

Middlesex County Wetlands Board Minutes

July 13, 2004

Call to Order

The July 13, 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

Absent: Mr. Archie Brooks

Staff present: Matthew Higgins, Planning Director
Amy Easterbrook, Planner
Cathy Shiflett, Planning Secretary

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

Minutes

The Board considered the minutes of the June 8, 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. Lea A. Seay - Application #2004-1119.

Chairman Smither read the applicant's proposal requesting to install 160' of riprap revetment along a storm damaged bank. This project is located on Healy's Creek, at Tax Map #39D-1-20. Staff then read the VIMS report for the project.

Mr. Seay, applicant, 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. Taylor, seconded by Mr. Armstead, and carried by unanimous vote, Application #2004-1119 was approved as submitted. This approval is valid for a term of 18 months.

B. Fairfield Farms, Inc. - Application #2004-1000.

Chairman Smither read the applicant's proposal requesting to construct a 125' x 7' commercial pier with a 10'x25' L-head and steps to the beach. The property for which the application is being made is located on the Pinakatank River, Tax Map 37-43. Staff then read the VIMS report for the project.

Ms. Alor Grantham Traywick, agent, was in attendance to represent the project. Ms. Traywick VIMS recommendations were acceptable and she would provide revised drawings..

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. Miller, and carried by unanimous vote, Application #2004-1000 was approved as submitted.

C. Donette McClelland - Application #2004-1194.

Chairman Smither read the applicant's proposal requesting to install 150' of riprap revetment for erosion control. The property is located on Sturgeon Creek, Tax Map #40-30-74. Staff then read the VIMS report for the project.

Alor Grantham Traywick, agent, 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. Taylor, seconded by Mr. Armstead, and carried by unanimous vote, Application #2004-1194 was approved as submitted. This approval is valid for a term of 18 months.

D. George & Thyra Harris - Application #2004-1235.

Chairman Smither read the applicant's proposal requesting maintenance dredge +/- 2,340 sq. ft. to reopen a channel to an existing man-made boat basin, the bulkheads will be repaired if necessary. This project is located on Jackson Creek, at Tax Map #41-7. Staff then read the VIMS report for the project.

Ms. Alor Grantham Traywick, agent, was in attendance to represent the project. Ms. Traywick stated that the applicants agreed to repair the bulkhead, but have not made application to repair jetties and spurs.

Ms. Easterbrook stated that in VIMS' opinion, the area would not fill in as fast if the jetties were repaired.

Chairman Smither stated he did not think the applicants could be required to repair the jetties if not part of the application.

Mr. Neikirk commented that jetty repair could be done under maintenance and repair guidelines, without re-advertisement.

Ms. Traywick stated she would provide revised drawings depicting a continuous height, same footprint, bulkhead repair. She requested that the applicants have the option of repairing the jetties and noted that the last dredge was twenty years ago. Ms. Traywick explained that the dredged sand would be placed on the lawn, spread out, and re-seeded.

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. Miller, and carried by unanimous vote, Application #2004-1235 was approved as submitted. This approval is valid for a term of 18 months.

Ms. Traywick stated she would submit revised drawings to include repair of the jetties as an option.

E. Elaine Shephard - Application #2004-1247.

Chairman Smither read the applicant's proposal requesting to install 47' of riprap revetment with bank grading for erosion control. The property for which the application is being made is located on the Piankatank River, Tax Map #44-2-21. 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. Taylor, seconded by Mr. Armstead, and carried by unanimous vote, Application #2004-1247 was approved as submitted. This approval is valid for a term of 18 months.

F. J. H. Scherer - Application #2004-1249.

Chairman Smither read the applicant's proposal requesting to install 350' of riprap revetment with bank grading for erosion control. The property is located on the Piankatank River, Tax Map #44-2-20. Staff then read the VIMS report for the project.

Alor Grantham Traywick, agent, was in attendance to represent the request. Ms. Traywick explained that the contractor would use armour stone on the revetment, and commented that reducing the slope would not be possible on this project.

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. Miller, and carried by unanimous vote, Application #2004-1249 was approved as submitted. This approval is valid for a term of 18 months.

F. Marshall Morton - Application #2004-1250.

Chairman Smither read the applicant's proposal requesting to install 110' of riprap revetment with bank grading for erosion control. The property is located on the Piankatank River, Tax Map #44-2-19. Staff then read the VIMS report for the project.

Alor Grantham Traywick, agent, 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 #2004-1250 was approved as submitted. 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.

Mrs. Easterbrook stated that in a letter dated June 8, 2004, Mr. Krumbein rejected the civil charge and restoration order. Mrs. Easterbrook stated that on June 22, 2004 the Middlesex County Wetlands Board received a Notice of Appeal to the Circuit Court of Middlesex County from Mr. Krumbein in the matter of the Restoration Order and Civil Charge. She further stated that Mrs. Krumbein had stated she would have the rocks removed, and they may have indeed been removed at this time. Mrs. Easterbrook recommended that the Board continue through the process until the violation is resolved.

Chairman Smither stated that Application #2004-0578, submitted by Mrs. Krumbein, would not be considered until the issue was resolved.

Mr. Taylor stated that he wanted to observe where the rocks were placed.

Chairman Smither stated the Board would re-visit the site during the next scheduled site visit.

B. Cynthia Krumbein - Application #2004-0578

Submitted by Cynthia Krumbein, requesting to install a 175' concrete retaining wall with 2 low retaining walls totaling 288' and construction of a marsh toe revetment. The property for which the application is being made is located on Jackson Creek, Tax Map #41-64.

On a motion by Mr. Taylor, seconded by Mr. Miller, and carried by unanimous vote, Application #2004-0578 was continued until the violation has been resolved.

IV. New Business

A. Extension Request – Wetlands Permit – Harvey R. Lloyd, Application #2002-1413.

Chairman Smither read the applicant's request for extension of permit to construct 5 groins ranging in length from 50' to 35' and fill the groin cells also to install 540' of riprap revetment to be aligned with the existing contour of the shoreline. Current expiration date is 9/11/2004, would like an 18-month extension making new expiration date 3/13/06. Staff then read recommendation to grant the extension based on revised drawings for an additional 18-month period, making a new expiration date of 3/13/06.

On a motion by Mr. Armstead, seconded by Mr. Miller, and carried by unanimous vote, Application #2002-1413 was granted an 18-month extension, making a new expiration date of 3/13/06.

B. Changes to By-Laws regarding commercial and maintenance dredging permits.

Mrs. Easterbrook explained that the Board voted in May 2004 to allow dredging and commercial permit approvals run 3-years or concurrently with VMRC approvals (when VMRC approval is required) and be issued when VMRC approval is granted. She stated this proposal would change the wording in the by-laws.

On a motion by Mr. Taylor, seconded by Mr. Armstead, and carried by unanimous vote, the Wetlands Board voted to accept changes to verbiage of the Bylaws.

C. New executive order regarding commercial and maintenance dredging permits.

Mrs. Easterbrook related that the Board of Supervisors continued for sixty days taking action to appoint at least one but not more than three alternate members to the Wetlands Board in accordance with an amendment to 283.2-1303 of the Code of Virginia.

Adjournment

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

Respectfully submitted,

Wetlands Board Chair

Date