

STAFFORD COUNTY CHESAPEAKE BAY BOARD MINUTES
September 18, 2017

The monthly meeting of the Stafford County Chesapeake Bay Board of September 18, 2017, was called to order at 7:09 p.m. by Joseph Fiorello in the ABC Conference Room in the George L. Gordon, Jr., Government Center.

MEMBERS PRESENT: Don Adams, Andy Pineau, Frank Rubio, Ben Rudasill, Mary Rust

MEMBERS ABSENT: Jim Riutta

STAFF PRESENT: Joseph Fiorello, Jeff Harvey, Rishi Baral, Mohan Karki, Denise Knighting

GUEST: None

A. Call to Order

Mr. Fiorello called the meeting of the Chesapeake Bay Board to order and ask Ms. Knighting to call roll.

B. Roll Call

C. Determination of a Quorum

Ms. Knighting called roll and stated there was a quorum with five members present.

D. Public Presentations

Mr. Fiorello asked if there were any public presentations. He stated if you wanted to speak you would have three minutes to address the Board. He asked that you state your name and address for the record. With no one coming forward, he moved on to election of officers.

ELECTION OF OFFICERS

1. Election of Chairman

Mr. Fiorello asked if there were any nominations for Chairman.

Mrs. Rust nominated Mr. Pineau.

Mr. Rudasill seconded.

Mr. Fiorello asked if Mr. Pineau would accept the nomination.

Mr. Pineau stated yes.

With no other nominations Mr. Fiorello called for the vote.

The motion passed 5-0 (Mr. Riutta was absent).

2. Election of Vice-Chairman

Mr. Pineau opened the floor for nominations for Vice-Chairman.

Chesapeake Bay Board Minutes
September 18, 2017

Mr. Rudasill nominated Mary Rust.

Mr. Pineau seconded. He asked Mrs. Rust if she would accept the nomination.

Mrs. Rust stated yes.

With no other nominations Mr. Fiorello called for the vote.

The motion passed 5-0 (Mr. Riutta was absent).

APPROVAL OF MEETING MINUTES

November 16, 2015

Mr. Pineau asked if there were any comments on the minutes of November 16, 2015. Hearing none he asked for a motion to approve.

Mrs. Rust made a motion to approve.

Mr. Rudasill seconded.

The motion passed 5-0 (Mr. Riutta was absent).

January 11, 2016

Mr. Pineau asked if there were any comments on the minutes of January 11, 2016. Hearing none he asked for a motion to approve.

Mrs. Rust made a motion to approve.

Mr. Pineau seconded.

The motion passed 5-0 (Mr. Riutta was absent).

Mr. Pineau stated the Board would move on to the public hearing which was a Special Exception for Patriots Crossing and asked staff to present the report.

PUBLIC HEARINGS

3. 17151920; Chesapeake Bay Special Exception; Patriots Crossing – 799 Garrisonville, LLC, applicant, is requesting a Special Exception per Stafford County Code, Section 27B-14 “Special Exceptions”, to allow maximum building area within the landward and seaward portions of the 100 foot-wide Critical Resource Protection Area (CRPA) buffer on Tax Map Parcel No. 21-12, in the Garrisonville Election District.

Mr. Fiorello stated the public hearing was a Chesapeake Bay Special Exception for Patriots Crossing which 799 Garrisonville, LLC, the applicant, was requesting a Special Exception per Stafford County Code, Section 27B-14 Special Exceptions, to allow maximum building area within the landward and seaward portions of the 100 foot-wide Critical Resource Protection Area buffer on Tax Map Parcel No. 21-12, in the Garrisonville Election District. Consider the application of Mr. Donn Hart, requesting a

