

RESOLUTION

GRANTING AN EXCEPTION ON JCC RE TAX PARCEL NO. 3220100085, 3220100086, AND 3220100116

WHEREAS, Mr. Aaron Small of AES Consulting Engineers, on behalf of the James City County Office of Housing and Community Development (OHCD), (the "Applicant") has appeared before the Chesapeake Bay Board of James City County (the "Board") on January 11, 2012 to request an exception to the use of the Resource Protection Area (the "RPA") parcels of property identified as JCC RE Tax Parcel Nos. 3220100085, 3220100086, and 3220100116 and further identified as 6001 Richmond Road, 138 Neighbors Drive, and 140 Neighbors Drive (the "Property") as set forth in the application CBE-12-055 for the purpose of constructing a wet pond BMP and sanitary sewer infrastructure for the Forest Heights Neighborhood Improvement project in James City County; 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) **Evidence of permission, including signed drainage easements, is necessary for work on offsite parcels (138 and 140 Neighbors Drive) prior to issuance of the land-disturbing permit; and**
 - 3) **Use of super silt fence for areas to be disturbed within the RPA; and**

- 4) Use of EC-2 matting for slope stabilization on disturbed slopes that are 3H:1V or greater; and
- 5) Construction shall be in accordance with the provisions of approved County subdivision plan no. S-0057-2011; and
- 6) Recordation of Natural Open Space easement for the area labeled "Proposed Natural Open Space Easement" in exhibit one of the WQIA, dedicated to James City County as conservation easement. Natural Open Space easement shall also include the remainder of the undisturbed RPA; and
- 7) Removal of all trash and debris from the RPA buffer and/or wetlands per the WQIA exhibit; and
- 8) Installation of enhanced outlet protection at the BMP outfall; and
- 9) Installation of additional rip-rap protection for the JCSA sanitary sewer lines within the wetlands; and
- 10) Installation of BMP plantings proposed within the plan; and
- 11) Installation of a fence surrounding the BMP; and
- 12) This exception request approval shall become null and void if construction has not begun by January 11, 2013; and
- 13) 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 11 day of January 2012

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 11th DAY OF January 2012 IN THE COMMONWEALTH OF VIRGINIA IN THE COUNTY OF JAMES CITY.


 NOTARY PUBLIC

MY COMMISSION EXPIRES 12/31/14

MELANIE J. DAVIS NOTARY PUBLIC REG. #7014335 COMMONWEALTH OF VIRGINIA MY COMMISSION EXPIRES DEC. 31, 2014
