

Middlesex County Wetlands Board Minutes

December 14, 2004

Call to Order

The December 14, 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. B. Ulman Miller – Vice Chairman
Mr. M. Dale Taylor
Mr. Woodson Armstead
Mrs. Mary Ann Willis

Absent: Mr. Archie Brooks

Staff present: Amy Easterbrook, Planner
Cathy Shiflett, Planning Department Secretary

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

Minutes

The Board considered the minutes of the November 9, 2004 meeting. On a motion by Mr. Miller, 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. Steve Esbach - Application #2004-2155.

Chairman Smither read the applicant's proposal requesting to install 480' of riprap revetment for erosion control. This project is located on LaGrange Creek, at Tax Map # 14-8-3. 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. She explained there would be minimal impacts to the wetlands.

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

On a motion by Mr. Taylor, seconded by Mr. Miller, and carried by unanimous vote, Application #2004-2155 was approved as submitted. This approval is valid for a term of 18 months.

B. William Hartley - Application #2004-2246.

Chairman Smither read the applicant's proposal requesting to install 116' of riprap revetment for erosion control. This project is located on Meachim Creek, at Tax Map # 29A-1-4B. Staff then read the VIMS report for the project.

Chairman Smither opened the public hearing.

Mr. Craig Pawbinski, Bayshore Design, agent, was in attendance to represent the project. He noted that adjoining property owners had been notified, and there were no objections.

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

On a motion by Mr. Miller, seconded by Mrs. Willis, and carried by unanimous vote, Application #2004-2246 was approved as submitted. This approval is valid for a term of 18 months.

C. Laura Burnside - Application #2004-2247.

Chairman Smither read the applicant's proposal requesting to install 134' of riprap revetment for erosion control. This project is located on Meachim Creek, at Tax Map # 29A-1-4D. Staff then read the VIMS report for the project.

Chairman Smither opened the public hearing.

Mr. Craig Pawbinski, Bayshore Design, agent, was in attendance to represent the project. He noted that adjoining property owners had been notified, and there were no objections.

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 #2004-2247 was approved as submitted. This approval is valid for a term of 18 months.

D. Robert Hubbard - Application #2004-2286.

Chairman Smither read the applicant's proposal requesting to install 160' of marsh toe revetment. This project is located on the Rappahannock River, at Tax Map # 9A-5-1. Staff then read the VIMS report for the project.

Chairman Smither opened the public hearing.

Mr. Jay Foster, R & W Marine, agent, was in attendance to represent the project. Mr. Foster explained the project was necessary to control storm erosion.

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 #2004-2286 was approved as submitted. This approval is valid for a term of 18 months.

E. Ernest Haywood - Application #2004-2155.

Chairman Smither read the applicant's proposal requesting to reconstruct existing low profile groins as continuous height, 20' T-ends to be added to the groins and cells to be nourished, and attach the existing jetty to the riprap revetment with a 48' continuous height groin. This project is located on the Rappahannock River, at Tax Map # 40-104-21. Staff then read the VIMS report for the project.

Ms. Alor Grantham, agent, and Mr. Ernest Haywood, applicant, were in attendance to represent the project. Ms. Grantham explained that the low profile groins did not hold during the hurricane and needed repair. Ms. Grantham expressed her view that the project would improve conditions in the Sturgeon Creek channel.

Chairman Smither opened the public hearing.

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

Mr. Taylor commented that it was uncertain what the effects of the project would be.

Chairman Smither stated his desire to allow the property owner to protect his property. He explained it was not known what caused the problem, and there was no assurance of how forces of nature would affect the sand with the project as proposed.

Mr. Haywood stated he was going on recommendations to try to preserve the point. He stated that sand placed in front of the house had been washed out within two weeks of dredging.

Mr. Taylor expressed concern that the project would cause wave action in front of the house.

Mr. Neikirk commented that the groin T-heads were designed to try and break wave action, and stop erosion.

On a motion by Mr. Miller, seconded by Mr. Armstead, and carried by unanimous vote, Application #2004-2318 was approved as submitted. This approval is valid for a term of 18 months.

F. Dorothy Thomasson Estes Trust c/o John Grover - Application #2004-2319.

Chairman Smither read the applicant's proposal requesting to install a total of 68' of riprap revetment in front of existing bulkheads, remove all existing groins and replace with four 48' low-profile groins, remove existing jetties and replace with a 19' and 80' riprap jetty. This project is located on the Rappahannock River, at Tax Map # 27-157. Staff then read the VIMS report for the project.

Chairman Smither opened the public hearing.

Mr. Joey Scott, agent, was in attendance to represent the project.

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

On a motion by Mr. Armstead, seconded by Mrs. Willis, and carried by unanimous vote, Application #2004-2319 was approved as submitted. This approval is valid for a term of 18 months.

G. Ray Harrison - Application #2004-2342.

Chairman Smither read the applicant's proposal requesting to install an 80' bulkhead with two return walls, 10' and 17', the new bulkhead to be placed immediately in front of the existing bulkhead. This project is located on Jackson Creek, at Tax Map # 40-149B. Staff then read the VIMS report for the project.

Chairman Smither opened the public hearing.

Mr. Joey Scott, agent, was in attendance to represent the project.

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 #2004-2342 was approved as submitted. This approval is valid for a term of 18 months.

H. Brian Vest - Application #2004-2436.

Chairman Smither read the applicant's proposal requesting to install 120' of new bulkhead channelward and against an existing bulkhead. The existing return wall will be removed and replaced with a 12' return wall with riprap scour placed along the existing bank. This project is located on Meachim Creek, at Tax Map # 30A-9-4. Staff then read the VIMS report for the project.

