

STAFFORD COUNTY
Wetlands Board Minutes
August 16, 2010

The regular monthly meeting of the Stafford County Wetlands Board of August 16, 2010, was called to order at 7:00 p.m. by Chairman Ben Rudasill in the Board Chambers Conference Room.

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

MEMBERS ABSENT:

STAFF PRESENT: Michael Lott and Aisha Hamock

PUBLIC PRESENTATIONS: None

APPROVAL OF MEETING MINUTES

1. March 15, 2010 and April 19, 2010

Mr. Rudasill: Approval of the meeting minutes from March 15th and April 19th Wetlands Board Meetings. Are there any comments or edits to the March 15th or April 19th meeting minutes?

Mr. Hess: I make that motion to approve both the 15th and the 19th minutes.

Mr. Pineau: I second that motion.

Mr. Rudasill: The motion passed 3-0.

PUBLIC HEARINGS

1. Wetlands Permit WB10-05 – A wetlands permit for John Rust to construct approximately 460 feet of riprap bank protection, 150 feet of riprap breakwaters and modifications to 120 feet of existing riprap breakwaters on Assessor's Parcel 41-1A, Potomac River.

Mr. Rudasill: The next item on the agenda is the public hearing.

Mr. Lott: Consider the application of Mr. John Rust to install approximately 150 feet of riprap breakwaters, modify 120 feet of existing breakwaters and construct approximately 460 feet of riprap bank protection on Assessor's Parcel 41-1A, Potomac River. The modified breakwaters require a wetlands permit as they are not a permitted use pursuant to Section 27-18 of the Stafford County Wetlands Ordinance entitled "Permitted Uses." In addition, the proposed riprap bank protection requires a beaches and dunes permit as it is not a permitted use pursuant to Section 27A-3 of the Stafford County Coastal Primary Sand Dunes Ordinance entitled "Permitted uses and activities on primary dunes." The purpose of this project is to provide improved shoreline erosion control protection. The Wetlands Board staff visited the site to review the proposed project on August 3, 2010. The property is located along the Potomac River on the Widewater Peninsula. The property consists of a relatively flat peninsula ranging from sea level to approximately 20 feet in elevation and lies between Holly Marsh to the west and the Potomac River to the east. The land drops steeply down to the Potomac River. A previously permitted (VMRC #09-0495-8 and #04-1477) revetment and breakwater system extends approximately 1,650 feet along the shoreline. Natural bays or tombolos have formed between the existing breakwaters. The existing breakwater system has allowed a variety of vegetated wetland communities to form, including both emergent and scrub-shrub wetlands. The location of the proposed riprap revetments and breakwaters and how they would tie into the

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existing breakwater were reviewed. Two sections of riprap bank protection are proposed, one approximately 350 feet in length and the second 110 feet in length. These two sections of bank are not currently protected by riprap. There is evidence of continuing erosion during storm events in these two locations. The existing bank would be re-graded to a more gentle slope and fill material would be placed at the toe of the slope. The fill material would be approximately 10 to 15 feet in width and 7 to 8 feet in high and would be maintained at a slope of 5:1. This slope would be replanted with native vegetation appropriate for the Resource Protection Area (RPA). The front of this fill material would be protected with Class II riprap to an elevation of approximately 4.5 feet. The toe of this slope would be protected by 12 inches of surge stone wrapped with filter cloth. Approximately 4,600 square feet of beach would be affected by the two sections of riprap bank protection. The application also proposes that approximately 120 feet of existing breakwaters located between existing gabion breakwaters will be modified in four locations. These modifications will enlarge the existing breakwaters using Class II riprap and will bring them up to the height of and connect them to the gabion breakwaters. The elevation of the modified breakwaters would be slightly above mean high water. Approximately 360 square feet of non-vegetated wetlands would be affected by these proposed modifications. Finally, the application also proposes to install approximately 150 feet of new riprap breakwaters using Class II riprap. These breakwaters would be installed in three locations. Each of the new breakwaters would be installed 10 feet waterward of the existing gabion breakwaters. This design was chosen because it will allow for shoreline protection while still permitting fish and crabs access to the wetlands located behind the existing gabion breakwaters. Approximately 900 square feet of fill will be placed in subaqueous lands in the jurisdiction of the VMRC. The following alternatives are available to the Board: 1. Adopt proposed Resolution WB10-05 which approves the request with conditions; 2. Adopt proposed Resolution WB10-06 which denies the request; 3. Take no action at this time. Staff recommends approval of the breakwaters and riprap revetments as proposed. The proposed project will serve a dual purpose by stabilizing the shoreline and decreasing erosion. Shoreline protection is justified in this location given the continuing erosion of the bank. Ideally, to protect the beaches, the existing slope would be graded further than proposed and the riprap placed at the toe of the existing slope. However, the close proximity of the road and underlying electric line to the slope make this impractical. The proposed project would result in the loss of approximately 360 square feet of non-vegetated wetlands. However, since the existing breakwater system have resulted in the creation of approximately 15,000 square feet of vegetated wetlands and the proposed breakwaters would likely result in the creation of additional vegetated wetlands, no in-lieu fee will be applied.

