

Middlesex County Wetlands Board Minutes

December 11, 2001

Call to Order

Present: Mr. J. Miller Smither – Chairman
Mr. B. Ulman Miller – Vice Chairman
Mr. M. Dale Taylor
Mr. Woodson Armstead
Mr. Archie Brooks

Staff present: Thomas Jordan, Planner
Cathy Shiflett, Planning Secretary

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

Adoption of Agenda

Chairman Smither stated that a letter had been received dated December 3, 2001, from Mr. James Ward, requesting the Board re-visit the case of Mr. Norborne Reams, Jr., Application #2001-0670 regarding the penalties which had been assessed. Chairman Smither asked if the Board desired to add the request to the agenda for further discussion.

On a motion by Mr. Brooks, seconded by Mr. Armstead, and carried by unanimous vote, the Wetlands Board voted not to place the request for discussion on the agenda for this meeting, nor at any future meetings, and considered the matter closed.

Minutes

The Board considered the minutes of the November 13, 2001 meeting. On a motion by Mr. Miller, and a second by Mr. Taylor, the minutes were approved unanimously.

Public Hearing

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

A. Leonard Scharf – Application #2001-1769.

Chairman Smither read the applicant's proposal to construct 150' of bulkhead. This proposed project is located on Jackson Creek, at Tax Map #30-117. Staff then read the VIMS report for the project.

Ms. Alor Grantham Traywick, agent, was in attendance to represent the project. She stated that the applicant had recently expressed a desire to install a riprap revetment, rather than the bulkhead as originally proposed. She then presented the Board with revised drawings depicting a 3' base and explained that while not exactly what VIMS suggested, she felt that a base any smaller would not be sufficient to accommodate storm tides.

Mr. Taylor and Chairman Smither stated that during the Board's site visit the applicant had expressed a desire to keep the proposed revetment low-profile so as not to be viewed from his home, allowing a natural look be maintained. Chairman Smither stated that given past difficulties, he wanted to make certain that there was no miscommunication between the agent, applicant, and the Board.

Chairman Smither opened the public hearing.
With there being no comment from the public, the hearing was closed.

Ms. Traywick asked if riprap, as proposed, would be acceptable to the Board. Mr. Taylor responded that he did not see a problem with the change to riprap as requested.

On a motion by Mr. Taylor, seconded by Mr. Armstead, and carried by unanimous vote, Application #2001-1769 was approved as shown in revised drawings submitted on 12/11/2001. This approval is valid for a term of 18 months.

B. Joyce Long – Application #2001-1901.

Chairman Smither read the applicant's proposal to place 150' of riprap to refurbish the existing revetment in front of an existing bulkhead. This proposed project is located on the Rappahannock River, at Tax Map #28-158E. Staff then read the VIMS report for the project.

Ms. Alor Grantham Traywick, agent, was in attendance to represent the proposed project. She offered to answer any questions the Board may have.

Chairman Smither 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 #2001-1905 was approved. This approval is valid for a term of 18 months.

C. Jerry Hicks – Application #2001-1881.

Chairman Smither read the applicant's proposal to place 200' of riprap revetment. This proposed project is located on the Piankatank River, at Tax Map #43-29. Staff then read the VIMS report for the project.

Ms. Carol Collier, agent, was in attendance to represent the proposed project. She explained that the applicant wished to install vinyl bulkhead instead of riprap, and would place the bulkhead above Mean High Water (MHW) to keep it out of the Board's jurisdiction and to reduce environmental impacts. She further commented that the applicant desires to preserve the beach. Ms. Collier requested that Staff visit the site and assist her with setting benchmarks.

Chairman Smither opened the public hearing.
With there being no comment from the public, the hearing was closed.

Chairman Smither commented that he did not see a problem with the proposal and asked if staff had any objections. Mr. Jordan responded that he did not see a problem provided the project would be installed above MHW and out of the Wetlands Board's jurisdiction.

Chairman Smither asked if a vote would be necessary, to which Mr. Neikirk suggested that the Board vote on the project as revised stated it was out Board's jurisdiction.

On a motion by Mr. Armstead, seconded by Mr. Brooks, and carried by a unanimous vote, Application #2001-1881 was declared landward of the Wetlands Board's jurisdiction as revised.

Old Business

A. Continued – Charles R. & Barbara Carmichael - Application #2001-1798.

Chairman Smither reintroduced the applicant's proposal to place 175' of riprap revetment. This project is located on Healy's Creek, at Tax Map #39D-1-19. Staff then read the VIMS report for the project and noted that revised drawings had been submitted.

Mrs. Lucille Morelli, agent, was in attendance to represent the project. She explained that she had met with staff at the project site to locate acceptable benchmarks and has submitted revised drawings. She then offered to answer any additional questions the Board may have.

Chairman Smither opened the public hearing.

Mr. Charles R. Carmichael, applicant, introduced himself as the property owner and indicated that he was anticipating proceeding with the proposed project and offered to answer any questions that the Board may have.

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

Chairman Smither stated a continuation was required due to the Board's recent problems with benchmarks. He added that he wished to communicate to agents that the Board would start reviewing benchmarks more closely due to the important part accurate benchmarks play in the Board's decision making process and enforcement efforts.

On a motion by Mr. Armstead, seconded by Mr. Brooks, and carried by a unanimous vote, Application #2001-0377 was approved as shown in revised drawings submitted on 12/11/2001. This approval is valid for a term of 18 months.

New Business

A. Extension Request – Belle Air Common Area c/o Thomas Gilbert - Application #2000-0946.

Chairman Smither introduced the request to construct a 55' x 16' boat ramp, place 40' of riprap revetment, construct a 56' x 5' pier, and dredge 66 cu. yds. Originally approved with the condition of receiving an approved Land Disturbing Permit on July 11, 2000. This project is located on Bush Park Creek, at Tax Map #39-14-(Common Area).

On a motion by Mr. Taylor, seconded by Mr. Miller, and carried by a unanimous vote, Application #2000-0946 was extended for a term of 18 additional months.

B. Rescheduling of the Tuesday, January 1, 2002 Site Visit Date.

Chairman Smither stated that the Board's regular scheduled site visit date occurs on Tuesday, January 1, 2002, a holiday and noted that usually the site visits would be rescheduled for the next day, Wednesday, January 2, 2002.

On a motion by Mr. Miller, seconded by Mr. Armstead, and carried by a unanimous vote, the Wetlands Board voted to conduct the January site visits on Wednesday, January 2, 2002.

Adjournment

Chairman Smither expressed appreciation to the Board for their continued support and commitment, noting that there had been several lengthy and difficult proposals facing the Board during the past year.

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