

Middlesex County Wetlands Board Minutes

December 12, 2006

Call to Order

The December 12, 2006 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. Woodson Armstead
Mr. Archie Brooks
Mrs. Mary Ann Willis
Mr. Tom Hawksworth

Absent: Mr. B. Ulman Miller – Vice Chairman
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 November 14, 2006 meeting. On a motion by Mr. Brooks, 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 E. McPherson, Jr. - #2003-1984.

Chairman Smither read the applicant's proposal requesting to conduct 3,000 cubic yards of maintenance dredging, and dredge an existing groin cell. This project is located on Fishing Bay, at Tax Map #46-4-35. Staff then read the VIMS report for the project.

Mr. Don Caskie, agent, was in attendance to represent the project. Mr. Caskie stated that an adjoining property owner had asked for dredged sand to be placed on the adjoining property, and Mr. McPherson did not object

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. Brooks, and carried by unanimous vote, Application #2003-1984 was approved for maintenance dredging. The permit should run concurrent with the VMRC permit for a period of 5 years. An RPA Modification Permit will be required for the spoils site.

B. Joseph C. Fears, Jr. – Application #2006-2355.

Chairman Smither read the applicant's proposal requesting to install 245' of riprap revetment with a 20' return wall. The property for which the application is being made is located on the Rappahannock River, Tax Map # 30-94A. Staff then read the VIMS report for the project.

Mr. Bryan Barnes, agent, was in attendance to represent the project. Mr. Barnes expressed agreement with staff 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 Mrs. Willis, and carried by unanimous vote, Application #2006-2355 was approved based on the following staff recommendations: 1) the 20' return wall be placed behind the high-marsh vegetation. Revised drawings will be required, 2) the return wall be staked before construction begins (so that staff can ensure the alignment is behind all wetland vegetation), and 3) the homeowner cease mowing the wetland vegetation. An RPA Modification Permit will be required. This approval is valid for a term of 18 months.

C. Peter Hustead - Application #2006-2374.

Chairman Smither read the applicant's proposal requesting to install an 85' vinyl bulkhead with a 6' return wall. The property for which the application is being made is located on Meachim Creek, Tax Map # 30A-1-20. 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. Armstead, seconded by Mr. Hawksworth, and carried by unanimous vote, Application #2006-2374 was approved as submitted. An RPA Modification Permit will be required. This approval is valid for a term of 18 months.

D. Jeff King - #2006-2375.

Chairman Smither read the applicant's proposal requesting to install 178' of riprap revetment. The property for which the application is being made is located on LaGrange Creek, Tax Map # 14-10-2. Staff then read the VIMS report for the project.

Mr. Joey Scott, agent, was in attendance to represent the project. Mr. Scott commented that there would be minimal grading on the project site.

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

On a motion by Mr. Hawksworth, seconded by Mrs. Willis, and carried by unanimous vote, Application #2006-2375 was approved with Staff recommendation following the VIMS recommendation to tie the west end into the neighbors existing riprap and to taper the revetment into the marsh at the east end. The revetment may need to extend a little further into the marsh to protect the point. An RPA Modification Permit will be required. This approval is valid for a term of 18 months.

E. Morton E. Clark Railway/Marine, Olivia M. Griebel, Executor – Application #2006-2502.

Chairman Smither read the applicant's proposal requesting to upgrade the existing marina facility with new piers, finger piers, walkways, and bulkheads, the existing slips will be upgraded and 10 new slips are proposed. The property for which the application is being made is located on Locklies Creek, Tax Map # 30-7-3. Staff then read the VIMS report for the project.

Mrs. Carissa Agnese, agent, was in attendance to represent the project. Mrs. Agnese explained the applicant's desire to distance the proposed bulkhead from the existing bulkhead and electrical wires that run beneath the sand and concrete. She noted that the marine railway would be removed and there would be fewer slips than originally were on the property.

Chairman Smither opened the public hearing.

Mrs. Millie Wassum, adjoining property owner to the east, expressed concern that the proposed pier extension would be too close to the boathouse on her property, making the space too tight for backing boats out of the boathouse.

Mr. Kit Robinson, adjoining property owner to the west, stated that while he was in favor of repairing the site, he was concerned about the increased growth of the project, and environmental impacts to the small, narrow creek, as well as potential erosion to his property.

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

Chairman Smither noted that VMRC has jurisdiction over the pier length and number of slips permitted.

Mrs. Agnese commented that she and the applicant would be willing to meet with the adjoining property owners to hopefully reach a compromise agreeable to all parties.

Chairman Smither stated that the Board desires to be consistent in policy, and would prefer that the new bulkhead stay close to the same footprint as the existing old bulkhead, directly against the old bulkhead.

