STAFFORD COUNTY CHESAPEAKE BAY BOARD

Meeting Minutes

Monday, September15, 2025 at 6:00 p.m.
ABC Conference Room, 2nd Floor
George L. Gordon, Jr. Government Center

A. Call to Order

The meeting was called to order at 6:02PM by Chairman, Robert Hayden.

B. Roll Call

Members Present:	Sue Henderson, Mary Rust, Benjamin Rudasill (arrived at 6:17PM), Anthony Pineau, Robert Hayden, Zachary Martinez and Dan Adams
Members Absent:	
Staff Present:	Joe Fiorello, Paul Santay, Emily Torrey, Vicki Sowers
Guests/Public:	Jesse Adams (Waterwaycleanups.org) Members of the VMRC – Olivia Upton and Lylie Harris

C. Determination of a Quorum

A quorum was established with 6 of 7 members present. (7 of 7 once Mr. Rudasill arrived)

D. Approval of Meeting Minutes

March 17, 2025

A motion was made by Ms. Rust to approve the March 17, 2025, meeting minutes; seconded by Mr. Pineau. Minutes were approved 6-0 (1 absent).

E. Public Presentations

Mr. Jesse Adams presented information about his organization that was started in May, Waterwaycleanup.org He said he was present to learn ways for the Boards and the organization to work together. He welcomed questions and offered possible assistance using their resources for things the County doesn't have staff or funds to do. Mr. Hayden invited him to stay for whole meeting (including Wetlands) as he said the discussion would tie together.

F. Public Hearings

AP25156644; CHESAPEAKE BAY SPECIAL EXCEPTION CBB25-05 – MRS. CHASSIDY CAMPBELL,

FOUNDATION HOMES INC.
APPLICANT IS 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 A RESIDENTIAL STRUCTURE WITHIN A PORTION OF THE CHESAPEAKE BAY RESOURCE PROTECTION AREA (CRPA) BUFFER LOCATED ALONG LAKE ARROWHEAD (TAX MAP PARCEL NO. 8B-B-13W).

Mr. Fiorello acknowledged that the applicant was not present. He and Mr. Hayden questioned whether the hearing should continue. Mr. Santay suggested that the Board hear the application and open the floor for public comment since the meeting had been advertised. He said the Board could then decide how they want to handle a vote – defer or proceed with action. Mr. Fiorello read his presentation for the Special Exception with complete details of the request and reason. He explained his recommendation for an infiltration trench as best means of mitigating the proposal and includes long term monitoring and maintenance of the BMP.

Ms. Torrey explained that the applicant would be required to prove that they are monitoring. She said the WQIA includes a monitoring and maintenance plan – enforced by staff by monitored by the applicant/property owner. Discussions ensued regarding vegetation, long-term maintenance/monitoring, infiltration trench/water line.

Mr. Hayden confirmed that the applicant was not present and asked for a motion to approve or deny. Mr. Martinez made a motion to table the vote to give the applicant a chance to come and represent. He questioned whether to applicant had reached out to the Zoning Board of Appeals to address the offset. He would like to know if they have attempted to get any relief from that. Ms. Rust referred to the size of the structure, referencing a smaller home as was done on the lots next to this one. Mr. Hayden advised that he would not be inclined to approve due to the placement of the house on the lot.

Ms. Torrey advised that the Board has 60 days from the receipt of a complete application and 30 days from the date of the hearing to make a decision. She said if the Board decides to defer, a meeting outside of the regular meeting schedule would then be required.

Mr. Hayden reiterated that he is inclined to deny based on the significant amount of area that would be impacted; additional discussion ensued, and Mr. Martinez withdrew his motion to defer. Ms. Rust then made a motion to deny stating that the required criteria had not been met. Mr. Pineau seconded the motion. The request to deny was approved 7-0.
Emily recommended that the specific conditions (of the five) not being met be recorded within the public setting so they can be included in the denial letter.

Mr. Martinez referenced #3, the minimum needed impact to provide use of the land. Ms. Henderson asked about the date of purchase – before or after the RPA was in place. She referenced #2 as knowing the RPA is in place, the issue is self-imposed and confirmed her reason when it was confirmed that the property was purchased in 2024 – well after the RPA was in place.

G. OLD BUSINESS

- DISCUSS BY-LAWS

Mr. Hayden tabled the By-Law discussion until the next meeting.

