

RICHMOND COUNTY WETLANDS BOARD MEETING MINUTES

May 26, 2016

The Richmond County Wetlands Board held a meeting on May 26, 2016 in the Public Meeting Room, Warsaw, Virginia.

Wetlands Board Members Present: David Gallagher, Michael Sisson, Bobby Yeatman, Nancy Finnegan and Greg Gruner.

Others attending the meeting were: Richard English (Environmental Compliance Agent), Randy Owen (VMRC), Robert “Curly” Lewis, Chris Self (Contractor, K&B Marine Construction), Richard “Cory” Attack and Vanelia Gallagher.

Chairman Gallagher called the meeting to order at 7:00 p.m., welcomed members and guests, and read the opening statement.

MINUTES

“On a motion made by Bobby Yeatman, seconded by Michael Sisson, the Board unanimously approved the March 24, 2016 meeting minutes as written.”

PUBLIC HEARINGS

- (1) Michael T. Davis, P.O. Box 21, Sharps, VA 22548, has applied for permission to construct 87 linear feet of rip-rap revetment and a low-profile timber groin along his Rappahannock River shoreline, located at 66 Milden Lane and further identified as Parcel 59 of Tax Map 42. (VMRC#16- 0632)

Mr. Robert “Curly” Lewis, Agent for the project, explained the Applicant’s desire to install a low-profile groin. He explained his involvement with previously permitted project sites adjacent to and near the Applicant’s shoreline. It was further explained that the proposed groin location for this project was determined and coordinated with those previous projects to allow for the proposed 48’ length with a consistent 72’ spacing. It was also expressed that the application proposes to provide the sand needed to artificially nourish the proposed groin initially. Mr. Lewis then explained the Applicant’s desire to install a rip-rap revetment. It was further expressed that a rip-rap sill was considered for this project however it was believed that the sill simply would not provide adequate protection given the long fetch distance and high energy nature of the shoreline. Mr. Lewis stated that the revetment was consistent with the neighboring properties immediately up-river and a short distance down-river. He further explained that the option for a breakwater system to protect this shoreline was very cost probative. Mr. Lewis expressed that since his involvement with projects on the stretch of the shoreline from 2014, the Applicant has lost seven feet of land. The rip-rap revetment is being proposed as 87 feet in length and positioned above the mean high water elevation with the buried toe located behind the edge of the existing beach.

Mr. Sisson questioned if beach nourishment was being proposed. Mr. Lewis expressed that yes it was.

Ms. Finnegan asked if there was an optimum distance between groins. Mr. Lewis explained that it depends on the shoreline and the desired length of the groins with the appropriate distance between the groins being 1.5 times the proposed groin length.

Mr. Yeatman questioned if the proposed project would match up with the neighbor's (up-river). Mr. Lewis explained that yes, the groin proposed would be consistent with what the neighbors up-river have already been permitted and installed.

Mr. Yeatman asked if the revetment being proposed was exactly like the neighbor's (up-river). Mr. Lewis stated that it was, except the revetment would be placed a little bit higher up on the bank due to the nature of the property.

Mr. Yeatman asked if the Applicant intended to leave the bushes and shrubbery on the bank above the proposed revetment. Mr. Lewis explained the grading of the bank would not allow for any of the existing vegetation to remain. The exposed bank above the revetment would be seeded and stabilized to match the upland lawn.

Mr. Gallagher directed Mr. English to present his staff's opinion and recommendations. Mr. English read the staff report which ultimately supported the project as proposed.

Mr. Sisson questioned how much sand was being proposed for the beach nourishment. Mr. English stated that the JPA proposed the placement of 20 cubic yards for this sand nourishment.

There being no further questions or discussion, Mr. Lewis requested a permit that would be good for a period of two years.

“On a motion made by Greg Gruner, seconded by Michael Sisson, the Board voted unanimously to approve VRMC application #16-0632 with an expiration date of May 26, 2018.”

- (2) Eleanor D. Davenport, 1082 Shandy Hall Road, Warsaw, VA 22572, has applied for permission to construct 230 linear feet of timber jetty along her Rappahannock River shoreline, located at 1082 Shandy Hall Road and further identified as Parcel 24 of Tax Map 35. (VMRC#16-0449)

Mr. Chris Self, Agent and Contractor for the project, explained the Applicant's desire to replace a portion of the timber wall and jetty that is serving the existing boat basin. Mr. Self expressed that a portion of the existing wall is being proposed to remain in place in order to avoid any disturbance and retain a sand dune feature located at the mouth of the boat basin. The replacement wall is being proposed one foot channel ward of the existing wall in order to straighten the alignment and match the existing wall further up into the basin. There are nine existing dead-men poles positioned behind the wall which Mr. Self explained would be replaced in the same exact footprints. These dead-men poles are proposed to be left exposed about 12 to

16 inches above grade with the tiebacks being attached and exposed above grade which would not require any disturbance of the marsh for installation.

Mr. Gallagher directed Mr. English to present his staff report. Mr. English read the staff report which ultimately supported the project as proposed.

Mr. Sisson questioned how the project site would be accessed. Mr. Self explained that there was a wooded road that accessed the spoil site from the dredging project that also continues on to the vicinity of this project site, however most of the work will be accessed by water.

Mr. Gallagher explained he had the opportunity to visit the site that day and Mr. Self happened to be on-site at the time he was there.

Ms. Finnegan asked how long of permit timeframe did he need. Mr. Self stated that a year would be fine.

“On a motion made by Michael Sisson, seconded by Greg Gruner, the Board voted unanimously to approve VRMC application #16-0449 with an expiration date of May 26, 2017.”

