



County of Fairfax, Virginia

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Final Meeting Minutes

Meeting of the Chesapeake Bay Exception Review Committee

November 1, 2023, 2:00 PM

Park Authority Board Room, Suite 941

12055 Government Center Parkway

Fairfax, Virginia 22035

Present:

Committee:

David Schnare, Amy Gould, Som Govender, Mary Smith, Elizabeth Martin, Barbara Ryan, Kate Flynn, Alexis Dickerson

County Staff:

Steve Strackbein, Nicola Mutesi, Camylyn Lewis, Mohan Bastakoti, Matthew Hansen, Kirsten Munz, Daniel Rizzo

Applicant:

Riz Khaliq (owner of 7819 Southdown Rd)

Hamid Matin, Professional Design Group, Inc. (applicant's representative)

Public:

Arina Van Breda

Asif Mahmood

Committee Members Absent:

Edward Monroe

Call to Order

Meeting called to order by Chairman Martin at: 2:06 PM

Topic 1: ERC Business

1. Introduction of Kate Flynn, new member to the ERC from the Hunter Mill District.
2. The office of secretary left open by the exit of Sue Kovach Shuman will be filled by Barbara Ryan. Nominated by David Schnare and seconded by Chairman Martin (approved 8-0).
3. Review of June 7, 2023, meeting minutes approved.

Department of Land Development Services

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- Motion made by Chairman Martin. Motion seconded by David Schnare and approved 8-0.

Topic 2: Public Hearing

Encroachment Exception Request #WAIV-2023-00380 and Water Quality Impact Assessment #WQIA-2023-00020, 7819 Southdown Rd LLC, an application for an exception to allow a single-family residence with a swimming pool in the Resource Protection Area (RPA) under Chesapeake Bay Preservation Ordinance (CBPO) Section 118-6-9 at 7819 Southdown Road, Wellington Villa, PT LT 15 Sec 1, Tax Map No. 1022 18 0015A, Mount Vernon District.

- a. Chairman Martin asks if anyone in attendance would like to provide support or opposition to the exception request. One person (Arina Van Breda) accepted the request. Three (3) public comments were received electronically.
- b. No conflicts of interest exist within the committee and the party seeking application approval.
- c. County staff member Bastakoti introduced the case and presented a summary of issues ([Staff Presentation](#)).
- d. The applicant's representative, Mr. Matin, presented ([Applicant Presentation](#)) the statement of support.
- e. The committee and applicant discussed the plan and existing/proposed conditions.
- f. Interested parties were invited to speak. Ms. Arina Van Breda spoke, property owner of the property directly south of the subject property. She expressed her individual concerns. She has owned her property since 2012. Her property is hampered by intermittent runoff and infrequent flooding due to large storms. She would like a swale installed. She believes the large construction project will increase the runoff directed towards her property, especially during the construction phase. A surveyor indicated a swale could mitigate the runoff from the proposed development. The second concern is the state of the bulkhead of the subject property. Ms. Arina Van Breda believes it needs repair. She stated the bulkhead is failing and has caused sinkholes. She believes the additional stress on the ground will increase the pace of deterioration of the bulkhead. She has expressed both concerns with the applicant.
- g. Chairman Martin read two other statements provided electronically.
- h. Mr. Bastakoti presented the position of the Director of LDS, a summary of staff's position on the required findings and staff's recommendation to approve the exception. See the [Staff Report](#) for further details.
- i. Mr. Bastakoti Presented the Water Quality Benefit Analysis showing reductions of Nitrogen and Phosphorus through a required spreadsheet calculator. Both reductions exceed the requirements.