special exception under 27B-14 of the Stafford County Chesapeake Bay Preservation Area Ordinance from the requirements of 27B-7 Development Conditions and 27B-8(b) General Performance Criteria of the Chesapeake Bay Protection Area Ordinance in order to allow for the disturbance of the Critical Resource Protection Area buffers within the proposed Patriots Crossing Commercial Development on Tax Map 20-12. He stated the site included one perennial stream channel that flowed west to east in the northern portion of the property. A centrally located intermittent stream channel flowed northward into the perennial stream and a second intermittent stream channel flowing west to east was located near the southern property boundary. These streams were unnamed tributaries of Austin Run. The perennial stream included associated wetlands and Critical Resource Protection Area buffers as presented in the Wetlands Delineation and Perennial Flow Determination (Attachment 6). In April 2017, staff confirmed the perenniality of the streams and CRPA designation as evidenced by a Chesapeake Bay Compliance Approval Letter (Attachment 5). There was an existing sanitary sewer line along the northern bank of the perennial stream. Prior to this perenniality determination, the stream had been designated as intermittent. However, field conditions appeared to have changed between the time of the 2015 study, submitted by the applicant and confirmed by staff, to the most recent April 2017 determination identifying the stream as needing a CRPA buffer. Wetlands Assessment; there was a total of 711 linear feet of perennial stream having a total of 3.25 acres of Critical Resource Protection Area located onsite. The application requested permission to impact 2.89 acres of the Critical Resource Protection Area buffer associated with the construction of the proposed Patriots Crossing Commercial Development. The applicant proposed to preserve 0.35 acres of Resource Protection Area at the eastern and western property lines and restore onsite 1.15 acres of Critical Resource Protection Area. The remainder of Critical Resource Protection Area, 1.75 acres, would be mitigated through an in-lieu-fee. The applicant had applied for and received a wetlands permit that allowed impacts to 100 linear feet of perennial stream, 12 linear feet of intermittent stream, 115 linear feet of ephemeral stream, and 0.09 acres of palustrine forested wetland (Attachment 7). The Major Water Quality Impact Assessment (Attachment 10) included all of the required elements. The applicant had expressed that granting the special exception would not confer special privileges on the applicant since they proposed restoration of portions of the CRPA, mitigation via in-lieu-fees, and bank stabilization. The applicant's request for the special exception was based on the necessity to achieve a return on investment commensurate with current market conditions. Based on the proposed site development design, the applicant asserted that the encroachment was the minimum necessary to achieve the adequate building area. Mitigation/Restoration; the applicant proposed to impact 2.89 acres of CRPA and restore 1.15 acres of CRPA onsite. The remainder 1.75 acres of CRPA would be mitigated through an in-lieu-fee based on an average of three proposals. The number of canopy trees, understory trees, and shrubs was calculated using the Riparian Buffers Modification & Mitigation Guidance Manual, VDCR 2006 as required and are as follows: CRPA Land-ward 50 feet of 50,250 square feet per acre equals 1.15 acres equates to 1,210 whips or bare roots times the 1.15 acres results in 1,392 whips. The Channel-ward 50 feet, which is 25,886 square feet equates to 65 units requiring 65 canopy trees, 130 understory trees, and 195 small shrubs to satisfy Table B; Page 95 of the manual. The applicant had provided three proposals for the restoration of 1.75 acres of CRPA (Attachment 8). Previously, County Wetlands Board staff has allowed the submittal of three proposals and calculating the average to determine an acceptable in-lieu-fee for the disturbance of the CRPA payment to Stafford County. The average cost for this project is \$32,909.00 which the applicant proposed to pay as the in-lieu-fee. If the Board found this to be acceptable, it could impose this payment as a condition of approval pursuant to Code Section 27B-14-d5. Required Findings; if the Board would be inclined to approve the request as submitted, it must make the following required findings: Granting the special exception would not confer upon the applicants any special privileges denied by this chapter to other property owners who would be subject to its provisions and who were similarly situated. The special exception request would not be based on any conditions or circumstances that would be self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or nonconforming that would be related to adjacent parcels. The special exception request would be the minimum necessary to afford relief. The special

