

Middlesex County Wetlands Board Minutes

January 10, 2006

Call to Order

The January 10, 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. B. Ulman Miller – Vice Chairman
Mr. M. Dale Taylor
Mr. Woodson Armstead
Mr. Archie Brooks

Staff present: Amy Easterbrook, Planner
Cathy Shiflett, Planning Department Secretary

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

Election of Officers

Mrs. Easterbrook advised the Board that officers were to be elected at the meeting. Mrs. Easterbrook opened the floor for nominations for Chairman.

On a motion by Mr. Armstead, seconded by Mr. Miller, and carried by unanimous vote, Mr. Smither was reelected Chairman.

On a motion by Mr. Armstead, seconded by Mr. Taylor, and carried by unanimous vote, Mr. Miller was reelected Vice Chairman.

Minutes

The Board considered the minutes of the December 13, 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. Virginia Baptist Mission Board - Application #2004-2811.

Chairman Smither read the applicant's proposal requesting to install 300' of riprap revetment for erosion control. This project is located on the Piankatank River, at Tax Map # 43-16. Staff then read the VIMS report for the project.

Chairman Smither opened the public hearing.

Mr. Ed Ruark, representing the applicant, was in attendance to represent the project. Mr. Ruark explained that he had met with staff on site the previous year and did not think a wetlands permit would be required. Consequently, the plans were revised and Mr. Ruark explained that the proposal was intended to avoid further

erosion of the steep bank. Mr. Ruark expressed agreement with VIMS recommendations to utilize Class II stone rather than the heavier Class III.

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

Mr. Taylor stated his opinion that a heavy stone should be used on the project in order to protect the shoreline from erosion damage in the future given the steep slope of the bank.

Chairman Smither agreed that something needed to be done to protect the bank from further erosion.

Mr. Ruark stated the project would be constructed in accordance with the Board's direction.

Mr. Neikirk stated that a properly constructed toe, utilizing Class II stone, would be adequate for the proposed project.

Chairman Smither commented that a properly installed ground cover would help eliminate further erosion.

On a motion by Mr. Miller, seconded by Mr. Armstead, and carried by unanimous vote, Application #2004-2811 was approved in accordance with staff recommendations and submission of revised drawings. This approval is valid for a term of 18 months.

B. Ken and Carolyn Schmalenberger (Norton's Yacht Sales) – Wetlands Application #2005-2629.

Chairman Smither read the applicant's proposal requesting to install three sections of bulkhead immediately in front of existing failing bulkheads. The property for which the application is being made is located on Broad Creek, Tax Map #41-21-15, 16. Staff then read the VIMS report for the project.

Mrs. Carolyn Schmalenberger, 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.

Chairman Smither questioned how impacts to the vegetated wetlands would be impacted under new VMRC No Net Loss requirements.

Ms. Easterbrook commented that placing the new bulkhead in the exact footprint would eliminate wetlands impacts.

Chairman Smither noted that the Board of Supervisors had not yet adopted No Net Loss In-Lieu Fees.

Mr. Neikirk commented that perhaps the marsh pocket could be extended as on-site wetlands compensation in this case.

Mrs. Schmalenberger stated that the existing marine railways on-site would not be used in the future.

Mrs. Easterbrook commented that the marsh grass could be moved and re-planted by the railway.

On a motion by Mr. Armstead, seconded by Mr. Brooks, and carried by unanimous vote, Application #2005-2629 was approved as submitted, based on revised drawings to be submitted, and moving and replanting the marsh grass next to the marine railway. This approval is valid for a term of 18 months.

C. Richard Barnard – Wetlands Application #2005-2833.

Chairman Smither read the applicant's proposal requesting to remove and replace the existing bulkhead with an 87' vinyl bulkhead with 2 return walls, ' and 5'6", also install 10' of riprap adjacent to the pier to prevent

further erosion and to protect a large tree. The property for which the application is being made is located on the Piankatank River, Tax Map #35-3-B. Staff then read the VIMS report for the project.

Ms. Carissa Lee, agent, was in attendance to represent the project. Ms. Lee explained the applicant's desire to protect the tree on the shoreline from scour and erosion due to boat traffic and weather conditions.

Chairman Smither opened the public hearing.

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

Chairman Smither questioned benchmarks on the drawings.

Mrs. Easterbrook explained that VIMS was becoming stricter in enforcing requirements for the VIMS reports.

Chairman Smither asked if the agent could provide the benchmarks in accordance with VIMS request.

Ms. Lee stated that she felt adequate benchmarks were provided on the drawings, but she could provide additional information as requested.

Mrs. Easterbrook stated that grass could be transplanted beside the tree on the shoreline to reduce impacts to the wetlands.

On a motion by Mr. Taylor, seconded by Mr. Miller, and carried by unanimous vote, Application #2005-2833 was approved with staff recommendations and with marsh grass to be replaced around the tree on the shoreline. This approval is valid for a term of 18 months.

D. Ken O'Dell – Wetlands Application #2005-2910.

Chairman Smither read the applicant's proposal requesting to install 50' of riprap revetment for shoreline erosion control. The property for which the application is being made is located on Fishing Bay, Tax Map #41-68. 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 #2005-2910 was continued until the February 14, 2006 meeting.

Old Business

A. Discuss rates for In-Lieu fees.

Chairman Smither explained that the Board of Supervisors must set rates for In-Lieu fees, which would give applicants the option of paying for loss of wetlands, rather than moving grasses.

Mrs. Easterbrook presented several recommendations on how to set the In-Lieu fee. She related that VMRC recommends the fees reflect land values and the construction costs/cost of the initial installation. Mrs. Easterbrook proposed \$12.00/sq. ft. as a reasonable value.

Mr. Neikirk noted that the Board should continue to stress avoidance of loss of wetlands, with on-site mitigation as a second option, and payment of In-Lieu fees as the last option available to applicants.

On a motion by Mr. Taylor, seconded by Mr. Brooks, and carried by unanimous vote, the Board voted to accept staff recommendation of \$12.00/sq. ft. for No Net Loss In-Lieu Fees.

New Business

A. VIMS Permit Requirements.

Mrs. Easterbrook explained that she had notified contractors and agents of the stricter enforcement of VIMS' requirements prior to providing VIMS recommendations on a project. She explained that this process would make more efficient use of time for VIMS staff when reviewing proposals.

Adjournment

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

Respectfully submitted,

Wetlands Board Chair

Date