

Middlesex County Wetlands Board Minutes  
February 9, 1998

Call To Order

The February 9, 1998 meeting of the Middlesex County Wetlands Board was called to order by Chairman Sherman T. Holmes at 9:00 a.m. in the Board Room of the Woodward Building, Saluda, Virginia.

Representing the Board were: Chairman Sherman T. Holmes  
Mr. Woodson Armstead  
Mr. Elliot Reed  
Mr. B. Ulman Miller  
Mr. M. Dale Taylor

Also present was Olivia D. Wilkinson, Middlesex County Planner / Deputy Zoning Administrator.

Minutes

The Board considered the minutes of the January 13, 1998 meeting. On a motion by Mr. Miller and a second by Mr. Reed, the minutes were approved unanimously.

Public Hearing

1. 1. Stingray Harbor, LLC- Application #97-1960

Chairman Holmes read the proposal of Stingray Harbor, LLC to replace existing boat ramp with a travel lift slip and to construct 165' of bulkhead and two 10' return walls for a total of 185' of bulkhead. In addition dredge 697 cubic yards. This project is located on Broad Creek, Tax Map 41-165.

Olivia Wilkinson addressed the Board. Mrs. Wilkinson read the VIMS report :

“The applicant proposes dredging, excavation, and bulkhead/jetty construction to convert an existing boat ramp on Broad Creek to a travel-lift slip. If the project is permitted, we recommend that the applicant incorporate the use of best management practices to properly contain runoff from the washdown area and any other boat maintenance activity proposed in order to prevent pollutants from entering the water column and sediments.”

Mrs. Wilkinson read the Analysis and Effect and recommended approval of the application as presented.

Chairman Holmes opened the public hearing.

Dan Caskie, agent for the applicant, offered to provide information and answer the Board's questions.

Mr. Miller asked Mr. Caskie if the existing boat ramp would be removed. Mr. Caskie indicated that the boat ramp would be removed. Mr. Taylor asked if one of the existing bulkheads would be kept. Mr. Caskie answered that the bulkheads were going to be constructed in the same location, but that the piles would be driven deeper.

With there being no further comment from the public, the hearing was closed.

On a motion by Mr. Taylor, seconded by Mr. Miller, and carried by unanimous vote, Application #97-1960 was approved as submitted.

2. Frank and Elizabeth Johnson - Application #97-2037

Chairman Holmes read the proposal of Mr. and Mrs. Johnson to install 153' of bulkhead and excavate a 40' X 20' boat slip. This project is located on Bush Park Creek, Tax Map 39-14-35.

Olivia Wilkinson addressed the Board. Mrs. Wilkinson read the VIMS report:

“It is our opinion that the individual and cumulative adverse environmental impacts resulting from this project warrant careful consideration. The attached report summarizes these impacts and, where appropriate, suggests alternatives to minimize environmental effects. The applicants propose to excavate a boat slip from existing wetlands and upland. From a marine environmental viewpoint, it would be preferable to construct an open pile pier for boat mooring. However, if this is not feasible due to navigation concerns, and the excavated slip is permitted, we recommend that it be dredged no deeper than the depth of the adjacent channel.”

Mrs. Wilkinson also read the Analysis and Effect and recommended approval of the application as submitted with the condition of application of a RPA permit or equivalent from the Planning Department.

Mr. Taylor asked Chip Neikirk if he had seen the project. Chip indicated that he had not because it was outside of the marine Resource Commission’s jurisdiction as long as it was not dredged deeper than the channel.

Chairman Holmes opened the public hearing.

Ms. Alor Traywick, agent for the applicant, indicated that the project involved the upland. She also indicated that the Creek traffic at this lot location was extremely heavy. She stated that the Johnson’s preferred to construct the slip at the upland rather than encroach into the Creek’s navigation channel. Ms. Traywick indicated that due to the concern of channel maintenance responsibility, the Johnson’s were requesting to overdredge by approximately one foot. Their purpose for this was to avoid requests for maintenance dredging.

With there being no further comment from the public, the hearing was closed.

On a motion by Mr. Taylor, seconded by Mr. Reed, and carried by unanimous vote, Application #97-2037 was approved conditioned upon applying for an RPA permit from the Planning Department.

### 3. Samuel and Dearing Gaddy- Application #97-0169R

Chairman Holmes read the proposal of Mr. and Mrs. Gaddy to revise the original application to construct 150’ of timber bulkhead a maximum of 2 feet channelward of existing bulkhead. This project is located on Fishing Bay/Piankatank River, Tax Map 46-6-53.

Mrs. Wilkinson read the VIMS report indicating minimal environmental impacts and recommended approval of the revision as submitted.

Chairman Holmes opened the public hearing.

Ms. Alor Traywick, agent for the applicant, indicated that the revision was due to the applicant’s desire to maintain their beach.

With no further public comment, the public hearing was closed.

On a motion by Mr. Armstead, seconded by Mr. Taylor, and carried by unanimous vote, Application #97-0169 Revised was approved as submitted.

### 4. Gibson Wright - Application #97-2024

Chairman Holmes read the proposal of Mr. Wright to install two 48’ low profile groins at the toe of existing bank. This project is located on the Rappahannock River, Tax Map 29-10-3-A.

Mrs. Wilkinson read the VIMS report:

“It is our opinion that the individual and cumulative adverse environmental impacts resulting from this project warrant careful consideration. The attached report summarizes these impacts and, where appropriate, suggests alternatives to minimize environmental effects. As proposed, the groins are expected to exacerbate existing erosion on the downdrift (i.e. downstream) shoreline. If the groins are permitted, we recommend that they be artificially filled with good quality sand of a particle size composition similar to that currently existing in the intertidal zone. Artificially filling the groin cells would shorten the length of time that the sediment transporting process would be interrupted, thus lessening the impact on the downdrift shoreline.”

