

STAFFORD COUNTY WETLANDS BOARD MINUTES
December 15, 2014

The regular monthly meeting of the Stafford County Wetlands Board of December 15, 2014, was called to order at 7:01 p.m. by Wetlands Board Chairman, Jim Riutta in the Board of Supervisors Chambers in the George L. Gordon, Jr., Government Center.

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

MEMBERS ABSENT: None

STAFF PRESENT: Amber Forestier and Denise Knighting

GUEST PRESENT: Jeffrey Madden, Virginia Marine Resources Commission

ROLL CALL

Mr. Riutta called the meeting to order at 7:01 p.m. with all members present. With no one present to make a public presentation he moved on to approval of minutes.

PUBLIC PRESENTATIONS

None

APPROVAL OF MEETING MINUTES

1. November 17, 2014.

Mr. Hess made a motion to approve the minutes.

Mr. Pineau seconded.

The motion passed 5 – 0.

PUBLIC HEARINGS

2. Wetlands Permit WB14-07 – A wetlands permit for Tom and Sally Kenevan, applicants, for a wetlands permit to construct a bulkhead approximately 86 feet in length on Assessor's Parcel 21B-563, Aquia Creek.

Mrs. Forestier presented the staff report. She stated the Board was to consider the application of Tom and Sally Kenevan to construct an 86 foot long bulkhead. The proposed 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". The stated purpose of this project is to protect the shoreline from erosion by constructing a bulkhead along Aquia Channel, actually. The property is located along a channel of Aquia Creek, on Potomac Drive. The Wetlands Board staff visited the site to review the proposed project on December 9, 2014, at low tide. The house is located approximately 80 feet from the shoreline. There is a steep slope down to the shoreline from approximately 20 feet back, it kind of comes down. The entire 86 foot length of the proposed bulkhead is between Mean Low Water and Mean High Water. The agent for the applicant indicated that the bulkhead would have no impacts to tidal wetlands, however staff discovered at the site visit that an approximately 13 foot long section on

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the southeast corner of the property has a small area of non-vegetated tidal wetlands which will be affected. If the applicant agrees to construct the bulkhead within 12 inches of the existing shoreline, the impacts would be approximately 13 square feet. With an in-lieu fee for tidal wetlands impacts with hardened shoreline structures of \$14.88, the in-lieu fee would be \$193.44. The location of the bulkhead and how it would tie into the land were reviewed. The application proposes that the vinyl bulkhead would be approximately 2.5 feet in height from the creek bottom and would extend 2.5 feet or more feet below the surface. There is a bulkhead on the property to the northwest Assessor's Parcel 21B-564 and the application shows this bulkhead attaching directly to it. There is a drainage area with riprap along the property line and staff recommends that adequate drainage from behind the bulkhead is incorporated into the final engineered design of the wall, so that it doesn't put too much pressure on the wall. The application also shows the proposed bulkhead connecting to the existing bulkhead on Assessor's Parcel 21B-562. The attached letter from VMRC states that a permit will not be required from their agency, as it's on the manmade channel. The report from the Virginia Institute of Marine Science states that the preferred alternative for this site would be a rip rap revetment. The following alternatives are available to the Board, Adopt proposed Resolution WB14-07 which approves the request with conditions. Adopt proposed Resolution WB14-04 which denies the request. Or take no action at this time. Staff recommends approval of the bulkhead as proposed. From an environmental perspective, it is normally preferable for a riprap revetment to be used to control minor erosion. However, based on prior experience within this area of Aquia Creek and the adjoining channels, placing a riprap revetment is extremely difficult as there is a thick layer of soft mud and the revetments tend to sink and spread out and actually not protect anything.

Mr. Riutta thanked staff and asked opened the public hearing. He asked the applicant or the contractor if they would like to address the Board.

Brad Martin stated he was there for Tom and Sally Kenevan. He stated they would be more than happy to incorporate the drainage in. He stated he and the Kenevan's were not sure that they agreed that there were 13 feet of wetlands, but with the in lieu fee of \$193, they could live with that.

Mr. Hess asked about the 13 foot section, and asked if they did vegetated or non-vegetated wetlands.

Mrs. Forestier stated they did both. Vegetated or non-vegetated was not specified. When the in lieu fees were written it was harden shorelines verses more environmentally friendly shorelines structures. This is a bulkhead so it follows the harden shoreline structure fee with is \$14.88.

Mr. Martin stated with that language they would probably agree. He stated he was thinking vegetated wetlands.