Mr. Brooks asked if replacing the electrical would be a problem, and noted that Electrical Codes have changed since the original installation.

Mrs. Agnese stated that the applicant was trying to determine what to do as far as replacing/renovating the entire project and would be willing to compromise on some of the issues and concerns.

Chairman Smither reiterated that the new bulkhead should be directly in front of the existing bulkhead.

On a motion by Mr. Armstead, seconded by Mr. Brooks, and carried by unanimous vote, Application #2006-2502 was approved based on the following staff recommendations: 1) the 75' and 18' replacement sections be placed in the same alignment as the existing structure, 2) the 57' replacement section be placed as close to the existing bulkhead as possible, 3) the new section avoid the existing wetland vegetation, 4) discuss moving the 3 slips on the east end to prevent erosion of the adjacent natural shoreline. This may also help with the objection of an adjacent property owner, and 5) revised drawings will be required. An RPA Modification Permit will be required. This approval is valid for a term of 3 years.

F. Bush Park Estates c/o James Beaver – Application #2006-2576.

Chairman Smither read the applicant's proposal requesting to install two (2) 60' bulkheads along the boat ramp and eroded shoreline. The property for which the application is being made is located on Bush Park Creek, Tax Map # 39C-1-B. Staff then read the VIMS report for the project.

Mr. James Beaver, project manager and property owner in Bush Park Estates, 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.

Mr. Beaver commented that the drainpipe would be replaced, and the repair work would be done properly. Mr. Beaver stated that he would submit revised drawings to address staff recommendations.

On a motion by Mr. Armstead, seconded by Mr. Brooks, and carried by unanimous vote, Application #2006-2576 was approved in accordance with staff recommendations: 1) the bulkheads be constructed with tiebacks and small return walls, revised drawings will be required, and 2) the drain pipe be repaired and possibly moved to drain down the concrete riprap instead of releasing over the bulkhead. As the pipe corrodes the bulkhead will be compromised and lead to failure again. An RPA Modification Permit will be required. This approval is valid for a term of 18 months.

G. R. Giles Tucker – Application # 2006-2638.

Chairman Smither read the applicant's proposal requesting to install 88' of timber bulkhead in front of an existing failed bulkhead. The property for which the application is being made is located on the Chesapeake Bay, Tax Map # 146-7-60. Staff then read the VIMS report for the project.

Mrs. Carissa Agnese, agent, was in attendance to represent the project. Mrs. Agnese stated that the applicant was not interested in installing riprap revetment on the property, and wanted to maintain a beach area behind the proposed replacement bulkhead.

Chairman Smither opened the public hearing.

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

Chairman Smither expressed the opinion that riprap revetment was more effective, however, he did not object to replacing the failing bulkhead.

On a motion by Mrs. Willis, seconded by Mr. Armstead, and carried by unanimous vote, Application #2006-2638 was approved as submitted. An RPA Modification Permit will be required. This approval is valid for a term of 18 months.

New Business

A. Notice to Comply – Barnett Keith, for the unauthorized removal and cutting of wetland vegetation on Healy's Cove, Tax Map #36-4-38.

Mrs. Easterbrook stated that due to illness, Mr. Keith was not in attendance at the meeting. She suggested that the Notice to Comply be continued until the January 2007 meeting, in hopes that Mr. Keith would be able to attend.

On a motion by Mr. Brooks, seconded by Mr. Hawksworth, and carried by unanimous vote, the Board voted to continue Notice to Comply – Barnett Keith until the January 2007 meeting.

B. Reschedule January 2, 2007 site visit.

Mrs. Easterbrook stated that the regularly scheduled site visit date, January 2, 2007, was a holiday and proposed that the Wetlands Board meet on January 3, 2007 to conduct site visits. By consensus, the Board agreed to meet January 3, 2007 for site visits.

C. Review letter to contractors regarding staking project sites.

Mrs. Easterbrook stated that notice was being sent to contractors and agents explaining new permit requirements that would help in an effort to comply with DCBLA requirements. Of particular interest to the Board, she noted that sites must be staked before the Wetlands Board conducts the site visit.

D. Briefly review changes made to the By-Laws this year.

Mrs. Easterbrook stated that she would finalize the formatting and text changes made to the By-Laws during the past year.

E. New Board Member

Chairman Smither expressed welcome to newly appointed Board Member, Mr. Tom Hawksworth, and thanked Mrs. Mary Ann Willis for her continued support to the Board as an alternate Board member.

Adjournment

With no further business to discuss Mr. Armstead moved to adjourn the meeting, seconded by Mrs. Willis, the meeting was adjourned unanimously.

Respectfully submitted,

Wetlands Board Chair

Date