

STAFFORD COUNTY WETLANDS BOARD MINUTES

March 24, 2014

The regular monthly meeting of the Stafford County Wetlands Board of March 24, 2014, was called to order at 7:05 p.m. by Amber Forestier, Environmental Planner, in the Board of Supervisors Chambers in the George L. Gordon, Jr., Government Center.

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

MEMBERS ABSENT: Sam Hess

STAFF PRESENT: Amber Forestier and Stacie Stinnette

CALL TO ORDER

Mrs. Forestier called the meeting to order at 7:05 p.m.

ROLL CALL

DETERMINATION OF A QUORUM

Mrs. Forestier called the roll and it was determined that four members were in attendance, which was a quorum.

ELECTION OF OFFICERS

1. Election of Wetland Board Chair and Vice-Chair for 2014.

Mrs. Forestier opened the floor for nominations for Chairman.

Mr. Pineau nominated Jim Riutta for Chairman; the vote passed 4-0 (Mr. Hess was absent).

Mr. Riutta opened the floor for nominations for Vice-Chair.

Mr. Pineau nominated Ben Rudasill for Vice-Chair; the vote passed 4-0 (Mr. Hess was absent).

APPROVAL OF MEETING MINUTES

2. November 18, 2013.

Mr. Rudasill made a motion to approve the November 18, 2013 minutes. Ms. Rust seconded. The motion passed 4-0 (Mr. Hess was absent).

3. December 16, 2013.

Mr. Pineau made a motion to approve the December 16, 2013 minutes. Mr. Rudasill seconded. The motion passed 4-0 (Mr. Hess was absent).

PUBLIC HEARINGS

4. Wetlands Permit WB14-01 – A wetlands permit for Stanley and Adrienne Dameron, applicants, to construct a bulkhead 138 feet in length on Assessor's Parcel 49-29, Potomac Creek.

*Stafford County Wetlands Board Minutes
March 24, 2014*

Mrs. Forestier presented the staff report for item 4, Wetlands Permit WB14-01, a wetlands permit for Stanley and Adrienne Dameron to construct a bulkhead 138 feet in length. She gave some background stating the proposed bulkhead required a wetlands permit as it was not a permitted use. She stated the purpose of this project was to protect the shoreline from erosion along Potomac Creek. Mrs. Forestier stated staff visited the site on December 18, 2013. No structures were located on this parcel; however, the applicants owned the adjoining parcel with an existing house. She stated the topography of the property was relatively flat and had an existing riprap revetment which was permitted in 2006 and appeared to be functioning as intended. Mrs. Forestier stated the application proposed that the wooden tongue-in-groove bulkhead would be 4 feet or less in height from the creek bottom and would be constructed in the location of the existing riprap toe along the shoreline in an already disturbed area. It would extend approximately 138 feet along the shoreline, attach directly to a bulkhead to the north, and a 10 foot return wall would tie back in to the property with riprap flanking protection along the property line. Mrs. Forestier stated an email from the applicant pointed out that the tall wall along the property line had been undermined and was in danger of collapsing, and questioned whether the riprap revetment itself was constructed correctly and may not have been working as was intended. She stated a letter received from VMRC stated that a permit would be required for the groin and spur, and that an additional letter was received from VMRC with a protest letter indicating that the owners of the adjoining property wanted a clearer understanding of the project as a whole. She stated that if the permit application was approved, the impacts were over 2,500 square feet and would require a grading plan to be approved by the County. Also required would be a Major Water Quality Impact Assessment, along with a building permit from the Department of Public Works prior to the bulkhead construction. An approval letter for the groin and spur had been received from the Army Corps of Engineers; the proposed bulkhead did not require an Army Corps of Engineers permit. Mrs. Forestier stated there were three alternatives to the Board: to adopt proposed Resolution WB14-01 which approved the request with conditions; to adopt proposed Resolution WB14-02 which would deny the request; or to take no action. Mrs. Forestier stated staff recommended denial of the bulkhead as proposed as there were no structures on the parcel to protect and the existing riprap appeared to be stabilizing the shoreline and protecting the property from erosion. She stated if the Board wished to approve the application as proposed, staff would recommend including a condition which would require the approval of a Major Water Quality Impact Assessment as required by the Chesapeake Bay regulations prior to the construction of the bulkhead.

