

Middlesex County Wetlands Board Minutes

February 10, 2004

Call to Order

The February 10, 2004 meeting of the Middlesex County Wetlands Board was called to order by Chairman Miller Smither at 9:00 A.M. in the Boardroom of the Woodward Building, Saluda, Virginia.

Present: Mr. J. Miller Smither - Chairman
Mr. B. Ulman Miller - Vice Chairman
Mr. M. Dale Taylor
Mr. Woodson Armstead
Mr. Archie Brooks

Staff present: Matthew Higgins, Planning Director
Amy Easterbrook, Planner
Cathy Shiflett, Planning Secretary

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

Minutes

The Board considered the minutes of the January 13, 2004 meeting. On a motion by Mr. Miller, and a second by Mr. Armstead, the minutes were approved unanimously.

Public Hearing

Chairman Smither opened the public hearing, and the Middlesex County Wetlands Board took action on the following applications:

A. David Heavenridge - Application #2003-2369.

Chairman Smither read the applicant's proposal requesting to install 180' of riprap revetment along the exposed shoreline and repair an existing riprap revetment. This project is located on LaGrange Creek, at Tax Map #19-19-1. Staff then read the VIMS report for the project.

Mr. David Heavenridge, applicant, was in attendance to represent the project.

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

On a motion by Mr. Brooks, seconded by Mr. Armstead, and carried by unanimous vote, Application #2003-2369 was approved as submitted according to staff recommendation that the structure be constructed with a 1.5:1 slope and a height not to exceed the existing scarp, thereby minimizing impacts. This approval is valid for a term of 18 months.

B. Nancy Potts - Application #2003-2533.

Chairman Smither read the applicant's proposal requesting to replace existing marsh toe revetments with 90' x 8' and 40' x 8' structures. This project is located on the Chesapeake Bay, at Tax Map #46-2-4. Staff then read the VIMS report for the project.

Alor Grantham Traywick, agent, was in attendance to represent the project.

Chairman Smither 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. Armstead, and carried by unanimous vote, Application #2003-2533 was approved as submitted with staff recommendation that impacts to existing vegetated wetlands be minimized to the maximum extent possible and the elevation of the structure does not exceed mean high water. This approval is valid for a term of 18 months.

C. William Rosenbaum - Application #2003-2536.

Chairman Smither read the applicant's proposal to install 120' of riprap revetment. This project is located on Whittings Creek, at Tax Map #29D-1-18. Staff then read the VIMS report for the project.

Alor Grantham Traywick, agent, was in attendance to represent the project.

Chairman Smither 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 #2003-2536 was approved as submitted. This approval is valid for a term of 18 months.

D. Judith Sheldon – Application #2003-2538.

Chairman Smither read the applicant's proposal to install two low profile groins 48' from MHW. The property for which application is being made is located on the Chesapeake Bay, at Tax Map #46-2-5. Staff then read the VIMS report for the project.

Alor Grantham Traywick, agent, was in attendance to represent the project. Ms. Traywick stated that she represented several Stove Point property owners and explained their desire to build up the beach and prevent further erosion damage. Ms. Traywick expressed agreement with the VIMS recommendation to fill the cells on the southern side of the structures with clean sand to reduce the potential for adversely affecting down-drift properties to the north.

Chairman Smither opened the public hearing.

Mr. Robert Rand, Stove Point property owner, spoke in opposition to the proposed project. Mr. Rand contended that, if permitted, the groins would cause further erosion to his property. Mr. Rand suggested that a representative from SEAS meet with the Stove Point property owners to devise a more consistent approach to restore the shoreline.

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

Ms. Traywick reiterated her opinion that groin cell nourishment would be an appropriate measure, whereas filling in the groin cell would allow sand to flow north, towards Mr. Rand's property.

Mr. Neikirk commented that it might be beneficial to consult VIMS and attempt to devise a comprehensive plan to address concerns as noted. Additionally, he agreed that it would be better to treat the entire area as a whole when considering shoreline improvements.

