

STAFFORD COUNTY
Wetlands Board Minutes
April 16, 2012

The regular monthly meeting of the Stafford County Wetlands Board of April 16, 2012, was called to order at 7:08 p.m. by Wetlands Board Chairman, Andy Pineau, in the ABC Conference Room of the County Administrative Center.

MEMBERS PRESENT: Andy Pineau, Jim Riutta and Mary Rust

MEMBERS ABSENT: Sam Hess and Ben Rudasill

STAFF PRESENT: Amber Forestier and Denise Knighting

A. Call to Order

Chairman Andy Pineau called the meeting to order at 7:08 p.m.

B. Determination of a Quorum

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

C. Public Presentations

Paul Waldowski stated he came to the meeting because he had a strong interest in storm pond and water management. He stated he was browsing the web and saw the meeting schedule and had a few questions. He asked how the members were appointed to the Board, were they appointed by the Board of Supervisors.

Mr. Pineau stated yes.

Mr. Waldowski asked why there were only 5 members and there were 7 districts.

Mrs. Forestier stated they were not from districts.

Mr. Waldowski stated he has lived in Stafford for over 20 years, through hurricanes. He stated when developers come in they create storm ponds and the burden of maintaining them is left to the Home Owners Association (HOA). He stated there were some subdivisions that did not have HOAs. He stated in addition to the back yards in Austin Ridge there were also sink holes in Widewater off of Route 1. He stated the developers were not doing the compression testing as required.

Mr. Pineau thanked Mr. Waldowski for his comments and asked if there were any other presentations. Hearing none the Board moved on to the meeting minutes.

APPROVAL OF MEETING MINUTES

1. March 19, 2012

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49 Mr. Riutta made a motion to approve the minutes. Mrs. Rust seconded. The motion passed 3-0 (Mr. Hess
50 and Mr. Rudasill were absent).

51

PUBLIC HEARINGS

52

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54 2. Wetlands Permit WB12-03 – A wetlands permit for Jeffrey Scott to construct a bulkhead with
55 riprap toe approximately 128 feet in length on Assessor’s Parcel 49-37E, Potomac Creek.

56

57 Mr. Pineau stated the next item on the agenda was the public hearing for Wetlands Permit WB12-03.

58

59 Mrs. Forestier presented the staff report. She gave a brief description of the request and stated the
60 bulkhead with the riprap toe required a wetlands permit because it was not a permitted use pursuant to
61 Section 27-18 of the Stafford County Wetlands Ordinance. She stated the purpose of this project was to
62 provide and improve shoreline erosion control and protection. She stated the Wetlands Board and staff
63 had visited the site several times to review the project, with the most recent visit March 30, 2012 with
64 four members of the Wetlands Board. She stated the property was located at the end of Wood Landing
65 Road in a protected cove along Potomac Creek. The topography of the parcel was mostly flat and sloped
66 gently towards the creek on the eastern side, and the water depth in the cove was extremely shallow. She
67 stated there was existing unpermitted riprap on the western portion of the shoreline and a small amount of
68 rock scattered along the shoreline to the east. She stated since the revetment was not permitted, the
69 application would be treated as a new structure. She stated there was no evidence of erosion on site and
70 there were extensive vegetative tidal wetlands all along the shoreline. Due to the vegetation, the Wetlands
71 Board jurisdiction is 1.5 times the tidal range which includes the wetlands area behind the proposed
72 bulkhead which would extend approximately 128 feet along the proposed shoreline and included two
73 sections of wall on the updated plan view drawing. She stated construction of section B would impact
74 tidal wetland approximately 510 square feet in area and the bulkheads would require engineered drawings
75 to also be submitted to the County Department of Public Works for approval of building permits, if
76 approved. She stated the applicant proposed to mitigate proposed tidal wetland impacts onsite through
77 the removal of the existing boat ramp, excess stone and concrete, as well as a more compact riprap toe at
78 the base of the proposed bulkhead. She stated the application indicated this would clean up an area
79 approximately 1,380 square feet and the existing wetlands vegetation would be allowed to colonize and
80 expand the existing marsh. She stated staff recognized the compaction of the riprap along section A, and
81 the removal of the existing boat ramp would result in the exposure of additional tidal areas which would
82 become vegetated. She stated the areas on the plan with rock and concrete debris already had vegetation
83 growing in those areas and had been classified as a marsh fringe by the Virginia Institute of Marine
84 Science (VIMS). She stated the VIMS decision tree for shoreline is the guidance used on the topic for
85 shorelines with existing riprap found on low to no erosion areas recommended either maintenance of the
86 existing structure or replacing it in the same location with filter cloth and rock. She stated an option for
87 the lower elevation in the southern corner was a riprap sill structure which would allow sand to gather
88 behind it and create more of a marsh area. She stated the Army Corp of Engineers stated the bulkhead
89 and riprap project satisfied the terms and conditions of Corp permit 13, which actually had to be updated
90 because it had expired. Marine Resources staff had stated that if the project had no impacts below mean
91 low water, no permit would be necessary from the Commission. She stated staff believed that a bulkhead
92 was not an appropriate shoreline structure for this site because there was no evidence of erosion onsite
93 and extensive vegetative tidal wetlands exist along the shoreline and was classified as a marsh fringe and
94 indicated a stable environment. The recommendation from VIMS was maintenance or replacement of the

