



**WATER QUALITY IMPACT ASSESSMENT
(CBPO ARTICLE 6 WRPA SUBMISSION)
9407 WOODED GLEN AVE
FAIRFAX COUNTY, VIRGINIA
FAIRFAX COUNTY PLAN #5255-WQ-001-3**

TNT PROJECT NO.: 2027

FOR

MR. DAVID TORTOLERO

APRIL 19, 2021 (REVISED: AUGUST 5, 2021)



April 19, 2020
Revised: August 5, 2021

Mr. David Tortolero
9407 Wooded Glen Avenue
Burke, VA 22015

TNT Project #: 2027

Reference: WRPA CBPO Article 6 Statement of Justification for WQIA #5255-WQ-001-3, 9407
Wooded Glen Avenue, Fairfax County, Virginia
Latitude: 38° 46' 14" N, Longitude: 77° 16' 15" W

Dear Mr. Tortelero:

TNT Environmental, Inc. (TNT) is pleased to present this CBPO Article 6 Statement of Justification for the Water Quality Impact Assessment (WQIA) report for the above-referenced project in general accordance with TNT Proposal Number 2732 dated May 31, 2020 and Change Order Number 3236 dated April 1, 2021. The purpose of the WQIA is to ensure protection of the Resource Protection Areas consistent with the goals, objects, and requirements of Chapter 118, Article 4 of the Fairfax County Chesapeake Bay Preservation Ordinance through (1) the identification of the impacts of proposed development or redevelopment on water quality on lands within RPAs, (2) the assurance that, where development or redevelopment does take place within RPAs, that it will be located on those portions of a site in a manner that will be least disruptive to the natural functions of RPAs; and (3) the requirement of mitigation measures which will address water quality protection.

Table of Contents

| | |
|--------------------------------------|----------|
| Project Site Description..... | 3 |
| Section 118-6-5..... | 3 |
| Section 118-6-6..... | 3 |
| Section 118-6-8(a) | 5 |

Appendices

- Appendix I – Vicinity Map & USGS Topographic Map
- Appendix II – Notice of Violation
- Appendix III – Fairfax County Correspondence & Approvals
- Appendix IV – Engineer Sealed Plat

Project Site Description

The project site is approximately 0.34 acres of land located southwest of Wooded Glen Avenue in Burke, Fairfax County, Virginia (*Appendix I: Figure 1- Project Location Map*). The project site is further identified by physical address 9407 Wooded Glen Avenue and Fairfax County Tax Map #: 0881-20-0004. The terrain of the project site consists of gentle, southern sloping topography and is within the Cherry Run and Pohick Creek drainage basins (*Appendix I: Figure 2- USGS Topographic Map*). The project site is improved with an existing residence and pool and is zoned PDH-3. A previously WQIA was submitted by others in 2019 and was not approved by Fairfax County (5255-WQ-001-1).

The initial Major WQIA for this project site was submitted and reviewed for completeness. The WQIA was considered complete in a letter provided by Fairfax County dated March 31, 2021. This submission represents the required information for the CBPO Article 6 submission to initiate the process for requesting Exception Review Committee approval of a remedy for the above-mentioned RPA violation. The statement of justification that addresses how the proposed development complies with the factors set forth in Article 6 is detailed below.

Water Quality Impact Assessment Components per Section 118-6-5

The proposed project meets the general performance criteria for Resource Protection Areas as outlined in Section 118-6-5 through the submission of the required documents listed in the CPRO 118-6-5(a) through (e) items. This checklist of items can be found in the application form provided with this submission. Item 118-6-5(f) is discussed below.

Water Quality Impact Assessment Components per Section 118-6-6

The proposed project meets the general performance criteria for Resource Protection Areas as outlined in Section 118-6-6 and detailed below:

- a) The proposed improvements are the minimum necessary to afford relief and the purpose of this WQIA is to provide mitigation for the improvements made surrounding the existing pool. It is customary for pools to have decks surrounding them.

The project site is encumbered by a significant portion of onsite RPA (approximately 8,476 square feet, 57% of the total site area), inclusive of the amount of the property contained within the lengthy driveway. When the property was purchased, the pool and portions of the existing pool deck were already constructed. The current applicant expanded the eastern side of the concrete pool deck in the RPA. Additionally, the applicant added a spa within the RPA. The requested exception incorporates the proposed onsite revegetation, which is required for mitigation. All other work within the RPA will be done by hand.

