

WETLANDS BOARD

MINUTES

March 8, 1989

A. ROLL CALL

MEMBERS PRESENT:

Henry Lindsey  
Ralph Cobb  
Carolyn Lowe  
John Hughes  
David Gussman

ABSENT:

OTHERS PRESENT:

Bernard M. Farmer, Jr., Director of Code Compliance

B. MINUTES

The revised minutes of the January 11, 1989 meeting were approved as presented. The minutes of the February 8, 1989 meeting were approved as presented.

C. OLD BUSINESS

None

D. NEW BUSINESS

1. W-2-89 Benny L. Lacks, Sr.

Mr. Farmer stated that Mr. Benny L. Lacks, Sr. had applied for a wetlands permit to install approximately 280 linear feet of rip rap revetment and a 200' x 18' private pier at 126 Four Mile Tree located in the Riverview Plantation Subdivision. Mr. Farmer further stated staff recommends approval be granted with the following conditions:

1. The rip rap overtopping apron being reduced to 1 foot or less to reduce the loss of vegetated wetlands, and the height of the revetment not exceed 2.8 feet above mean sea level.
2. The project shall be accessed by water to lessen the impacts to the marsh during construction.
3. An inspection of the filter cloth must be made and approved by staff prior to overfilling with rip rap.

4. This permit shall expire on March 8, 1990.

The Board discussed rip rap, overtopping aprons and the amount of marsh land that has been lost over the years in the Riverview Plantation Subdivision.

Mr. Hughes asked about the placement of the filter cloth under the rip rap. Also he asked if this would cause scouring and if so what could be done to prevent the scouring or lessen the effect.

Ms. Bradshaw, representative from VIMS, stated an apron or rip rap could be extended toward the toe to prevent any scouring that might occur.

Mr. Hughes asked Mr. Farmer if he knew which method was to be used by the applicant since it was not noted on the application.

Mr. Farmer stated he did not know but that either method would be acceptable.

Mr. Lindsey opened the public hearing.

Mr. Benny L. Lacks, Sr. stated he has been living in the house for the last four and a half years and has lost an estimated twenty to twenty five feet of marsh land.

Mr. Hughes asked if there would be any difficulties with installation of rip rap by water access vs land access.

Mr. Lacks stated his contractor advised him that it would be difficult to attempt the installation by water. He further stated his only available land access was his neighbors property.

Mr. Gussman asked if land access was used how the rip rap would be brought in.

Mr. Lacks stated they would have to use front end loaders. He advised the Board that he had only spoken with one contractor.

Mr. Hughes asked the depth of the river.

Mr. Lacks stated the depth is approximately two feet.

Mr. Farmer advised the Board if the contractor used the proper barge, there should not be a problem with installation by water. Installation by land access would destroy some of the remaining marsh land.

Mr. Lindsey asked if anyone else wished to speak on this case.

No one else wished to speak.

Mr. Lindsey closed the public hearing.

Ms. Lowe motioned to approve the permit with the staff's recommendation.

The motion was carried unanimously.

2. W-3-89 M. C. Messick & S. E. Clarke

Mr. Farmer stated that Mr. M. C. Messick and Mr. S. E. Clarke, the owners, had applied for a wetlands permit for the construction of approximately 254 linear feet of tongue and groove replacement bulkheading at 7246 and 7244 Canal Street located in the Chickahominy Haven Subdivision. Mr. Farmer further stated staff recommended approval with the following conditions:

1. The replacement bulkheads not exceed two feet channelward of the existing bulkheads and be held as close as possible to the existing bulkhead.
2. An inspection of the filter cloth and tiebacks must be made and approved by the Code Compliance Office prior to backfilling.
3. A building permit must be obtained prior to construction.
4. This permit shall expire on March 8, 1990.

Ms. Lowe asked about the letter received by Mr. Messick & Mr. Clarke from The Division of Soil & Water Conservation (SEAS) in which they stated the placement of rip rap would be a better method than a bulkhead. Why are the applicants requesting to use a bulkhead vs rip rap.

Mr. Farmer stated although rip rap is superior to bulkheading and marine life can exist on the placement of the rip rap, it can be very costly and the applicants would have to grade the land back with further property loss.

Mr. Lindsey opened the public hearing.

No one wished to speak.

Mr. Lindsey closed the public hearing.

Mr. Cobb motioned to approve the permit with the staff's recommendation.

The motion was carried unanimously.

3. W-5-89 J. Douglas Walker

Mr. Farmer stated that Mr. J. Douglas Walker, the owner, had applied for a wetlands permit for the construction of approximately 190 linear feet of tongue and groove bulkheading at 116 Lands End Drive located in the Powhatan Shores Subdivision. Mr. Farmer further stated staff recommended approval with the following conditions:

1. The applicant must construct the bulkhead in three segments along the toe of the bank and tying into the existing bulkhead at 118 Lands End Drive.
2. The applicant must contact the Code Compliance Office at least two days prior to construction for staff to stake the alignment.
3. An inspection of the filter cloth and tiebacks must be made and approved by staff prior to backfilling.
4. A building permit must be obtained prior to construction.
5. This permit shall expire on March 8, 1990.

