

Middlesex County Wetlands Board Minutes
March 10, 1998

Call To Order

The March 10, 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 February 9, 1998 meeting. On a motion by Mr. Miller and a second by Mr. Reed, the minutes were approved unanimously.

Public Hearing

1. Mr. and Mrs. Christopher M. Cunningham - Application #98-0075

Chairman Holmes read the proposal of Mr. and Mrs. Cunningham to construct three low profile timber groins 40' channelward of mean high water. This project is located on the Rappahannock River, Tax Map 19-19-5.

Olivia Wilkinson addressed the Board. Mrs. Wilkinson read the VIMS report which is attached.

Mrs. Wilkinson read the Analysis and Effect and recommended consideration of the VIMS recommendation for the application in relation to artificially filling the groins with sand due to the downdrift marsh erosion.

Chairman Holmes opened the public hearing.

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

Mr. Miller asked for comment from Ms. Wilson on the artificial nourishment suggestion. Ms. Wilson stated that personally and professionally she did not agree with this suggestion. She stated that the Cunningham's had lost approximately 16 feet of their property in three years. She continued that once the groin cells fill that "Peyton's" would have ground to fill from sand and would grow. She did admit that the downdrift marsh may experience some problems of erosion.

Mr. Holmes stated that the suggestion of artificial nourishment was designed to prevent erosion problems on the downdrift marsh.

Ms. Wilson responded that she felt the impacts would be greater with artificial nourishment and that the groins would fill within three months of installment.

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

On a motion by Mr. Reed, seconded by Mr. Taylor, and carried by unanimous vote, Application #98-0075 was approved for 18 months with the condition that the groins would be artificially nourished to the balance, if they had not naturally filled within 90 days of installment.

2. T. Randy Wells - Application #98-0165

Chairman Holmes read the proposal of Mr. Wells to rework existing rip rap 100' wide to a 2:1 slope and add rip rap to the toe of existing wooden wall. Rework existing stone groin and extend to 60'. In addition, construct a 12' X 24' wave runner boat ramp. This project is located on the Rappahannock River, Tax Map 41-53-67&68.

Olivia Wilkinson addressed the Board. Mrs. Wilkinson read the VIMS report indicating minimal environmental impacts.

Mrs. Wilkinson also read the Analysis and Effect and recommended that the rip rap in front of the bulkhead be permitted and that the extension of the stone groins be denied.

Chairman Holmes opened the public hearing.

Ms. Carol Collier, agent for the applicant, indicated that the wave runner boat ramp portion of the project had been deleted. She commented that this area is heavily exposed and that all along White Point there were 60 - 100' groins to hold sand. She continued that anything that the property owners there could do to help the erosion situation seemed to be a justifiable project.

Mr. Miller commented that the stone groins were existing and that they needed rebuilding on top. He indicated agreement with the 60' extension. Mr. Taylor agreed, but added that the stone size needed to be larger. He stated that at White Point, owners build up structures and they float away. He indicated that it was a continual building up process there for property protection. Mr. Taylor continued that if large stone was not used, time and money were being wasted.

Mr. Armstead commented that there were ways stones could be placed to insure that they wouldn't wash. He agreed with the larger stone size and commented that the size should be Class II at a minimum.

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 #98-0165 was approved conditioned upon the use of a minimum of Class II stone for the structures.

3. Dr. Alfred Bernhard- Application #98-0168

Chairman Holmes read the proposal of Dr. Bernhard to construct 100' of wooden bulkhead in front of a failing wall. In addition, rebuild two existing groins and construct a new 48' groin at the pier. This project is located on Fishing Bay, Tax Map 45-7E-3,4,&5.

Mrs. Wilkinson read the VIMS report indicating minimal environmental impacts and recommended approval of the bulkhead portion of the application and denial of the groin portion of the application, citing an excess of sand supply.

Chairman Holmes opened the public hearing.

Ms. Carol Collier, agent for the applicant, indicated that she was available to answer the Board's questions.

Mr. Taylor requested clarification on the Plan View Drawings and the location of the proposed groins. Mr. Armstead questioned the purpose for the groin located at the pier. He asked Ms. Collier if she intended to add sand to the current boathouse and questioned water access at the pier location.

Mrs. Bernhard, applicant, came forward and commented that she had not thought about the sand supply in the boathouse and added that she was trying to salvage her land.

Mr. Taylor requested clarification on groin location and placement. He indicated concerns about the groins and sand build-up. Further discussion ensued about the groins.

