

County Wetlands Board Minutes

June 12, 2007

Call to Order

The June 12, 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: 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 May 8, 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. Gerald Speeks - Application #2007-0808

Chairman Smither read the applicant's proposal requesting to install 76' of vinyl bulkhead 2' channelward of the existing timber bulkhead. The property for which the application is being made is located on Jackson Creek, Tax Map # 40-38-4. Staff then read the VIMS report for the project.

Mrs. Paula Meredith, 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.

Mr. Hawksworth questioned whether the new bulkhead would be constructed as close as possible to the old bulkhead.

Chairman Smither noted the Board's concern that the bulkhead would not be constructed 2' channelward of the existing bulkhead.

Ms. Easterbrook stated that the new vinyl bulkhead would be placed in front of the old timber bulkhead.

On a motion by Mr. Hawksworth, seconded by Mr. Armstead, and carried by unanimous vote, Application #2007-0808 was approved in accordance with staff recommendation that 1) only clean sand fill shall be used as backfill, 2) the new bulkhead shall be constructed as close to the existing bulkhead as possible, and 3) the return wall must avoid the wetland vegetation, if necessary the return wall may need to be constructed in the same footprint. An RPA Modification Permit will be required. This approval is valid for a term of 18 months.

B. Allen Holloway - Wetlands Application #2007-0925.

Chairman Smither read the applicant's proposal requesting to install 20' of bulkhead in front of an existing bulkhead and maintenance dredge 250 cubic yards from under the adjacent boatlift. The property for which the application is being made is located on Broad Creek – east branch, Tax Map # 41-52-78. Staff then read the VIMS report for the project.

Ms. Easterbrook stated there was no VIMS report for the project and recommended continuing the Application until the July 10, 2007 meeting.

On a motion by Mr. Taylor, seconded by Mr. Brooks, and carried by unanimous vote, Application #2007-0925 was continued until the July 10, 2007 meeting.

C. Robert Weis - Wetlands Application #2007-0950.

Chairman Smither read the applicant's proposal requesting to install 123' of timber bulkhead for shoreline erosion control. The property for which the application is being made is located on Jackson Creek, Tax Map #40-224. Staff then read the VIMS report for the project.

Mrs. Karla Havens, agent, was in attendance to represent the project. Mrs. Havens stated that the applicant was not interested in using riprap revetment on the project and would only consider a bulkhead for the project. She further stated that the section on the west end could be angled inland to eliminate 10 sq. ft. of fill in accordance with VIMS recommendations.

Mr. Taylor questioned the proposed height of 5 ft. for the bulkhead.

Mrs. Havens stated that the applicant requested a height of 5 ft.

Mr. Taylor stated that a lesser height should be adequate for the location.

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. Armstead, and carried by unanimous vote, Application #2007-0950 was approved for a bulkhead with a height not to exceed 3 ft. above Mean Low Water, and with the west 10 feet of the structure pulled back behind wetlands vegetation. This approval is valid for a term of 18 months.

D. Donald F. Simpson - Wetlands Application #2007-0963.

Chairman Smither read the applicant's proposal requesting to install 164' of vinyl bulkhead in front of an existing bulkhead and replace 3 existing groins. The property for which the application is being made is located on Fishing Bay, Tax Map # 46-5-45. Staff then read the VIMS report for the project.

Mr. Jay Foster, agent, was in attendance to represent the project. Mr. Foster stated that there were five (5) groins on the property, and would be replaced with four (4) groins. Mr. Foster offered to provide revised drawings.

Chairman Smither opened the public hearing.

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

On a motion by Mr. Hawsworth, seconded by Mr. Armstead, and carried by unanimous vote, Application #2007-0963 was approved based on the following staff recommendations: 1) clarification on which groins are to be replaced and how the bulkhead under the pier will be replaced, 2) the groins shall be designed as low-profile, 3) the bulkhead shall be constructed as close to the existing bulkhead as possible, and 4) only clean sand fill shall be used as backfill. An RPA Modification Permit will be required. This approval is valid for a term of 18 months.

E. Howard O. Haverty - Wetlands Application #2007-0964.

Chairman Smither read the applicant's proposal requesting to install 150' of vinyl bulkhead in front of an existing bulkhead and replace 3 existing groins. The property for which the application is being made is located on Fishing Bay, Tax Map #46-6-47. Staff then read the VIMS report for the project.

Mr. Jay Foster, 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. Hawksworth, seconded by Mr. Armstead, and carried by unanimous vote, Application # 2007-0964 was approved based on the following staff recommendations: 1) the groins shall be designed as low-profile, 2) the bulkhead shall be built as close to the existing bulkhead as possible, and 3) only clean sand fill shall be used as backfill. This approval is valid for a term of 18 months.

F. Charles A. Weaver – Application #2007-0965.

Chairman Smither read the applicant's proposal requesting to install 157' of vinyl bulkhead in front of an existing bulkhead and replace 3 existing groins. The property for which the application is being made is located on Fishing Bay, Tax Map #46-6-49. Staff then read the VIMS report for the project.

Mr. Jay Foster, 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. Hawksworth, seconded by Mr. Brooks, and carried by unanimous vote, Application #2007-0965 was approved in accordance with the following staff recommendations: 1) the groins shall be designed as low-profile, 2) the bulkhead shall be built as close to the existing bulkhead as possible, and 3) only clean sand fill shall be used as backfill. This approval is valid for a term of 18 months.

