

**COMMONWEALTH OF VIRGINIA  
COUNTY OF FAIRFAX**

**MINUTES OF THE WETLANDS BOARD**

**DATE: Tuesday, November 29, 2022**

**TIME: 7:00 PM – 9:00 PM**

**LOCATION: Electronic Meeting via Zoom**

<https://us06web.zoom.us/j/82574070486?pwd=c2RJRENpL1I3ZkJwOTNIU1FyRmRNZz09>  
password 996973

**Wetlands Board Member Attendance\***

<b>Name</b>	<b>Present (P)/ Absent (A)</b>	<b>Name</b>	<b>Present (P)/ Absent (A)</b>
John Collins	A	Aurali Dade	P
R. Dean Costello	A	Douglas M. Kleine	A
Bert Cramer	P	Kim Larkin	P
Deana M. Crumbling	P	Clyde Wilber	P

*\*All members participated remotely*

**In Attendance**

Katie Hermann	Dept of Planning and Development, Fairfax County
Mark Eversole	Virginia Marine Resources Commission
Marc Gori	Office of the County Attorney, Fairfax County
Louis Nuzzo	Office of the County Attorney, Fairfax County

The meeting was called to order at approximately 7:00 PM.

**1. Covid-19 Pandemic Special Motions**

Given that some members of the Wetlands Board were participating in the meeting from separate locations and in order to verify that a quorum of members was participating. Each member was able to confirm that their voice was clear, audible, and at an appropriate volume for all of the other members. Clyde Wilber performed a roll call of members and asked each Wetlands Board member participating in the meeting to state their name. Kim Larkin moved that each member's voice was adequately heard by each other member of the Wetlands Board. The motion approved unanimously.

After having established that each member's voice could be heard by every other member, Clyde Wilber next established the nature of the emergency that compelled these emergency procedures, the fact that the board was meeting electronically, the type of electronic communication that was being used, and how public access to this meeting was arranged. Clyde Wilber moved that the Emergency Declaration caused by the COVID-19 pandemic makes it unsafe for all of the Wetlands Board to physically assemble and unsafe for the public to physically attend any such meeting, and that as such, the Freedom of Information Act's (FOIAs) usual procedures, which require the physical assembly of the Wetlands Board and the physical presence of the public,

cannot be implemented safely or practically. He further moved that the Wetlands Board may conduct this meeting electronically through a dedicated audio-conferencing line, and that the public could access the meeting by calling 1-888-270-9936 and entering the code: 680100. The motion was seconded by Kim Larkin and approved unanimously.

Clyde Wilber further moved that each member of the public has three minutes to speak at the end of the meeting. The motion was approved unanimously.

## **2. Remote Participation & All-Virtual Public Meeting Policies**

Katie emailed the Board members on November 9<sup>th</sup> regarding new policies regarding remote participation and all-virtual meetings for all County Board, Authorities and Committees (BACs) that the County Board of Supervisors would like all BACs to adopt. Louis Nuzzo from the Office of the County Attorney and an expert in the County's FOIA processes participated in this portion of the meeting and provided additional history information and answered Board members questions.

As a reminder, Remote Participation Policy - The Wetlands Board previously adopted a remote participation policy in 2021 at the direction of the County. The General Assembly passed [House Bill 444](#) in early 2022 and the Governor signed it into law in April 2022. Because of these recent changes to the law, the Wetlands Board current policy requires updates. Board members may notice that the proposed revisions to the remote participation policy (attached) are provided in track changes and have been approved by the Office of the County Attorney. All-virtual public meeting policy. The all-virtual public meeting policy is new and is recommended by the Office of the County Attorney.

A summary of changes is outlined below:

- Public bodies can still meet by fully electronic communications means during a state of emergency
- Public bodies may hold all-virtual public meetings two times or 25% of meetings per calendar year, whichever is greater and may not be held consecutively
- HB 444 added a reason for a member to participate remotely:
  - If the member's principal residence is more than 60 miles from the meeting location
  - All other reasons are unchanged (i.e. medical condition, medical condition of family member, personal matter) and this is limited to two times or 25% of meetings per calendar year, whichever is greater
- Physical Quorum is still required – if it's an in-person meeting (not an all-virtual mtg)

Ms. Dade proposed a motion to adopt the new remote participation policy, and Mr. Cramer seconded that motion. The motion was approved unanimously.

