

## Middlesex County Wetlands Board Minutes

September 14, 2004

### **Call to Order**

The September 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. 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  
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 August 10, 2004 meeting. On a motion by Mr. Armstead, and a second by Mr. Taylor, 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. Nelson Mowry - Application #2004-0473.

Chairman Smither read the applicant's proposal requesting to install 865' of riprap revetment along a storm damaged bank. This project is located on Robinson Creek, at Tax Map #19C-3-B-27, 28. Staff then read the VIMS report for the project.

Chairman Smither opened the public hearing.

Mr. Mowry, was in attendance to represent the project. Mr. Mowry stated acceptance of VIMS recommendations.

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 #2004-0473 was approved in accordance with Staff recommendation of a 1.5:1 slope at a height not to exceed the variable scarp and use a minimum of Class 1 stone (50-150 lbs, 60% > 100 lb) aligned landward of the vegetated wetlands. This approval is valid for a term of 18 months.

B. John Bibb, et al - Application #2004-1620.

Chairman Smither read the applicant's proposal requesting to install two 48' groins with 20' T-ends and add 20' T-ends to 7 existing groins. The property for which the application is being made is located on the Rappahannock River, Tax Map 8A-2-12. 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.  
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 #2004-1629 was approved as submitted. This approval is valid for a term of 18 months..

C. Michael Doss - Application #2004-1647.

Chairman Smither read the applicant's proposal requesting to install 255' of riprap revetment for erosion control. The property is located on the Piankatank River, Tax Map #43-A-7-15. Staff then read the VIMS report for the project.

Chairman Smither questioned whether the Board could impose the condition that erosion protection measures are installed to stop sediment flow as recommended by Staff.

Mrs. Easterbrook stated she had received a formal complaint regarding the property. She stated the Board could vote on the project, and noted that the bank had already been graded for the riprap installation.

Ms. Alor Grantham, agent, was in attendance to represent the request. She confirmed that silt fence needed to be installed, and she did not object to having the permit held by Staff until erosion and sedimentation controls were completed.

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

Mr. Taylor stated that damage had been done, as there was mud in the river.

Ms. Traywick recommended installing silt fence immediately while waiting a minimum of ten (10) day to receive the permit.

On a motion by Mr. Taylor, seconded by Mr. Armstead, and carried by unanimous vote, Application #2004-1647 was approved as submitted with staff recommendation that erosion protection measures are installed immediately to stop the flow of sediment to the Piankatank River. This approval is valid for a term of 18 months.

D. William Kahn - Application #2004-1672.

Chairman Smither read the applicant's proposal requesting to remove existing rubble and replace it with 78' of riprap revetment, 65' with a 10' base and 13' with a 6' base. This project is located on Sturgeon Creek, at Tax Map #40-14-8. Staff then read the VIMS report for the project.

Ms. Alor Grantham, agent, was in attendance to represent the project. She explained the intent was to remove the ramp and clean up the area, with no channelward encroachment. Ms. Grantham requested approval of a 2:1 slope as requested, rather than 1.5:1 as suggested by VIMS.

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 #2004-1672 was approved as submitted. This approval is valid for a term of 18 months.

E. 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.

There was no one in attendance to represent the project.

Chairman Smither stated that with no one to represent the project, the normal procedure was to continue the application. He further stated work had begun on the project and was in violation.

Staff related that the agent and property owner were notified of the hearing.

On a motion by Mr. Taylor, seconded by Mr. Armstead, and carried by unanimous vote, Application #2004-1734 was continued until the October 12, 2004 hearing.

F. Ronald Edwards – Application #2004-1749.

Chairman Smither read the applicant's proposal requesting to install 104' of riprap revetment for erosion control. The property for which the application is being made is located on Sturgeon Creek, Tax Map #40-30-73. Staff then read the VIMS report for the project.

Ms. Alor Grantham, agent, was in attendance to represent the project. She noted the applicant was not interested in placing bio-logs (rolled coconut fiber) along the tow of the scarp.

Chairman Smither opened the public hearing.

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

Chairman Smither stated that property protection was of great importance, and he saw no problem with riprap at the toe of the bank.

Mr. Armstead stated that although the grasses and wetland plants were freshwater the revetment should be as close to the bank as possible.

Ms. Grantham offered to submit revised drawings depicting a 4 ft. base width of the structure, close to the toe of the bank.

On a motion by Mr. Armstead, seconded by Mr. Taylor, and carried by unanimous vote, Application #2004-1749 was approved for a base width of 4 ft. close to the foot of the bank and with the submission of revised drawings. This approval is valid for a term of 18 months.

G. Bethpage Campground 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.

Ms. Alor Grantham, agent, was in attendance to represent the project. Ms. Traywick stated that numerous boats in dry storage use the boat ramp. She explained that the proposed project would alleviate congestion at the boat ramp during busy times, making the area safer. She noted that with water depth of 2' there would be no problem with wake.

Chairman Smither asked Mr. Neikirk if the Board could stipulate the pier would be only used for temporary mooring, with no mooring piles added in the future.

Mr. Neikirk was uncertain, and noted that no additional piles were included in the current application. He commented perhaps the Board could stipulate that mooring would only be allowed on the channel side, with no slips installed.

Ms. Grantham commented that VMRC would have to approve any additional pilings.

Chairman Smither opened the public hearing.

Mrs. Jettie Henry, adjoining property owner, commented that the proposed pier would block her water view.

Mrs. Henry's son, Mr. Noel, stated that he observes few skiffs in the ramp area, mostly 18-20 ft. boats. He additionally expressed environmental concerns related to a stream that runs through Mrs. Henry's property to the wetlands.

Ms. Grantham commented that mooring was intended on the channel side, and the shallow water depth would limit larger boats from mooring on the wetlands side.

Mr. Taylor stated that he had visited the site by boat the previous week. Mr. Taylor suggested moving the pier closer to the bank to provide greater protection of wetlands, eliminating temporary mooring on the wetland side of the pier, and providing better water flow. Additionally, he commented that in the future the applicant might want to install slips there.

Ms. Grantham stated that the applicant was not proposing additional slips in the current application.

Chairman Smither stated that the Board must vote on the proposal as presented, and has no control over future requests.

Ms. Grantham requested that the Board continue the request until the October meeting to allow her time to consult with Mr. Hurley regarding the possibility of moving the pier closer to the shoreline.

On a motion by Mr. Taylor, seconded by Mr. Armstead, and carried by unanimous vote, Application #2004-1808 was continued until the October 12, 2004 meeting.

### **New Business**

A. Request for Extension –Permit #2002-2375 Jack Dozier for Regatta Point Yacht Club.

Chairman Smither introduced the extension request. Staff read recommendation to grant the extension based on the revised drawings for an additional 20-month period to coincide with the current VMRC permit expiration date.

Mr. Jack Dozier was in attendance to represent the project and explained the progress of 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 #2004-2375 was granted an extension for an additional 20-month period to coincide with the current VMRC permit expiration date, making a new expiration date of 5/27/06.

**New Business**

A. Appointments

Mr. Higgins stated that the Board of Supervisors had not taken action related to the appointment of an alternate Board member.

**Adjournment**

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

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Wetlands Board Chair

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Date