

AT A MEETING OF THE MIDDLESEX COUNTY WETLANDS BOARD
HELD ON TUESDAY, OCTOBER 10, 2000, IN THE BOARD ROOM OF THE
WOODWARD BUILDING, SALUDA, VIRGINIA:

Present: Mr. Elliot Reed
Mr. M. Dale Taylor
Mr. B. Ulman Miller
Mr. John Smither

Absent: Mr. Woodson Armstead

Staff present: Thomas Jordan, Planner

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

CALL TO ORDER

The October 10, 2000 meeting of the Middlesex County Wetlands Board was called to order by acting Chairman Elliot Reed at 9:00 A.M. in the Boardroom of the Woodward Building, Saluda, Virginia.

MINUTES

The Board considered the minutes of the September 12, 2000 meeting. On a motion by Mr. Miller and a second by Mr. Taylor, the minutes were approved unanimously.

PUBLIC HEARING

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

A. Christchurch School Foundation c/o Josh Gwilliam – Application #2000-0676.

Mr. Reed read the applicant's proposal to install two 100' breakwaters, place 500 cu. yds. of beach nourishment, expand an existing (12'x30') concrete boat ramp to 24'x30', widen an existing (320'x4') pier to 320'x8', install 8 pilings for two boat-lifts, and construct a 24'x4' catwalk. This project is located on the Rapphannock River, at Tax Map #27-158. Staff then read the VIMS report for the project.

Huntley Galleher and Josh Gwilliam were in attendance to represent their project. They explained the proposal represents a wish list for the future. They added

that the breakwaters were not currently financially feasible and were included in the application but weren't in immediate plans to construct. They then discussed the current structure's lack of handicap accessibility as required by the American Disabilities Act.

Mr. Reed 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. Smither, and carried by an unanimous vote, Application #2000-0676 was approved with the condition that beach nourishment should be included with the upriver breakwater and submission of revised drawings (cross-section and plan view with calculations). This approval is valid for a term of 18 months.

B. Harold Felton – Application #2000-1481.

Mr. Reed read the applicant's proposal to construct 153' of bulkhead in front of an existing failing bulkhead. This project is located on the Rappahannock River, at Tax Map #40-1-5A. Staff then read the VIMS report for the project.

Alor Traywick, agent, was in attendance to represent the applicant's project. She explained the proposal and offered to answer any questions the Board may have.

Mr. Reed opened the public hearing.

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

On a motion by Mr. Miller, seconded by Mr. Taylor, and carried an unanimous vote, Application #2000-1481 was approved as submitted for a term of 18 months.

C. Ian & Emily Bailey – Application #2000-1590.

Mr. Reed read the applicant's proposal to place 78' of riprap revetment in front of an existing bulkhead. This project is located on Jackson Creek, at Tax Map #40-132. Staff then read the VIMS report for the project.

Alor Traywick, agent, was in attendance to represent the applicant's project. She explained the proposal and offered to answer any questions the Board may have.

Mr. Reed 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. Smither, and carried an unanimous vote, Application #2000-1590 was approved as submitted for a term of 18 months

D. James B. Richardson, Jr. – Application #2000-1478.

Mr. Reed read the applicant's proposal to place 340' of riprap revetment and install one 24' low-profile groin. This project is located on Jackson Creek, at Tax Map #41-69&70. Staff read the VIMS report for the project.

Carol Collier, agent, was in attendance to represent the applicant's project. She explained the proposed riprap alignment would follow the contour of the bank. She added that Nor'easters over the years have severely eroded the applicant's property, especially on the point where the proposed groin is located.

Mr. Reed opened the public hearing.

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

Mr. Taylor stated he agreed with the recommendation by staff and VIMS to deny the groin. He added that the proposed riprap should solve most of the erosion problems.

On a motion by Mr. Taylor, seconded by Mr. Miller, and carried an unanimous vote, Application #2000-1478 was approved with the condition that the groin be deleted from the proposal and the submission of revised drawings. This approval is valid for a term of 18 months.