The project site was first improved in 1987, before the establishment of the Chesapeake Bay Preservation Ordinance (CBPO). Per aerial imagery, the pool and pool deck appear after the 2003 image; however, it is unclear when the pool was constructed. The brick pool deck was

expanded between the 2011 and 2013 aerial images. These additions were completed by previous owner(s) of the property. Additionally, the driveway and concrete pad to the west of the house have undergone changes from approximately 2005 to 2016 according to aerial imagery. The applicant and property owner purchased the property in November 2016 based on County real estate records. The most recent improvement done by the owner involved the construction of the spa adjacent to the existing pool and the replacement/expansion of the brick patio to a stone/concrete pool deck in 2018. Additionally, the brick walkway in the backyard was removed. The concrete patio under the existing wood deck as remained the same from the sale of the house in 2016. There is a Fairfax County Notice of Violation associated with this improvement; however, it is not a violation associated with CBPO Chapter 118.

There is no additional proposed development for this project, aside from the plantings proposed for mitigation. The purpose of this WQIA is to provide information for the mitigation of work already completed within the RPA.

- b) Granting the requested exception will not confer upon the applicant any special privileges that are denied by this part to other property owners who are subject to its provisions and who are similarly situated.

The Applicant here is not requesting nor would receive any special privilege denied to other similarly situated property owners, who could also conduct the required analyses and, if warranted, be considered for an exception and waiver.

The Chesapeake Bay Local Department ("CBLAD") historically was the state entity issuing guidance with respect to the Chesapeake Bay Act, including the granting of special exceptions. With regard to the meaning of conferring a special privilege, CBLAD has stated:

This finding is intended to make sure that an exception request would not give the applicant something that has been denied to others in similar situations, and gets to the equity, fairness, and arbitrary and capricious aspects of any exception request and decision. For instance, a property owner requests an exception to build a pool in the RPA and neighbors have applied for and been denied a similar request. In this instance, if the exception is approved, a special privilege has been permitted for one neighbor but not the others ("Exception Guidance on the Chesapeake Bay Preservation Area Designation and Management Regulation," September 16, 2002, revised June 13, 2009 at Page 3).

The applicant is seeking to redress the existing Notice of Violation on their property.

- c) This exception request is in harmony with the purpose and intent of Chapter 118 and is not of substantial detriment to water quality. A Virginia Runoff Reduction Spreadsheet (VRRM) has been completed to compare the pre-development and post-development land cover and pollutant loads onsite. The 2015 conditions, before the purchase by the applicant, is considered the pre-development conditions, as discussed previously with County staff. The

2018 existing conditions, after the expansion of the pool deck, is considered the post-development conditions. According to the VRRM calculations, 0.07 pounds per year of phosphorous are required to be removed onsite. The proposed RPA plantings discussed below will mitigate decrease the pollutant load leaving the site and mitigate for the increased impervious area due to the patio expansion.

- d) This exception request is to redress conditions or circumstances that are self-created or self-imposed by virtue of the existing violation. The applicant is proposing to revegetate previously disturbed land within the RPA in response to a NOV. No further addition of impervious surface will be added in the RPA beyond what was constructed related to the NOV (the pool deck and spa). The WQIA plan previously submitted represents the revegetation plan for past RPA encroachment.

It should be noted that since the submission and acceptance of the WQIA, a chicken coop was constructed in the RPA. The chicken coop shall be removed and the proposed plantings in this area will be installed according to the plan.

It is understood by TNT and the applicant that a requirement of an exception request is that circumstances are not self-created or self-imposed; however, this WQIA and exception are being submitted in response to a NOV and the mitigation efforts are required.

- e) Reasonable and appropriate conditions are imposed, as warranted, that will prevent the allowed activity from causing a degradation of water quality. The revegetation measures to improve water quality onsite is discussed in section 118-6-6(c).
- f) No other findings have been requested of the Applicant.

Water Quality Impact Assessment Components per Section 118-6-8(a)

The exception meets the required findings listed in Section 118-6-5 hereon. The required Section 4 information can be found in the previously submitted and approved Major WQIA.

(1) The property was developed prior to July 1, 1993. It was developed in 1987 according to County GIS. Additionally, the increase in impervious surface related to the NOV does not exceed 1,000 square feet.

(2) With the proposed revegetation, the water quality benefits of the RPA plantings and increase of pervious cover will exceed the associated water quality detriments of the previous RPA encroachment. The 2,713 square feet (0.06 acres) of disturbed area associated with the pool deck expansion and spa will be revegetated at a density of 7 overstory trees per acre (2" DBH), 13 understory trees per acre (1" DBH), and 68 shrubs per acre (3 gallon). These plantings will be installed within an approximate 3,306 square foot area of site. The proposed vegetated area will maximize water quality protection, mitigate the effects of the buffer encroachment, and is greater than the area

Mr. David Tortelero
TNT Project #: 2027
April 19, 2020 (Revised: August 5, 2021)
Page 6

of encroachment into the buffer area. The planting schedule was included in the Major WQIA submission.

