

Middlesex County Wetlands Board Minutes

February 13, 2001

Call to Order

The February 13, 2001 meeting of the Middlesex County Wetlands Board was called to order by Chairman Elliott Reed at 9:00 A.M. in the Boardroom of the Woodward Building, Saluda, Virginia.

Present: Mr. Elliott Reed - Chairman
Mr. John Smither - Vice Chairman
Mr. M. Dale Taylor
Mr. B. Ulman Miller
Mr. Woodson Armstead

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

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

Adoption of Resolution - Sherman T. Holmes, Sr.

Chairman Reed read the resolution honoring the late Sherman T. Holmes, Sr. twenty-one years of dedicated service and leadership to the Middlesex County Wetlands Board.

On motion by Mr. Smither, seconded by Mr. Taylor, the following resolution recognizing the service of the late Sherman T. Holmes, Sr. was adopted by a unanimous vote.

WHEREAS, Mr. Sherman T. Holmes, Sr. served as a member on the Wetlands Board of Middlesex County, Virginia from March 26, 1979 to July 14, 2000; and,

WHEREAS, during his tenure, Mr. Holmes provided an unprecedented twenty-one years of exemplary dedicated service as a member and valued leadership in the office of Chairman of the Middlesex County Wetlands Board; and,

WHEREAS, Mr. Holmes was instrumental in assisting the Middlesex County Wetlands Board in the furtherance of local water protection and wetlands conservation of Middlesex County;

NOW, THEREFORE, BE IT RESOLVED, that the Middlesex County Wetlands Board does hereby express its admiration, respect, and gratitude in recognition of Mr. Holmes' distinguished record of service on the Middlesex County Wetlands Board and his selfless contribution to the citizens of Middlesex County, Virginia.

ADOPTED and presented posthumously to the family of Sherman T. Holmes, Sr. by the Wetlands Board of Middlesex County, Virginia this Thirteenth day of February, in the year of our Lord Two Thousand and One.

Chairman Reed presented a framed copy of the resolution to Wendell Holmes, son of Sherman T. Holmes, Sr., who accepted the resolution on behalf of the Holmes family.

Minutes

The Board considered the minutes of the January 9, 2001 meeting. On a motion by Mr. Miller and a second by Mr. Smither, the minutes were approved unanimously.

Public Hearing

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

A. Alfred Scott - Application #2001-0007.

Chairman Reed read the applicant's proposal to place 139' of riprap revetment, reinforce an existing 48' groin with riprap, and reconstruct a 48' failed groin with riprap to protect a farm pond dam (to be repaired) from further erosion. This project is located on the Rappahannock River, at Tax Map #27-10-2. Staff then read the VIMS report for the project.

Alor Traywick, agent, was in attendance to represent the applicant's project. Ms. Traywick explained that the damaged pond had been used for farmland irrigation and to provide access to other fields on the farm. The dam had been installed in the 1950's. She discussed how the dam acted as a filtering system for runoff from the farm fields. She then discussed that allowing the pond to revert to a tidal system could allow Phragmites to invade. She contended that the applicant had previously been permitted to rebuild the structure after a past failure, and his desire is to replace the dam properly, and in accordance with the all State, Local, and Federal requirements. She then offered to answer any additional questions the Board may have.

Mr. Taylor asked the VIMS Representative to discuss his recommendations in the environmental assessment. Mr. David O'Brien, Marine Scientist, commented that the VIMS report was made strictly from a marine perspective looking at current conditions, thus, the recommendation to consider a return to tidal marshland or locating the dam further upstream, reducing impacts. Additionally, Mr. O'Brien stated that with a return to a tidal system, there is potential for Phragmites to invade the project site.

Chairman Reed asked the VMRC Representative to discuss his view of the project. Mr. Chip Neikirk, of the VMRC, stated that he had just received comments from the Dam Safety Board, recommending grass cover, emergency spillway, etc., could necessitate a change in the design which could have an impact on any decision the Wetland Board makes today. He stated that he would recommend, if the applicant is in agreement, to continue action on the application until any required design changes are completed.

Mr. Taylor and Mr. Smither expressed their belief that heavier, larger stone should be used in the reconstruction since the dam had failed previously. Ms. Traywick responded that the applicant intends to have this project constructed properly to prevent future failure and the stone size proposed in the application is adequate to protect the dam.

Mr. Taylor questioned where the greatest pressure exists on the dam, and whether riprap should be placed on the inside wall as well. Mr. O'Brien replied that the pond is 26 acres, and assumes the greatest pressure would be in the center of the dam, although a marine engineer would be better able to answer that question. He added the greater concern might be a second weak spot developing on the sides. Chairman Reed commented that only ponds with a concrete spillway survived Hurricane Floyd (September, 1999).