OLD BUSINESS

A. Continuation - David Pecora – Application #2000-1346.

Mr. Reed reintroduced the applicant's proposal to place 75' of riprap revetment. This project is located on the Piankatank River, at Tax Map #46-8-14. Staff then reread the VIMS report for the project.

Carol Collier, agent, was in attendance to represent the applicant's project. She stated the applicant would remove the unpermitted stone against the concrete groin and use it as core material for the proposed section of riprap as recommended by staff. She added that a new application would be submitted if the applicants choose to place new riprap against the groin in the future.

Mr. Taylor questioned the size of stone proposed for use against the existing concrete wall. Ms. Collier stated Class I riprap would be used.

Mr. Reed opened the public hearing.

Ellis Hubbery, daughter of Adjoining Property Owner (APO) Dickerson, and Don Caskie, agent for the Dickerson Family from Bay Design Group, spoke in opposition to the proposed riprap. Mrs. Hubbery stated her father has a wooden groin and wooden bulkhead. Mr. Caskie stated his clients were mainly

concerned with two issues. The first is the high concrete groin that in the original permit the groin was to be replaced with a wooden low-profile structure. He went on to discuss how the concrete groin, due to its height, stops the accretion from accumulating in front of his client's property. The second issue concerning his clients was the proposed riprap revetment. He noted in the previously authorized permit, the Board required the revetment taper-off to the wooden groin. He added that the revetment was simply serving as scour protection for the seawall. Ms. Hubbery stated they were mainly concerned with stopping the revetment from being placed against the wooden groin. She stated the groin is believed to be on the property line, but she did not know when or who constructed it. She then discussed the previous permit issued in 1993 which she believed require the applicant remove the concrete groin.

Ms. Collier questioned how well the tapered section of riprap would protect the wall during storms, especially with the five foot height of the wall. She also mentioned that a 2:1 or greater slope is usually recommended for maximum stability and tapering the base would compromise the structure and wall it is meant to protect.

Mr. Neikirk, VMRC Representative, stated he did remember the original permit. He went on to discuss VMRC current requirements that groins stay off property lines in order to reduce disputes and reduce scour impacts on Adjoining Property Owners (APOs). He went on to state the groin-field along the whole Stove Point shoreline has affected the sand transport up and down the beach. He then discussed that most of the weight of the proposed revetment would be placed on the concrete bulkhead not the wooden groin. He stated that reapproving the previous tapering of the revetment would reduce some of the APOs concerns.

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

Mr. Reed asked staff to read the previous permit. Staff read the permit and than presented it to the Board with the approved drawings for review. Mr. Reed stated that the previous permit did not require removal of the concrete groin as a condition of its approval.

Mr. Taylor stated that very few unhardened lots are left along Stove Point and that the beaches along the shoreline have come and gone over the years and have moved up and down the shoreline. He stated he understands the Dickerson's concerns, but he believes that the applicant should be able to protect his property like the other property owners along Stove Point. He added that stone is needed there and he supports the projects approval with the condition that the revetment ends before touching the wooden groin with the placement of large stones at the end. He added that this design would be more stable and offer less chance of moving or shifting onto the adjacent wooden groin.

Mr. Miller stated he agreed with Mr. Taylor's assessment.

Mr. Smither stated that he understands the rock is not aesthetically pleasing to the APOs but it is the best solution that can be done. He went on to discuss how hardened shorelines create an artificial environment.

On a motion by Mr. Taylor, seconded by Mr. Smither, and carried an unanimous vote, Application #2000-1346 was approved with the condition that the placement of the proposed riprap revetment only up to the property line and the removal of the unpermitted stone against the existing concrete groin and using it as core material for the new section of riprap. This approval is valid for a term of 18 months.

