

Middlesex County Wetlands Board Minutes

March 8, 2005

Call to Order

The March 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 February 8, 2005 meeting. On a motion by Mr. Miller, 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. James Spivey - Application #2005-0011.

Chairman Smither read the applicant's proposal requesting to replace a failing bulkhead with 115' of riprap revetment for erosion control. This project is located on Sturgeon Creek, at Tax Map # 40-14-20. Staff then read the VIMS report for the project.

Chairman Smither opened the public hearing.

Mr. Joey Scott, agent, was in attendance to represent the project. He stated agreement with staff recommendations.

Mr. Richard Parker, Deltaville, stated opposition to the project. Mr. Parker expressed concern that the narrow channel would fill in and become inaccessible from his property. Mr. Parker suggested that the riprap extend 2' out, rather than 4' as proposed.

Mr. Scott stated that 4' would be the maximum channelward extension.

Mrs. Easterbrook stated that although she had received comments from concerned citizens regarding the project, the riprap would not encroach into the channel any further than neighboring properties.

Mr. Lawrence Delmer, representing a neighbor, Audrey Sidoli, expressed support of Mr. Parker's comments.

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

Mr. Miller commented that the north wind blows sand into the channel.

Mr. Scott concurred that the shallow channel bottom was mostly sand, with some silt and muddy bottom.

Chairman Smither explained that it was difficult to determine the effect of ingress/egress to the cove. He stated that the Board's concern was generally to allow property owners to protect their property.

Mr. Armstead agreed, and noted that the property owner needed to do something to prevent the washing out problem.

Mr. Armstead made a motion to approve the application in accordance with VIMS recommendation to bury the toe of the revetment. Mr. Brooks seconded the motion.

Mr. Miller stated that Mr. Parker had requested continuation of the application.

Chairman Smither stated that Mr. Parker did not make the request during the Open Public Hearing phase. Chairman Smither noted that the application was fairly straightforward. He agreed that while there were some legitimate concerns related to the effect of the proposal, Board's main concern was to allow for property protection as well as protecting the marine environment.

On a motion by Mr. Armstead, seconded by Mr. Brooks, and carried by unanimous vote, Application #2005-0011 was approved in accordance with staff recommendations as submitted. This approval is valid for a term of 18 months.

Old Business

- A. Violation – Mr. Leroy Carlton, Jr. – Sworn Complaint issued January 20, 2005 for the unauthorized dredging of subaquous bottom with the dredged material deposited on wetland vegetation.

Chairman Smither introduced the violation. Staff then read the VIMS report.

Mr. Leroy Carlton, Jr. was in attendance to answer any questions the Board may have.

Chairman Smither commented that if the wooden retaining wall were removed, tidal activity would wash and drain most of the subaquous material back into the waterbody, allowing the fringe marsh to reestablish itself. Chairman Smither spoke in favor of Staff recommendation to require removal of the wall and assessment of a \$250 civil charge, based on Mr. Carlton's agreement.

Mr. Carlton agreed to pay a \$250 charge.

On a motion by Mr. Miller, seconded by Mrs. Willis, and carried by unanimous vote, the Wetlands Board voted to assess a civil charge of \$250 and require removal of the wooden retaining wall in accordance with Staff recommendations.

- B. Inquiry – Regatta Point Marina c/o Jack Dozier, site visits conducted to determine encroachment into wetlands.

Chairman Smither introduced Inquiry – Regatta Point Marina c/o Jack Dozier, possible encroachment into vegetated wetlands.

Staff reported that Mr. Dozier was currently within the parameters of his permits. She explained that the Army Corps of Engineers had allowed Mr. Cozier to work almost directly up to the Wetland Board's jurisdiction.

Mrs. Easterbrook stated that Mr. Dozier had installed silt fencing along the Wetlands Board Jurisdiction and has been maintaining it regularly. She advised that the Board may request silt fencing be placed 2-5' landward of the current fencing to provide extra protection in low-lying areas.

Mr. Brooks commented that during a recent site visit, there appeared to be some damaged wetlands area on an upper bank.

Mrs. Easterbrook stated that Mr. Dozier had permits for the work on the property.

Chairman Smither stated that additional silt fence should be requested for extra protection of the low-lying areas.

On a motion by Mrs. Willis, seconded by Mr. Brooks, and carried by unanimous vote, the Board voted to request Mr. Dozier to install additional silt fence 2-5' landward of the current fencing.

New Business

- A. Extension Request – Wetlands Board Permit #2003-1545 by the Town of Urbanna for the rebuilding of Upton's Point Marina. Construction has commenced but will not be complete before the expiration of the permit.

Chairman Smither introduced Extension Request for Permit #2003-1545 for the Town of Urbanna. Staff recommended approval of the request.

Mr. Lewis Filling, Urbanna Town Manager, was in attendance to represent the request.

On a motion by Mr. Armstead, seconded by Mr. Brooks, and carried by unanimous vote, Extension Request for Wetlands Board Permit #2003-1545 was approved as submitted. This approval is valid for a term of 18 months.

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