



STAFFORD COUNTY CHESAPEAKE BAY BOARD

Meeting Minutes

Monday, February 24, 2025 at 6:00 p.m.

Board Chambers | George L. Gordon Government Center

A. Call to Order

The meeting was called to order at 6:03p.m. by Anthony Pineau.

B. Roll Call

Members Present: Sue Henderson, Mary Rust, Benjamin Rudasill, Anthony Pineau, Robert Hayden and Dan Adams

Members Absent: Zachary Martinez

Staff Present: Joe Fiorello, Environmental Planner; and Vicki Sowers, Comm. Dev. Business Finance Manager

C. Determination of a Quorum

A quorum was established with 6 of the 7 members present.

D. Approval of Meeting Minutes

Sue Henderson made a motion to approve January 27, 2025, Chesapeake Bay Board minutes. Robert Hayden seconded. The minutes were unanimously approved.

E. New Business

Item 1- Public Hearing: AP25156176 – A Chesapeake Bay Special Exception Application (Resolution CBB25-01) for Mr. and Mrs. Robert Stanford, applicants, 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" in order to construct a concrete walkway and patio with pavilion within a portion of the Chesapeake Bay Resource Protection Area (CRPA) buffer located along Lake Carroll on Tax Map Parcel 58A-4-89.

Joe Fiorello presented Item number 1. He advised that Mr. and Mrs. Stanford requested permission to build a pavilion over an unpermitted concrete patio walkway and fireplace which impacts 840 square feet of CRP. The patio/walkway/fireplace was built between 2020 and 2021 without an approved building permit or approval from the Chesapeake Bay Board for construction within the landward 50 feet of the CRP. The applicant submitted a building permit for a pavilion to be installed over the cement patio and outdoor fireplace and were informed of the building permit requirements and explained that they were in violation of the Chesapeake Bay Ordinance. A building permit for the patio/walkway/fireplace was obtained after the fact. To compensate for the area of impact the applicant proposed to plant one canopy tree, two understory trees and four shrubs within the property. The applicant also indicated that they have planted 10 plus shrubs within the property adjacent to Lake Carroll and are requesting credit for the plantings. Mr. and Mrs. Stanford are requesting approval of the special exception to keep the walkway patio and fireplace in its current location within the RPA and construct a pavilion over top. They are also



requesting the board consider the mitigation described above as compensation for the impacts to the CRP. Mr. Fiorello also explained to the Board that If the special exception is denied, the existing patio/walkway and fireplace will have to be remove. The Stanfords stated they were unaware of the need for permitting and Chesapeake Bay Board approval and will work with the Board to fix the issue. The pavilion footprint (20x24) is slightly larger than the patio footprint (20x16) making the impervious surface slightly under 500 feet.

Mr. Hayden made a motion to separate the special exception request into two (2) different requests suggesting that if the existing walkway/fireplace **and pavilion** were to be voted on now, it would not be approved by him. He motioned to approve the patio/walkway/fireplace with the pavilion requiring a separate special exception request. Mary Rust asked about additional plantings if approved. Mr. Fiorello confirmed the planting plan for one canopy tree, two understory trees and four shrubs would meet the requirement for the footprint of the patio/fireplace/walkway combo within the RPA. Mr. Hayden suggested that the county send out a flyer/packet to the 19 residents around Lake Carroll, informing them of what an RPA is. Mr. Fiorello said that could be done.

Ben Rudasill seconded Mr. Hayden's motion. Motion passed 5-1, with Ms. Henderson opposed. Mr. Hayden advised that the other portion of the application for the pavilion be resubmitted. If the applicant decides to keep the pavilion within the footprint, a special exception would not be needed; however, if they decide to go outside as the current plan shows, they will need to submit and bring special exception back to the Board for consideration. Mr. Fiorello will make the appropriate changes to resolution 25-01 to strike out the pavilion.

