

STAFFORD COUNTY
Wetlands Board Minutes
December 13, 2010

The regular monthly meeting of the Stafford County Wetlands Board of December 13, 2010, was called to order at 7:00 p.m. by Chairman Ben Rudasill in the Board Chambers Conference Room.

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

MEMBERS ABSENT:

STAFF PRESENT: Amber Forestier and Aisha Hamock

Mr. Rudasill: We have a quorum, great.

PUBLIC PRESENTATIONS:

1. Mr. Rudasill: Are there any public presentations? Okay, the next item on the agenda is a public hearing.

APPROVAL OF MEETING MINUTES

None

PUBLIC HEARINGS

2. Wetlands Permit WB10-09 – An after-the-fact wetlands permit for the Aquia Harbour Property Owners Association, applicant, to construct a bulkhead 265 feet in length within an existing marina on Assessor's Parcel 21B-1009A, Aquia Creek.

Mr. Rudasill: The public hearing is wetlands permit WB10-09, an after-the-fact wetlands permit for the Aquia Harbour Property Owners Association, applicant, to construct a bulkhead 265 feet in length within an existing marina on Assessor's Parcel 21B-1009A, Aquia Creek. Would the staff like to present their report?

Mrs. Forestier: This site is located within the Aquia Harbour subdivision on the dredge portion of Aquia Creek that we previously permitted the piers earlier this year. The main channel was widened in the 1960's to allow the marina to be constructed in this location. The original bulkhead appears to have been constructed prior to 1995. A building permit was approved in 2001 for repairs but did not authorize rebuilding the entire bulkhead, which appears to have happened. No inspections were ever completed and the bulkhead that was built in 2002, I believe, was...has deteriorated quite a bit. The Stafford County Department of Public Works issues a stop work order for this project on September 10 of 2010. As the bulkhead is already partially built, staff has attached photographs of the existing site conditions in attachment 7. The site contains a parking lot from which the land slopes down to the existing bulkhead. As the proposed bulkhead is one is two feet taller than the existing bulkhead, fill will be required to level the ground between and a few feet behind the existing bulkhead. The original drawings show fill being used to decrease the slope up to the parking lot and the agent has been informed that doing so would require permission to place fill in the flood plain and permits for grading would also be required. The agent agreed to modify the amount and location of the fill to be used and staff has added a condition to the permit to insure no additional fill is used unless it is properly

***Wetlands Board
December 13, 2010***

permitted. The VIMS permit...the VIMS report stated that although bulkheads are not the preferred method of shoreline stabilization, the existing upland use and the pier improvements make a bulkhead an acceptable alternative in this location. The Army Corp of engineers has approved the bulkhead as a modification to the dredging permit which was issued under VMRC application 060209. The Virginia Marine Resources Commission stated that a permit would not be required from their agency as the project is within a man made area along Aquia Creek. The following alternatives are available to the Board. Adopt proposed Resolution WB10-09, which approves the request with conditions. Adopt proposed Resolution WB10-10, which denies the request or take no action at this time. Staff recommends approval of the after-the-fact application for the bulkhead with conditions. The original bulkhead had deteriorated as can be seen in the photographs. The Bulkhead will serve a dual purpose by stabilizing the shoreline and decreasing erosion. From an environmental perspective it is normally preferable for a bulkhead to be replaced by riprap revetment; however, as there is an existing bulkhead and a riprap revetment would require grading of the slope that could adversely impact the limited parking area, a bulkhead would be the preferred alternative. The conditions include payment of an in-lieu fee of \$2,100 for impacts to 120 sq ft of tidal wetlands; placement of filter cloth behind the bulkhead prior to the placement of fill and inspections to be carried out by staff when the filter cloth and tie-backs are in place and once the project is completed.

Mr. Rudasill: Okay, thank you. The public hearing is now open. Would the applicant or the contractor like to address the Board?

Mr. Edgerly: Do I just speak into this.

Mr. Rudasill: Yes and please identify yourself.

Mr. Edgerly: My name is Justin Edgerly. I am...my company is Structure Wise Incorporated. We are the construction management firm that is handling the project for Aquia Harbour Property Owners Association. There was one item I had asked to speak with...I spoke with Amber about concerning additional work besides this. We have noticed that when we were doing the other side and we removed the existing gang way, the bulkhead had stopped dramatically and exposed a great area that could be causing a siltation issue. And we had asked that Amber possibly discuss this with you guys about adding additional bulkhead on the other side of approximately fifteen to twenty feet. But we have come up with a different idea, instead of adding bulkhead could we just apply riprap to that area to stop any possible siltation?

