

County Wetlands Board Minutes

March 11, 2008

Call to Order

The March 11, 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
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 February 12, 2008 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. Charles Bahen – Application # 2008-0210

Chairman Smither read the applicant's proposal requesting to construct 140 linear feet of rip rap revetment (class II armor stone) along an eroded shoreline. The property for which the application is being made is located on the Rappahannock River at Tax Map # 28B-4-9. Staff then read the VIMS report for the project.

Joey Scott was present to represent the project.

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

Mr. Scott said that this project is just like the project next door and that no grading will take place, however he noted that there would possibly be some bank shaping.

Chairman Smither opened the public hearing.

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

Mr. Hawksworth asked if the APO was going to do anything about their shoreline and was concerned about possible backwash behind the proposed new rip rap structure.

Mr. Scott stated that he has proposed a return wall to help deal with the issue of erosion on the adjacent property.

On a motion by Mr. Hawksworth, seconded by Mr. Taylor, and carried by unanimous vote, Application #2008-0210 was approved as recommended: 1) saltmeadow hay or switch grass be planted on the access shelf when the project is completed. This approval is valid for a term of 18 months.

B. Julian Boulware – Application #2008- 0119

Chairman Smither read the applicant's proposal requesting to construct a 4' high x 110' long vinyl bulkhead directly in front of the existing bulkhead, as well as install a 5' return wall. The property for which the application is being made is located on Sturgeon Creek at Tax Map # 40-18-3. Staff then read the VIMS report for the project.

Mrs. Agnese was present to represent the project.

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

Mrs. Agnese stated that they were planning on taking out parts of the existing bulkhead to make the new one straight. She also said that if the whole bulkhead was to be taken out that the yard would slump since the existing one is holding the yard up.

Chairman Smither then opened the public hearing.

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

Chairman Smither stated that he wanted to make it clear that the patch of wetlands grass was to be avoided

Mrs. Agnese said that this is OK and that avoiding the wetlands grasses would not be a problem.

Mr. Hawksworth stated that preferably the wall should be put in the exact same footprint.

Mrs. Agnese stated that she understood this, however that this was an economic factor with her client.

Mr. Brooks then asked if the wall were to be put in front of the existing one what parts were going to be taken out?

Mrs. Agnese said that the contractor was going to be dealing with this issue.

On a motion by Mr. Taylor, seconded by Mr. Hawksworth, and carried by unanimous vote, Application #2008-0119 was approved with the conditions: 1) that the new bulkhead is built in the same footprint as the existing one. 2) The bricks are removed from the beach. This approval is valid for a term of 18 months.

C. Belle Aire Home Owner Association – Application # 2007-2527

Chairman Smither read the applicant's proposal requesting to dredge down 1' to build a new 55' x 12' boat ramp with 20' of vinyl bulkhead on both sides to prevent washout, as well as build a 56' x 5' commercial pier. The property for which the 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.

Mrs. Meredith was present to represent the project.

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

Mrs. Meredith stated that she went out to the site the day before and met with Mr. Kraegel, Mrs. Duhring, and the adjacent property owner to work out a wetlands compensation plan.

Mr. Kraegel stated that the plan discussed the day before was acceptable and went on to present the mitigation area to the Board with pictures he had taken the day before.

Chairman Smither then opened the public hearing.

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

On a motion by Mr. Taylor, seconded by Mr. Brooks, and carried by unanimous vote, Application #2007-2527 was approved as recommended: 1) A mitigation planting plan be approved by staff and VIMS. 188 sq ft. are needed according to VIMS. Proposed site is 19 ft. x 10 ft. 2) These grasses must be installed prior to work beginning. Grasses should be planted in the spring. This approval is valid for a term of 18 months.

Show Cause Hearing

A. Monica Fahey – Violation # 2008 – 01.

Mr. Kraegel presented the violation and read the VIMS report.

Mr. Kraegel stated that this case was a carbon copy of the previous violation on Ms. Greene's property.

Chairman Smither asked Ms. Fahey if she could tell us who did the work.

Ms. Fahey stated that Mark Giles and Charles Dixon did the work.

Chairman Smither thanked Ms. Fahey for giving us the information.

Mr. Kraegel recommended that a Joint Permit Application be submitted to VMRC and that a civil penalty be issued in the amount of \$250 to each the property owner and Mr. Giles.

On a motion by Mr. Taylor, seconded by Mr. Brooks and carried by unanimous vote, staff's recommendations were approved.

The Board also asked Mr. Kraegel to send a letter to Mr. Giles stating that he needs to stop work and pay his penalties by the next meeting or else a summons would be taken out to resolve his violations.

B. William Hight – Violation # 2008-04

Mr. Kraegel presented the violation and read the VIMS report.

The VIMS report stated that the environmental impact was very minimal in the wetlands and that a single tree had been placed in the wetlands.

Mr. Kraegel noted that other trees are in the wetlands due to natural tree fall, however he asked the Board to still consider if this should be considered a violation.

On a motion by Mr. Taylor, seconded by Mr. Hawksworth, and carried by unanimous vote the Board decided to leave the tree in the wetlands and did not consider this case to be a violation. The fill in the RPA was to be dealt with by the Planning Department.

Old Business

A. Extension request for Application # 2006-2096

Joey Scott was present to represent the request.

On a motion by Mr. Brooks, seconded by Mr. Taylor and carried by unanimous vote, the extension request for Application 2006-2096 was continued to next month to allow for the Board to go to the site and see if any conditions had changed.

B. Doris Greene

Mrs. Greene and Mr. Giles were not present to represent their case. The joint permit application had been received, however it still needs to be paid for and more information is required on the application.

On a motion by Mr. Taylor, seconded by Mr. Hawksworth, and carried by unanimous vote it was agreed that Ms. Greene and Mr. Giles should receive certified notice that their presence is required at the April 8, 2008 Wetlands Board Meeting to resolve their case.

C. Keith – The board viewed the most recent information about Mr. Keith’s violation.

D. On a motion by Mr. Brooks, seconded by Mr. Hawksworth, and carried by unanimous vote it was agreed that applicants requesting funds should submit a plan/ permit application of what they would like to use the money for and a price estimate, and then the Board would review their request.

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