

Middlesex County Wetlands Board

Minutes

May 12, 2009

Call to Order

The May 12, 2009 meeting of the Middlesex County Wetlands Board was called to order by Chairman J. Miller Smither at 9:00 A.M. in the Boardroom of the Historic Courthouse, Saluda, Virginia. The Pledge of Allegiance was led by Archie Brooks.

Present: J. Miller Smither – Chairman

Archie Brooks

Dale Taylor

Woodson Armstead

Mary Ann Willis

Staff present: John Halpin, Wetlands Planner

Absent: Tom Hawksworth – Vice Chairman

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

Minutes

The Board considered the minutes of the April 14, 2009 meeting. On a motion by Mr. Taylor and seconded by Mrs. Willis, the minutes were approved unanimously.

Public Hearings

The following applications were considered by the Board:

A. Doris Brown – Application No. 2009-0340

The application to: to replace a failing timber bulkhead and groins, with a new 150' timber bulkhead and two 24' timber groins in the same footprint. The proposed project located on Fishing Bay; at Tax Map Parcel No. 46-2-26 was heard before the board.

Mr. Halpin read the VIMS report and summary.

Mr. Halpin then read the Staff report: that in consideration for replacing the groins, the location and orientation of the west side of Stove Point is not conducive to the build-up of sandy beach. Any benefit from replacing the groins would be minimal at best. In consideration for replacing the bulkhead, because

they are perpendicular, deflect wave energy which eventually leads to failure of the bulkhead. A properly constructed rip rap revetment, with a 2:1 slope and properly sized stone works by dissipating and absorbing wave energy, instead of deflecting and passing the energy further down the shoreline. §9 VAC 10-20-130.3. states that: "...a 100-foot wide buffer area of vegetation that is effective in retarding runoff, preventing erosion, and filtering non-point source pollution from runoff shall be retained if present and established where it does not exist." The preferred solution for this shoreline would be the removal of groins and bulkhead; grading back bank to attain a 2:1 slope, construct a rip rap revetment with filter cloth and Class II armor stone with the toe located at the footprint of the existing bulkhead. Submit an RPA Modification Application to the County, to reestablish some form of a riparian buffer along with an access path to the existing dock.

Mr. Halpin read the Staff recommendation that: if the Board chooses to approve this application, although it is not the preferred method, staff recommends consideration of the application as submitted.

Ms. Karla Havens of Plain View, VA was present as agent. Ms. Havens spoke briefly that she disagrees with the Board reviewing the bulkhead portion of the application because in her opinion there are no actual wetlands impacts; Ms. Havens also stated that she disagrees with the groin comments, and that she believes they actually will trap sand there.

Chairman Smither opened the hearing for comments from the public. There being no comments, the public portion of the hearing was closed and the hearing was continued for questions and comments from the Board.

Chairman Smither called the agent back up, and began a period of questions and comments between the Board and the Agent.

There being no further questions or comments from the Board, Chairman Smither asked for disposition of the application.

The motion to approve the application as submitted was made by Mr. Armstead, seconded by Mr. Taylor, and carried unanimously. The permit will be good for 18 months, expiring November 30, 2010.

B. Dr. Bruce Innes – Application No. 2009-0372

The application to: install 108 linear feet of rip rap revetment over filter cloth along an eroding shoreline, in front of an existing landscape bulkhead. The proposed project located on Wilton Creek; at Tax Map Parcel No. 43-2-1A was heard before the board.

Mr. Halpin read the VIMS report and summary.

Mr. Halpin then read the Staff report: that the homeowners bluff face has erosion that is being caused by both high water energy from storm systems pushing water into the cove, and from ground water run off from the upland buffer region, which contains a grass lawn, swimming pool, and structures. There are also small stands of cordgrass growing at Mean High Water along this shoreline. Placement of the revetment will remove existing vegetation, which is mostly small and stunted trees from the bluff face, this will allow more sunlight to reach the tidal shoreline. The benefit would be the increased growth potential for wetlands vegetation.

Mr. Halpin read the Staff recommendation that: if the Board chooses to approve this application, staff recommends the application be amended to include a vegetation planting plan, to increase the growth chances of healthy, native wetlands vegetation channelward of the rip rap revetment. Replanting of wetlands vegetation would need to be a minimum of 200 sq. ft. as mitigation for the encroachment of vegetated and

non-vegetated wetland areas. Staff also recommends the reestablishment of a buffer strip along the top of the bluff, upland of the revetment.

Ms. Betty Pugh of Mathews, VA was present as agent. Ms. Pugh stated that she agreed with the Staff recommendation for the vegetation remediation.

Chairman Smither opened the hearing for comments from the public. There being no comments, the public portion of the hearing was closed and the hearing was continued for questions and comments from the Board.

Chairman Smither called the agent back up, and began a period of questions and comments between the Board and the Agent.

There being no further questions or comments from the Board, Chairman Smither asked for disposition of the application.

The motion to approve the application with the Staff recommendation for the remediation planting of 200 sq. ft. of wetlands vegetation was made by Mr. Brooks, seconded by Mrs. Willis, and carried unanimously. The permit will be good for 18 months, expiring November 30, 2010.