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

On a motion by Mr. Taylor, seconded by Mr. Armstead, and carried by unanimous vote, Application #98-0168 was approved with the following conditions: 1) delete / do not build proposed groin adjacent to dock. 2) Extend one existing groin by 48 feet.

4. Victor P. Morrissette - Restoration Plan

Mrs. Wilkinson introduced Mr. Morrissette's restoration plan indicating that the plan was submitted as a proposal to restore a 30' X 60' area of vegetated wetlands as a result of impacts from a fill violation. This project is located on a tidal cove that is a tributary to the Chesapeake Bay, Tax Map 41-44-132. Mrs. Wilkinson indicated that the plan was not sufficient, according to VIMS. She recommended continuation of the plan until the April 14, 1998 meeting.

On a motion by Mr. Miller, seconded by Mr. Reed, and carried by unanimous vote, the public hearing for Victor P. Morrissette, Restoration Plan was continued until the April 14, 1998 meeting time.

Old Business

1. Johnston Construction- Application #98-0023

The applicant has requested for the Board to reconsider its decision that was made on February 9, 1998. This project is located on the Chesapeake Bay, Tax Map 41-41-11.

Mrs. Wilkinson read Mr. Johnston's request and advised the Board that they could only discuss the request and ask Mr. Johnston questions regarding the project. She further advised that if the Board wished to reconsider the bond amount or bond requirement, that a vote would be required and that a public hearing must be scheduled.

Mr. Johnston, applicant, addressed the Board and apologized for not appearing at the February hearing date. He continued that VMRC was still reviewing his application for the rip rap permit and that according to that letter he was not guaranteed a permit. He indicated concern over the bond requirement when he was not in receipt of the necessary permits.

Chip Neikirk, VMRC representative, indicated that he had not received copies of the rip rap advertisement. He stated that the rip rap does require a VMRC permit and that it would be issued once documentation of advertisement had been received.

Mr. Johnston indicated that his position was that he could not get a bond without a guarantee that all permits would be issued within the Board's required time limit.

Mr. Taylor asked Mrs. Wilkinson how the violation had been discovered. Mrs. Wilkinson stated that she had been informed by the Building Official's Office and was asked to inspect for violation. Mr. Johnston indicated that there were holes in the bulkhead and that this had created an extensive erosion problem.

Mr. Taylor asked Mr. Johnston if he had started work on the project without consulting with the Wetlands Office or other county staff. Mr. Johnston indicated that he had started work. He further explained that this was his first experience with a marine project and that he did not realize that permits for this work were needed.

Mr. Holmes commented that Mr. Johnston did know that there was a Wetlands Board and that it would have been a good idea to inquire before working. Mr. Taylor stated that all of this really concerned him. He indicated that if he were the property owner his concern would be the loss of property.

Mr. Reed asked Mr. Johnston what he did when he learned that he needed permits and was told specific things to do. Mr. Johnston indicated that he applied for the permits and stapled down filter cloth. Mr. Reed

asked Mr. Johnston if there would be staples in the filter cloth and bulkhead if they had been stapled. Mr. Johnston indicated that the stapling had been done twice. Mr. Reed indicated concern in the drastic erosion differences as shown in pictures and stated that this was evidence that something to maintain the erosion control had not been implemented.

Mr. Johnston stated that there was currently a properly installed silt fence at the border of the property.

Mr. Neikirk indicated to the Board that they could clarify their motion to specify the bulkhead as a 60 day time sensitive portion with the bond being released once the entire job to include rip rap was completed.

On a motion by Mr. Armstead, seconded by Mr. Miller, and approved by unanimous vote, the Board clarified the motion from the February 9, 1998 meeting to state that the 60 day time limit started on March 10, 1998 and that it applied to only the bulkhead and backfilling portion of the project. They further clarified that bond release would occur at the time of job completion, to include rip rap.

Mr. Armstead commented to Mr. Johnston that this was his first project and that he would need to consult with the Wetlands Office prior to starting future projects.

New Business

1. First Commonwealth Cablevision - Application #96-0773

Mrs. Wilkinson introduced the request of First Commonwealth Cablevision to extend their permit for an additional 18 months. She recommended approval of the request.

On a motion by Mr. Reed, seconded by Mr. Taylor, and carried by unanimous vote, Application #96-0773 was extended for an 18 month time period.

Adjournment

With no further business to discuss, Mr. Miller moved to adjourn the meeting. With a second by Mr. Reed the meeting was adjourned unanimously at 10:30 a.m.

Respectfully submitted.

Sherman T. Homes, Chairman

Date

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