STAFFORD COUNTY CHESAPEAKE BAY BOARD

Meeting Minutes

Monday, January 22, 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 Paul Santay

B. Roll Call

Members Present:	Sue Henderson (Chair), Mary Rust (Vice-Chair), Anthony Pineau, Dan Adams, and Benjamin Rudasill
Members Absent:	Robert Hayden, Zachary Martinez
Staff Present:	Paul Santay, Chief Director of Community Development; Joe Fiorello, Environmental Planner; and Savannah Wimbush, Development Services Administrative Manager

C. Determination of a Quorum

A quorum was established with 5 of the 7 members present.

D. Election of Officers

- Election of a Chairman

  Mr. Santay called for the election of officers, starting with the nomination for the chair position. Ms. Rust nominated Ms. Henderson, which was seconded by Mr. Adams. After a brief discussion clairifying term limits, Ms. Henderson was unanimously elected as the chair.

- Election of a Vice-Chairman

  Ms. Henderson called for nominations for the Vice Chair position. Mr. Pineau nominated Ms. Rust, and Mr. Rudasill seconded the nomination. Ms. Rust was elected as the Vice Chair unanimously.

E. Approval of Meeting Minutes

Mr. Rudasill made a motion to approve the January 30, 2023 Chesapeake Bay Board minutes. Mr. Pineau seconded. The motion was unanimously approved.

F. New Business

Public Hearing #AP23155272 – Matan Crossroads 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 second private entrance to the project site which will cross a perennial stream and impact a portion of the Chesapeake Bay Resource Protection Area (CRPA) buffer located on Tax Map Parcel 46-4.

Mr. Fiorello directed everyone's attention to the public hearing for CBB24-01, a resolution application concerning the Matan RPA crossing. He emphasized the criteria for special exceptions under Section 27B-14, detailing that the application should not confer special privileges, should not be based on self-created conditions, should be minimally necessary for relief, should align with the chapter's purpose, and should have reasonable conditions to prevent water quality degradation.

The proposed project involves impacting 20,834 square feet of RPA for a second entrance to the Matan Crossroads site. Mr. Fiorello provided details on the project location, tax map number, and background of the Crossroads Industrial project. He explained that the proposed mitigation includes revegetating side slopes, constructing BMPs for pollutant removal, and planting street trees along Richmond Highway to enhance water quality and stream protection. Matan Crossroads, LLC seeks approval for the proposed mitigation to compensate for the RPA loss.

During the presentation, Ms. Henderson inquired about the relevant attachment for the maps, which Mr. Fiorello clarified as Appendix B. He proceeded to elaborate on the proposed mitigation efforts, pointing out the BMP location, planting areas, and street trees. Despite technical difficulties with sharing visuals, Mr. Fiorello managed to convey the details effectively. He emphasized that the proposed mitigation aligns with county regulations and would sufficiently offset the RPA impacts.

Following the presentation, Mr. Pineau raised questions regarding the existing driveway's compliance with RPA regulations and the timing of mitigation efforts. Mr. Fiorello explained the historical context of the site, highlighting the stream's relocation by VDOT and the subsequent RPA designation. He clarified that the first crossing was always within the RPA, while the second crossing only came under RPA regulations after the stream relocation. Ms. Rust sought clarification on the project's timeline and the presence of a perennial stream, which Mr. Fiorello confirmed based on the 2011 approval documents.

Following the presentations by Mr. Wrisley from Matan Companies and Mr. Gagnon from Bowman Consulting, Ms. Henderson sought confirmation on the consistency between the current proposal and the 2011 approved plan for the second crossing, which Mr. Fiorello acknowledged. With no further questions for him, Ms. Henderson invited any additional comments from the presenters. Mr. Gagnon expressed their readiness to provide a brief presentation, which was followed by Mr. Wrisley's introduction of Matan Companies and their development objectives.

Mr. Wrisley provided an overview of Matan Companies' extensive experience in real estate investment and development, emphasizing their family-owned structure and focus on industrial and life science properties. He explained the necessity of a second entrance for the safety and efficiency of site circulation, especially for potential tenants in logistics, warehousing, and manufacturing. Additionally, Mr. Wrisley highlighted the impact of the second entrance on adjacent parcels, emphasizing the need for maximized development potential and enhanced emergency response capabilities.

After Mr. Wrisley's presentation, Mr. Gagnon from Bowman Consulting elaborated on the project's compliance with regulatory requirements. He outlined how the proposed second entrance aligns with previous approvals, meets the minimum necessary criteria for relief, and includes appropriate mitigation measures to prevent degradation of water quality. Mr. Duncanson further explained the design features of the proposed BMP bioretention facility and addressed concerns regarding floodplain proximity.

Board members engaged in a brief Q&A session seeking clarification on various aspects of the project, including easements, traffic management, and floodplain considerations. Mr. Duncanson provided detailed responses, confirming the design specifications and addressing concerns raised by Ms. Rust regarding floodplain proximity.

Ms. Henderson extended the opportunity for any additional comments or questions from attendees, ensuring inclusive participation in the discussion. Mr. Rhyne indicated he was present for a separate issue, and will address it at the conclusion of the hearing.