Mrs. Forestier: I have not seen the spot, I did not get any photographs of it so I am not exactly...

Mr. Edgerly: I sent the email.

Mrs. Forestier: I did not get them, sorry.

Mr. Edgerly: Oh.

Mrs. Forestier: Either option would be...it would probably be easier at the site right now to do additional...an additional section of bulkhead, but I am not sure if we are allowed to do that. If we have advertised for two hundred and sixty five it is supposed to be two hundred and sixty five. Is that...Jeff told me that this morning. We might have to do it as a modification to this permit maybe.

***Wetlands Board
December 13, 2010***

Mr. Edgerly: Okay, we wouldn't...from what I have determined, because of the location of the new marginal dock on the longer side, we can put the new gang way back in the same place of the old gang way. But I have noticed that underneath, even underneath where the old gang way was you do...there is a potential problem for land erosion and siltation. That is why I was opting for doing a riprap situation there to stop that and hold it in place. We would not have to continue the bulkhead on it at all.

Mrs. Forestier: We should be able to work something back where we could bring back a modification maybe next month to this permit and at the same time kind of go out there and take a look and maybe get some of the work started to stop the siltation from taking over.

Mr. Edgerly: Yes it is not an immediate concern for me because we are not placing a gang way in yet, but I would like to do it before we were to place it.

Mrs. Forestier: Okay.

Mr. Edgerly: So we have access to it. We are looking at putting the new gang way in the same place as the old gang way so it makes...it would just make sense to attack the situation beforehand.

Mr. Rudasill: Okay.

Mrs. Forestier: We can work on that for next month.

Mr. Edgerly: Otherwise everything else is as per Amber wrote up.

Mr. Rudasill: Anything else?

Mr. Edgerly: That was it.

Mr. Rudasill: Okay. Would anyone else like to comment on the application?

Ms. Rust: I have a couple of questions.

Mr. Rudasill: Okay.

Mr. Edgerly: Okay.

Ms. Rust: How much higher is the new bulkhead? I can't (inaudible) it looks like a foot and a half higher.

Mr. Edgerly: Yes it is proposed to be eighteen inches above the existing and what Amber had described to me and instructed me is that if we were to follow the plan as originally thought and re-grade the area to right below the cap of the new one, I would need a grading permit. But now what we are doing is we are leaving the level...we are going to keep the existing slope to the ground and we are just going to fill in to the level where it was before.

Ms. Rust: So you are going to create a sill or something to (inaudible) base of that slope.

Mr. Edgerly: Yes. It will be like a flat area that will extend out about a foot and a half to two feet.

***Wetlands Board
December 13, 2010***

Ms. Rust: Okay, and at the top of that slope is a, and I did not know this, this was kind of my first question, it looks like a paved parking area.

Mr. Edgerly: Yes.

Mrs. Forestier: Yes.

Mr. Rudasill: Yes.

Ms. Rust: So you have run off coming from the paved parking lot down the slope going to some sort of a fill (inaudible) hold that water?

Mr. Edgerly: It would be a flat area filled with drainage material and on top of that about eight to twelve inches of soil and grass.

Mrs. Forestier: Mr. Edgerly could you speak into the microphone please.

Mr. Edgerly: Sorry. From going down the slope to the newly created flat area we will have filled up with drainage material of number fifty seven rock and then we are going to fill on top of that eight to twelve inches of soil and then grass on top of that. We will be putting in the proper...the siltration felt material.

Ms. Rust: That is all...I mean it is such a large area of pavement that close to the area that slopes down. That is my concern.

Mr. Hess: A lot of it slopes down this way to the back.

Mr. Edgerly: Yes the greater majority of it...besides...the side sloping...the parking lot actually slopes towards the north end and it slopes down past where the marina goes, so most water will flow that direction.

Mr. Hess: So there is...when it does rain?

Mr. Edgerly: Yes.

Mr. Hess: The water runs down the parking lot and not across the parking lot?

Mr. Edgerly: Correct. It runs lengthwise heading north actually.

