bay Board of James City County (the "Board") on **March 11, 2009** appealing a Notice of Violation (**CBV-09-006**) dated October 21, 2008, ordering removal of unauthorized fill, concrete driveway and retaining wall installed in the Resource Protection Area (RPA), on his property identified as JCC RE Tax Parcel No. **5920200045** and further identified as **165 Indian Circle, in the Poplar Hall Subdivision** (the "Property") 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 all of the following conditions have been met:

1. The hardship is not generally shared by other properties in the vicinity;
2. The Chesapeake Bay, its tributaries and other properties in the vicinity will not be adversely affected: and
3. The appellant acquired the property in good faith and the hardship is not self-inflicted.

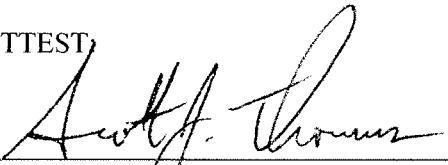
THEREFORE, the Chesapeake Bay Board of James City County is granting the appeal filed by George F. Drummond on October 28, 2008 and overturning the October 21, 2008 Notice of Violation issued by Patrick T. Menichino, James City County Environmental Division.

In granting this appeal, the following conditions are hereby imposed to prevent this project from causing degradation of water quality:

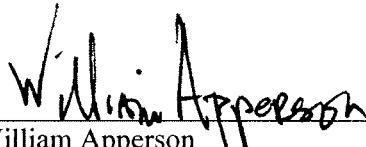
- ***The linear nature of bio-retention "Area 1" requires an increase in the number of native plantings for adequate vegetative absorption. The number of plants required for bio-retention areas should equal, 1 native plant for each 10-20 square feet of bio-retention area. The size of plant material should be shrubs 3-5 gallon container size and trees 6-7 feet in height.***
- ***The removal of the concrete pad identified as "Area 1 – Concrete Demo- 250 SF" should be required as part of the proposed mitigation plan.***

- *Installation of mitigation plantings of 6 native canopy tree, 12 native understory trees and 18 native shrubs and specified and approved on February 21, 2008. The size of plant material should be shrubs 3-5 gallon container size and trees 6-7 feet in height.*
- *A revised "Mitigation & Restoration Plan, for 165 Indian Circle", incorporating all of the above conditions must be submitted to the Division for approval within 30 days of Board approval.*

ATTEST:



Scott J. Thomas
Secretary to the Board



William Apperson
Chair, Chesapeake Bay Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 11th day of March 2009.