

## County Wetlands Board Minutes

February 12, 2008

### **Call to Order**

The February 12, 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 Woodward Building, Saluda, Virginia.

Present: Mr. J. Miller Smither – Chairman  
Mary Ann Willis  
Mr. Woodson Armstead  
Mr. Archie Brooks  
Mr. M. Dale Taylor

Absent: Mr. Tom Hawksworth

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 January 8, 2008 meeting. On a motion by Mr. Taylor, and a second by Mr. Armstead, 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. Christine Smith - Application # 2007-2612

Chairman Smither read the applicant's proposal requesting to install 122' x 5' of vinyl bulkhead and 36' of vinyl groin. The property for which the application is being made is located on the Rappahannock River at Tax Map # 8A-1-2. Staff then read the VIMS report for the project.

Frank Evans was present to represent the project.

Chairman Smither asked Mr. Evans if he had any question or comments about the report.

Mr. Evans said that he was ready to go ahead with the project as recommended.

Chairman Smither opened the public hearing.

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

On a motion by Mrs. Willis, seconded by Mr. Armstead, and carried by unanimous vote, Application #2007-2612 was approved as submitted. This approval is valid for a term of 18 months.

#### B. Worth Higgins – Application # 2007-2585

Chairman Smither read the applicant's proposal requesting to install 195' of marsh toe sill and 170' of rip rap revetment. The property for which the application is being made is located on the Piankatank River at Tax Map # 43-31. Staff then read the VIMS report for the project.

Joey Scott was present to represent the project.

Chairman Smither asked if Mr. Scott had any questions or comments about the report.

Mr. Scott had no comments.

Chairman Smither then opened the public hearing.

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

Mr. Taylor asked Mr. Scott if the revetment will go around the marsh grass.

Mr. Scott said that it would go around the marsh and that he would submit a planting plan that shows where the grass will be planted.

On a motion by Mr. Taylor, seconded by Mr. Brooks, and carried by unanimous vote, Application #2007-2585 was approved with the condition that a planting plan be submitted to show what will be planted in the marsh sill. This approval is valid for a term of 18 months.

C. Blair Curdts – Application # 2007-2597

Chairman Smither read the applicant's proposal requesting to install 80' of rip rap revetment. The property for which the application is being made is located on the Piankatank River at Tax Map # 44A-1-B-7,8, & 9A. Staff then read the VIMS report for the project.

Joey Scott was present to represent the project.

Chairman Smither asked if Mr. Scott had any questions or comments about the report.

Mr. Scott had no comments.

Chairman Smither then opened the public hearing.

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

On a motion by Mr. Brooks, seconded by Mr. Armstead, and carried by unanimous vote, Application #2007-2597 was approved as submitted. This approval is valid for a term of 18 months.

D. Belle Aire Homeowners Association – Application # 2007- 2527

Chairman Smither read the applicant's request to build a 55' x 16' boat ramp and a 56' x 5' commercial pier. The property for which this application is being made is located on Bush Park Creek at Tax Map # 39-14-B. Staff then read the VIMS report for the project.

Michelle Meredith was present to represent the project.

Chairman Smither asked Mrs. Meredith if she had any questions or comments about the report.

Mrs. Meredith had no comments.

Chairman Smither opened the public hearing.

John Bareford came up to speak and he stated that the ramp was approved in 1990, however, the Association could move the placement of the ramp over to another area that would have less impacts.

Steve Chick also spoke and he stated that the association would appreciate the ramp to be put into place.

Mrs. Meredith said that she would work with the Association to come up with a plan that would suit the needs of the Board.

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

On a motion by Mr. Armstead, seconded by Mrs. Willis and carried by unanimous vote, Application #2007-2527 was continued until the next meeting. The applicant is to have a planting plan to show the compensation for the wetlands losses.

E. Ted Jones – Application # 2007-2539

Chairman Smither read the applicant's request to construct 124' of rip rap 4' high x 8' wide channelward of bank toe as well as construct a new 154' timber bulkhead directly in front of the existing bulkhead. The property for which this application is being made is located on Meachim Creek at Tax Map # 30A-8-C and 30A-9. Staff then read the VIMS report for the project.

Michelle Meredith was present to represent the project.

Chairman Smither asked Mrs. Meredith if she had any questions or comments about the report.

Mrs. Meredith had no comments.

Chairman Smither opened the public hearing.

