

Middlesex County Wetlands Board

Minutes

June 9, 2009

Call to Order

The June 9, 2009 meeting of the Middlesex County Wetlands Board was called to order by Chairman J. Miller Smither at 9:00 A.M. in the Boardroom of the Historic Courthouse, Saluda, Virginia. The Pledge of Allegiance was led by Archie Brooks.

Present: J. Miller Smither – Chairman

Archie Brooks

Dale Taylor

Woodson Armstead

Mary Ann Willis

Staff present: John Halpin, Wetlands Planner

Absent: Tom Hawksworth – Vice Chairman

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

Minutes

The Board considered the minutes of the May 12, 2009 meeting. On a motion by Mr. Armstead and seconded by Mr. Brooks, the minutes were approved unanimously.

Public Hearings

The following applications were considered by the Board:

A. Ray Terry – Application No. 2009-0506

The application to: install three 20' Coir Logs 6-8' channelward of mean high water, backfill with 7 cubic yards of clean sand and planting smooth cordgrass along with existing vegetation. The proposed project located on Sturgeon Creek; at Tax Map Parcel No. 41-2-3 was heard before the board.

Mr. Halpin read the VIMS report and summary.

Mr. Halpin then read the Staff report: that this project is in keeping with preferred living shoreline concepts. Coir logs can become loosened by heavy wave/wake action; this can be alleviated by the home owner

periodically inspecting the Coir logs, monthly is recommended, to ensure they are stable and that stakes have not come loose.

Mr. Halpin read the Staff recommendation that: if the Board chooses to approve this application, Staff recommends consideration of the application as submitted.

Mrs. Michelle Meredith of Deltaville, VA was present as agent. Mrs. Meredith spoke briefly on the concern of the Coir Logs coming loose and methods to alleviate the problem.

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

Chairman Smither called the agent back up, and began a brief period of questions and comments between the Board and the Agent.

There being no further questions or comments from the Board, Chairman Smither asked for disposition of the application.

The motion to approve the application as submitted was made by Mr. Brooks, seconded by Mr. Taylor, and carried unanimously. The permit will be good for 18 months, expiring December 31, 2010.

B. James R. Hall – Application No. 2009-0608

The application to: construct 4'x8'x50' rip rap revetment, using filter cloth and Class I stone, tying into existing rip rap. Construct 2.5'x5'x67' marsh toe sill, 7' channelward of bank, backfill with clean sand and plant wetlands vegetation. The proposed project located on the Piankatank River; at Tax Map Parcel No. 37A-6-181 was heard before the board.

Mr. Halpin read the VIMS report and summary.

Mr. Halpin then read the Staff report: that the area where the revetment is being requested does contain a fair amount of wetlands vegetation. Although Staff agrees with the applicant that some form of protection is needed at this spot, mitigation would have to be made to attain the State requirement of no net loss by modifying the application to either: a marsh toe sill forward of the vegetation at this location; grade back the bank and place the revetment behind the vegetation; or that after discussion with VMRC, the area of the proposed marsh toe sill cannot be used as mitigation for the vegetation loss, because that area is being changed from subaqueous bottom to vegetated wetlands. However, if the application was to be modified to mitigate 150 square feet behind the proposed marsh toe sill (yard area) to wetlands vegetation, this would suffice in meeting the State requirement of no net loss.

Ms. Karla Havens of Plain View, VA was present as agent. Ms. Havens stated that she agreed with the Staff recommendation for planting a 2.5' x 70' area upland of the marsh planting for mitigation.

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

Chairman Smither called the agent back up, and began a period of questions and comments between the Board and the Agent.

After the period of questions and comments from the Board, Chairman Smither asked for disposition of the application.

The motion to approve the application with the Staff recommendation to change the footprint of the marsh toe sill to 7.5', bring back the west end of the marsh toe, tapering to the rip rap revetment, and the mitigation planting of 175 square feet landward of the marsh planting was made by Mrs. Willis, seconded by Mr. Armstead, and carried by a 4 – 1 vote; Mr. Taylor voting in dissent. The permit will be good for 18 months, expiring December 31, 2010.

Old Business

Mr. Halpin informed the Board that the Planning Department has not heard from Mr. Krumbein concerning revised drawings of his project. On a motion from Mr. Armstead, and seconded by Mr. Brooks, the board voted unanimously to send a letter to Mr. Krumbein stating that inaction on his part could render his application null and void.

New Business

Mr. Halpin informed the Board of the new procedures concerning certified mailings. Until further notice, in lieu of sending certified letters, the Planning Department will send all mailings via First Class mail, and will sign an affidavit, to be kept on file, that the letters were sent.

Adjournment

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

Respectfully submitted,

Wetlands Board Chair

Date