

Middlesex County Wetlands Board Minutes

April 11, 2000

Call to Order

The April 11, 2000 meeting of the Middlesex County Wetlands Board was called to order by Acting Chairman Ulman Miller at 9:00 A.M. in the Boardroom of the Woodward Building, Saluda, Virginia.

Present: Mr. B. Ulman Miller
Mr. Woodson Armstead
Mr. M. Dale Taylor

Absent: Chairman Sherman T. Holmes
Mr. Elliot Reed

Staff present: Thomas Jordan, Planner

Also present was Mr. Chip Neikirk from the Virginia Marine Resources Commission (VMRC).

Minutes

The Board considered the minutes of the March 14, 2000 meeting. On a motion by Mr. Taylor and a second by Mr. Armstead, the minutes were approved unanimously.

Public Hearing

Mr. Miller opened the public hearing, and the Middlesex County Wetlands Board took action on the following applications:

A. Donald Rickard – Application #2000-0320

Mr. Miller read the proposal to place 30' of rip rap revetment. This proposed project is located on Urbanna Creek, at Tax Map #26A-5-11. Staff then read the VIMS report for the project.

Neither the applicant nor an agent was present to represent the proposal.

Mr. Miller opened the public hearing.
With there being no comment from the public, the hearing was closed.

On a motion by Mr. Taylor, seconded by Mr. Armstead, and carried by unanimous vote, Application #2000-0320 was approved as submitted for a term of 18 months.

B. James W. Dixon – Application #2000-0348

Mr. Miller read the proposal to place 120' of rip rap revetment. This proposed project is located on Urbanna Creek, at Tax Map #26A-5-13. Staff then read the VIMS report for the project.

Mr. Dixon was present to represent his proposal. He explained the project and offered to answer any questions that the Board may have.

Mr. Miller opened the public hearing.
With there being no comment from the public, the hearing was closed.

On a motion by Mr. Taylor, seconded by Mr. Armstead, and carried by unanimous vote, Application #2000-0348 was approved as submitted for a term of 18 months.

- C. N. Decker Bristow – Application #2000-0140
- D. Schuyler Bristow – Application #2000-0141

Mr. Miller read the proposals (#2000-0140) to place 690' of rip rap revetment with one 40' spur, two 50' spurs, and 500 cu. yds. of beach nourishment with plantings for stabilization and (#2000-0141) to place 700' of rip rap revetment with one 70' spur and 200 cu. yds. of beach nourishment with plantings for stabilization. These proposed projects are located on the Piankantank River, at Tax Map #39-27-1&2. Staff read the VIMS report for the projects.

James Dunn was present as the agent for N. Decker & Schuyler Bristow. He explained the current erosion problem his clients are experiencing and the proposal for which he is seeking authorization. He went on to explain how the proposed spurs were designed to prevent flanking of the rip rap revetment. He then offered to answer any questions the Board may have.

Mr. Miller and Mr. Taylor both stated their concern about the adjacent channel being affected by sediment. Mr. Dunn stated the revetment would cut off the supply of sedimentation that is accumulating in the channel and the spur would further help by acting like a small groin and trap the sand before it reaches the channel.

Mr. Schuyler Bristow presented an aerial photograph to the Board for their examination. The Board, Mr. Dunn, and the applicants proceeded to discuss the historical pattern of sand movement in the area around the channel.

Mr. Taylor asked Mr. Robert Neikirk, VMRC representative, to approach the Board and look at the aerial photograph. Mr. Neikirk stated that during his review he did not anticipate any problems from sedimentation on the channel. Mr. Dunn added that reducing the applicant's erosion problem would do nothing but help the channel.

Mr. Taylor questioned why the revetment must be placed 25' out from the bank. Mr. Dunn stated that they have shown it behind low tide and it would be less than 25' from the bank. He then discussed his preferred use of terraces at the base of high banks. He stated that when he received the VIMS report, he became quite concerned, and called Tom Bernard of VIMS to discuss the proposal. Mr. Bernard told him it was not VIMS intention to suggest the revetment should be brought behind high tide. Mr. Dunn stated since the bank is so high it would be impractical and require removal of the whole bank. He then discussed how the proposal is trying to balance the Chesapeake Bay Act requirements with wetland impacts. Mr. Dunn said that normally he would recommend breakwaters since a revetment of bulkhead sterilizes the shoreline. However, he stated the bank doesn't have enough sand in it to make the breakwater a cost-effective option. He added that one pocket-beach is also proposed with vegetation to be planted to allow wildlife access.

Mr. Miller stated that his main concern was the spurs and questioned the need for them. Mr. Dunn stated the wave energy is very low in that area. He added that the height of the spur was decreased in order to refract wave energy. He went on to say that he included the spurs into the project feeling they were the best way to interface with the revetment.

Mr. Miller stated that benchmarks need to be provided on the project site plan. Mr. Dunn stated it is such a large shoreline benchmarking would be difficult due to a lack of landmarks. He suggested they could stake it and have the Wetland Board staff approve it prior to construction commencing. Mr. Neikirk suggested placing control stakes ten feet channelward of the proposed alignment. He added that these stakes could stay in place during construction, eliminating the concern of displacing benchmark stakes during construction.