Mr. Rudasill: The public hearing is now open. Would the applicant or the contractor like to address the Board.

John Rust: I am the applicant and the contractor. Basically, I will just answer your questions if you have any. I can tell you a little bit of the history. This is the third time that we have been back. We started this about fifteen years ago and it is close to 1700 linear feet of shoreline. We have been doing it ourselves and it has created a lot of wetlands and it is something that is environmentally sound and we would like to finish it. I think this application would do that.

Mr. Rudasill: Would anyone else like to make a comment on the application? The public hearing is closed and open to the Board for discussion of the application.

Mr. Rust: Actually, I do have one more thing. In the report it says that we have two years to complete this and if we could get additional time, it would be appreciated.

Mr. Hess: Like what? Three years?

Mr. Rust: What is the policy? If you have two or three years and you go beyond that, are you allowed to come back without a reapplication?

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Mr. Lott: No, you would not have to do an application. You would come to the Board to do an extension of the permit but it would not require another fee. We have done some longer than two years. We have done some that were three to five years.

Mr. Rust: Five years sounds better.

Mr. Pineau: Is that proper for that to be authorized at this hearing?

Mr. Lott: Yes, it is appropriate for the Board to alter the permit.

Mr. Bacon: I know at VMRC, the max we will do is a three year permit, then extension up to ten years. The max we would do is three years at a time and they can ask for an extension at that time. All it is an administrative signature by staff.

Mr. Rudasill: Okay.

Mr. Lott: This requires you to pay attention to the dates and make the request before the permit expires.

Mr. Rudasill: Is there a motion?

Mr. Pineau: I move to approve application WB10-05.

Mr. Hess: I second the motion.

Mr. Rudasill: The motion passed 3-0.

OLD BUSINESS

None

NEW BUSINESS

3. Review of recently submitted applications

VMRC# 10-0569	John Larmer (pier extension)
VMRC# 10-0578	M.H. Willis (pier extension)
VMRC# 10-0589	Jack Cunningham (pier replacement)
VMRC# 10-0692	Martin Miller (pier replacement)
VMRC# 10-0716	Ben Brainard (boathouse)
VMRC# 10-0717	Ben Brainard (dredging)
VMRC# 10-0716	Rick Knutson (new pier)
VMRC# 10-0717	Stafford County Utilities – Austin Run Water Line (non-tidal)

Mr. Rudasill: Let's review the recently submitted application and review the applications.

Mr. Lott: Sure, I won't read through each one individually. There were five recently submitted pier extension and pier modification projects that were by right projects that will require permits from Code Administration and the appropriate State and VMRC. Mr. Ben Brainard, if you remember him, came to the Board several years ago for a rip rap revetment in Aquia Harbour and he has a couple VMRC applications in 10-0716 and 10-0717 for a new boathouse and dredging. I believe the dredging was below mean low water and out of our jurisdiction. So that will not be coming to...

Mr. Rudasill: A boathouse in Aquia Harbour?

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Mr. Lott: That is what he was trying to do. Something that I was going to discuss later and why he may not choice to do it. The other application was for Stafford County Utilities for a water project along Austin Run, which is a non-tidal project and will not be coming to the Wetlands Board. We still have two outstanding applications, one for the project along Government Island in Aquia Harbour to reinforce Austin Run. I meant to talk to Keith Dayton in Public Works about where that was and why we had not seen it come through. We made some modifications to the permit, then went to the state and came to us but they have not come to me yet to pay for the fee to actually come to the Board. I am kind of surprised because they have been really going gung ho on that project and nearly finished and should be opened to the public in the Fall. The other one is for, this is an on going after the fact permit, out in Aquia Creek, the Milleson's. We have been working with them since January and they are doing the permit themselves and they got confused. I guess their contractor was doing it and that is still not in so I am going to have to send them the mean letter talks about \$20,000 a day fines and things to get them to actually do the process. I will give them a call one more time and see what the hold up is and otherwise I will have to be the mean guy and send the letter that gets peoples attention. Other than that, that is about it that I know of at the moment. There are some projects that people have discussed but they have not come in yet. That would be it for the recently submitted applications.

CHAIRMAN'S REPORT

None

STAFF REPORT

4. Information on violations and enforcement

Mr. Rudasill: Is there anything staff would like to discuss?

Mr. Lott: I do have one thing that has been going on with the piers and boathouse that Code Administration is after. This is good for anyone who lives on the water who decided that, it has always been in the State Code, that if you are designing a structure that it should have an engineer stamp before it goes and gets his building permit but the County has never enforced that. I guess they used to do that in the 1980's and they went away from it and now they have decided to go back to this. This has caused a lot of angst among contractors and homeowners because it obviously casts a lot more money to do this. Primarily the reason was things built within the 100 year flood plains are supposed to be designed to withstand 100 year floods and that requires in the code to have the appropriate engineered seal. Unfortunately, they don't want to get that so we end up having more issues with that lately is people building piers without getting the appropriate permits. It does not come to the Wetlands Board but has been causing hassle with Public works and Dan. Dan and I were out once where we saw the guy down on the dock and they turned and high tailed it back up the stairs when they saw us coming.

ADJOURNMENT

With no further business the meeting was adjourned at 7:21 PM.