

Middlesex County Wetlands Board

Minutes

August 11, 2009

Call to Order

The August 11, 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 June 9, 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. Richard & Rita Porterfield – Application No. 2009-0852

The application to: reconstruct an existing 16' jetty on west side of property; construct a 49' jetty on the east side of the property. Both jetties to be constructed with vinyl sheet pile with a 10:1 slope at a site located on the Rappahannock River, at Tax Map Parcel No. 41-109 was heard before the board.

Mr. Halpin read the VIMS report and summary.

Mr. Halpin then read the Staff report: that the first concern is for the understanding that groins are structures used to trap sand in locations where sand is needed to protect a shoreline and vegetation; or to trap the natural movement of sand to prevent it from entering and collecting in a navigable area such as a protected

harbor. Groins are not privacy fences/walls or property line markers, and are not to be used as such. The predominate movement of sand for this area is from east to west. The length of the proposed eastern groin is going to rob any potential for sand build up on the western groin. If approved, both groins need to be artificially nourished with clean sand.

Mr. Halpin read the Staff recommendation that: if the Board chooses to approve this application, Staff recommends consideration to scaling back the length of the eastern groin so that it does not completely rob the western groin's potential to trap sand and artificially nourish both groins with clean sand.

Mr. H. L. Parrish of Deltaville, VA was present as agent. Mr. Parrish spoke briefly in agreement with staff that the groins were intended to be the same distance channelward, but were incorrectly drawn on the site plan.

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, concerning siting of the eastern groin, its potential to rob sand from the western groin, and the need for initial sand nourishment of both groins.

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

The motion to approve the application, with staff recommendations; upon submission of revised drawings was made by Mrs. Willis, seconded by Mr. Taylor, and carried unanimously. The permit will be good for 18 months, expiring February 28, 2011.

B. Don Finley – Application No. 2009-0905

The application to: construct a 5'-6" x 11' x 180' rip rap revetment, in front of existing failing bulkhead at a location on the Piankatank River, at Tax Map Parcel No. 43-1-2D was heard before the board.

Mr. Halpin read the VIMS report and summary.

Mr. Halpin then read the Staff report that: revetments are preferred over bulkheads. The only other option for a revetment at this location would be to pull out the bulkhead, grade the bank, and put in the rip rap revetment. To do this would create several problems including potentially undermining the steep slope, and severely damaging the established riparian buffer. It is the opinion of the Staff that the proposed bulkhead toe revetment is the best option for this location.

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

Mr. Jeff Watkins of Gloucester, VA was present as agent.

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.

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

The motion to approve the application as submitted was made by Mr. Armstead, seconded by Mr. Taylor, and carried unanimously. The permit will be good for 18 months, expiring February 28, 2011.

Old Business

Mr. Halpin informed the Board that The County has heard from Mr. Krumbein, and he is supposedly in work on revising his drawings. The County does not have the time, nor will the County spend the time to lead Mr. Krumbein through his revision “by the hand”. We will continue, to apprise Mr. Krumbein that he needs to complete his revisions so that the County and VMRC can move forward with his permitting process. On the advise of our County Attorney, we will not, at this time, render a date that will make the application null and void; but will do so, upon the advise of VMRC that too much time has elapsed for their process, and/or the advise of our County Attorney that an extraordinary amount of time has elapsed with no action from the applicant.

Mr. Krumbein has submitted new drawings to the Planning Department on August 10, 2009 and these were presented to the Board for their review. The Board agreed with Staff’s findings that the bench marks on the new drawings are the same as those on the previous drawings, and does not reflect bringing the seawall back to current mean high water. The Board Chairman stated, with the agreement of the Board that the new drawings cannot be approved as submitted. Mr. Halpin was directed to send another letter to Mr. Krumbein.

New Business

No to be discussed.

Adjournment

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

Respectfully submitted,

Wetlands Board Chair

Date