After Ms. Henderson clarified the options available to the board regarding the resolution, she read aloud a statement on behalf of Mr. Zack Martinez, who was unable to attend the meeting due to unforeseen travel delays. Mr. Martinez expressed concerns regarding the special exception request, specifically citing that it appeared to arise from conditions related to adjacent parcels rather than being self-created or self-imposed. He referenced an excerpt from the applicant's statement regarding changes made by VDOT, indicating that the request stemmed from activities on the subject parcel rather than those of adjacent properties. Mr. Martinez's statement urged the board to consider this information during deliberations.

After the reading and discussion of Mr. Martinez's comments, Ms. Henderson proceeded to clarify the options available to the board regarding the resolution: either to approve (CBB24-01), deny (CBB24-02), or defer the decision. Mr. Fiorello clarified the timeline for making a decision, noting the requirement to determine within 30 days if deferring.

During the discussion, Ms. Rust raised a question regarding the application conditions, which Mr. Fiorello clarified were written into the resolution. Mr. Pineau inquired about addressing Mr. Martinez's concerns, prompting Mr. Gagnon to explain that the request did not arise from self-imposed conditions but rather from activities on the subject parcel.

Following this, Ms. Henderson sought a motion to accept either resolution CBB24-01 or CBB24-02. However, she first expressed a question regarding pedestrian safety, to which Mr. Wrisley clarified that the concern was primarily about employee traffic rather than pedestrians on Route One.

After some additional clarifications, Ms. Henderson proceeded to read and amend resolution CBB24-01, making corrections to dates and wording based on input from the board members. Upon completion of the amendments, Mr. Pineau motioned to approve CBB24-01, which was seconded by Ms. Rust.

After a brief discussion and no further comments, Ms. Henderson called for a vote, which resulted in unanimous approval of the resolution. She then thanked the attendees for their participation and attendance, concluding the discussion on the special exception permit application.

Public Comment – Peter Rhyne of 85 Clift Farm Road

Prior to moving to Old Business, Mr. Santay requested an amendment to the agenda to allow for a public comment portion, specifically to accommodate Mr. Rhyne's request to address the board. This addition to the agenda was proposed due to the unusual circumstance of public attendance and interest in the meeting. Mr. Pineau motioned to amend the agenda accordingly, and Ms. Rust seconded the motion. The board then voted unanimously in favor of the amendment.

Mr. Rhyne expressed concerns about a proposed subdivision's potential impact on the environment, particularly due to its proximity to a critical resource protection area (RPA) housing a perennial stream. He highlighted the risks of urbanization on water quality and wildlife habitats, citing expert opinions and urging the board to scrutinize the development's environmental impact. Mr. Rhyne emphasized the need for measures to mitigate stormwater runoff and chemical pollution, suggesting exploration of options like the Purchase of Development Rights (PDR) program. Despite limitations on immediate action, the exchange underscored the importance of considering environmental concerns in future deliberations on the proposed development.

Ms. Henderson sought clarification on the location of the proposed development, ensuring that it was southeast of Crow's Nest, and prompted Mr. Rhyne to elaborate on discussions with the Historic Commission. Mr. Santay provided insights into the potential eligibility of the property for the Purchase of Development Rights (PDR) program, suggesting further discussions with the relevant county authorities.

Despite the limitations on the board's immediate action, Ms. Henderson expressed appreciation for the proactive approach and advance notice provided by Mr. Rhyne, acknowledging the importance of considering environmental concerns in future deliberations on the proposed development.

G. Old Business

The meeting proceeded to discuss old business, starting with an inquiry from Ms. Henderson about updates on community outreach and website development. Mr. Fiorello and Ms. Wimbush indicated they had no new information. Ms. Henderson expressed frustration with the lack of progress, suggesting that the matter needs to be prioritized.

Mr. Santay interjected, acknowledging the board's efforts but emphasizing resource constraints within Development Services and the County. He suggested that while the county is supportive, current priorities lie elsewhere due to staffing limitations. Ms. Henderson responded by encouraging board members to reach out to their representatives to elevate the issue's priority.

The discussion then shifted to available funds from Wetlands and Chesapeake Bay in-lieu fees. Mr. Santay provided details on the Tidal Wetlands Fund, which contains approximately $180,000. Ms. Rust shared insights from discussions with Ken Benson from DCR, highlighting the success of a similar project in Prince William County funded by in-lieu fees.

Ms. Henderson clarified the permissible use of these funds, which include projects within the locality aimed at the creation or restoration of environmentally beneficial initiatives. She suggested potential projects such as living shorelines at Aquia Landing, Crow's Nest, or Falmouth Beach. Mr. Santay agreed to explore these options further.

Subsequently, Mr. Fiorello reported on compliance plan applications submitted in the past year, noting 19 applications and 19 approved perennial flow determinations. Ms. Henderson expressed gratitude for the detailed tracking of these numbers and requested a formal report.

H. Chairman’s Report

None

I. Staff Report

None

J. 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.