B. Continuation - Chesapeake Leisure, LLC. c/o Ron Hall – Application #2000-1189.

Mr. Reed reintroduced the applicant's proposal to construct 190' of mid-tide bulkhead and a 16' return wall. This project is located on a canal of Fishing Bay, at Tax Map #40-385. Staff then reread the VIMS report for the project.

Alor Traywick, agent, was in attendance to represent the applicant's project. She then discussed the recent site visit by James Davis-Martin, Shoreline Erosion Advisory Service (SEAS) engineer, and his recommendations. She read two of his statements that she believed were pertinent in this particular project. The first statement was the mid-tide bulkhead, would serve several purposes: 1) help preserve and protect marsh and 2) help trap some of the sediment moving through the marsh and into the marina channel. However, he added that this effect would only be short-lived until the sediment builds up to the height of the wall. Alor, then discussed her feelings that a combination would be the best solution, with sediment basins at the head of both swales, which would reduce the amount of sediment entering wetlands, and then the mid-tide bulkheads, to help hold the marsh in place. She added that in her opinion that this was the best alternative, with the sediment basin improving water quality before it enters the channel and the mid-tide bulkhead preserving and protecting the marsh, allowing the marina to maintain its channel depths. She also discussed why a maintenance provision should be a part of the permit.

Mr. Taylor stated he felt any mid-tide bulkhead would fill the wetlands up with mud and sediment and destroy the wetlands. He stated that the Board should reject the project.

Mr. Miller stated he agreed with Mr. Taylor's assessment and stated that upland Best Management Practices (BMPs) should be implemented to reduce sediment flowing into the channel.

Mr. Smither stated that he agreed with Mr. Taylor and Mr. Miller, and that any type of bulkhead across the pockets of vegetation would damage them.

Mrs. Traywick stated she would like to restate and clarify to herself what she has been hearing to take back to the applicant. She then stated that the Board would prefer the applicant to apply BMPs and reduce the sedimentation problems and if that doesn't work then come back and reapply for some other type of marine structure.

Mr. Taylor stated that is what he personally would prefer to see.

Mr. Reed 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. Miller, and carried an unanimous vote, Application #2000-1189 was denied as submitted.

NEW BUSINESS

A. Reconsideration Request - Ramon Hite – Application #2000-115.

Staff introduced the reconsideration request submitted by Ramon Hite. He then reviewed the permitted project, which was approved at the September 12, 2000 with the condition that the two proposed groins be modified to a low-profile design, the existing groin's height not be raised, and the submission of revised drawings. The original request was to install two new 48' groins and raise the existing 48' groin to the height of the bulkhead. This project is located on Broad Creek, at Tax Map #41-52-74,75,76,77.

Neither the applicant nor an agent was in attendance to represent the request.

Mr. Neikirk stated the applicant did not have an erosion problem against the bulkhead, but he was trying to catch the sand and prevent its movement into the boat-slip the applicant has dredged several times. He stated that the additional height would increase the groins capacity to hold the sand. But he agreed it might only be a short-term solution. He added that VIMS might have a different opinion of the project if it was viewed as a jetty-type structure.

Mr. Taylor stated that the sand accumulation could not be stopped and additional height of the groins might create additional problems. He stated that he felt there was no need for the applicant to reapply. The rest of the Board members stated they agreed with Mr. Taylor's assessment.

B. Nomination and Election of Chairman

On a motion by Mr. Taylor, seconded by Mr. Miller, and carried an unanimous vote, Vice Chairman Reed was elected as Chairman of the Middlesex County Wetlands Board for the remainder of the 2000 Calendar Year.

C. Nomination and Election of Vice Chairman

On a motion by Mr. Taylor, seconded by Mr. Miller, and carried an unanimous vote, Mr. John Smither was elected as Vice Chairman of the Middlesex County Wetlands Board for the remainder of the 2000 Calendar Year.

ADJOURNMENT

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

Respectfully submitted.

Wetlands Board Chair

Date