Mr. Riutta opened the public hearing.

Craig Palubinski stated he was the agent who submitted the joint application on behalf of the applicants. He handed out photos and stated he would go over the proposed project. He stated it appeared that the riprap was sliding down. He gave a brief explanation of how the proposed bulkhead would tie into an existing bulkhead. Mr. Palubinski stated there was an existing 50' stone groin on the property line, which was kind of low but functioning to some degree. He stated they were proposing to cap this groin out to the same length that was existing and would still be a low profile design as recommended by VIMS and VMRC. The starting elevation would be +3 feet at the bulkhead groin intersection and taper down to about 0 elevation. Mr. Palubinski explained that on the south side of the groin there would be a 24 foot spur to help protect the damaged corner no prevent the wall from collapsing and the loss of the tree. Mr. Palubinski showed a few different section views of the proposed bulk head. He pointed out the existing riprap and the proposed bulk head at the toe and mentioned that there would not be any further encroachment beyond the toe into the wetlands. He explained that the bulk head would come up to approximately 4 foot to match the existing one. He further explained that most of the stone would be removed and reused in the spur construction, groin capping and riprap protection on the return wall.

*Stafford County Wetlands Board Minutes
March 24, 2014*

Mr. Dameron stated that he had been living next door to the property for 28 years and that he did not build the existing wall. He started given his presentation explaining that in that particular location there was more wave action than any place else on the creek. He stated that they had a 17 mile fetch from his home to Pope's Creek. Mr. Dameron pointed out that the Wetland had not been constructed properly, without a toe at the base, a faulty filter cloth and not return on the southern end. He further explained that erosion was caused by wave action as well as due to sandy soil underneath. He stated that the brick wall was falling down and that would cause the end of his existing bulk head to be exposed. Mr. Dameron suggested that the way to fix it was for the bulk head to be extended with a return. He stated that building the proposed bulk head will provide a return for the existing bulk head and prevent erosion and possible loss of the 50 year old tree. He also stated that he planned to remove the brick wall. Mr. Dameron also mentioned that there were 15 cubic yards of bank that had been washed away on the end of the existing riprap. He further ensured the committee that everything will be done according to Chesapeake Bay Act and Erosion Control and that he had the support of the adjacent property owners. Mr. Dameron presented some photographs to the committee showing the approximate location the riprap had been placed in 2006 and also the damage caused by erosion. Mr. Dameron stated that he would like to take down about 40 feet.

Mr. Pineau asked if the new bulkhead would tie into the existing one and curve inland from the point at which the two bulkheads would connect. The applicant agreed and added that they would try to bring the existing bulkhead in a little bit to try to get a more gradual curve.

Mr. Dameron finished his presentation by stating that he felt after watching the site for the last 28 years that a bulkhead was the best way to handle the situation and that he disagreed with staffs opinion and their recommendation for denial due to there not being any structures that needed to be protected. He stated that he considered the tree a significant structure as well as the erosion of the soil. He further stated that building a bulkhead would be far less invasive and damaging than digging up what's there and reinstalling it properly. He stated that the wall could be installed without excavation and disturbance.

Mr. Rudasill stated that he felt that there were to distinct problems; one being the wall and one the riprap.

Mr. Dameron replied that he felt there were three since he had counted the end of the riprap as a third one on the south end where it was eroding away due to not having a proper return placed on it allowing erosion to continue.

After the committee asked for a few clarifications regarding the site, Mr. Riutta closed the public hearing and opened up the floor for discussion by the Board. Mr. Pineau thanked the applicant for his presentation so did Mr. Riutta. Mr. Riutta explained that the state was going more towards a living shore and asked the applicant how he felt about that. Mr. Dameron felt that trying to fix it up would disturb the area more. Mr. Riutta asked staff if they recommended denial because they felt there was no erosion problem. Ms. Forestier replied that she did not see anything along the shoreline, but agreed that there was some visible on the wall. She added that she could not say if the riprap that was put in in 2006 was constructed properly since it was above mean high a structure and therefore didn't require a building permit. She mentioned that the process has since been changed and has to go to the Board of Zoning Appeals for Chesapeake Bay regulation issues. Ms. Forestier stated that she did not know whether the wall was going to make it through the next big storm. Ms. Rust stated that there was going to be movement regardless with water coming from the shore, but also from the land which would impact too. She further stated that looking at the pictures the applicant had provided it didn't look like there was much of an erosion issue.