The requested Article 6 Application Form has been included with this submission.

TNT would like to thank you for the opportunity to provide you with this CBPO Article 6 Statement of Justification and Water Quality Impact Assessment. We look forward to assisting you further with this project and other environmental concerns you may have. If you have any questions, please feel free to contact us at any time at (703) 466-5123.

Sincerely,

TNT ENVIRONMENTAL, INC.



Tara N. Wilkins, WPIT
Environmental Project Manager
Tara@TNTenv.com



Avi M. Sareen, PWD, ISA-CA
Principal/President
Avi@TNTenv.com

APPENDIX I

VICINITY MAP & USGS TOPOGRAPHIC MAP

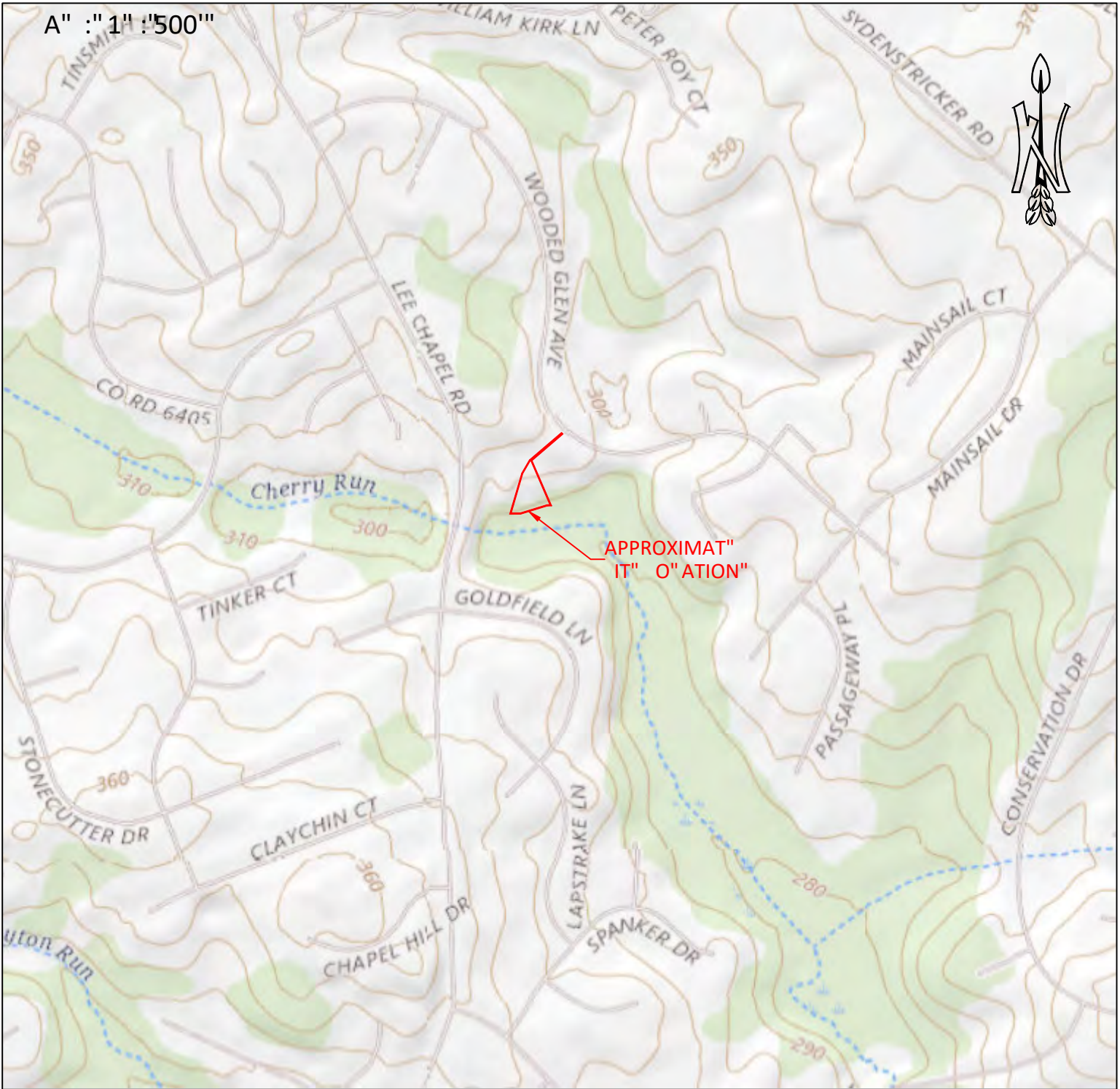
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APRIL2021