Item 2- Public Hearing: AP24156090 – A Chesapeake Bay Special Exception Application (Resolution CBB25-03) for Mr. John Moore (trustee), applicant, requesting a special exception under Sec. 27B14 of the Stafford County Chesapeake Bay Preservation Area Ordinance (Chapter 27B) from the requirements of Sec. 27B-7 "Development Conditions" in order to construct a single family residence and drain field within a portion of the Chesapeake Bay Resource Protection Area (CRPA) buffer located along Accokeek Creek on Tax Map Parcel 49C-2-1-8A, 49C-2-2-9, and 49C-2-2- 15.

Mr. Fiorello presented item number 2. He explained that there are 4 total parcels. GIS indicates the presence of a CRPA on/near the lots impacting 3190 square feet of CRP. A wetlands delineation and Chesapeake Bay Compliance study was conducted on the lots in January 2025 and the presence of a CRPA was confirmed; mapping updated. All four lots were platted prior to Stafford County adopting the Chesapeake Bay ordinance in 1989. These four (4) lots are not buildable on their own, either because of the presence of wetlands, a Chesapeake Bay resource protection area buffer or inability to have enough room outside the CRPA for a house and drain field on a single lot without consolidation. The applicant proposes to consolidate the four lots to build one 4300 square-foot single family home. The newly formed lot will not qualify for Section 27B-8B5b since a new platted lot would be created. Secondly the portion of the proposed drain field needs to be placed within the landward 50 feet of the CRPA prompting the need for approval of a special exception. The applicant proposes to mitigate the impact by planting eight planting units. Each unit equates to one canopy tree, two understory trees and three shrubs. The southernmost lot is all useless wetlands. The applicants will have to provide two drain fields- a primary and a reserve.



Hank Osleger of Aaronal Homes, states the home will use a pre-treatment system which will send clean water to the new drain field. Ms. Henderson asked for clarification on the orientation of the home on the lot. Mr. Osleger explained that due to the topography and soils the drain fields cannot be moved. Ms. Rust questioned the size of the home with regards to the applicable building space. Mr. Osleger stated the owner was originally going to make this a summer home and keep his main home in Northern Virginia but now plans on living in Stafford permanently.

Mr. Hayden questioned the drain field in the front yard as the proposed primary considering the one identified as primary now is within the buffer. Mr. Osleger said they would be willing to look into this. Ms. Henderson suggested looking at the map that shows what the sea level will look like 20-30-50 years based on planned or expected climate issues. She asked if it is within the Board's purview to condition an approval based on swapping the two drain fields. Board members discussed whether moving the house 10 feet this way or two feet that way would make a significant amount of impact to the wetland area and decided that they need to do their due diligence to ensure this is the only place that a house of this size and magnitude can be. Mr. Hayden pointed out that if the builder could shift the house based on the drain field or reconfigure what the back deck looks like then they potentially wouldn't need to return for a special exception at all. The criterion for determining a special exemption is that the request not be based on any conditions or circumstances that are self-created or self-imposed and these are self-created conditions. The lanai and deck are the majority of the encroachment, and they could be adjusted so that they are not encroaching upon the CRPA. Mr. Hayden made a motion to defer to the next meeting. Mary Rust seconded the motion. The motion to defer was approved, 6-0. The board would like to see an adjustment to the encroachment to the CRPA. They are also asking that the primary drain field be outside of the CRPA.

F. Old Business

In lieu Fees – Robert Hayden presentation

Board members recommended moving this item to the next meeting. Ms. Henderson made a motion to have the Wetlands and Chesapeake Bay board meeting in March to discuss administrative options. Robert Hayden seconded the motion. The motion passed, 6-0.

G. Chairman's Report

None

H. Staff Report

None

I. Adjournment

With no further business to discuss, Ms. Rust made a motion to adjourn. The motion was seconded by Mr. Hayden. The Chesapeake Bay Board meeting adjourned at 7:59 p.m.