

Middlesex County Wetlands Board Minutes

February 8, 2005

Call to Order

The February 8, 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
Mrs. Mary Ann Willis

Absent: 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 January 11, 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. James Bateman - Application #2004-2637.

Chairman Smither read the applicant's proposal requesting to install 85' of bulkhead at the toe of the existing bank and 85' of riprap to be placed channelward of the proposed bulkhead for erosion control. This project is located on Sturgeon Creek, at Tax Map # 40-13-6. Staff then read the VIMS report for the project.

Ms. Alor Grantham, agent, was in attendance to represent the project. She explained that the applicant was trying to achieve the same elevation that existed prior to Hurricane Isabel and felt the proposed height of the bulkhead was necessary in order to protect the property.

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

Chairman Smither noted that although VIMS recommended a lower bulkhead height, he recognized the applicant's owner's desire to protect the property as it was prior to the Hurricane.

On a motion by Mr. Miller, seconded by Mr. Brooks, and carried by unanimous vote, Application #2004-2637 was approved in accordance with staff recommendations as submitted. This approval is valid for a term of 18 months.

New Business

A. Notice to Comply – Mr. Leroy Carlton, Jr. .

Chairman Smither read the Sworn Complaint issued January 20, 2005 for the unauthorized dredging of subaqueous bottom with the dredged material deposited on wetland vegetation. Staff recommended that the Wetlands Board determine depositing dredged material on wetland vegetation to be a violation and to request Mr. Carlton to return to the March meeting to determine if a civil charge would be levied.

Mr. Leroy Carlton, Jr. was in attendance and was sworn in for testimony. Mr. Carlton explained that he had attempted to clean up hurricane debris from the water and shoreline using heavy equipment. Mr. Carlton stated that mud had been attached to limbs and debris as he had worked along the shoreline.

Mr. Brooks noted that there appeared to be a large amount of sediment on land, and that wetlands had been disturbed. He also noted the area appeared to be more of a dredge than a clean up.

Mr. Carlton stated that a VIMS representative had been on site and had taken photographs. He stated that a letter was to be sent to the Wetlands office from VIMS.

Mrs. Easterbrook confirmed that she received a letter from Mr. David O'Brien, VIMS, but it did not include an assessment of wetland impacts.

Chairman Smither explained that once the Board receives the VIMS wetlands impact statement, the Board would have the option to impose a civil charge if it is determined that a violation has indeed occurred. He noted that there was no permit on file, and it was apparent that some disturbance had taken place.

Mr. Neikirk suggested that the Board ask VIMS to include suggested remedies/restoration in the impact statement.

On a motion by Mrs. Willis, seconded by Mr. Brooks, and carried by unanimous vote, the Board voted to acknowledge there were violations on Mr. Carlton's property.

B. Alternate Board Members

Chairman Smither explained that the by-laws related to alternate board members should be amended to state that alternate board members could not be elected Chairman or Vice chairman.

Mrs. Easterbrook stated that she had amended the By-Laws as an addition to Article 4. Officers and Their Selection for the Board's approval.

On a motion by Mr. Miller, seconded by Mr. Armstead, and carried by unanimous the Board voted to amend the Wetlands Board By-laws to state that alternate board members may not serve as Chairman or Vice Chairman.

C. Potential Violations

Chairman Smither stated his intent to request VIMS to visit a property in Deltaville, as well as look at aerial photographs of the site, in an effort to ascertain if unpermitted work had taken place. He explained that while visiting a nearby site, two Board members had observed an adjoining property that appeared different than previous visits.

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