Chesapeake Bay Board Minutes
September 18, 2017

exception request would be consistent with the purpose and intent of this chapter, not injurious to the neighborhood or otherwise detrimental to the public welfare, and would not be of substantial detriment to water quality. And reasonable and appropriate conditions could be imposed which would prevent the special exception request from causing a degradation of water quality. The recommendation, should the Chesapeake Bay Board find that the application would meet the above five criteria for approval of an exception, staff would recommend the following conditions of approval: The limits of the CRPA buffer encroachments shall be as shown on the approved impacts plan dated August 15, 2017. Onsite areas of CRPA buffers which were not converted to impervious surfaces shall be replanted per the guidelines in the Riparian Buffers Modification & Mitigation Guidance Manual and include a maintenance plan. The mitigation shall be required for all 2.89 acres of the CRPA buffer encroachments. The applicant shall restore 1.15 acres of CRPA onsite. For the remaining 1.75 acres to be mitigated, the applicant shall contribute \$32,909.00 to the County for stream buffer creation. This mitigation fee shall be paid upon approval of a grading plan or site plan for the property and prior to issuance of a land disturbance permit.

Mr. Pineau asked if there was anyone for the project to make a presentation before the Board. If so, to please state your name and title.

Mr. Bill Ellen stated he was the environmental consult for the project and was the President of Enviro-Data. He stated they have been doing wetlands and regulatory work for a while and the last time he was before this Board was approximately 10 or 15 years ago. He stated he was representing the applicant and would appreciate the opportunity to pass out more information to the Board. He stated they went through the steps of ways to avoid impacts, minimize impacts and look for how they could mitigate. He went through some of the steps of how they arrived where they were on this project. He stated they received a notice of plan change from DEQ that corrected the stream impacts on September 12, 2017. He explained the DEQ representative had made a mistake in the linear footage of stream impact and he would like to enter that into the record and he handed out copies of the updated DEQ permit. He stated he felt it was important to look at the existing site conditions and stated the stream was an R3 stream and the property upstream was county high school. He stated the signature of the stream showed there was no stormwater management on the high school site as it was constructed prior to that requirement. He stated the majority of the stream through the entire property had eroding stream banks but the bed was pretty stable. He stated at first it was thought the stream was intermittent, but following the site visit with Mr. Fiorello they did weekly inspections looking for the stream to dry up, but it did not. He stated it was correctly classified as an R3. As part of the exercise they did a stream assessment using the United Stream Methodology which was a spreadsheet put together by DEQ and the Corps of Engineers to assess the value of a stream and the riparian buffer. He stated when it was put on a spreadsheet you would come up with a score. He handed out USM Stream Assessment form which gave an idea of the current condition of the stream as it existed. He stated the first question was channel condition, and he explained photos of three transects which showed the erosion of the banks along the stream and the stream bed were in the package he handed out. Scoring was poor because of the water that came from the high school site that washed out the stream banks. He stated the riparian buffers were adjusted on the left side because a sanitary sewer easement maintained by the county in a 30-foot wide corridor. He stated on the second page of the USM stated the compensation ratio for the stream was 1.07. Typically streams in wooded areas were 1.5, and if you were to impact 100 feet of stream in a wooded stable environment you would have to buy 150 credits. He stated in this situation, they would have to purchase 107 credits. He explained he brought this before the Board, not because they had to pay for mitigation credits, but more so as an indication of the current condition of the existing stream. He stated in his opinion, they were proposing to grade the stream back and stabilize it and would not be impacting the stream bed. He explained they would pull the stream bed back, plant vegetation along the side so the sludge that continued to come down would have a larger cross section, which may slow it down some. When they looked at alternatives for RPA encroachment, they started with no encroachment and analyzed the return