- CONTRACTOR RESPONSIBILITIES AND LIABILITIES

Mr. Hayden explained that this item was to discuss whether or not the attorney's office would be willing to press charges against a contractor that knowingly and willingly built into the RPAs. He advised that the County Attorney's office consider this to be a civil matter and therefore would not likely take action. He said this item is now closed.

H. NEW BUSINESS

NONE

I. Chairman's Report

NONE

J. Staff Report

NONE

K. Adjournment

With no further business to discuss, Ms. Henderson made a motion to adjourn. The motion was seconded by Mr. Pineau. The Chesapeake Bay Board meeting adjourned at 6:49PM.

STAFFORD COUNTY WETLANDS BOARD

Meeting Minutes

Monday, September 15, 2025 at 6:30 p.m.
ABC Conference Room, 2nd Floor

A. Call to Order

The meeting was called to order at 6:49PM by Chairman, Robert Hayden.

B. Roll Call

Members Present:	Sue Henderson, Mary Rust, Benjamin Rudasill, Anthony Pineau, Robert Hayden, Zachary Martinez and Dan Adams
Members Absent:	
Staff Present:	Joe Fiorello, Paul Santay, Emily Torrey, Vicki Sowers
Guests/Public:	Jesse Adams (Waterwaycleanups.org) Members of the VMRC – Olivia Upton and Kylie Harris

C. Determination of a Quorum

A quorum was established with 7 members present.

D. Approval of Meeting Minutes

March 17, 2025

A motion was made by Ms. Henderson to approve the March 17, 2025, meeting minutes; seconded by Mr. Pineau. Minutes were approved 7-0.

E. PUBLIC HEARINGS

NONE

Mr. Hayden requested a motion to amend the agenda. He asked to move items from under the Chairman's Report to public forum to allow those present an opportunity to speak. Ms. Henderson made the motion which was seconded by Ms. Rust. Motion passed 7-0.

F. NEW BUSINESS

Approve Updated By-Laws

Mr. Hayden requested a motion to table the discussion/approval of the By-Laws until next meeting. Ms. Rust made a motion to table the By-Laws approval, seconded by Mr. Rudasill, and approved with 7-0 vote.

G. Chairman's Report (moved up on agenda)

Mr. Hayden welcomed Mr. Adams and VMRC attendees to join in on the topics of conversation. Olivia Upton introduced herself as the newest member of VMRC's environmental division. Kylie Harris introduced herself as well and announced that Olivia will be taking over her territory in the north as her area is shifting.

IN-LIEU FEE UTILIZATION

• IN-LIEU FEE OVERSIGHT RECOMMENDED CHANGES TO THE BOARD

OF SUPERVISORS

Mr. Hayden began by explaining that this topic had come up in previous meetings noting that the County collects in-lieu fees and has been for about 18 years. He said that the funds, to date, have never been utilized. Mr. Hayden initiated an investigation into how these fees are used by other state localities who are also collecting fees. He discovered that overall, the fees are underutilized and discovered opportunities. He announced an event coming up on October 1st being held at and facilitated by Widewater State Park, Chief Ranger Hillborn. He said it had previously been a Wetland project but has been re-purposed into a field trip. Mr. Hayden acknowledged that the elementary school along with the principal, Dr. Alicia Galloway, is in full support and that the current event is being funded by a private citizen. He welcomed Mr. Adams and staff to join. So far, the agenda includes DEQ, volunteers, a biologist from the Marine Corps Base in Quantico, a conservation police officer and biologist from DWR, Crows Nest Research Center, US Army Corps of Engineers, VARDAS, VIMS and VMRC and the University of Mary Washington. Mr. Hayden requested buy-in and support from the Wetlands Board. The event runs from 9:45AM – 2:00PM. The intent of the event is to serve as a beta test to see how involved elementary level students would be with regard to Wetlands. If it goes well, he would like to move forward with the construction of the next projects, as the law allows, to utilize the in-lieu fees to help support awareness events.

Mr. Hayden initially requested a motion to have the Board present to represent the County's Wetlands Board and explained that if it was decided that three or more members were going to be there, he wanted to make sure it had been approved in an official capacity at a Wetlands Board meeting. Discussions ensued regarding the requirements of public notification (Board member gatherings) and whether a vote is required for the Board to be there. He advised that the Deputy County Administrator said he could not be there as the Wetland Chairman or any association with the Board unless it was approved by the Board as a whole. More discussion ensued regarding Board member gatherings, official business and responsibilities. It was recommended to consult the County Attorney to get guidelines and clarity on how to handle.

