

Middlesex County Wetlands Board Minutes

October 12, 2004

Call to Order

The October 12, 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
Mrs. Mary Ann Willis

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

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

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

Chairman Smither introduced Mrs. Mary Ann Willis, alternate Board member, newly appointed by the Board of Supervisors in accordance with recently adopted State requirements.

Minutes

The Board considered the minutes of the September 14, 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. Grey's Point Campground, Hurley LLC - Application #2004-1649.

Chairman Smither read the applicant's proposal requesting to construct a 460' pier with an arch for navigation and a 240' pier with two adjoining piers one 40' with 40 slips and the other 360' with 60 slips, each with 60' T-heads. This project is located on Meacham Creek, at Tax Map # 30-103. Staff noted that on this commercial permit, the Board would vote only on the impacts to vegetated wetlands. Mrs. Easterbrook further stated the applicant had requested a continuance because the agent could not attend the hearing due to sickness.

Chairman Smither noted the Board's willingness to grant the continuance. He opened the public hearing to allow those in attendance to offer comments.

Mr. Walt Hurley, applicant, was in attendance to represent the project.

Mr. Raymond Jones, property owner across Meacham Creek, spoke in opposition to the project as proposed. Mr. Jones expressed concern that the pier as proposed would infringe too far channelward.

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

Mr. Armstead requested that Mr. Hurley place markers in the water showing the location of the piers.

Mr. Hurley agreed to place markers, and stated he may consider reconfiguration of the pier.

Chairman Smither stated concern with the submitted drawings and stated the need for benchmarks and flags in the water to denote the pier's location.

Mrs. Easterbrook stated that an overall site map, showing the opposite pier, should be submitted also.

On a motion by Mr. Taylor, seconded by Mrs. Willis, and carried by unanimous vote, Application #2004-1649 was continued until the November 9, 2004 meeting.

B. Fishing Bay Yacht Club, Strother Scott - Application #2004-1844.

Chairman Smither read the applicant's proposal requesting to construct a small boat launch 150' x 24'. The property for which the application is being made is located on Fishing Bay, Tax Map #41-67. Staff stated there was no VIMS report for the project. Staff recommended approval with the condition that the wetland grasses be transplanted to the area beside the ramp but within the same tidal zone. An RPA Permit would be required for the proposed deck.

Mr. Don Caskie, Bay Design Group, was in attendance to represent the project, as well as Mr. Chip Hall, a member of the Club. Mr. Caskie stated agreement with staff recommendation. Mr. Caskie explained that the ramp was strictly earthen, with graded slopes.

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 #2004-1844 was approved with staff recommendation that the wetland grasses be transplanted to the area beside the ramp but within the same tidal zone. This approval is valid for a term of 18 months.

C. Tri-County Farms, Glenn Bunch - Application #2004-1985.

Chairman Smither read the applicant's proposal requesting to continue the application until the November 9th meeting, request submitted by Mr. Jimmy Ward, attorney for the applicant.

Mrs. Easterbrook explained the additional time would enable the applicant to address Mr. Neikirk's concerns as stated in his letter of September 30, 2004, as well as to provide finalized drawings.

On a motion by Mr. Taylor, seconded by Mr. Armstead, and carried by unanimous vote, Application #2004-1985 was continued until the November meeting.

Old Business

A. Ann Lloyd – Application #2004-1734.

Chairman Smither read the applicant's proposal requesting to install 212' of vinyl bulkhead in front of an existing bulkhead. The property for which the application is being made is located on Stamper's Bay, Tax Map #43-1-2A. Staff then read the VIMS report for the project. Staff explained that although fill was done prior to approval, it was decided that rather than a violation, an After-the-Fact RPA would be permitted. She further stated the permit, if approved, would be issued following After-the-Fact permit resolution.

Mr. Jay Foster, R & W Marine, apologized for any confusion. Mr. Foster explained that he was asked to replace the bulkhead, and was requested to shore up the existing bulkhead until the permit process was

complete. Mr. Foster stated he was unaware an RPA permit was required, but has submitted an After-the-Fact RPA permit.

Chairman Smither opened the public hearing.

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

Mrs. Willis asked for clarification as to the alignment of the new bulkhead with the adjoining property owner's bulkhead.

Mr. Foster affirmed the intent was to construct the new bulkhead in line with the adjoining property owner's bulkhead.

On a motion by Mr. Armstead, seconded by Mrs. Willis, and carried by unanimous vote, Application #2004-1734 was approved as submitted with staff recommendation that the permit would not be released until the After-the-Fact RPA Permit has been submitted. This approval is valid for a term of 18 months.

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. The property for which the application is being made is located on Robinson Creek, Tax Map #19-228. Staff then read the VIMS report for the project.

Mr. Walt Hurley, applicant, was in attendance to represent the project. Mr. Hurley explained that the pier would be used as temporary mooring for small watercraft, such as, kayaks, canoes, paddleboats, etc., in response to customer demand. Mr. Hurley stated he hoped to utilize both sides of the pier, and had no plans for dredging.

Mr. Taylor expressed concern not to slow the tides in the cove and suggested pulling the pier back 8-10' closer to the shoreline, with no boat slips.

Mr. Hurley noted the mooring would be for rentals (kayaks, canoes, etc.), not boat slips and could perhaps be shortened. He further commented that perhaps a floating dock would be better suited to the area for ease in getting in and out of small watercraft.

Mr. Neikirk recommended 6' minimum width for a floating dock for stability, and further commented that revised drawings should reflect the type of pier to be installed.

Chairman Smither opened the public hearing.

Mrs. Jettie Henry expressed her objection to the pier noting concern that the pier would block the water view from her property.

Mr. Noel, Mrs. Henry's son, related that in the previous meeting environmental issues were addressed, and he was under the assumption the pier would be used by powerboats.

Mr. Hurley stated his agreement to move the pier closer to shore, and perhaps shorten the length in order for small craft to utilize the backside.

Mrs. Easterbrook noted she thought the dock was originally intended as a temporary dock for powerboats.

Mr. Hurley stated the agent was working on revised drawings, and would address issues related to Mrs. Henry's view.

Chairman Smither stated the Board would re-visit the site, and requested that poles be placed in the water to show the proposed location of the pier.

On a motion by Mr. Taylor, seconded by Mr. Armstead, and carried by unanimous vote, Application #2004-1808 was continued until the November 9, 2004 meeting.

New Business

A. Amendment of Bylaws

Chairman Smither explained the need to have procedures and policies in place regarding the use of alternate Board members in the absence of Board members at a meeting. Chairman Smither stated that Board members should notify him whenever they cannot be in attendance, and he would contact an alternate Board member. Chairman Smither suggested that staff prepare an amendment to the Bylaws for the Board's consideration.

On a motion by Mr. Armstead, seconded by Mr. Taylor, and carried by unanimous vote, the Board voted to request Staff to draft an amendment to the Bylaws regarding alternate Board member procedures.

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