*Chesapeake Bay Board Minutes
September 18, 2017*

on the investment would be. He presented an alternative analysis proforma with the proposed plan and the alternative no encroachment plan. He explained that he highlighted the result of the review and stated the difference between the current plan and the no encroachment plan was an 8% difference in the rate of return on investment and that was a substantial number. He stated an 8% reduction was something his client felt was an unnecessary risk for the market. He stated they found that they could not avoid any encroachment and the next step would be minimization, how could they minimize the encroachment into the RPA and help to mitigate and restore the function. The proposed engineered plan matched the wetland permit plan. They minimized the travel lane widths, minimized the building footprints, and shifted everything down. He stated they were governed by constraints and one of the major constraints they had was that they had to proffer out that the only multi-story building was at the far south with the Board of Supervisors, the remainder of the buildings had to be single story which they needed a larger footprint in order to get the square footage required. He explained the site was reworked and some of the parking widths were reduced to the minimum county standard to allow a functional property. He stated in his opinion he believed they had minimized the impacts and they would now come to the third step of mitigation. He stated staff pointed out they were going to grade everything and replant. He stated the area that they can't make up for by replanting they would pay an in lieu fee. He stated he asked Justin, the project engineer, if he was confident the project would comply with the stormwater regulations, once the project was complete and his reply was yes. In conclusion he stated he would accept the conditions on behalf of his client as they feel the conditions were reasonable. He stated he felt the public and private benefit of the project exceeded the public and private detriment and asked for the Board approval.

Mrs. Rust asked what would happen to the stream if the project was not approved. She asked if anything would be done to improve the site.

Mr. Ellen stated if they did not get approval, he did not think it would go through based on the return investment.

Mrs. Rust stated the approval or disapproval of this Board would directly affect the sale of the property.

Mr. Ellen stated yes.

Mr. Pineau stated the photos supplied this evening looked different from the 2015 photos in the package. He stated it looked like there was substantially more to the stream now than it was two years ago. He asked if the Board was looking at comparable photos.

Mr. Ellen stated the photos presented tonight were projected toward the stream channel. He stated when there was a high volume of stormwater that was when the banks wash away. By laying the banks back it would increase the cross-sectional area. The vegetation and matting would not impact the stream at all but would stabilize the banks.

Mr. Pineau thanked Mr. Ellen and asked if there was anyone else to speak. Seeing no one he closed the public hearing and brought it back to the Board for discussion.

Mrs. Rust stated typically when encroaching upon a Resource Protection Area, you want to have a hardship. She stated in her opinion a return on an investment was a hardship, as she thought of protecting a stream bed that should be protected. It did not meet her criteria in any way, shape or form and did not add up as far as the client wanting to build a bigger building and encroaching on the protected area was not a hardship. The Resource Protection Areas were there for a purpose and there should be a really good hardship reason for encroachment and she did not see it. In watching the news and with all the flooding in Houston and Florida and at the end of every report she had read were the questions, where was the

***Chesapeake Bay Board Minutes
September 18, 2017***

water going, why hasn't there been some plan. Well they have just paved over everything or changed the stream bed. We may not be Houston, but we were part of the whole problem. This was part of the Chesapeake Bay and eventually this water would make its way in and as of last year the Chesapeake Bay got a C- in the Potomac area.

Mr. Ellen stated they were not filling in the floodplain. The volume of water was still going to continue regardless in the size of the storm. He stated they were above the floodplain and yes it was an RPA, but they were not in the floodplain. The RPA would still be there, they would be stabilizing the stream bank and replanting and trying to make it better than when they found it.

Mr. Rudasill stated currently the stream was a hardship in itself. So, if they secured the banks as they state it would be a major improvement.

Mr. Adams stated it was his understanding that without this approval the project would not go forward and the stream would stay in its current condition.

Mr. Pineau stated he believed that would be the case.

Mr. Adams stated he felt the stream's function as a part of the RPA would be improved by the project going forward if the enhancement were made, that would be a plus both short term and long term.

Mr. Pineau asked if it was correct that the Board of Supervisors had reviewed and approved the entire project.

