

Middlesex County Wetlands Board Minutes

July 13, 1999

**Call to Order**

The July 13, 1999 meeting of the Middlesex County Wetlands Board was called to order by Chairman Sherman T. Holmes at 9:00 A.M. in the Boardroom of the Woodward Building, Saluda, Virginia.

Present: Chairman Sherman T. Holmes  
Mr. Elliot Reed  
Mr. M. Dale Taylor  
Mr. Woodson Armstead

Absent: Mr. B. Ulman Miller

Staff present: Thomas Jordan, Planner

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

**Minutes**

The Board considered the minutes of the June 8, 1999 meeting. On a motion by Mr. Reed and a second by Mr. Armstead, the minutes were approved unanimously.

**Public Hearing**

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

A. Bradley Talley – Application #98-0645

Chairman Holmes informed the audience that Mr. Talley's project would have to be heard next month due to a revision after the deadline, that increased the scope of the project.

B. Chester Kauffman – Application #99-0758

Chairman Holmes read the proposal of Mr. Kauffman, to place 280' of rip rap revetment. This project is located on Wilton Creek, Tax Map #39 (21) 34. Staff then read the VIMS report for the project.

Jay Foster, of R&W Construction, agent for Mr. Kauffman was present. Mr. Foster explained the project and offered to answer any questions that the Board may have.

Mr. Holmes opened the public hearing.  
With there being no comment from the public, the hearing was closed.

On a motion by Mr. Taylor, seconded by Mr. Reed, and carried by unanimous vote, Application #99-0758 was approved as submitted for a term of 18 months.

A. Louis Heindl – Application #99-0991

Chairman Holmes read the proposal of Mr. Heindl, to install 312' of rip rap revetment. This project is located on the Piankatank River, Tax Map #43 (7) 13&14. Staff read the VIMS report for the project.

Jay Foster, of R&W Construction, agent for Mr. Heindl was present. Mr. Foster offered to answer any questions that the Board may have.

Mr. Taylor stated he did not have a problem with the project as it was presented.

Mr. Holmes opened the public hearing.  
With there being no comment from the public, the hearing was closed.

On a motion by Mr. Taylor, seconded by Mr. Armstead, and carried by unanimous vote, Application #99-0991 was approved as submitted for a term of 18 months.

D. Murray Howell – Application #99-0970

Chairman Holmes read the proposal of Mr. Howell, to install a 300' vinyl wall and a 10'x25' concrete boat ramp. This project is located on the Piankatank River, Tax Map #43A (7) 24. Staff read the VIMS report for the project.

Jay Foster, of R&W Construction, agent for Mr. Howell was present. Mr. Foster explained the project and offered to answer any questions that the Board may have.

Mr. Taylor question Mr. Foster about the removal of trees and the grading of the bank. Mr. Foster stated most of the trees would be maintain but a few would have to be removed. He went on to say that most of grading would take place within 10' of the proposed bulkhead alignment. Mr. Taylor then asked staff if that amount of land disturbance would require an Erosion and Sediment (E&S) Control Permit. Staff answered that it would require one and requested that the Board consider conditioning the Wetlands Board Permit on obtaining an approved Land Disturbing Permit.

Mr. Holmes opened the public hearing.  
With there being no comment from the public, the hearing was closed.

On a motion by Mr. Taylor, seconded by Mr. Reed, and carried by unanimous vote, Application #99-0970 was approved with the condition that an approved Land Disturbing Permit be obtained. This project was approved for a term of 18 months.

E. Fred Swearinger – Application #99-1070

Chairman Holmes read the proposal of Mr. Swearinger, to place 100' of rip rap against an existing bulkhead, replace a 40' section of bulkhead, and replace two (24' and 60') groins. This project is located on the Chesapeake Bay, Tax Map #41 (53) 51. Staff read the VIMS report for the project.

Carol Collier agent for Mr. Swearinger was present. Mrs. Collier explained the proposed project is just replacing the existing structures with the exception of the rip rap, which is new. She also stated no vegetation would be impacted by the project.

Mr. Holmes opened the public hearing.  
With there being no comment from the public, the hearing was closed.

On a motion by Mr. Reed, seconded by Mr. Taylor, and carried by unanimous vote, Application #99-1070 was approved as submitted for a term of 18 months.

F. Ann Montgomery – Application #1071

Chairman Holmes read the proposal of Mrs. Montgomery, to place 158' of wooden bulkhead. This project is located on Meachim Creek, Tax Map #29A (4) 1. Staff read the VIMS report for the project.

Carol Collier agent for Mrs. Montgomery was present. Mrs. Collier explained the project and offered to answer any questions that the Board may have. She also stated that during construction the trees along the shoreline would be trimmed back to allow extra light to reach the existing vegetation.

