

## County Wetlands Board Minutes

July 10, 2007

### **Call to Order**

The July 10, 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  
Glenn Nix, Acting Deputy 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 June 12, 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. Frederick B. Sitterding, IV - Application #2007-0970

Chairman Smither read the applicant's proposal requesting to install 250' of bulkhead in front of an existing bulkhead. The property for which the application is being made is located on the Piankatank River, Tax Map # 44-12A. Staff then read the VIMS report for the project.

Mr. Frederick Sitterding, applicant, was in attendance to represent the project. Mr. Sitterding stated agreement with staff recommendations.

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

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

Mr. Sitterding stated that the new bulkhead would be constructed directly in front of the old bulkhead.

On a motion by Mr. Brooks, seconded by Mr. Hawksworth, and carried by unanimous vote, Application #2007-0970 was approved in accordance with staff recommendation that 1) the new bulkhead shall be constructed as close to the existing bulkhead as possible, and 2) existing vegetation should be left intact behind the bulkhead. This approval is valid for a term of 18 months.

B. Godsey Properties, Inc. - Wetlands Application #2007-1029.

Chairman Smither read the applicant's proposal requesting to install 200' of bulkhead at the toe of the eroding bank. The property for which the application is being made is located on Wilton Creek, Tax Map #43C-1-76. Staff then read the VIMS report for the project.

Mr. Kevin Curling, agent, was in attendance to represent the project.

Chairman Smither opened the public hearing.

Ms. Margaret Hurt stated that she received an adjoining property owner notification letter in error and had shared the information with the actual adjoining property owner, the Coves of Wilton Creek Owners Association, since they were not notified.

Mr. Carl Johnson, President of the Coves of Wilton Creek Owners Association, stated that the Association Board had met regarding the proposed project and had not recommended taking any action on this matter.

Chairman Smither questioned whether the Association desired to receive an official notice regarding the proposed project.

Mr. Johnson stated that it would not be necessary, as the Board knew about the proposed project and had elected to take no action.

Mr. William Goettle, Mariners Point Lane, stated his objection to the proposed bulkhead.

Mr. Curling clarified that County tax records listed Middlesex County as the adjoining property owner and Ms. Hurt owned the next adjoining property.

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

Chairman Smither stated that he had a problem with any deviation from proper procedure and suggested continuing the Application pending proper notification of adjoining property owners.

On a motion by Mr. Taylor, seconded by Mr. Hawksworth, and carried by unanimous vote, Application #2007-1029 was continued until the August 14, 2007 meeting.

C. William Goode - Wetlands Application #2007-1163.

Chairman Smither read the applicant's proposal requesting to install a 275' marsh toe sill, proposed sill will tie into existing sill. The property for which the application is being made is located on the Piankatank River, Tax Map #45-10-6A. Staff then read the VIMS report for the project.

Mr. Jay Foster, agent, was in attendance to represent the project. Mr. Foster stated that in response to objections, the applicant was willing to place the sill 20-30' back further from the channel.

Mr. William Goode, applicant, expressed his concern for maintaining and protecting the marsh. Mr. Good explained that he owns additional properties on the creek and he, too, was very concerned with maintaining property values in the area.

Chairman Smither stated agreement with VIMS that it would not be possible to predict what would happen to the channel's water depth, due to interrupted tidal currents and sand movement.

Chairman Smither opened the public hearing.

Mr. John Wake, adjoining property owner, presented a recent as well as a 1949 photograph of the marsh and explained that his family had owned property on the cove for several generations and he was concerned that the marsh was disappearing over time. Mr. Wake commended Mr. Goode for attempting to preserve the marsh area.

Chairman Smither commented that the photographs offered a good perspective of changes in the shoreline over the years.

Mr. Schuyler Bristow, property owner across the creek from Mr. Wake, stated that he did not object to the River portion of the project, but he did object to placing rock revetment into the narrow channel.

Mr. James Wright expressed concern about damage to the channel and urged caution not to make a decision that may cut off boat access to the water.

Mr. Decker Bristow, property owner across the creek, spoke in favor of granting 147' of marsh toe sill, which would allow protection on the River side of the project.

Mrs. Kathy Wright suggested a more natural approach to protecting the marsh, such as a living shoreline. Mrs. Wright noted that whatever happens at the entrance to the Creek affects property values along the shoreline.

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

Mr. Foster reiterated that the applicant had agreed to scale back the project and offered to re-flag the site. He further stated that if erosion occurred the project could be reviewed again.

