

Middlesex County Wetlands Board Minutes

July 8, 2003

Call to Order

The July 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. 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 June 10, 2003 meeting. On a motion by Mr. Armstead, 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. Welford L. Harris - Application #2003-0729.

Chairman Smither read the applicant's proposal requesting to install 165' of riprap revetment. This project is located on the Piankatank River, Tax Map #41-133A. Staff then read the VIMS report for the project.

Mrs. Karla Havens, agent, was in attendance to represent the project. Mrs. Havens stated that 34' of riprap revetment was previously approved by the Board, but never constructed.

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 #2003-0729 was approved conditioned upon staff recommendation to approve 131' of riprap revetment on Mill Creek and 34' of riprap revetment at edge of Jackson Creek-Mill Creek Channel as shown on revised drawings dated June 23, 2003. This approval is valid for a term of 18 months.

B. Elizabeth Perkins - Application #2003-1282.

Chairman Smither read the applicant's proposal requesting to maintenance dredge for 10 years. The property for which application is being made is located on Montgomery Cove, at Tax Map # 41-66-4. Staff then read the VIMS report for the project.

Mrs. Elizabeth Perkins, applicant, was in attendance to represent the project. Mrs. Perkins stated she had recently discovered a permit in effect through 2004 and asked if she could be granted an amendment or extension of the existing permit. Mrs. Perkins commented that a dredge performed ten years previously lasted a long time, while the most recent dredge filled in within a year.

Mr. Neikirk reviewed Mrs. Perkins' existing VMRC permit and noted that it was a one time maintenance dredge permit, rather than an as needed permit.

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 #2003-1282 was approved conditioned upon a designated spoil site to be obtained, dredging will be on a one time event with the applicant being allowed to return to the Wetlands office for administrative approval for five years.

C. Kilmers Point Citizens Association– Application # 2003-1244.

Chairman Smither read the applicant's proposal requesting to install 33' of riprap revetment. The property for which application is being made is located on Robinson Creek, at Tax Map #19C-1-B-3A. Staff then read the VIMS report for the project.

Mr. Jerry Fisher 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. Armstead, seconded by Mr. Brooks, and carried by unanimous vote, Application #2003-1244 was approved as submitted with staff recommendation conditioned upon the riprap being placed landward of any wetlands vegetation. This approval is valid for a term of 18 months.

D. Marion Walter – Application #2003-1127.

Chairman Smither read the applicant's proposal requesting to install 100' of riprap revetment in front of existing bulkhead. The property for which application is being made is located on Mechim Creek, at Tax Map #30A-1-3A. Staff then read the VIMS report for the project.

Ms. Marian Walter, applicant, 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. Taylor, seconded by Mr. Armstead, and carried by unanimous vote, Application #2003-1127 was approved as submitted. This approval is valid for a term of 18 months.

E. Kenneth Schmalenberger – Application #2003-1028.

Chairman Smither read the applicant's proposal requesting to install 118' of riprap revetment. The property for which application is being made is located on Jackson Creek, at Tax Map #40-59-1. 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 #2003-1028 was approved as submitted with the condition that the riprap be placed landward of any wetlands vegetation. This approval is valid for a term of 18 months.

F. 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 #40-13-7. Staff then read the VIMS report for the project recommending denial of the application.

Mrs. Lucille Morelli, agent, was in attendance to represent the project, as well as Mr. Neal Gauldin, Jr., applicant, and Mr. Randy Redmon, contractor.

Mr. Gauldin stated that he was bothered by the VIMS report citing the loss of vegetated and nonvegetated wetlands. Mr. Gauldin contended that the bank was vegetated with seasonal honeysuckle vines. He further contended boats and jet skis create a high amount of wake in the creek, creating erosion to the bank. Mr. Gauldin stated that the erosion is more easily seen during the winter months. Mr. Gauldin stated his desire to install the bulkhead as requested, with fill behind, and then proceed to work on plantings to stabilize the bank.

Mr. Redmon stated that he had looked at the project site during the winter and concurred that the vines did not provide roots on the bank to reduce erosion. Mr. Redmon stated his opinion that a bulkhead structure was the best way to stabilize the steep bank.

Ms. Lee stated that if erosion were the main concern, riprap revetment would be a better solution.

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

Chairman Smither commented that if the boat wake was intense, in a matter of time the wave action would undercut the proposed bulkhead, requiring the placement of riprap in front of the bulkhead; therefore, placing riprap initially would be a better means of protecting the bank.

Mr. Gauldin stated that he wanted to grade the bank so that plantings would stay on the bank, and agreed that after 6-7 years, riprap may indeed be needed in front of the bulkhead to further stabilize the bank. Mr. Gauldin stated that the bulkhead and grading were necessary in order to access the bank for plantings.

Ms. Lee stated that if the bank were graded as proposed, with trees removed at the top of the bank, she would require a re-vegetation plan.

On a motion by Mr. Armstead, seconded by Mr. Brooks, and carried by unanimous vote, Application # 2003-0999 was continued for thirty days to allow the Board to re-visit the project site and review options.

G. Jeffrey P. & Elizabeth Coughter – Application #2003-0893.

Chairman Smither read the applicant's proposal requesting to install 145' of riprap revetment. The property for which application is being made is located on the Rappahannock River at Tax Map #41-14A-4. Staff then read the VIMS report for the project.

Mr. Jeff Watkins, agent/contractor, 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 #2003-0893 was approved as submitted. This approval is valid for a term of 18 months.

III. Old Business

A. Walden Brothers Marina – Application #2002-1315.

Chairman Smither read the applicant’s proposal requesting to construct 75’ of bulkhead. The property for which application is being made is located on Broad Creek, at Tax Map # 41-111, 112, 113. Staff then read the VIMS report for the project.

Ms. Carol Collier, 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 #2002-1315 was submitted with new drawings dated June 30, 2003. This approval is valid for a term of 18 months.

IV. New Business

A. Wetlands Application #2000-0946 submitted by Mrs. Thomas Gilbert, Belle Aire Subdivision.

Chairman Smither stated that Mrs. Thomas Gilbert was requesting a two year extension to their permit to construct a 55’ x 16’ boat ramp, place 40’ of riprap revetment, construct a 56’ x 5’ pier, and dredge 66 cu. yards. Original permit expiration date is July 11, 2003; new expiration date would be July 11, 2005.

On a motion by Mr. Taylor, seconded by Mr. Armstead, and carried by unanimous vote, Application #2000-0946 was extended for a period of two years.

B. Show Cause Hearing – Patricia Hoar.

Ms. Lee advised the Board of a violation at the property of Patricia Hoar situated on the Chesapeake Bay in Middlesex County at Tax Map #41-44-18. Upon inspection of the site, the unauthorized installation of a vinyl fence with concrete base without a Wetlands Board Permit was noted. Ms. Lee stated that a Show Cause Hearing was scheduled for the August 2003 public meeting.

C. September Board Meeting.

Ms. Lee recommended postponing the September 2003 meeting until October 2003, as Chairman Smither and Mr. Miller will be unable to attend, and Mr. Brooks’ schedule was uncertain at this time. If deemed necessary, she would schedule a meeting for the end of September.

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.

Wetlands Board Chair

Date