

Middlesex County Wetlands Board Minutes

June 11, 2002

Call to Order

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

Absent: Mr. B. Ulman Miller – Vice Chairman

Staff present: Thomas Jordan, Planner
Betty Callis, Administration Secretary

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

Minutes

The Board considered the minutes of the May 14, 2002 meeting. On a motion by Mr. Taylor, and a second by Mr. Armstead, 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A. Withdrawn - Hunting Creek Homeowners Association c/o David Wilcox - Application #2002-0211.

Chairman Smither announced that the project had been withdrawn as requested in writing by the applicant.

B. Phil Loftis - Application #2002-0957.

Chairman Smither read the applicant's proposal to construct 92' of bulkhead. This proposed project is located on Robinson Creek, at Tax Map #19-16-40. Staff then read the VIMS report for the project.

There was no property owner/or agent present 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. Brooks, and carried by unanimous vote, Application #2002-0957 was approved as submitted. This approval is valid for a term of 18 months.

C. Charlie Clemons – Application # 2002-0838.

Chairman Smither read the applicant's proposal to install a 48' low-profile groin next to the replacement pier. This proposed project is located on the Rappahannock River, at Tax Map #9-55B. Staff then read the VIMS report for the project.

Ms. Carol Collier, agent, 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. Brooks, seconded by Mr. Taylor, and carried by unanimous vote, Application #2002-0838 was approved as submitted. This approval is valid for a term of 18 months.

D. Gary LaClaire - Application # 2002-0756.

Chairman Smither read the applicant's proposal to place 200' of riprap revetment. This proposed project is located on Meachim Creek, at Tax Map #29A-4-10. Staff then read the VIMS report for the project.

Ms. Carol Collier, agent, was in attendance to represent the project. Ms. Collier stated that the owner needed to harden the shoreline to avoid further loss of shoreline.

Chairman Smither opened the public hearing.

Mr. Taylor expressed that there had been problems finding benchmarks. Ms. Collier apologized and stated her belief that the flags had been moved sometime after she placed them. Mr. Brooks suggested that a tree be used as a benchmark.

Chairman Smither suggested that the flags be re-positioned and that the Board conduct a second visit to the property in order to render a fair decision.

Mr. Taylor advised that he would like to see a 6' base and realignment of the structure landward of all wetland vegetation and the submission of a revised drawing in accordance with staff recommendation.

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

On a motion by Mr. Taylor, seconded by Mr. Brooks, and carried by unanimous vote, Application # 2002-0756 was continued until the July meeting, allowing the Board to re-visit and meet with the agent on site prior to the meeting.

E. Jessie Boggs - Application # 2002-0723.

Chairman Smither read the applicant's proposal to place 80' of riprap revetment in front of a failing bulkhead. This proposed project is located on the Rappahannock River, at Tax Map #9A-3-7. Staff then read the VIMS report for the project.

Ms. Alor Grantham Traywick, agent, was in attendance to represent the project. Ms. Traywick commented that the contractor, agent, and property owner were agreeable to staff recommendation of realignment of the proposed revetment 8' landward and the submission of revised drawings and benchmarks. Ms. Traywick submitted revised drawings.

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

Mr. Taylor stated his opinion that the project not be approved with changes at this time, since the preceding case with late revisions had been continued until the July meeting. Mr. Armstead expressed his opinion that the circumstances were different with this project and the applicant should not be penalized.

Mr. Taylor made a motion to continue the application until the July 9, 2002 meeting. The motion was seconded by Mr. Brooks, and on a 2-2 vote, the motion failed.

Ms. Traywick requested the proposal be continued until the July 9, 2002 meeting.

F. Allen & Catherine Harrow - Application # 2002-0839.

Chairman Smither read the applicant's proposal to place 40' of riprap revetment. This proposed project is located on Jackson Creek, at Tax Map #40-39-6. 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. Taylor, seconded by Mr. Armstead, and carried by unanimous vote, Application # 2002-0839 was approved as submitted. This approval is valid for a term of 18 months.

G. Gordon Hall - Application # 2002-0699

Chairman Smither read the applicant's proposal to reconstruct three 24' low-profile groins. This proposed project is located on the Piankatank River, at Tax Map #45-5-A-6. 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. Brooks, seconded by Mr. Armstead, and carried by unanimous vote, Application # 2002-0699 was approved as submitted. This approval is valid for a term of 18 months.

H. Thomas Rees - Application # 2002-0698.

Chairman Smither read the applicant's proposal to place 335' of riprap revetment. This proposed project is located on the Piankatank River, at Tax Map #36-8A. Staff recommended denial of the application based on approval of this project would result in unnecessary environmental impacts. The project site is in a very well protected portion of the Piankatank River which is subject to only minimal wave energy and exhibits only minimal signs of erosion. A well vegetated bank is present along the entire shoreline. Selective cutting and trimming of the trees along the shoreline would allow the additional sunlight to encourage growth of the existing fringe marsh, protecting the applicant's shoreline. No adjoining properties in the vicinity have a hardened shoreline and the majority enjoy a healthy fringe marsh. 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.

