

RESOLUTION

GRANTING AN EXCEPTION ON JCC RE TAX PARCEL NO. 2240100007

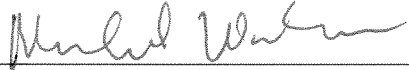
WHEREAS, AES Consulting Engineers, (the “Applicant”) on behalf of the developer, Colonial Heritage, LLC (the “Owner”) has appeared before the Chesapeake Bay Board of James City County (the “Board”) on March 13, 2013 to request an exception to the use of the Resource Protection Area (the “RPA”) on a parcel of property identified as JCC RE Tax Parcel No. 2240100007 and further identified as 499 Jolly Pond Road (the “Property”) as set forth in the application CBE-13-039 for the purpose of constructing a sanitary sewer utility crossing for the Colonial Heritage, Phase 5, Section 1 project ; 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) Construction shall be in accordance with the provisions of approved County subdivision plan No S-0041-2012.
 - 3) All natural open space and deed of easements for Phase 5, per the approved Stormwater Master Plan, must be recorded with the subdivision plan

- 4) This exception request approval shall become null and void if construction has not begun by March 13, 2014.
- 5) 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
Senior Watershed Planner



David Gussman
Chair, Chesapeake Bay Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 13th day of March 2013.

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 13th DAY OF March 2013 IN THE COMMONWEALTH OF VIRGINIA IN THE COUNTY OF JAMES CITY.



NOTARY PUBLIC

MY COMMISSION EXPIRES 12/31/14

7014335

REGISTRATION

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