

Middlesex County Wetlands Board Minutes

November 8, 2005

Call to Order

The November 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
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 October 11, 2005 meeting. On a motion by Mr. Taylor, and a second by Mr. Miller, 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. Carroll Gilbert – Wetlands Application #2005-2000.

Chairman Smither read the applicant's proposal requesting to install 114' of timber bulkhead immediately in front of an existing bulkhead. The property for which the application is being made is located on Meachim Creek, Tax Map #30-14-1. Staff then read the VIMS report for the project.

Mr. Carroll Gilbert, applicant, 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. Miller, and carried by unanimous vote, Application #2005-2000 was approved as submitted. This approval is valid for a term of 18 months.

B. Boy Scouts of America, c/o Dick Collins - Wetlands Application #2005-2049.

Chairman Smither read the applicant's proposal requesting to extend the existing fixed pier with a 646' x 6' floating pier to include 4 40'x40' finger piers to create 6 wet slips, 6 fender piles are proposed for ice flow protection. The property for which the application is being made is located on the Rappahannock River, Tax Map #2-35. Staff then read the VIMS report for the project.

Mr. Jason Miles, Bay Design Group, agent, and Mr. Dick Collins, applicant, were 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. Brooks, and carried by a unanimous vote, Application #2005-2049 was approved as submitted. This approval is valid for a term of 3 years to run concurrent with the VMRC Permit.

C. Charles Revere - Wetlands Application #2005-2158.

Chairman Smither read the applicant's proposal requesting to install a 300' riprap revetment with return wall in front of an existing bulkhead. The property for which the application is being made is located on Stampers Bay, Tax Map #43-3-1. Staff then read the VIMS report for the project.

Mr. Jay Foster, agent, was in attendance to represent the project. He commented that removing the existing failed groins would not be objectionable.

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. Armstead, and carried by a unanimous vote, Application #2005-2158 was approved as submitted. This approval is valid for a term of 18 months

D. Norview Marina – Wetlands Application #2005-2159.

Chairman Smither read the applicant's proposal requesting to reconstruct existing F-dock to create 8 slips and a new 10' x 8' fixed upland access with a 30' x 6' gangway to connect to the floating pier. The property for which the application is being made is located on Broad Creek, Tax Map #41-A-67.

Staff then read the VIMS report for the project.

Mr. Joey Scott, 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 a unanimous vote, Application #2005-2159 was approved as submitted. This approval is valid for a term of 3 years to run concurrent with the VMRC Permit.

E. John Koedel, Jr. – Wetlands Application #2005-2346.

Chairman Smither read the applicant's proposal requesting to install 40' of riprap revetment to connect two existing sections of revetment. The property for which the application is being made is located on Healy's Creek, Tax Map #39A-5-4. Staff then read the VIMS report for the project.

There was no one in attendance to represent the project.

On a motion by Mr. Miller, seconded by Mr. Taylor, and carried by a unanimous vote, Application #2005-2346 was continued until the December 13, 2005 meeting.

F. Jerry Lester – Wetlands Application #2005-2347.

Chairman Smither read the applicant's proposal requesting to install 100' of riprap revetment for erosion control. The property for which the application is being made is located on the Piankatank River, Tax Map #45-11-5. Staff then read the VIMS report for the project.

There was no one in attendance to represent the project.

On a motion by Mr. Taylor, seconded by Mr. Miller, and carried by a unanimous vote, Application #2005-2347 was continued until the December 13, 2005 meeting.

G. William Gieg – Wetlands Application #2005-2373.

Chairman Smither read the applicant's proposal requesting to install 70' of timber bulkhead with a 2' and 5' return wall. The property for which the application is being made is located on Jackson Creek, Tax Map #41-63. Staff then read the VIMS report for the project and noted that revised drawings had been submitted.

Christine Breddy, agent, was in attendance to represent the project. She explained that the applicant preferred a bulkhead for the project. Ms. Breddy stated that an existing pier goes to the return wall, and the bulkhead area would be filled in, seeded, and stabilized.

Mr. Brooks commented that there was some confusion related to the drawings.

Ms. Breddy commented that while she had not completed the drawing, upon the advice of VIMS she had revised the drawings to depict 50 linear ft. of bulkhead to break the wave action hitting the dock.

Mrs. Easterbrook expressed concern with filling in the triangular area, essentially creating uplands, which is not generally permitted.

Ms. Breddy commented that part of the problem was that the neighboring property did not place a return on their riprap revetment. Ms. Breddy was hopeful that the marsh sill would be effective. She further explained that the applicant wanted a bulkhead to tie his boat to, and he was putting the bulkhead back where it once was.

Mrs. Easterbrook noted that while there was obvious erosion, past applicants were not permitted to fill uplands in order to re-gain lost shoreline.

Chairman Smither questioned whether riprap would be utilized.

Ms. Breddy stated the applicant was against riprap, and wanted to retain a bulkhead on the side.

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

Ms. Breddy explained that the fill area would protect the pier and prevent water from reaching the pilings.

Chairman Smither commented that while he understood the intent, he had a problem with the project as proposed.

Ms. Breddy explained the applicant's desire to protect the pier, break wave action, have a place to tie his boat, and further noted the applicant stated there was a pier at this location prior to Hurricane Isabel.

Ms. Easterbrook cautioned the Board to be aware that filling uplands was not generally permitted.

Ms. Breddy requested that the application be continued until the December 13, 2005 meeting in order for the applicant to consider alternatives.

On a motion by Mr. Miller, seconded by Mr. Brooks, and carried by unanimous vote, Wetlands Application #2005-2373 was continued until the December 13, 2005 meeting.

Old Business

A. Adopt By-Law changes regarding commercial permit applications.

Chairman Smither introduced the proposed By-Law changes regarding commercial permit applications.

Mrs. Easterbrook explained that the changes were proposed so that the Board would not hear commercial permit applications in cases where the Board has no jurisdiction.

On a motion by Mr. Taylor, seconded by Mr. Brooks, and carried by unanimous vote, the Wetlands Board voted to adopt By-Law changes regarding commercial permit applications.

New Business

A. VMRC Mitigation Policy Changes

Mrs. Easterbrook explained that notes from the Planning District Commission Planners Meeting of October 19, 2005, notes from the November 1, 2005 board of Supervisors meeting, and information from CBLAD were presented for the Board's review.

Chairman Smither asked how mitigation fees would be set.

Mr. Higgins stated that the Board of Supervisors would set mitigation fees. He stated that staff would work up fees and make a recommendation to the Board of Supervisors.

Adjournment

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

Respectfully submitted,

Wetlands Board Chair

Date