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95 existing riprap. She stated staff recommended denial of the plan as proposed. There was no visible
96 erosion on the site. She stated staff would recommend the rebuilding of the existing riprap revetment on
97 both sides of the pier. If deemed necessary by the Board, a small riprap sill could be located between
98 mean low and mean high water to create a favorable habitat of traditional marsh vegetation. She stated
99 the following alternatives were available to the Board, to adopt the proposed resolution WB12-03 which
100 approved the request for the conditions, adopt proposed resolution WE12-04 which denied the request, or
101 take no action at this time and defer the application to a future meeting.

102
103 Mr. Pineau opened the public hearing and asked the applicant or their contractor if they would like to
104 address the Board.

105
106 Roger McKinley, contractor for the applicant, stated he was a marine consultant from Northumberland
107 County and he had an occasion to do some work for the Scotts some years ago. So when they were
108 interested in trying to improve the shoreline on this property they called him. He stated Mr. and Mrs.
109 Scott were present tonight and he thought Mr. Scott had a short presentation for the Board after he
110 finished. He stated he would like to submit three photographs so he would be able to make reference to
111 some points as he was trying to explain some things. He explained the pictures that he had labeled A and
112 B are primarily the ones he would be referring to. He stated he wanted to deal with the staff report first
113 and a statement made in the first paragraph that this project was not permitted under Section 27-18 of the
114 County Wetlands Board ordinance. He stated there were actually no waterfront improvement devices
115 approved in that ordinance. Piers were but riprap and bulkheads were not; however, they were listed with
116 fees in another section of the ordinance. He stated bulkheads and riprap were permitted uses in the zone
117 and the County stipulated what the fees were for those permits. Secondly, he mentioned correspondence
118 from the Army Corp and stated it was not correspondence; it was actually a permit and the Army Corp
119 had actually issued a permit as submitted and presented a copy to the Board. He stated several times in
120 the staff report it was mentioned there was no erosion at the site and asked the Board to look at
121 photograph A where they could see a line of delineation that he had flagged off with red flags which
122 separated a defect from the actual lawn. He stated in his opinion, the statement that there was no erosion
123 on the site was not entirely correct. He stated the staff report also mentioned the possibility of
124 constructing a small riprap sill and he asked the Board to look at photograph B and they would see that
125 there was in fact a small riprap sill along that piece of shoreline along with some pilings that in his
126 opinion were an old bulkhead. He stated the area that he showed as a defect has a small riprap toe in front
127 of it already but has still eroded. He stated he had been designing and building waterfront protection
128 projects for over 25 years and in his opinion the problem with a small riprap sill is so low any type of
129 storm tide or storm surge would go right over top of it and even if it was sitting on filter cloth it was still a
130 porous structure so any tide would go right through it and it was not an effective method for protecting a
131 shoreline. Finally, he stated the report stated there was a marsh fringe and VIMS has classified it as a
132 marsh fringe and asked the Board to show him on either picture where there was any marsh fringe. He
133 stated the photo that Mr. Scott presented was taken within a couple of days and there was still no marsh
134 fringe growing at all because there was no marsh fringe. He stated if you look at photograph B very
135 carefully you could see where some marsh grass was trying to reestablish itself. But in his opinion marsh
136 grass was not going to grow through riprap, rubble or concrete footers, so part of the project was to
137 enhance the shoreline by removing all of the debris. He stated by the homeowner spending his money to
138 redo the shoreline and remove all of the debris he would in fact enhance all of the vegetative wetlands
139 which were a benefit to the County. He stated those were the only things he wanted to pick on as far as
140 the staff report was concerned. He stated he would like to refer to Wetlands Ordinance Section 27-25b

