

RESOLUTION

GRANTING AN EXCEPTION ON JCC RE TAX PARCEL NO. 3840100056

WHEREAS, AES Consulting Engineers, (the "Applicant") on behalf of Newtown Associates, LLC (he "Owner") has appeared before the Chesapeake Bay Board of James City County (the "Board") on February 8, 2012 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. 3840100056 and further identified as 4500 Casey Blvd in the New Town subdivision (the "Property") as set forth in the application CBE-12-032 for the purpose of constructing a pedestrian/Sewer Bridge and BMP Access Road; 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; and**
 - 2) **Use silt fence for areas to be disturbed within the RPA; and**
 - 3) **Construction shall be in accordance with the provisions of approved County subdivision plan No. S-0025-2011; and**
 - 4) **Installation of enhanced outlet protection (stilling basin) for the stormwater BMP outfall will be required; and**
 - 5) **Written evidence from the James City Service Authority (JCSA) that the BMP access road and gravel trail are acceptable in their easement prior to land disturbance permit issuance; and**

- 6) All natural open space and deed of easements for Phase 7 and 8, per the approved Stormwater Master Plan, must be recorded with the subdivision plan; and
- 7) Nutrient management plan requirements, per the approved proffers, shall be submitted and approved prior to subdivision recordation; and
- 8) The outfall pipe from low impact development (LID) #1 shall extend to the bottom of slope and have appropriately sized outlet protection; and
- 9) This exception request approval shall become null and void if construction has not begun by February 8, 2013.
- 10) Written requests for an extension to an exception shall be submitted to the Engineering and Resource Protection Division no later than 2 weeks prior to the expiration date.



David Gussman
Chair, Chesapeake Bay Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 8th day of February 2012.

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 8th DAY OF February 2012 IN THE COMMONWEALTH OF VIRGINIA IN THE COUNTY OF JAMES CITY.


NOTARY PUBLIC

MY COMMISSION EXPIRES 12/31/14.