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CHANTKLY, VIRGINIA 20151K

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|--|---|--|
| <p>MAJOR "WQIA" ("X" EPTION "REQU" T)"</p> <p>9407 "WOODED" G" N" AVENU"</p> <p>FAIRFAX" OUNTY, "VA"</p> <p>APRIL "2021"</p> |  <p>ENVIRONMENTAL ERE FIELDE CORPORATE DRIVE SUITE 100E CHANTILLY, VIRGINIA 201E1E</p> | <p>FIGURE 2E</p> <p>TOPOGRAPHI" MAP"</p> <p>OUR" : " FAIRFAX, "VA" U" G" QUAD" MAP" (2019)"</p> <p>TNT" PROJ" T" NO: " 2027"</p> |
|--|---|--|

APPENDIX II

**NOTICE OF VIOLATION
(#201806594)**



County of Fairfax, Virginia

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

NOTICE OF VIOLATION Virginia Construction Code

DATE OF ISSUANCE: November 07, 2018

METHOD OF SERVICE: OFFICE OF THE SHERIFF

LEGAL NOTICE ISSUED TO: Adriana P Munoz Hernandez
ADDRESS: 9407 Wooded Glen Avenue
Burke, VA 22015

LOCATION OF VIOLATION: 9407 Wooded Glen Avenue
Burke, VA 22015-4231

TAX MAP REF: 0881 20 0004

CASE #: 201806594 **SR#:** 155019

ISSUING INVESTIGATOR: Gary M. Wallace

You were issued a Corrective Work Order on October 04, 2018 for violations of the Virginia Construction Code, Part I of the Virginia Uniform Statewide Building Code (USBC), 2015 Edition, effective September 4, 2018. Staff confirmed on November 06, 2018, through research, that the violations itemized below remain.

Explanation: On October 01, 2018, County staff inspected the above referenced residential premises and discovered that construction, alterations and installations have been performed without the issuance of the required permit(s), inspections, and approvals. The construction alterations and installations are, but not limited to, the following:

- Swimming pool and spa are being repaired and items replaced. The items that have been replaced are pool deck, skimmers, lights (including cans), pool equipment panel and other associated equipment. Permits applied for on 10/9/18 but, have not been issued, nor have any inspections been performed or approved.
- Permit #892925802 was issued for the pool and permit #893066500 was issued for the electric associated with the pool. Both permits were administratively archived on the same date, with the following provision: PERMIT ADMINISTRATIVELY ARCHIVED ON 05/09/2018 WITHOUT ALL REQUIRED INSPECTIONS PERFORMED.

Department of Code Compliance
12055 Government Center Parkway, Suite 100
Fairfax, Virginia 22035-5500
Phone 703-324-1300 Fax 703-653-9459 TTY 703-324-1300
www.fairfaxcounty.gov/coc

The permits that may be required, but not limited to, are the following:

- Building
- Electrical
- Mechanical
- Plumbing
- Demolition

Order: Pursuant to the USBC, *Section(s) 108.1 When applications are required, Section 113.3 Minimum Inspections, Section 113.8 Final Inspection, and Section 116.1 Certificates of Occupancy*, you are hereby directed to apply for and obtain the required permit(s), inspections, and approvals for the work described above or demolition of same at the above referenced address.

☒ Apply for and obtain the necessary County permits for the work described herein within 30 calendar days from the date you receive this notice or obtain a County permit to demolish the work described herein within the same timeframe. No requirement to meet with DCC Investigator.

☐ Contact Investigator Gary M. Wallace to schedule a pre-application meeting prior to the submission of permit application documents. This meeting is to ensure all cited violations are addressed in your permit application and/or construction documents. Your permit application will not be accepted by the Permit Application Center without this review from the Department of Code Compliance. Apply for and obtain the necessary County permits for the work described herein within 30 calendar days from the date you receive this notice or obtain a County permit to demolish the work described herein within the same timeframe.

- Contact me at (703) 324-9324, TTY 711 within the timeframe established to confirm the violations(s) have been abated.
- BRING THIS NOTICE WITH YOU TO THE PERMIT APPLICATION CENTER WHERE IT IS TO REMAIN AS PART OF YOUR CONSTRUCTION DOCUMENTS.