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141 and that stated that the Board shall grant the permit if three stated conditions were met. He stated the first
142 and most relevant was did the public and private good outweigh the public and private deterrent, and he
143 would like to address those areas. He stated this would be the future home of Mr. and Mrs. Scott and felt
144 the proposal before the Board was a benign project. He stated the section where the bulkhead was four
145 feet high the grade is four feet high, so that would not change. He stated the other section of bulkhead
146 was only a little over two feet high so it would not be an obstruction to anyone's view. He stated they
147 wanted this to be an attractive place. Both of the neighboring properties have bulkheads.

148

149 Mrs. Forestier stated they were unpermitted.

150

151 Mr. McKinley stated that did not matter. He stated the property upstream had a harden shoreline as well.
152 He stated the Scotts wanted to make this an attractive, useful and functional shoreline. Currently it was a
153 disgrace and the whole thing was in disrepair. He stated by removing all of the debris the County would
154 net 500 square feet of inter-tidal area that would be able to grow a vegetative wetland fringe. He stated
155 the area landward of the proposed bulkhead would be vegetated which would help to reduce the runoff
156 from the upland property into the creek. In addition, the applicant was also removing 650 square feet of
157 decking from the old pier which would help to generate submerged aquatic vegetation which would not
158 grow there now because of the shade, which was another benefit to what was being proposed. He stated
159 items 2 and 3 of Section 27-25b concern the project conformity with State Code. He stated bulkheads and
160 riprap all conform with State Codes and do not violate the purpose or intent. Those were the three
161 conditions under which the code said that you should approve this project, the Army Corp has already
162 issued a permit for this activity, all the adjacent property owners have signed an adjacent property owner
163 form and do not object to this project and he cannot see any adverse effect from this project as proposed.
164 He asked the Board to approve the project and stated he would be happy to answer any questions.

165

166 Mrs. Rust stated when she was on site for the visit she did see vegetation of what she would consider to
167 be a fringe.

168

169 Mr. McKinley asked her to show him in the photograph.

170

171 Mrs. Rust stated she did see it and that was the point of the Board going on site visit.

172

173 Mr. McKinley asked her to show him again on the photograph.

174

175 Mrs. Rust stated what she saw was what she saw and she did not know exactly when the photographs
176 were taken.

177

178 A brief discussion ensued between Mrs. Rust, Mr. McKinley and Mrs. Scott concerning marsh fringes.
179 Mrs. Rust stated her point was she saw vegetation there and the thing to do was to proceed with the least
180 amount of impact on the vegetation and the future vegetation that would be coming in and in her opinion
181 a bulkhead was a hard edge for wave actions.

182

183 Mr. McKinley stated a small riprap sill had a footprint of at least four feet wide and a footprint of a
184 bulkhead was only one foot and was less of an impact than a small riprap sill because if you just pile
185 rocks up without some base, it would not stay.

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187 Mrs. Rust stated a sill allowed the wave action to come through and break the waves and actually builds
188 sand and dirt behind it and you get more vegetation.

189
190 Mr. McKinley stated that could happen, but it could also go the other way where the waves override the
191 riprap and wash out everything behind it.

192
193 Mrs. Rust stated she did not want to argue, but she did know the conditions of the average wave action
194 coming in and the actual depth of the water in front of this property was conducive to having a sill. She
195 stated a bulkhead would be good if you had deeper water, but this was very shallow.

196
197 Mr. Pineau stated he had a question given this was a low erosion area with little tidal action to address the
198 issue of having a bulkhead as an over-engineered way of dealing with this property as opposed to
199 something that was a more living natural landscape

