



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

Final Meeting Minutes

Meeting of the Chesapeake Bay Exception Review Committee

June 7, 2023, 2:00 PM

Park Authority Board Room, Suite 941

12055 Government Center Parkway

Fairfax, Virginia 22035

Present:

Committee:

David Schnare, Sue Kovach Shuman, Kenneth Lanfear, Amy Gould, Som Govender, Mary Smith, Elizabeth Martin, Barbara Ryan

County Staff:

Steve Strackbein, Nicola Mutesi, Camylyn Lewis, Jerry Stonefield, Matthew Hansen, Joseph Arseneau, Bishwa Karki & Bin Zhang

Applicant:

Mr. J. Matthew Wilson and Mrs. Jazmin D. Wilson
Avi Sareen, TNT Environmental (applicant's representative)

Public:

Vivian K
Laszlo Zsidai

Committee Members Absent:

Alexis Dickerson
Edward Monroe

Call to Order

Meeting called to order by Chairman Martin at: 2:01 PM

Topic 1: ERC Business

1. Review of September 7, 2022, meeting minutes approved.
 - Motion made by Martin. Motion seconded (Lanfear) and approved 8-0.
2. Gould makes motion for existing officers to remain, seconded (Lanfear) and approved 8-0.
 - Elizabeth Martin-Chair



- Edward Monroe-Vice Chair
 - Sue Shuman- Secretary
3. Martin requested committee members state any conflicts of interest regarding an upcoming case; there were no conflicts of interest.

Topic 2: Public Hearing

Encroachment Exception Request #7996-WRPA-002-1 and Water Quality Impact Assessment #7996-WQ-001-2, Mr. Josh Wilson & Mrs. Jazmin Wilson, an application for an exception to resolve a violation and allow a portion of a sport court to remain in the Resource Protection Area under Chesapeake Bay Preservation Ordinance (CBPO) Section 118-6-9 at 1008 Springvale Road, Great Falls, Virginia 22066; Irene C Bettius Property, Lot 4A2; Tax Map #012-1-08B-0004A2; Dranesville District.

- a. County staff member Lewis introduced the case and presented a summary of issues ([Staff Presentation](#)).
- b. The applicant's representative, Sareen, presented ([Applicant Presentation](#)) the statement of support.
- c. The committee and applicant discussed the plan and existing/proposed conditions.
- d. Martin asks if anyone in attendance would like to provide support or opposition to the case. No person accepted the request. Martin proceeded with reading public written comments; one comment in support. Nine comments (1 comments represent multiple (6) people) in opposition.
- e. Lewis presented the position of the Director, a summary of staff's position on the required findings and staff's recommendation to deny. The staff report identifies three (3) alternative locations although staff concedes one (1), in the front of the property, would not be acceptable because of the septic drain field. The two locations in the back yard would be acceptable. The proposed planting plan does not fully mitigate for trees removed from the subject property (only 13 of the required 16 were proposed to be replanted on the subject property) nor does it convert the necessary conversion of 1800 square feet of turf to RPA buffer; only 1080 square feet were proposed for replanting on the subject property. The exception, as listed in [attachment C-4](#), should not be approved because five of the six required findings are not met. Lewis clarified that this exception request only pertains to the subject property, not to required replanting of trees on the adjacent HOA property.
- f. A rebuttal was made by the applicant and the applicant's representative indicating the WQIA submitted to the County was discussed with several staff members and the location of the tree plantings and restored buffer areas were agreed upon. The applicant's representative stated that the requirements of the WQIA are now different than discussed with the County prior to submittal.

- g. Further discussion and questions followed from the committee, including additional questions to and answers from the applicant. The question was raised if a revised WQIA would need to be submitted to meet the requirements for restoration and the answer was determined to be “Yes” because only 1180 square feet of buffer restoration was on the applicant’s property when calculations require 1800 square feet on the applicant’s property. The buffer area restoration due to the land disturbance on the applicant property cannot be combined with the disturbance and required restoration of the HOA property.
- h. Schnare indicated he was in favor of the motion for denial but would not be able to vote because he needed to leave the meeting.
- i. The public hearing was closed by Martin at 3:35 pm.
- j. A draft motion to deny the application was introduced by Smith and seconded by Ryan. The motion was seconded and approved unanimously.
 - a. Lanfear moved that the fourth line under 6d be amended to say that applicants “should have been aware” instead of “were aware,” Schnare seconded, and the committee approved the amendment.
 - b. Schnare moved that discussion under 6c be revised to say “1800 square feet” rather than “an additional 1800 square feet” and that “within the RPA” be deleted. The amendment was approved.
 - c. The motion as amended was approved unanimously. [See the attached motion.](#)
 - d. The committee discussed whether to waive the requirement that the applicant may not reapply within a year after a denial. Several members expressed the view that while the application and proposed plan could be modified to address water quality issues, it was doubtful they could address the committee’s findings that the requested exception was not the minimum necessary to afford relief and was a self-created condition.

Topic 3: Discussion of the upcoming meeting with the Planning Commission

- Martin stated that the purpose of the July meeting with the Environmental Committee of the Planning Commission is to discuss some issues regarding consistency for development plans that encroach on the inwards 50 feet of the RPA. The ERC will seek to have conditions recorded on future deeds.
- Gould requested DEQ come back to train the Committee on a regular basis. Gould suggested that the training could be virtual or in person.
- Ryan requested more background information regarding how RPA waivers are handled in order to prepare for the meeting with the Planning Commission. Smith agreed with Ryan.
- Members discussed having the resolution created prior to the hearing and agreed that both an approval and disapproval resolution shall be created prior to future hearings.

Adjournment

Martin made a motion to adjourn. The motion was seconded and approved unanimously, and the meeting was adjourned at 3:56pm.