

MIDDLESEX COUNTY, VIRGINIA WETLANDS BOARD MEETING MINUTES
TUESDAY, MARCH 14TH, 2017

Call to Order:

The Tuesday, March 14th, 2017 meeting of the Middlesex County, Virginia Wetlands Board (the Board) was called to order by Chairman Dolezal at 9:00 A.M. in the Boardroom of the Historic Courthouse, 865 General Puller Highway (Virginia State Route 33), Saluda, Middlesex County, Virginia, 23149.

Present: Mr. Wesley Dolezal (Chairman)
Mrs. Monica Sanders (Vice Chairman)
Mr. Woodson Armstead
Mr. John Boyd
Mr. David Laughton

Staff present: John Settle, Environmental Planner and Codes Compliance Officer

Also present was Jay Woodward from the Virginia Marine Resources Commission (V.M.R.C.).

Approval of Minutes:

The Board considered the minutes of the Tuesday, February 14th, 2017 meeting. The motion to approve the minutes was made by Mr. Laughton, seconded by Mr. Boyd, and carried unanimously.

Public Hearing(s):

- A. Wetlands Application 2016-1874 submitted by Pamela West on behalf of herself. This request is to remove 2 dilapidated existing 48' low profile groins and reconstruct 2 low profile groins extending the same 48' from existing bulkhead within the same footprint within the Wetlands Board's jurisdiction. The proposed project is located on Rappahannock River at Tax Map Parcel 39-A-3A.**

Scotty George of Docks of the Bay, L.L.C. was present to represent the application and to explain the proposed project.

Chairman Dolezal opened the hearing for comments from the public.

There being no comments, Chairman Dolezal closed the public portion of the hearing.

Chairman Dolezal began a brief period of questions and comments between the Board and the agent.

Mr. Boyd indicated to Scotty George that the proposed project was not staked in a manner that was consistent with what appeared on the Joint Permit Application (J.P.A.).

Scotty George admitted that there were discrepancies between what was initially proposed and how the site was staked, but that the differences were minimal.

Chairman Dolezal noted that regardless of the minimal differences, the project description claimed that the proposed project would be occurring within the same footprint.

Scotty George again admitted that there were discrepancies between what was initially proposed and how the site was staked, but that the differences were minimal.

Jay Woodward agreed with the comments offered by Chairman Dolezal and Mr. Boyd, and added that a revision of the J.P.A. would likely be necessary to remedy the situation.

Vice Chairman Sanders added that Scotty George and/or Docks of the Bay, L.L.C. must be listed as the agent in the revised J.P.A.

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

The motion to table the application as submitted was made by Mr. Boyd and seconded by Mr. Laughton and carried unanimously.

B. Wetlands Application 2016-2025 submitted by Karla Havens on behalf of John Elkin. This request is to construct 1 58' timber groin within the Wetlands Board's jurisdiction. The proposed project is located on Lagrange Creek at Tax Map Parcel 19-19-4.

Karla Havens of Mid Atlantic Resource Consulting was present to represent the application and to explain the proposed project.

Chairman Dolezal opened the hearing for comments from the public.

There being no comments, Chairman Dolezal closed the public portion of the hearing.

Chairman Dolezal 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 Dolezal asked for disposition of the application.

The motion to approve the application as submitted was made by Mr. Laughton and seconded by Mr. Armstead and carried unanimously with an eighteen month time limit.

New Business:

A. New photograph of the Board for the County website.

John Settle informed the Board that a new photograph of its members would be needed for the County website.

Because all members were present, the Board was asked by John Settle to remain in the boardroom after the adjournment of the meeting so that a new photograph could be taken.

The Board agreed unanimously.

B. Explanation of the recent change to the Board's webpage on the County website.

John Settle informed the Board that under the direction of Chairman Dolezal, a link to the Middle Peninsula Planning District Commission's (M.P.P.D.C.'s) webpage for the M.P.P.D.C. Living Shoreline Incentive Program had been added to the Board's webpage on the County website.

The Board unanimously approved the action.

C. Update on changes to the Board's By-Laws concerning violations.

John Settle informed the Board that Heather Lewis, Middlesex County Attorney, had responded to the Board's inquiry and written an amended version of the portion of the By-Laws in question, but that there were certain components of her revision that Chairman Dolezal proposed to alter.

John Settle presented the original portion of the By-Laws in question, the By-Laws revised by Heather Lewis, and the By-Laws revised by Heather Lewis and Chairman Dolezal.

John Settle informed the Board that the portion of By-Laws in question that had been revised by Heather Lewis and Chairman Dolezal were (at that time) under review by Heather Lewis.

Jay Woodward indicated that the whole process might be simplified if the Board were to adopt as its By-Laws exact copies of the Code of Virginia's sections on wetlands boards.

Chairman Dolezal informed Jay Woodward that the Board was doing exactly what he had suggested.

D. Update on changes to the Board's By-Laws concerning rescheduled meetings.

John Settle informed the Board that Heather Lewis, Middlesex County Attorney, had responded to the Board's inquiry and written an amended version of the portion of the By-Laws in question, which he presented to the Board.

Vice Chairman Sanders expressed concern that the proposed revision did not address the protocol for when the Chairman was unavailable.

Chairman Dolezal stated that this protocol was already addressed elsewhere in the By-Laws.

Following this discussion, the Board expressed unanimous satisfaction with Heather Lewis' work, but postponed voting on the revision until all other changes to the By-Laws had been drafted.

E. Heather Lewis' proposal to remove Article 19, Violation Procedures, Sub-Section 6, Office Investigation, Paragraph D from the By-Laws, and Chairman Dolezal's explanation for retaining it.

John Settle informed the Board that Heather Lewis had recommended that the Board remove Article 19, Violation Procedures, Sub-Section 6, Office Investigation, Paragraph D from the By-Laws, explaining that she could find no statutory authority for its existence- John Settle went on to present the portion of the Code of Virginia in which, Chairman Dolezal believes, the Board derives its statutory authority for that particular portion of the By-Laws.

John Settle informed the Board that Chairman Dolezal's thoughts on this matter were forwarded to Heather Lewis, and were (at the time) under consideration.

Chairman Dolezal explained his interpretation of why the portion of the By-Laws in question exists, and why it should continue to exist.

Jay Woodward spoke at length on the topic of the power of the Wetlands Board Chairman as defined by the Code of Virginia, and admitted that he did not want to challenge the knowledge and authority of Heather Lewis, but felt that the whole process might be simplified if the Board were to adopt as its By-Laws exact copies of the Code of Virginia's sections on wetlands boards.

Chairman Dolezal stated that it would likely best benefit the Board if further discussion on this particular topic waited until the next meeting, or the next meeting by which time Heather Lewis will have generated a response.

F. Reminder of By-Laws amendment procedure.

Having seen that it had been over five years since the By-Laws had been revised, John Settle reminded the Board of the protocol for making amendments to the By-Laws.

Adjournment:

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

Respectfully submitted,


Mr. Fred Wesley Dolezal, Wetlands Board Chairman

04-11-2017
Date