

County Wetlands Board Minutes

October 14, 2008

Call to Order

The October 14, 2008 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 Historic Courthouse, Saluda, Virginia.

Present: J. Miller Smither – Chairman
Tom Hawksworth – Vice Chairman
Archie Brooks
Dale Taylor
Woodson Armstead

Staff present: John Halpin, Wetlands Planner

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

Minutes

The Board considered the minutes of the September 9, 2008 meeting. On a motion by Mr. Taylor and seconded by Mr. Brooks, the minutes were approved unanimously.

Public Hearings

The following applications were considered by the Board:

A. Perkins Creek Association, LLC – Application No. 2006-2998

The application to maintenance dredge an approximate total of 6,659 cu. yd. of sand and silt to improve access in the creek. Spoil site to be located at Tax Map No. 20-12. Sand portion of the dredging approximately 2,634 cu. yd. to fill beach area along private drive, remaining material to be placed in geo-tubes until dewatered and then removed from the site. The proposed project is located on Perkins Creek, Tax Map Parcel Nos. 20, 20A and 20C.

Mr. Halpin read the VIMS report and then gave the staff recommendations that an assurance bond be placed with Middlesex County, to ensure that the contents of the Geo-Tube bags will be disposed of in a lawful manner, and upon completion, the area that will be utilized by the Geo-Tube bags be returned to it's original condition by the contractor.

Mr. Dennis Durette was present as the representative of the association, and Mr. Ben Burton was present as the agent.

Chairman Smither opened the hearing for comments from the public.

The board recognized Ms. Olena Boyko, as an individual she was allotted three minutes to speak.

The board recognized Ms. Pat O'Bannon, as an individual she was allotted three minutes to speak.

The board recognized Mrs. Tansill Johnson, as an individual she was allotted three minutes to speak.

The board recognized Mr. William Carey, as an individual he was allotted three minutes to speak.

There being no further comments, the public portion of the hearing was closed and opened for questions and comments from the Board.

There was a period of time for questions and answers between the board and Mr. Durette and Mr. Burton, concerning the project.

There being no further questions or comments from the board, the motion to approve the application as submitted, but amended to add the provision that Wetlands Staff will make frequent periodic inspection visits to the site was made by Mr. Taylor, seconded by Mr. Hawksworth, and carried unanimously. The permit will be good for 18 months, expiring April 14, 2010.

B. William Alderman, Jr. – Application No. 2007-2618

The application to remove existing rip rap revetment, place 150 cu. yd. beach nourishment, and construct four 36' breakwaters. The proposed project is located on the LaGrange Creek, Tax Map Parcel No. 19-19-6.

Mr. Halpin read the VIMS report and then gave the staff recommendation that sandy beaches do not naturally exist along this shoreline, and Staff is not convinced that this proposal is the best option for this area. There is a large wetlands marsh area directly adjacent to the proposed site, and Best Management Practices must be utilized to ensure that the wetlands area will not be damaged in the future by man made changes to the shoreline and other areas surrounding it. This application also included features that will require the submission of an RPA Modification Application.

Ms. Katy Perkins, Bay Design Group was present as the agent.

Chairman Smither opened the hearing for comments from the public. There being no comments, the public portion of the hearing was closed and opened for questions and comments from the Board.

There was a period of time for questions and answers between the board and Ms. Katy Perkins, concerning the project.

There being no further questions or comments from the board, the motion to approve the application as submitted was made by Mr. Taylor, seconded by Mr. Brooks and approved by a 3-2 vote, Mr. Hawksworth and Mr. Smither in dissent. The permit will be good for 18 months, expiring April 14, 2010.

C. Cliff Hickman. – Application No. 2008-0913

The application to install an 85'x3' timber bulkhead with a 6' return wall and a 12' return wall in front of an existing wall. The proposed project is located on Rappahannock River, Tax Map Parcel No. 9A-4-2I.