Mr. Hayden suggested getting the vote so that if the County Attorney says it is required, they would not need to have an additional meeting. Ms. Rust expressed her excitement that after 5 years, something is finally being done to move forward with a purpose for the in-lieu fees while, after discussion about Mr. Hayden paying out of pocket for the event, Mr. Pineau offered his support for the Chairman taking the lead after years of inertia.

Ms. Henderson recommended putting a formal process in place on how to use the fees. She said she supports the event and would like to use what is learned by attending to develop a process that can be used to request future use of the fees.

Mr. Hayden made a strong recommendation to make the October 1st project a Board approved event, bringing awareness to the county, to the residents, elementary education, that the Wetlands Board supports these efforts. He feels it is incredibly important to the County.

Ms. Henderson made a motion to applaud the efforts of community members to create, along with other organizations, an elementary level education opportunity at Widewater State Park on October 1st. Ms. Rust seconded the motion and all approved (7-0).

Mr. Pineau asked about the planting efforts, using in-lieu fees, with regards to who would be involved with the actual planting – students, outsiders or would VMRC assist. Ms. Harris of VMRC responded to explain that it would be up to the County. They would not do the plantings, but VMRC would be available to help regulate.

Discussions continued regarding the in-lieu fees and research with an example of a property owner in another jurisdiction using the fees (along with other funds) to create a living shoreline. Mr. Hayden explained his extensive research over the last year – speaking at the county level, state level and federal level and discovered that the system is broken with regard to the fees that have been collected over the last 18 years. He is disappointed in the lack of support and said this is why he has taken on this project to prove that there is success associated and to move forward with a process for the future.

Ms. Torrey explained, when asked what the county needs to do to be able to get a process in place, that the Wetlands Board would have to make a motion to approve the project and to write a letter to the Board of Supervisors (signed by the Board) requesting funds to be utilized for a CIP project.

The Board of Supervisors would vote on the CIP request and if approved, the Wetlands Board would be able to use the in-lieu funds for a wetland creation or mitigation project. She also agreed that the education event on October 1st is a creative way to incorporate creation and mitigation, but it would have to be reviewed by the county attorney's office to make sure it is legal, appropriate and acceptable to the guidelines. She also explained some of the specific language in the Code with regard to the Clean Water Act.

Mr. Hayden concluded by stating that a GAO audit was conducted on in-lieu fees across the United States and found that the system was broken. He there is plenty of opportunity within the county which he proposed in his briefing – HOAs, county lands, and state property. He said he wants to collectively work together after the October event to figure out what the official process is to move forward. He thinks this could serve as a model for the entire state and the 19 localities that also do not utilize their fees.

Ms. Harris announced that in January the state adopted House Bill 1950 which changes the order of mitigation. She explained that now, impact wetlands would go to the approved in-lieu fee program which is run by the Nature Conservancy – The Virginia Aquatic Resources Trust Fund which puts boots on the ground with wetlands projects. She said the County still has their fund but would be the last option for mitigation.

• PROPOSED SCOPE CHANGES TO THE WETLAND BOARD'S

RESPONSIBILITIES

Mr. Hayden advised that he wanted to table the By-Laws discussion due to the possibility of expanding the scope of what the Board does – to include these ventures associated with the elementary schools and other schools within the county. Mr. Santay reiterated the intent of the Oct 1st event and then suggested that if the Board wishes to expand their responsibilities in the future, requiring By-Law and/or Ordinance changes, then the entire Board should put together a recommendation to the Board of Supervisors to include in lieu fee utilization and the role expansion of the Wetlands Board. He said a letter would go to the Board and they would discuss with the County Administrator to put the item on a future Board agenda for discussion. He said staff would be present to answer questions and it would be up to the Board to budget and appropriate the funds, approved projects designated for the funds and understand the interest in expanding responsibilities.

Mr. Hayden made a request for a motion to approve his attendance as the chairman of the Wetlands Board, to be present at the October 1st event with the intention of monitoring the event's successes and failures and to report this information back to the Board. Ms. Henderson made the motion, Ms. Rus seconded and all approved (7-0).