Mr. Miller opened the public hearing.

Harry Madsen stated he was opposed to the proposal to push the bank down and use it as beach nourishment. Mr. Dunn stated the beach nourishment sand used washed concrete and would be trucked in. Mr. Madsen stated he removes his objection since the nourishment is being trucked in.

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 #2000-0140 and Application #2000-0141 were approved with the following conditions: 1) control stakes must be placed 10' from the proposed alignment to remain during construction and 2) the Wetlands Office must be notified prior to beginning construction to approve alignment. This project was approved for a term of 18 months.

E. Howard T. Brown – Application #2000-0121

Mr. Miller read the proposal to install 150' of vinyl bulkhead and 4' of rip rap revetment. This proposed project is located on Robinson Creek, at Tax Map #19-213C.

Mr. Brown was present to represent his proposal. He explained that he staked the alignment to allow the existing trees to have a good foundation. He then offered to answer any questions that the Board may have.

Mr. Taylor stated he felt the alignment could be brought landward four feet in the section near his house. Mr. Brown stated he would have no problems as long as he has some room to place some dirt around his trees in order to help preserve them. He stated he would restake the project if the Board approves it and call the staff person to inspect the realignment.

Mr. Miller opened the public hearing.

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

On a motion by Mr. Armstead, seconded by Mr. Taylor, and carried by unanimous vote, Application #2000-0121 was approved with the condition that the bulkhead section near the house must be realigned 4 feet landward. This project was approved for a term of 18 months.

F. Regent Point Marina, Inc.– Application #2000-0265

Mr. Miller read the proposal to construct a larger (14'x49') concrete boat-ramp over an existing boat-ramp. This proposed project is located on Locklies Creek, at Tax Map #30-7-8A.

Mr. Scott Kauffman was present to represent his proposal. He explained his proposal and offered to answer any questions that the Board may have. He also presented pictures to the Board of the hydraulic boatlift he is proposing to incorporate into the project.

Mr. Miller opened the public hearing.

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

On a motion by Mr. Taylor, seconded by Mr. Armstead, and carried by unanimous vote, Application #2000-0265 was approved as presented for a term of 18 months.

G. Bush Park Campground – Application #2000-0263

Mr. Miller read the proposal to construct a 34'x6' commercial pier with 240'x6' T-Head, 11 catwalks, and 31 tie-pilings for 20 boat slips. This proposed project is located on Bush Park Creek, at Tax Map #39-17.

Carol Collier, agent of the Bush Park Campground, was present to represent the proposal. She discussed the project, the Campground's ongoing expansion, and shortage of boat-slips. She then explained that after having several conversations with adjacent property owners the majority of concerns were concerning boat speed. In response, Bush Park Campground's management company is preparing a legal document to be

signed by dock users to maintain a reasonable speed. She added that the campground is trying to maintain and improve the creek and they are trying to be good neighbors. She then offered to answer any questions that the Board may have.

Mr. Miller opened the public hearing.

Steve Goldberg, President of Bush Park Estates Association, which represents homeowners on 31 lots - 9 of which are directly on the creek, stated his concerns about the project affecting the resale value of their homes and the problems associated with increased boat traffic. He presented a petition to the Board, signed by 27 property owners, requesting the Board deny the proposed project.

Rachael Bridger, who lives directly across the creek from the proposed boat-slip, stated that she was concerned about slit buildup and the proposed pier affecting the maneuvering of her boat. She discussed how the additional boat-slips would be harmful to the creek.

Jean Pidsenberger stated he was concerned about the current erosion problems, which would increase from additional boat traffic.

Andy Johnson, property owner across the creek from the proposed project, stated the property owners that signed the petition based on speculation of possible damage. He stated he has seen no damage from propeller wash and in fact it benefits the channel by keeping it open. He then discussed how the property owners on that creek have requested state and federal action to dredge the channel and was turned down. He went on to state that Bush Park Campground was a good neighbor, especially when they paid to dredge the creek last year, which still would not have been done today without them. He then requested the staff person read the petition. Staff read the petition to the Middlesex County Wetlands Board, which was signed by 27 property owners from Bush Park Estates and Bay Country Estates and stated:

"We, the undersigned as residents of the area surrounding Bush Park Creek oppose Application #200-0236 to construct a 34'x6' commercial pier with 240'x6' Tee-Head, 11 catwalks, and 31 tie pilings for 20 boat slips. The proposed project is located on Bush Park Creek, at Tax Map #39-17. 20 additional boats tied up at this location will contribute to more pollution in the Creek. Up to now we have had minimal erosion. The wake produced from 20 more boats in a confined area, is of great concern."

Ed Tennyson stated that they would not have a creek except for the campground, they would have a mud puddle. He stated he would like to see speed quantified something measurable that can be enforced in the document being produced by Bush Park Creek. Ms. Collier, stated she could probably do that and make it part of the application.

Mr. Neikirk stated that speed of boats could only be regulated in No Wake Zones. He went on to add that the County must petition the Department of Game and Inland Fisheries to consider whether to establish the Zone.