Mr. Taylor noted disagreement with staff report, and commented that while there was washing under the dock, he did not know if there was washing beneath the shrubs further along the shoreline.

Ms. Traywick noted that there was undercutting under the trees and along the shoreline, and while not aggressively eroding, the shoreline has eroded 18" in some places. She noted that the applicant's desire was to protect the shoreline from further erosion. Ms. Traywick further added that some trees along the shoreline would be removed to allow access for construction equipment, and the applicant would ask the County for permission to remove some small, leaning trees along the shoreline as well.

On a motion by Mr. Taylor, seconded by Mr. Brooks, and carried by unanimous vote, Application # 2002-0698 was approved as submitted. This approval is valid for a term of 18 months.

Old Business

A. James Wassum – Application #2002-0351.

Chairman Smither read the applicant's proposal to place 150' of riprap revetment. This proposed project is located on Locklies Creek, at Tax Map # 30-7-4. Staff then read the VIMS report for the project.

Jeff Watkins, Riverworks, Inc., contractor/agent, was in attendance to represent the proposed project and answer any questions the Board may have. Mr. Watkins advised the Board that he had re-staked the benchmarks and had submitted revised drawings. He also noted that the owner plans to replant the fringe marsh after the project has been completed.

Chairman Smither opened the public hearing.

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

Mr. Armstead made a motion to approve the application with staff recommendations. After the motion was made conversation ensued between the Wetlands Board about the reduced 6' base width recommended by staff.

On a revised motion by Mr. Armstead, seconded by Mr. Brooks, and carried by unanimous vote, Application # 2002-0351 was approved as resubmitted by the agent, with revised drawings and parameters. This approval is valid for a term of 18 months.

New Business

A. Extension Request - Porpoise Cove Marina c/o Andrea Holt # 1992-0885.

Chairman Smither read the applicants proposal to redevelop an existing marina facility to include: removal of existing boathouses and piers, construct 18 covered slips and 8 finger piers on "B" pier and construct 10 uncovered slips and 4 finger piers on "A" pier. This permit was approved on February 9, 1999, with conditions requiring the leaks in the bulkhead to be repaired and the previous structure to be torn down and properly disposed of before construction is allowed to begin. The permit was extended for an additional 18 months (to the maximum of 3 years) and the permit expired on February 9, 2002. Staff read the staff report recommending denial with a new application to be submitted.

Mr. Taylor asked Mr. Neikirk if there would be digging in the channel. Mr. Neikirk recalled that some dredging had been done, and that one of the conditions VMRC had placed on the application's previous extension was that the jetties and bulkheads had to be repaired. Mr. Neikirk stated that VMRC would require a new permit, and he further expressed agreement with staff recommendations.

Chairman Smither expressed agreement that a new permit be initiated.

On a motion by Mr. Taylor, seconded by Mr. Armstead, and carried by unanimous vote, Extension Request #1992-0885 was denied, requiring submission of a new application.

B. Pending Enforcement Actions

1. Court Case – Norborne Reams, Jr.

Chairman Smither announced that the case was scheduled to be heard in Court on July 29, 2002.

2. Jack Morrison

Chairman Smither related that staff was aware of a violation situation wherein a property owner had homemade riprap revetments and groins placed on his property installed with cinder blocks, steel beams, and construction debris . He stated that although the case had not been placed on the agenda at this time, the Board in May 2002, had requested Mr. Morrison to remove the structures. He further stated that Mr. Morrison was contesting the validity of the complaint and also the jurisdiction of the Board. Chairman Smither noted that he would keep the Board advised of the case.

3. Chairman Smither informed the Board of a case in which riprap had been installed at Kilmers Point with no permit and that he would keep the Board apprised of the case.
4. Complaint - W & E Marine – VMRC # 2001-1898

Mr. Taylor advised that he had received a complaint regarding new bulkhead installation at Wilson’s Marine and whether permits covered the work as constructed. Mr. Taylor asked if the Board had jurisdiction over bulkheads located in the water at all times.

Mr. Neikirk explained that two permits had been submitted, one for W&E Marine, and for the adjoining Broad Creek Marina, with new work to be replacement of existing/failing bulkhead in place. He noted that bulkheads in water were out of the Board’s jurisdiction, and that he would review the permits.

- C. VIMS – Tidal Wetlands Workshop – Wednesday, July 17th, from 8:30 a.m. to 3:30 p.m.

Chairman Smither had polled the Board – as of now he would be the only Board member attending. Mr. Jordan stated that he would also attend the Workshop.

Adjournment

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

Respectfully submitted.

Wetlands Board Chair

Date