Ms. Rust: And so what stops it over there?

Mr. Edgerly: It runs off into the woods and then off into an area that is past the existing bulkhead.

Mr. Hess: That is an old picture. This was back in...when was this '60?

Mrs. Forestier: No, 2006.

***Wetlands Board
December 13, 2010***

Mr. Hess: '06, that was before they...this has the original bulkhead in it? Yes it does. This is the original bulkhead way back.

Mrs. Forestier: No, that's not original.

Mr. Hess: Is that the one that is there now?

Mrs. Forestier: Yes, it is just that it is so low.

Mr. Hess: Are you sure?

Ms. Rust: (Inaudible) with no access to the water.

Mr. Hess: Because there was always something over there. I don't think it is this.

Mr. Rudasill: Well it is going to continue to do what it has always done as far as run off.

Mr. Edgerly: Yes, it is not running off towards the water. It is actually running off parallel down to the other end.

Mr. Hess: See this?

Mrs. Forestier: (Inaudible).

Mr. Hess: This does not look like...this is the old one back here. This does not look like it.

Mr. Edgerly: At the very end there is access where it runs off into the woods it all sloped down into the water, down the far end.

Mrs. Forestier: There is also a boat ramp.

Ms. Rust: There is a boat ramp on that end?

Mr. Edgerly: No.

Mrs. Forestier: No on the left if you look at the aerial.

Mr. Hess: You can see that in the picture.

Mrs. Forestier: It is a rather large boat ramp actually. It flows straight down the middle.

Ms. Rust: Oh I see.

Mr. Edgerly: And there is riprap on either side of that boat ramp protecting the slopes.

Mr. Rudasill: Okay. Any other comments on the application? The public hearing is not closed. The floor is open to discussion about the application by the Board.

***Wetlands Board
December 13, 2010***

Mr. Hess: It was with a bank they can put...you know there is a fee here for twenty one hundred dollars.

Mrs. Forestier: Right.

Mr. Hess: Do we ever get a bank where they can...

Mrs. Forestier: The reason that we have the in lieu fee set up is because there isn't one.

Mr. Hess: (Inaudible).

Mrs. Forestier: We have heard rumors about non-tidal wetlands banks but around here there is such a limit...I mean it is limited for tidal wetlands, so the hope is that eventually the County will have enough money. We are only allowed to use this money for tidal wetlands projects.

Mr. Hess: This money goes towards....

Mrs. Forestier: Yes. One day.

Mr. Hess: One day we will have one.

Mrs. Forestier: Maybe, we need more bulkheads. No. Sorry.

Mr. Hess: Paid for it.

Mr. Rudasill: Is there any further discussion?

Mrs. Forestier: Has everybody read the proposed resolution with all the conditions, to make sure that they are all favorable?

Mr. Hess: Yes, (inaudible) the back page.

Mr. Pineau: Should those be read into the record (inaudible) the conditions (inaudible).

Mr. Hess: Read those (inaudible) as written.

Mr. Pineau: As written.

Mrs. Forestier: Yes.

Mr. Rudasill: Okay. Is there a motion for approval?

Mr. Hess: I make a motion we approve.

Mr. Pineau: I second.

Mr. Rudasill: Okay. All in favor.

***Wetlands Board
December 13, 2010***

Mr. Pineau: Aye.

Mr. Hess: Aye.

Ms. Rust: Aye.

Mr. Rudasill: Aye. Motion carries.

Mr. Hess: How soon can they start over there?

Mr. Bacon: Motion carries with the conditions.

Mr. Hess: With the conditions, yes as written.

Mr. Bacon: Okay, that wasn't part of your recommendation.

Mr. Hess: Okay I will redo the motion. I make a motion that including the conditions as recommended by staff, amended.

Mr. Rudasill: Okay so the Board moves to adopt Resolution WB10-09, which approves the request with conditions. Okay. Is there any old business to discuss?

Mrs. Forestier: We don't have any. Ten days, ten working days.

Mr. Edgerly: Yes and in that ten days I can go through Cary with the drawings and the permit.

Mrs. Forestier: Okay. You are done.

Mr. Edgerly: Okay.

Mr. Rudasill: Okay, thank you.

