

## RESOLUTION

### GRANTING AN EXCEPTION ON JCC RE TAX PARCELS 0440100029, 0440200002, 0440100033, and 0530100017

WHEREAS, Kerr Environmental on behalf of Greenfield Partners, LLC, (the "Applicant") has appeared before the Chesapeake Bay Board of James City County (the "Board") on December 11, 2013 to request an exception to the use of the Resource Protection Area (the "RPA") on parcels of property identified as JCC RE Tax Parcels 0440100029, 0440200002, 0440100033, 0530100017 and further identified as 9235, 9340 and 9315 Fieldstone Parkway and 9683 Mill Pont Run in the Stonehouse subdivision (the "Property") as set forth in the application CBE-14-051 for the installation of a gravity sanitary sewer and permanent maintenance easement; 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) Full implementation of the approved plan of development, County Plan No S-0048-2008.
  - 3) Replanting of the temporary construction easement (16,266 sqft).
  - 4) Surety of \$5,000 will be required in a form acceptable to the County Attorney's office to guarantee the replanting.

- 5) Preserve 14,810 sqft of non-RPA in Land Bay 3. This area shall be placed within a conservation easement and dedicated to James City County.
- 6) Payment of \$8,734.70 into the County established Chesapeake Bay Mitigation Fund.
- 7) Signed letters of permission shall be submitted to the Engineering and Resource Protection Division for all offsite property owners affected by this proposal prior to work commencing. This includes 2J Investments and Stonehouse HOA.
- 8) All improvements on the Stonehouse HOA property that are damaged by the installation of the sanitary sewer line shall be replaced, including landscape materials, fencing and sidewalk/trail.
- 9) This exception request approval shall become null and void if construction has not begun by December 11, 2014
- 10) Written requests for an extension to an exception shall be submitted to the Engineering and Resource Protection Division no later than six weeks prior to the expiration date.

*Michael Woolson*  
 Michael Woolson  
 Senior Watershed Planner

*David Gussman*  
 David Gussman  
 Chair, Chesapeake Bay Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 11<sup>th</sup> day of December 2013.

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 11<sup>th</sup> DAY OF December 2013 IN THE COMMONWEALTH OF VIRGINIA IN THE COUNTY OF JAMES CITY.

*Melanie J. Davis*  
 NOTARY PUBLIC

7014335  
 REGISTRATION

MY COMMISSION EXPIRES 12/31/14

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