



CONCERNED CITIZENS UNITED FOR BELMONT BAY

WWW.BelmontBayUnited.com

Board of Directors: **KP Lau**, President, **Rob Hartwell**, Secretary,
Bill Fitzgerald, Treasurer & **James Bieret**, Director at Large

June 28, 2024

The Honorable Deshundra Jefferson, Chair At-Large
PWC Board of County Supervisors
1 Community Complex Court
Woodbridge, Virginia 22192

The Honorable Juan McPhail, Chair, PWC Planning Commission
C/O PWC Planning Office
5 County Complex Court, Suite 210
Woodbridge, VA 22192

Re: REZ2024-00040 Belmont Bay & SUP2024-00036 Belmont Bay and
Proffer Amendments to REZ99-022 (1999 Zoning)

Dear Madame Chair,

The Board of Directors of the Concerned Citizens United for Belmont Bay submits its comments (see attached) to the proposed rezoning application as referenced.

Alarminglly, thie applicant requested 46 new waivers to the zoning ordinances, in addition to 19 waivers wishing to be grandfathered from the 1999 request. The number of 65 waivers requested is making a mockery of the established zoning ordinances.

Despite the reduction of density with this rezoning request compared to the previous request (which was withdrawn on January 22, 2024), the total number of new units (including the number of proposed new builds, the ones that M&S has finished building recently and is currently building) will still increase by 46% in Belmont Bay.

Most importantly, the major critical issues raised by the PWC Planning Office on the previous application remain unaddressed in this rezoning request. The following five issues are being highlighted:

1. Double dipping of the 30% open space as in the original development approval in 1999 is not acceptable. As was noted by the previous report, "The open space for the new development must not be associated with the existing development of the Belmont Bay."
2. Diminishing amenities by the rezoning application is not fair to the current residents. To build homes on the golf course which was the open space amenity required in the original development has essentially taken open space away from the current residents. Furthermore, M&S has not proposed any new amenities for the community.
3. For the new development to be under the control of a second HOA established after the control of BBHOA was turned over to the residents has created major problems in the maintenance of the common area and being fair to all residents. Additionally, with the new HOA, the new builds as proposed are deviating from the original established design guidelines to maintain the harmony of the community.
4. The traffic issue has been ignored again in this application. The single ingress/egress to Belmont Bay is a major concern, especially when two new distribution warehouses are under construction in addition to one that has just been completed. Additionally, most of the roads in Belmont Bay are privately maintained by BBHOA and the increased traffic must be closely evaluated and consultation with BBHOA.
5. The applicant should involve all stakeholders, especially the residents in the early development stage. By merely holding meetings with the residents after the fact and categorically dismissing the residents' concerns does not meet the intent of this critique.

Significantly, with the endangered species of the Northern Long-Eared Bat being identified in the region and the Tri-Colored Bat, whose endangered listing status is pending, being identified in the Refuge, the developer must be tasked to scientifically determine that the project will not disturb the bats' habitat that borders the Occoquan Bay National Wildlife Refuge so as to be in compliance with the Endangered Species Act of 1973 (16USC 1531-1544. 87 Stat.884) as amended. The PWC Department of Development Services must work closely with the Virginia Ecological Services and the US Fish and Wildlife Services to obtain concrete determination by the applicant to avoid violation of the Act and to therefore allow the destruction of the endangered species of bats by inaction due to a lack of close coordination and physical verification.

At a minimum, at least 100 ft of buffer zone, which has been requested by the Audubon Society of N VA and the Prince William Conservation Alliance, must be mandated for any construction activities along the border of the refuge.

Lastly, regarding M&S' grading/Infrastructure permit (LND2024-0205) that was rescinded on May 22, 2024 after it was determined M&S had illegally dumped construction debris on Belmont Bay Land Bay F. We respectfully request that since Land Bay F is a part of this rezoning application, the rescinding order should stay until Rez-2024-00040 has been approved.

Thank you for your time and consideration.

Sincerely yours,



KP Lau, President

Attachment: Memo by Rob Hartwell, Secretary, on Rez 2024-00040 and Proffer Amendment RZ99-022, 6/27/2

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