

Middlesex County Wetlands Board Minutes

February 12, 2002

**Call to Order**

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

Absent: 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**

Chairman Smither announced that the Wetlands Board wished to present a resolution to Mr. Elliott Reed. Chairman Smither stated that the Board members had been fortunate to serve with Mr. Reed, and noted that Mr. Reed was a role model for the young people of Middlesex County. He commended Mr. Reed for his present service on the Middlesex County School Board.

Chairman Smither read the resolution honoring Mr. Reed's ten years of dedicated service and leadership to the Middlesex County Wetlands Board.

On a motion by Mr. Miller, seconded by Mr. Brooks, the following resolution recognizing the service of Mr. Elliott Reed was adopted by unanimous vote.

**WHEREAS**, Mr. Elliott W. Reed served as a member on the Wetlands Board of Middlesex County, Virginia from March 5, 1991 to April 10, 2001; and

**WHEREAS**, during his tenure as a Wetlands Board member, Mr. Reed provided ten years of invaluable leadership and dedicated service as a member and in the offices of Chairman and Vice-Chairman of the Middlesex County Wetlands Board; and

**WHEREAS**, Mr. Reed was instrumental in his accomplishments on the Middlesex County Wetlands Board in the protection of the precious wetland resources of Middlesex County and promotion of their wise stewardship;

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

**BE IT FURTHER RESOLVED**, that the Middlesex County Wetlands Board wishes Mr. Reed good health, deserving happiness, and future success on his path of continuing public service directed at the betterment of the citizens of Middlesex County, Virginia.

**ADOPTED** by the Wetlands Board of Middlesex County, Virginia this Twelfth day of February, in the year of our Lord Two Thousand Two.

Mr. Smither then presented a framed copy of the Resolution signed by all of the Wetland Board members to Mr. Reed.

### **Minutes**

The Board considered the minutes of the January 8, 2002 meeting. On a motion by Mr. Miller, and a second by Mr. Brooks, 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. Mary Z. Rennolds, trustee - Application #2000-0716.

Chairman Smither read the applicant's proposal to construct three 100'x15' breakwaters, place 3000 cu. yds. of beach nourishment, and remove the existing gabion. This proposed project is located on the Rappahannock River, at Tax Map #20A-30-10A. Staff then read the VIMS report for the project.

Mr. Chris Clifford, agent, was in attendance to represent the project and answer any questions the Board may have. Mr. Clifford explained the intent of the project was to save a spit of land dissecting the Rappahannock River and Urbanna Creek that has been severely eroding over time.

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

Mr. Miller asked Mr. Clifford if he agreed with staff's recommendation that the application be approved with the condition that the existing gabions and debris are removed and the proposed revegetation be completed between late March and early June. Mr. Clifford expressed complete agreement.

On a motion by Mr. Taylor, seconded by Mr. Brooks, and carried by unanimous vote, Application #2000-0716 was approved with the condition that the existing gabions and debris are removed and the proposed revegetation be completed between late March and early June. This approval is valid for a term of 18 months.

B. James H. Coling – Application #2001-1516.

Chairman Smither read the applicant's proposal to place 110' of riprap revetment. This proposed project is located on Wilton Creek, at Tax Map #43C-1-14. Staff then read the VIMS report for the project.

No one was in attendance to represent the proposed project.

Chairman Smither 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. Taylor, and carried by unanimous vote, Application #2001-1516 was approved. This approval is valid for a term of 18 months.

C. Judy Wade – Application # 2002-0035

Chairman Smither read the applicant's proposal to construct 130' of bulkhead channelward of an existing deteriorating bulkhead. This proposed project is located on the Piankatank River, at Tax Map #45-5-B-1. Staff then read the VIMS report for the project.

Mrs. Judy Wade, applicant, was in attendance to represent the proposed project. She offered to answer any questions the Board may have.

Mr. Taylor expressed concern that the depth of the sheet piles be installed to the same depth as height.

Mrs. Wade explained that she had discussed the matter with the project contractor and he had proposed to construct the bulkhead 5' deep, and 5' tall.

Chairman Smither opened the public hearing.

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

On a motion by Mr. Brooks, seconded by Mr. Taylor, and carried by unanimous vote, Application #2002-0035 was approved with the condition that sheet piles must be installed to the same depth as height. This approval is valid for a term of 18 months.

### **Old Business**

Mr. Jordan commented that the Board members were registered for a symposium. Mr. Brooks indicated that due to a conflict, he would not be able to attend.

### **New Business**

#### A. Discussion of Pending Enforcement Actions

##### 1. Richard W. Sprouse

Mr. Jordan explained that although Notice of Violation had been issued to Mr. Sprouse regarding placement of riprap revetment and fill material, upon further review and research by staff, he discovered that a permit had been issued in 1992 for riprap on the Rappahannock side of the property. Further, he stated that Mr. Sprouse should have applied for a Wetlands Board Repair permit for additional riprap that had been brought to the property. Mr. Jordan commented that he would contact Mr. Sprouse and have him complete a repair application if the Board directed him to do so.

Mr. Taylor commented that the permit issued in 1992 had expired and he felt an After-the-Fact Repair Permit application would be appropriate. Mr. Smither and Mr. Miller concurred.

On a motion by Mr. Taylor, seconded by Mr. Miller, and carried by unanimous vote, the Board voted to request the Mr. Sprouse to submit an After-the-Fact Repair Permit for the additional riprap that had been installed since the expiration of the 1992 permit.

##### 2. Norborne Reams, Jr. – Application #2001-0670

Mr. Jordan commented that a letter had been sent to the Mr. Mike Soberick, County Attorney, dated January 7, 2002, requesting that he take action related to the restoration order regarding placement of a permitted bulkhead channelward of the authorized benchmarked location. He noted that as yet, he had not received any response from the County Attorney.

Chairman Smither advised the Board his intentions to act methodically, to assure that the Board was acting appropriately regarding the violation case. He noted that the applicant had been given a second hearing, and had requested a third hearing, wherein the Board agreed unanimously not to hear the matter again; after which, a letter had been sent to Mr. Soberick requesting that he take action on their behalf.

Chairman Smither suggested that the Board vote to send a second letter to Mr. Soberick, signed by Chairman Smither, representing the Board, again requesting that he take action as requested. If, within thirty days no action had been taken, Chairman Smither suggested that the Board of Supervisors be contacted.

Mr. Taylor asked Mr. Neikirk if in his opinion, the Board was acting appropriately. Mr. Neikirk responded that the Board had indeed acted appropriately, but to bear in mind, that civil action cases often take a long time for resolution.

On a motion by Mr. Taylor, seconded by Mr. Miller, and carried by unanimous vote, the Board voted to send a letter, under Chairman Smither's signature, reiterating their request that Mr. Soberick take action on the Norborne Reams, Jr. civil action for restoration case.

**Adjournment**

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

Respectfully submitted.

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Wetlands Board Chair

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Date