



STAFFORD COUNTY CHESAPEAKE BAY BOARD

Meeting Minutes

Monday, November 18, 2024, at 6:00 p.m.

Board Chambers | George L. Gordon Government Center

A. Call to Order

The meeting was called to order at 6:00 p.m. by Sue Henderson.

B. Roll Call

Members Present: Sue Henderson (Chair), Mary Rust (Vice-Chair), Anthony Pineau, Benjamin Rudasill, and Robert Hayden

Members Absent: Dan Adams, Zachary Martinez

Staff Present: Emily Torrey, Assistant Director of Environmental Programs; Joe Fiorello, Environmental Planner; and Vicki Sowers, Administrative Manager

Guests: Jeff Harvey and Shane Giglio, Legacy Engineering

C. Determination of a Quorum

Joe Fiorello conducted a roll call and confirmed a quorum with 5 of the 7 members present

D. Approval of Meeting Minutes

Anthony Pineau made a motion to approve the June 17, 2024, Chesapeake Bay Board minutes.

Mary Rust seconded. The motion was unanimously approved 5-0 with 2 absent.

E. New Business

Public Hearing: AP24155970 – A Chesapeake Bay Special Exception Application (Resolution CBB24-05) for Mr. Victor Mbulu, applicant, requesting a special exception under Sec. 27B-14 of the Stafford County Chesapeake Bay Preservation Area Ordinance (Chapter 27B) from the requirements of Sec. 27B-7 "Development Conditions" to construct "to construct an access aisle to the proposed tractor-trailer repair garage within a portion of the Chesapeake Bay Resource Protection Area (CRPA) buffer located along Claiborne Run on Tax Map Parcel 54-68B.

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The Chesapeake Bay Board meeting on November 18, 2024, focused on the CBB24-05 resolution for application AP24155970, concerning Victor Mbulu's tractor-trailer maintenance shop. The proposal involves permanently impacting 10,309 sq. ft. and temporarily impacting 2,470 sq. ft. of land. The board discussed the mitigation measures, including a stormwater treatment device and re-vegetation. Concerns were raised about the project's impact on water quality and the proximity to Claiborne Run. The board unanimously denied the special exception application due to the significant encroachment on wetlands. The meeting also covered the need for in-lieu fee recommendations and the number of Chesapeake Bay applications.

Introduction to New Business: Chesapeake Bay Board Hearing

- Joe Fiorello introduces the new business, focusing on the Chesapeake Bay Board hearing for application number AP 24 155970.
- The application involves a tractor trailer maintenance and repair shop requesting to impact 10,309 square feet of land and 2,470 square feet temporarily.
- Joe Fiorello reads the requirements for granting a special exception, emphasizing the need for the request to be consistent with the chapter's purpose and not detrimental to public welfare.
- The board must provide a written decision if the special exception is denied, including the rationale.

Details of the Tractor Trailer Maintenance and Repair Shop Application

- Joe Fiorello summarizes the request, including the permanent and temporary impacts on the land and CRPA.
- The proposed mitigation includes a stormwater hydro dynamic manufactured treatment device (MTD) and re-vegetation according to riparian buffers.
- The tax map number is 54-68B, and the property is located in the George Washington election district.
- The property is currently vacant land, bisected by Claiborne Run, and was replanted after a boundary line adjustment in May 2021.

Staff Observations and Presentation by Jeff Harvey

- Jeff Harvey provides background on the property, noting it is zoned M1 light industrial and has been zoned industrial since at least 1978.
- The applicant, Mr. Victor Mbulu, wants to move his existing business to this location, dealing with long-haul tractor trailer trucking operations.
- The site is bisected by Claiborne Run, and there is an existing crossover on Cool Springs Road opposite Eagles Lodge.
- The site plan proposes nine parking spaces for tractors and trailers, a 1,200-square-foot office and maintenance building, and a widened entrance to accommodate turning movements.

Discussion on Site Layout and Mitigation Efforts

- Jeff Harvey explains the challenges in optimizing the site layout to minimize impacts to the RPA while allowing for tractor trailer access and parking.
- The proposed layout includes curb and gutter construction around the perimeter of the site to reduce clearing areas and maintenance issues.
- The MTD is a DEQ-certified best management practice to mitigate water quality impacts, with a 20% reduction in phosphorus.
- The applicant requests a three-year approval period for the site plan, pending completion of the building design and construction.

Board Members' Questions and Concerns

- Sue Henderson questions the timing of the wetland delineation and whether it was a new designation or part of the application process.
- Joe Fiorello clarifies that a new wetland delineation was conducted in January 2024 to establish the current CRP A buffer location.
- Mary Rust inquires about a reassessment done in 2021, and Emily Torrey explains the significance of the boundary line adjustment.

- Robert Hayden expresses concerns about the encroachment on wetlands and the proximity to Claiborne Run, emphasizing the board's responsibility to uphold wetland protections.

Final Discussion and Motion to Deny Special Exception

- Mary Rust and other board members discuss the self-imposed nature of the encroachment and the criteria for exemptions.
- Jeff Harvey reiterates the client's expectation to use the property without encroaching on the RPA, highlighting the challenges in designing the site.
- The board discusses the mitigation efforts, including the MTD and plantings, and whether they are sufficient to compensate for the impacts.
- Robert Hayden makes a motion to deny the special exception application, citing the board's responsibility to protect wetlands and the significant encroachment.

Conclusion and Next Steps

- The motion by Robert Hayden to approve the denial of the special exception application is seconded by Mary Rust and approved unanimously (5-0 with 2 absent).
- Sue Henderson thanks Jeff Harvey and the applicant for their presentation and confirms the denial of the application.

F. Old Business

- The meeting moves on to old business, including a briefing on in-lieu fees by Robert Hayden.
- Robert Hayden reports on his efforts to engage with county officials and the need for recommendations to the Board of Supervisors for utilizing in-lieu funds.

Discussion on In-Lieu Fees and Future Meetings

- The board discusses the possibility of utilizing in-lieu funds for projects, including potential recommendations to the Board of Supervisors.
- Emily Torrey offers to assist with GIS layers and project identification for potential in-lieu fund projects.

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- The board agrees to revisit the topic in January, with Robert Hayden providing recommendations based on input from Parks and Recreation and other stakeholders.

G. Chairman's Report

None

H. Staff Report

Joe Fiorello reported on 2 items:

- Special exception resolution, CBB2401, which was the special exception for Crossroads Industrial, which requested a second entrance into their site off of Route 1. He said they are asking for an extension to August 1, 2026, so that will be coming before the board in December.
- He will be sending an email to members whose appointments will be expiring on December 31, 2024. Members need to respond to let County Admin know if they are still interested in remaining on the Board for re-appointment.

Sue Henderson reminded the Board that the January meeting is scheduled on Martin Luther King Day so the date will need to be looked at and possibly changed.

I. Adjournment

With no further business to discuss, Mr. Rudasill made a motion to adjourn. The motion was seconded by Mr. Pineau. The Chesapeake Bay Board meeting adjourned at 7:26 p.m.

Action Items

- Robert Hayden to engage with Parks and Recreation and Widewater State Park to identify potential projects for utilizing the in-lieu fees and report back to the board at the next meeting.
- Staff to provide a report on the total number of Chesapeake Bay-related applications received and processed, including both special exceptions and administrative approvals, for the next board meeting.