OLD BUSINESS

None

NEW BUSINESS

3. Review of recently submitted applications

VMRC# 10-1546	Lexington Farms (non-tidal)
VMRC# 10-1552	VRE Third Rail (to Arkendale) (both)
VMRC# 10-1565	Hinz Pier (private pier)
VMRC# 10-1650	Duffield (bulkhead)
VMRC# 10-1677	VRE Brooke Lot (non-tidal)
VMRC# 10-1702	Riverbend HOA (community pier)
VMRC# 10-1715	Ben Allen (riprap)

Mr. Rudasill: Should we review the recently submitted applications?

***Wetlands Board
December 13, 2010***

Mrs. Forestier: Recently means you know the last six months. No. Recently submitted applications included VMRC 10-1546 which is for Lexington Farms, which is a subdivision, non-tidal impacts. I have VMRC # 10-1552 for the VRE third rail which goes all the way to Arkendale which has both impacts. But I am still waiting for some clarification from them on this...is this a Federal project or is this...okay, then we do not have any jurisdiction. But Dan is taking care of the tidal impacts.

Ms. Rust: I am just curious, it's the part that runs through Arkendale up and (inaudible) to Widewater or to the bridge.

Mrs. Forestier: Yes it goes all the way to...yes.

Mr. Hess: So if it's Federal they can do what they want to do with (inaudible).

Mr. Bacon: Here is what happens on that. Since it's stimulus money that is doing the project and since it is the State Railroad Commission that is helping also on the project. Even it is a for profit, they made the connection and we were told basically that it was a government function with us.

Mrs. Forestier: Right.

Mr. Bacon: The Wetlands Board does not have to get involved. There is only two tidal wetlands impacts on the whole project. The rest of it would be VMRC impacts (inaudible). But the two tidal impacts are up by Quantico, which I don't know if they would be...

Mrs. Forestier: One of them is just over...it's in Stafford but just outside of Quantico.

Mr. Bacon: But it wasn't...

Mrs. Forestier: Tank Creek I believe it is there.

Mr. Bacon: Those are really the only two wetland areas and since it is a government thing...you guys could if you wanted to but most of the time local government waives it because the law allows you to do that.

Mr. Hess: Is there a lot of wetlands?

Mrs. Forestier: No.

Mr. Bacon: It is even questionable in my opinion.

Mrs. Forestier: Whether they are tidal because of where they are. I had spoken with the lady who is Carolyn Keeler, I believe a while back about whether it was tidal or not. And it is kind of a...

Mr. Bacon: In fact there is a (inaudible).

Mrs. Forestier: Good question.

Mr. Hess: I was just curious if the Federal Government could come in and do what they wanted to do.

***Wetlands Board
December 13, 2010***

Mrs. Forestier: They are doing that with the HOT lanes as well, but I think the State is doing that one.

Mr. Bacon: The HOT lane is all a Federal because of monies dumped...

Mr. Hess: Yes I know.

Mrs. Forestier: So I don't have any say over the Ches Bay.

Mr. Bacon: But I will tell you because of the (inaudible) everything is pretty strict about what they can and can not do.

Mrs. Forestier: They have to do environmental impact assessments and Historical assessments. I know I have seen big things like this come through. The VRE application is this thick. So, yes. Okay. The next application is VMRC #10-1565 for the Hinz family to build a private pier out in Potomac Creek Estates. VMRC #10-1650 for the Duffield family to build a bulkhead there out on Dobe Point, I believe. I still need to do a site visit to determine the extent of the impacts on that one. VMRC # 10-1677 for the VRE Brooke parking lot which has non-tidal...some minor non-tidal impacts. They are expanding that parking lot apparently they want more people to park there, off the little road. Okay VMRC # 10-1702 if for the Riverbend Home Owners Association to build a community pier out in the Rappahannock. Mike Lott is actually working on that one because we were given very limited information and it was kind of like a little block with access going through other people's lots. So it was a little confusing. They have an access easement that we have to look into and I am not sure how that works out on the Rappahannock. What the length of the pier can be for the Corp of Engineers because it is a lot smaller, so we need to look into...

Mr. Bacon: I don't know if this county (inaudible) not in wetlands, (inaudible).

Mrs. Forestier: Yes. So we are working on that. And then we have VMRC # 10-1715 which is for Ben Allen to put riprap along the shore line. Originally it was a huge amount of riprap. It was seventeen feet wide by thirty four feet high, two hundred feet long. It would have cost...