Mr. Gallagher expressed that had Mr. Self not been present on-site at the time of his visit he would not have been able to understand the scope of the proposed project by the plans that were provided. Mr. Self stated that he had already had a similar conversation with Mr. English and that he has prepared a more detailed drawing for project as it was discussed. Mr. Gallagher expressed that he should get some help in doing plans on future projects. Mr. Self admitted he was not an expert on doing drawings and he would work on getting it done better.

- (3) Attack Properties, Inc., 4130 Innslake Drive, Glen Allen, VA 23060-0000, has applied for permission to retain in place two after the fact timber jetties along their Rappahannock River shoreline, located at Riverview Road and further identified as Parcel 1 of Tax Map 29(5). (VMRC#15-1740)

Cory Attack introduced himself as a representative for Attack Properties, Inc. and explained that Mr. Chris Self would be able to answer more specific questions and explain the project in further detail. Mr. Self explained that the previously permitted project authorized the construction of a concrete boat ramp along with 15 low-profile groins along the entire Attack Properties subdivision property. Mr. Self expressed that there were multiple meetings held on-site between him, his help and the engineer planner. Mr. Self explained that he had begun constructing the ramp the way he and his help had installed ramps before and before he had scheduled to pour the concrete for ramp he contacted Mr. Randy Owen to come and check out the work that had been done. Mr. Self was then contacted by Mr. Owen and explained that the groins along each side of the ramp were not a part of the previously permitted project. Mr. Self admitted that it was part his fault for not paying close enough attention to the approved drawings and that the drawings were supposed to show the two groins located on each side of the concrete boat ramp. Mr. Self stated that the desire of the groins or jetties was relayed to the designer however they were not included on the plans. Mr. Self expressed the desire to keep the jetties as constructed. Mr. Self further explained that Mr. Mike VanLandingham from the DCR was able

to evaluate these jetties and he determined that they would not cause detriment to the adjacent up-river neighbor's property and may actually enhance protection of that area of the shoreline.

Mr. Gallagher questioned who was responsible for the review of the plans prior to installing the jetties. Mr. Self reiterated that it was his fault for not paying close enough attention to the plans. Mr. Self again expressed the desire to keep them as is.

Mr. Gallagher expressed that he had initial concerns in regards to the length(s) being longer than the maximum length of 48 feet that is usually permitted by the Board in addition to the fact that they are not low-profile in design. However, now understanding the purpose of this design to function as jetties and not exactly like groins he feels a little bit better about it.

Mr. Self expressed that this was the first time he has found himself in this position and continued to take the blame for not paying close enough attention to the drawings and promised the next time he will do a better job.

Mr. Gallagher directed Mr. English to present his staff report.

Mr. English asked Mr. Self if he had reviewed the drawings prior to them being submitted to the Wetlands Board for approval. Mr. Self expressed that he had not seen any drawings until after the Wetlands Board had approved the project. Mr. English read the staff report which ultimately supported the project as proposed.

Mr. Owen provided further insight in to the conversations that he'd had with not only DCR but also VIMS which ultimately led to conclusion that these jetties could remain as constructed with little reservations warranting the fear of substantial detriments to the neighboring properties.

Mr. Gallagher opened it up for additional question and discussion from the Board.

Mr. Sisson stated that he was initially happy with the original proposal to the fact that it would not really have a lot of impact on that shoreline and that the new proposal definitely will have an impact on the shoreline. Mr. Sisson further stated that he was afraid of the precedence that this may have set for future projects.

“On a motion made by Bobby Yeatman, seconded by Greg Gruner, the Board voted unanimously to approve VRMC application #15-1740 with an expiration date of May 26, 2017.”

OTHER BUSINESS

(1) ***“On a motion made by Greg Gruner, seconded by Michael Sission, the Board voted unanimously to extend the previously permitted VRMC application #13-0681 with a new expiration date of June 27, 2019.”***

(2) ***“On a motion made by Bobby Yeatman, seconded by Nancy Finnegan, the Board voted***

unanimously to extend the previously permitted VRMC application #13-0656 with a new expiration date of June 27, 2019.”

- (3) Ms. Finnegan expressed her concern and hopes that we would not see Mr. Self in the same light that he was in this evening and reiterated her desire to see a higher level of detail in his plans should he come before the Board again in the future.

Mr. English followed up with the distribution of a checklist that he had drafted to aid in the review of applications and drawings for future shoreline projects. It was stated that most of the items requested by the checklist came from either the State Code or from the Joint Permit Application. This checklist was distributed in an effort to vest it with the Board to be utilized by staff. Mr. English stated that the checklist will be utilized as-is until there are recommendations from the Board to change it in any way.

Mr. Sisson expressed that he was in favor of the checklist because it provides a constant that doesn't change and also serves as a safety net to make sure that things will not slip through.

- (4) Mr. Sisson expressed the desire to double the permit fees for projects that are requesting after-the-fact authorization for things that have been done without securing permits first. Mr. English stated that the Building Permit Fee Schedule authorized the doubling of building permit fees for things that had been constructed without a permit first being issued however, the fee schedule was not clear on if the actual \$250 Wetlands Public Hearing Fee was to be doubled for the request of After-the-Fact Authorization. Mr. English stated he would look into this and see what the options were for penalizing applicants that were to bring forward such request.
- (5) Mr. English made the Board aware of the members that had terms which were about to expire in June. Mr. English also made the Board aware of the issue that some members would need to be appointed for fewer years than others in order to better stagger the expiration of the terms to avoid so many terms expiring at the same time.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:10 p.m.

Submitted as observed,

Richard English
Acting as Secretary