



County of Fairfax, Virginia

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

Final Minutes

Meeting of the Chesapeake Bay Exception Review Committee

March 6, 2019, 2:00 PM
Herrity Building, Room 941
12055 Government Center Parkway
Fairfax, Virginia 22035

Present

Committee:

Chris Koerner, Anne S. Kanter, James C. Chesley, Sue Kovach Shuman, Edward W. Monroe, Jr., Dr. David Schnare, Ken Lanfear, Amy Gould.

County Staff:

Danielle Badra, Brandy Mueller, Camylyn Lewis, Jerry Stonefield, Matthew Hansen, Hanna Kras, Orna Zaman, Yosif Ibrahim.

Applicant:

Michael Collier (applicant), Avi Sareen (applicant's representative).

Committee Members Absent

Monica Billger, Elizabeth Martin.

Call to Order

Meeting called to order by Chairman Koerner at: 2:04 PM

ERC Business

1. Review of the January 16, 2019 minutes:
 - a. Koerner mentioned that it would be nice to remove the "draft" watermark from future draft meeting minutes and instead type "draft" or "final" at the top of each draft or final meeting minutes.
 - b. Motion was made by Koerner to revise the minutes to address the applicant submitting documents very last minute before the meeting and that it lead to some confusion.



- c. Motion was made by Koerner to approve the minutes as amended. The motion was seconded and approved 8-0.
- d. Koerner mentioned that Lewis sent out a WQIA draft guidelines template to the ERC members and no one responded. Asked that the ERC members look over the draft document to see if there is anything else that should be added to the checklist. Koerner added that the last RPA policy meeting is next week.
- e. Gould announced an update on the Woodlark case that the applicant connected a sewer lateral without a stop work order applied to the property.
- f. Koerner mentioned that there was a stop work order referenced in the final order and yet the work proceeded somehow.
- g. Gould said she spoke with Hansen and he confirmed that the permit was never terminated. Hansen also confirmed that it is still an active site in terms of E&S inspections. The stop work order was just for the structure, inspection of the site continues. The sewer injunction was not within the RPA, which does not need a permit.
- h. Koerner said that the stop work order meant nothing could be done at all and that dumping on the property was done by the applicant, according to an eyewitness account, not by illegal midnight dumping.
- i. Mueller to get in touch with the appropriate inspector to get more information and follow-up on the Stop Work requirement for the Woodlark site.
- j. Koerner has received comments that the ERC is being criticized for unruliness in our denials. Would like to see staff management be improved. If staff and applicant can work together better to present materials in a timely and organized manner, then there will be less confusion on the part of the committee.
- k. Lanfear commented that he's glad the staff report addendum is so clear.
- l. Shuman understands that the goal is for the ERC to work with the County to find the best possible solution.
- m. Monroe agrees the applications could be clearer though he agrees this one looks much better.
- n. Chesley agreed with the comments made by Koerner.
- o. Schnare believes the ERC has become more detail oriented over time and that staff has done a good job adjusting.

Committee Matters

1. Public Hearing for Case No. 1996-WRPA-015-3 and 1996-WQ-004-3

Address: 908 Mackall Avenue, McLean, VA 22101
Lot Description: Collier Residence, Sec. 1, Lot 12B
Applicant: Michael and Julie Collier.

