

# **Middlesex County Wetlands Board**

## **Minutes**

**May 11, 2010**

### **Call to Order**

The May 11, 2010 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 Wesley Dolezal.

Present: J. Miller Smither – Chairman

Dale Taylor

Woodson Armstead

Wesley Dolezal, Alternate

Absent: Tom Hawksworth, Vice Chairman

Archie Brooks

Staff present: Tripp Little, Wetlands Planner

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

### **Minutes**

The Board considered the minutes of the April 13, 2010 meeting. On a motion by Mr. Armstead and seconded by Mr. Dolezal, the minutes were approved.

### **Public Hearings**

The following applications were considered by the Board:

A. F. McKim Beale – Application # 2010-0230.

The Application is to install 696' of riprap channelward of an existing bulkhead. The proposed project is located on Urbanna Creek, at Tax Map Parcel # 20B-10-1.

This matter was deferred from the April 13, 2010 meeting at which time the public hearing was held.

A representative from Bay Shore Design was present as Agent.

Chairman Smither 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 this application as originally submitted was made by Mr. Taylor and seconded by Mr. Dolezal and carried unanimously. The permit will be good for 18 months.

B. Hunton Creek Improvement Association – Application # 2010-0497.

The Application is to construct a 246' rock jetty. The proposed project is located on the Rappahannock River at the mouth of Hunton Creek, and at Tax Map Parcel # 40-9-A.

Mr. Little read the VIMS Summary and then read the Staff report recommending the application be approved with VIMS recommendations.

Ken Kidwell 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.

Chairman Smither 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 with Staff recommendations was made by Mr. Armstead and seconded by Mr. Dolezal, and carried unanimously. The permit will be good for 18 months.

C. Tri-County Farms – Application # 2010-0416.

The Application is to remove and replace a concrete boat ramp. The proposed project is located on the Rappahannock River, at Tax Map Parcel # 27-174.

Mr. Little read the the VIMS Summary and then read the Staff report recommending the application be approved as submitted.

Mr. Glen Bunch was present as Owner.

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

Chairman Smither began a brief period of questions and comments between the Board and the Owner.

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. Taylor and seconded by Mr. Armstead, and carried unanimously. The permit will be good for 18 months.

D. Thomas Bishop – Application # 2010-0464.

The Application is to install 233 linear feet of riprap revetment and a 65-foot marsh toe sill. The proposed project is located on Urbanna Creek, at Tax Map Parcel # 19-193C.

Mr. Little read the the VIMS Summary and then read the Staff report recommending the application be approved with VIMS recommendations.

Karla Havens with Mid-Atlantic Resource Consulting 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.

Chairman Smither 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 to include 100 sq foot of vegetative wetlands and revised drawings was made by Mr. Taylor and seconded by Mr. Dolezal, and carried unanimously. The permit will be good for 18 months.

E. Giles Tucker – Application # 2010-0493

The Application is to apply 280 cubic yards of beach nourishment. The proposed project is located on the Chesapeake Bay, at Tax Map Parcel # 46-7-60.

Mr. Little read the the VIMS Summary and then read the Staff report recommending that the Board take no action. According to Mr. Neikirk of VMRC, the General Assembly changed the law in 2008. Since there is no local ordinance regarding beaches and dunes, the Wetlands Board has no authority and VMRC will assume authority.

Joey Scott of The Salt & The Earth 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.

Chairman Smither 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 send the application back to VMRC was made by Mr. Taylor and there was no second. A motion to go with Staff Recommendations to take no action was made by Mr. Taylor and seconded by Mr. Armstead and carried unanimously.

F. David Lee – Application # 2010-0494.

The Application is to apply 625 cubic yards of beach nourishment. The proposed project is located on the Chesapeake Bay, at Tax Map Parcel # 46-7-62.

Mr. Little read the the VIMS Summary and then read the Staff report recommending the Board take no action.

Joey Scott of The Salt & The Earth was present as Agent.

Chairman Smither opened the hearing for comments from the public.

Chairman Smither 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 for the Board to take no action was made by Mr. Dolezal and seconded by Mr. Armstead, and carried unanimously.

**Old Business**

A. Harvey's Tree Service – Staff has been advised by the County Attorney to obtain a warrant for Mr. Hill. Staff has not had the time to do so since all magisterial issues are now done by video-conferencing. Chairman Smither wants to look into whether any member of the Board is able to obtain warrants.

**New Business**

Chairman Smither provided each Board member a copy of a Retraction of his April 12, 2010 Statement. He asked that a copy be attached to the minutes and his previous forthcoming resignation was made null and void.

**Adjournment**

Mr. Armstead made a motion to adjourn the meeting, it was seconded by Mr. Taylor and carried unanimously.

Respectfully submitted,

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Wetlands Board Chair

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Date