Chairman Smither opened the public hearing.

Mr. Joey Scott, agent, was in attendance to represent the project. Mr. Scott explained the project and noted the return wall with riprap in front was proposed to close off and keep water from getting behind the bulkhead.

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

On a motion by Mr. Taylor, seconded by Mr. Miller, and carried by unanimous vote, Application #2004-2436 was approved with staff recommendation of the 120' bulkhead with the return wall remaining in the same footprint. The return wall currently protects the wetland vegetation in the vicinity, if erosion control measures are desired in the area, the riprap may be placed landward of the wetland vegetation. This approval is valid for a term of 18 months.

I. Stan Whitehead - Application #2004-2443.

Chairman Smither read the applicant's proposal requesting to install a 48' low-profile groin and 16' of scour protection, the existing groin to be removed. This project is located on the Rappahannock River, at Tax Map #39-2-15A. Staff then read the VIMS report for the project.

Mr. Joey Scott, 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 Mrs. Willis, and carried by unanimous vote, Application #2004-2443 was approved as submitted. This approval is valid for a term of 18 months.

Old Business

A. Grey's Point Campground, Hurley LLC - Application #2004-1649.

Chairman Smither read the applicant's revised proposal requesting to construct a 460' pier with arch and 15 slips, a 110' x 5' pier with an adjoining 250' pier with a 65' x 5' T-head and 39 slips. A 16' x 5' addition with no slips and a 108' x 5' extension with 10 slips to be added to an existing pier. This project is located on Meacham Creek at Tax Map #30-103. Staff then read the VIMS report for the project.

Ms. Alor Grantham, agent, was in attendance to represent the project. Ms. Grantham explained the revised drawings submitted. She explained the 460' pier's purpose was to connect areas of the campground. Ms. Grantham stated her belief that in reading the VIMS report, the 15 slips were moved for consolidation purposes, leaving open pier space for recreation.

Chairman Smither opened the public hearing.

Mr. Raymond Jones, property owner across the cove, stated he had no objections to the project as revised, and wasn't aware of other neighbors' objections.

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

Mrs. Willis expressed strong feelings about the exclusion of the 15 slips as a means of protecting the cove.

Chairman Smither questioned whether the applicant would accept 10 slips rather than 15.

Ms. Grantham commented that 10 slips would be acceptable, and proposed taking 2 slips off the lower end and 3 off the upper end.

Mr. Taylor spoke in favor of removing 5 slips from the upper end, which would allow for water flow behind the pier.

On a motion by Mr. Taylor, seconded by Mr. Armstead, and carried by a 4-1 vote, with Mrs. Willis opposed, Application #2004-1649 was approved with 10 slips, rather than 15, and the submission of revised drawings. This approval is valid for a term of 3 years, to run concurrent with the VMRC permit.

B. Bethpage Camp Resort c/o Walt Hurley - Application #2004-1808.

Chairman Smither read the applicant's proposal requesting to construct a 225' x 5' pier for the temporary mooring of boats, add a 20' x 5' extension to the existing pier, and relocate 4 mooring piles. This project is located on Robinson Creek at Tax Map 19-228. Staff then read the VIMS report for the project.

Ms. Alor Grantham, agent, was in attendance to represent the project.

Chairman Smither opened the public hearing.

Mr. Noel, Mrs. Henry's son, asked if the project was still intended for canoes, kayaks, and paddleboats.

Ms. Grantham stated Mr. Hurley told her the pier was intended for the use of small watercraft. Ms. Grantham commented she had missed an earlier meeting and asked if the pier was revised to be shorter and closer to the shoreline for Mrs. Henry's benefit.

Chairman Smither responded the revisions were proposed for the benefit of the wetlands.

Mrs. Easterbrook added that there was concern for tidal flushing, particularly if the pier were used for power boats.

Chairman Smither commented that the revised alignment would limit wetlands impacts and limit the type of craft using the pier for loading and unloading.

Mr. Taylor commented that he was satisfied with the revisions.

On a motion by Mr. Taylor, seconded by Mrs. Willis, and carried by unanimous vote, Application #2004-1808 was approved based on the revised drawings dated 12/04. This approval is valid for a term of 3 years, to run concurrent with the VMRC permit.

New Business

A. Request for Extension – Permit #2003-0278 Ron Hall.

Chairman Smither introduced request for extension of an 18-month extension maintenance dredge 9200 cubic yards in man made cove, install 740' of vinyl bulkhead channelward of the existing bulkhead, install 295' of new bulkhead at an excavated bank, construct 1 150' x 10' pier along the proposed bulkhead, and install a 10' x 10' apron at an existing storm water drain. Staff then read recommendation for denial as none of the permitted work has begun, deviations from the permit have been discussed with the wetlands staff, planning staff, and VIMS. With the submission of a new JPA the permit would be valid for 3 years instead of the 18 months for a permit extension.

Mr. Taylor noted the current permit was valid until 1/1/05, and questioned if extensions had previously been requested on this permit.

Mrs. Easterbrook stated that while was the first request, no work had begun to date. She further commented that even with an 18-month extension, there wouldn't be sufficient time to get all the work completed.

Mr. Taylor noted concern that the Board had granted extensions to other permits.

Mrs. Easterbrook noted that previous applicants had begun work prior to requesting an extension. She further commented that the applicant was advised he would have to submit a new JPA if changes were proposed.

On a motion by Mr. Armstead, seconded by Mrs. Willis, and carried by a 4-1 vote, with Mr. Taylor opposed, the Wetlands Board voted to deny an extension to Permit #2003-0278.

Adjournment

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

Respectfully submitted,

Wetlands Board Chair

Date