Mrs. Rust asked the width of the channel at that point.

Mr. Martin stated it was very small.

Mrs. Rust asked if they got boat action.

Mr. Martin stated there was not any waive attenuation. It was all a no wake zone past the marina. He stated it was probably as wide as from him to the wall. Rip rap was not really an option because of the reasons Amber said but also because by the time you create your toe, slope and get out there you would take up 6 feet of the channel, that is only as wide as a street, which were 22 feet.

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Mrs. Rust asked if there was a steep slope or fairly steep slope.

Mrs. Forestier stated it was not really steep.

Mrs. Rust stated water does run from the house roof down...

Mr. Martin stated there would be a minimal amount of water. It is not quite as steep as the marina in the Harbour.

Mrs. Forester asked the Board to look at the aerial photo, to the left of the deck and floating dock, there was a draining. She stated that was where the water comes down and that is where she suggested putting adequate draining behind the wall when they engineer the drawings. She stated they were out there a day or so after the rain and there was water running down it and over the rip rap.

Mr. Martin asked in the drainage area.

Mrs. Forestier responded yes.

Mr. Martin stated the drainage ditch was about as wide as the podium, the remainder of the 86 feet was unaffected. He stated the way to drain the wall was to go through the wall with an ABS pipe or behind the wall and use blue marlin weep hole, which is designed for CMI sheet piles.

Mrs. Rust stated water was still running down the slope to the water.

Mr. Martin stated that was correct.

Mrs. Rust stated that in itself does help create a silt problem for the area, not just that property.

Mr. Martin stated he believed that was a county or Harbour drain. It is a street drain and not part of the Kenevan's construction.

Mrs. Kenevan stated right across from her property was a vinyl bulkhead and to the left of the bulkhead there was a huge county drain which takes the water from the street above and it runs down to that drain. She stated there was a huge sandbar there from the silt washing down. She stated on her side it was only coming off of her yard. She stated there was water on both sides of the street and they did not want a pipe there. They put stone there to prevent the erosion of the land.

Mrs. Forestier stated they just put rip rap on both sides of it to slow the water flow. She stated she was a little concerned. If you don't put adequate drainage behind it, it could put pressure on the wall and create problems.

Mrs. Rust asked why they would put in a bulkhead as opposed to rip rap, which was more natural.

Mrs. Kenevan stated the main reason was there was mud back there. The bulkhead would not restrict the boat traffic in the water. Rip rap would narrow the channel and interfere with boating. She stated the water was deep where they were, but the bottom was really soft.

Mrs. Rust asked how deep the water was.

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Mrs. Kenevan stated it depended on the tide, but an average of 4 to 6 feet.

Mr. Hess asked if it was dredges a few years ago.

Mrs. Kenevan stated it was supposed to be, but they ran out of funds and did not get there. She stated all the silt from Hills of Aquia washed right in there and a lot of flooding on the natural creek side. She stated another reason she did not like rip rap was because they fish from the bank and could not if rip rap was installed. She stated they also had a jet ski ramp and would not be able to bring the jet ski in. She stated she currently had a dock, a deck dock, floating dock and a jet ski launch and dock, if rip rap was installed she could not use what she has.

Mrs. Rust stated it was the preferred method.

Mrs. Kenevan stated not in her location with the soft bottom. Further down the creek some places have rip rap and it was moving out across the channel. There were bulkheads on either side and across from them.

Mrs. Rust asked if they had lost any land.

Mrs. Kenevan stated yes. They had wanted to put a pool in but the county said they were too close to the water, and they measured 86 feet. Mr. Martin measured the just a few days ago and measured 82.5 feet. She stated she lost 12 trees because the roots were so exposed.

Mr. Riutta asked Mr. Martin about the need for back fill.

Mr. Martin stated they would run right up against the slope and asked the Board to look at the pictures. He stated the letter dated the 10th said to keep it within 12 inches of that, which was not a problem.

Mr. Riutta asked if anyone else would like to comment. With no one coming forward he closed the public hearing and asked the Board if they had any further discussion.

Mr. Pineau stated the proposal notes a bulkhead was located on parcel 564. He stated he has heard there were bulkheads on both sides and asked if that was correct and it would tie into the proposed bulkhead.

Mr. Martin stated yes.

Mr. Hess made a motion to approve WB14-07 with the conditions requested.

Mr. Rudasill seconded the motion.