Note:

*When work described above involves construction of an addition or an accessory structure, a certified plat must be submitted along with a building permit application to the Permit Application Center. This plat must indicate the location, dimensions, and height of all existing and proposed structures as well as indicated distance to the respective lot lines. This plat must be prepared, sealed and signed by a professional licensed with the state of Virginia to do so.

Permit Application Center
The Herrity Building
12055 Government Center Parkway, 2nd Floor

APPENDIX III

**FAIRFAX COUNTY CORRESPONDENCE
& APPROVALS**

County of Fairfax, Virginia

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

2021 March 31

Tara Wilkins
TNT Environmental, Inc.
4455 Brookfield Corporate Drive, Suite 100
Chantilly, VA 20151

Subject: 9407 Wooded Glen Avenue; Wooded Glen, Section 1, Lot 4; Springfield District;
Tax Map No: 088-1-20-0004

Reference: Water Quality Impact Assessment 5255-WQ-001-3 and Notice of Violations
(#201806594), dated November 7, 2018

Dear Ms. Wilkins:

The referenced Water Quality Impact Assessment (WQIA), dated February 19, 2021, has been administratively reviewed for completeness in advance of the required submittal of a Resource Protection Area (RPA) exception request (WRPA) under Section 118-6-1 of the Chesapeake Bay Preservation Ordinance (CBPO), and has been found to be acceptable for inclusion in the WRPA submittal.

A CBPO Article 6 WRPA submittal is required to formally initiate the process for requesting Exception Review Committee approval of a remedy for RPA violation #201806594, issued on November 7, 2018 for performing unpermitted work activities within the RPA located on the subject property. The application form for the required exception request can be found on the Fairfax County website at [WRPA Exception with Public Hearing](#). All the items listed on the application form must be addressed, with particular attention given to addressing the CBPO 118-6-5(a) through (f) items.

The WRPA submittal is expected. You may submit your application through the online services at: <https://www.fairfaxcounty.gov/plan2build/eplans>.

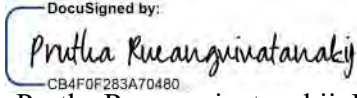
A copy of the acceptable WQIA exhibit is enclosed for your records.

If further assistance is desired, please contact Prutha Rueangvivatanakij, Senior Engineer III (Stormwater) at 703-324-1720 or prutha.rueangvivatanakij@fairfaxcounty.gov.



TNT Environmental, Inc.
5255-WQ-001-3
Page 2 of 2

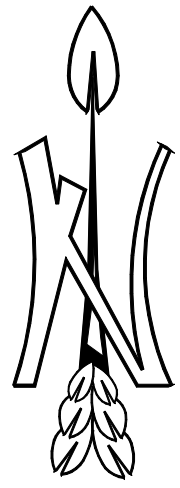
Sincerely,

DocuSigned by:

