

Middlesex County Wetlands Board Minutes

March 14, 2000

Call to Order

The March 14, 2000 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. Woodson Armstead
Mr. M. Dale Taylor

Absent: Mr. Elliot Reed

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 February 8, 2000 meeting. On a motion by Mr. Miller and a second by Mr. Taylor, 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. Gary Archer - Application #2000-0090

Chairman Holmes read the proposal of Mr. Archer, to remove a storm damaged bulkhead and place 75' of rip rap revetment. This project is located on the Rappahannock River, at Tax Map #9A-6-3. Staff then read the VIMS report for the project.

Jay Foster, of R&W Construction was present to represent the project. Mr. Foster offered to answer any questions the Board may have.

Mr. Taylor questioned the size of the stone to be used for the proposed project. Mr. Foster stated that at a minimum 25 lb. stones would be used for the core and 50 lb. stone would be used for the top of the structure.

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 #2000-0090 was approved as submitted for a term of 18 months.

B. John Robertson - Application #2000-0005

Chairman Holmes read the proposal of Mr. Robertson, to construct 196' of bulkhead. This project is located on Meachim Creek, at Tax Map #30-16-1. Staff then read the VIMS report for the project.

Alor Grantham-Traywick was present as the agent for Mr. Robertson. She 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. Miller, seconded by Mr. Armstead, and carried by unanimous vote, Application #2000-0005 was approved as submitted for a term of 18 months.

C. Piankatank River Golf Club - Application #2000-0018

Chairman Holmes read the proposal of Mr. John Fleet, to place 886' of rip rap revetment. This project is located on the Piankatank River, at Tax Map #37-43. Staff read the VIMS report for the project.

Alor Grantham-Traywick was present as the agent for Mr. Fleet. She explained the project and offered to answer any questions that the Board may have.

Mr. Taylor questioned if any trees along the shoreline would need to be removed. Mrs. Traywick stated the applicant wishes to save as many trees as possible. She then added that eventually the large trees along the edge of the bank would be removed as the smaller trees further from the bank mature.

Mr. Holmes asked if all the debris along the shoreline would be removed. Mrs. Traywick, stated that it would be removed prior to installation of the rip rap.

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 #2000-0018 was approved as submitted for a term of 18 months.

D. Charles Cleaver - Application #2000-0238

Chairman Holmes read the proposal of Mr. Cleaver, to place 100' of rip rap revetment. This project is located on Little Creek, at Tax Map #41-42-23. Staff then read the VIMS report for the project.

Jeff Watkins, of Riverworks Inc., was present as the agent for Mr. Cleaver. He stated that the project is a continuation of the existing rip rap and would use Class II stone. He then offered to answer any questions the Board may have.

Mr. Holmes opened the public hearing.

E. W. Johnson, Adjacent Property Owner (APO) to Mr. Cleaver, stated he was concerned how the proposed project would affect his property. Mr. Watkins explained that the proposed rip rap would go in front of the existing L-shaped bulkhead. He added that he would be willing to meet the APO at the project site and further explain the project. Mr. Johnson stated that he no longer had any concerns about the project after the explanation from Mr. Watkins.

With there being no further comment from the public, the hearing was closed.

On a motion by Mr. Miller, seconded by Mr. Armstead, and carried by unanimous vote, Application #2000-0238 was approved as submitted for a term of 18 months.

E. Kevin Jones - Application #2000-0239

Chairman Holmes read the proposal of Mr. Jones, to place 127' of rip rap revetment. This project is located on Jackson Creek, at Tax Map #40-239D. Staff then read the VIMS report for the project.

Jeff Watkins, of Riverworks Inc., was present as the agent for Mr. Jones. He stated that the existing failing bulkhead would be removed and the rip rap will be located behind the existing vegetation. Mr. Watkins then offered to answer any questions 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. Armstead, seconded by Mr. Miller, and carried by unanimous vote, Application #2000-0239 was approved as submitted for a term of 18 months.

Old Business

A. Harry Terry - Show Cause Hearing (continuation)

Chairman Holmes reintroduced the allegation against Mr. Terry, for placing a rip rap revetment and fill material (sand and oyster shell) at Tax Map #19-16-51 (Cedar Pointe Subdivision) on Robinson Creek within the Wetlands Board's jurisdiction without a permit.

Mr. Taylor stated that after the Board's consultation with the County Attorney he felt that an After-the-Fact Application was appropriate since the homeowner has no prior violations of the Wetland's Ordinance.

On a motion by Mr. Taylor, seconded by Mr. Armstead, and carried by unanimous vote, the Wetlands Board recommended that an After-the-Fact Application be submitted.

B. Frank Hardy - Application #2000-2291 (continuation)

Chairman Holmes reintroduced the proposal of Mr. Hardy, to place 96' of rip rap revetment and 31' of marsh toe rip rap revetment (at Tax Map #40-389A on Jackson Creek) which was completed prior to a Permit approval by the Wetlands Board.

Mr. Taylor asked if Mr. Thimsen, the APO who had the rip rap mistakenly placed on his property, was in attendance and requested he discuss his feeling on the project. Mr. Thimsen stated did not mind the project on his property, but would not assume any liability from its placement.

Mr. Taylor stated that after the Board's consultation with the County Attorney he felt that an After-the-Fact Application was appropriate since the contractor has no prior record of violations of the Wetland's Ordinance in Middlesex County.

On a motion by Mr. Miller, seconded by Mr. Taylor, and carried by unanimous vote, Application #1999-2291 was approved with the condition that revised drawings and an After-the-Fact Application fee be submitted. This project was approved for a term of 18 months.

C. Virginia Institute of Marine Science (VIMS) recommendation - Jerry Ferguson

Staff reintroduced the finding of Violation (at the February 14, 2000 meeting) against Mr. Ferguson, for placing fill material (oyster shell) at Tax Map #2-23 (Butylo) on the Rappahannock River within the Wetlands Board's jurisdiction without a permit. Staff then read a letter from VIMS (dated: February 18, 2000, based on an additional site visit) supplementing their original recommendations.

Mr. Miller and Mr. Armstrong both stated they agreed with the VIMS recommendation.

On a motion by Mr. Miller, seconded by Mr. Armstead, and carried by a 3-0-1 vote (with Chairman Holmes, Mr. Miller, and Mr. Armstead voting in the affirmative and Mr. Taylor abstaining), the Wetlands Board removed its finding of violation on Mr. Ferguson.

New Business

A. Civil Charge Determination

Chairman Holmes stated that during the consultation with the County Attorney it was proposed that the Wetlands Board consider adopting the Civil Charge Determination table, as shown in the Enforcement Procedures Update of the Virginia Wetlands Management Handbook, into the By-Laws of the Middlesex County Wetlands Board.

On a motion by Mr. Miller, seconded by Mr. Armstead, and carried by unanimous vote, the Wetlands Board directed staff to prepare a Civil Charge Determination table for review at the April Wetlands Board meeting to be considered for possible adoption into the By-Laws of the Middlesex County Wetlands Board.

Adjournment

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

Respectfully submitted.

Wetlands Board Chair

Date