

Middlesex County Wetlands Board Minutes

December 10, 2002

Call to Order

The December 10, 2002 meeting of the Middlesex County Wetlands Board was called to order by Chairman Miller Smither at 9:00 A.M. in the Boardroom of the Woodward Building, Saluda, Virginia.

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

Staff present: Matthew Higgins, Planning Director
Carissa Lee, Planner
Cathy Shiflett, Planning Secretary

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

Minutes

The Board considered the minutes of the November 12, 2002 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. Miller Marine, Inc. - Application #2002-1856.

Chairman Smither read the applicant's proposal to construct 2 steel beam launchways for water access. This project is located on Broad Creek, at Tax Map #41-116. Staff then read the VIMS report for the project. Ms. Lee further stated that during an additional site visit the previous day, unpermitted activities had been observed and she recommended that the application be continued until the next regularly scheduled public hearing in January to allow time for further information and review.

Mr. Ulman Miller excused himself from the discussion, as he is a relative of the applicant.

Mr. Don Caskie, Bay Design Group, representing the applicant, stated that he had been working with Mr. Miller on the wastewater treatment plant and had made application to renew the expired portion of the permit. Mr. Caskie noted that Mr. Miller had requested that he work with staff and address any concerns, and that Mr. Miller was willing to make corrections as necessary.

On a motion by Mr. Taylor, seconded by Mr. Brooks, and carried by unanimous vote, (with Mr. Miller abstaining) Application #2002-1856 continued until the January 14, 2003 Wetlands Board meeting.

B. Diane Ward - Application #2002-1919.

Chairman Smither read the applicant's proposal requesting to replace 294' of bulkhead with new vinyl bulkhead. This project is located on Broad Creek, at Tax Map #41-51-37. Staff then read the VIMS report for the project.

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

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

Mr. Taylor expressed concern that a bond should possibly be posted.

Chairman Smither noted that in the past, the Board had continued action if no one was present to answer questions or concerns.

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 #2002-1919 was approved as submitted conditioned upon the Board making an additional site visit during project construction. This approval is valid for a term of 18 months.

C. William Perkins - Application #2002-2004.

Chairman Smither read the applicant's proposal to place 38' of riprap revetment to protect eroding shoreline at pier. This project is located on Montgomery Cove, at Tax Map #41-66-14. Staff then read the VIMS report for the project.

Ms. Alor Grantham Traywick, agent, was in attendance to represent the project.

Chairman Smither 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. Taylor, and carried by unanimous vote, Application #2002-2004 was approved with staff recommendation that riprap be placed landward of vegetated wetlands. This approval is valid for a term of 18 months.

D. Larry Shores - Application #2002-2061.

Chairman Smither read the applicant's proposal to install 196' of bulkhead with 1 10' return wall. This project is located on Robinson Creek, at Tax Map #20-3. Staff then read the VIMS report for the project.

Ms. Alor Grantham Traywick, agent, was in attendance to represent the project. She explained the proposal and 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. Brooks, and carried by a unanimous vote, Application #2002-2061 was approved with staff recommendation that the bulkhead be aligned landward of vegetated wetlands, and that the Board make an additional site visit during project construction. This approval is valid for a term of 18 months.

E. Steve Brown – Application #2002-2144

Chairman Smither read the applicant's proposal to place 90' of riprap revetment for erosion control, and install 250'x6' walkway across marsh as access to sand beach on property. This project is located on the Rappahannock River, at Tax Map #30-96. Staff then read the VIMS report for the project.

Ms. Alor Grantham Traywick, agent, and Mr. Steve Brown, applicant, were in attendance to represent the project.

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

Mr. Taylor expressed concern for the protection of the wetlands during construction of the proposed walkway.

Mr. Neikirk commented that as an open pile, non-commercial structure, the proposed walkway was not in the Board's jurisdiction.

Ms. Traywick commented that wetlands impacts would be minimal, with no heavy equipment being utilized on wetlands.

On a motion by Mr. Miller, seconded by Mr. Armstead, and carried by unanimous vote, Application # 2002-2144 was approved as submitted. This approval is valid for a term of 18 months.

Old Business

A. Continued – Stephen D. Foxx – Application #2002-1528.

Chairman Smither read the applicant's proposal to place three 60' breakwaters and 750 cu. yds. of beach nourishment. This proposed project is located on Sturgeon Creek, at Tax Map # 40-14A. Staff stated that the agent had requested in writing that the project be continued until the next regular scheduled meeting in January 2003.