CB4F0F283A70480

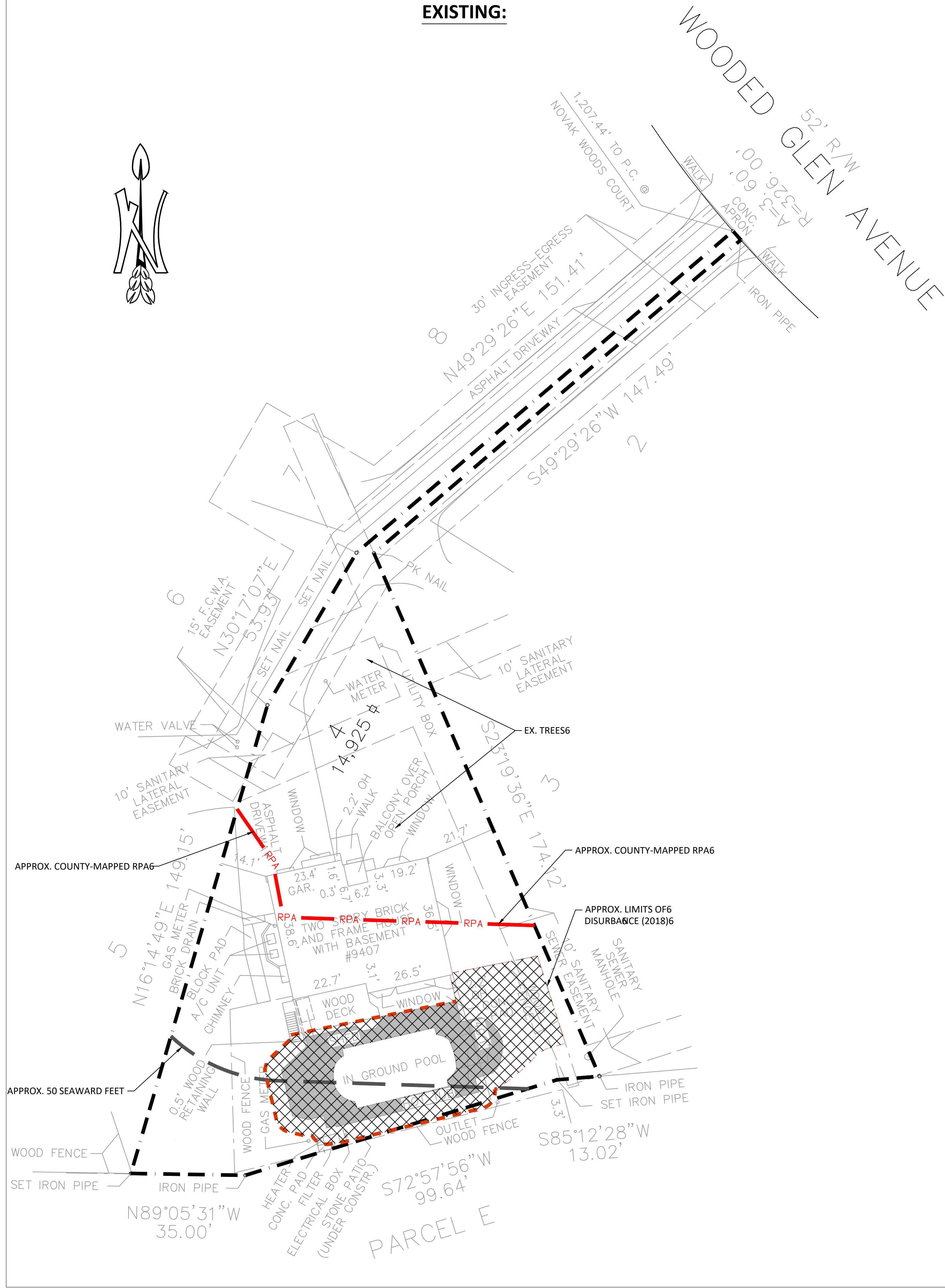
Prutha Rueangvivatanakij, P.E.
Senior Engineer III (Stormwater), Central Branch
Site Development and Inspections Division (SDID)
Land Development Services (LDS)