- a. Koerner re-opens the public hearing.
- b. Koerner asked for any conflicts from the committee members.
- c. Shuman expressed that she met Collier in 2008/2010 when interviewing him for an oral history project for the Providence District. She had completely forgotten about the interaction until she found a transcript of that interview recently. Does not see this as a conflict of interests but wanted to bring it to the attention of the committee.
- d. Schnare asked if Shuman had the potential to gain from this previous connection.
- e. Shuman responded, "No."
- f. Case originally heard in June 2018. Public hearing opened again in January 2019, but decision was deferred to March 2019. Applicant worked with staff on existing conditions to present a staff report addendum that clarified questions raised in January.
- g. Lewis summarized the following: applicant wishes to replace the patio with pervious pavers, construct a swimming pool, and add a detached garage in the RPA (118-6-9); disturbance in the seaward 50-feet is not proposed; the applicant is proposing re-planting in the seaward 50-feet.
- h. Lewis presented a PowerPoint detailing previous concerns, findings of the staff report addendum, and the staff recommendation of approval.
- i. Lanfear mentioned that a lot of the previous concerns have been addressed. He feels that the Chesapeake Bay will be better off with the work that is being done on the Collier property. Considers this a win-win. However, it is very important to prevent what happened in 2007 by requiring tree planting prior to the construction of the new work.
- j. Sareen mentioned that Lewis and Sareen spent four hours on a Friday afternoon and went through every concern. They agreed not to leave the meeting until they agreed on a resolution to each concern. All of Lewis' document and Sareen's documents have identical information. Sareen clarified, in response to Lanfear, that after plan approval and prior to construction, the required tree planting would take place.
- k. Koerner asked about the driveway turn-around since difficulty with the turn-around was previously mentioned.
- l. Sareen stated that this issue has been resolved.
- m. Koerner asked about the compacted subbase of the pea gravel. He wanted to know if that would be regenerated to allow for the proper construction methods for those materials.
- n. Sareen responded yes and said it needed to be deconstructed for the proper construction of the pervious pavers.
- o. Koerner asked if the proper erosion and sedimentation measures would be in place?

- p. Lewis confirmed that an inspector went out with her and confirmed no erosive condition currently so there is no need for additional E&S measures at this time.
- q. Koerner mentioned that they have a large population of Tulip Poplar trees and that the applicant should not plan on planting any more. Then Koerner asked if there would be a buffer all along the stream bank.
- r. Sareen said that there would be no more Tulips planted. He also said that there will be a buffer on the north side of the stream, but the width is variable in places.
- s. Koerner asked whether fertilizer was proposed.
- t. Sareen responded that he didn't see why it would be needed.
- u. Koerner mentioned a white paper that referenced that 2-inch caliper trees don't end up growing any faster and they are harder to keep alive than 1-inch caliper trees. Cost benefit, canopy and survivability are reasons to choose 1-inch caliper over 2-inch.
- v. Sareen agreed that 1-inch caliper is better.
- w. Kanter mentioned that working toward yes is part of the job of an urban planner. She thanked Sareen and Lewis for working toward yes. She thanked them for their effort.
- x. Chesley asked how long the patio has been there with pea gravel on it.
- y. Collier responded that the patio has been there for five years with pea gravel on it.
- z. Chesley mentioned that he'd like to see a note go in somewhere that says that the substrate shall be appropriately engineered to address drainage.
- aa. Koerner mentioned that Chesley's comment can be added to the proposed conditions in Attachment A.
- bb. Lewis opened Attachment A (conditions) and proceeded to read through the proposed conditions.
- cc. Amendments to the proposed conditions were made. Monroe motioned to approve the amendments to the proposed exception conditions. The motion was seconded and approved unanimously.
- dd. Motion was made by Monroe to approve the application with the amended exception conditions. The motion was seconded and approved unanimously.
- ee. The public hearing closed.

ERC Business

- a. Schnare mentioned a document showing how five years of ERC cases was handled. Asked if we could locate the document. Might consider doing something similar in the future.
- b. Mueller mentioned that we have started to track these documents but might not have such an old document available.
- c. Koerner asked if there were any pending applications. Lewis mentioned that there were a couple applications on her desk but nothing that is ready for the ERC.

- d. Kanter brought up the PLUS program that the county is implementing. Significant costs and improvements to interagency information sharing.
- e. Koerner brought up the topic of sheds and the need to identify a review process in the future.
- f. Gould mentioned the Fairfax County Restoration Project and asked about the letters to industry list-serv. Mueller asked Gould to follow-up after the meeting.
- g. Kanter reminded ERC members to follow-up with their Supervisors regarding the April 9, 2019, public hearing for the Woodlark Appeal.
- h. Koerner requested training on Roberts Rule.
- i. Motion was made by Koerner to adjourn. The motion was seconded and approved unanimously.

Next Meeting

No meeting date was set.

Adjournment

Motion from Koerner to adjourn at 3:46 PM. The motion was seconded and approved 8-0.