

RESOLUTION

GRANTING AN EXCEPTION ON JCC RE TAX PARCEL NO. 3740100010

WHEREAS, AES Consulting Engineers on behalf of Monticello Woods Active Adult LLC, (the "Applicant") has appeared before the Chesapeake Bay Board of James City County (the "Board") on July 12, 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. 3740100010 and further identified as 4101 Monticello Avenue (the "Property") as set forth in the application CBE-12-111 for the purpose of installing a sanitary sewer connection for the Phase III construction of the Settlement at Powhatan Creek Subdivision; 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) All proposed mitigation plantings shall meet James City County standards of 1" caliper for the canopy and understory trees and shrubs shall be minimum 3 gallon size.

- 4) Full implementation of the approved RPA Mitigation Plan and any additional Board mitigation requirements 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.
- 5) Use of EC-3 matting for slope stabilization on disturbed slopes that are 3H:1V or greater
- 6) Construction shall be in accordance with the provisions of approved County subdivision plan no S-0037-2012
- 7) This exception request approval shall become null and void if construction has not begun by July 12, 2013.
- 8) 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.

Michael Woolson

Michael Woolson
Secretary, Chesapeake Bay Board

David Gussman

David Gussman
Chair, Chesapeake Bay Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 12th day of July 2012.

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 12th DAY OF July 2012 IN THE COMMONWEALTH OF VIRGINIA IN THE COUNTY OF JAMES CITY.

Melanie J. Davis
NOTARY PUBLIC

7014335
REGISTRATION

MY COMMISSION EXPIRES 12/31/14.

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| <p>MELANIE J. DAVIS NOTARY PUBLIC REG. #7014335 COMMONWEALTH OF VIRGINIA MY COMMISSION EXPIRES DEC. 31, 2014</p> |
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