Mr. Lindsey opened the public hearing.

Mr. Walker stated he agreed with the staff's recommendation but would also like to save the tree on the corner of his property which would place that section of the bulkhead out about three feet.

Mr. Farmer stated the tree should not remain for several reasons. The roots would more than likely be damaged during construction, the result would be the tree falling and damaging the bulkhead. If the tree remained it could add additional weight to the bulkhead, the result would be damage to the bulkhead. The tree could be replaced with a smaller tree or trees.

Mr. Walker presented the Board with pictures showing the tree, the roots, the location of the tree, and explained how he and his wife proposed to save the tree. He further stated his contractor advised him that the tree could be saved.

Mrs. Walker advised the Board if the tree could not be saved proper steps would be taken to have the tree removed.

Mr. John Patton, Code Compliance Officer, asked the Board how far out channelward they would allow the bulkhead to extend.

Mr. Henry H. Germer, property owner at 124 Discovery Lane, asked the Board how far out channelward they would allow the bulkhead to extend. He stated he was happy to see that the Board is concerned with the saving of trees.

Mr. Lindsey asked if anyone else wished to speak on this case.

No one else wished to speak.

Mr. Lindsey closed the public hearing.

The Board discussed the tree location, the possibility of saving the tree, the alignment of the bulkhead, and the possibility of more wetlands being destroyed.

Mr. Farmer stated the Code Compliance Office would go out to the site and stake the bulkhead as close as possible to the Board's recommendation.

Mr. Hughes motioned to approve the permit with a change to the staff's recommendation to show the construction of the bulkhead to be done in three or four segments.

The motion was carried unanimously.

The Board advised the citizens attending the public hearing that they would hear case W-6-89 and W-7-89 simultaneously since they are tying the bulkheads together as adjacent property owners.

4. W-6-89 Thomas K. Johnson & W-7-89 Bruce B. Plumley

Mr. Farmer stated that Waterfront Piers and Bulkheads, the contractor, had applied on behalf of Mr. Thomas K. Johnson for a wetlands permit for the construction of approximately 65 linear feet of tongue and groove bulkheading at 117 Godspeed Lane and on behalf of Mr. Bruce B. Plumley for a wetlands permit for construction of approximately 101 linear feet of tongue and groove bulkheading at 115 Godspeed Lane located in the Powhatan Shores Subdivision. Mr. Farmer further stated the staff recommended for Mr. Johnson's permit be approved subject to the following conditions:

1. The bulkhead being constructed at the toe of the bank, tying into the bulkhead at 3 Lavelle Court and 115 Godspeed Lane.
2. The contractor must contact the Code Compliance Office at least two days prior to construction for staff to stake the alignment.

3. An inspection of the filter cloth and tiebacks must be made and approved by staff prior to backfilling.
4. This permit shall expire on March 8, 1990.

and the staff recommended for Mr. Plumley's permit be approved subject to the following conditions:

1. The bulkhead being constructed at the toe of the bank at mean high water in two segments. The first beginning at the corner of the existing bulkhead at 113 Godspeed Lane and returning to the toe of the bank. The second segment to follow the toe of the bank over to 117 Godspeed Lane.
2. The contractor must contact the Code Compliance Office at least two days prior to construction for staff to stake the alignment.
3. An inspection of the filter cloth and tiebacks must be made and approved by staff prior to backfilling.
4. A building permit must be obtained prior to construction.
5. This permit shall expire on March 8, 1990.

The Board discussed the two properties and the tying of the bulkheads.

Mr. Lindsey opened the public hearing.

Mr. Plumley stated he did not understand the staff's recommendation in regard to the construction of the bulkhead in two segments.

Mr. Hughes explained to Mr. Plumley that the construction would be in two segments, the end result would be a relatively straight line bulkhead.

There was discussion among the Board, Mr. Farmer, and Mr. Plumley regarding the placement of the bulkhead and how it would tie into the adjacent property owners.

Mr. Plumley advised the Board he understands the staff's recommendation but he would prefer a straight line bulkhead vs the two segment bulkhead proposed by the staff.

Ms. Lowe asked Mr. Farmer what the wetlands loss would be if the permit was granted with the applicants request.

Mr. Farmer stated approximately 300 to 500 square feet of wetlands would be lost if the permit was granted to construct the bulkhead as proposed by the applicant.

Mr. Lindsey asked if anyone else wished to speak on this case.

No one wished to speak.

Mr. Lindsey closed the public hearing.

