

STAFFORD COUNTY WETLANDS BOARD MINUTES
November 7, 2016

The monthly meeting of the Stafford County Wetlands Board of November 7, 2016, was called to order at 6:00 p.m. by Wetlands Board Chairman Mary Rust in the Board of Supervisors Chambers in the George L. Gordon, Jr., Government Center.

MEMBERS PRESENT: Mary Rust, Andy Pineau, Ben Rudasill, Jim Riutta

MEMBERS ABSENT: Sam Hess

STAFF PRESENT: Joseph Fiorello, Mohan Karki, Denise Knighting

GUEST: None

ROLL CALL

Mrs. Rust called roll and it was determined there was a quorum with four members in attendance.

PUBLIC PRESENTATIONS

Mrs. Rust opened the floor for public presentations. With no one coming forward she moved to the approval of minutes.

APPROVAL OF MEETING MINUTES

March 21, 2016

Mrs. Rust asked if there were any comments on the March 21, 2016 minutes. Hearing none she asked for a motion for approval.

Mr. Pineau made a motion to approve.

Mr. Rudasill seconded.

The motion passed 4 – 0 (Mr. Hess was absent).

July 18, 2016

Mrs. Rust asked if there were any comments on the July 18, 2016 minutes. Hearing none she asked for a motion for approval.

Mr. Pineau made a motion to approve.

Mrs. Rust seconded.

The motion passed 4 – 0 (Mr. Hess was absent).

PUBLIC HEARINGS

None

OLD BUSINESS

None

NEW BUSINESS

1. Wetlands Permit Extension WB16-03 - A request for a two year extension on wetlands permit WB13-11 and WB14-05 for Michael and Camille Degen, applicants, to construct a 201 foot long timber bulkhead on Assessor's Parcel 49-38D, Potomac Creek.

Mrs. Rust stated since there were no public hearings and no old business she would move on to new business. She stated wetlands permit extension WB16-03 was a request for a two year extension on wetlands permit WB13-11 and WB14-05 for Michael and Camille Degen, applicants, to construct a 201 foot long timber bulkhead on Assessor's Parcel 49-38D on Potomac Creek. She asked Mr. Fiorello for a staff report.

Mr. Fiorello stated in summary to consider the request of Michael and Camille Degen for a two year extension of wetlands permit WB14-05, which allows the construction of a bulkhead approximately 201 feet in length on Tax Map Parcel No. 49-38D, Potomac Creek. The property is located along Wood Landing Road in a protected cove along Potomac Creek. The original permit was approved on December 16, 2013 and was valid for one year. On November 17, 2014 the permit was brought to the Board for an extension of two years and was approved. The current permit will expire on November 18, 2016. At this time the applicant is requesting another two year extension of the expiring permit. Resolution WB16-03 is for the approval to extend the existing permit, with no changes to the plan or permit, while Resolution WB16-04 is to deny the extension. A review of the minutes from November 18, 2013 indicates the bulkhead requires a wetlands permit as it is not a permitted use pursuant to Section 27-18 of the Stafford County Wetlands Ordinance entitled "Permitted Uses". A ten foot portion of a twenty foot wide access easement to Potomac Creek runs along the property line. The proposed bulkhead does not encroach within this easement. Prior to construction the proposed bulkhead would require the approval of a building permit. The proposed fill area of approximately 4,300 square feet will require the approval of a grading plan through the Department of Planning and Zoning. Impacts to the Chesapeake Bay Critical Resource Protection Area would be reviewed with the building and grading permits and mitigation will be addressed at that time. The purpose of this project is to provide improved shoreline erosion control protection.

Mrs. Rust stated since there was no applicant present she would open it to the Wetlands Board for discussion.

Mr. Fiorello stated he could answer some of the questions concerning the application. He stated he spoke with the applicant today and Mr. Degen indicated he would try to attend, but did have prior commitment. Mr. Fiorello stated the applicant was notified in advance of the meeting. He stated the applicant indicated the reason he was asking for the extension was financial. Mr. Fiorello stated the applicant indicated the estimates for the bulkhead and dock were approximately \$91,000 and he was now ready to move forward.

Mrs. Rust asked if any work had been started.

Mr. Fiorello stated no.

