

RESOLUTION

GRANTING AN EXCEPTION ON JCC RE TAX PARCEL NO. 2230100044

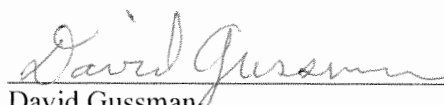
WHEREAS, Mr. Paul F. Hinson, PE of Koontz-Bryant PC on behalf of Mr. Brent Fults, Cranston's Mill Pond LLC (the "Applicant"), has appeared before the Chesapeake Bay Board of James City County (the "Board") on December 8, 2010 to request an exception to the use of the Resource Protection Area (the "RPA") on a parcel of property identified as JCC RE Tax Parcel No. 2230100044 and further identified as the Toano Hunt and Fish Club property at 6616 Cranston's Mill Pond Road (the "Property") as set forth in the application CBE-11-050 for encroachment into the RPA buffer for the rehabilitation of Cranston's Mill Pond 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:
 - 1) The applicant must obtain all other necessary federal, state, and local permits as required for the project.
 - 2) The recordation of a Natural Open Space (NOS) easement or a Deed of Covenants over the entire proposed parcel, in a form suitable to the County Attorney.

- 3) The NOS easement or Deed of Covenants shall be guaranteed through the provisions of the Ordinance contained in Sections 23-10(3) (d) and 23-17(c), which is providing a form of surety satisfactory to the County Attorney. The surety for the NOS easement or Deed of Covenants shall be \$5,000.
- 4) This exception request approval shall become null and void if construction has not begun by **December 8, 2011** or all improvements including the required easement are not completed by that expiration date.
- 5) 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.



David Gussman
Chair, Chesapeake Bay Board

ATTEST:



Scott J. Thomas
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this **8th** day of **December 2010**.