Mr. Bacon: I did the calculations, it was like eighty six tons per linier foot as was designed, the rock would have cost a million dollars.

Mrs. Forestier: So...

Ms. Rust: Where is that property?

Mrs. Forestier: Potomac...on the Potomac, right on Marlboro Point.

Ms. Rust: (inaudible).

Mrs. Forestier: It is not that...it is high yes and they have a preexisting bulkhead that washed out so they also have beach right, because I have seen the pictures. I think that their options are a little bit less than what the original drawing showed.

Mr. Bacon: The problem is there the house is far enough back that he can grade the hill back. What Mike and I were talking about and (inaudible) we will have a meeting with VIMS. My

***Wetlands Board
December 13, 2010***

recommendations is to go two a hundred year flood stage. (Inaudible) flood level which will probably be about a foot...

Mrs. Forestier: We have eight.

Mr. Bacon: Eight?

Mrs. Forestier: Yes.

Mr. Bacon: Go with the eight to ten feet with the rock, big rock. Three thousand pound rock and then grade the hill back down into it and give you a two to one, three to one slope (inaudible).

Mrs. Forestier: Then plant it like the Millison's did.

Mr. Bacon: A breakwater system would be what we would really like to see, but can people afford a breakwater system? So it comes down to going back and saying what is the next best thing that we are looking at, that is why VIMS is going to go out there and like I said Mike and I have talked about it. The neighbor also wants to get his done right away. So it going to be a total of about two hundred linier feet of shoreline that is going to be stabilized.

Mr. Hess: (Inaudible) Marlboro Point always reminds me of Calvert Cliffs over in Maryland in the bay and people were loosing homes there and there was nothing you could do about it. They are moving the homes, they are tearing them down that is all you can do. If they...if it wasn't Calvert Cliffs over there, is there anything they could do with that area?

Mr. Bacon: The problem is if you build a house close to the shoreline you have kind of...and let's say you only have twenty five or thirty feet of shoreline. We have that in Westmoreland where (inaudible) it comes to...one lady called me and said what can I do? I said move your house and she actually bought the lot across and moved her house. The other thing is because of the engineering standard that I would require because it is right on a cliff, you are talking about a forty foot cliff in some spots (inaudible). By the time you build a three tier bulkhead down there, that would be able to handle that kind of weight and then you have got to worry about your neighbors, that would probably be five or six hundred thousand dollars just in design and building cost. If you house is only worth three hundred thousand, is it worth paying a half million dollars and the lady decided hey I will buy the lot across the street for forty thousand dollars and move my house over there and I will be better off. Some of these people, they just loose their houses, it is just a fine line. I mean is it worth...

Mr. Hess: Is it cost effective?

Mr. Bacon: Cost effectiveness of doing it. Just (inaudible) I mean a hundred years a lot of the shoreline even in this area is not going to be there.

Mr. Hess: It won't be there.

Ms. Rust: We won't be here either. I can guarantee you that.

Mrs. Forestier: Okay, I believe that was the final application so far. That is the end of the new applications.

***Wetlands Board
December 13, 2010***

Mr. Rudasill: Does the staff have anything else to report?

CHAIRMAN'S REPORT

None

STAFF REPORT

Mrs. Forestier: The only thing I can report is that there seems to absolutely no interest at the Board level to quickly fill the last Board position for the Wetlands Board. So hopefully at the end of January we should have a new Board member.

Mr. Rudasill: I recommended a guy.

Mrs. Forestier: Did you?

Mr. Rudasill: I call Milde, yes.

Mrs. Forestier: Okay.

Mr. Rudasill: He has the name of a fellow that lives in Aquia Harbour that is interested. Paul Golden, I don't know if you know him or not.

Mrs. Forestier: That name sounds familiar.

Mr. Rudasill: He is on the Board of Directors for Aquia Harbour.

Mrs. Frostier: Okay, it is better to have five always.

Mr. Rudasill: (Inaudible).

Mrs. Forestier: I think that is the only thing I can think of right now. I am sure we will have more next month.

ADJOURNMENT

Mr. Rudasill: Okay, is there a motion for adjournment?

Mr. Hess: So moved.

Ms. Rust: And I second it.

Mr. Rudasill: Meeting adjourned.

With no further business the meeting adjourned at 7:24 P.M.