C. John Stidman – Application No. 2009-0400

The application to: remove two existing 40' deteriorating timber and small rock groins. Replace with two new 40' timber groins, and using larger stone on each side for more stabilization. The placement of the new groins to be 6' north of old groins, to remove the southern groin from the property line and maintain equidistance between them. The proposed project located on Piankatank River; at Tax Map Parcel No. 43-7-A was heard before the board.

Mr. Halpin read the VIMS report and summary.

Mr. Halpin then read the Staff report: that Staff does not agree with the VIMS impact numbers. If the groins are to be rebuilt in a footprint that is essentially the same size as what exists, then you will be regaining bottom when you remove the old groins and will have an end product that has no net loss. Staff, does understand the homeowner's wishes to remove the southern groin from the property line. However, Staff is concerned with the effects that could be caused by disturbing groins that appear to be working very well.

Mr. Halpin read the Staff recommendation that: If the Board chooses to approve this application, staff recommends the application be considered as submitted, with an additional requirement that the contractor must take all necessary steps to minimize adverse affects to the existing, well established beach.

Ms. Alicia Goodwin of Deltaville, VA was present as agent.

Chairman Smither opened the hearing for comments from the public. There being no comments, the public portion of the hearing was closed and the hearing was continued for questions and comments from the Board.

Chairman Smither called the agent back up, and began a period of questions and comments between the Board and the Agent.

There being no further questions or comments from the Board, Chairman Smither asked for disposition of the application.

The motion to approve the application as submitted was made by Mr. Armstead, seconded by Mr. Taylor, and carried unanimously. The permit will be good for 18 months, expiring November 30, 2010.

Old Business

A. Continuation of Charles H. Krumbein – Application No. 2009-0110

The application to: place a 243 linear foot retaining wall in the same footprint of rip rap that was destroyed by Hurricane Isabel in 2003; backfilling with approximately 6,400 cu. yds. of clean clay/sand mix. Construct a 368' x 12' marsh toe sill with a height at MHW, approximately 3', and backfill with clean sand and plant wetlands vegetation. The proposed project located on Jackson Creek; at Tax Map Parcel No. 41-64 was heard before the board.

Mr. Halpin re-read the VIMS report and summary.

Mr. Halpin then re-read the Staff report: that after consultation with both VIMS and VMRC, it has come to the Staff's attention that they have concerns for the possible failure of this type of wall. In further conversations with VIMS staff, they have also stated that there are no accepted engineering specifications for prefabricated, free-standing concrete seawalls. Staff also notes that there is no system of tie-backs for this type of structure, such as there would be for a timber or vinyl bulkhead. With the questions raised by discussion with VIMS and VMRC, Staff has become concerned about allowing this type of structure on a point that has a history of, and continued precedence for very high wave energy, and storm action.

Mr. Halpin re-read the Staff recommendation that: Staff is very concerned for the property owners in this situation. Their home and property are at high risk of loss from continued storm activity, and something needs to be done that will help to protect their home. Because of the potential for high wave energy, unlimited fetch, and storm action, Staff is not certain what solution for this site would afford the least potential for failure. Staff most strongly recommends that the homeowner seek the advice of a professional shoreline engineer such as Scott Hardaway at VIMS, or other local engineering firms, to come up with a best solution for this site, which could then be brought back before this Board, and VMRC for approval. If the Board chooses to approve the application as submitted, Staff then recommends that the application be revised to include a rip rap stone revetment, that will meet the height of the seawall, and with a width that provides a 2:1 slope to the rip rap. The revetment needs to be made of properly sized stone, incorporate filter cloth and have a properly placed toe. This should help in preventing possible failure of the wall by helping to dissipate wave energy, rather than reflect the wave energy as is done when the wave action hits a vertical surface such as a bulkhead or wall. The rip rap will also help protect the footing from undercutting. Final approval from the Board should be contingent upon submission of revised site plan and cross section drawings that incorporate the Board's decision.

Mr. Warren Veazey, King George, was present as agent.

Chairman Smither opened the hearing for comments from the public, who have not previously spoken.

There being no further comment brought forth, the public portion of the hearing was closed and the hearing was continued for questions and comments from the Board.

Chairman Smither called the agent back up, and began a period of questions and comments between the Board and the Agent.

Mr. Taylor asked Mr. Veazey if he was now acting as agent for Mr. Krumbein.

Mr. Veazey said he was acting as the agent, but that they would not be the contractor for the project.

There was a brief period of questions and comments between the Board and the agent, after which Chairman Smither asked if the Board was ready to consider disposition of the application.

The motion to approve the application with the amendment to bring the wall back to the current Mean High Water; final approval upon receipt of revised drawings of the project was made by Mr. Taylor, seconded by Mrs. Willis, and carried unanimously. The permit will be good for 18 months, expiring November 30, 2010.

New Business

None discussed.

Adjournment

With no further business to discuss, the motion to adjourn the meeting was made by Mr. Armstead, seconded by Mr. Taylor and carried unanimously.

Respectfully submitted,

Wetlands Board Chair

Date