- j. Barbara Ryan asked for clarification on the swimming pool not meeting the minimum requirements. Mr. Bastakoti explained the swimming pool is an accessory structure and therefore needed to be reviewed by ERC. Ms. Ryan asked for background information on other pools in RPAs in the area. One pool was identified by Mr. Bastakoti which was approved in 1994.
- k. Mr. Govender asked about the floodplain elevation date being 1981 and if there is a newer floodplain elevation map? The answer was “no”, the most current map for the area was used.
- l. Mr. Govender asked how does the water enter the proposed planter boxes? The answer was that surface flow will enter the planter boxes. Additionally, it was made known to the committee that the contractor hired to install the planter boxes will obtain all necessary permits.
- m. Chairman Martin asked for clarification about the flood wall and the current state of functionality. The applicant stated the plan is to repair the flood wall. The applicant has experienced trouble getting quotations because these companies are located out of town but has a priority to protect his property. Under the new VA living shores law, this would be a repair and the Army Corp of Engineers would not need to be involved. The applicant was further questioned about seeking guidance from the Fairfax County Wetlands Board. The applicant stated that all required parties will be privy to the proposed repairs.
- n. Mr. Schnare asked Ms. Arina Van Breda how much flooding she experienced over the floodwall. Ms. Van Breda indicated she had it in her yard, very close to the house. Each time the water gets that close to her home it is a storm related issue. The slope of the development, from west to east and from north to south causes intermittent flooding.
- o. Ms. Gould asked what size overstory trees are being planted? She believes the 50’ seaward area of grass is a concern and thinks the plan can offer more protection to the river. Ms. Gould asked if a swale is installed, does it require fill? Answer – The types of plantings and addition of a swale would be finalized during the grading plan phase and a swale would not be installed within the 50’ seaward and would not require fill. Further clarification was offered by the applicant stating the driveway is planned as asphalt right now but may not be installed as asphalt. The swimming pool runoff will enter the planter boxes. Overall, the proposal reduces the amount of existing turf grass by over 50%.
- p. Chairman Martin stated she is glad to see the buffer plantings, trees, shrubs, etc., however, a buffer is usually in between the development and the water. The ERC would like to see that portion of the property restored more to a natural area.

- q. Ms. Ryan seconded the opinions by others and would like to see the English Ivy observed during a site visit be removed from the bulkhead during any subsequent repairs.
- r. The public hearing was closed by Chairman Martin at 3:15 pm. Mr. Schnare moved to approve the resolution. Ms. Ryan seconded the motion and Mr. Schnare read the [resolution](#).
- s. Mr. Schnare read Attachment A – Proposed Water Quality Impact Assessment Conditions & Proposed Exception Conditions. The following conditions were modified/added to the Proposed Exception Conditions:

- *This RPA exception is binding upon the parties, their successors, and assigns and must be recorded (including these approved exception conditions) among the Land Records of Fairfax County, Virginia, within 180-days of approval. The conditions stated herein will not be deemed to be personal but will run with the land.*
- *The Landowner shall provide proof of compliance with these exception conditions upon request from the Director of Land Development Services, Fairfax County.*
- *The Landowner hereby grants permission to the county, or its authorized agents and employees, to enter upon the Property at reasonable times and in a reasonable manner to inspect any stormwater management facilities or riparian buffer plantings whenever the county deems necessary. Whenever reasonably possible, the county will attempt to notify the Landowner before the inspection.*

Barbara Ryan seconded the proposed conditions; however, Ms. Ryan sought to have a condition abating stormwater flow to other properties. Matthew Hansen stated such a condition oversteps the requirements of RPA compliance and runoff from the construction and new home will be addressed during the Infill Lot Grading Plan phase of the project within the INF plan.

- t. Proposed condition number 7 was revised to state the following:
The seaward 50 feet of the RPA (approximately 2,500 square feet) shall be restored in accordance with 118-3-3 d and f with vegetation equally effective in retarding runoff.
- u. Mr. Schnare moved adoption of amended proposed conditions and Ms. Ryan seconded. Chairperson Martin asked for a vote on conditions, 8-0 in favor, unanimous.
- v. Chairperson Martin asks for a vote on the resolution to approve with conditions.

8-0 in favor, unanimous.

Topic 3: Update on the Planning Commission Meeting

Chairperson Martin expressed that the previous meeting with the Planning Commission was productive. Chairperson Martin provided an introduction of the ERC to the Planning Commission and Matthew Hansen presented on the CBPO. The ERC expressed concerns that larger zoning related plans are not considering the CBPO. The Planning Commission was very receptive to the suggestion. The ERC offered to serve as advisors to the Planning Commission to help form their views on such project while not influencing ultimate decisions. Discussions are still ongoing on how to best identify and notify the ERC when their advice is sought.

Matthew Hansen introduced Daniel Rizzo, a new LDS Stormwater Reviewer. Yosif Ibrahim is back to stormwater reviewing.

There is an ERC meeting on December 6. Chairperson Martin requested Matthew Hansen present on CBPO and to explain the water quality calculation.

Adjournment

Chairperson Martin made a motion to adjourn. The motion was seconded and approved unanimously, and the meeting was adjourned at 4:16pm.