Mr. Halpin read the VIMS report and then gave the staff recommendations which are that staff is concerned with the number of failed bulkheads that the county has had to inspect recently. Many of these bulkheads are only a few years old, and in many cases we have discovered that they were installed incorrectly. The Building Department issues a design pamphlet with each approved building permit for bulkheads. The Board should seek assurance from the agent/contractor that the bulkhead will be designed and built in accordance with plans approved by the Middlesex County Building Official.

Mr. Frank Evans was present as the agent.

Chairman Smither opened the hearing for comments from the public. There being no comments, the public portion of the hearing was closed and opened for questions and comments from the Board.

A period of questions and comments was conducted between the board and the agent.

There being no further questions or comments from the board, the motion to approve the application as submitted, but amended that the new bulkhead be aligned as close as possible to the existing bulkhead was made by Mr. Hawksworth, seconded by Mr. Brooks and carried unanimously. The permit will be good for 18 months, expiring April 14, 2010.

D. Herbert Stanley – Application No. 2008-1517

The application to remove the existing 157' of rip rap, replace filter cloth and rip rap in the same footprint. The proposed project is located on the Piankatank River, Tax Map Parcel No. 43-16-2.

Mr. Halpin read the VIMS report and then gave the staff recommendation which is that the board should consider this application as submitted, and that portions of this application require an RPA Modification Permit. An RPA Modification Application has been submitted.

Mrs. Christine Agnese, Coastal Marine Consulting was present as the agent.

Chairman Smither opened the hearing for comments from the public. There being no comments, the public portion of the hearing was closed and opened for questions and comments from the Board.

A period of questions and comments was conducted between the board and the agent.

There being no further questions or comments from the board, the motion to approve the application as submitted, with staff comments was made by Mr. Brooks, seconded by Mr. Taylor and carried unanimously. The permit will be good for 18 months, expiring April 14, 2010.

E. Mariners Point, UOA – Application No. 2008-1618

The application to construct a 135' stone marsh sill and 130' of rip rap revetment on the west side of the point; construct 175' rip rap revetment on the east side of the point. All construction to be done using class A1 stone. The proposed project is located on Wilton Creek, Tax Map Parcel No. 43C-4-4.

Mr. Halpin read the VIMS report and then gave the staff recommendation which is which is that the board should consider this application as submitted, and that portions of this application require an RPA Modification Permit. An RPA Modification Application for this site has been submitted. The RPA Application addresses removing the dead and undercut trees at the site, as mentioned in the VIMS recommendations.

Mr. Joey Scott, The Salt and The Earth, was present as the agent.

Chairman Smither opened the hearing for comments from the public.

The board recognized Mr. William Goettle, as an individual he was allotted three minutes to speak.

There being no further comments, the public portion of the hearing was closed and opened for questions and comments from the Board.

A period of questions and comments was conducted between the board and the agent.

There being no further questions or comments from the board, the motion to approve the application with staff recommendations was made by Mr. Armstead, seconded by Mr. Hawksworth, and carried unanimously. The permit will be good for 18 months, expiring April 14, 2010.

F. Howard Daniel – Application No. 2008-1665

The portion of the application within the Wetlands Board jurisdiction to install 80'-linear of vinyl bulkhead 2' high along portion of eroding shoreline and backfill along bulkhead. The proposed project is located on Providence Creek, Tax Map Parcel No. 40-95-4.

Mr. Halpin read the VIMS report and then gave the staff recommendation which is that the property owner's stated concern is more for the protection of the vegetation on the steep wooded hillside, as well as the marsh grasses at the base of the hill. Erosion at this site is caused by low impact wave action and water runoff downhill. Care must be taken to protect existing marsh grasses, throughout the construction process. Final construction plan should include planting wetlands vegetation along base of the hill up to the bulkhead. Although this site normally receives low impact wave action, the agent/contractor are reminded that any bulkhead construction must meet the requirements as set forth by the Middlesex County Building Official.

