

## Middlesex County Wetlands Board Minutes

April 12, 2005

### **Call to Order**

The April 12, 2005 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. Woodson Armstead  
Mr. Archie Brooks  
Mr. M. Dale Taylor

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 March 8, 2005 meeting. On a motion by Mr. Miller, and a second by Mr. Brooks, 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. Ron Hall, II - Application #2005-0573.

Chairman Smither read the applicant's proposal requesting to install 320' of riprap revetment, a 100' checkdam, a 76' checkdam, and outlet protection for the outfall pipe. This project is located on Fishing Bay, at Tax Map # 41-121-C, 41-385, 41-381. Staff then read the VIMS report for the project recommending continuing the application so that complete revised drawings could be submitted based on a tidal range of 1.2 feet and an updated VIMS report issued.

Ms. Carissa Lee, agent, was in attendance to represent the project. Ms. Lee commented that the drawings submitted originally were correct. She apologized for forwarding incorrect paperwork to the Army Corps of Engineers.

Mrs. Easterbrook commented that David O'Brien, VIMS, had requested a more detailed VIMS report as additional information had been presented.

Chairman Smither noted concern with the height of the riprap, based on previous submittals.

Mrs. Easterbrook expressed concern related to the proper method of maintaining the structures.

Ms. Lee commented that checkdams allow water to flow through, and provide habitat for animals to live among the rocks. She noted that a favorable VIMS report had been released, and proposed to re-do the drawings and send to the Army Corps of Engineers as well as the Wetlands Board.

Mr. Taylor made a motion to continue the application until the May 10<sup>th</sup> meeting, seconded by Mr. Miller.

Ms. Lee explained the applicant's intent to proceed in phases and complete each phase before proceeding to the next phase. She commented that the current project was less invasive than previously submitted projects.

Mr. Brooks noted concern that debris may be trapped behind the riprap.

Ms. Lee stated that debris cleaning would be performed by hand and removed.

On a motion by Mr. Taylor, seconded by Mr. Miller, and carried by unanimous vote, Application #2005-0573 was continued until the May 10, 2005 meeting.

B. Wetlands Application #2005-0251.

Chairman Smither read the applicant's proposal requesting to install 182' of riprap revetment in front of a portion of the existing bulkhead, remove 101' of bulkhead and return wall and replace it with 101' of riprap revetment with a height not to exceed the vegetated wetland. The property for which the application is being made is located on Big Lake, at Tax Map #41-41-76. Staff then read the VIMS report for the project.

Joey Scott, agent, was in attendance to represent the project. He noted agreement with staff recommendations and the VIMS report.

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. Brooks, and carried by unanimous vote, Application #2005-0251 was approved following the VIMS recommendations that the 101' marsh toe revetment not exceed the marsh substrate by 1 foot and that the toe be buried, also, that filter cloth be placed on the fact of the failing bulkhead and under the entire width of the proposed structures. An RPA permit will be required. This approval is valid for a term of 18 months.

C. Luttrell "Dale" Lewis - Wetlands Application #2005-0264.

Chairman Smither read the applicant's proposal requesting to install 132' of bulkhead with two 40' groins, bulkhead to tie into neighboring bulkheads. The property for which the application is being made is located on the Rappahannock River, at Tax Map #28-149.

Mr. Luttrell "Dale" Lewis 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. Miller, seconded by Armstead, and carried by unanimous vote, Application #2005-0264 was approved as submitted. This approval is valid for a term of 18 months.

D. Aidan Harland – Wetlands Application #2005-0359.

Chairman Smither read the applicant's proposal requesting to replace two existing groins with two 48' low profile groins. The property for which the application is being made is located on the Rappahannock River, at Tax Map #39A-4-19, 20, 21.

Mr. Joey Scott, agent, was in attendance to represent the project. Mr. Scott stated that the applicants did not want to replace the groin on the eastern edge of the property as depicted on the plan view drawing.

Chairman Smither questioned whether the drawings would have to be altered.

Mrs. Easterbrook commented that since the function would not be altered, this would not be a problem.

Mr. Scott expressed that while he agreed with the concept of cell nourishment at the time of construction, as suggested by VIMS, the logistics of getting the sand to the beach were difficult.

Chairman Smither opened the public hearing.

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

Mr. Armstead questioned the purpose of the sand fill.

Mrs. Easterbrook commented that normally cells are nourished if new groins are installed.

Mr. Neikirk stated concern related to requiring beach nourishment without notification of adjoining property owners.

Mr. Taylor commented that he did not feel beach nourishment was necessary.

On a motion by Mr. Taylor, seconded by Miller, and carried by unanimous vote, Application #2005-0359 was approved as submitted. This approval is valid for a term of 18 months.

E. Donald & Victoria Riley – Wetlands Application #2005-0471.

Chairman Smither read the applicant's proposal requesting to replace a failing bulkhead with a new 150' vinyl bulkhead. The property for which the application is being made is located on the Piankatank River, at Tax Map #35-30.

Larry Shores, 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. Miller, seconded by Mr. Brooks, and carried by unanimous vote, Application #2005-0471 was approved as submitted. This approval is valid for a term of 18 months.

F. Judith Mallory – Application #2005-0579.

Chairman Smither read the applicant's proposal requesting to install 120' of wooden bulkhead, existing failed riprap revetment is to be reused as a riprap scour. The property for which the application is being made is located on the Rappahannock River, at Tax Map #28-12-1.

No one was in attendance to represent the project.

On a motion by Mr. Taylor, seconded by Mr. Brooks, and carried by unanimous vote, Application #2005-0579 was continued until the May 10, 2005 meeting.

### **Old Business**

A. Inquiry – Regatta Point c/o Jack Dozier - possible encroachment into vegetated wetlands.

Mrs. Easterbrook stated that she had delineated the wetlands on the property and had spoken with Mr. Dozier. She noted that Mr. Dozier is currently within the parameters of his permits.

B. Discuss the Krumbien permit application.

Mrs. Easterbrook explained that there was a condition placed on the application that the court case must be resolved prior to approval. However, she noted that the case was in stalemate.

Chairman Smither requested that the County Attorney be encouraged to find a way to proceed, as the Board wanted resolution to the matter, rather than continued delays.

**New Business**

A. Look at Wetland Fines account information.

Mrs. Easterbrook announced the current account balance was \$6,750.00.

C. Discuss May 10, 2005 meeting and the absence of Mr. Smither.

Chairman Smither stated that due to health issues he would not be in attendance at the May meeting. In his absence Vice Chairman Miller will preside.

**Adjournment**

With no further business to discuss Mr. Miller 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