

## Middlesex County Wetlands Board Minutes

March 13, 2007

### **Call to Order**

The March 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. 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).

### **Minutes**

The Board considered the minutes of the February 13, 2007 meeting. On a motion by Mr. Armstead, and a second by Mr. Hawksworth, 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 Mackey - Application #2007-0007.

Chairman Smither read the applicant's proposal requesting to construct 75' of timber bulkhead. This project is located on Broad Creek, at Tax Map # 41-35-1. Mr. Smither stated that the contractor had requested that the Application be continued until the April 10, 2007 meeting.

On a motion by Mr. Armstead, seconded by Mr. Hawksworth, and carried by unanimous vote, Application #2007-0007 was continued until the April 10, 2007 meeting.

B. Hunton Creek Improvement Association c/o Ken Kidwell - Wetlands Application #2007-0063.

Chairman Smither read the applicant's proposal requesting to construct a 96' rock jetty to replace an existing failed timber jetty. The property for which the application is being made is located on Hunton Creek, Tax Map #40-9-A. Staff then read the VIMS report for the project.

Mr. Ken Kidwell, Hunton Creek Improvement Association representative, 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. Taylor, and carried by unanimous vote, Application #2007-0063 was approved based on the following staff recommendations: 1) If improvements to the access are needed, then disturbance to the beach and tidal marsh vegetation should be avoided. Incidental damage to either

wetland or beach vegetation should be restored after the dredging and beach nourishment area complete. An RPA Modification Permit will be required. This approval is valid for a term of 18 months.

C. David Malechek - Wetlands Application #2007-0173.

Chairman Smither read the applicant's proposal requesting to construct a 150' riprap revetment and to repair and restack an existing 50' riprap revetment. The property for which the application is being made is located on the Piankatank River, Tax Map #43-17-2. Staff then read the VIMS report for the project.

Mr. Joey Scott, agent, was in attendance to represent the project. Mr. Scott stated that the contractor had proposed to clean up the existing concrete riprap revetment by hand without expanding the area and to complete the project as proposed by staff may be more costly than the applicant had budgeted for the project. He further noted that removing the existing stone and replacing it channelward would require heavy machinery on the site, which may cause more wetlands impacts.

Mr. Taylor stated the opinion that the existing riprap revetment should be moved channelward.

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

Mr. Armstead commented that moving the existing riprap might damage the beach and bank and spoke in favor of cleaning it up, rather than moving the riprap.

Mr. Neikirk suggested that rather than compelling the applicant to remove the riprap the Board could continue the application in order to allow the applicant to obtain cost estimates for the project in accordance with staff recommendations. Mr. Neikirk also commented that unless there was evidence that the concrete was placed without permits, the existing revetment could remain and grout could be removed to clean it up.

Mr. Scott commented that he would like to have an opportunity to discuss the project with the applicant and express the Board's concerns.

On a motion by Mr. Hawsworth, seconded by Mr. Brooks, and carried by unanimous vote, Application #2007-0173 was continued until the April 10, 2007 meeting.

D. Mark E. Holt, III - Wetlands Application #2007-0212.

Chairman Smither read the applicant's proposal requesting to construct a vinyl groin 48' channelward from existing MHW, total length approximately 98' from the existing revetment. The property for which the application is being made is located on the Rappahannock, Tax Map #41-49-33. Staff then read the VIMS report for the project.

Mr. Joey Scott, agent, was in attendance to represent the project. Mr. Scott stated that the proposed groin was in keeping with groins located down river, and that there were no groins on the up riverside to catch sand. He noted that the project was designed to replace the current groin with vinyl. Mr. Scott noted that the contractor did not plan to pull out the old dock and groins.

Mr. Taylor commented that the project location has problems and suffers frequent storm damage.

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 unanimous vote, Application #2007-0212 was approved as submitted. An RPA Modification Permit will be required. This approval is valid for a term of 18 months.

**Old Business**

A. Civil Charge Account

Chairman Smither stated that Mrs. Easterbrook had completed research to determine the amount of funds in the Civil Charge Account and determined there was a balance of \$7,750.00 prior to the Holly Point Nature Park donation of \$2,000.

B. Notice to Comply – Barnett Keith

Mrs. Easterbrook stated that A Notice to Appeal was hand delivered to the office on 2/20/07 appealing the \$3,000 civil charge and order of restoration of the tidal marsh the Board assessed for unauthorized clearance of vegetation and possible fill on Mr. Barnett Keith's property.

**New Business**

A. Middlesex County Budget 2007 / 2008

Mrs. Easterbrook stated that the Wetlands Board was included in the Budget up to this point.

B. Matthew Higgins, Planning Director

Chairman Smither expressed congratulations on behalf of the Board as Mr. Higgins will be leaving the position of Planning Director in July. Mr. Higgins will pursue his Master of Divinities degree at Southwestern Baptist Theological Seminary in Forth Worth, TX.

C. Legal Assistance – County Attorney

Chairman Smither stated that the County Attorney serves the Board of Supervisors and if the Wetlands Board requires legal assistance, a request must be presented to the Board of Supervisors through Mr. Higgins, the Planning Director.

Mr. Higgins stated that he would request to be placed on the Board of Supervisors' Agends next month discuss seeking the County Attorney's assistance in the Krumbein case.

**Adjournment**

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

Respectfully submitted,

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Wetlands Board Chair

\_\_\_\_\_  
Date