*Stafford County Wetlands Board Minutes
March 24, 2014*

Mr. Dameron did not agree and stated that the pictures did not really show the actual damage and pointed out the shift of up to 3 feet.

Mr. Pineau felt that because of all the cracks that were in the wall already it should be the property owners right to take it down. He further stated that the applicant was compromising regarding the interest in a living shore line by adding a groin and the spur which would allow extra plant life to be accrued. Mr. Pineau felt that the applicant was being proactive by taking down a wall that was bound to fall regardless.

Ms. Rust reminded that the committee was supposed to be looking towards the best possible solution for the property owner as well as the person who enjoys the wetlands, the water and the water quality. She did understand the esthetics of a bulk head, but felt that they had to think about the future. Mr. Pineau did agree with Ms. Rust but felt that decisions would have to be made on a case to case basis and in this case he felt that there was a compelling argument to be made that the property owner was trying to strike a balance which the committee should appreciate. Ms. Rust still did not feel that the property necessitated the continuation of the bulk head.

Mr. Rudasill asked if the proposed bulkhead would affect the aquatic life. Mr. Pineau stated that the groin and spur were adding to the aquatic and wetlands growth. Mr. Riutta asked for reassurance that putting in a bulk head would not affect the vegetation. Ms. Rust stated that it however did. The applicant stated that from experience with his existing bulk head at the very site it was safe to say that the vegetation would not be affected.

Mr. Riutta asked if the applicant was putting in stone that ran parallel to the shore. Mr. Dameron explained that the spur that would come off of the groin where the bulkheads would be connected was the stone that would be placed there to establish some buildup of intertidal zone for organisms and plant growth. Mr. Riutta asked if the groin would stay in the approximate location but added to it a bit. The applicant agreed and explained that he would try to cap it since it was quite low. Mr. Riutta asked if there was any more discussion. Hearing none, he asked for a motion. Mr. Pineau made a motion to approve the request with the conditions that were stipulated. Mr. Rudasill seconded the motion. Mr. Riutta reminded everybody of the conditions, which were: major water quality impact assessment, ensure replanting of area consistent with Chesapeake Bay Act regulations and a building permit from public works. Mr. Riutta called for the vote. The motion passed 3-1 (Ms. Rust voted nay, Mr. Hess was absent).

OLD BUSINESS

None

NEW BUSINESS

5. Review of recently submitted applications

VMRC# 13-1850	Crow's Nest Boardwalk-Canoe launch (State project)
VMRC# 13-1860	Austin Ridge Commercial (non-tidal)
VMRC# 14-0141	Shelton Woods (non-tidal)

CHAIRMAN'S REPORT

None

*Stafford County Wetlands Board Minutes
March 24, 2014*

STAFF REPORT

6. Updating the by-laws.

Ms. Forestier stated that the by-laws would have to be updated since they were out of data. She further stated that she did re-write them and will be sending them out to the committee for the next meeting.

7. Update on Chesapeake Bay Act ordinance and creation of a Chesapeake Bay Board.

Ms. Forestier explained that the Board of Supervisors will refer to the Planning Commission that the Chesapeake Bay Act requirements be pulled out of the Zoning Ordinance and into its own Ordinance which would make the Wetland Board a Chesapeake Bay Board as well. She stated that staff did not get a lot of applications for that, but it would be a way for the Board to see how everything flowed from the land to the water to get an idea what staff does. She stated that there will also be some training sessions.

ADJOURNMENT

Mr. Rudasill made a motion to adjourn; Ms. Rust seconded. The motion to adjourn passed 4 to 0. (Mr. Hess was absent)

With no further business to discuss the meeting was adjourned at 8:16 p.m.