200
201 Jeffrey Scott, the applicant, stated he would like to explain why he had contacted Mr. McKinley. He
202 explained that he currently owned property in Richmond County that was very similar to this property.
203 He stated he worked with Mr. McKinley on that property and that was why he was contracted to do this
204 property. He stated in his opinion in order to have a sill there you would need a mountain of rock. He
205 stated he understood when the Board was there it was this beautiful lapping bank but it was not like that.
206 He stated the water went way out and it went way in. It was not uncommon to have water coming
207 halfway up to the road. He stated he had a complete living shoreline in Richmond County and he knew
208 about living shorelines. He stated he would put the proper native plants back in and be good stewards to
209 the property. But he also had to function on the property. He asked the Board how they would like their
210 grandchildren to walk out onto the cement slab that went out and have six to eight feet of exposed rusty
211 metal. He stated whether we liked it or not there was a bulkhead there and this was the quandary. It was
212 not permitted so this was a new project, but yet it existed. So without permission to repair it he would
213 have to watch it deteriorate and in his opinion that was not right. He stated that was not what they wanted
214 to do. He explained he met with staff and made a change from a four foot bulkhead to two and a half feet,
215 and now staff was recommending denial. He stated they had tried to do everything that they could do.
216 What was there was there and for years and years the property had been abused, and what he and his wife
217 wanted to do was make an improvement. He stated water moved here and he did not think a sill would
218 work. In his opinion the water was going to take the sand away. He stated he was also on a hill and he
219 was going to build a house there. The Health Department had stated they must direct the water away from
220 the black swamp because that was where the septic field was located. He stated he was trying to meet a
221 happy medium and that was why the bulkhead was reduced and it would be better for the public than it
222 would be for them, they were going to take less than they gave. He stated in his opinion it would be
223 heavy handed to deprive his family of what they wanted to do there. He stated if you say no you have to
224 live with it, what was he going to do with it? He stated he appreciated the Board having the conversation
225 with him and hoped he could proceed.

226
227 Mr. Riutta stated there was nothing stopping him from taking out the boat ramp with or without the
228 bulkhead and he understood not wanting to have that in his front yard from both the visual and the safety
229 aspect. It seemed like the conundrum was being added to because of the home by diverting water that
230 way because of the septic field in the back. He asked if there were other aspects to control runoff from
231 the house such as french drains.

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233 Mr. Scott stated they were looking for everything they could but they knew what the weather was like on
234 the water and he had lived through storms. He could have every system but a house is a non-impervious
235 surface and driveways are non-impervious. He stated he was doing everything he could but he was asking
236 the Board for a method that would work for both.

237
238 A discussion ensued between the Board and the applicants concerning the possibility of erosion, the
239 encroachment of the water and compromise. Mrs. Rust suggested removal of the debris and the best
240 solution was to not put a bulkhead in.

241
242 Mr. Scott stated there was not probable justification.

243
244 Mr. Pineau stated he was not sure he understood the impact of the living shoreline and sill versus one with
245 a bulkhead and sill, and where the differences lie and the impact between the two options with runoff
246 coming from the house.

247
248 Mr. McKinley stated it was his understanding that best management practices would have to be employed
249 when the house was built. Infiltration trenches or something would be required to take care of the runoff
250 from the house. He stated he thought the only thing they would have to be concerned with was the impact
251 of the runoff from the property and the road. He stated they had looked at a way to channel the water that
252 sheets off the road into a central place where they could have a drop inlet on the backside of the bulkhead
253 which would allow the water to flow through out into the creek. He stated that would work and he had
254 done it dozens of times. He reminded the Board that this property already had a riprap sill and it did not
255 work. It would get overrun by every storm tide and on every high tide. Water would come over it and
256 nothing was being done to protect the property behind it, but with a small bulkhead with a riprap
257 protector, wave generated action had been taken care of and most of the high tides and that was what they
258 were after.

259
260 Mr. Pineau stated since that was prevalent why were there no photographs of high tides where it was
261 completely washed out. He stated it was made to sound like it happened almost every time there was a
262 high tide.

263
264 Mr. McKinley stated he did not say that but there was nothing wrong with preparing for a 25 year storm.
265 He stated he was just trying to build a wall that was a little over two feet high with a scour protector in
266 front. He stated what they were proposing was less of an impact than what would be considered a suitable
267 sill.

268
269 Mr. Riutta stated he understood it would be a much smaller footprint, but that was not the goal of what the
270 Board is trying to accomplish. The goal was to maintain the living shoreline.

271
272 Mr. McKinley stated by having the scour protector in front of the wall every bit of the area out front was
273 subjected to have vegetation growth. He stated again if you looked at the picture there was no marsh
274 fringe. He stated if you looked at public good versus public detriment, he did not see any public or
275 private detriment to building the bulkhead. It may not be what staff recommended with this small riprap
276 sill but in his opinion a bulkhead was the best solution solving the erosion problem and the aesthetic
277 problem on the property and allow this couple to have something that looked nice and protected them
278 during whatever kind of storm would come through there.

