

RESOLUTION

CASE NO. CBE-17-044. NEW TOWN SECTION 8, PARCEL D

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Jason Grimes (the “Applicant”), on behalf of ABVA Development LP and Newtown Associates LLC, has applied to the Chesapeake Bay Board of James City County (the “Board”) on September 13, 2017, to request an exception to use the Resource Protection Area (the “RPA”) on parcels of property identified as James City County Real Estate Tax Map Parcel No. 3820100015, further identified as 5335 Settlers Market Boulevard and James City County Real Estate Tax Map Parcel No. 3820100014, further identified as 4400 Casey Boulevard in the New Town subdivision (the “Property”) as set forth in the application CBE-17-044 for the purpose of constructing a sanitary sewer bridge and Best Management Practice outfall; and


WHEREAS, the Board has listened to the arguments presented and has carefully considered all evidence entered into the record.

NOW, THEREFORE, BE IT RESOLVED that the Chesapeake Bay Board of James City County, Virginia, following a public hearing, 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:
 - a. The applicant must obtain all other necessary federal, state and local permits and permissions as required for the project; and
 - b. Specific to this exception, the RPA impacts may not be realized until such time as the U.S. Army Corps of Engineers has provided written confirmation that the

proposed changes to their easement, Instrument No. 120016286, are satisfactory;
and

- c. A \$5,000 surety will be required in a form acceptable to the County Attorney's office to guarantee the dedication of the Natural Open Space deed and easement. Once all 0.38 acres has been dedicated the surety will be returned; and
- d. This exception request approval shall become null and void if construction has not begun by September 13, 2018. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than six weeks prior to the expiration date.



 David Gussman
 Chair, Chesapeake Bay Board



 Michael Woolson
 Senior Watershed Planner

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 13th day of September, 2017.

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 13th DAY OF September, 2017 IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF JAMES CITY.



 NOTARY PUBLIC

MELANIE J. DAVIS NOTARY PUBLIC REG. #7014335 COMMONWEALTH OF VIRGINIA MY COMMISSION EXPIRES DECEMBER 31, 2018

MY COMMISSION EXPIRES: 12/31/18

CBE17-044NTwnSec8ParD-res