Ms. Dade proposed a motion to adopt the new all-virtual meeting policy, and Ms. Larkin seconded that motion. The motion was approved unanimously.

### **3. Update on Joint Permit Applications**

Katie Hermann discussed the several applications:

- 4517 Carlby Lane – had a site visit with the applicant in Nov and have already sent comments back. The project would include reusing of existing riprap, with the addition of new riprap to construct a sill to create living shoreline with native plants.
- 11191 Gunston Rd – JPA submitted which showed riprap, trying to encourage the applicant to move disturbance out of WB jurisdiction - have a 20 ft cliff with major erosion
- 6045 River Dr - proposes the replacement of a failing bulkhead with new pilings and whalers, which is anticipated to be located 24 inches or less channelward of the existing bulkhead. Sent comments in Aug, waiting for resubmission
- 6061 River Dr - a residential dock, boat slip, and catwalks supported by piles, with 120 ft of riprap for shoreline stabilization. Sent comments in 2021, waiting for resubmission
- 4001 Belle Rive Terrace, Alexandria (Potomac River) – JPA# 19-0427: & 11371 River Road, Lorton (Potomac River) – JPA# 20-0401 – been in contact with the applicants and hope to bring these applications to the Board for consideration & hearing in 2022

Further discussion about the 4517 Carlby Lane JPA continued. Mr. Wilber requested Board authority to send a formal letter to VMRC & VIMS asking for the following items related to this application: 1) expediate the review of this JPA, 2) that they assist the applicant as much as possible and 3) and that they work with the applicant to make the implementation of this JPA as economically viable as possible.

Mr. Wilber requested a motion to discuss this. Ms. Dade seconded it. Several members expressed concern about supporting this motion without seeing the application first. Mr. Wilber offered to amend the motion to open it up to all applications, not just in reference to this JPA. After Board discussion, no additional support was provided and the revised and original motion failed.

### **4. Set date for next Wetlands Board meeting**

No date was determined during this meeting, but Katie will reach out to Board members separately via email to schedule the next meeting.

### **5. Meeting Minute Review and Approval**

Katie sent draft meeting minutes for the March 30<sup>th</sup> and August 31<sup>st</sup> meeting via email on Oct 4<sup>th</sup>. Mr. Wilber offered a motion to approve the March 30<sup>th</sup> meeting minutes. Ms. Dade abstained from the vote and Mr. Cramer seconded the motion. Mr. Wilber offered a motion to approve the Oct 4<sup>th</sup> meeting minutes. Ms. Dade abstained from the vote and Ms. Larkin seconded the motion. Both motions were approved unanimously.

### **6. Member Time**

No members requested time during this session.

**7. Public Comment Period**

Liviya Sand – provided updates on her JPA on 10625 Greene Drive and property boundary depiction (JPA 21-1648).

Kristin Salzer – Harbor View Rec Club representative related the JPA 21-1648 and thanked Liviya Sand for her update on this JPA.

No additional comments from the public were provided.

**8. Closed Session**

The Board called the meeting into Closed Session, the following motions were read by the Chair and Vice Chair and each vote was approved unanimously.

**CLOSED SESSION MOTION:**

I move that the Fairfax County Wetlands Board go into Closed Session with an attorney from the County Attorney’s Office to discuss specific legal matters requiring the provision of legal advice relating to the property more particularly described as Fairfax County Tax Map No. Tax Map Reference 113-4 ((1)) parcel 28A, and specifically regarding the authority granted to the Wetlands Board by the Board of Supervisors under the Wetlands Zoning Ordinance, Chapter 116 of the Fairfax County Code, and Va. Code § 28.1-1316, and as set forth in its Bylaws, all as permitted by Virginia Code Section 2.2-3711(A)(8).

**MOTION COMING OUT OF CLOSED SESSION:**

In accordance with Virginia Code Section 2.2-3712, I move that the Fairfax County Wetlands Board members certify that, to the best of each member’s knowledge, only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the Closed Session was convened were heard, discussed, or considered in Closed Session.

**9. Adjournment**

Ms. Larkin motioned to close the meeting, and Ms. Dade seconded the motion. The vote was approved unanimously.

The meeting adjourned at 8:52pm.