



STAFFORD COUNTY CHESAPEAKE BAY BOARD

Meeting Minutes

Monday, June 15, 2020 at 2:30 pm
ABC Conference Room of the George L. Gordon, Jr. Government Center

A. Call to Order

B. Roll Call

Members Present: Anthony Pineau, Mary Rust, Ben Rudasill, Dan Adams, Sue Henderson, Frank Rubio

Members Absent: Jim Riutta

Staff Present: John Saunders, Ben Foster, Joe Fiorello, Cindy Bush

C. Determination of a Quorum

A quorum was established with 6 of the 7 members present.

D. Public Presentations

There were no presentations by members of the public.

E. Approval of Meeting Minutes

Mr. Rudasill made a motion to approve the December 16, 2019 meeting minutes, which was seconded by Ms. Henderson. The motion passed 6-0.

F. Election of Officers

Ms Rust nominated Mr. Pineau for Chairman, which was seconded by Ms. Henderson. Mr. Pineau was elected Chairman with a total of 6 votes. Mr. Pineau abstained.

Mr. Pineau nominated Mr. Rudasill for Vice-Chairman, which was seconded by Mr. Adams. Mr. Rudasill was elected as Vice-Chairman with a total of 6 votes. Mr. Rudasill abstained.

G. Public Hearings

1. 4 Hope Springs Lane, Stafford VA 22554 (Parcel #:31-33P and 31-33PA) Special Exception Request - CBB-2001

Mr. Foster stated to consider the application of Hope Springs Land Company LLC who is requesting a special exception to allow for the construction of a 16-foot by 28-foot pool to encroach within the landward 50 feet of the 100-foot-wide Critical Resource Protection Area (CRPA) buffer on Assessor's Parcel 31-33P and 31-33PA.

The application has been presented before the Chesapeake Bay Board ("the board") on the basis that an accessory structure does not qualify for administrative exception under Section 27B-11(a)(5)g thus requiring board action. The subject property is located at 4 Hope Springs Lane within the Aquia Election District. The property consists of a marina boathouse, two boat storage facilities, and a 1-story garage/workshop. Aquia Creek is directly adjacent the property to the north. Site topography is relatively flat with a gradual north westerly slope towards the water feature. The property lies within the 100-year and 500-year flood zones with the pool and pavilion being proposed outside of any flood zone. The property contains CRPA along the property line abutting Aquia Creek beginning at the ordinary high-water mark and extending landward 100 feet (Attachment 2).

Hope Springs Land Company LLC is proposing to construct a pool, pool pavilion, and associated concrete pool deck totaling 4,700 square feet (0.108 acre) of new impervious area. 2,430 square feet (0.056 acre) of this impervious area is between the 50' and 100' CRPA buffer of Aquia Creek. There is no new impervious area seaward of the 50' buffer, although there is 907 square feet (0.021 acre) of disturbance for minor grading. In total the project proposes 8,596 square feet of land disturbance.

The project proposes a land disturbance greater than 2,500 square feet and will thus be subject to the Erosion and Sediment Control and Stormwater Management Regulations. A site plan through the planning office will also be required. The Virginia Runoff Reduction Method (VRRM) Spreadsheet was completed and requires a total Phosphorous reduction of 0.20 pounds per year. To achieve this reduction, the applicant proposes to purchase nutrient credits rather than treat the water onsite. Purchase of nutrient credits is an applicable off-site compliance option to meet water quality requirements.

This project is located within the Marina Overlay District. According to the Comprehensive Plan, this area is designated as an Economic Development Priority Focus Area where business development is encouraged.¹ That being said, any projects located within the Marine Overlay District remain subject to the Chesapeake Bay Preservation Ordinance.

Staff recognizes an opportunity to accommodate a pool/pavilion area at a reduced scale that may result in the property owner achieving their desired use without the need for an exception. The property is not suited for the desired level of use. Staff does not support an encroachment for this accessory use.