Mrs. Wilkinson read the Analysis and Effect and recommended approval of the application, citing that the Board had previously approved the same project at the adjacent properties.

Chairman Holmes opened the public hearing. With no comments from the public, Chairman Holmes closed the public hearing.

On a motion by Mr. Taylor, seconded by Mr. Armstead, and approved by unanimous vote, Application #97-2024 was approved as submitted.

#### 5. Fishing Bay Trace - Application 97-2004

Chairman Holmes read the proposal of Fishing Bay Trace to construct 340 feet of rip rap and dredge approximately 150 cubic yards of subaqueous material from a manmade cove. This project is located on a cove of Fishing Bay, Tax Map 40-385.

Mrs. Wilkinson read the VIMS report:

“It is our opinion that the individual and cumulative adverse environmental impacts resulting from this project warrant careful consideration. The attached report summarizes these impacts and, where appropriate, suggests alternatives to minimize environmental effects. The applicant proposes to dredge adjacent to existing slips, and up to 48 feet westward from the end of the existing pier. If the dredging is permitted, we recommend that it be restricted to that required for navigation into the existing slips.”

Mrs. Wilkinson read the Analysis and Effect and recommended approval of the rip rap portion of the application. Staff maintained that more dredging than necessary appears to be proposed and that the Board should review this request and question the applicant about the amount of proposed dredging.

Chairman Holmes opened the public hearing.

Ms. Alor Traywick, agent for the applicant, addressed the Board and indicated that the dredging was occurring at a fifteen (15) foot setback from vegetated wetlands. In addition, she maintained that it would continue channelward 10 feet and start as a slope dredging. She also indicated that dredging would take place outside of the footprint of the pier.

With no further public comment, the public hearing was closed.

On a motion by Mr. Taylor, seconded by Mr. Miller, and carried by unanimous vote, Application #97-2004 was approved as submitted.

#### 6. Johnston Construction- Application #98-0023

Chairman Holmes read the proposal of Johnston Construction to excavate 175' of area behind an existing bulkhead, repair 60 feet of existing bulkhead, and install 175' of filter cloth over top of the existing bulkhead. In addition, place rip rap and filter cloth in front of and over bulkhead in a 135' and 175' section. This project is located on the Chesapeake Bay, Tax Map 41-41-11.

Mrs. Wilkinson addressed the Board and read the VIMS report:

“We have reviewed this proposal from a marine environmental viewpoint. The proposal has already been partially completed. We first visited the site on 12/15/97, at which time the excavation landward of the bulkhead had already occurred. Because of the deteriorated condition of the bulkhead, wetlands existed landward of the bulkhead and were excavated prior to our visit. If we had been given the opportunity to comment prior to this work, we would have recommended that appropriate control measures be placed to prevent excavated sediment from returning to the water column through the deteriorated bulkhead. At our 1/21/98 site visit, control measures employed by the applicant / contractor were ineffective at containing sediment and runoff from the site. Once appropriate erosion controls are properly emplaced, it is our opinion that the individual and cumulative adverse impacts resulting from this activity will be minimal.”

Mrs. Wilkinson read the Analysis and Effect and recommended approval of the application with the assessment of a \$400.00 fee to pay the remainder of the after-the-fact fee.

Chairman Holmes opened the public hearing.

Mr. Taylor asked Mrs. Wilkinson if the applicant had been properly notified about the hearing date and time. Mrs. Wilkinson responded that he had been notified by certified mail and telephone message.

The Board expressed concern that the applicant had not shown up for the hearing and that he had not followed the office direction in relation to Erosion and Sediment control practices on site. Several Board members discussed continuing the application until the applicant could appear. Mrs. Wilkinson indicated that it would be preferable to allow the applicant to continue work immediately due to erosion problems and recent storm damage.

Ms. Alor Traywick addressed the Board and indicated that she thought Mr. Johnston should have paid the after-the-fact fee and that the fact that he had not showed that the Board was treating this applicant differently. Mrs. Wilkinson responded that she had not assessed the fee after consulting with Mr. Holmes and Planning and Building staff.

With no further comments from the public, the public hearing was closed.

Mr. Holmes indicated that he thought the Board should assess a \$25,000 bond until proper completion of the project and that the remaining \$400.00 should be paid.

Mr. Taylor discussed a \$5,000 bond, but the Board indicated that that fee may be too low.

Mr. Taylor made a motion to assess the remaining \$400 fee, a \$10,000 bond, and to require the applicant to appear before the Board at its next scheduled meeting to report progress.

Mr. Reed commented that he would not vote in favor of a bond amount less than \$15,000.

Mr. Taylor withdrew his motion.

Mr. Taylor made a motion to assess the remaining \$400 after-the-fact fee, a \$15,000 bond, and to require the applicant to appear before the Board at their regularly scheduled March hearing. Mr. Reed seconded the motion and it carried on a unanimous vote.

## **New Business**

### 1. Emergency permits

Chip Neikirk explained that the Commission was considering Emergency General Wetlands Permit. He explained that the permit as proposed would have limited applicability.

Adjournment

With no further business to discuss, Mr. Taylor moved to adjourn the meeting. With a second by Mr. Armstead the meeting was adjourned unanimously at 10:25 a.m.

Respectfully submitted.

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Sherman T. Homes, Chairman

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Date

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