Mrs. Patricia Groze, Pier Masters, was present as the agent.

Chairman Smither opened the hearing for comments from the public. There being no comments, the public portion of the hearing was closed and opened for questions and comments from the Board.

A period of questions and comments was conducted between the board and the agent.

There being no further questions or comments from the board, the motion to approve the application with staff recommendations was made by Mr. Brooks, seconded by Mr. Armstead, and carried unanimously. The permit will be good for 18 months, expiring April 14, 2010.

G. William Lawson – Application No. 2008-1780

The application to construct a 5'x80' wooden bulkhead in front of existing, failing bulkhead. The proposed project is located on the Rappahannock River, Tax Map Parcel No. 28-4.

Mr. Halpin read the VIMS recommendation and then gave the staff recommendation which is that the Board should seek assurance from the agent/ contractor that the bulkhead will be designed and built in accordance with plans approved by the Middlesex County Building Official.

Mr. Bryan Fletcher, Delta Marine Construction, was present as the agent.

Chairman Smither opened the hearing for comments from the public. There being no comments, the public portion of the hearing was closed and opened for questions and comments from the Board.

A period of questions and comments was conducted between the board and the agent.

There being no further questions or comments from the board, the motion to approve the application with staff recommendations was made by Mr. Hawksworth, seconded by Mr. Taylor and carried unanimously. The permit will be good for 18 months, expiring April 14, 2010.

Old Business

None.

New Business

A. Porpoise Cove Marina, LLC – Application No. 2002-1354

The request to reactivate Wetlands Permit 2002-1354 that authorized the following: redevelop an existing marina facility to include: replacing 160' of bulkhead, removal of existing boat houses and piers, dredge 600 cu yds., construct 18 covered slips, and construct 10 uncovered slips (total existing slips 65, total proposed slips 56). With the following conditions: Proposed replacement jetty is realigned landward on an angle from the existing jetty to the proposed end, the proposed replacement bulkhead ends at the existing platform and terminates with a return wall, identification of an approved spoil site. The proposed project is located on Fishing Bay, Tax Map Parcel Nos. 45-4B-15 & 16

Mr. Halpin stated to the board that the permit was initially approved by the Middlesex County Wetlands Board on September 10, 2002 and was extended by the Middlesex County Wetlands Board on April 13, 2004

Mr. Halpin read the staff report that staff understands that there has been some difficulty in meeting requirements of other permitting authorities to be able to move ahead with this project. The Board should seek the understanding of the owner that this will be the final renewal/extension of this permit. If circumstances continue to prevent the completion of this permit before expiration, a new application will have to be submitted to the Middlesex County Wetlands Board and Virginia Marine Resources Commission.

Mr. LeRoy Holt was present as the owner.

A period of questions and comments was conducted between the board and the owner.

Mr. Robert Neikirk, VMRC, reported to the board that this request for reactivation of a Wetlands Permit, needs to be advertised, and then be placed in front of the board for Public Hearing on the matter.

There being no further questions or comments from the board, the motion to continue the request for reactivation of the permit until the November meeting so that it could be advertised, was made by Mr. Hawksworth, and seconded by Mr. Brooks. The motion to continue was approved unanimously. The request will be advertised for the November Wetlands Board Public Hearing.

B. Business matters between the Wetlands Board and Wetlands Staff

The board and staff discussed possible measures to cut down on the amount of material that is placed in the monthly board packets and the possibility to paraphrase all comments from VIMS, to reduce the time used to present an application.

Mr. Halpin also made a request to the board, to have funds made available to purchase a small kayak or canoe that could be used at sites where staff needs to be able to access from the water.

Mr. Smither commented that there should be enough in the fines and penalties account to be able to purchase a boat for the use of the Wetlands Office.

Adjournment

With no further business to discuss, the motion to adjourn the meeting was made by Mr. Armstead, seconded by Mr. Brooks and carried unanimously.

Respectfully submitted,

Wetlands Board Chair

Date