Mr. Pineau inquired about the recommendation of staff. Mr. Foster stated to reduce the scale of the project and propose to move the pool and pavilion outside of the RPA area. Mr. Pineau asked what kind of square footage remains in 50 to 100-foot RPA with your adjustment. Mr. Beck replied we are adding 2400 square foot to it, I don't know what the existing RPA is but it would be 100 times the width of the Property. Ms. Rust inquired about the length of time the Marina has been on this site. Mr. Beck stated the current owners have had it for 30 years. Mr. Pineau inquired about the purpose of the pavilion. Mr. Beck stated it will be a gathering place the Marina holds events a couple of times

¹

a year. Ms. Rust stated this would keep the people away from the boat traffic. Mr. Beck confirmed. Ms. Rust asked if they would be increasing the planting in front of the parcel. Mr. Beck confirmed. Ms. Rust inquired about a rain garden with wetlands plants in graded. Mr. Beck replied that is certainly an option there is a low area to the South of this area that collects run off that could be upgraded into a rain garden or micro bio retention facility. Mr. Pineau inquired about the two-story building on the property. Mr. Beck stated this is a two-story building with a basement the clubhouse and bathrooms in the lower level and that walks out to the board walk, second floor is for Operational use with offices. Mr. Pineau inquired about the 5 points made. Number 1 deals with granting special exemption will not confer upon the applicant any special privileges denied by this Chapter to other property owners who is subject to its provisions and who are similarly situated and the response was there is no impact to the adjacent property owners. Mr. Pineau stated the issue is not with the adjacent property owners the issue is with any property owners who would be subject to the same provisions please clarify this response. Mr. Beck responded he did not know of any adjacent commercial property owners with the same request for a pool deck in the RPA and been denied and the owner has been required to push it back. Mr. Pineau stated on the second point about being self-created and self-imposed, I feel that it is self-created and self-imposed situation. Yet the response was it is necessary to enhance the Marina amenities. Mr. Beck stated regarding the RPA and the Comprehensive Plan of the County that encourages the Commercial Development and the Economic Development of these areas. The Marina's goal is to enhance their rating and to have more amenities than they have right now. Ms. Rust stated there is a defendant improvement over the original application, and all of my questions have been answered. Mr. Pineau stated he would want the amendments discussed today put into the Resolution. The Board voted to the following conditions.

1. The limits of the CRPA buffer encroachments shall be as shown on the approved major water quality impact assessment (MWQIA) exhibits, Attachment 4 of the Staff Report dated June 15, 2020.
2. The material for the pool deck shall consist of a pervious material.
3. Compost amended soils shall be incorporated into adjacent slopes during construction and should comply with Virginia DEQ Stormwater Design Specification No. 4.
4. Educational signage shall be installed within the pool/pavilion area describing the benefits of the CRPA for water quality and the health of the Chesapeake Bay.
5. Incorporating a Micro-Bioretenion into the project design that complies with Virginia DEQ Stormwater Design Specification No. 9.
6. Mitigation for the encroachment into the CRPA should be consistent with the 11 planting units proposed in the re-vegetation plan on the approved MWQIA exhibit.
7. The applicant shall contact Stafford County Environmental Planner for a post construction site inspection.
8. Should design plans change, the applicant shall be required to contact Stafford County Environmental Staff.

Ms. Rust made a motion to approve CBB-20-01 Special Exception Request Hope Springs Pool and Pavilion, which was seconded by Mr. Adams. The motion passed 6-0.

H. Old Business

Ms. Rust stated in the past we have talked about making site visits to the property of the applicants and how important it is to set eyes on these sites. Mr. Pineau affirmed. Mr. Foster stated Mr. Fiorello and himself are available to accommodate this request.

I. New Business

None

J. Staff Report

None

K. Adjournment

With no further business to discuss, the meeting adjourned at 3:25 pm.