



October 3, 2016

Hon. Mary Leigh McDaniel
Fauquier County Board of Supervisors
40 Culpeper Street
Warrenton, VA 20186

RE: WAIV-16-005690: Two wrongs don't make a right.

Dear Ms. McDaniel,

The Goose Creek Association requests that the Board of Supervisors **DENY** the application for a waiver under WAIV-16-005690. The county should not retroactively absolve an unlawfully created subdivision by granting a waiver of Fauquier County's Subdivision Ordinance to create road connections for the unlawful subdivision contrary to the subdivision's restrictive covenants. To do so would endanger the Goose Creek watershed and violate the rights of other residents of the Apple Manor subdivision. This would create a precedent for other developers in Fauquier County to ignore landowners' preexisting contract obligations under restrictive covenants and thereafter have the county absolve the unlawful subdivision by granting a variance. While the facts may be complicated, the principal is not: two wrongs don't make a right.

The Apple Manor subdivision in Markham, north of Delaplane, lies within the Goose Creek watershed. Increasing the footprint of residents within the watershed requires determination of the impact of development on the watershed, i.e., the aquifers, riparian buffers, scenery, run-off, noise, and other environmental and conservation issues. By limiting development in the Apple Manor Subdivision with restrictive covenants, the residents expected to address many of these issues. To ignore the restrictive covenants, unlawfully subdivide a property further and then request a variance to create road connections for the illegal subdivision flies in the face of thoughtful, balanced development in Fauquier County. Therefore, The Goose Creek Association requests that the Board of Supervisors **DENY** the waiver requested.

The Goose Creek Association (GCA) appreciates the opportunity to comment on the above project proposal. Our organization is charged with monitoring stream water quality, proposed developments, legislation, zoning changes, and other actions that have potential impact on the environment and quality of life in the Goose Creek watershed in Fauquier and Loudoun Counties, VA. We are a nonprofit 501C3 organization with hundreds of members who share a determination to protect and preserve the natural resources, historic heritage and rural quality of life found in this beautiful part of Virginia.

Sincerely yours,

A handwritten signature in blue ink that reads "Lori Keenan McGuinness". The signature is fluid and cursive, with the first name "Lori" being the most prominent.

Lori Keenan McGuinness, Co-Chair

Bonnie Mattingly, Co-Chair

Cc: Members of the Fauquier County Board of Supervisors