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Mrs. Rust stated what she saw when she visited the site and what she saw in the photographs, she would not call a properly installed sill.

Mr. Scott stated what she saw was where the flags were because the water was higher.

Mr. McKinley stated he did not understand the objection to bulkhead.

Mr. Pineau stated Mr. Scott previously stated he currently had a living shoreline. He asked Mr. Scott why he did not see it being effective on this property but it was on his existing property.

Mr. Scott stated there was much more action on this property.

Mrs. Rust asked if it was tidal.

Mr. Scott stated it was tidal. He stated this had much more action and a low erosion area.

Mr. Pineau asked if anyone else would like to comment.

Mr. Waldowski stated as a citizen he had just been a listener here. He stated every condition was different and just because it was done somewhere else did not mean you could do it here. He stated in his opinion the thing that was missing were the pictures under storm conditions, because a picture was worth a thousand words, to show what was going on. He stated he had listened to many things staff had done and they did their research and they were out in the field. And when he heard that they were going to build something on top of this land, he thought you needed to explain the runoff, where it was really going to go. Like he stated earlier today, development was a key issue in this county. He didn't know how long the applicant had owned this land but whenever you would buy land you had what were called pre-existing land conditions and you had to live with them. He stated he was all for the visual, the public safety and removing the rust and concrete; that was just common sense for him. He stated he would not deny this. He would probably defer it and let the applicant try to provide more evidence to the Board to show that a bulkhead was the best solution.

Mr. Riutta asked if the bulkhead was two and a half feet high and the riprap was about the same, how was the bulkhead going to solve his problem.

Mr. McKinley stated that was the compromise. They would love to build a four foot bulkhead all the way across there, but when they met onsite with Amber and her staff, they thought that was not the proper thing to do. He stated it was not as good as a four foot high wall but it was better than an 18 inch high riprap sill.

Mr. Riuetta stated he was having a hard time establishing erosion problems because the flags that were established had no timeline. He stated he did not know if the erosion happened in hurricane Isabelle or if it had been like that for 75 years. He asked if there was anything else that would demonstrate the erosion that had taken place.

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324 Mr. McKinley stated if you looked at the site and you called it erosion, whether it happened two days ago
325 or 20 years ago, it was still erosion. He stated he could almost guarantee the original shoreline was way
326 out. Because the structure was improperly maintained or not constructed properly in the first place that
327 whole area had eroded into the upland to the edge of where you see the flags. The landowner had stated
328 he had seen the water up to the holly trees. He stated he was not able to fortify the property against a
329 storm like Ernesto but a two and a half foot wall would be better than a small riprap sill.

330
331 Mr. Scott stated in his opinion the boat ramp was what showed erosion.

332
333 Mrs. Rust stated the tide was low and the piers were far out, which showed there had always been shallow
334 water.

335
336 Mr. McKinley stated what you saw of the boat ramp was a normal low tide.

337
338 Mrs. Scott stated the neighbor just raised his pier because it was always underwater, so that showed you
339 what the up and down of it was.

340
341 Mrs. Rust stated there was only so much you could do for big events. But if you have water coming from
342 your site down the hill hitting the bulkhead and then you have wave action coming up and over your
343 bulkhead, you were going to have an erosion problem.

344
345 Mr. McKinley stated he thought he addressed that. He stated they were going to have the fill behind the
346 bulkhead vegetative and a drop inlet to channel through the bulkhead.

347
348 Mrs. Forestier stated that was in the RPA and a permit would be required for that and she was not sure if
349 it would be issued.

350
351 Mr. McKinley stated they were working on this issue now, but that was how they were trying to solve the
352 problem of runoff.

353
354 Mr. Scott stated they would build that bridge when they got to the river. They were just trying to get a
355 start and would do everything they could to mitigate.

356
357 Mrs. Rust stated in her opinion that was the purpose of being there, to come up with the best solution for
358 them but also for the river and the creek. It was for the best solution.

359
360 Mr. Scott stated he understood every problem could not be solved but he came here today prepared, he
361 had a very conservative, congenial process and that was what he would carry forward. It would be his
362 home, it was not just property.

