

STAFFORD COUNTY WETLANDS BOARD MINUTES
July 18, 2016

The monthly meeting of the Stafford County Wetlands Board of July 18, 2016, was called to order at 6:05 p.m. by Wetlands Board Chairman Mary Rust in the Board of Supervisors Chambers in the George L. Gordon, Jr., Government Center.

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

MEMBERS ABSENT: Jim Riutta and Ben Rudasill

STAFF PRESENT: Jeff Harvey, Joseph Fiorello, and Sylvia Dyson

GUEST: John Tolson

ROLL CALL

Mrs. Rust called roll and it was determined there was a quorum with three members in attendance.

PUBLIC PRESENTATIONS

Mrs. Rust opened the floor for public presentations.

Mr. Harvey explained that public presentations were intended for individuals who wanted to come and speak about any issue not scheduled for public hearing.

Mr. John Tolson came forward and introduced himself as the lessee of 315 Arkendale Road and proceeded to give some history on the property as to when concrete was first put in along the shoreline of the Potomac River. He presented photographs to the Board dating back to 2003 which showed that the concrete had already been in place then and also showed some of the damages caused by Hurricane Isabel. With the help of photo documentation, Mr. Tolson was able to give the Board a good idea of how the berm came to be. Mr. Tolson ensured the Board that there was never any intention to do anything wrong and that his family was simply trying to protect the land from slowly disappearing. He admitted that some of the concrete probably had some dirt mixed in but he ensured that the dirt remained behind the seawall.

Mrs. Rust inquired regarding the depth of the water in front of the property. Mr. Tolson stated that during high tide it was 3.5 to 4 feet deep and during low tide you were able to see the ground. He further stated that since the potential violation had been discovered the Tolson family took out 61 dump truck loads of fill material leaving only very little of the material. He added that the Army Corps of Engineers representative was very pleased with the progress.

Mr. Fiorello handed photographs to the Board which were taken earlier in the day during a follow-up inspection.

APPROVAL OF MEETING MINUTES

None

PUBLIC HEARINGS

None

OLD BUSINESS

None

NEW BUSINESS

1. Designation of Enforcement Officer

Mrs. Rust asked for staff to read the staff report.

Mr. Harvey stated that County Code regarding Wetlands matters contemplated having a designated Enforcement Officer. He explained that during staff discussion with the County Attorney's office they felt that it was important for the Wetlands Board to designate an Enforcement Officer for purposes of establishing notices to comply and award orders at the Wetlands Board's wish. Mr. Harvey stated that staff's recommendation was to designate both the Environmental Planners, Joseph Fiorello and Mohan Karki, as the Enforcement Officers, but also explained that it was at the Board's discretion to designate some other position within County Government or to not take any action at this time.

Mr. Hess inquired about the duties of the Enforcement Officer. Mr. Harvey explained that the main duties were to go out and do inspections to ensure compliance with the Wetlands Ordinance and report back to the Board for determination on how to proceed. Mr. Hess felt that staff was already doing so. Mr. Harvey agreed, but pointed out that there was no official action by the Wetlands Board designating such Officer. He added that it was more of a technical issue.

Mrs. Rust reiterated that in the past the procedure was that staff, along with VMRC and/or the Army Corps of Engineers would give their recommendation to the Wetlands Board on how to proceed. She did understand that this was simply a technicality.

Mr. Hess asked if the Officer could work with staff for guidance and accompany staff during inspections. Mr. Harvey affirmed. Mrs. Rust stated that she preferred having staff be the designated Officers. Mr. Fiorello assured the Board that the process of how violations were currently being handled would not change and that it was simply a formality.

Mrs. Rust made a motion to designate the staff to be the Board's Enforcement Officers. The motion was seconded by Mr. Hess and passed 3-0 (Mr. Rudasill and Mr. Riutta were absent).

2. Potential Wetlands Violation: Kendall Property, Tax Map Parcel No. 32-3A

Mr. Fiorello read the staff report to the Board regarding the potential Wetlands violation at 315 Arkendale Road recommending a notice of violation be issued.

Mr. Harvey explained that since the date that the staff report had been written staff went back out to the site and had seen additional progress. According to staff and the Army Corps of Engineers the restoration was about 90 to 95% completed. Mr. Harvey added that staff had not heard from VMRC yet, but felt that the best of all possibilities was occurring regarding the abatement of the violation.

Mrs. Rust agreed that the pictures taken earlier in the day spoke to that. She proceeded to open the floor for any further comments from the public.

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Mr. Tolson came forward again explaining that his father's intent when he first started filling in material was to protect the land his family was renting for at least 100 years. He added that the family used the land for commercial fishing and that the issue only came up because of some jealous individuals. He reiterated that his family was simply trying to save the land, but unfortunately went about it the wrong way. He again assured the Board that he would do whatever it took to fix the situation.

Mr. Hess asked if the restoration was still ongoing. Mr. Tolson explained that the Army Corps representative came down for an inspection early that day expressing her allover satisfaction. He added that the representative pointed out some minor things that had to still be taken care of.

Mr. Hess asked staff if a notice to comply was issued the violator would still be able to continue abatement. Mr. Harvey affirmed.

Mr. Pineau questioned whether it was even necessary to issue a notice to comply since this much progress had been made so far. Mr. Harvey stated that since the violator had shown every effort to abate the violation the need for a notice had been diminishing. He added that it was up to the Board whether they wanted to issue a notice to comply or not. Mr. Harvey further stated that the issue could be revisited in the future if work was to stop.

Mr. Pineau's recommendation was to not take any action at this time.

Mr. Hess inquired whether not issuing a notice would stop the Tolson family from continuing the work.

Mr. Harvey explained that a notice to comply did not stop any efforts to abate a violation, and nor did not issuing a notice. He added that by not issuing the notice the Board would be operating on the good faith the Tolson's had shown by cleaning up the site.

Mr. Pineau made a motion to not take any action at this time. The motion was seconded by Mr. Hess and passed 3-0 (Mr. Rudasill and Mr. Riutta were absent).

CHAIRMAN'S REPORT

None

STAFF REPORT

None

ADJOURNMENT

Mr. Hess made a motion to adjourn.

Mr. Pineau seconded.

The motion passed 3 – 0 (Mr. Rudasill and Mr. Riutta were absent).

With no further business to discuss, the meeting adjourned at 6:41 p.m.