

County Wetlands Board Minutes

August 12, 2008

Call to Order

The August 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 Historic Courthouse, Saluda, Virginia.

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

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 July 8, 2008 meeting. On a motion by Mr. Brooks and seconded by Mr. Armstead, the minutes were approved unanimously.

Public Hearings

The following applications were considered by the Board:

A. Potomac Timber Investments, LLC – Application No. 2008-1123

Mr. Halpin reported that new drawings were submitted to the Middlesex County Planning Office on August 4, 2008. On the advice of counsel; this application is deferred for re-advertisement and will be heard before the Wetlands Board on September 9, 2008.

B. N. Decker Bristow – Application No. 2008-1068

The application to install a total of 100 linear feet of marsh toe sill in two sections was presented. The proposed project is located on Piankatank River, Tax Map No. 39-27-2.

Mr. Halpin read the VIMS report and then gave the staff recommendation which is to integrate a waiting period into the plan; checking fill material periodically and adding sand as necessary until the fill is stabilized and then plant once stabilization is attained.

N. Decker Bristow was present as the owner.

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 being no further questions or comments from the board, the motion to approve the application with the staff recommendations was made by Mr. Hawksworth, seconded by Mr. Taylor and carried unanimously. The permit will be good for 18 months, expiring February 12, 2010.

C. Coastal Marine Inc. – Application No. 2008-0696

The application to remove and replace the existing deck, pier, walkways, and finger piers was presented. The proposed project is located on Broad Creek, Tax Map No. 41-25-A-2D.

Mr. Halpin read the VIMS report and then gave the staff recommendations which are that all demolition and reconstruction should be conducted from seaward as much as is practical, and care should be taken during demolition and reconstruction to protect the areas where wetland plants are established between land and the pier.

Michelle Meredith 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 the staff recommendations was made by Mr. Armstead, seconded by Mr. Brooks and carried unanimously. The permit will be good for 18 months, expiring February 12, 2010.

D. William Cosby – Application No. 2008-1114

The application to install 120 linear feet of rip-rap in front of existing bulkhead was presented. The proposed project is located on Piankatank River, Tax Map No. 44A-1-B-14.

Mr. Halpin read the VIMS report and then gave the staff recommendation which is that while maintaining a pathway to the dock; the homeowner plants an area of salt tolerant grasses or other approved ground cover along the length of the bulkhead to 6' landward. This would aid greatly with the retention of backfill during storms.

William Cosby was present as the owner.

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 being no further questions or comments from the board, the motion to approve the application as submitted was made by Mr. Brooks, seconded by Mr. Armstead and carried unanimously. The permit will be good for 18 months, expiring February 12, 2010.

E. Mill Creek Harbor Association – Application No. 2008-1212

The application to install a 10' and 15' Coir Log 5' channelward of MHW and planting for erosion control was presented. The proposed project is located on Mill Creek, Tax Map No. 41-64-7.

Mr. Halpin read the VIMS report and then gave the staff recommendation which is to change the planting plan from salt meadow hay to salt meadow cord grass. Mr. Halpin also asked, on behalf of the Wetlands Board, for the homeowner's permission to revisit this site periodically to observe the performance of the Coir Logs over time.

Michelle Meredith 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 February 12, 2010.

F. Joe Edwards – Application No. 2008-1235

The portion of the application within the Wetlands Board jurisdiction to remove existing rip-rap and concrete tires, replace with Redi-Rock retaining wall; install 140' vinyl jetty at existing pilings, remove broken concrete slabs and replace with class one stone, and install filter cloth and class one stone along deteriorating timber bulkhead was presented. The proposed project is located on Rappahannock River and Broad Creek, Tax Map No. 41-52-71A.

Mr. Halpin read the VIMS report and then gave the staff recommendation which is to comply with all VIMS recommendations for the site which stated that the existing upland improvements are at high risk for damage or loss due to shoreline erosion, and recommends that the vinyl jetty, block retaining wall and stone revetments should all be designed to withstand the expected wave conditions at this location. The engineering requirements for the block retaining wall and the proposed stone size should be carefully considered. All demolition debris should be removed from the water and properly disposed in an approved upland location.

Michelle Meredith 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. Taylor, seconded by Mr. Brooks and carried unanimously. The permit will be good for 18 months, expiring February 12, 2010.

G. Nancy G. Chambers – Application No. 2008-1282

The application to repair two existing groins and add 16' to each groin was presented. The proposed project is located on the Rappahannock River, Tax Map No. 19C-5-21.

