

Middlesex County Wetlands Board Minutes  
January 13, 1998

Call To Order

The January 13, 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 December 9, 1997 meeting. On a motion by Mr. Miller and a second by Mr. Reed, the minutes were approved unanimously.

Public Hearing

1. Chesapeake Leisure, LLC #97-1847

Chairman Holmes read the proposal of Chesapeake Leisure, LLC to maintenance dredge 26,060 feet and replace 354 feet of timber bulkhead with vinyl bulkhead a maximum of two feet channelward of existing timber bulkhead. In addition, as an after-the-fact permit, install 130' of vinyl bulkhead and add a 4' X 4' rip rap scour wedge. This project is located on Fishing Bay, Tax Map 40-381.

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

“We have reviewed this proposal from a marine environmental viewpoint. On the day of our site visit, some of the bulkhead replacement proposed in this application was in progress, some of the bulkhead replacement proposed had already been completed (approx. 115 ft. in the middle of the 762 ft. section), and a section of bulkhead labeled on the application plan view drawing as existing 130 ft. vinyl bulkhead had also been replacement of a previously existing bulkhead. The cross section detail drawing of the bulkhead replacement states that alignment of the bulkhead is a maximum of 2 ft. channelward of the existing bulkhead. However, the 115 ft. portion of the bulkhead replacement that had already been accomplished appeared to be as much as 4 ft. channelward of the existing bulkhead alignment. As long as the bulkhead is aligned as close to the existing bulkhead as is practicable, it is our opinion that the individual and cumulative adverse impacts resulting from the bulkhead replacement will be minimal.

The applicant also proposes 800 CY of maintenance dredging. If significant shellfish resources exist within 500 yards of the mouth of the marina harbor, we recommend that a silt/turbidity curtain be used to prevent silt suspended by the dredging from leaving the harbor.”

Mrs. Wilkinson read the Analysis and Effect and recommended that the Board carefully consider this application. She indicated that the after-the-fact-fee had been paid in relation to the 130 feet of after-the-fact bulkhead. She recommended that if the Board permitted the structure, the applicant should be required to install filter cloth and appropriately backfill the structure.

Mr. Holmes questioned Ms. Alor Grantham-Traywick, agent for the applicant, asking how she felt about the filter cloth recommendation. Ms. Grantham-Traywick responded that she had a problem with a filter cloth requirement because the manufacturers of the vinyl bulkhead advised her that filter cloth was not necessary for the bulkhead to be efficient. She commented that what should be required, as she proposed in the application, is a gravel fill for at least a portion of the way in between the two walls. She indicated that the only problem that vinyl bulkheads incur was water pressure. She indicated that there was not a release

system for the water to escape, thereby causing water pressure. Ms. Grantham-Traywick advised that she proposed this gravel with dirt fill over top to provide a drainage to relieve the pressure and a filter system, as recommended by the vinyl bulkhead manufacturer. She commented that she was open to suggestions from Chip Neikirk or the Wetlands Board.

Mr. Holmes questioned Chip Neikirk, VMRC about his experience with vinyl bulkheads and any suggestions that he might have. Mr. Neikirk commented that he has not worked with many projects. He indicated that Mrs. Wilkinson had spoken with Jay Woodard from VMRC and that he indicated that filter cloth was a suggested measure. Mr. Neikirk continued that Lancaster County has started to require filter cloth for the vinyl bulkheads. He also indicated that Ms. Traywick was correct in stating that there needs to be a way to allow the water pressure build up to exit the bulkhead.

Mr. Holmes commented that this was their first vinyl bulkhead project. Ms. Traywick commented that currently there are two contractors locally using it. She indicated that we will probably see more vinyl bulkheading due to its competitive price. Mr. Armstead indicated that he felt that the silt would seal the bulkhead.

Mr. Taylor asked Mrs. Wilkinson if the after-the-fact bulkhead was ever permitted under another application. Mrs. Wilkinson indicated that the old wall was timber and that she was not sure when that bulkhead was permitted. Mr. Neikirk indicated that that bulkhead had been in that location forever. Mr. Taylor asked Chip Neikirk for clarification on his jurisdiction. Mr. Neikirk indicated to the Board that VMRC did not have jurisdiction within the man-made canal.

Ms. Traywick commented that there had been some confusion during inspections because permits were not located on the site while work was being performed. She explained that the county had put a great deal of time into finding what permits were issued. She stated that she spoke with Barry Miller, contractor for the project, and told him that he must have his permits on site while working with the project. Mr. Taylor indicated that the next time this happened a violation and fee should be issued. Mrs. Wilkinson stated that the area was out of her jurisdiction.

Mr. Armstead asked Ms. Traywick what the applicant intended to do with the vinyl bulkhead where it had stopped without being tied into other bulkhead. He indicated that his concern was that water was washing behind that bulkhead. Ms. Traywick indicated that it would join with another section of vinyl bulkhead. She indicated that a rip rap scour wedge was proposed at the corner where the bulkhead connected into Ruark's bulkhead.

