

County Wetlands Board Minutes

September 11, 2007

Call to Order

The September 11, 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 August 14, 2007 meeting. On a motion by Mr. Smither, 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. John McPherson - Application #2007-1353

Chairman Smither read the applicant's proposal requesting to excavate 4262 sq ft. of beach sand. The property for which the application is being made is located on the Rappahannock River at Tax Map # 46-4-36. Staff then read the VIMS report for the project.

Jamie Pruitt (Bay Design Group), agent, was in attendance to represent the project. Mr. Pruitt 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. Hawksworth asked how the sand would be moved.

Jamie Pruitt said they would use an excavator.

On a motion by Mr. Hawksworth, seconded by Mr. Brooks, and carried by unanimous vote, Application #2007-1353 was approved in accordance with staff recommendation that: 1) the beach shall not be excavated below mean high water, 2) an RPA permit will be required. This approval is valid for a term of 18 months.

B. Urbanna Harbor Yacht Club - Wetlands Application #2007-1620

Chairman Smither read the applicant's proposal requesting to replace existing timber dock with a floating system, and add an additional 10 slips, as well as replace the existing timber bridges with two new bridges. The property for which the application is being made is located on Urbanna Creek, Tax Map #20D-1-J. Staff then read the VIMS report for the project.

Mr. David Lipscombe, applicant, and Michelle Meredith, agent, were in attendance to represent the project.

Chairman Smither opened the public hearing.

Mr. John Bunsavage questioned whether the existing property owners' water access would be affected by the proposed project and wondered if he had riparian rights here. He stated he thought that lots 5-12 used the gap in the pier for water access and thought riparian rights are part of the property agreement.

The Board was not familiar with the property agreement in that area and decided that this was a civil matter.

Mr. Bob Calvas then asked if the pilings would be high enough so the docks didn't float off the pilings.

Mr. Lipscombe thought they would be.

Ms. Gweneth Hayes asked if there was room for a pump out station

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

Mr. Taylor asked if the pump out station for the marina was in operation.

Mr. Lipscombe stated that it wasn't because it was damaged in Ernesto.

Mr. Hawksworth then asked what the size of the bridges would be.

Mr. Lipscombe stated that they would be the same size as the pier and that there would be adequate cracks in the pier to allow for sunlight to get through to wetlands.

On a motion by Mr. Taylor, seconded by Mr. Armstead, and carried by unanimous vote, Application #2007-1620 was approved in accordance with staff recommendation. This approval is valid for a term of 18 months.

C. Otto C. Brauer - Wetlands Application #2007-1714.

Chairman Smither read the applicant's proposal requesting to install 200' of rip rap revetment (class I stone), 130' of rip rap revetment (class AI stone) and 70' of marsh toe stabilization (class AI & I stone) along eroded shoreline and fringe marsh. The property for which the application is being made is located on Robinson Creek, Tax Map #19C-1-B-1. 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.

Chairman Smither asked Mr. Scott if he had anything to say regarding the staff report.

Mr. Scott stated that wave action happens above the marsh which causes the most problems, therefore he thought that a stone revetment was necessary.

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

Mr. Taylor stated how he did not like how the project was already cleared along the bank and wanted to see it originally.

Mr. Scott stated that he had an RPA permit and that he was not in violation.

Mr. Brooks brought up an idea regarding only grading the bank and then revisiting the site for further evaluation.

Mr. Scott said that everything needs to happen simultaneously and that sediment could run wild if they waited to put the rock down.

Mr. Brooks then asked if Mr. Kraegel could set it up so that Mr. Kraegel could view the construction while it was happening.

Mr. Kraegel said he could.

Mr. Brooks stated that he would be ok with the project if Mr. Kraegel went out to view the site during construction.

Mr. Armstead stated that something/someone needs to be there to protect the sediment from entering the water and vegetation.

Chairman Smither said that he agrees with monitoring the site but that is Mr. Kraegel's job and that the Board does not have time to review every application during construction.

Mr. Taylor asked if a revised drawing could be submitted with new benchmarks from 3 points on the foundation.

On a motion by Mr. Taylor, seconded by Mr. Brooks, and carried by unanimous vote, Application #2007-1714 was approved given that the construction did not start until Mr. Scott and Mr. Kraegel consulted and new drawings were submitted. This approval is valid for a term of 18 months.

Old Business

A. Godsey Properties – Wetlands Application #2007-1029.

Chairman Smither read the applicant's proposal requesting to install 200' of bulkhead at the toe of an 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, and Mr. and Mrs. Godsey, applicants, were in attendance to represent the project

Mr. Smithe asked if they had any comments about the staff report.

Mr. Godsey stated that he does not want to do anything unnecessary. However the depths for his boats are being compromised by the shore erosion caused by wake. He also said that he did not want a rip rap revetment because his kids played near the water there and he knew that those type structures housed snakes.

Chairman Smither opened the public hearing.

Margaret Hurt stated that she had lived on Wilton Creek for 3 years and owned the property for a total of 4.5 years. She also said that she has not noticed any erosion other than natural erosion. She also stated that some of the erosion on the Godsey property had already been there before the Godseys moved in.

William Gethold then stated that there was not much wake in the cove and that wake is not permitted.

Bob Calvas then stated that the erosion is worst near the pier and that it was most likely caused by Mr. Godsey's large boats.

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

Mr. Hawksworth asked how often the boat ramp was used on the nearby property.

Mr. Godsey stated that boats are put in regularly.

Mr. Taylor suggested approving 30 ft. of bulkhead on each side.

Mr. Godsey asked if he could get an exact measurement in case he needed 32 ft. on one side.

Mr. Taylor said that he agreed and didn't want to cause another problem by approving too little bulkhead.

Mr. Brooks stated that the rest of the shoreline was eroding naturally; it was just the area near the boats that was in concern.

Mr. Godsey then asked if Mr. Kraegel could pull a tape measure before construction and put the measurement in the permit.

Mr. Kraegel stated he had no problem with doing that.

Chairman Smither then asked Mr. Neikirk if the application could be approved based on the benchmarks in the photographs.

Mr. Neikirk said that approving it based on benchmarks would be ok.

On a motion by Mr. Taylor, seconded by Mr. Armstead, and carried by unanimous vote, Application #2007-1029 was approved to build bulkhead between the mentioned benchmarks. This approval is valid for a term of 18 months.

New Business

A. Barnett C. Keith

The Board explained to Mr. Kraegel how the violation had been postponed due to actions taken by Mr. Keith.

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.

C. Notice to Comply – Coves at Wilton Creek Homeowners Association

The board read the letter and made note of it.

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,

Wetlands Board Chair

Date