

Middlesex County Wetlands Board Minutes

August 10, 2004

Call to Order

The August 10, 2004 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

Absent: Mr. Archie Brooks
Mr. B. Ulman Miller – Vice Chairman

Staff present: Matthew Higgins, Planning Director
Amy Easterbrook, Planner
Betty Muncy – County Administration Secretary

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

Minutes

The Board considered the minutes of the July 13, 2004 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. Lee Roberts - Application #2004-1332.

Chairman Smither read the applicant's proposal requesting to armor 77' of an existing riprap revetment with Class II stone. This project is located on the Rappahannock River, at Tax Map #19C-2-A-6. Staff then read the VIMS report for the project.

Chairman Smither opened the public hearing.

Ms. Alor Grantham, agent, was in attendance to represent the project. Ms. Traywick stated acceptance of VIMS recommendations and stated that she would submit revised drawings depicting the height of the riprap revetment not to exceed the height of the existing bulkhead.

Mr. Alvah Houchins, adjoining property owner, expressed concern that the water run off from the proposed project would adversely affect his property. Mr. Houchins stated he would not object to the project if constructed in accordance with VIMS recommendations.

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

On a motion by Mr. Taylor, seconded by Mr. Armstead, and carried by unanimous vote, Application #2004-1332 was approved with the submission of revised drawings and in accordance with VIMS recommendations that the height of the riprap revetment not to exceed the height of the existing bulkhead. This approval is valid for a term of 18 months.

B. Ruark Marina c/o Gene Ruark - Application #2004-1333.

Chairman Smither read the applicant's proposal requesting to install 256' of vinyl bulkhead immediately in front of a existing damaged bulkhead. The property for which the application is being made is located on Fishing Bay, Tax Map 40-386. Staff then read the VIMS report for the project.

Ms. Alor Grantham Traywick, agent, was in attendance to represent the project. Ms. Traywick stated VIMS recommendations were acceptable.

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 #2004-1333 was approved as submitted with VIMS recommendations to backfill the new and existing bulkheads with clean sand.

C. Joanna Goodrich - Application #2004-1567.

Chairman Smither read the applicant's proposal requesting to install 85' of bulkhead in front of an existing failed bulkhead. The property is located on the Rappahannock River, Tax Map #41-1-11, 12, 13. Staff then read the VIMS report for the project.

Mr. Duane Goodrich, applicant, was in attendance to represent the request.

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 #2004-1567 was approved as submitted. This approval is valid for a term of 18 months.

D. Craig & Kathleen Monsen - Application #2004-1714.

Chairman Smither read the applicant's proposal requesting to install 100 of riprap revetment for erosion control. This project is located on the Piankatank River, at Tax Map #42-4-5. Staff then read the VIMS report for the project.

Mr. Mo Bloxom, agent, was in attendance to represent the project. Mr. Bloxom explained the project and stated his acceptance of staff recommendations. Mr. Bloxom submitted revised drawings in accordance 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. Armstead, seconded by Mr. Taylor, and carried by unanimous vote, Application #2004-1714 was approved in accordance with staff recommendations conditioned upon the revetment being placed landward of all wetland vegetation, the base be reduced to 8' or less, and the total length reduced to 80'. This approval is valid for a term of 18 months.

Old Business

A. Sworn Complaint – Charles and Cynthia Krumbein, violation Chapter 13 of the Code of Virginia.

Mr. Higgins stated that he visited the site and observed that the rocks had been removed, the only remaining issue is that at low tide there is some rock still remaining, but not causing disruption of tidal influence. Mr. Higgins stated that at this point, there is some clean-up to be done which could be addressed in the permit process.

Chairman Smither stated that Mr. Krumbein has refused to pay the penalty. Chairman Smither explained the Board's position maintaining Mr. Krumbein's responsibility to pay the civil penalty of \$1500 and clean up the shoreline as well.

Mr. Higgins noted that Mr. Krumbein filed a request for dismissal in the court system.

Chairman Smither stated that none of the items Mr. Krumbein alleged were not in the Boards' jurisdiction.

B. Appointments

Mr. Higgins stated that he would bring the request to the Board of Supervisors again next month, hoping that all Board Members would be present.

IV. New Business

A. Administrative – Changes to By-Laws regarding Extension of Permits, protestant notification.

Mrs. Easterbrook explained that currently adjoining property owners are required to be notified of extension requests by certified mail which is often costly and time consuming. She noted that projects already under construction would not be denied an extension, and asked the Board to consider Option 1. Article 17. Extension of Permits, section 2, be revised to "For projects that have not yet commenced, when an extension is requested..." or Option 2. "Eliminate section 2 completely". Mrs. Easterbrook explained that under Option 1. it would be unnecessary to provide certified mail notification to adjoining property owners of an extension request for projects already under construction, thereby saving costly postage.

Mr. Higgins commented that extension requests would decrease now that the Board's timeframe for permits matches the VMRC time limits.

Mr. Neikirk advised that when VMRC receives requests for extension shortly after a permit has expired, VMRC considers that a reactivation and in such cases a notice of public hearing would be required.

Chairman Smither asked that Mr. Neikirk's suggestion be included in any changes made to section 2.

On a motion by Mr. Taylor, seconded by Mr. Armstead, and carried by unanimous vote, Changes to By-Laws regarding Extension of Permits, protestant notification, Option 1., Article 17. Extension of Permits, section 2, was revised to "For projects that have not yet commenced, when an extension is requested...".

Chairman Smither requested Mr. Higgins to notify the Board of Supervisors that the change was made in order to save postage funds.

B. Administrative – Accounting.

Chairman Smither stated that staff provided an acceptable explanation as to why there is a month's lag time for payment to the Board members for meeting attendance; no further action necessary.

Adjournment

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

Respectfully submitted,

Wetlands Board Chair

Date