• DATA CENTERS

• SPECIAL COMMITTEE ESTABLISHMENT

(REF: WETLANDS BOARD BYLAWS ARTICLE II SECTION 5)

• BY-LAWS AMENDMENT DISCUSSION

(REF: WETLANDS BOARD BYLAWS ARTICLE VIII SECTION 1)

Mr. Hayden said he intends to form a series of committees. An in-lieu fee committee, a By-Laws Committee, a website committee and a training committee. He said the training committee would entail any new ideas or issues – like Data Centers – where the Board can learn about the issue and its impacts to wetlands. Mr. Santay recommended, with the creation of these committees, that there be some sort of charter and action item to come from these committees, so their objective is understood. Mr. Hayden said he plans to have the four committees report back to him no later than the end of the calendar year with recommendations with regard to the in-lieu fees, By-Law changes, website updates and posting of meeting minutes. Mr. Santay reminded the Board of staff's limited availability to assist with background information for the subcommittees. He assured them that staff are always happy to assist, he said he just wanted to make it known that many other BACC's such as the Planning Commission have created additional subcommittees for Data Centers and Campgrounds, which is a heavy lift for staff. Ms. Henderson asked if there is anything preventing them from joining the Planning Commission's Data Center subcommittee – asking if there is a need for two. Mr. Santay advised that the meetings are public and suggested petitioning her respective Board members for consideration to participate in the subcommittees.

Discussion ensued regarding subcommittees and Board responsibilities and possible effects of data center clearing to the Chesapeake Bay Act and the RPA. Mr. Fiorello explained that all development projects, such as data centers, go through the County's development review process and if there is an impact to the RPA, it will come to the Board for approval. He went on to explain a few situations where projects would not come to the Board such as Pre Ches Bay lots, administrative waivers, public roadways and utilities. He said otherwise, if there is an impact to the RPA, the applicant must adjust their plan to avoid the impacts or bring it to the Board for approval.

~~Mr. Adams~~ Mr. Hayden asked if there is a way to change the scope or jurisdiction of what the Wetlands Board is able to be involved in. Mr. Santay explained the ordinances that the County has adopted come from the state ordinances and state regulatory requirements. He said the Chesapeake Bay Ordinance updates are on the horizon and there are some new things in it that involve free clearing, mitigation, resiliency plans. Ms. Torrey said the local ordinance will be updated based on the state ordinance.

Mr. Martinez explained that many localities with the state of Virginia don't have established Wetlands or Chesapeake Bay Board which creates more pressure and responsibility to the state. He said that is why this Board serves as volunteers – to allow the citizens to come to us in this venue to help support the state. Ms. Harris offered her appreciation to everyone on the Board and said staff have been fantastic to work with.

~~Mr. Adams~~ Mr. Hayden said he is aware that the default is the DEQ standard of 100-foot setback and a vegetated RPA but is afraid that it is not necessarily always effective. He worries that things are lawfully happening and if the right actions and the right mitigations are not in place – above and beyond what are required by law, that in 10 years, there will be regrets which concerns him.

Ms. Harris suggested reaching out to state legislators regarding any possible changes as they are the ones who have to bring it to General Assembly. This is how it gets passed on to all of you – much like House Bill 1950. She said once it is passed, they are only responsible to implement the changes.

Ms. Henderson asked how the subcommittees will be formed. Mr. Hayden said he will likely send out an email requesting interest. He also said he would be updating the By-Laws, within his authority. He will schedule an agenda item before the end of the year for subcommittee output.

Mr. Fiorello said there will be an October meeting – Wetlands Rip Rap Revetment and RPA restoration.

Mr. Hayden closed the public session.

H. OLD BUSINESS

NONE

CHAIRMAN REPORT (CONT.)

Mr. Hayden offered appreciation for everyone coming – especially those from a distance. He said it is important to the board and the members, as well as the County as a whole. Mr. Fiorello said that upcoming Wetlands Board application in October will be proposing the new mitigation sequence. He said it will be the first application with a different approach to in lieu fee mitigation. Mr. Hayden thanked Mr. Adams and staff for all done – especially with such small staff.

I. Staff Report

NONE

J. Adjournment

With no further business to discuss, Ms. Rust made a motion to adjourn. The motion was seconded by Mr. Pineau. The Chesapeake Bay Board meeting adjourned at 7:56 PM.