

**STAFFORD COUNTY WETLANDS BOARD MINUTES**  
**September 21, 2015**

The regular monthly meeting of the Stafford County Wetlands Board of September 21, 2015, 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, Andy Pineau, and Ben Rudasill

MEMBERS ABSENT: Sam Hess

STAFF PRESENT: Amber Forestier, Joseph Fiorello, and Denise Knighting

GUEST PRESENT: Jeffrey Madden, Virginia Marine Resources Commission

ROLL CALL

Mr. Riutta called roll and it was determined there was a quorum with four members present. He asked if there were any public presentations. With no one coming forward he moved on to the approval of minutes.

PUBLIC PRESENTATIONS

None

APPROVAL OF MEETING MINUTES

August 17, 2015

Mr. Pineau made a motion to approve the minutes.

Mrs. Rust seconded.

The motion passed 4 – 0 (Mr. Hess was absent).

PUBLIC HEARINGS

1. Wetlands Permit WB15-05 - A wetlands permit for David Fredrick, Sophia Lynn, and James and Cynthia Moore, applicants, to construct a 227-foot rip-rap revetment along the Potomac River.

Mr. Fiorello presented the staff report. He stated the riprap 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 purpose of this project is to provide improved shoreline erosion control protection. County Staff visited the site to review the proposed project on September 3, 2015. The property is located east of Marlborough Point Road along the Potomac River; just north of Betts Road. The topography of the parcel is relatively flat and slopes gently towards a bluff along the Potomac River where there is a drop of approximately 22 feet down to the river. Continued erosion is evident by the undercutting of the bluff along the entire length of both parcels. The proposed riprap revetment would extend approximately 227 feet along the shoreline. According to the applicants, there may be a need for grading of the bank and a drainage system may need to be installed. Grading and drainage

*Wetlands Board Minutes  
September 21, 2015*

system plans, if needed, will be engineered by others. Sloughed sedimentary rock will be removed in preparation for filter cloth placement. Filter cloth will be installed within the intended footprint of the rip rap revetment. Class A1 and Class 1 stone will be placed on top of the filter cloth and will serve as the core of the revetment. The core will be placed at the foot of the bluff and extend channel-ward to approximately 0.5 feet below mean-low-water. The core will be covered, from the foot of the bluff to approximately 1.2 feet below mean-low-water, with Class II armor stone at a 1.5-2 to 1 slope. The riprap revetment will extend up the slope to a height of approximately 7 to 8 feet. There will be no impacts to vegetated wetlands. Impacts to non-vegetated tidal wetlands are 700 square feet and 1,272 square feet of impacts to sub-aqueous bottom. The 700 square foot area is therefore considered to be tidal wetlands and mitigation must be required for impacts. As this project does not propose a hard structure, staff has applied the in-lieu fee charge of \$7.44 per square foot of tidal wetlands impacts, which applies to less-environmentally damaging shoreline projects. The application being presented includes a total of 700 square feet of tidal impacts, which results in an in-lieu fee of \$5,208.00. A permit from VMRC for subaqueous impacts will be required. The following alternatives are available to the Board, 1) Adopt proposed Resolution WB15-05 which approves the request with conditions, 2) Adopt proposed Resolution WB15-06 which denies the request or 3) take no action at this time. Staff recommends approval of the riprap revetment 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 caused by wave action along the river.

Mr. Riutta opened the public hearing and asked the applicant or contractor to come forward.

Craig Palubinski stated he was with Bay Shore Design and he was the agent representing the request. He stated this was a redo of an application that was submitted and approved in 1999 for Ed and Carolyn Tenstead that was never installed. He stated currently they were proposing 227 feet of riprap revetment over 2 lots. He would start on the north property, owned by James and Cynthia Moore with 42 feet of riprap replaced on their property then 185 feet on the parcel owned by David Frederick and Sophia Lynn. He explained the north end of the proposed revetment would tie into existing riprap that was installed in 1999 or 2000. He stated he would tie in with the toe of that revetment 227 feet down river to the approximate property line between parcels 18 and 19. He stated the revetment would be a minimum of 2 layers of Class II armor stone, coming up about 7 or 8 feet above mean low water mark with the toe extending out approximately 14 feet from the face of the fossilized bank. He stated he thought it was the intent of the homeowner not to grade the back, but they have not selected a contractor yet. He stated the Corp of Engineers has issues their permit and they have not received any objections from the adjacent property owners and they are going through the public review process through VMRC.

Mr. Rudasill asked if the riprap would be brought up to the hard level.

Mr. Palubinski stated it would be just short of it.

Mrs. Rust asked if the idea was to install the riprap and have the bank naturally collapse down.

Mr. Palubinski stated he thought they will need to do some shaping of the bank and he advised them to consult with a geotechnical engineer. He stated water comes out of the bank even during dry season.

Mr. Riutta stated he would close the public hearing and bring it to the Board for discussion.