The Board discussed previous bulkhead applications which tied into adjacent/existing bulkheads with the alignment being a straight line. Also discussed were the various different alignments of bulkheads, erosion, and the loss of wetlands.

Mr. Hughes motioned to approve the permit as requested by the applicant for a straight line bulkhead. The bulkhead would start at the corner of 113 Godspeed and continue in a straight line to 3 Lavelle Court.

The motion was opposed four to one.

Ms. Lowe motioned to approve the permits (W-6-89 Thomas K. Johnson & W-7-89 Bruce B. Plumley) with the staff's recommendation.

The motion was carried four to one, Mr. Hughes opposed the motion.

5. W-8-89 Mr. & Mrs. Robert E. Gilley

Mr. Farmer stated that Mr. & Mrs. Robert E. Gilley, the owner, had applied for a wetlands permit for the construction of approximately 155 linear feet of tongue and groove bulkheading at 227 Gate House Boulevard. The applicants propose to construct a bulkhead at mean high water and remove existing trees to stop erosion into Mill Creek. A site visit was conducted by VIMS and the Code Compliance Office. Based on the application it was estimated by Ms. Bradshaw (VIMS) that approximately 200 square feet of non-vegetated wetlands are involved and that scouring of the wetlands is expected at both ends of the proposed bulkhead. Ms. Bradshaw recommends the use of rip rap as an alternative to bulkheading. The wave energy dissipation afforded by a properly designed rip rap revetment would minimize scouring at both the toe and adjacent wetlands on either end. The rip rap would also provide some habitat for marine life and vegetation.

Mr. Farmer further stated the applicants contacted SEAS (Department of Soil and Water Conservation) in October 1988 for advisory assistance concerning their shoreline erosion problem. SEAS recommended the following:

1. The embankment be graded to a 2:1 slope with all trees and shrubs within 15 feet of the bank edge be removed and a vegetated cover be established.
2. The preferred course of action would be rip rap installed to minimize encroachment onto the bottom. As an alternative to rip rap a properly designed and constructed bulkhead could be used.

The area in question is an outer portion of a bend in Mill Creek. Some natural flow occurs in this creek from Lake Powell and the surrounding drainage area; but, the majority of flow is caused by flood and ebb tides. Two major concerns exist regarding bulkhead installation at this point. First, the irregular shoreline at this point would make it difficult to align the bulkhead along the toe of the bank, the resulting straight segments which would more than likely be constructed would result in an unnecessary loss of mud flat community. Secondly, it is probable that substantial toe scour would occur from reflected wave energy or normal flows. Additionally, some continued erosion at either end of the bulkhead might be expected to occur resulting in an adverse impact at those points. With these observations the staff recommended a permit be granted for installation of a properly constructed rip rap revetment, in accordance with the preferred SEAS alternative, so as to limit the wetlands impact. It is anticipated that the cumulative benefit of grading the bank and limiting the present erosion outweigh the minor loss of wetlands with a rip rap revetment. The following conditions apply:

1. That the bank be graded and the tall trees removed according to the SEAS report.
2. That the alignment follow the existing toe of the bank.
3. That staff conduct an inspection of the filter cloth prior to rip rap placement.
4. That the permit shall expire on March 8, 1990.

The Board discussed the wind wave actions vs tidal wave actions and scouring of the wetlands. Ms. Bradshaw stated that wind generated waves were minimal since there was little reach or open water.

Mr. Lindsey opened the public hearing.

Mr. Gilley stated he will not use the rip rap method. He stated he will use a bulkhead only or he will not use anything at all. He further stated that he has done extensive/expensive work



on the septic and well area on his property, and that the truck loads of rip rap would destroy the property.

Mr. Lindsey asked if anyone else wished to speak on this case.

No one wished to speak.

Mr. Lindsey closed the public hearing.

Mr. Hughes motioned to approve the permit with the staff's recommendation.

Mr. Cobb asked Mr. Farmer if the rip rap could be transported by water.

Mr. Farmer stated the rip rap could not be transported by water, the creek is not deep enough for a barge. He stated that only john boats or small craft could come that far up the creek.

The motion was carried four to one, Mr. Cobb opposed the motion.

#### E. MATTERS OF SPECIAL PRIVILEGE


The Board received a letter from the Marine Resources Commission announcing the recruitment of Mr. Chuck R. Roadley, Jr. as their new environmental engineer, Mr. Tony Watkinson was promoted to Deputy Chief of the Habitat Management Division, and that Mr. Peter McClintock had been assigned to handle our locality.

Mr. Farmer also introduced Ms. Julie Bradshaw as the Board's temporary advisor from the Virginia Institute of Marine Science Office.

#### G. ADJOURNMENT

The meeting was adjourned at 9:30 P.M.

  
Mr. Henry Lindsey  
Chairman

  
Mr. Bernard M. Farmer, Jr.  
Secretary