Mr. Holmes opened the public hearing.  
With there being no comment from the public, the hearing was closed.

On a motion by Mr. Reed, seconded by Mr. Armstead, and carried by unanimous vote, Application #99-1071 was approved as submitted for a term of 18 months.

G. James Stewart – Application #1072

Chairman Holmes read the proposal of Mr. Stewart, to install three 48' low-profile groins. This project is located on the Rappahannock River, Tax Map #35 (15) 19. Staff read the VIMS report for the project.

Carol Collier agent for Mr. Stewart was present. Mrs. Collier explained the project and stated that the groins next door filled quickly after installation. She then offered to answer any questions that the Board may have. She also mentioned that since the aforementioned groins had been installed Tiger Beetles have returned to the Beach.

Mr. Holmes question Mr. Robert “Chip” Neikirk, VMRC representative about the presence of Tiger Beetles on the beach. Mr. Neikirk stated the VIMS Report did not state the presence of Tiger Beetles on the beach. Staff stated the he had witnessed the presence of Tiger Beetles on the beach, along with Anne Newsom (Virginia Institute of Marine Sciences) VIMS representative. He went on to say that she had researched the photo that was taken of the Tiger Beetle and discovered it was one of the non-endangered species.

Mr. Holmes opened the public hearing.  
With there being no comment from the public, the hearing was closed.

Mr. Reed stated that he agreed with staff’s recommendation and revisited the site yesterday at high tide and saw no evidence of erosion.

On a motion by Mr. Reed, seconded by Mr. Taylor, and carried by unanimous vote, Application #99-1072 was denied.

H. Joseph Zanga – Application #1090

Chairman Holmes read the proposal of Mr. Zanga, to install 150’ of rip rap revetment. This project is located on Mill Creek, Tax Map #30C (1) 17A & 18. Staff read the VIMS report for the project.

Lucille Morelli agent for Mr. Zanga was present. Mrs. Morelli explained the project and the opposition encountered to their proposal. She also went to say they have deleted the rip rap on the return wall for the Cosby APO (Adjoining Property Owner) side, one of their concerns. On the Carroll/Kellam APO side the revisions also included the placement of a drainage pipe through the rip rap. She stated now there is a concern about the return wall rip rap will be placed within the APO’s riparian rights. Mr. Morelli then produced a plat showing the proposed return wall would be placed off of the property lines.

Mr. Holmes opened the public hearing.  
With there being no comment from the public, the hearing was closed.

Barbara Carroll, APO to Mr. Zanga, stated the existing drain pipe is one of the original landmarks. She then went on to say if the rip rap is placed 7 1/2’ off the bulkhead she believes it would be over the line.

Mrs. Morelli stated that the rip rap would come out a maximum of 6’, she also stated according to the plat the bulkhead return wall is not on the property line.

Betty Kellam, APO to Mr. Zanga stated she was opposed to the return wall. She then questioned why the applicant could not delete the rip rap from the proposal on their side, since they had removed it in response

to APO Cosby concerns. Mrs. Morelli responded that the rip rap presented a navigational hazard for the limited water access that Mr. Cosby currently has.

Mrs. Carroll expressed her concerns about the increasing encroachment of Mr. Zanga, discussing the original bulkhead, the replacement wall placing them 2' further channelward in 1987, and the proposed rip rap extending them out 6' more feet.

Mrs. Morelli stated that Mr. Neikirk had recommended to her the extension of the existing pipe through the revetment to the water.

Mr. Taylor stated to the APOs that it would be to their advantage to let the rip rap extend out as proposed. He explained that there would be a gap with no protection if Carroll/Kellam ever decide to install rip rap. Mr. Armstead elaborated that it would be to the APOs advantage to have rip rap next door which helps to dissipate wave energy as opposed to the current bulkhead, which reflects it. Mr. Reed said he agreed with the APOs that the drain is on the property line, but he added that the rip rap installation and pipe extension would be to their advantage.

On a motion by Mr. Taylor, seconded by Mr. Armstead, and carried by unanimous vote, Application #99-1071 was approved with the condition that any vegetated wetlands destroyed from the extension of the drainage pipe be restored to the original contour and sprigged with appropriate vegetation. This project was approved for a term of 18 months.

### **New Business**

#### A. Proposed By-Law Amendment – Administrative Decision Appeal Procedure

Staff presented the proposed By-Law Amendment to the Wetlands Board.

Mr. Reed stated that he has reviewed the proposed changes and believes they are a good idea.

On a motion by Mr. Reed, seconded by Mr. Taylor, and carried by unanimous vote, the proposed By-Law Amendment was approved.

### **Adjournment**

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

Respectfully submitted.

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Wetlands Board Chair

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Date