

Middlesex County Wetlands Board Minutes

May 11, 1999

**Call to Order**

The May 11, 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. B. Ulman Miller  
Mr. M. Dale Taylor  
Mr. Woodson Armstead

Absent: Mr. Elliot Reed

Staff present: Thomas Jordan, Planner  
Tim Wilson, Planning Director

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

**Minutes**

The Board considered the minutes of the April 12, 1999 meeting. On a motion by Mr. Miller 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. Garland Dobbins – Application #99-0321

Chairman Holmes read the proposal of Mr. Dobbins to construct a 128' vinyl bulkhead and a 25' return wall channelward of existing bulkhead. This project is located on Sturgeon Creek, Tax Map #41 (2) 4.

Alor Grantham-Traywick, agent for Mr. Dobbins was present. Mrs. Traywick described the project, discussed the VIMS report, and then offered to answer any questions. She stated the only portion of the project located in the Board's jurisdiction was six feet of the return wall.

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 #99-0321 was approved as submitted for a term of 18 months.

B. Marion Chenault – Application #99-0276

Chairman Holmes read the proposal of Mr. Chenault to construct 113' of vinyl bulkhead channelward of existing deteriorating wooden bulkhead. This project is located on the Rappahannock River, Tax Map #8A (2) 10.

No one was present to represent Mr. Chenault's proposed project.

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. Miller, and carried by unanimous vote, Application #99-0276 was approved with the following conditions: (1) the debris be removed and (2) fill be placed behind the new bulkhead to help stabilize the structure. This project was approved for a term of 18 months.

C. Leonard Powell – Application #99-0606

Chairman Holmes read the proposal of Mr. Powell, to place 633' of rip rap at toe of bank for erosion control. This project is located on Jackson Creek, Tax Map #40-231.

Carol Collier was present as the agent for Mr. Powell, to answer any questions. Mrs. Collier discussed the project and explained that the applicant was experiencing erosion caused by boats and jet-skis. She then discussed the VIMS report that recommended the sprigging of Sections C and D. She explained the applicant was an absentee owner and preferred to place the rip rap in those sections.

Mr. Taylor stated that he felt that rip rap was appropriate for sections A and B, but sections C and D should be planted with vegetation. Mrs. Collier stated again that Mr. Powell was an absentee owner and would not be able to properly maintain the vegetation, but he had already trimmed back some of the trees to allow additional sunlight to reach the existing vegetation. Mr. Taylor stated he would have no problem approving the rip rap if after 18 months the vegetation has not established itself.

Mr. Holmes discussed that he felt that sprigging the bank with vegetation was the best alternative. He went on to state that it was a good opportunity to establish some grass there, due to the existing vegetation and the low energy environment surrounding the sections.

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 #99-0606 was approved as submitted for sections A and B and modified for sections C and D to include grading and the sprigging of appropriate vegetation in place of the proposed rip rap. The project was also approved with the condition: if after 18 months no vegetation has established itself, the placement of rip rap for sections C and D be approved with prior notification to the Wetlands Board.

D. Bush Park Campground – Application #98-2123

Chairman Holmes read the proposal of Bush Park Campgrounds, to maintenance dredge a man-made channel to be 25' wide x 450' long to a depth of 3' MLW. This project is located on Bush Park Creek, Tax Map #39-16.

Carol Collier, agent for Bush Park Campground was present to answer any questions. Mrs. Collier described the project and explained that only a small portion of the project is located in the Board's jurisdiction.

Mr. Holmes questioned the spoil site the being used for this project. Mrs. Collier stated the spoil site used is the same one used before on previous dredging projects of the channel.

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

On a motion by Mr. Miller, seconded by Mr. Armstead, and carried by unanimous vote, Application #98-2123 was approved as submitted for a term of 18 months.

E. Charles Brock – Application #99-0595

Chairman Holmes read the proposal of Mr. Brock to construct a 100' groin at the toe of the bank. This project is located on the Piankatank River, Tax Map #41 (37) 7.

Carol Collier, agent for Mr. Brock was present to answer any questions. Mrs. Collier described the project and asked the Board to make the removal of the existing deteriorating groin a condition of the permit.

The Board discussed the VIMS report and the recommendations by staff. Chip Neikirk, representative for the VMRC further commented on the recommendations by stating the money saved by moving the groin 20' off the side property line instead of the proposed 15' could be applied to the construction of the recommended 20' spur.

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 #99-0595 was approved with the following conditions: (1) the new groin be located 20' off side property line, (2) be of low-profile design, (3) a 20' spur be placed on the downdrift side at MLW, (4) existing groin be removed, (5) eroded area backfilled behind the groin to provide stability, (5) stumps removed. This project was approved for a term of 18 months.

F. Dale Foley – Application #99-0641

Chairman Holmes read the proposal of Mr. Foley to construct 200' of timber bulkhead and backfill. This project is located on Urbanna Creek, Tax Map #26A (4) 3.

Lucille Morelli, agent for Mr. Foley was present to answer any questions. Mrs. Morelli described the project and offered to answer any questions from the Board. She then discussed how the applicant would prefer to encroach further channelward than the staked encroachment.

Mr. Taylor and Mr. Armstead both agreed they preferred the current staked alignment.

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 #99-0396 was approved as currently staked with revised drawing submitted prior to the permit being issued for a term of 18 months.

**Old Business**

A. Appeal Process – review old draft and discussion

Mr. Timothy Wilson, Planning Director, was present to discuss the draft of procedures for an appeal process for jurisdictional determination, the Board had instructed staff to prepare. Mr. Wilson presented his proposals to the Board and stated that they could be adopted as amendments to the by-laws.

Chip stated that after last month's meeting he tried to find out if any other localities in the area had a procedure, and to his surprise no one did, but he thought it would be something good to have. He mentioned his only concern was pertaining to some of the language in the proposal. He said "a concurring vote of the membership of the Board" might need to read "three votes of the five member Board," although they achieve the same outcome. He went on to say this might be necessary due to the fact that any decision to the Board is directly appealable to the Marine Resource Commission.

Mr. Taylor made the motion to continue this discussion to next month's meeting to give the Board more time to review the proposals. The motion was seconded by Mr. Miller and carried by unanimous vote.

**Adjournment**

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

Respectfully submitted.

\_\_\_\_\_  
Wetlands Board Chair

\_\_\_\_\_  
Date