On a motion by Mr. Miller, seconded by Mr. Armstead, and carried by unanimous vote, Application #2002-1528 was continued until the January 14, 2003 Wetlands Board meeting.

B. Continued – Eston Cosby – Application #2002-1773.

Chairman Smither read the applicant's proposal to place dredge 175 cubic yards, install 25' groin, construct 25' vinyl bulkhead in front of an existing bulkhead, place a 30' stone groin, refurbish an existing stone groin and extend 10' and place 20 x 5 feet of beach nourishment. This project is located on Mill Creek, at Tax Map #30C-1-20 and 30C-1-21.

Ms. Alor Grantham Traywick, agent, was in attendance to represent the project. She noted that revised drawings had been submitted to staff depicting a pier extension as well as the elimination of dredging as originally proposed.

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

Mr. Taylor asked if silt fencing would be installed. Ms. Traywick responded that silt fencing would be utilized and that a Land Disturbing permit would be obtained.

On a motion by Mr. Brooks, seconded by Mr. Taylor, and carried by unanimous vote, Application # 2002-1773 was approved with staff recommendations that no dredging on the property is permitted and eliminate the low profile groin planned for the southern side of the property. This approval is valid for a term of 18 months.

C. John Bell – VMRC #2002-1720

Chairman Smither stated that on November 12, 2002 Mr. Bell was issued a Notice to Comply and Sworn Complaint for failure to pay \$500.00 civil charge, due within thirty (30) days of issuance. To date, the charge had not been paid.

Mr. Higgins recommended that he send a Second Notice to notify Mr. Bell that court action was pending at the end of thirty (30) days if not paid, after which time, Mr. Higgins could personally carry the action to the General District Court.

On a motion by Mr. Brooks, seconded by Mr. Taylor, and carried by unanimous vote, Application #2002-1720, Mr. John Bell, was to be sent a thirty-day notice that legal proceedings were pending.

D. Emil Bialkowski – VMCR #2002-1571.

Chairman Smither stated that a letter dated November 12, 2002, Mr. Bialkowski was issued a civil charge of \$250.00 to be paid within thirty (30) days.

Ms. Lee announced that Mrs. Lucille Morelli, agent, had paid the charge on December 9, 2002.

E. Wetlands Bonds

Ms. Lee presented information related to the proposed collection of bonds on all approved wetlands permits. She noted that the bond must be in the form of a cash bond that would be held by the Middlesex County Treasurer until completion of the project. Additionally, Ms. Lee proposed that as of January 1, 2003, all applicants/agents would need to return two notarized copies of the approved permit to the Wetlands Office within 60 days; otherwise, the permit would be considered void. She further explained that other administrative changes would be forthcoming.

Mr. Higgins stated that the Wetlands Board has the authority to require bonds and that the Board was being asked to adopt the procedure as policy.

Chairman Smither asked that permanent benchmarks be shown on all site plans/drawings. Mr. Higgins noted that permanent benchmarks would be required.

Mr. Taylor expressed support for the bonds, but he did not want to impose high fees in hardship situations.

Mr. Higgins explained that the proposed fees were guidelines, and that the Board could reserve the right to review on an individual case basis and make adjustments as needed.

Chairman Smither commented that he didn't feel the scale was unaffordable. He further commented that the proposed bond was a small percentage of the cost of the project.

Mr. Brooks noted his support for requiring bonds.

On a motion by Mr. Armstead, seconded by Mr. Miller, and carried by unanimous vote, the Board voted to approve staff recommendation that effective January 1, 2003, the Middlesex County Wetlands Board will require bonds on all approved wetlands permits with the Board reserving the right to impose a higher or lower bond on an application at their discretion.

New Business

A. Return of Notarized Wetlands Permits

Ms. Lee requested that the Board impose a deadline of sixty (60) days for the return of notarized copies of approved permits to expedite the permitting process.

On a motion by Mr. Miller, seconded by Mr. Armstead, and carried by unanimous vote, effective January 1, 2003, all applicants/agents will be instructed to return two notarized copies of the approved permit to the Middlesex County Wetlands Office within sixty (60) days of receipt. If the notarized copies are not returned within sixty (60) days the permit will be considered void.

B. Miller Marine

The Board and staff discussed some of the findings at the marina and possible restoration action to be taken.

On a motion by Mr. Taylor, seconded by Mr. Brooks, and carried by a unanimous vote, with Mr. Ulman Miller abstaining, the Board voted to issue a Notice to Comply and to request Mr. Bryan Miller or a representative to appear before the Board at the next regular scheduled meeting on January 14, 2003 for a Restoration Hearing.

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