

STAFFORD COUNTY
Wetlands Board Minutes
March 15, 2010

The regular monthly meeting of the Stafford County Wetlands Board of March 15, 2010, was called to order at 7:05 p.m. by Chairman Ben Rudasill in the Board Chambers Conference Room.

MEMBERS PRESENT: Ben Rudasill, Mary Rust and Sam Hess

MEMBERS ABSENT: Andy Pineau

STAFF PRESENT: Amber Forestier, Michael Lott and Aisha Hamock

PUBLIC PRESENTATIONS: None

Mr. Lott: Is there any public presentations? Since there is no one from the public here, I will say no. We will move onto the Election of Officers.

ELECTION OF OFFICERS

1. Election of Wetland Board Chair and Vice-Chair for 2010.

Mr. Lott: Is there a nomination for the Chairman?

Mr. Hess: I will nominate Ben Rudasill as Chairman.

Ms. Rust: I second the motion.

Mr. Lott: All in favor say aye.

Mr. Hess: Aye.

Ms. Rudasill: Aye.

Ms. Rust: Aye.

Mr. Lott: The motion passes 3-0. Now we need a nomination for the Vice-Chairman.

Mr. Hess: I nominate Mary Rust for Vice-Chairman.

Mr. Rudasill: I second the motion.

Mr. Lott: All in favor say aye.

Mr. Hess: Aye.

Ms. Rudasill: Aye.

Ms. Rust: Aye.

Wetlands Board
April 20, 2009

Mr. Lott: The motion passes 3-0. Alright Mr. Rudasill, I guess you can take it from there for approval of meeting minutes.

APPROVAL OF MEETING MINUTES

2. April 20, 2009

Mr. Rudasill: Approval of the April 20, 2009 meeting minutes.

Mr. Hess: I make a motion to approve the minutes.

Mr. Rust: I second the motion.

Mr. Rudasill: All in favor say aye.

Mr. Hess: Aye.

Ms. Rudasill: Aye.

Ms. Rust: Aye.

Mr. Rudasill: The motion passes 3-0.

PUBLIC HEARINGS

3. Wetlands Permit WB10-01 – An after-the-fact wetlands permit for Mike Degen to construct four groins extending a maximum of 18 feet channelward of mean high water on Assessor's Parcel 49C-2-1-15C, Potomac Creek.

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

Mrs. Forestier: Wetlands Permit WB10-01, An after-the-fact wetlands permit for Mike Degen to construct four groins extending a maximum of 18 feet channelward of mean high water on Assessor's Parcel 49C-2-1-15C, Potomac Creek. The groins require a wetlands permit as this project is not a permitted use pursuant to Section 27-18 of the Stafford County Wetlands Ordinance entitled "Permitted Uses". The purpose of this project is to provide a beach area and safer access to the water, the wetlands board staff was informed of a possible violation on July 20, 2009 and met onsite with the homeowner, Mr. Degen on July 24, 2009. Staff has visited the site to review the project again on September 24, 2009 and December 16, 2009. This site is located on Potomac Creek and the land slopes at approximately 2 to 1 slope from the water front all the way up to the house and I believe that it is about 160 feet up to the house. The location of the groins and the possible impacts from the shoreline from the project were reviewed. There are a number of trees in the areas of the groins although none were impacted by the construction. There is some wetlands vegetation along the shoreline growing through the sand as the photos indicate. There is evidence there were smaller groins that were built with building debris such as bricks that we clearly saw in all four of the locations. They put rip rap over the top of all four of the existing groins. Each expanded groins measures between three to five feet in width and thirteen to eighteen feet long and the total impact of both existing and the expanded groins, tidal wetlands is 184 square feet. Some sand had also been placed above mean high water on the site to create a larger beach area. Photographs are attached to the application. There is no shore line protection to the southwest of the project with a lawn all the way down to the water with little erosion evident. The property to the northeast has no shoreline protection and there is some tidal wetlands vegetation, it also almost forms a little cove in that corner. The applicant recently purchased the

Wetlands Board
April 20, 2009

property and informed the contractor that he wished to enlarge the existing small groins the contractor indicated that permits would not be required prior to the construction of the groins because there were already some small groins on site and they were just enlarging them and they report them afterwards from what I remember him saying. Staff has determined that no permits were ever applied for or issued for the original groins on this parcel but this was done many years ago by the prior owner. An in-lieu fee payment in the amount of \$2,263.20 is therefore required for the entire footprint of the groins before a permit is issued. The Army Corp of Engineers (ACOE) has determined that this project qualifies for a regional permit nineteen. VMRC has stated that a permit will be required after we decide on our permit. The Virginia Institute of Marine Science report stated that the groins appeared to be for recreational purposes and not for shoreline erosion control, therefore the impacts do not appear to be justified. That report concluded that a rock sill parallel to the shore, beach nourishment and the planting of wetlands and riparian vegetation would be a preferred alternative. The alternatives available to the Board are to adopt the proposed resolution WB10-01, which approves the request with conditions or adopt proposed resolution WB10-02, which denies the request the removal of the groins. You could also defer it to a further meeting if you wished for more information.

Mr. Hess: Did they pay the \$2,263 in fees?

Ms. Forestier: No, it would be paid prior to us releasing the permit.

Mr. Hess: I thought there was an application fee?

Ms. Forestier: No, he paid the basic application fee, the \$675. The way we looked at this one, there were existing groins on that site, you can even see them in the photographs. He is actually paying for the existing groins plus the addition to it. It was widened and lengthened somewhat but this was done by a prior owner of the parcel. If the contractor had actually measured the existing ones then he might not have had to pay so much in in-lieu fees.