Mr. Taylor stated that during the site visit, he had waded into the water and found the bottom to be sandy. He suggested that 150' of sill would be okay, and if approved, the project could be monitored to determine whether sand begins to fill the channel.

Mr. Hawksworth agreed that if the channel begins to fill with sand, the rock revetment should be removed.

Mr. Armstead spoke in favor of continuing the application to allow for further investigation of the project, perhaps by boat.

Chairman Smither commented that he would like to see the new proposal flagged, as well as the original proposal. Chairman Smither stated that while the Board wants to allow property owners to protect their property, they must also be sensitive to access needs of others.

On a motion by Mr. Armstead, seconded by Mr. Brooks, and carried by unanimous vote, Application #2007-1163 was continued until the August meeting to allow for the submission of revised drawings and for the Board make another site visit.

D. William A. Perkins, Jr. - Wetlands Application #2007-1227.

Chairman Smither read the applicant's proposal requesting to install a 44' riprap revetment. The property for which the application is being made is located on Montgomery Cove, Tax Map # 41-66-4. Staff then read the VIMS report for the project.

Ms. Michelle Meredith, agent, was in attendance to represent the project. Ms. Meredith stated that the applicant had recently hired her as agent for the project. Ms. Meredith explained that she was asked to prepare two proposals for the project and will stake the area and resubmit drawings for 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 #2007-1227 was continued until the August 14, 2007 meeting.

E. Donald Perry - Wetlands Application #2007-1285.

Chairman Smither read the applicant's proposal requesting to install repair the existing 450' riprap revetment and groin. The property for which the application is being made is located on Montgomery Cove, Tax Map #41-14-A-7. Staff then read the VIMS report for the project.

Mr. Mo Bloxom, agent, was in attendance to represent the project. Mr. Bloxom explained that the intent of the project was to re-work the existing revetment and groin, rather than creating a new footprint.

Chairman Smither opened the public hearing.

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

Mr. Hawksworth expressed concern related to the 200' of wetlands as noted in the staff report.

Staff explained that wetland vegetation was growing in places through the rocks that had sunken into the river.

Mr. Neikirk commented that VIMS report was somewhat unclear as to wetlands impacts, rather than wetlands fill.

Chairman Smither agreed that the proposal was not clear, as the area was not staked during the site visit.

Mr. Bloxom explained that he had asked permission to use a previous drawing. He explained that the existing rocks had been scattered over time and that the proposed project would repair the existing revetment. Mr. Bloxom conceded to place rock from the groin back, on the river side of the project, not on the wetland vegetation. He further contended that staking the project would give a false impression of the actual work being proposed.

Mr. Taylor stated he did not see a problem with replacing the rock on the Rappahannock River side only, with no work in the Cove or in wetlands.

On a motion by Mr. Taylor, seconded by Mr. Brooks, and carried by unanimous vote, Application # 2007-1285 was approved with the following conditions: 1) holes in existing riprap will be filled only on the Rappahannock side, not in the Cove, and 2) riprap should not be built on existing wetlands where riprap has sunken into the River. This approval is valid for a term of 18 months.

### **Old Business**

A. Allen Holloway - 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.

Mr. Allen Holloway, 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.

Mr. Taylor questioned whether the dredge portion of the project was in the Board's jurisdiction.

Mr. Neikirk explained that any portion of the proposed project that is exposed at low tide would be in the Board's jurisdiction.

Mr. Hawksworth stated that the bulkhead was not marked when the Board visited the site.

Mr. Holloway stated that he wasn't aware that the Board would visit the site a second time. Mr. Holloway commented that he was new to the area and relied on neighbors' advice as to the best way to create water depth for the boat slip year round.

Chairman Smither noted concern related to the proposed bulkhead across the wetlands area of the property.

Mr. Taylor expressed concern related to heavy machinery crossing wetlands for dredging purposes.

Mr. Neikirk commented that the Board could not issue a permit based on the existing application, as additional revised drawings would be required.

On a motion by Mr. Taylor, seconded by Mr. Hawksworth, and carried by unanimous vote, Application #2007-0925 was approved for dredging the slips only, revised drawings will be required, and the bulkhead portion of the application was denied, with no heavy equipment to be used over wetlands. This approval is valid for a term of 18 months.

**New Business**

A. Introduction of New Wetlands Staff Planner

Mr. Glenn Nix introduced Mr. Matt Kraegel, Wetlands Staff Planner. Chairman Smither stated that he and the Board looked forward to working with Mr. Kraegel.

**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,

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Wetlands Board Chair

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Date