

STAFFORD COUNTY
Wetlands Board Minutes
November 19, 2012

The regular monthly meeting of the Stafford County Wetlands Board of November 19, 2012, was called to order at 7:00 p.m. by Wetlands Board Chairman, Andy Pineau, in the Board Chambers of the County Administrative Center.

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

MEMBERS ABSENT: None

STAFF PRESENT: Amber Forestier, John Harbin, and Denise Knighting

A. Call to Order

Chairman Andy Pineau called the meeting to order at 7:00 p.m.

B. Roll Call

C. Determination of a Quorum

Mr. Pineau stated there were all five members in attendance which was a quorum.

D. Public Presentations

Mr. Pineau opened the public presentations, with no one coming forward to speak the public presentations were closed.

E. **APPROVAL OF MEETING MINUTES**

1. April 16, 2012

Mr. Rudasill made a motion to approve the April 16, 2012 minutes, Mrs. Rust seconded. The motion passed 5-0.

F. **PUBLIC HEARINGS**

2. Wetlands Permit WB12-09 – A wetlands permit for Matt Curry to reinforce an existing unpermitted bulkhead approximately 140 feet in length with new pilings and tiebacks on Assessor's Parcel 41B-1-4, Aquia Creek.

John Harbin presented the staff report. He stated the proposed reinforcement to the existing 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" and has no previous wetlands permit associated with it. The purpose of this project is to protect the shoreline from erosion along Aquia Creek. He stated an existing timber bulkhead currently extends approximately 140 feet along the shoreline. The property to the east has a very low stone wall and the property to the west has some rubble along the shoreline. According to the Commissioner of the Revenue records, the bulkhead was built around 1995 and was apparently not permitted at the time. However, historical aerial imagery and field observation indicate that

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the shoreline was hardened well before the existing bulkhead was constructed. The existing bulkhead is starting to fail. Due to the force of fill material behind it much of the bulkhead is leaning forward, risking imminent slope failure and a collapse into Aquia Creek. To address this, the applicant proposes driving wood pilings in front of the entire bulkhead to provide additional support. The wood pilings will be buried 15 feet beneath the mudline and extend to the top of the bulkhead. Wood shims will be placed between the wood pilings and the bulkhead and both will be secured using lag screws. Each wood piling will be reinforced with a threaded tie rod secured to a wood pile deadman located approximately nine feet behind the existing bulkhead. Existing deadmen for the failing bulkhead will be trimmed by up to one foot during the construction of the new deadmen associated with the wood pilings. The area behind the bulkhead has settled and the proposed construction will further disturb the area. As a remedy, the application proposes filling the area behind the existing bulkhead with approximately one foot of "beach" sand fill. However this is subject to review by the Department of Public Works for consistency with the Chesapeake Bay Overlay District Regulations. A non-woven filter fabric will be placed between the sand and existing subgrade which consists of soil with a layer of riprap on top. A permit from VMRC will only be required for portion of the application which proposes modifications to the existing pier. He stated the alternatives are available to the Board. Adopt proposed Resolution WB12-09 which approves the request with conditions. Adopt proposed Resolution WB12-10 which denies the request. And the third option is take no action at this time. He stated staff recommends approval of the installation of wood pilings as proposed to reinforce the existing bulkhead.

Mr. Pineau opened the public hearing and asked the applicant or the contractor if they would like to address the Board.

Brad Martin, Potomac Pile Driver, stated it was just as staff said. This was a project that needs to be fixed up. The bulkhead was in danger of failing.

Mr. Pineau asked if there were any other comments. With no one coming forward he closed the public hearing and stated the floor was now open for discussion of the application by the Board.

Mrs. Rust asked when the pictures were taken. Mr. Harbin stated they were taken during a site visit in mid-October. Mrs. Rust stated there was definitely a blowout.

Mr. Riutta asked Mr. Martin if he planned on changing the grade. Mr. Martin stated the customer had recommended and the engineers suggested that we fill it to the top of the bulkhead. As you can see in the pictures the grade is about 2 feet below the bulkhead. Currently there are also remnants of another bulkhead at one point. He stated he thought Mrs. Forestier had asked them to pull that out and it was not a problem. Mrs. Forestier stated she had not. Mr. Martin stated they could leave it in or pull it out.