G. Jerry Dutton – Application #2007-1046.

Chairman Smither read the applicant's proposal requesting to install 140' of marsh sill, 12.5 cu. yards of sandy, beach quality fill, and 30 cu. yards of beach nourishment along an eroding shoreline. The property for which the application is being made is located on the Rappahannock River, Tax Map #30-99.

Mr. Joey Scott, agent, was in attendance to represent the project. Mr. Scott explained that the applicant was not interested in considering breakwaters versus the marsh toe sill due to the high costs involved. Mr. Scott explained that since the adjoining property was not protected he felt that curving the riprap inward would provide better protection to the applicant's property.

Chairman Smither acknowledged the problem, but noted that the Board has to deal with the existing property lines.

Chairman Smither opened the public hearing.

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

Mr. Taylor suggested using #2 stone for shoreline stabilization on this project.

On a motion by Mr. Taylor, seconded by Mr. Hawksworth, and carried by unanimous vote, Application #2007-1046 was approved for riprap in accordance with the following staff recommendations: 1) the end of the structure be aligned with the rest of the structure, vs. curving into the marsh, in order to reduce the amount of

“end effect” erosion on the adjacent property owner’s marsh, and 2) revised drawings will be required. This approval is valid for a term of 18 months.

H. Wayne and Karen Byrd – Application #2007-1067.

Chairman Smither read the applicant’s proposal requesting to install 178’ of timber bulkhead, 88’ in front of an eroded bank and 90’ in front of an existing bulkhead. The property for which the application is being made is located on the Rappahannock River, Tax Map #8A-2-1, 2.

Mr. Frank Evans, 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. Brooks, seconded by Mr. Hawksworth, and carried by unanimous vote, Application #2007-1067 was approved in accordance with the following staff recommendations: 1) the bulkhead shall be constructed as permitted in order to fully protect the eroded scarp adjacent to the existing bulkhead, 2) the new portion of bulkhead must be constructed as close as possible to the existing bulkhead, 3) only clean sand fill shall be used as backfill, and 4) filter cloth shall be installed behind the structure. An RPA Modification Permit will be required. This approval is valid for a term of 18 months.

I. Cabel and Marion Chenault – Application # 2007-1065.

Chairman Smither read the applicant’s proposal requesting to replace the existing groin with a 36’ vinyl groin with a 12’ spur and add a 12’ spur to the shared groin with Coulbourn (VMRC # 2007-1066). The property for which the application is being made is located on the Rappahannock River, Tax Map #8A-2-10.

Mr. Frank Evans, 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. Taylor, and carried by unanimous vote, Application #2007-1065 was approved as submitted. This approval is valid for a term of 18 months.

J. Thomas Coulbourn – Application #2007-1066.

Chairman Smither read the applicant’s proposal requesting to replace the existing groin with a 36’ vinyl groin with a 12’ spur. The property for which the application is being made is located on the Rappahannock River, Tax Map #8A-2-9. Staff then read the VIMS report for the project.

Mr. Frank Evans, 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. Taylor, seconded by Mr. Brooks, and carried by unanimous vote, Application #2007-1066 was approved as submitted. This approval is valid for a term of 18 months.

Old Business

A. David Burgess - Application #2007-0738.

Chairman Smither read the applicant’s proposal requesting to install 180’ of riprap revetment with associated bank grading. The property for which the application is being made is located on Whiting Creek, Tax Map #28-132. Staff then read the VIMS report for the project.

Mr. Joey Scott, agent, was in attendance to represent the project. Mr. Scott stated that he had met with staff and VIMS representative on site and the VIMS recommendation was agreeable to the property owner.

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 Mr. Armstead, and carried by unanimous vote, Application #2007-0738 was approved in accordance with staff recommendations and based on revised drawings dated 6/4/07. An RPA Modification Permit has been submitted.

B. Brenda Samuel – VMRC #2007-0739.

Chairman Smither read the applicant's proposal requesting to install 160' of riprap revetment for shoreline erosion control. The property for which the application is being made is located on Whiting Creek, Tax Map #28-133A. 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.

Chairman Smither commented that this was one of the first on-site mitigation projects, and noted that the board was striving to abide by the no net loss policy.

On a motion by Mr. Brooks, seconded by Mr. Taylor, and carried by unanimous vote, Application #2007-0739 was approved in accordance with staff recommendations and based on the revised drawings dated 6/4/07. An RPA Modification Permit has been submitted.

New Business

A. Staff Resignation

Chairman Smither read Mrs. Easterbrook's resignation announcement. On behalf of the Board, he stated that the Board appreciated her efforts on their behalf and wished her well in future endeavors. Mr. Taylor commented that he had enjoyed working with Mrs. Easterbrook.

Mrs. Easterbrook commented that she had accepted a position at another county and stated that Mr. Glenn Nix would fill her position on a temporary basis.

Mr. Higgins stated this was his last meeting with the Board and introduced Mr. George Hayfield who will serve as Planning Director upon Mr. Higgins' departure.

Chairman Smither expressed best wishes to Mr. Higgins in a worthy endeavor as he leaves Middlesex County to pursue a degree at Southwestern Baptist Theological Seminary in Fort Worth, Texas.

B. Legal Action

Mr. Higgins stated that the Board of Supervisors had authorized Mr. Mike Soberick, County Attorney, to take legal action against Mr. Barnett Keith regarding a wetlands violation.

Mr. Higgins stated that Mr. Soberick can request the judge to take the Krumbein case off the docket, as the case had been filed against the Board more than two (2) years previously, and no action has been taken. Mr. Higgins stated he would request the Board of Supervisors to ask the County Attorney to pursue further action.

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