Mr. Harvey stated yes. One of the factors in consideration of the post recent proffers by the Board of Supervisors was the scale of buildings in relation to the nearby neighborhood. That was why only one or two buildings in the back corner of the property could be multi-story.

Mr. Pineau stated as Mr. Rudasill stated there was benefit to be had if they were improving upon the present condition of the stream. He asked if there were any other comments.

Mrs. Rust stated she had a hard time, as this has happened to this Board in recent history. Something has come before this Board and the property was going to be developed, depending on our decision, or not. She felt the decision that was made was incorrect and voted against it. She stated she felt the applicant not being able to make enough money because of the decision of this Board was not the way to be headed.

Mr. Pineau stated the Garrison at Stafford was the project that was presented to the Board of Supervisors and this Board was the last to give recommendation. He stated he did not know if the process by which the projects come before the County could allow for this Board to make a decision prior to being presented to the Board of Supervisors, but he thought it would come down to an environmental decision that should weigh into the decision making of the Board of Supervisors.

Mr. Harvey stated the Generalized Development Plan did not identify an RPA, but did show an area of one hundred feet on either side of the stream that was not shown as being developed. So that did not color the Board of Supervisors decision one way or the other. He stated from a staff perspective, we knew we have had the most recent determination of being perennial, that was done shortly after the Board of Supervisors' decision or during that time period, prior to that it was intermittent. So, this stream had from our perspective, some change in characteristic, but we were not sure why. The prior site visit in 2015 showed intermittent characteristics. But from a staff perspective again, if the Board desired to take

*Chesapeake Bay Board Minutes
September 18, 2017*

affirmative action on this case tonight, he would point again back to the five requirements for finding in order to approve the application.

Mrs. Rust stated she would like to know Mr. Harvey's definition of exemption was not based on a self-created hardship. She stated the encroachment on the stream was not necessary and was a self-created hardship.

Mr. Harvey stated that was one of the areas where it was ultimately the Board's decision if you agreed with what the applicant was putting forward as the source of the hardship. They had indicated that part of the hardship was that they were required to have single story buildings, which forced more horizontal development compared to multi-story buildings and then they also had the issue of the economics of the site, which again staff cannot answer that. Normally in the case of the Board of Zoning Appeals cases, economics was not a matter of consideration. But that was not necessarily what this provision stated here, it said that it was not based on any conditions or circumstances that were self-imposed. So that would be something that was somewhat of a judgment call as to whether this was a self-imposed issue or not.

Mr. Rudasill asked if the site was developed with less building and the stream was not touched, would the stream be better off.

Mrs. Rust responded by saying it was stated the development would not happen unless approved.

Mr. Rudasill stated it would not happen by this developer on this transaction. He stated in his opinion if you look at what they were doing to the stream was a benefit.

Mrs. Rust stated the next person to come in and purchase the property would have to develop it differently and may not build in the Resource Protection Area.

Mr. Pineau stated the applicant would be paying in-lieu fees for the portion that could not be mitigated.

Mrs. Rust asked how the fees would be used.

Mr. Harvey stated the fees would be collected by the County and go into a separate account for Chesapeake Bay RPA improvements. Currently we have not collected any fees for that purpose, but once we did we would accumulate the fees until we could use them for some sort of buffer improvement in some location in the county.

Mr. Pineau stated so the area adversely impacted by this project would benefit in some way at another location in the county that was affected by Chesapeake Bay tributaries or streams. He asked if there was a recommendation for a vote to approve Special Exception 17151920 for Patriot's Crossing.

Mr. Adams asked if it was necessary that each of the findings be addressed by this Board before moving forward.

Mr. Harvey stated the Code stipulated that the Board had to concur that all five findings have been met in order to approve the request. Whether you have it spelled out specifically for each individual finding was a matter of process for this Board.

Mr. Pineau asked if the Board members wanted to vote on each of the findings or vote on them as a whole.

*Chesapeake Bay Board Minutes
September 18, 2017*

Mr. Rudasill asked what the specifics were.