Mrs. Rust asked if the grading plan application had been submitted.

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Mr. Fiorello stated no, it was his understanding that the applicant wanted to get this permit extension before applying for the grading permit.

Mr. Pineau asked if the applicant has indicated a timeframe of when work would begin.

Mr. Fiorello stated Mr. Degen indicated he would start in the spring.

Mrs. Rust asked if there were any changes with the neighbors.

Mr. Fiorello stated he has not heard of any objections.

Mr. Riutta asked if the easement and boat launch were still in the plan.

Mr. Fiorello stated the bulkhead will not encroach within the easement.

Mrs. Rust stated the easement belongs to the neighborhood.

Mr. Fiorello stated that was his understanding also.

Mr. Pineau stated he did not have a problem granting an extension, but because the permit would cover a 5 year timeframe and best practices may change, he suggested only approving the extension for one year. He stated if the project was still not complete in a year the applicant could come before the Board and request an additional year.

Mr. Rudasill stated it was a long period but because of the financial issues and the priority of building the house before installing the bulkhead. He stated he did not have an issue with approving it for 2 years because the applicant was coming before the Board.

Mr. Riutta stated it would be nice to know about the neighbors.

Mrs. Rust stated the neighbors were very important.

Mr. Riutta stated he did not know if there were new neighbors.

Mr. Pineau asked if the neighbors had changed they have had an opportunity to comment.

Mr. Fiorello stated in the past the neighbors did have flooding concerns and that was why there was the requirement for the grading plan approval as well as the building permit to eliminate those concerns.

Mr. Rudasill asked if they could approve the 2 year extension and have the neighbors sign off.

Mr. Fiorello stated he would suggest having the neighbors sign off before approving the extension. He stated the grading permit would satisfy the neighbors' concerns about flooding. He stated to address the concern Mr. Pineau had concerning the permit covering a 5 year period. Wetland delineations were good for 5 years. After 5 years the Corp of Engineers will ask for a new delineation or reconfirmation of the boundaries.

Mr. Riutta asked if they could make it contingent upon new neighbors.

Mrs. Rust stated if there are new neighbors they may not be aware of what is happening next door.

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Mr. Pineau asked if the initial conditions would remain the same, the approved plans, the grading plan and the pre-construction, mid-construction and final inspections.

Mr. Riutta stated yes and asked if a fourth condition could be added concerning the approval of the new neighbors.

Mr. Fiorello asked the Board for a few minutes to research the neighbors. He confirmed the neighbors were the same.

Mrs. Rust stated the two year extension would be approved with the conditions that were already in place.

Mr. Fiorello stated the previously approved conditions were, the bulkhead shall be constructed in the location shown on the approved plans. The applicant shall obtain approval of a grading plan prior to any fill being placed behind the bulkhead. The applicant shall notify the Wetlands Board staff to conduct the following inspections: A - Pre-construction to verify alignment. B - Mid-construction the placement of fabric and tiebacks and C – Final, after completion.

Mrs. Rust asked if there was a motion for approval.

Mr. Rudasill made a motion to approve the extension.

Mr. Riutta seconded.

The motion passed 4 – 0 (Mr. Hess was absent).

STAFF REPORT

Mr. Fiorello stated there have been 21 wetland permits submitted to Stafford County since January 1, 2016. Eighteen of these permits did not require a wetlands board permit either because the development within wetlands was not within the jurisdiction of the board or the development of the wetlands was permissible under Section 27-18 of the County Code. The remaining three (3) applications are still under review.

DISCUSSION ITEM

2. December Meeting

Mr. Fiorello stated the next scheduled meeting was December 19, 2016, which was the week of Christmas.

A brief discussion ensued between the Board members and staff concerning upcoming applications.

Mr. Rudasill made a motion to cancel the December meeting.

Mr. Pineau seconded.

The motion passed 4 – 0 (Mr. Hess was absent).

CHAIRMAN'S REPORT

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No Report

STAFF REPORT

Discussed before the discussion item.

ADJOURNMENT

Mr. Pineau made a motion to adjourn.

Mr. Riutta seconded.

The motion passed 4 – 0 (Mr. Hess was absent).

With no further business to discuss, the meeting adjourned at 6:33 p.m.