Mr. Taylor questioned about the use of weep holes in the vinyl bulkhead. Mr. Neikirk commented that weep holes are something that is used in vinyl bulkhead to solve the problem of water pressure. He indicated that the silt does seal the cracks, but then does not provide anywhere for the water to go. Mr. Neikirk commented that the idea behind filter cloth is to allow the water through and keep the sediment from seeping through.

Mr. Taylor asked about Mr. Barry Miller's vinyl bulkhead is holding up without filter cloth. Mr. Miller indicated that it was holding up well, but that he did not know how it was backfilled. Mr. Reed asked how much gravel was Ms. Traywick proposing for backfilling activities. Ms. Traywick indicated that the manufacturer suggested that the bulkhead be filled with gravel to half the height of the wall. She indicated that then it would be filled with soil. Mr. Reed asked if filter cloth could be placed over top of the gravel and then place dirt fill over top of the filter cloth to prevent the soil from pushing down into the gravel. Ms. Traywick indicated that it might be possible, but that they were dealing with a tight space constraint. Mr. Reed indicated that this would provide a drainage system. Ms. Traywick advised that it is time to set a standard to let contractors and agents know what Middlesex County will want to see for vinyl bulkheads.

Mr. Reed indicated that he wished to see filter cloth with these projects to prevent soil seepage into the gravel. Mr. Miller asked Mr. Neikirk if the other counties were approving the vinyl bulkhead projects. Mr. Neikirk indicated that other counties were approving vinyl projects and that he felt vinyl was a good product. He indicated that in certain circumstances more gravel may be indicated. He indicated that the amount of

gravel required would depend on its location. Mr. Armstead indicated that the filter cloth is not too expensive and that it should be put down for the extra security.

Mr. Holmes suggested that they use the filter cloth and gravel for these projects. Ms. Traywick indicated that the gravel suggestion for this project was due to its location. She suggested that if a project was located in an area subject to more wave energy or located in close proximity to a bank, that more gravel would be indicated.

On a motion by Mr. Taylor, seconded by Mr. Reed, and carried by unanimous vote, Application #97-1847 was approved with the following conditions: Gravel is to be installed to ½ the height of the bulkhead with filter cloth placed over top of the gravel. Soil fill is to be placed over top of the filter cloth. The Board also included that other vinyl bulkhead projects would be considered on a case by case basis.

2. Michael Crowder - Application #97-1865

Chairman Holmes read the proposal of Mr. Crowder to install 195' of rip rap at the toe of existing bank and remove existing bulkhead section at the pier. This project is located on Mill Creek, Tax Map 30C-1&2.

Olivia Wilkinson addressed the Board. Mrs. Wilkinson read the VIMS report indicating minimal environmental impact. Mrs. Wilkinson also read the Analysis and Effect and recommended approval of the application as submitted.

Chairman Holmes opened the public hearing.

Mr. Taylor asked Ms. Alor Traywick, agent for the applicant, if the trees were going to be removed. Ms. Traywick responded that the bank area would be cleaned up.

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

On a motion by Mr. Taylor, seconded by Mr. Armstead, and carried by unanimous vote, Application #97-1751 was approved as submitted.

**New Business**

**A. Permit Extension Requests**

1. John E. McPherson, Jr. - Application #95-0109

Mrs. Olivia Wilkinson introduced the request of Mr. McPherson to extend his permit until May 30, 2000. Mrs. Wilkinson also commented that Army Corps had approved an extension and that VMRC was preparing to extend the permit until May 30, 2000.

On a motion made by Mr. Miller, seconded by Mr. Taylor, and approved by unanimous vote, Permit #95-0109 was extended to May 30, 2000.

2. Mr. and Mrs. Steven C. Tippitt - Application #96-0748

Mrs. Olivia Wilkinson introduced the request of Mr. and Mrs. Tippitt to extend their permit for an additional 18 months and recommended approval of the request.

On a motion made by Mr. Taylor, seconded by Mr. Reed, and approved by unanimous vote, Permit #96-0748 was extended for an additional 18 months from time of expiration.

3. Linda Strickland - Application #96-0456

Mrs. Olivia Wilkinson introduced the request of Ms. Linda Strickland to extend her permit for an addition 12 months and recommended approval of the request.

On a motion by Mr. Reed, seconded by Mr. Miller, and approved by unanimous vote, Permit #96-0456 was extended for an additional 12 months from the time of expiration.

**B. February Conference**

Mrs. Wilkinson reported to the Board that funding for the Hampton University Wetlands Seminar had been approved and that Dale Taylor, Woodson Armstead, Elliot Reed, and Olivia Wilkinson would be attending.

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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