

MIDDLESEX COUNTY, VIRGINIA WETLANDS BOARD MEETING MINUTES  
TUESDAY, AUGUST 8<sup>TH</sup>, 2017

Call to Order:

The Tuesday, August 8<sup>th</sup>, 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, 23149-3105.

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 of the Virginia Marine Resources Commission (V.M.R.C.).

Approval of Minutes:

Following the Invocation and the Pledge of Allegiance, the Board considered the minutes of the Tuesday, July 11<sup>th</sup>, 2017 meeting. The motion to approve the minutes was made by Mr. Boyd, seconded by Vice-Chairman Sanders, and carried unanimously.

Public Hearing(s):

**A. Wetlands Application 2017-1018 submitted by Hammer Time Marine Inc on behalf of Francis Hall. This request is to install a vinyl bulkhead directly in front of an existing deteriorated wooden bulkhead within the Wetlands Board's jurisdiction. The proposed project is located on Urbanna Creek at Tax Map Parcel 20A-1-113.**

Michelle Meredith of Hammer Time Marine, Inc. 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.

Chairman Dolezal asked Meredith if the two newer pylons located in front of the existing bulkhead were going to be removed.

Meredith responded that they were going to be removed.

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. Boyd, seconded by Mr. Armstead, and carried unanimously with a three-year time limit.

**B. Wetlands Application 2017-1032 submitted by R&W Marine Construction Inc on behalf of Scott & Melissa Brannan. This request is to replace two vinyl groins within the Wetlands Board's jurisdiction. The proposed project is located on Fishing Bay at Tax Map Parcel 46-7-65.**

Richard Callis of R. & W. Marine Construction, Inc. 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.

Callis immediately stated that he was aware of and willing to correct the error in the project description, in which the existing and replacement groins were erroneously referenced as vinyl goins instead of timber groins.

Mr. Armstead stated that he thought the project was highly necessary.

Chairman Dolezal stated that he would be willing to vote favorably on the application, granted mean high and mean low water would be indicated on a set of revised drawings to be submitted to and circulated by the V.M.R.C.

Callis indicated that he would revise his application accordingly.

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

The motion to approve the application was made by Vice-Chairman Sanders, seconded by Mr. Laughton, and carried unanimously with an eighteen-month time limit under the condition that the application be updated to illustrate the locations of mean low and mean high water at the proposed project site.

**C. Wetlands Application 2017-1077 submitted by GSC Commercial Service LLC on behalf of Milton & Frankie Williams. This request is to construct approximately 50' vinyl bulkhead along shoreline w/ 4' walkway across its top- backfill will be placed underneath**

**the walkway within the Wetlands Board's jurisdiction. The proposed project is located on Broad Creek at Tax Map Parcel 41-15-H, 41-15-I & 41-15-J.**

Gary Cosby of G.S.C. Commercial Service, 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.

Cosby spoke briefly concerning the revisions to the application.

Vice-Chairman Sanders stated that she felt that most of the initial concerns with this application had been resolved on the day of the site visit.

Mr. Boyd asked if the two leaning trees on the shoreline would be removed.

Cosby stated that he had already acquired a Resource Protection Area Modification Permit from the County to remove three trees along the shoreline, which included the two mentioned by Mr. Boyd.

Chairman Dolezal noted that the revised application indicated an eight square foot loss of vegetated wetlands, and asked Woodward if the in-lieu of fee ought to be implemented.

Woodward responded that since the applicant has already taken steps to avoid damaging or impacting vegetated wetlands, and because there is still a proposed loss of vegetated wetlands, the County ought to implement its \$9.00 per square foot in-lieu of fee.

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

The motion to approve the application was made by Mr. Laughton and seconded by Mr. Armstead and carried unanimously with an eighteen month time limit under the condition that the applicant pay the \$9.00 per square foot in-lieu of fee permitted in the Middlesex County, Virginia Fee Ordinance for the loss of vegetated wetlands. The total cost for this component of the wetlands permit in this case (eight square feet) would be \$72.00.

#### Old Business:

**A. Wetlands Application 2017-0734 submitted by K & B Marine Construction LLC on behalf of Christopher & Sharon Perry. This request is to construct 2 48' low-profile groins, 1 w/ a 15' spur within the Wetlands Board's jurisdiction. The proposed project is located on Rappahannock River at Tax Map Parcel 9B-1A-2.**

Chris Self of K. & B. Marine Construction, 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.