Mr. Taylor questioned the need for 48' groins, given that the groins had not offered much shoreline protection during major storms. Mr. Taylor stated that parallel breakwaters would have been helpful.

Chairman Smither commented that Hurricane Isabel had caused major shoreline erosion and noted that if property owners worked together, a parallel breakwater would indeed offer better protection, however, the Board must deal requests as they are submitted. He further noted that some property owners would choose to repair their shoreline to the condition preceding the hurricane.

Mr. Taylor questioned whether the property owners would be willing to reduce the groin lengths.

Ms. Traywick explained that some property owners were willing to adhere to VIMS suggestions to nourish the cells with sand, allowing the northern flow of sand, and would be agreeable to reducing the length to 38' from Mean High Water (MHW) as a compromise.

Mr. Taylor stated that since Stove Point has a shallow sandy bottom, shorter groins should be adequate. Mr. Taylor recommended a length of 35' from MHW.

Mr. Armstead suggested that since so many properties were involved, perhaps VIMS should be contacted in an effort to obtain further information as to the best solutions.

Chairman Smither noted that property owners are allowed to restore their properties with structures that were in place prior to the hurricane. In his opinion, owners should be allowed to move forward with efforts to protect their properties.

Mrs. Easterbrook noted that if the property owners worked together, fewer groins would be necessary along the point.

Ms. Traywick agreed that while working together would be best, the property owners would not likely use the same contractor, therefore, separate applications were submitted.

Mr. Taylor asked if Mr. Rand would object to 35' groins. Mr. Rand stated that his property did not benefit from any groins and questioned liability if the proposed project adversely affected his property. He noted that additional experts could be consulted, and that it made sense for property owners to work together to resolve the shoreline problems.

Mr. Taylor made a motion to continue the application to allow time for more study of the project, seconded by Mr. Brooks.

Ms. Traywick requested that the following agenda item Application #2003-2594 be continued as well. She further offered to contact the SEAS representative to look at the properties and would bring recommendations back to the Board.

Mr. Taylor amended the motion to delay action on Application # 2003-2538 and Application #2003-2594, seconded by Mr. Brooks. The motion to continue was approved by unanimous vote.

Old Business

A. John Elkin – Application # 2003-2219 – continued.

Chairman Smither read the applicant's proposal requesting to remove phragmites and indigenous grasses by cut, spray, and burn. This project is located on LaGrange Creek, at Tax Map #19-19-4. Staff recommended approval conditioned upon the applicant's acceptance of the phragmites management plan as developed by Mrs. Easterbrook. Additionally, staff cautioned that eradication efforts should not damage native vegetation.

Mr. Elkins, applicant, was in attendance to represent the project. Mr. Elkins stated appreciation for the management plan, and agreed to its' implementation.

Mr. Higgins stated that staff had consulted surrounding counties while developing a policy for Middlesex County. Staff determined that phragmites could be removed if done safely and properly.

Mr. Neikirk commented that the Board could indeed require a permit for phragmites removal and recommended a five (5) year permit term.

On a motion by Mr. Taylor, seconded by Mr. Armstead, and carried by unanimous vote, Application #2003-2219 was approved as submitted. This approval is valid for a term of five (5) years.

New Business

A. Approval of the new Phragmites Management Manual

Chairman Smither introduced the Phragmites Management Manual for adoption by the Middlesex County Wetlands Board. He explained that the manual would set precedent for anyone wishing to remove phragmites in the County. Chairman Smither expressed appreciation to staff for developing the manual.

Staff commented that the policy is intended as a “how-to” guide and permits would be required.

On a motion by Mr. Armstead, seconded by Mr. Taylor, and carried by unanimous vote, the Phragmites Management Manual was adopted.

Adjournment

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

Respectfully submitted,

Wetlands Board Chair

Date

