

**STAFFORD COUNTY
CHESAPEAKE BAY BOARD MINUTES**

OCTOBER 19, 2015

The regular monthly meeting of the Stafford County Chesapeake Bay Board of October 19, 2015, was called to order at 7:32 p.m. by Chesapeake Bay Board Chairman, Jim Riutta, in the Board of Supervisors Chambers in the George L. Gordon, Jr., Government Center.

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

MEMBERS ABSENT:

STAFF PRESENT: Amber Forestier and Denise Knighting

GUEST PRESENT:

DECLARATIONS OF DISQUALIFICATION

PUBLIC PRESENTATIONS

None

APPROVAL OF MEETING MINUTES

1. September 21, 2015

Mr. Rudasill made a motion to approve the minutes.

Mr. Pineau seconded.

The motion passed 5-0.

PUBLIC HEARINGS

None

UNFINISHED BUSINESS

2. Chesapeake Bay Board Permit CBB15-01 - Requests a Special Exception per Stafford County Code, Section 27B-8(b)(5)b. "Critical Resource Protection Area (CRPA) buffer requirements," to allow the construction of a detached garage within the landward 30 feet of the 100 foot-wide CRPA buffer on Assessor's Parcel 18E-2-43. The property is zoned A-2, Agricultural, located at 7 Pleasure Court in The Estates subdivision.

Mr. Riutta asked staff to present the updated information.

Mrs. Forestier stated at the public hearing on September 21st the Board deferred this application for additional information. The Board had several questions and requested additional information with regards to the required mitigation and potential stormwater management measures in order to make an

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informed decision. A copy of the original staff report was included as Attachment 1. The Board requested the specific language found in Section 27B-8(b)(2) of the Chesapeake Bay Protection Area code, which follows: The RPA buffer area requirements, part 2 states that when replanting is required to establish a buffer, a combination of trees, groundcover, and shrubs with a demonstrated ability to improve water quality shall meet the intent of the buffer area. Replanting shall be consistent with the tables in Appendix D of the Riparian Buffers Modification and Mitigation Manual, dated September 2013. Staff included a copy of Chapter 5.1 from the Buffer Modification Manual which describes the requirements for "Buffer Establishment, Replacement and Restoration" and also includes the information found in Appendix D. Based on the requirements for a quarter acre or less of buffer, the mitigation for the proposed 1,600 square foot garage would be the 400 square foot base plantings multiplied by four (4) which results in about 4 canopy trees, 4 understory trees, 8 large shrubs and 12 small shrubs and groundcover. Please note that this schedule can be modified and still meet the requirements with more of the larger trees or smaller trees depending on the site and the space. The plantings could be evenly spread across a rectangular 1600 square foot area or placed in more clustered groups to mimic a natural forest, which is something that is becoming more common. Staff has also discussed the proposed construction of the garage with our stormwater engineers and the consensus was that the soils are not conducive to low impact development techniques such as rain gardens or infiltration trenches. Instead, it was suggested that perhaps the rainwater be diverted using gutters into two or more rain barrels, which would in turn be used to water the required mitigation plantings. This would stop the water from flowing down the hill and creating more erosion. Please see the attached site sketch, which is attachment 4, to see where the idea of the plantings, gutters and rain barrels would be. Please note that the location of the mitigation area shown is general in nature and may vary depending on site conditions and planting needs, depending on the exact location of the drainfield. If the Board is inclined to approve the request, staff recommends the following conditions: The garage shall be built in the location shown on the plan dated September 16, 2015 with a maximum encroachment within the CRPA buffer of 30 feet. The limits of the 30 foot encroachment shall be clearly marked on-site prior to any construction beginning on the garage. Clearing, grading and excavation for cement and footers within the RPA buffer shall be limited to a maximum of 10 feet beyond the garage walls, while not exceeding the 30 foot maximum encroachment. Replanting of a 1,600 square foot area CRPA buffer that currently exists as lawn per the guidelines in Appendix D, Table A in the Riparian Buffer Modification and Mitigation Manual. A landscaping plan with a maintenance component shall be submitted to and approved by County staff. The vegetation shall be planted prior to the approval of a building permit for the garage. The garage shall include gutters, downspouts and rain barrels in order to control stormwater run-off. A minimum of 2 downspouts and rain barrels, with one on each side, shall be required.

Mr. Sakry stated he had no other comments. He stated the conditions seemed very clear and easy to do.

