

Middlesex County Wetlands Board Minutes

August 9, 2005

Call to Order

The August 9, 2005 meeting of the Middlesex County Wetlands Board was called to order by Chairman Miller Smither at 9:00 a.m. in the Circuit Courtroom of the Middlesex County Courthouse, Saluda, Virginia.

Present: Mr. J. Miller Smither – Chairman
Mr. Woodson Armstead
Mr. Archie Brooks
Mr. M. Dale Taylor
Mrs. Mary Ann Willis

Absent: Mr. B. Ulman Miller – Vice Chairman

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

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

Minutes

The Board considered the minutes of the July 12, 2005 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. John Morgan – Wetlands Application #2005-1153.

Chairman Smither read the applicant's proposal requesting to install 193' of riprap revetment. The property for which the application is being made is located on Locklies Creek, Tax Map #30E-1-4. Staff then read the VIMS report for the project.

Mr. and Mrs. Morgan were attendance to represent the project. Mrs. Morgan expressed agreement with VIMS recommendations.

Chairman Smither opened the public hearing.

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

On a motion by Mrs. Willis, seconded by Mr. Armstead, and carried by unanimous vote, Application #2005-1153 was approved as submitted. This approval is valid for a term of 18 months.

B. John Fick - Wetlands Application #2005-1197.

Chairman Smither read the applicant's proposal requesting to install 120' of wooden bulkhead for erosion control. The property for which the application is being made is located on Meachim Creek, Tax Map #29A-8-1. Staff then read the VIMS report for the project.

Mrs. Judy Jessie, agent, was in attendance to represent the project. Mrs. Jessie noted agreement with VIMS recommendations.

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

On a motion by Mr. Brooks, seconded by Mr. Taylor, and carried by a unanimous vote, Application #2005-1197 was approved with staff recommendations and the submission of revised drawings. This approval is valid for a term of 18 months.

C. William Budd – Wetlands Application #2005-1294.

Chairman Smither read the applicant's proposal requesting to install 13' of riprap revetment. The property for which the application is being made is located on Urbanna Creek, Tax Map #20A-1-121A. Staff then read the VIMS report for the project.

Mr. Jeff Watkins, agent, was in attendance to represent the project. Mr. Watkins provided clarification that beach nourishment was not part of the project, and offered to submit revised drawings.

Chairman Smither opened the public hearing.

Mr. John Zuegner, adjoining property owner, spoke in support of the project.

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 a unanimous vote, Application #2005-1294 was approved with staff recommendations and submission of an RPA Modification Permit. This approval is valid for a term of 18 months.

D. Page Smith – Wetlands Application #2005-1295.

Chairman Smither read the applicant's proposal requesting to install 125' of riprap revetment. The property for which the application is being made is located on Urbanna Creek, Tax Map #20A-1-122. Staff then read the VIMS report for the project.

Mr. Jeff Watkins, agent, was in attendance to represent the project.

Chairman Smither opened the public hearing.

Mr. John Zuegner spoke in support of the project.

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

On a motion by Mr. Taylor, seconded by Mrs. Willis, and carried by a unanimous vote, Application #2005-1295 was approved with staff recommendations and submission of an RPA Modification Permit. This approval is valid for a term of 18 months.

E. John Zuegner – Wetlands Application #2005-1330.

Chairman Smither read the applicant's proposal requesting to install 160' of riprap revetment. The property for which the application is being made is located on Urbanna Creek, Tax Map #20A-1-121. Staff then read the VIMS report for the project.

Mr. Jeff Watkins, 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 a unanimous vote, Application #2005-1330 was approved in accordance with staff recommendations and the submission of an RPA Modification Permit. This approval is valid for a term of 18 months.

F. Tim Lent – Wetlands Application #2005-1434.

Chairman Smither read the applicant's proposal requesting to install a 200' marsh toe revetment. The property for which the application is being made is located on the Piankatank River, Tax Map #43A-7-29. Staff then read the VIMS report for the project.

Mr. Jay Foster, agent, was in attendance to represent the project. Mr. Foster explained that jet ski's contribute to the erosion problem.

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 a unanimous vote, Application #2005-1434 was approved as submitted. This approval is valid for a term of 18 months.

OLD BUSINESS

A. Notice to Comply – Carroll Gilbert, Sworn Complaint issued 5/4/05 for the construction of an unauthorized bulkhead.

Chairman Smither introduced Notice To Comply – Carroll Gilbert, for the unauthorized construction of a bulkhead. Staff then read the staff recommendation that the Wetlands Board require an after-the-fact JPA.

Mr. Carroll Gilbert was in attendance. Mr. Gilbert commented that he was not aware a permit was required, and had acted on the advice of the previous property owner to repair the bulkhead.

Chairman Smither stated that the Board had determined at the previous meeting that there was a violation.

On a motion by Mr. Taylor, seconded by Mr. Brooks, and carried by unanimous vote, the Board voted to require an after-the-fact Joint Permit Application and an after-the-fact fee of \$550. Chairman Smither noted that staff would assist Mr. Gilbert through the process.

New Business

A. Wetlands Mitigation/Compensation Policy – Chip Neikirk to address the Wetlands Board.

Mr. Chip Neikirk, VMRC, gave a presentation explaining revisions to the Wetlands Mitigation-Compensation Policy and Supplemental Guidelines: Regulation 4 VAC 20-390-10 ET SEQ, adopted May 24, 2005 and published July 11, 2005. Mr. Neikirk explained the goal was to achieve a no-net loss of existing wetlands acreage and function in the signatories' regulatory program. He stated that key changes in the policy eliminate the previous threshold of 1,000 square feet for non-commercial projects and recognizes a Code change that allows use of mitigation banks to satisfy compensation requirements. Mr. Neikirk noted the importance of the Board's review of the policy and consider the policy during public hearings for each wetland application. Mr. Neikirk stated he would be available to answer questions regarding the policy.

Mr. Higgins suggested that the Board develop a strategy for adherence to the new regulations.

Following discussion, Chairman Smither proposed scheduling a work session following the next regular meeting to develop a strategy to implement the new guidelines.

On a motion by Mr. Taylor, seconded by Mrs. Willis, and carried by unanimous vote, the Board voted to schedule a work session following the September 13, 2005 meeting.

Mr. Neikirk introduced Ms. Karen Duhring, VIMS Marine Scientist. Ms. Duhring stated her willingness to provide support and information on future applications and projects.

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