

Middlesex County Wetlands Board

Minutes

September 8, 2009

Call to Order

The September 8, 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 Mary Ann Willis. After the pledge, a moment of silence was observed, with a prayer lead by Chairman Smither for Mr. & Mrs. Hawksworth.

Present: J. Miller Smither – Chairman

Dale Taylor

Woodson Armstead

Mary Ann Willis

Staff present: John Halpin, Wetlands Planner

Absent: Tom Hawksworth – Vice Chairman

Archie Brooks

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

Minutes

The Board considered the minutes of the August 11, 2009 meeting. On a motion by Mr. Taylor and seconded by Mr. Armstead, the minutes were approved unanimously.

Public Hearings

The following applications were considered by the Board:

A. F. L. Hall – Application No. 2009-0935

The application to: To replace 70' deteriorating timber bulkhead with a new C-Lock vinyl bulkhead. New bulkhead to be placed directly in front of the old, and use 8" top pilings, galvanized tie back rods, and 6 x 6 whalers at a site located on Fishing Bay, at Tax Map Parcel No. 45-5-A-3 was heard before the board.

Mr. Halpin read the VIMS report and summary.

Mr. Halpin then read the Staff report: that this shoreline currently has a mixture of bulkhead, graded bank with rip rap, and bulkhead with rip rap placed in front of it. The preferred option at a site such as this would be to remove the bulkhead, grade the bank back and place a revetment using properly sized rip rap.

Mr. Halpin read the Staff recommendation that: if the Board chooses to approve this application, Staff recommends consideration of the application as submitted.

Mrs. Michelle Meredith 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 brief period of questions and comments between the Board and the Agent, concerning the property owner's view of rip rap instead of another bulkhead. Mrs. Meredith stated that the property owner was adamantly against rip rap.

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. Taylor, seconded by Mr. Armstead, and carried unanimously. The permit will be good for 18 months, expiring March 31, 2011.

B. Pete Stratiou – Application No. 2009-0999

The application to: repair and realign existing 40' jetty. Construct two new 40' wooden jetties, one to be placed at the far left property marker, and one next to existing pier at a location on the Rappahannock River, at Tax Map Parcel No. 39-4 was heard before the board.

Mr. Halpin read the VIMS report and summary.

Mr. Halpin then read the Staff report that: this area of Rappahannock shoreline routinely has very high wave energy, and is in Staff's opinion an area where a series of breakwaters would work well in protecting existing homes that are close to the water, and in keeping with the living shoreline concept, would improve the habitat along this portion of the river bank. Short of restructuring this shoreline with breakwaters, the more preferred fix would be to remove the bulkhead, and construct a rip rap revetment, using properly sized stone.

Mr. Halpin read the Staff recommendation that: If the Board chooses to approve this application, Staff recommends that consideration be given to the following: If the groins are approved by the Board, the application should be amended to include their initial nourishment.

Mr. Terry Emerson 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 brief period of questions and comments between the Board and the Agent.

After the period of questions and comments from the Board, Chairman Smither asked for disposition of the application.

The motion to approve the application as submitted was made by Mr. Taylor, seconded by Mrs. Willis, and carried unanimously. The permit will be good for 18 months, expiring March 31, 2011.

C. Leonard Powell – Application No. 2009-1113

The application to: construct 214' of rip rap behind existing wetlands vegetation along the southwest and southern banks, changing to 121' of marsh toe sill along the southern bank, under existing dock and ending at existing rip rap at a site located on Jackson Creek, at Tax Map Parcel No. 40-231 was heard before the board.

Mr. Halpin read the VIMS report and summary.

Mr. Halpin then read the Staff report: that Staff noted the erosion that is occurring primarily along the southwestern bank at this location. This erosion is being caused as much by stormwater runoff traveling down the lawn as by storm wave activity. There are some very healthy vegetated spots along this shoreline, especially the southern side where there are thick stands of black needle rush. In consideration of constructing the marsh toe sill, care should be taken not to damage this vegetation.

Mr. Halpin read the Staff recommendation that: if the Board chooses to approve this application, Staff recommends consideration be given to the following: adding clean sand nourishment to the marsh toe sill portion, along with vegetation plugs to encourage further growth within the marsh toe sill. The lip of the revetment should be tapered into the hillside, to prevent a check dam effect to stormwater moving downhill; which would cause erosive action behind the revetment.

.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 brief period of questions and comments between the Board and the Agent. Mrs. Willis and Mr. Armstead both stated concerns that this appears to be a healthy, well working site; and are not certain that anything needs to be done.