PR/kg

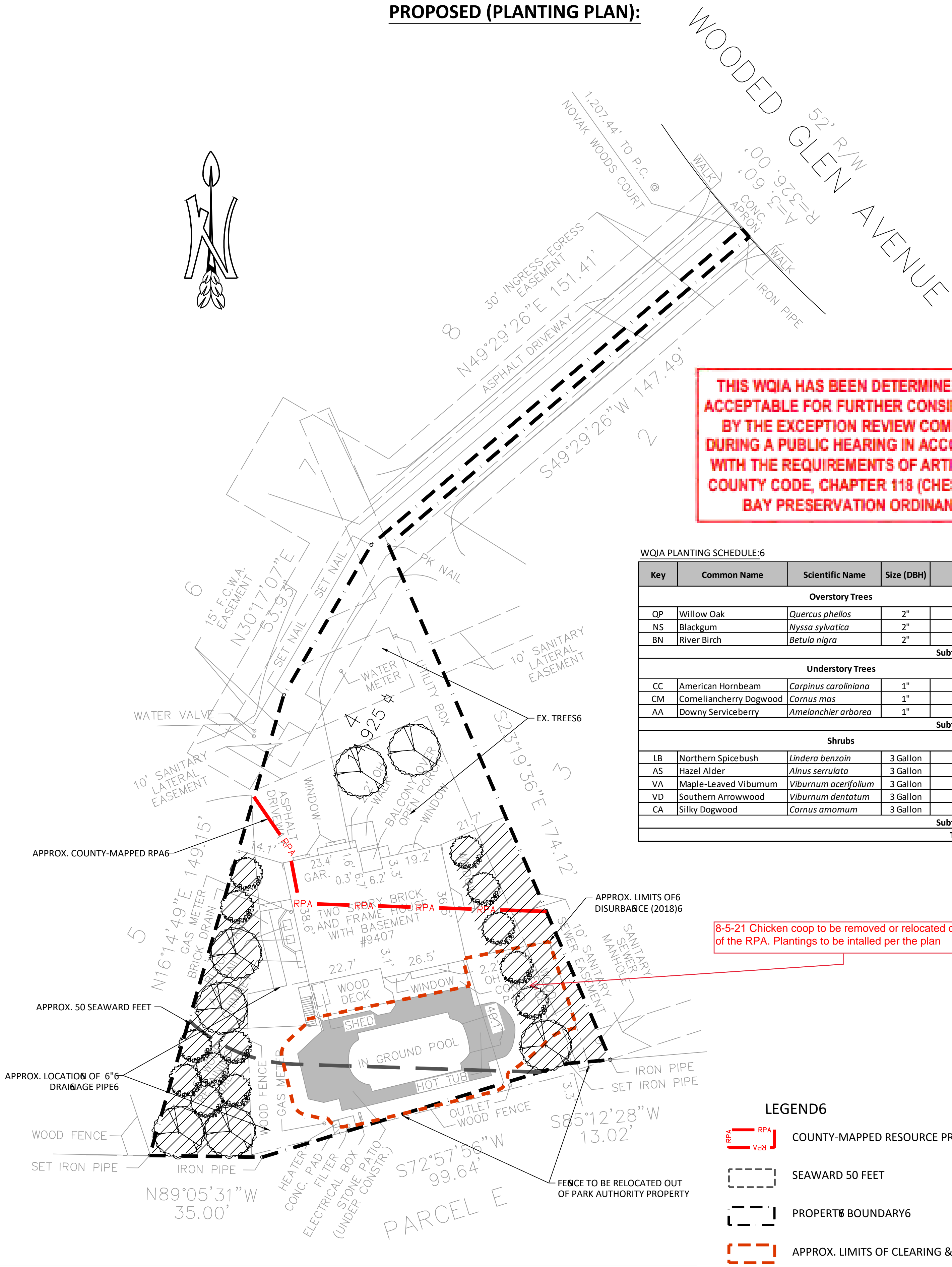
cc: Shannon Curtis, Chief, Watershed Assessment Branch, Stormwater Planning Division,
Department of Public Works and Environmental Services
Danielle Badra, Clerk to the Chesapeake Bay Exception Review Committee
Brandy Mueller, Chief, Environmental Compliance and Enforcement, LDS
Peggy Delean, Division Supervisor, Department of Code Compliance (DCC), LDS
Gary M. Wallace, Code Compliance Investigator II, DCC, LDS
Jeffrey Vish, P.E., Chief, Central Branch, SDID, LDS
Waiver File



EXISTING:



PROPOSED (PLANTING PLAN):



THIS WQIA HAS BEEN DETERMINED TO BE ACCEPTABLE FOR FURTHER CONSIDERATION BY THE EXCEPTION REVIEW COMMITTEE DURING A PUBLIC HEARING IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 6 OF COUNTY CODE, CHAPTER 118 (CHESAPEAKE BAY PRESERVATION ORDINANCE).

| WQIA PLANTING SCHEDULE:6 | | | | | |
|--------------------------|-------------------------|-----------------------------|------------|--|----------|
| Key | Common Name | Scientific Name | Size (DBH) | | Quantity |
| Overstory Trees | | | | | |
| QP | Willow Oak | <i>Quercus phellos</i> | 2" | | 3 |
| NS | Blackgum | <i>Nyssa sylvatica</i> | 2" | | 2 |
| BN | River Birch | <i>Betula nigra</i> | 2" | | 2 |
| Subtotal | | | | | 7 |
| Understory Trees | | | | | |
| CC | American Hornbeam | <i>Carpinus caroliniana</i> | 1" | | 5 |
| CM | Corneliancherry Dogwood | <i>Cornus mas</i> | 1" | | 4 |
| AA | Downy Serviceberry | <i>Amelanchier arborea</i> | 1" | | 4 |
| Subtotal | | | | | 13 |
| Shrubs | | | | | |
| LB | Northern Spicebush | <i>Lindera benzoin</i> | 3 Gallon | | 14 |
| AS | Hazel Alder | <i>Alnus serrulata</i> | 3 Gallon | | 14 |
| VA | Maple-Leaved Viburnum | <i>Viburnum acerifolium</i> | 3 Gallon | | 14 |
| VD | Southern Arrowwood | <i>Viburnum dentatum</i> | 3 Gallon | | 13 |
| CA | Silky Dogwood | <i>Cornus amomum</i> | 3 Gallon | | 13 |
| Subtotal | | | | | 68 |
| Total | | | | | 88 |

8-5-21 Chicken coop to be removed or relocated out of the RPA. Plantings to be installed per the plan