Mr. Hess: There was no permit for the existing groins?

Ms. Forestier: Not that we could find anywhere.

Mr. Hess: So there are two violations here technically?

Ms. Forestier: Right but the previous homeowner had those groins out there, we had photographs after Isabel out there and the groins were out there in 2004 already. I am not sure when they were constructed.

Mr. Hess: Who informed the county of the violation?

Ms. Forestier: It was a neighbor.

Mr. Hess: Was this just the damages wetlands?

Ms. Forestier: That is the total impact with the enlarged areas.

Mr. Hess: So really that area was wetlands that were damaged?

Ms. Forestier: We don't know because there were existing groins there so we were not sure as to how much... There did not appear to be a lot of vegetation growing through the stone but there were in a few areas. Some of the length is not even included in that because it goes out in the subaqueous.

Mr. Hess: So if we deny this what happens?

Ms. Forestier: If it is denied they would have thirty or sixty days to remove them.

Mr. Hess: Did the applicant say he was coming tonight?

Wetlands Board
April 20, 2009

Ms. Forestier: He decided against it because he was a little bit upset at the cost of the in lieu fees, which was three or four times more than the rock he had placed there. He did not want to speak out of turn. He has actually gone through the permitting process properly to redo his pier and everything else out there. Once he knew what was required, he made sure the contractor did it.

Mr. Hess: If we approve this tonight, can we set a timeframe to do something?

Ms. Forestier: If he does not pay for it he would have to take it out.

Mr. Hess: He would still be responsible.

Ms. Forestier: Right.

Mr. Lott: We can alter the conditions so it states that explicitly.

Me. Hess: He needs to know that. He just can't say that I am not going to pay this. He can't walk away at this point. I say we approve this and he needs to pay this and call the contractor.

Ms. Forestier: That can be done.

Mr. Hess: I make a motion that we approve WB10-01 with conditions.

Mr. Rudasill: Second. All those in favor say aye.

Mr. Hess: Aye.

Ms. Rust: Aye.

Mr. Rudasill: Aye. The motion passed 3-0.

Ms. Forestier: I will just add that he needs to pay \$2263 prior to the issuance of a wetlands permit or remove the groins within sixty days.

OLD BUSINESS

None

NEW BUSINESS

4. Review of recently submitted applications

- VMRC# 09-0644 Stafford County Landfill Expansion (non-tidal)
- VMRC# 09-0656 Sunrise Lake Memorial Garden (non-tidal)
- VMRC# 09-0721 Gary Groomes (pier and boathouse)
- VMRC# 09-0744 Quantico MCB- FBI Expansion (non-tidal)
- VMRC# 09-0783 Stafford 95 Business Centre Parcel 14B (non-tidal)
- VMRC# 09-0810 Bridlewood Estates Re-application (non-tidal)
- VMRC# 09-0916 Edward Lawrence (pier expansion)
- VMRC# 09-0919 Dominion VA – Abel Lake (non-tidal)
- VMRC# 09-1021 Lillian Estates (non-tidal)
- VMRC# 09-1075 Gary Smith (boathouse)
- VMRC# 09-1088 Qwest Communication (non-tidal)
- VMRC# 09-1102 Hills of Aquia (non-tidal)

Wetlands Board
April 20, 2009

VMRC# 09-1120 Stafford 95 Business Centre Parcel 14F (non-tidal)
VMRC# 09-1250 Mike Degen (pier expansion)
VMRC# 09-1449 Chris Milleson (boathouse)
VMRC# 09-1524 Columbia Gas of VA (non-tidal)
VMRC# 09-1645 Mark Ellwood (pier)
VMRC# 09-1647 Aquia Harbour POA (Marina expansion)
VMRC# 09-1807 Suzanne Zetty (pier)
VMRC# 10-0169 Stafford Crossing Community Church (non-tidal)

Mr. Lott: I will review the recently submitted applications.

Ms. Forestier: Just the tidal impact. It has been a year and there are quite a few.

Mr. Lott: We had VMRC# 09-0721, Gary Groomes (pier and boathouse); we had VMRC# 09-0916 Edward Lawrence (pier expansion); VMRC# 09-1075, Gary Smith (boathouse); we have VMRC# 09-1250 Mike Degen (pier expansion); VMRC# 09-1449, Chris Milleson (boathouse); we have VMRC# 09-1645 Mark Ellwood (pier); we have VMRC# 09-1647 Aquia Harbour POA (Marina expansion); VMRC# 09-1807 Suzanne Zetty (pier). These are the applications coming up.

CHAIRMAN'S REPORT

None

STAFF REPORT

5. Beaches and Dunes Ordinance update.

Mr. Lott: We discussed having Julie Bradshaw come up from the Virginia Institute of Marine Science to provide a training course and to go over the Wetlands Boards duties as well as the new Beaches and Dunes stuff. Because of Rick not being here and Andy, we decided to postpone that. Is that something the Board would be interested in doing? And do we want to try to do this in April or do we see if the Board of Supervisors a new Wetlands Board member.

Mr. Hess: I would definitely like to do something like that.

Mr. Rudasill: What time would you like to do it?

Mr. Lott: That was the other question to you guys, it will take her approximately about an hour and a half. Could you be here at 5:30 before the meeting?

Ms. Rust: I would love to be here.

Ms. Forestier: Why don't we just set it up for April and then there is probably a Wetlands Board boot camp this year. If we get a new member, we can go down too.

Mr. Lott: Okay, so we will schedule the training for April.

Wetlands Board
April 20, 2009

ADJOURNMENT

Mr. Hess: I make a motion to adjourn.

Ms. Rust: I second the motion.

With no further business, the meeting was adjourned at 8:00pm