Mr. Pineau asked if the pilings they were seeing in the photographs part of this project. Mr. Martin stated yes.

Mrs. Rust stated you have started work on this. Mr. Martin stated yes. There was a question in the building department on engineering, as to the piling depth and so forth. So we have to provide the information to the engineer so they can turn it into a piling log for the building department for a building permit. Mrs. Rust stated from the picture it looks like you have put 9 in. Mr. Martin stated yes, 8 or 9. Mrs. Rust stated she wanted to be clear, you put in 9 in prior to getting a permit. Mr. Martin stated yes ma'am. Mrs. Rust asked if the county required him to put 9 in prior... Mr. Martin stated there was a question in the county and they have been asking for a written definition concerning the piling logs, how to they obtain them. Do they want us to drive the piles and give them the information, because they can't

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approve the permit without the piling information. He stated this has been an ongoing thing since they built the Aquia Marina a few years back. He stated the cart and the horse are not in the right order. However, if you look at the paperwork we did have VMRC approval.

Mrs. Forestier stated usually the way it works with the piling, as she was told by the building department, was they are required to provide pile driving logs that are certified by an engineer with the final inspection. Mr. Martin stated he has been told two different ways. He was told they have to put them on the application and we have been told to submit it at the end. This was an ongoing discussion and he has asked a lot of questions. He has also asked for written policy and no one can show him written policy. Mrs. Forestier stated in any case, there was a stop work order placed on it and they have applied for a building permit, so it was on hold until we get this approved. Mrs. Rust stated in her opinion that seems like a lot of piling to go in. Mrs. Forestier stated that was done prior to the site visit.

Mr. Hess asked Mr. Martin how many more he had to do. Mr. Martin stated 22 or 24 total, it was on the cross section.

Mr. Riutta asked if there was any kind of planting scheduled along the top that you are going to be backfilling on the new part of the slope. Mr. Martin stated not at this point.

Mrs. Rust asked if he was grading back the slope or keeping it the same slope. Mr. Martin stated if you look at the cross section it will show the slope change. He stated the slope was not going to change it was just going to have fill on top of it. Mrs. Rust confirmed that the grade was not changing. Mrs. Forestier stated it was her understanding they were just filling in the section behind the existing bulkhead that settled. Mr. Martin stated correct. Mrs. Forestier stated that was what she saw when she was out there, of course there was a bunch of rip rap that was placed on top of it which will be underneath everything. It did settle and that was how the bulkhead bowed outward a bit. Mrs. Rust stated the rubble was pushing it. Mrs. Forestier stated the bulkhead itself was actually in pretty good condition, it was just bowing. Mrs. Rust stated she was sure water was coming down too. Mr. Martin stated the pictures were pretty good, due to the fact that there was a blowout that day so you can see the entire bulkhead. He stated he did not know if it showed in the picture but it was not a straight line that was shown in the drawing, it bulges between the existing piles.

Mrs. Rust asked Mr. Martin if his plan was to remove all the existing rubble that sits behind the bulkhead. Mr. Martin stated no ma'am, geo-tech and sand fill on top. Mrs. Rust asked if he was leaving the existing rubble that was there. Mr. Martin stated that was correct. Mrs. Rust stated you are putting Typar on top or some sort of filter cloth. Mr. Martin stated Typar was consistent with home construction, he would be using ANACO 1099. Mrs. Rust stated and then you are putting sand on top of that. Mr. Martin stated that was correct. Mrs. Rust stated from the photographs it looks like about a foot and a half. Mr. Martin stated that was about right. Mrs. Rust stated in her opinion there was still going to be a lot of weight coming down in that area if you are not taking any of the rubble. Mr. Martin stated this was not rip rap it was A-1 gabion stone. And gravel puts less pounds per square foot than dirt does, it drains better. That is why every house drain in the world has gravel around it.

Mr. Pineau asked if there were any conditions that staff was recommending be met with regard to this project or just approving the installation of the pilings as stated. Mrs. Forestier stated if you look in the staff report, we do have the basic conditions for the bulkheads. They have to be placed in the location shown on the plans, we have to be notified so we can conduct an inspection and after completion as well. She stated there was some question, for the Department of Public Works, the Chesapeake Bay Act if they can actually put sand or have to put soil and put plantings.