363
364 Mr. Pineau stated he asked Mr. Scott earlier why he thought the planning and placement of a living
365 shoreline was adverse to this property. He said he could not follow why this could not be a very suitable
366 environment for a living shoreline.

367
368 Mr. McKinley stated that was what they were proposing. They were creating an environment with the
369 bulkhead, the riprap toe protection and the elimination of all the debris where a living shoreline could

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370 exist or they would help to create it if they had to transplant grasses to promote growth. They were not
371 saying what they were proposing was contrary to a living shoreline; they were saying it supplemented it
372 and helped it to flourish. By removing all the debris, they were creating an environment where a living
373 shoreline could exist and could be created. He stated he would like to refer the Board back to 27-25(b),
374 the Board shall grant the permit if all the following criteria are met. He stated in his opinion they had
375 shown where there was a greater public benefit than any public detriment. He stated it may not have been
376 what staff recommended but he did not see it as a detriment. He stated he saw it as an improvement.

377
378 Mr. Riutta stated part of what they wanted to do was dependent on another agency and stated the Board
379 had to vote yes or no.

380
381 Mrs. Forestier stated the Board could defer.

382
383 Mr. Riutta stated it could not be based on getting an approval on something else.

384
385 Mrs. Forestier stated that was correct.

386
387 Mr. Pineau asked if there were any other comments on the application. Hearing none he closed the public
388 hearing and opened the floor for discussion of the application by the Board.

389
390 Mrs. Rust asked Juliette Giordano of VMRC if she had any comment.

391
392 Ms. Giordano stated it was her understanding that they were not there to provide an opinion.

393
394 Mrs. Rust stated not an opinion. She stated the Board had discussion about the best solution for the site;
395 how the sill would benefit the site as opposed to having a bulkhead. She stated that was what she was
396 asking.

397
398 Ms. Giordano stated yes, following the living shoreline guidance you did come up with a sill structure as
399 the most appropriate shoreline structure in this area. As far as a bulkhead, from her visit to the site and
400 from the photographs, she did notice some kind of steep base there and suggested one of the best ways to
401 address that erosion issue was for grading, to grade back to a more stable slope. When the wave action
402 would come in it rolled up and rolled back instead of eating away at the upland area. She stated the
403 bulkhead, even though it would be landward of the tidal wetlands, it essentially cut off the wetlands from
404 the uplands so it was not a continuous piece of shoreline and just to reiterate the VIMS guide was that a
405 sill was still the most appropriate structure. And the existing structure was not a properly designed sill.

406
407 Mr. Pineau asked Mrs. Forestier if she had any additional comments.

408
409 Mrs. Forestier stated through all the training she had received through the Virginia Institute of Marine
410 Science since 2005 has been that they were very focused on reducing shoreline hardening and trying to
411 keep the eco system from the shoreline up through the RPA buffers a working shoreline instead of cutting
412 off the flow of underground water and things like that. She stated the guiding principles of the currently
413 defended shoreline stated reduce adverse impacts and shoreline hardening, and to remove severely
414 degraded or derelict structures as the applicant would like to do. And to replace failing structure

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415 according to the surrounding eco system conditions and that was what she had tried to express in the staff
416 report.

417

418 Ms. Giordano stated VIMS was trying to maintain a contiguous shoreline up through the RPA area and
419 that was the direction that the State was moving, and they would like to move away from the hard
420 structures and move to more of a living shoreline vegetative approach and to use offensive structures
421 instead of defensive structures.

422

423 Mr. Pineau asked what would be the value of not making the decision tonight. He asked if there was
424 anything that was going to change the dynamics if the Board were to defer.

425

426 Mrs. Forestier stated that would be only if the applicant were going to change something. You would
427 have to make it worth deferring it for additional evidence.

428

429 Mr. Pineau stated it was provided as an alternative and he was not sure if the Board did not take action
430 would it change your stance on how you want to proceed.

431

432 Mr. Scott stated they stopped and looked at all the processes and engaged staff. He stated the
433 recommendation was four foot would not work so they went to something smaller. Plans were submitted
434 and additional information was provided. He stated he thought everybody was on the same page. He had
435 done what he was asked to do. He stated in his opinion they were doing the right thing for the public
436 good and the right thing for them.

