

County Wetlands Board Minutes

November 13, 2007

Call to Order

The November 13, 2007 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. Tom Hawksworth – Vice Chairman
Mr. Woodson Armstead
Mr. Archie Brooks
Mr. M. Dale Taylor

Staff present: Matt Kraegel, Planner

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

Minutes

The Board considered the minutes of the October 9, 2007 meeting. On a motion by Mr. Taylor, 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. D. W. Culbertson - Application #2007-1953

Chairman Smither read the applicant's proposal requesting to replace an existing 90' deteriorated jetty with a new timber jetty and as well as construct another new 60' jetty, both having 20' spurs. The property for which the application is being made is located on the Rappahannock River at Tax Map # 40-2-E-16. Staff then read the VIMS report for the project.

Michelle Meredith, agent, was in attendance to represent the project. Mrs. Meredith had no questions about the staff report.

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

Mr. Taylor asked how Mr. Culbertson would deal with the current erosion on his slope which was causing soil to fall into the Board's jurisdiction.

Mrs. Meredith said that grass seed was recently planted and that it should be growing soon.

Mr. Taylor stated that this was something that needed continual monitoring.

On a motion by Mr. Hawksworth, seconded by Mr. Taylor, and carried by unanimous vote, Application #2007-1953 was approved in accordance with Mr. Taylor's recommendation that: 1)The erosion on Mr. Culbertson's

steep eroding bank be monitored closely and that any issues be resolved immediately. This approval is valid for a term of 18 months.

B. Jim Simpson - Wetlands Application #2007-2086

Chairman Smither read the applicant's proposal requesting to install 64' of vinyl bulkhead in front of the existing timber bulkhead. The property for which the application is being made is located on Sturgeon Creek, Tax Map #40-23-A-1. Staff then read the VIMS report for the project.

Michelle Meredith, agent, was in attendance to represent the project.

Chairman Smither opened the public hearing.

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

On a motion by Mr. Brooks, seconded by Mr. Armstead, and carried by unanimous vote, Application #2007-2086 was approved in accordance with staff recommendation. This approval is valid for a term of 18 months.

C. Ross Girvan - Wetlands Application #2007-2085.

Chairman Smither read the applicant's proposal requesting to install a new 80' freestanding vinyl bulkhead. The property for which the application is being made is located on Sturgeon Creek, Tax Map #40-29-5. Staff then read the VIMS report for the project.

Mrs. Meredith, agent, was in attendance to represent the project.

Chairman Smither opened the public hearing.

Chairman Smither asked Mrs. Meredith if he had anything to say regarding the staff report.

Mrs. Meredith stated that it would be very hard to get benchmark measurements from the house and suggested the existing pier instead.

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

Mr. Hawksworth asked if the bulkhead could be put behind the wetlands grasses seen on the site and if the proposed returns could be made into slants.

Chip Neikirk then recommended that the benchmark measurements be made from the existing pier.

On a motion by Mr. Hawksworth, seconded by Mr. Taylor, and carried by unanimous vote, Application #2007-2085 was approved given that 1) the revised drawings had benchmark measurements from the pier to show where the pilings would go, 2) the structure went behind the grasses, and 3) both sides are slanted and not returned. This approval is valid for a term of 18 months.

D. Lydia Strickland – Wetlands Application #2007-2129.

Chairman Smither read the applicant's proposal requesting to install 145' of rip rap revetment (class AI stone) along the shoreline. The property for which the application is being made is located on Montgomery Cove, Tax Map #41-16-1. Staff then read the VIMS report for the project.

Mr. Joey Scott, agent, was in attendance to represent the project.

Mr. Smither asked if he had any comments about the staff report.

Mr. Scott said Mrs. Strickland would be willing to add more junipers, and added that erosion will continue without the proposed revetment.

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. Taylor, and carried by unanimous vote, Application #2007-2129 was approved as recommended. This approval is valid for a term of 18 months.