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Mr. Martin stated there was also a question on inspections on the last 3 bulkheads that we did in the County of who was allowed to inspect the deadmen. At one point Mrs. Forestier had done it and the building department stated Amber was not allowed to do that, but that was how it had been done for the past 5 years. Mrs. Forestier stated nobody has told her anything different, she can watch you driving the pilings as long as you have your pile driving logs as well. She stated that was what she understood the deal was with building. Mr. Martin stated again there was no written policy on that, if there is no rule, how do you follow it. Mrs. Forestier stated they do have to come out and do the final inspection on the completed project. Mr. Martin agreed.

Mr. Hess stated there were no conditions that he saw. Mr. Pineau stated other than what Amber has stated, yes. He asked if there was any further discussion by the Board. Hearing none he asked if there was a motion for approval.

Mr. Riutta made a motion to approve with the inspections that the county has required. Mr. Hess seconded. The motion passed 5 to 0.

Mrs. Forestier stated the permit would be ready in 10 working days.

G. OLD BUSINESS

None

H. NEW BUSINESS

3. Review of recently submitted applications.

Mrs. Forestier stated there were not too many of interest to the Wetlands Board. She stated there was a long list of non-tidal impacts and read the list of applications.

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| VMRC# 12-0421 | Aquia Hilton Extended Stay (non-tidal) |
| VMRC# 12-0504 | Brentsmill Section 3 (non-tidal) |
| VMRC# 12-0518 | Stafford County Rocky Pen Waterline Extension (non-tidal) |
| VMRC# 12-0668 | Stafford County Mountain View Road (non-tidal) |
| VMRC# 12-0718 | Garrisonville Medical Office Building (non-tidal) |
| VMRC# 12-0975 | Leeland Station Section 8 (non-tidal) |
| VMRC# 12-1064 | Marvin Wilson (2 boathouses) |
| VMRC# 12-1231 | James Moncure (non-tidal) |
| VMRC# 12-1332 | AAA Truck and Auto (non-tidal) |
| VMRC# 12-1377 | Belle Plains Boat Club (pier repair) |
| VMRC# 12-1398 | Chichester Park (non-tidal) |
| VMRC# 12-1606 | Greenbank Forest (non-tidal) |

I. CHAIRMAN'S REPORT

Mr. Pineau stated he had no report.

J. STAFF REPORT

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Mrs. Forestier stated staff had one question regarding if the Board wanted to hold a December meeting or not. She stated she thought there might be one application. She was not sure how feasible the application was. She stated she did not know what everybody's schedule was for December.

Mr. Pineau stated it would be the Monday before Christmas Eve. It would December 17, 2012.

Mr. Riutta asked if someone had applied. Mrs. Forestier stated she believed Mr. Hess heard about Mr. Rogers and his dredging project in Aquia Creek. Mr. Hess asked what was going on with that. Mrs. Forestier stated not very much, it would cost approximately \$30,000 for in lieu fees. Mr. Hess stated he did not think he would do that. Mrs. Forestier stated she had been working on it. She stated there was some discussion concerning waiving fees for the non-vegetated impacts, but she found out today that would have to go before the Board of Supervisors.

Mr. Harbin passed out an aerial view of the area Mr. Rogers wanted to dredge. Mrs. Forestier stated she was not sure if he would be interested in pursuing it. She stated they have been trying to work on some options because it was a huge area. She stated there would be some dredging out by the Harbour and she was leaning towards asking him to wait until that was done to see how that would affect the area first, before going any further.

Mrs. Rust asked if it was in the channel. Mrs. Forestier stated yes. Mr. Hess asked if it was maintenance dredging or regular dredging. Mrs. Forestier stated they have never dredged that channel, she thought it was new dredging. There was a brief discussion between the Board, Mrs. Forestier and Juliet Giordano, VMRC, concerning the dredging to be done by Aquia Harbour and the scope of work for Mr. Rogers.

Mr. Pineau stated he thought all of the members would be available December 17, 2012 if there was need for a meeting.

K. ADJOURNMENT

Mrs. Rust made a motion to adjourn. Mr. Riutta seconded. The motion passed 5 to 0.

With no further business to discuss the meeting was adjourned at 7:29 p.m.