LEGEND6

- RPA COUNTY-MAPPED RESOURCE PROTECTION AREA (RPA)6
- SEAWARD 50 FEET
- PROPERTY BOUNDARY6
- APPROX. LIMITS OF CLEARING & GRADING (2018)6
- *IMPERVIOUS SURFACE ASSOCIATED WITH NOV6
- AREA OF PREVIOUS DISTURBANCE IN RPA (2,370 SF)6
- PROPOSED SHRUB PLANTING AREA6
- PROPOSED OVERSTORY TREE6
- PROPOSED UNDERSTORY TREE6

- NOTES:6
- EXISTING CONDITIONS WERE PROVIDED BY SCARTZ SURVEYS (2018).6
 - THE RESOURCE PROTECTION AREA (RPA) SHOWN HEREON WAS DRAFTED FROM THE COUNTY-MAPPED RPA LOCATED ON FAIRFAX COUNTY'S FLOODPLAIN VIEWER. ADDITIONALLY, A ZONE A FEMA FLOODPLAIN IS LOCATED ON SITE.6
 - *THIS AREA EXCLUDES THE POOL AND IMPERVIOUS SURFACE UNDER THE EXISTING WOOD DECK THAT WERE NOT DISTURBED IN 2018 WHEN THE POOL DECK WAS EXPANDED AND REPLACED AND THE SPA WAS ADDED.6

APPENDIX IV

ENGINEER SEALED PLAT



PROPOSED (PLANTING PLAN):



| WQIA PLANTING SCHEDULE: | | | | |
|-------------------------|-------------------------|-----------------------------|----------|-----------|
| Overstory Trees | | | | |
| QP | Willow Oak | <i>Quercus phellos</i> | 2" | 3 |
| NS | Blackgum | <i>Nyssa sylvatica</i> | 2" | 2 |
| BN | River Birch | <i>Betula nigra</i> | 2" | 2 |
| Subtotal | | | | 7 |
| Understory Trees | | | | |
| CC | American Hornbeam | <i>Carpinus caroliniana</i> | 1" | 5 |
| CM | Corneliancherry Dogwood | <i>Cornus mas</i> | 1" | 4 |
| AA | Downy Serviceberry | <i>Amelanchier arborea</i> | 1" | 4 |
| Subtotal | | | | 13 |
| Shrubs | | | | |
| LB | Northern Spicebush | <i>Lindera benzoin</i> | 3 Gallon | 14 |
| AS | Hazel Alder | <i>Alnus serrulata</i> | 3 Gallon | 14 |
| VA | Maze-Leaved Viburnum | <i>Viburnum acerfolium</i> | 3 Gallon | 14 |
| VD | Southern Arrowwood | <i>Viburnum dentatum</i> | 3 Gallon | 13 |
| CA | Silky Dogwood | <i>Cornus amomum</i> | 3 Gallon | 13 |
| Subtotal | | | | 68 |
| Total | | | | 88 |

| | |
|--|--|
| | COUNTY-MAPPED RESOURCE PROTECTION AREA (RPA) |
| | SEAWARD 50 FEET |
| | PROPERTY BOUNDARY |
| | APPROX. LIMITS OF CLEARING & GRADING (2018) |
| | *IMPERVIOUS SURFACE ASSOCIATED WITH NOV |
| | AREA OF PREVIOUS DISTURBANCE IN RPA (2,370 SF) |
| | PROPOSED SHRUB PLANTING AREA |
| | PROPOSED OVERSTORY TREE |
| | PROPOSED UNDERSTORY TREE |

NOTES:

1. EXISTING CONDITION WERE PROVIDED BY SCARTZ SURVEYS (2018).
2. THE RESOURCE PROTECTION AREA (RPA) SHOWN HEREON WAS DRAFTED FROM THE COUNTY-MAPPED RPA LOCATED ON FAIRFAX COUNTY'S FLOODPLAIN VIEWER. ADDITIONALLY, A ZONE A FEMA FLOODPLAIN IS LOCATED ONSITE.
3. *THIS AREA EXCLUDES THE POOL AND IMPERVIOUS SURFACE UNDER THE EXISTING WOOD DECK THAT WERE NOT DISTURBED IN 2018 WHEN THE POOL DECK WAS EXPANDED AND REPLACED AND THE SPA WAS ADDED.

ENVIRONMENTAL
44455 Brookfield Corporate Drive, Suite 100
Chantilly, VA 20151
PH: 703-466-5123 WWW.INTENVIRONMENTALINC.COM

9407 WOODDED
GLEN AVENUE

MAJOR WATER QUALITY IMPACT ASSESSMENT MAP

[illegible]