Mr. Halpin made note to the board that the groin on the north side of the pier is shown to be several feet away from the pier in the drawing but actually runs directly along side of the pier as shown in the photographs.

Mr. Halpin read the VIMS recommendation and then gave the staff recommendation which is that in consensus with the VIMS report that there is no expected benefit from extending the groins; allow repair of existing groins without the added extensions to each.

Lucille Morelli-Redmon 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 repair of the existing groins with no extension was made by Mr. Taylor, seconded by Mr. Brooks and carried unanimously. The permit will be good for 18 months, expiring February 12, 2010.

H. Mark L. Tucker – Application No. 2008-1283

The application to replace existing 48' groin with new vinyl construction was presented. The proposed project is located on the Piankatank River, Tax Map No. 37A-7-2.

Mr. Halpin read the VIMS recommendations and then gave the staff recommendation that in consensus with the VIMS report it should have a low-profile design with a height no greater than the mean low water elevation at the channelward end.

Lucille Morelli-Redmon was present as the agent. Mrs. Morelli-Redmon stated that she could resubmit the application with what VIMS is requesting.

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 being no further questions or comments from the board, the motion to approve the application with staff recommendations, but not to proceed until after revised drawings have been submitted was made by Mr. Hawksworth, seconded by Mr. Taylor and carried unanimously. The permit will be good for 18 months, expiring February 12, 2010.

Old Business

The following previously heard applications were considered by the Board:

A. Waterview Landing, LLC – Application No. 2008-0534

The application to install a new community pier 8' wide x 433' long with a 60' x 6' T-head as well as 18 wet slips within the jurisdiction of the Middlesex County Wetlands Board was presented. The proposed project is located on Harry George Creek, Tax Map No. 9-38.

Mr. Halpin stated to the board that the applicant has submitted a revised request to install a new community pier 8' x 210' long, with a 6' x 40' T-head with a kayak/canoe, launch on the south side of the pier, consisting of a 6' x 8' platform, 5' x 20' gangway and a 10' x 20' launch platform. The applicant has asked to eliminate the dredging component of the application. The applicant still intends to deed restrict waterfront lots to exclude private piers. The applicant has also asked to not restrict the access to the pier only to phase one of the development, but to allow it to be a common area for the entire development.

Mr. Halpin read the revised VIMS report and then gave the staff recommendations that the height of the pier over the 16 feet of wetlands be 4' and the width be 5'. Signs should be posted for rules to the pier. Trash cans should be easily accessible and maintained to help prevent solid waste from entering the water.

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, and seconded by Mr. Brooks. Mr. Smither asked for a vote by show of hands. The application was approved by a 4 to 1 vote; Mr. Taylor opposed. The permit will be good for 18 months, expiring February 12, 2010.

B. Robert Sampson – Application No. 2008-0894

The application to install a total of 180 linear feet of coir logs for erosion protection was presented. The proposed project is located on Jackson Creek, Tax Map No. 40-235.

Mr. Halpin read the VIMS recommendations and then gave staff recommendations to transplant the vegetation in the footprint of the logs to an area above the mid-tide elevation. The project must be inspected by the homeowner monthly and loose stakes replaced as necessary. And remove shoreline debris to encourage vegetation growth.

Gene Agnese was present as 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. Armstead and carried unanimously. The permit will be good for 18 months, expiring February 12, 2010.

C. David Keitz – Application No. 2008-0904

Mr. Halpin stated to the board that the applicant has requested to have this application formally withdrawn.

Mr. Smither stated to let the record so reflect that application No. 2008-0904 has been withdrawn.

D. Don Lacey – Application No. 2008-1001

The portion of the application within the Wetlands Board jurisdiction to install a 100' x 5' marsh sill and fiber logs was presented. The proposed project is located on Parrott's Creek, Tax Map No. 9-7-1.

Mr. Halpin read the VIMS recommendations and then gave staff recommendations that mats should be used along waterfront for construction. No disturbance or destruction of wetlands; beach area to remain intact; filter cloth installed under armor stone, and only clean, coarse-grained sand to be used as backfill. Coir logs to be planted with wetland vegetation; inspection by property owner monthly to insure growth is maintained and logs are staked properly. Permits required for construction in RPA.

Michelle Meredith was present as the agent.

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. Taylor, seconded by Mr. Armstead. Mr. Smither asked for a vote by show of hands. The application was approved by a 3 to 2 vote. The permit will be good for 18 months, expiring February 12, 2010.

E. Tansill Ritchie Johnson – Show Cause

Tabled until the September meeting by request of Mrs. Johnson.

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