



STAFFORD COUNTY WETLANDS BOARD

Meeting Minutes

Monday, August 19, 2019 at 6:00 pm
Board Chambers 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

Members Absent: Jim Riutta, Frank Rubio, Sue Henderson

Staff Present: Trent Funkhouser, Scott Rae, Joe Fiorello, Ben Foster, Cindy Bush

C. Determination of a Quorum

A quorum was established with 4 of the 7 members present.

D. Public Presentations

There were no presentations by members of the public.

E. Approval of Minutes

Mr. Rudasill made a motion to approve the February 25, 2019 meeting minutes, which was seconded by Mr. Pineau. The motion passed 4-0.

F. Public Hearings

1. Wetlands Permit VMRC# 19-0840, Mr. Mark Melany; AP# 19152793

Staff stated that the applicant was requesting to construct rip-rap toe protection, reshape the slope to a 2.5 H: 1V slope, restore the area with native vegetation, repair a timber groin and create a 480 square foot living shoreline to off-set impacts of 232 square feet of tidal non-vegetated wetlands on Parcel ID 49C-2-3D along Potomac Creek. The living shore line will include 150 square feet of upper beach that will meet wetland conditions as a wetted perimeter and 330 square feet of lower beach which will be inundated with the ebb and flow of the tide. The purpose of this project is to protect the shoreline from erosion with a rip rap revetment and revegetation of the CRPA along the Potomac Creek.

The Republican Party interrupted the meeting asking the Wetland Board to move to the ABC Conference Room because they had the Board Room reserved. Ms. Rust announced the Wetlands Board is conducting County Business and will not be vacating the Board Room until the meeting is adjourned. Ms. Rust also added unless they had county business to conduct they would have to leave the chambers.

Ms. Rust stated from observation she could see some grey clay and what appears to be shelving or retention shelving. Mr. Beck stated there is some vegetation in the area however, nothing has been constructed. Mr. Pineau inquired if there was any fencing in that area. Mr. Beck stated there is no fencing along the side in question; it appears to be the quality of the photo. There should be fencing because there is a severe drop. Ms. Rust inquired about the water depth in the front of the property. Mr. Beck replied it is very shallow at the shore line probably 0 feet and out about 100 feet it is 3 to 4 feet in depth.

Ms. Rust inquired about the corrugated plastic pipe that runs down the front of the bank. Mr. Beck replied the pipe is collecting gutter / roof drain and piped down into the face of original slope when the slope failed it took the original pipe with it and the homeowner added this section of pipe down the face of the slope.

Ms. Rust asked did this happen in the winter or spring; and was it freeze thaw. Mr. Beck responded it was not freeze thaw I did the survey last fall so it had already happened before the fall. I feel it resulted because of all the rain fall.

Ms. Rust expressed concern about the trees, and there also looks like Ivy is present. Mr. Beck referred to Mr. Fiorello on the species of trees. Mr. Fiorello stated that the Ivy is Trumpet Creeper and English Ivy. The majority of the vegetation is Stagg Horn Sumac. I would also like to mention on Photo #1 to the right what appears to be fencing; this is in fact stair steps on the adjacent property.

Mr. Adams inquired about the drain pipe in photograph #2 the same end in photograph #3. Mr. Beck confirmed.

Ms. Rust inquired how you will access this project while under construction. Mr. Beck stated he would bring a barge in to place the rip rap, and we have also selected a contractor that would work from the shore along with working the equipment down the slope.

Ms. Rust inquired when the work will begin. Mr. Beck stated next spring if not sooner.

Ms. Rust asked if anything could be placed at the toe like straw silt. Mr. Beck stated in the plan I included super silt fence at the toe.

Mr. Adams asked Mr. Fiorello to review all of the conditions; Mr. Fiorello read the conditions and will make necessary additions the Wetland Board has added.

Ms. Rust made a motion to adopt Resolution WB19-03 which would approve the permit request with conditions, which was seconded by Mr. Adams. The motion passed 4-0.

G. New Business

1. Discussion regarding Wetlands Permit Applications for Community Piers

Ms. Rust inquired is this an Association Pier. Mr. Fiorello confirmed.

Mr. Fiorello continued to explain that Mr. Madden and himself have had discussions and decided to bring this matter before the Board and resolve the issue as to whether Community Pier Applications automatically come to the Board or to be left to the discretion of the Staff Liaison's.

Mr. Madden with the Virginia Marine Recourses Commission (VMRC) added placement of private piers for non-commercial purposes by owners on waters opposite of the lands are exempt by code. There is nothing in the code that exempts commercial structures. The commission has always required a permit application to be submitted and approved. The Potomac Owners Association has completed that and obtained a permit. What we would like to do with your concurrence is support that exemption.

Ms. Rust stated when this pier fails, are they guaranteed to rebuild in that same foot print. Mr. Madden stated if you go through the permit process and receive a permit through VMRC there is a requirement that the structure be maintained or removed. If they can go back in the same footprint they can rebuild which is very difficult to do.

Mr. Funkhouser stated anything that is clearly not single family development project is otherwise not exempt and requires a permit. And then look at these as a case by case basis.

Mr. Adams asked staff to repeat exactly what you're proposing. Mr. Fiorello responded the Ordinance is not clear as to the direction on Community Piers when involving Commercial or Private Piers. I would propose a memo that would provide clear direction between the two. Mr. Madden suggested the Board could consult the County Attorney. Mr. Funkhouser reaffirmed anything that is clearly not single family development, private and as otherwise clearly not exempt requires a permit.

Mr. Fiorello stated under Section 28-18 Wetlands Ordinance we have the language that the following uses and activities in Wetlands are authorized if otherwise permitted by law. Part One the Construction and Maintenance of non-commercial cat walks, piers and boathouses this is the part Ben and I had some confusion. Mr. Funkhouser again reintegrated with concurrence of the Wetlands Board the policy shall remain consistent with VMRC; anything that is clearly not single family development project is otherwise clearly not exempt and requires a permit. And then look at these as a case by case basis.

Mr. Rudasill made a Motion to continue forward with the verbiage above regarding Wetlands Permit Applications for Community Piers, which was seconded by Mr. Adams. The motion passed 4-0.

With no further business to discuss, the meeting adjourned at 6:55 pm.