Mr. Pineau read (1) Granting the special exception would not confer upon the applicants any special privileges denied by this chapter to other property owners who were subject to its provisions and who were similarly situated; (2) The special exception request would not be based on any conditions or circumstances that were self-created or self-imposed, nor did the request arise from conditions or circumstances either permitted or nonconforming that were related to adjacent parcels; (3) The special exception request was the minimum necessary to afford relief; (4) The special exception request would be consistent with the purpose and intent of this chapter, not injurious to the neighborhood or otherwise detrimental to the public welfare, and was not of substantial detriment to water quality; and (5) Reasonable and appropriate conditions could be imposed which would prevent the special exception request from causing a degradation of water quality.

Mr. Rudasill stated he felt they could vote on it with the findings as written.

Mr. Pineau asked if there was a motion to approve the required findings for Special Exception 17151920 Patriots Crossing.

Mr. Rudasill made a motion for approval.

Mr. Rubio seconded the motion.

The motion passed 4-1 (Mrs. Rust opposed, Mr. Riutta was absent).

Mr. Harvey asked the Chairman to reaffirm with the affirmative vote for approval of the application that was with the conditions as recommended in the staff report. He stated there were three conditions, (1) The limits of the CRPA buffer encroachments shall be as shown on the approved impacts plan dated August 15, 2017; (2) Onsite areas of CRPA buffers which were not converted to impervious surfaces shall be replanted per the guidelines in the Riparian Buffers Modification & Mitigation Guidance Manual and include a maintenance plan; (3) Mitigation shall be required for all 2.89 acres of the CRPA buffer encroachments. The applicant shall restore 1.15 acres of CRPA onsite. For the remaining 1.75 acres to be mitigated, the applicant shall contribute \$32,909.00 to the County for stream buffer creation. This mitigation fee shall be paid upon approval of a grading plan or site plan for the property and prior to issuance of a land disturbance permit.

Mr. Adams asked if that language was in Resolution CBBR17-01.

Mr. Harvey confirmed it was.

Mr. Pineau asked if there was a motion to approve the recommendations cited in the Special Exception.

Mrs. Rust asked about the impervious surface, where would it be and how would it impact the area. She asked how much surface would be pervious or impervious as it pertained to the stream.

Mr. Fiorello stated he did not follow the question.

Mrs. Rust stated in the provisions it was talking about pervious or impervious pavers or waters that run off of that property.

Mr. Harvey stated the first condition was the limits of the CRPA buffer encroachments shall be as shown

*Chesapeake Bay Board Minutes
September 18, 2017*

on the approved impacts plan dated August 15, 2017. He stated that impacts plan shows the areas that would remain in RPA and areas that would be impacted.

Mrs. Rust asked if there was a condition for the pavement surface that impacts that stream.

Mr. Harvey stated no, the conditions did not speak to the type of pavement.

Mrs. Rust stated she felt that was important as it pertained to the water quality that came into that stream, with all the development that was going to be around that stream.

Mr. Pineau asked if the improved impacts plan dated August 15, 2017 was part of the package.

Mr. Harvey stated yes.

Mr. Ellen stated the amount of impervious surface had already been stipulated.

Mr. Pineau asked Mrs. Rust if she was proposing a modification to the recommendation.

Mrs. Rust stated yes.

Mr. Pineau asked how Mrs. Rust would like it stated. He asked if she was referring to the first one, the limits of the CRPA buffer encroachments

Mrs. Rust agreed. She stated when there was water run-off into that area, through the stream, that you were protecting the stream from run-off with all of the paving and etcetera that was coming from the development, especially parking lots and large buildings.

Mr. Fiorello suggested asking Mr. Ellen how stormwater would be conveyed on the property.

Mr. Ellen stated the plan did not yet contain stormwater management and explained that was why he had Justin Franklin write the letter. He stated they were looking at some underground ways, infiltration trenches to get the water back into the ground. He stated they need to get further along in order to determine where the stormwater would be located and what they were going to look like. He stated they were not dumping it off the parking lot into the stream; there were County requirements that had to be complied with for stormwater management.