Chris Self immediately noted that one of the revised drawings for this application erroneously listed a distance between the pier and proposed eastern groin of thirty-one feet instead of forty-seven feet.

Chairman Dolezal directed Self to coordinate with County staff to correct that error, and asked if all of the recommended revisions from last month's meeting had been undertaken.

Self responded in the affirmative.

Chairman Dolezal asked Woodward if he was satisfied with the application.

Woodward responded that he was, and gave a brief synopsis on the permitting necessary through the V.M.R.C. for Self's application.

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 Vice-Chairman Sanders, seconded by Mr. Laughton, and carried unanimously with an eighteen-month time limit.

**B. Wetlands Application 2017-0735 submitted by K & B Marine Construction LLC on behalf of Christopher & Sharon Perry. This request is to construct 2 48' low-profile groins, 1 w/ a 15' spur within the Wetlands Board's jurisdiction. The proposed project is located on Rappahannock River at Tax Map Parcel 9B-1A-2.**

Chris Self of K. & B. Marine Construction, 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. Laughton stated that he was satisfied that the project had been properly staked, and that the revisions had been submitted.

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. Armstead, seconded by Mr. Boyd, and carried unanimously with an eighteen-month time limit.

New Business:

**A. EXTENSION REQUEST Wetlands Application 2015-1687 submitted by GSC Commercial Service LLC on behalf of Harvey & Marie Lloyd & Benson & Christina Fukushima. This request is to install 5 70' to 78' breakwaters w/ 20' to 25' openings approximately 50' from shore w/ sand behind breakwater to assist protecting bank from erosion within the Wetlands Board's jurisdiction. The proposed project is located on Rappahannock River, at Tax Map Parcel 2-34A.**

Settle informed the Board that although this particular wetlands permit had already expired, it was still within the thirty-day grace period following expiration to allow for an extension request. He went on to say that no individuals or entities opposed this application during its initial review process (making it exempt from public advertisement and the notification of adjacent property owners), and that the required \$50.00 extension request fee had been paid to the County.

The motion to approve the extension request was made by Mr. Laughton, seconded by Vice-Chairman Sanders, and carried unanimously with an eighteen-month time limit.

**B. BOARD NOTIFICATION Wetlands Application 2017-1263 submitted by Middlesex County on behalf of Commonwealth of Virginia. This request is to construct a vinyl bulkhead and install an oyster and sand fill mix behind it outside of the Wetlands Board's jurisdiction. The proposed project is located on Whiting Creek at Tax Map Parcel 28C-3-5.**

Settle and Woodward informed the Board that this project was exempt from wetlands permits because it was a County, and all government activities within local wetlands boards' jurisdictions are permit-exempt in accordance with the *Code of Virginia*.

The Board appreciated the knowledge that staff had determined that this multi-user project did not require a wetlands permit.

Adjournment:

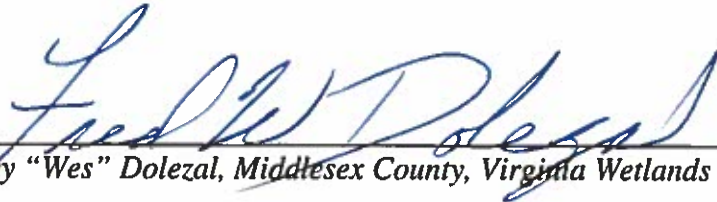
Prior to adjournment, Chairman Dolezal informed the Board that he had contacted Heather Lewis, the Middlesex County Attorney, concerning the status of working papers as materials that could be acquired through the Virginia Freedom of Information Act (F.O.I.A.). Chairman Dolezal stated that Lewis informed him that working papers cannot be acquired through the F.O.I.A. if they are disposed of following a meeting, an act which is not punishable.

Vice-Chairman Sanders informed the Board that past Wetlands Board Chairman Miller Smithers would be undergoing surgery on Friday, August 18<sup>th</sup>, 2017.

Chairman Dolezal asked if Woodward could provide the Board with an update on the V.M.R.C.'s development of the "Group Two Living Shoreline Permit" at the next month's meeting. Woodward stated that he would be glad to do so, and spoke at length on some of the development background concerning the permit.

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

*Respectfully submitted,*



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Mr. Fred Wesley "Wes" Dolezal, Middlesex County, Virginia Wetlands Board Chairman    Date