Ms. Traywick stated that the applicant would comply with any recommendations that the Dam Safety Board makes. Mr. Neikirk added that it will take time to work out the details and suggested a meeting with the Dam Safety Board representative; placing the project on hold until the following month.

Chairman Reed 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. Smith, and carried by unanimous vote, Application #2001-0007 was continued until the next regularly scheduled meeting on March 13, 2001.

B. Howard Garner - Application #2001-0008.

Chairman Reed read the applicant's proposal to construct 96' of bulkhead and two return walls. This project is located on Moore's Creek, at Tax Map #40-82-44. Staff then read the VIMS report for the project.

Alor Traywick, agent, was in attendance to represent the applicant's project. She explained the proposal and offered to answer any questions the Board may have.

Chairman Reed 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 #2000-2008 was approved as submitted for a term of 18 months.

C. Harry Terry, Jr. – Application #2000-0009.

Chairman Reed read the applicant's proposal to place 110' of riprap revetment. This project is located on Robinson Creek, at Tax Map #19-16-51. Staff then read the VIMS report for the project.

Neither the applicant nor agent was in attendance to represent the project.

Chairman Reed 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. Smither, and carried by a unanimous vote, Application #2001-0009 was approved. This approval is valid for a term of 18 months.

D. Walter Ryland - Application #2000-2253.

Chairman Reed read the applicant's proposal to construct 115' of bulkhead with one return wall in front of an existing failing bulkhead. This project is located on Urbanna Creek, at Tax Map #20B-6-15A. Staff then read the VIMS report for the project.

Carol Collier, agent, was in attendance to represent the applicant's project.

Mr. Taylor questioned the advantages of placing a layer of gravel between the old and new bulkhead after construction. Ms. Collier responded that gravel is added occasionally, though not always. Mr. Neikirk stated that good quality sand is also acceptable.

Chairman Reed 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 a unanimous vote, Application #2000-2253 was approved. This approval is valid for a term of 18 months.

E. Tom Taylor – Application #2001-0039.

Chairman Reed read the applicant's proposal to place 250' of riprap revetment and construct two 48' low-profile groins. This project is located on the Piankatank River, at Tax Map #43A-7-4. Staff then read the VIMS report for the project

Carol Collier, agent, was in attendance to represent the applicant's project. She explained that the bank would be graded on a 2-1 slope and to tie-into the Adjoining Property Owner (APO) Haley's riprap. Ms. Collier noted that there is a pine tree that might need to be removed on the property line.

Mr. Taylor asked the VIMS Representative to discuss his recommendations in the environmental assessment. Mr. O'Brien stated that if the tree is on the bank, it should be removed, as at this location the tree will not be long lived. Ms. Collier commented that removing the tree would be agreeable.

Chairman Reed 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 #2001-0039 was approved conditioned on the removal of the pine tree on APO Haley's property line, that the current Land Disturbing Permit be revised to reflect the proposed bank grading, and the submission of revised plan view and cross-sectional drawings accurately showing the existing vegetation and distances to the control stakes. This approval is valid for a term of 18 months.

F. Walden Brother's Marina – Application #2001-0069.

Chairman Reed read the applicant's proposal to construct 129' of bulkhead with two return walls in front of an existing failing bulkhead. This project is located on Broad Creek, at Tax Map #41-111, 112, 113. Staff then read the VIMS report for the project.

Carol Collier, agent, was in attendance to represent the applicant's project. She explained the proposal and offered to answer any questions the Board may have.

Mr. Taylor expressed concern regarding possible effects leaking from gas tanks might have on wetlands. Ms. Collier responded that the applicant has installed the tanks in compliance with marina guidelines and that there are few vegetated areas surrounding the project site.

On a motion by Mr. Miller, seconded by Mr. Smither, and carried by a unanimous vote, Application #2001-0069 was approved. This approval is valid for a term of 18 months.

New Business

A. David O'Brien, Marine Scientist

Mr. Jordan introduced and welcomed Mr. David O'Brien, Marine Scientist, the new Virginia Institute of Marine Science (VIMS) representative to Middlesex County.

Old Business

A. Virginia Wetlands Management Symposium

Mr. Jordan reminded the Wetlands Board of the Symposium to be held Saturday, February 24, 2001 from 9 AM to 4 PM.

Adjournment

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

Respectfully submitted.

Wetlands Board Chair

Date