Mr. Pineau asked if something concerning stormwater management should be something that was included in the recommendations.

Mr. Fiorello stated it could certainly be included in the conditions if the Board so chose.

Mr. Pineau stated since they had been present with a document which stated the site plans had not thoroughly been prepared to that point, he would think it may be prudent it write that into as a recommendation that must be met.

Mr. Ellen stated they would accept that because they had to meet the county standards for stormwater and no water would run off the parking lot into that stream. We had to retain that water and treat it before it was released into the ground. He stated they still had more reviews to go through from this point, such as stormwater reviews and construction plan review, which was all part of the County permit review process.

*Chesapeake Bay Board Minutes
September 18, 2017*

Mr. Adams stated the intent seemed to be reflected in number five of the findings.

Mrs. Rust stated it was the point of this Board.

Mr. Adams stated he felt the intent of her concern was provided for in the findings, which was these restrictions could be imposed.

Mr. Rubio stated they have to meet the stormwater regulations.

Mr. Pineau stated the three recommendations must be approved as written. He asked if there was a motion.

Mr. Rubio made a motion to approve.

Mr. Adams stated he would second if they were talking about voting on the Resolution.

Mr. Pineau stated yes, the Board had agreed to the required findings and were now approving the Special Exception by agreeing to the three recommendations.

Mr. Adams asked by approving Resolution CBBR17-01.

Mr. Pineau stated yes.

Mr. Adams asked if that was the intent of the motion.

Mr. Pineau stated yes, it was done in two parts, but were agreeing to the required findings and agreeing to the Special Exception which included the three recommendations.

The motion passed 4 – 1 (Mrs. Rust opposed, Mr. Riutta was absent).

Mr. Pineau stated there was no old business and asked Mr. Fiorello to report any new business.

OLD BUSINESS

None

NEW BUSINESS

4. Bylaws

Mr. Harvey stated the bylaws for the Chesapeake Bay Board were similar but slightly different from the bylaws for the Wetlands Board and the Coastal Dunes Board. He noted similar to the Wetlands Board there were three sub-sections dealing with enforcement, speaking to policies with regard to mitigation for buffers referring to the Riparian Buffers Mitigation Manuel, also that the Board shall not approve an application for a permit until all CRPA violations on a piece of property were resolved and that in the case of suspected RPA violations the applicable adopted enforcement procedures would be followed by the Chesapeake Bay Board and/or their designated enforcement agent.

Mr. Pineau asked if there was a motion to approve the bylaws as written for the Chesapeake Bay Board.

Chesapeake Bay Board Minutes
September 18, 2017

Mr. Adams asked if they would include the same change regarding Monday.

Mr. Pineau stated yes, with the correction of the 3rd Monday of each month unless otherwise required.

Mr. Rubio made a motion to approve.

Mr. Rudasill seconded the motion.

The motion passed 5-0 (Mr. Riutta was absent).

CHAIRMAN'S REPORT

Mr. Pineau stated there was no Chairman's report.

STAFF REPORT

Mr. Fiorello stated there were no new applications for October. He asked if the Board would like to cancel the October meeting.

Mr. Pineau stated there was no need for an October meeting if there was nothing to discuss.

Mrs. Rust stated staff was to present information, but that could be postponed until November.

Mr. Fiorello stated that was for Wetlands.

Mr. Harvey stated the Wetlands Board would meet in October and the Board needed to decide if the Chesapeake Bay Board wanted to meet.

Mr. Pineau stated there would be no October meeting for the Chesapeake Bay Board and asked for a motion to adjourn.

ADJOURNMENT

Mr. Rudasill made a motion to adjourn.

Mr. Rubio seconded the motion.

The motion passed 5-0 (Mr. Riutta was absent).

With no further business to discuss, the meeting adjourned at 8:21 p.m.