Mr. Rudasill stated Ms. Lynn phoned him and stated she could not attend the meeting tonight because she fractured 2 vertebrae. But they have been trying to get this put together for quite a while because when it erodes it snaps off about 6 feet at a time.

*Wetlands Board Minutes  
September 21, 2015*

Mr. Riutta asked staff about the in-lieu fees because they were not disturbing wetlands, but they were affecting tidal wetlands non-vegetation.

Mrs. Forestier stated there was no difference in the eyes of the State or the Federal Government. She stated the way the original in-lieu fees were written there was no distinction. She stated it was decided to do the lower fee for more environmentally friendly things like living shorelines or rip rap revetments and higher fees for harden shorelines, like a bulkhead, because it was more damaging. She stated either way they would have to pay an in-lieu fee. She stated the State and Federal Code require no net loss of wetlands and it has to be mitigated.

Mrs. Rust asked when this project would begin.

Mr. Palubinski stated he did not know. He asked the Board if they could have a 3 year time frame on the permit if the Board approved the application and then it would coincide with the VMRC and the Corp of Engineers permits.

Mr. Madden asked if he could have the floor before the Board rules on the application.

Mr. Riutta agreed.

Mr. Madden asked if staff received a report from Center for Conservation and Resource Management (CCRM).

Mr. Fiorello stated yes.

Mr. Madden asked staff if in their opinion was the proposed consistent with the VIMS proposal. He stated he just wanted the record to show that the Wetlands Boards are taking the comments made by CCRM into consideration.

Mr. Fiorello stated he apologized because it was supposed to be attached and it was not, and he did not have a copy at the moment, but he thought it was consistent with the application.

Mr. Madden stated that was all he needed to know and he was satisfied with Mr. Fiorello's appraisal of the situation.

Mr. Palubinski stated he had a copy of the report from CCRM and basically they recommend beach nourishment and off shore break waters, grading the bank back.

Mr. Madden stated while the Wetland's Board is well within reason, it is not consistent with the recommendation. He stated it was a practical solution because it was a 20 foot bank and if they graded it back to a 2:1 slope it would be getting into the prism of the house. The only practical solution is what you have come up with. He stated the Center for Resource Management prefers to increase riparian buffers and create living shorelines wherever possible. In this case, because you have visited the site and VIMS review is from an aerial photograph, this is the only practical solution.

Mr. Rudasill made a motion to adopt proposed Resolution WB15-05 with conditions and the term of expiration for three years, which would be September 21, 2018.

Mr. Pineau seconded.

*Wetlands Board Minutes*  
*September 21, 2015*

The motion passed 4-0 (Mr. Hess was absent).

OLD BUSINESS

Mr. Riutta asked if staff had an update on the proposed by-laws.

Update to the Wetlands Board by-laws

Mrs. Forestier stated she did not receive any comments nor did she have time to research anything. She suggested the Board defer until the next meeting. She also asked the Board members if they had any comments to please email them.

Mr. Riutta asked the members if they had any discussion.

Mr. Pineau stated he had not.

Mr. Riutta stated he noticed there was no enforcement in these by-laws versus what is currently in place. He stated staff advised that enforcement was part of the State Codes and not necessary to be in our by-laws. He stated if the members wanted additional time to review it could be deferred.

Mr. Pineau made a motion to defer consideration of the Wetlands Board by-laws until the next scheduled meeting.

Mrs. Rust seconded.

The motion passed 4-0 (Mr. Hess was absent).

NEW BUSINESS

Review of recently submitted applications

- VMRC15-1131 MCB 2 culvert replacement NWP3 (non-tidal)
- VMRC15-1209 Potomac Creek Estates HOA, Inc. Floating Dock (non-tidal)

Mrs. Forestier stated there were only two. One was for the culvert replacement on the Marine Corp Base and was just for information and it is non-tidal. She stated there was an application from Potomac Creek Estates HOA for a floating dock, which was a tidal area and she apologized for listing it as non-tidal.

Mr. Madden stated there were no wet slips planned.

Mrs. Forestier stated it was a small floating dock area and she was not sure if the Board would like to assert jurisdiction over something small.

Mr. Riutta asked if it was by-right.

Mrs. Forestier stated it is not a community pier it is more commercial because it is owned by the HOA, not lowner.

***Wetlands Board Minutes***  
***September 21, 2015***

Mr. Madden stated that was why other Boards have asserted jurisdiction because it is not specifically exempted from the Code. There is also a perception that the increased usage could potentially impact wetlands.

Mrs. Forestier stated historically this Board has in the past.

Mr. Riutta asked if it would be at the next meeting.

Mrs. Forestier stated she would have to verify.

**CHAIRMAN'S REPORT**

None

**STAFF REPORT**

None

**ADJOURNMENT**

Mr. Pineau made a motion to adjourn.

Mr. Rudasill seconded.

The motion passed 4 to 0 (Mr. Hess was absent).

With no further business to discuss the meeting was adjourned at 7:27 p.m.