

Middlesex County Wetlands Board Minutes

August 12, 2003

**Call to Order**

The August 12, 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. M. Dale Taylor  
Mr. Woodson Armstead  
Mr. Archie Brooks

Absent: Mr. B. Ulman Miller – Vice Chairman

Staff present: Carissa Lee, Planner  
Cathy Shiflett, Planning Secretary

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

**I. Minutes**

The Board considered the minutes of the July 9, 2003 meeting. On a motion by Mr. Taylor, 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. College of William and Mary Real Estate Foundation, c/o George Hayes - Application #2003-1491.

Chairman Smither read the applicant's proposal requesting to construct an intake and outfall structure for seawater for an aquiculture facility. This project is located on the Locklies Creek, at Tax Map # 30-7-5. Staff then read the VIMS report for the project.

Mr. Don Caskie, agent, was in attendance to represent the project. Mr. Caskie expressed agreement with VIMS recommendation that upland riprap splash aprons would effectively dissipate the anticipated effluent flow before discharging into vegetated wetlands. Mr. Caskie stated that a sketch would be submitted.

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 unanimous vote, Application #2003-1491 was approved with the condition that an upland riprap splash apron be installed. This approval is valid for a term of 18 months.

B. Timothy Lawton - Application #2003-1482.

Chairman Smither read the applicant's proposal requesting to install 30' of riprap. The property for which application is being made is located on Little Lake, at Tax Map # 41-41- 17. Staff then read the VIMS report for the project.

Mr. Michael Johnson, 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.

On a motion by Mr. Brooks, seconded by Mr. Taylor, and carried by unanimous vote, Application #2003-1482 was approved as submitted. This approval is valid for a term of 18 months.

### **III. Old Business**

#### **A. Randy Revercomb - Application #2003-0545.**

Chairman Smither read the applicant's proposal requesting to install 4 breakwaters 30-7-150' and backfill. The property for which application is being made is located on the Rappahannock River, Tax Map #9-65. Staff then read the VIMS report for the project.

Mr. Neville Reynolds, agent, was in attendance to represent the project, as well as Randy Revercomb, Property owner. Mr. Reynolds explained that the bank would be graded back, using the sandy material for backfill.

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

Mr. Taylor asked if the sand quality had been tested. Mr. Neville responded affirmatively stating that the sand was of good quality.

On a motion by Mr. Armstead, seconded by Mr. Brooks, and carried by unanimous vote, Application #2003-0545 was approved as submitted. This approval is valid for a term of 18 months.

#### **B. Neal Gauldin, Jr. - Application # 2003-0999.**

Chairman Smither read the applicant's proposal requesting to install 200' of bulkhead and two 10' return walls. The property for which application is being made is located on Sturgeon Creek, at Tax Map #30-13-17. Chairman Smither stated that the agent, Lucille A. Morelli, had submitted a written request for a 30-day extension in order to properly flag the site and to submit accurate drawings.

On a motion by Mr. Taylor, seconded by Mr. Armstead, and carried by unanimous vote, the 30 day extension was granted Application # 2003-0999. The case will be placed on the October 2003 agenda.

### **IV. New Business**

#### **A. Sworn Complaint – Patricia Hoar, installing a fence with concrete base without Wetlands Board Permit. The property is situated on the Chesapeake Bay in Middlesex County at Tax Map #41-44-18.**

Chairman Smither stated that Mrs. Hoar had submitted a written request for a 30 day extension due to a family emergency which prevented her from attending the hearing as scheduled.

On a motion by Mr. Taylor, seconded by Mr. Armstead, and carried by unanimous vote, Mrs. Hoar's case was granted an extension. The case will be placed on the October 2003 agenda.

Ms. Lee stated that she would notify Mrs. Hoar in writing that this would be the final extension granted.

#### **B. Permit Extension - Coves at Wilton Creek, VMRC #2002-0473, request a six-month extension. Current permit expires on 11/14/2003; new expiration date would be 5/14/2004.**

Chairman Smither introduced the extension request.

Ms. Lee read the staff report recommending a one-year extension to this project in consideration of the extremely wet seasons during the past year. The additional extension would allow additional time for proper installation.

On a motion by Mr. Taylor, seconded by Mr. Brooks, and carried by unanimous vote, Application #2002-0473 was granted a one-year extension. The new expiration date will be 11/14/04.

C. Administrative

1. Requirement for Wetlands Board Permits for community piers.

Ms. Lee explained that after discussion with Mr. Neikirk, she felt that the Board should clarify their position on whether or not to hear community pier cases. The issue being whether community piers were considered private or commercial in nature. Mr. Neikirk commented that VMRC requires a permit and looks at navigational issues. The Board discussed the issue and generally agreed that only matters within their jurisdiction should come before the Board.

On a motion by Mr. Taylor, seconded by Mr. Brooks, and carried by unanimous vote, the Board voted not to hear community pier applications unless they directly involved wetlands. This is referenced in Section #3 of the Model Wetlands Ordinance.

2. November meeting date falls on Veterans Day (November 11<sup>th</sup>).

Ms. Lee announced that the regularly scheduled meeting date falls on the Veterans Day Holiday. She recommended Wednesday, November 12, 2003 as an alternate day to meet.

On a motion by Mr. Taylor, seconded by Mr. Armstead, and carried by unanimous vote, the Board voted to meet Wednesday, November 12, 2003.

3. Ms. Lee reminded the board that there would be no September Wetlands Board Hearing due to there not being enough members present for the meeting. The next Middlesex County Wetlands Board Hearing will be October 14, 2003.

**Adjournment**

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

Respectfully submitted.

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Wetlands Board Chair

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Date