Tom Trouskie stated he was mainly concerned about the potential for increased erosion and requested the Board continue action on the application for further study.

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

Mr. Taylor stated he was born and raised on Broad Creek and can understand the point of view of the audience. He asked Mr. Neikirk about the standards VMRC and the Army Corps of Engineers (ACE) is using to review the application before issuing their permits. Mr. Neikirk stated the ACE and VMRC would both review navigation and water quality impacts before issuing any permits. Mr. Neikirk suggested that the Board concentrate on the impacts on vegetation and erosion from the proposal. Mr. Taylor then questioned the number of existing campsites and slips. Staff replied that currently there are 596 campsites and 183 existing slips.

On a motion by Mr. Taylor, seconded by Mr. Armstead, and carried by unanimous vote, Application #2000-0263 was continued until the next Wetlands Board meeting to further study the proposal.

H. Jeff White – Application #2000-0119

Mr. Miller read the proposal to place 125' of rip rap revetment. This proposed project is located on Robinson Creek, at Tax Map #19-16-32.

Alor Traywick was present as an agent to represent Mr. White's proposal. She explained the project and then offered to answer any questions that the Board may have.

Mr. Taylor stated he did not see any problems with the proposed alignment of the revetment.

Mr. Miller opened the public hearing.

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

On a motion by Mr. Taylor, seconded by Mr. Armstead, and carried by unanimous vote, Application #2000-0119 was approved as submitted for a term of 18 months.

I. Lucy's Cove Property Owners Association – Application #2000-0210

Mr. Miller read the proposal to refurbish existing 100' jetty and extend 166' channelward and use 3367 cu/yds. of dredged material as beach nourishment. This proposed project is located on Moore's Creek, at Tax Map #45-13-A.

Alor Traywick was present as an agent to represent Lucy's Cove Property Owners Association proposal. She explained the project and then offered to answer any questions that the Board may have.

Mr. Taylor questioned whether the dredged material would be pumped onto the bank. Mrs. Traywick stated that it had been done before like that and they planned to do it again. She went on to say she originally she proposed all materials to be placed above the intertidal zone, but after conversations with Mr. Neikirk and Adrian Jennings, ACE, she decided to revise the project to include placing some of the spoils within the tidal area as beach nourishment. She stated she was told that high quality sand should be used as nourishment whenever possible. She added that the long-term wetland impacts would be minimal due to the fact that the existing vegetation has such a massive root system.

Mr. Miller opened the public hearing.

Mr. Harry Madsen stated he was opposed to the beach nourishment portion of the project, with concerns regarding siltation. He questioned whether the majority of the dredged material was sand or silt. Mr. Neikirk responded that the material is almost one hundred percent sand. Mr. Armstead added that he was not concerned because the last dredge at the site resulted in good high quality sand.

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

On a motion by Mr. Armstead, seconded by Mr. Taylor, and carried by unanimous vote, Application #2000-0210 was approved as submitted for a term of 18 months.

J. Gordon White – Application #2000-0246

Mr. Miller read the proposal to place 134' of rip rap revetment. This proposed project is located on Moore's Creek, at Tax Map #40-82-43.

Alor Traywick was present as an agent to represent Mr. White's proposal. She explained the project and then offered to answer any questions that the Board may have.

Mr. Miller opened the public hearing.
With there being no comment from the public, the hearing was closed.

On a motion by Mr. Armstead, seconded by Mr. Taylor, and carried by unanimous vote, Application #2000-0246 was approved as submitted for a term of 18 months.

New Business

A. Extension Request - Ramon Hite, Permit #1998-1480

Mr. Miller read the extension request. The permit originally authorized the dredging of a sand filled boat slip (storm damage).

On a motion by Mr. Armstead, seconded by Mr. Taylor, and carried by unanimous vote, the extension request for Permit #1998-1480 was approved for 18 additional months.

B. Civil Charge Determination

Staff instructed the Board that the Civil Charge Determination Table is already referenced in the By-Laws of the Middlesex County Wetlands Board. He added that the Board could leave the reference in the By-Laws or Amend the By-Laws to actually include the Table.

Mr. Taylor stated he would like to actually see the Table in the By-Laws.

On a motion by Mr. Taylor, seconded by Mr. Armstead, and carried by unanimous vote, the Wetlands Board directed staff to prepare an amendment to include the Civil Charge Determination Table for possible adoption into the By-Laws of the Middlesex County Wetlands Board.

C. Tulloch Ditching

Mr. Taylor questioned how the pending legislation on Tulloch Ditching would affect the Wetlands Board. Mr. Neikirk stated that it would not affect the Wetlands Board's jurisdiction. Staff added that the pending legislation would mainly involve changes to the Chesapeake Bay Preservation Act and its enforcement. Mr. Neikirk offered to mail the staff person a legislative update he had just received concerning Tulloch Ditching.

Adjournment

With no further business to discuss. Mr. Armstead moved to adjourn the meeting, seconded by Mr. Taylor, the meeting was adjourned unanimously.

Respectfully submitted.

Wetlands Board Chair

Date