

Middlesex County Wetlands Board Minutes

April 8, 2003

Call to Order

The April 8, 2003 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) and Mr. David O'Brien from Virginia Institute of Marine Science (VIMS).

I. Minutes

The Board considered the minutes of the March 11, 2003 meeting. On a motion by Mr. Miller, and a second by Mr. Brooks, the minutes were approved unanimously.

II. Public Hearing

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

A. Robert Rieth - Application #2003-0383.

Chairman Smither read the applicant's proposal requesting to place 186' of vinyl bulkhead directly channel ward of existing wooden bulkhead and backfill 1,400 (+ or -) square feet behind bulkhead. This project is located on Stampers Bay, at Tax Map # 43-1-1. Staff then read the VIMS report for the project.

Mr. Michael L. Johnson, agent, was in attendance to represent the project. Mr. Johnson noted that he was in agreement with staff recommendations.

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. Armstead, and carried by unanimous vote, Application #2003-0383 was approved as submitted with the following conditions: that there will be no tree removal (excluding dead trees), no grading of the bank, a landscape plan be submitted and approved prior to the beginning of construction, if filter cloth cannot be placed against the new bulkhead then gravel needs to be used as fill material between the old bulkhead and new bulkhead with filter cloth being placed behind old bulkhead. This approval is valid for a term of 18 months.

B. Chesapeake Leisure, LLC - Application #2003-0278.

Chairman Smither read the applicant's proposal requesting to perform marina maintenance and improvements to include maintenance dredge 9200 cu yards in man made cove, 740 feet of vinyl bulkhead channel ward of existing bulkhead, 295 feet of new bulkhead at excavated bank, 150' x 10' pier along bulkhead, 120 feet and 110 feet of mid tide bulkhead, 10' x 10' apron at existing storm water drain pipe,

130 feet of riprap fill, 120 feet and 110 feet of open pile pier, 295 feet of wood walkway, and 25 additional slips. The property for which application is being made is located on cove of Fishing Bay, at Tax Map #41-121-C, 41-385, 41-381. 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 comments from the public, the hearing was closed.

Mr. Brooks expressed concern that there was no drainage pipe planned for the proposed mid-tide bulkheads.

Ms. Traywick explained that the water would run over the bulkheads at high tide. She stated that the applicant must address the bare bank upland, with proposed landscaping in conjunction with the project, thereby reducing the amount of sediment washing into the cove. Ms. Traywick further commented that additional rock and filter cloth could be installed upland.

Chairman Smither expressed concern that the two mid-tide bulkheads would trap sediments carried by surface water runoff, destroying the two pocket marshes.

Mr. O'Brien commented that the mid-tide bulkheads did have the potential to adversely impact two marshes, and noted that dredging would not be possible without the structures.

Mr. Taylor stated opposition to the mid-tide bulkheads as proposed without a drainage pipe, as his responsibility was to protect the wetlands. Mr. Taylor further commented that the dock could be moved back, with a bulkhead or stone to hold the bank.

Ms. Traywick asked about the possibility of extending the existing drainpipe to help prevent fill-in.

Mr. O'Brien commented that while the proposal called for 25 new slips, up to 60' in length, the site might be more conducive to a reduction in the size of the slips, with riprap to be utilized rather than bulkhead.

Mr. Taylor repeated that the wetlands should be protected, and suggested that a 16" drainage pipe be included in the mid-tide bulkheads. He noted the potential for sand build-up, which in time would create the need for additional dredging.

Mr. O'Brien commented that even with a drainage pipe, mid-tide bulkheads would retain sediment and restrict marine life in the wetlands.

Ms. Traywick, Mr. O'Brien, and the Board extensively discussed various options and alternatives that would enable the proposed project to proceed to the Board's and the property owner's satisfaction.

Ms. Traywick asked the Board to consider that the property is a commercial marina, and requested the Board to balance commercial and wetlands interests for a solution that would protect wetlands while maintaining deep water for the marina.

Ms. Lee reminded the Board that the project could be continued for thirty days, to allow Ms. Traywick to provide additional information/revisions to the project.

Ms. Traywick stated her client was out of the country, and she was not certain that thirty days would be adequate for final revisions and engineering plans to be submitted.

Chairman Smither commented that while the Board was willing to listen to and consider various options, he noted that the Board couldn't change the application as presented; the agent must re-submit the proposal.

Mr. Neikirk commented that with so many unanswered questions, his recommendation would be to continue the case, allowing Ms. Traywick time to address the issues raised. He noted that if the proposal was continued for informational purposes, the time could be extended more than thirty days if necessary.

Chairman Smither agreed that the case should be continued, with an additional site visit arranged.

On a motion by Mr. Miller, seconded by Mr. Taylor, and carried by unanimous vote, Application #2002-0278 was continued to allow additional information to be presented, and for an additional site visit to take place.

III. New Business

A. Administrative.

Ms. Lee explained that in an effort to close out files, and after subsequent site visits, she discovered two projects that had been constructed prior to signed and notarized permits being returned to Wetlands staff. She noted that current policy requires the return of signed, notarized permits as a condition prior to construction. Ms. Lee asked the Board's desired action in two cases. Mr. Higgins and Mr. Neikirk were in agreement that prior to assessing any civil charges, the Board should schedule a Show Cause hearing and request the applicants' presence.

1. Raymond Murphy – Application #2001-1434 completed wetlands permit without signing and notarizing wetlands permit.

Ms. Lee introduced the case and stated that the permit had been approved in September 2001 and had expired March 2003. A letter had been issued reminding the applicant to return the signed and notarized permit to staff, but she had not received the permit.

On a motion by Mr. Taylor, seconded by Mr. Brooks, and carried by unanimous vote, the Board voted to send a letter of notification for a Show Cause Hearing on Application #2001-1434 for the May 2003 meeting of the Wetlands Board related to work being performed prior to a signed and notarized permit being returned to staff.

2. Francis Huger – Application #1999-1317 completed wetlands permit without signing and notarizing wetlands permit.

Ms. Lee introduced the case and stated that the permit had been approved in August 1999 and had expired March 2003. A letter had been issued reminding the applicant to return the signed and notarized permit to staff, but she had not received the permit.

On a motion by Mr. Taylor, seconded by Mr. Miller, and carried by unanimous vote, the Board voted to send a letter of notification for a Show Cause Hearing on Application #1999-1317 for the May 2003 meeting of the Wetlands Board related to work being performed prior to a signed and notarized permit being returned to staff.

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