The motion passed 4-1 (Mrs. Rust was opposed).

Mr. Riutta said they would now move on to the second public hearing and asked staff to present the staff report.

3. Wetlands Permit WB14-09 – A wetlands permit for CSX Transportation, Inc., applicant, to construct a 550 foot long section of a riprap revetment within the Potomac River with impacts

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to tidal wetlands and a new railway bridge spanning Chopawamsic Creek encroaching over tidal wetlands, within the CSX Right of Way.

Mrs. Forestier stated before she presented the report, she had to point out additional information was submitted this afternoon that shows that the Chopawamsic Creek crossing will actually have fill in wetlands, so we can't really hold a public hearing unless we advertise it as fill in wetlands. She suggested the Board continue the hearing until it was adequately advertised. She stated they changed from passing over 90 square feet of tidal wetlands to impacting over a thousand square feet with a rip rap revetment.

Mr. Hess stated it would be double what that had there.

Mrs. Forestier stated the larger plan sheets, she handed out, had a listed on the third sheet showed abutment A and B. One had 550 square feet of impacts and the other had 585 square feet and the original drawings showed they were passing over 90 square feet. She stated staff recommends deferring the hearing until January to allow for adequate advertising and to allow Quantico time to review the changes.

Mr. Pineau made a motion to defer permit WB 14-09 to a later date.

Mr. Rudasill seconded.

The motion passed 5 to 0.

Mr. Pineau asked if the additional information which was passed out was all that was necessary to review.

Mrs. Forestier stated yes.

Mr. Pineau asked if they were adding 2,751 square feet of tidal wetlands was to be added to the addendum.

Mrs. Forestier stated yes. The 2,751 square feet of impacts was on the Potomac River where the train tracks come up against the river. They will be putting in a third rail and a wall. They will have a temporary causeway to construct it and then afterwards they will have a rip rap revetment there. She stated she could ask for additional information from McCormick Taylor and she would update the staff report with that.

OLD BUSINESS

None

NEW BUSINESS

Mr. Riutta stated with no old business to discuss they would move on to new business and asked staff to review the recently submitted applications.

4. Review of recently submitted applications
VMRC 14-1668 Shelton Knolls

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Mrs. Forestier stated there was only one since the last meeting. This was VMRC 14-1668 which was for Shelton Knolls subdivision which has impacts to non-tidal wetlands and not in our jurisdiction.

CHAIRMAN'S REPORT

Mr. Riutta stated he had nothing to discuss for the Chairman's Report, he asked staff to give their report.

STAFF REPORT

Mrs. Forestier stated the only thing she had was a listing of all the Board meeting dates for 2015. Both the January and February meetings dates fall on holidays. She asked the Board to figure out a date for at least the January meeting for advertisement. February could be decided later.

Mrs. Rust asked if there was any resolution about the Board discussion concerning Chesapeake Bay.

Mrs. Forestier stated that would go back to the Board tomorrow night because it was deferred to get information from agricultural community. She stated hopefully it would be approved tomorrow and then training would need to be scheduled.

Mr. Hess asked about the fee that was suggested for the landfill. He stated since they would be charging to take oil there, people may just throw it on the ground or in the river.

Mrs. Forestier stated the landfill did not have enough funds to expand.

Mr. Hess stated there should be a place to dump waste like antifreeze and oil.

Mr. Riutta stated he read recyclables were still proposed to be free.

Mrs. Forestier stated she could find out more information and report back to the Board.

Mr. Riutta asked if the office was closed on January 19th.

Mrs. Forester stated yes, that was Martin Luther King Day and the offices were closed.

Staff had a brief discussion ensued concerning available dates and advertisement requirements.

Mrs. Forestier asked about the 12th or the week of the 12th.

Mr. Riutta asked if they need to talk about February.

Mrs. Forestier stated that could be decided in January.

ADJOURNMENT

Mr. Hess made a motion to adjourn.

Mr. Rudasill seconded.

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Mr. Madden asked if he could speak to the Board for a moment. He stated if the Board was going to take on the responsibilities of the Bay Board, he respectfully requested the Wetlands Board conduct Bay Board business after Wetland Board business. He stated he had a 2 hour drive home and would really appreciate that.

Mrs. Forestier stated that was fine.

Mr. Madden thanked the Board.

Mr. Riutta stated there was a motion and a second. All those in favor say aye.

The motion passed 5 to 0.

With no further business to discuss the meeting was adjourned at 7:30 p.m.