Mrs. Rust asked about if the soil was sandy.

Mrs. Forestier stated she would have to go back and look. She stated they looked at the soils maps and the type of soil did not have a high infiltration rate, which would not support a rain garden. And because it is steep the run-off would go down the hill.

Mr. Rudasill asked about the rain barrels.

Mrs. Forestier stated they range from 50 to 70 gallons and the downspouts would be attached to catch the rain with a spigot at the bottom and the water would be used to water the plants.

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Mr. Riutta asked about a requirement for the period of survival for the plantings.

Mrs. Forestier stated the condition stated a landscaping plan with a maintenance component shall be submitted and approved by the County. She stated the maintenance for something like this would be 2 years.

Mr. Riutta asked if the actual structure went into the buffer 30 feet.

Mrs. Forestier stated they are not allowed to dig up the ground or build the structure any closer than 30 foot and that would be marked with spray paint.

Mrs. Rust stated she has a concern with rain barrels, because the need maintenance and they can overflow, which would be an issue.

Mr. Riutta stated the structure shows being 2 cars deep with additional areas for wood working. He asked Mr. Sakry if he was willing to decrease approximately 8 feet, decreasing it 22 feet instead of 30 feet.

Mr. Sakry stated the 30 feet maximum feet soil disturbance will make the garage shorter.

Mrs. Forestier stated it would have to be smaller.

Mr. Sakry stated he has not done the measurements between the septic tanks and the corner of the garage, which may cause the first 6 feet 26 or 28 feet wide. He stated it was unlikely it would be 48 feet, because there was not enough room to allow it. He stated he works with irrigation statistics with the Department of Agriculture and would be attending an Irrigation Association Conference and he could get ideas for rain barrels.

Mrs. Rust stated she was more concerned with the overflow during a rain event.

Mr. Sakry stated he needs to measure the capacity and suggested the possibility of 4 barrels instead of 2 and with overflow not going over the barrels but going to the planting area.

Mrs. Forestier stated that could be listed as a condition.

Mr. Riutta stated the concern was when the house was sold and if someone did not maintain the barrels.

Mr. Sakry stated in his opinion once the vegetation was established the ease of maintenance would be better.

Mr. Riutta asked about calculations.

Mrs. Forestier stated staff could come up with some basic calculation. As to how much water would have to be captured.

Mrs. Rust stated her concern was not with this homeowner and the maintenance issue.

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Mrs. Forestier stated perpetual maintenance could be a condition and it would apply to whoever owns the parcel.

Mrs. Rust asked who would enforce it.

Mrs. Forestier state the zoning staff, it is complaint based but it would go with the land not the owner.

Mr. Rudasill stated running a PVC pipe to the bottom would not be an option.

Mrs. Forestier stated that would be more detrimental to the stream channel because it would funnel it directly into the stream. Stormwater management would not allow that because you cannot increase the water flow at all.

Mr. Riutta stated he recalled 70 percent of the water and 40 percent of the nutrients needed to be absorbed in the buffer.

Mrs. Forestier stated that was the average for the 100 foot buffer.

Mr. Riutta asked if the plantings were designed to offset that.

Mrs. Forestier stated definitely and overtime other things will be growing and go back to a more forested state.

Mrs. Rust asked about the grade of the slope.

Mrs. Forestier explained it was on one side but the back was more even. She suggested directing the water away from the hill.

Mrs. Rust asked if maintenance was lax it would be up to someone to report the violation.

Mrs. Forestier stated we were complaint based. She stated she would notice trees being removed from the aerial photos that are being updated every year.

Mr. Hess made a motion for approval with conditions suggested by staff.

Mr. Riutta asked if he could make a friendly amendment to have staff recommend, based on the runoff of the building, to insure adequate capacity for the runoff.

Mr. Hess accepted the amendment.

Mr. Rudasill seconded the motion.

The motion passed 4 to 1 (Mrs. Rust opposed).

3. Update to the Board by-laws

After a brief discussion concerning the by-laws, Mr. Pineau made a motion to defer the item to the next meeting for additional language.

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Mr. Rudasill seconded.

The motion passed 5-0.

NEW BUSINESS

None

CHAIRMAN'S REPORT

None

STAFF REPORT

None

ADJOURNMENT

Mr. Rudasill made a motion to adjourn.

Mr. Pineau seconded.

The motion passed 5-0.

With no further business to discuss the meeting adjourned at 8:11 p.m.