A motion to continue the hearing on this application for thirty (30) days so that the Board could have more time to review the project was made by Mr. Armstead, seconded by Mrs. Willis, and carried unanimously. The application is tabled until October 13, 2009 when it will be brought back before the Board.

D. Richard Clark – Application No. 2009-1128

The application to: construct 3' x 5' x 540' rip rap revetment along eroding shoreline, using A1 Class stone at a location on Healey's Creek, at Tax Map Parcel No. 39A-5-3 was heard before the board.

Mr. Halpin read the VIMS report and summary.

Mr. Halpin then read the Staff report that: A marsh toe sill as stated by VIMS could be an option at this location, however because the bank and hillside is forest, you would have to remove several trees to provide ample sunlight to reach the areas that you would want wetlands vegetation to spread into. It is the Staff's opinion that to begin removing trees from this area of the shoreline, to increase sunlight to the near shore area would be more detrimental than the placement of a revetment to prevent the further erosion to the base of the hill.

Mr. Halpin read the Staff recommendation that: if the Board chooses to approve this application, Staff recommends consideration of the application as submitted.

Mr. Joey Scott of Kilmarnock, 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 brief period of questions and comments between the Board and the Agent. Mr. Scott presented a revision to the application to the Board. The revision is for mitigation measures for the wetlands vegetation that will be impacted by the project.

After the period of questions and comments from the Board, Chairman Smither asked for disposition of the application.

The motion to approve the application, with addition for the mitigation of one hundred-fifty (150) square feet of wetlands vegetation was made by Mrs. Willis, seconded by Mr. Taylor, and carried unanimously. The permit will be good for 18 months, expiring March 31, 2011.

E. William Brown III – Application No. 2009-1161

The application to: replace 112' deteriorating bulkhead with new vinyl sheet pile bulkhead and two 5' returns. Add additional stone to existing rip rap in front of bulkhead. Remove and replace existing boat ramp with a new 12' x 33' boat ramp using pre-cast Shore-Block SD-60 at a location on the Piankatank River, at Tax Map Parcel No. 41-41-55 was heard before the board.

Mr. Halpin read the VIMS report and summary.

Mr. Halpin then read the Staff report that: Staff is concerned about the original material that was used as a bulkhead; several pieces have the appearance that they were railroad ties at some time in the past. Used railroad ties will contain creosote, oils, and other toxic chemicals that leach into the surrounding soils, and into the water. This area of shoreline does receive a fair amount of wave action during storms, and would be a prime candidate for grading back the bank, and constructing a revetment using appropriate sized stone.

Mr. Halpin read the Staff recommendation that: If the Board chooses to approve this application, Staff recommends that consideration be given to the following: The original bulkhead material needs to be removed from the site, and properly disposed of; and then placing the new bulkhead in the same footprint as the former; and adding the requirement that any vegetation that is damaged during the removal and reconstruction of the boat ramp must be replaced on site.

Mr. Les Altman of King & Queen Courthouse, 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 brief period of questions and comments between the Board and the Agent.

After the period of questions and comments from the Board, Chairman Smither asked for disposition of the application.

The motion to approve the application, with Staff recommendations was made by Mr. Taylor, seconded by Mr. Armstead, and carried unanimously. The permit will be good for 18 months, expiring March 31, 2011.

Old Business

Mr. Halpin informed the Board that Middlesex County sent Mr. Krumbein a letter on August 13, 2009, a copy of this letter is enclosed. Mr. Krumbein called the Planning Department on August 20th. Mr. Krumbein's chief complaint during that phone conversation was that he feels the County is giving him a whole bunch of "scientific mumbo-jumbo" [in reference to our requirement to bring the wall back to current mean high water] that he does not "understand". I told Mr. Krumbein, that I will, **at the County's convenience**, go back to his property at high tide; I will place a stake showing where mean high water is located, and will make a measurement for him from the corner of the deck that he has been using as a benchmark. Once completed, I will inform him, by official correspondence, of the findings.

New Business

Mr. Halpin informed the Board that emergency repair was granted to Linda Walker Ludeke of Piankatank Shores, for her bulkhead that blew out during the rainstorm on August 22, 2009. Homeowner is firmly aware that the granted repair is temporary in nature, and that my office must receive her application for repair within sixty days of the date that the emergency repair was granted.

Mr. Halpin informed the Board that on September 1, 2009, a Letter of Inquiry was sent to David & Evelyn Martin of Mechanicsville, VA; owners of property located on Richmond Road in Deltaville. The letter was sent upon the discovery of what appears to be a bulkhead that has been recently built on their property that may have been done without permit, and does not meet building code. The property owners have fifteen days in which to contact my office. If the property owners do not contact my office within the stated time, a complaint will be sworn out, and notice of violation will be issued.

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