

RESOLUTION

GRANTING AN EXCEPTION ON JCC RE TAX PARCEL NOS. 0530100021 and 0530700001C

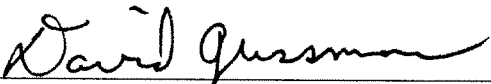
WHEREAS, **Mr. Craig M. Duerr, WSP Sells**, (the "Applicant") on behalf of **GS Stonehouse Green Land Sub, LLC** (the "Owner") has appeared before the Chesapeake Bay Board of James City County (the "Board") on **May 12, 2010** to request an exception to the use of the Resource Protection Area (the "RPA") on a parcels of property identified as JCC RE Tax Parcel Nos. **0530100021 and 0530700001C** and further identified as **9455 Fieldstone Parkway and 9386 Ottoway Court** (the "Property") as set forth in the application **CBE-10-018**, for **sanitary sewer RPA encroachment for Stonehouse Tract 12, County Plan S-0048-2009**; 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:

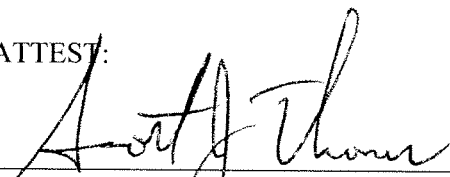
1. The exception request is the minimum necessary to afford relief.
2. Granting the exception will not confer upon the Applicant any special privileges denied by Chapter 23, Chesapeake Bay Preservation, of the James City County Code, to other property owners similarly situated in the vicinity.
3. The 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. **Use of super silt fence for areas to be disturbed within the RPA.**
 3. **Use of EC-2 matting for slope stabilization on slopes that are 3:1 or greater.**
 4. **Enhanced outlet protection for all BMP and storm drain outfalls.**

5. Replant 0.13 acres of non-RPA adjacent to Natural Open Space along Fieldstone Parkway, known as Buffer Restoration Area #1 per the approved WQIA.
6. Replant 0.16 acres offsite in Stonehouse Glen near BMP 3B adjacent to a dedicated Natural Open Space easement, known as Buffer Restoration Area #2 per the approved WQIA.
7. Recordation of Natural Open Space easements for Buffer Restoration Area #1 and Buffer Restoration Area #2, dedicated to James City County.
8. Recordation of Natural Open Space easements for the additional 0.09 acre in excess of the requirements for stormwater management for Tract 12, adjacent to RPA.
9. Signed letters of permission shall be submitted to the Environmental Division for all offsite property owners affected by this proposal prior to work commencing.
10. This exception request approval shall become null and void if construction has not begun by May 12, 2011.
11. 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
Chairman, Chesapeake Bay Board

ATTEST:



Scott J. Thomas
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 12th day of May 2010.

GrantExcTemp.res