437

438 Mr. Pineau stated he wanted to say thank you to the applicant. He also stated he had lived on Potomac
439 Creek for over 20 years and he knew the wave action, he knew the ups and downs. He stated he did tend
440 to think the applicant was trying to meet things half way. He stated he could understand the stance the
441 State had and the direction they were going in but he also knew what he went through in trying to
442 consider a bulkhead for his property. He stated he felt the applicant was trying to meet half way and
443 should be a consideration.

444

445 Mrs. Forestier stated no one from the Virginia Institute of Marine Science had visited the site and they
446 might be able to request that Julie Bradshaw come out and look and give her opinion, because they were
447 the ones that promulgate the guidance that the State requires.

448

449 Mr. Scott stated he was familiar with it, he had done it. He had been there. He had compromised.

450

451 Mrs. Rust stated she also lived on the Potomac River with a considerable reach and that was why she
452 envied this property. It was unbelievable as far as the shoreline was concerned. She stated she
453 understood about the bulkhead, but it was not as forgiving as vegetation. She stated she was speaking
454 from experience, the sill even on a reach where she lived worked. And the gain that you would have was
455 immense and it was beautiful not just for you as the homeowner.

456

457 Mr. Scott stated that was why they were looking to do both.

458

459 Mr. McKinley stated it was a win-win situation. It was a perfect environment for a marsh fringe and that
460 was what they were after.

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461

462 Mr. Riutta asked if there was a living shoreline to the east where there was currently a two foot bulkhead.

463

464 Mr. McKinley stated the adjacent property was much higher than this property and it had a short section
465 of real tall riprap and then a four or five foot timber bulkhead that went as far as he can see. He did not
466 have to deal with the same issues of the elevation of the property.

467

468 Mr. Pineau asked if there was any further discussion. Hearing none he asked if there was a motion for
469 approval.

470

471 Mr. Riutta stated he was a big advocate of personal property rights and believed that you should be able to
472 do what you want to your land as long as it did not adversely affect others. But they were also challenged
473 with looking at it from the community standpoint where they were trying to establish new systems that
474 were being put forth by the State to try and lessen the effect of hard landscape. With that said he made a
475 motion that they approve the bulkhead as per the plans.

476

477 Mr. Pineau seconded the motion and called for the vote. He stated the motion passed 2 to 1 (Mrs. Rust
478 opposed; Mr. Hess and Mr. Rudasill were absent).

479

480 Mrs. Forestier informed Mr. Scott there was a 10 day waiting period before a permit could be issued
481 because they had to look at it at a State level and if they decided to review it they had to go down to the
482 Virginia Marine Commission to explain.

483

484 Mr. McKinley stated it was out of their jurisdiction.

485

486 Mrs. Forestier stated they had oversight over the Wetlands Board and they can reverse a Wetlands Board
487 decision.

488

489 Mr. McKinley stated it had to be appealed. He asked Julie if she was appealing it.

490

491 Ms. Giordano stated they had to make sure they had followed what they were supposed to do and if they
492 felt that they had not followed proper procedure they would review it.

493

494 Mr. McKinley stated he had the code and it looked like they had.

495

496 Mr. Pineau asked if there was any old business to discuss. Hearing none he moved to new business of
497 recently submitted applications and asked staff if they would review the applications.

498

499 OLD BUSINESS

500

501 None

502

503 NEW BUSINESS

504

505 3. Review of recently submitted applications

506

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507 VMRC# 12-0504 Brentsmill Section 3 – Tricord (non-tidal)

508

509 Mrs. Forestier stated there was only one application; it was Virginia Marine Resources Commission
510 number 12-0504 for the Brentsmill Subdivision Section 3 for Tricord. It is not under their jurisdiction
511 because it was non-tidal wetlands.

512

513 CHAIRMAN'S REPORT

514

515 Mr. Pineau stated the Chairman had no report. He asked Mrs. Forestier if the staff had anything to report.

516

517 STAFF REPORT

518

519 Mrs. Forestier stated no. She was going to say goodbye to Mike, but he did not show up for the meeting.
520 He will be gone next Tuesday to Crow's Nest.

521

522 ADJOURNMENT

523

524 Mr. Pineau asked if there was a motion to adjourn.

525

526 Mr. Riutta made a motion to adjourn. Mrs. Rust seconded. The motion passed 3 to 0 (Mr. Hess and Mr.
527 Rudasill were absent).

528

529 With no further business to discuss the meeting was adjourned at 8:29 p.m.