E. Jeffrey Bateman - Wetlands Application #2007-1898

Chairman Smither read the applicant's proposal requesting to remove the existing 62' wooden bulkhead and construct 62' of new wooden bulkhead in the same, original alignment as well as remove existing 24' wooden groin and construct new wooden groin in same, original alignment. The property for which the application is being made is located on the Piankatank River, Tax Map #37A-6-180. Staff then read the VIMS report for the project.

Christine Breddy, agent, was in attendance to represent the project.

Chairman Smither opened the public hearing.

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

Christine Breddy mentioned that there would be no wetlands impact.

On a motion by Mr. Hawksworth, seconded by Mr. Armstead, and carried by unanimous vote, Application #2007-1898 was approved given that there is no wetlands vegetation impacted and the groin is built on the sand-ward side of the existing groin. A revised drawing is necessary. This approval is valid for a term of 18 months.

F. Richard Wells - Wetlands Application #2007-2084

Chairman Smither read the applicant's proposal requesting to 57' of riprap revetment in front of and over top of existing bulkhead. The property for which the application is being made is located on Sturgeon Creek, Tax Map #40-140-24. Staff then read the VIMS report for the project.

Christine Breddy, agent, was in attendance to represent the project.

Chairman Smither opened the public hearing.

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

Mr. Hawksworth asked if the rip rap was going under the pier.

Christine Breddy said that it would not go under the pier.

On a motion by Mr. Hawksworth, seconded by Mr. Taylor, and carried by unanimous vote, Application #2007-2084 was approved in accordance with staff recommendation. This approval is valid for a term of 18 months.

G. Dora A. Warren - Wetlands Application #2007-2247

Chairman Smither read the applicant's proposal requesting to construct 94' of timber bulkhead with a 5' return. The property for which the application is being made is located on the Piankatank River, Tax Map #37A-7-21. Staff then read the VIMS report for the project.

Christine Breddy, agent, was in attendance to represent the project.

Chairman Smither opened the public hearing.

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

Mr. Hawksworth asked Ms. Breddy if Ms. Warren had considered a living shoreline.

Christine Breddy responded saying that she had mentioned it however Ms. Warren still wanted a bulkhead.

On a motion by Mr. Taylor, seconded by Mr. Brooks, and carried by unanimous vote, Application #2007-2247 was approved in accordance with staff recommendation. This approval is valid for a term of 18 months.

H. Charles and Myra Wall - Wetlands Application #2007-2002

Mr. Taylor refutes himself from the case.

Chairman Smither read the applicant's proposal requesting to add rock to existing rip rap and add rock to shore to include 111 ft of shoreline rip rap and 28 ft of groin, as well as add dirt around trees. The property for which the application is being made is located on Sturgeon Creek, Tax Map #40-14-13A. Staff then read the VIMS report for the project.

Mr. and Mrs. Wall were in attendance to represent the project.

Chairman Smither opened the public hearing.

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

Chairman Smither explained why Mr. and Mrs. Wall were here, and explained that the proper procedure would be to grant an after the fact permit.

On a motion by Mr. Hawksworth, seconded by Mr. Brooks, and carried by unanimous vote, Application #2007-2002 was approved in accordance with staff recommendation to grant an after the fact permit at the cost of \$550. This approval is valid for a term of 18 months.

New Business

A. Barnett C. Keith

Mr. Soberick told Mr. Kraegel that the case was on the November docket and a restoration plan was going to be submitted.

B. Charles H. Krumbein

The Board stated that if Mr. Krumbein paid his civil penalty and reapplied for a permit they would grant him one. However if he did not pay no permits are to be granted until he does pay.

On a motion by Mr. Taylor, seconded by Mr. Brooks and carried by unanimous vote the board voted to pursue suit against Mr. Krumbein.

C. Raise

On a motion by Mr. Taylor, seconded by Mr. Brooks and carried by unanimous vote the board voted to ask the Board of Supervisors for a raise.

Adjournment

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

Respectfully submitted,

Wetlands Board Chair

Date