Ted Jones, applicant, was present. He stated that he had owned this property for 40 years and fears that more trees will be lost due to erosion. He mentioned that he had lost 3 foot sections of the property in the past. He also said that he does not want to take any trees out he will simply build around them or under them because he is aware of the support that the trees offer to the bank.

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

On a motion by Mr. Brooks, seconded by Mr. Armstead, and carried by unanimous vote, Application #2007-2539 was approved as staff recommends: 1) If trees are taken out a RPA permit is necessary. 2) The existing bulkhead must be taken out. 3) Rock may only be placed in the existing footprint of stone, at the point of the property, where there is a small marsh. This approval is valid for a term of 18 months.

F. Paul Shelor – Application # 2007-2539

Chairman Smither read the applicant's request to construct a 12' x 40' boat ramp. The property for which this application is being made is located on Piankatank River at Tax Map # 41-41-11. Staff then read the VIMS report for the project.

Carissa Agnese was present to represent the project.

Chairman Smither asked Mrs. Agnese if she had any questions or comments about the report.

Mrs. Agnese said that her client was willing to put the rip rap back if the boat ramp became a shoreline protection problem.

Chairman Smither opened the public hearing.

Edwin Bryce, the adjacent property owner, said that his house was built in 1954 and that he would hate to see something bad happen to it. He asked the Board why we should let something happen when we can prevent it. He mentioned that there were very large storm surges that overtop the rip rap without the hole in it. He stated that he wanted to live in this house permanently and doesn't want to lose his home. His home is not insured and he would have to rely on Mr. Shelor to get it back. He simply stated that this boat ramp is a bad idea.

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

Mr. Armstead asked how the rock from the gap will be used.

Mrs. Agnese said that the rock would be lining the boat ramp.

On a motion by Mr. Armstead, seconded by Mr. Brooks, Application #2007-2539 was approved by a vote of 3 to 2. Mr. Taylor and Mrs. Willis voted against the approval of this application. The approval is based on the fact that the rock will be put back if the ramp becomes a protection problem for the neighbors. This approval is valid for a term of 18 months.

#### G. Bush Park Campgrounds – Application # 2007-2548

Chairman Smither read the applicant's request to replace the existing commercial pier with a new commercial pier containing 30 wet slips. The property for which this application is being made is located on Bush Park Creek at Tax Map # 39-17. Staff then read the VIMS report for the project.

Carissa Agnese was present to represent the project.

Chairman Smither asked Mrs. Agnese if she had any questions or comments about the report.

Mrs. Agnese cleared up some misunderstandings about what the application was asking for.

Chairman Smither opened the public hearing.

Ms. Rachel from 455 Mallor Drive wanted to know if pier 8 was still being proposed or if pier 4 was the only pier to be put into place.

Mrs. Agnese stated that pier 4 was the only pier to be replaced.

Ms. Rachel was pleased and was only concerned if the other pier was going into place.

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

Mr. Taylor asked if there would be slips on the landward side of the pier.

Mrs. Agnese said that there would not be any on that side because the water is not deep enough.

On a motion by Mr. Armstead, seconded by Mr. Brooks, Application #2007-2548 was approved by a vote of 4 to 1. Mr. Taylor voted against the approval of this application. This approval is valid for a term of 18 months.

#### **Old Business**

A. Doris Greene – Violation – permit can be issued once a JPA is submitted.

The Wetlands Board reviewed pictures of a rip rap revetment that had been constructed in their jurisdiction without a Wetlands Permit. Staff also read the VIMS report.

Mr. Mark Giles were present to represent the project.

Mr. Giles stated that he only had \$150 out of the \$250 to pay today.

On a motion by Mr. Taylor, seconded by Mr. Brooks, the board unanimously decided to accept a partial payment for his civil penalty at this time.

- B. The Board viewed an insert showing the penalties and fees collected in 2008.
- C. Charles Krumbein – Mr. Kraegel told the Board how the summons was filed too late and that there is a one year time limit to file a summons after a violation.
- D. On a motion by Mr. Taylor, seconded by Mrs. Willis, and unanimously approved, the Board voted for Mr. Kraegel to perform a site visit to see if the Wetlands have been restored on Mr. Keith's Property. If they have not been restored the Wetlands Board would like to write a new violation for this property.

**Adjournment**

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

Respectfully submitted,

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Wetlands Board Chair

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Date