

A regular meeting of the Westmoreland County Wetlands Board was held on Monday, June 15, 2009, in the General District Courtroom, in the George D. English, Sr. Memorial Building, Montross, Virginia. Those members present were, Austin Magill, Jerry Mulholland, Kelvin Johnson, Jane Gaynor. Charlie Wrightson, Planner and Dan Bacon, VMRC representative, were also present.

CALL TO ORDER

Chairman Magill called the meeting to order at 1:30 p.m. The roll was called and a quorum was declared.

PRIOR MINUTES

Chairman Magill asked if everyone on the Board had received copies of the previous meeting minutes. He then asked if there were any additions or corrections to the May 2009 minutes. After a lengthy discussion regarding the action and wording of wetland permit # 1047, Stratford Harbor Property Owners Association during the May 18, 2009 meeting, Chairman Magill accepted the motion by Mr. Mulholland to modified permit #1047 to approve groin #4 with beach nourishment and to extend spur 16 to feet, however, if it causes damage(deleting the wording "if it impedes on") to adjacent property the board could have the spur removed. Mrs. Gaynor seconded the motion carried with a 3 to 1 vote, Chairman Magill abstained. Mr. Johnson moved that the minutes be approved as corrected. Mr. Mulholland seconded, the motion carried unanimously.

Wetland Case # 1090 - Barbara Camp, P.O. Box 97, Colonial Beach, VA 22443- Request to construct and replace sections of 900 feet of timber bulkhead. Location: Camp's Subdivision, lot E as shown on tax map 6L, also known as 141 Waterview Point, Washington Magisterial District. VMRC# 09-0374

The board as a whole agreed to accept a request by the agent to defer case # 1090 for one month.

Wetland Case # 1093 - Department of Conservation and Recreation, c/o Tom Oliver, 101 N 14th St, Monroe Building, 11th Floor, Richmond, VA 23219 - Requesting a permit to install six (6) armor stone breakwaters (2-180-feet, 158-feet, 137-feet, 88-feet and 118-feet) long and approximately 30 feet wide extending a maximum of 120 feet channelward of mean low water and beach nourish with approximately 13,000 cubic yards of beach quality sand, install a total of 901 linear feet of sill approximately 16-feet wide a maximum of 40-feet channelward of mean low water and nourish 6,300 cubic yards of beach quality sand and to sprig with vegetation and install 520 linear feet of riprap revetment. Location: 1650 State Park Road, Washington Magisterial District. VMRC# 09-0558

After discussion, VIMS report and public comment, Mr. Johnson moved to approve Case # 1093. The motion was seconded by Mrs. Gaynor and carried with a unanimous vote with a 3 year approval. Chairman Magill advised the applicant/agent that there was an appeal process which requires that there be a ten-day waiting period prior to starting construction.

Wetlands Case # 1094 - Lawrence & Paula Leadbetter, 17238 Taylors Creek Road, Montpelier, VA 23192; Robert & Sonia Stevens, 92 Old Concord Road, Stafford, VA 22554 and Mary Paphides, 571 King Copsico Lane, Montross, VA 22520 - Request to install two (2) 30' low-profile wood groins & one (1) 40' low-profile wood groin with 125

cubic yards of beach nourishment. Location: King Copsico Beach subdivision, Section 3, Lot A (92 King Copsico Lane) & Lot B (58 King Copsico Lane) as shown on tax map 25A, Cople Magisterial District. VMRC# 09-0547

After discussion, VIMS report and public comment, Mr. Mulholland moved to approve Case # 1094. The motion was seconded by Mrs. Gaynor and carried with a unanimous vote with a 2 year approval. Chairman Magill advised the applicant/agent that there was an appeal process which requires that there be a ten-day waiting period prior to starting construction.

Wetland Case # 1095 - Charles Causey, 9171 Sandy Creek Lane, Mechanicsville, VA 23116 and Mary Paphides, 571 King Copsico Lane, Montross, VA 22520 - Request construction of one (1) 35' low-profile wood groin and repair existing 12'x50' boatramp. Location: King Copsico Beach subdivision, Lot 4 as shown on tax map 25A1, Cople Magisterial District. VMRC# 09-0546

After discussion, VIMS report and public comment, Mr. Johnson moved to approve Case # 1095. The motion was seconded by Mr. Mulholland and carried with a unanimous vote with a 2 year approval. Chairman Magill advised the applicant/agent that there was an appeal process which requires that there be a ten-day waiting period prior to starting construction.

Wetland Case # 1096 - Lucy Quann, et, als, 304 Stonewall Drive, Fredericksburg, VA 22401 and Bayshore Design, L.L.C, P.O. Box 339, Kinsale, VA 22488- Request to construct a 146' rip-rap sill with beach nourishment and wetlands vegetated plantings. Place 20' of rip-rap against eroding bank. Location: Bushfield subdivision, Section C, Lot 7A, as shown on tax map 24A1, Cople Magisterial District. VMRC#09-0504

After discussion, VIMS report and public comment, Mr. Mulholland moved to approve Case # 1096. The motion was seconded by Mr. Johnson and carried with a unanimous vote with a 3 year approval. Chairman Magill advised the applicant/agent that there was an appeal process which requires that there be a ten-day waiting period prior to starting construction.

Wetland Case # 1097 - Robert & Michele Hall, 828 Sunflower Drive, Odenton , MD 21113 and Bayshore Design, L.L.C, P.O. Box 339, Kinsale, VA 22488 - Request to place 130' of rip-rap against toe of eroding bank, grade and vegetate approximately 200 sf. sloughed bank area. Location: Murphy's Mill Point subdivision, Lot 3 as shown on tax map 56F, Cople Magisterial District. VMRC# 09-0576

After discussion, VIMS report and public comment, Chairman Magill asked Mr. Bacon for comments, he advised the board of 28.2-1302.9 of the code of Virginia which states in part " In fulfilling its responsibilities under this ordinance, the board shall preserve and prevent the despoliation and destruction of any wetlands which are channelward of this bank within its jurisdiction while accommodating necessary economic development in a manner consistent with wetlands preservation". He then asked the board to consider if there was a better management practice to take care of the eroding factor, marsh sill, backfill and sprig or an alternative mitigation site. He also sited part 5 of the Chesapeake Bay Preservation Act information sheet which stated that "All proposed land disturbing, clearing or grading related to this JPA must comply with the Chesapeake Bay Preservation Area Designation and Management Regulations ", therefore, if you allow grading behind the marsh in order to put the rip-rap revetment in, consideration must be taken into account

of the CBA. Chairman Magill asked why was this project was different. Mr. Bacon stated that no structure was on the property, and it was a Post-Bay Act lot. The board does not have the authorization to allow the applicant to affect the RPA without the proper permit from the board of zoning in order to install the rip-rap revetment, allowing them to cover vegetated wetlands. Following a lengthy discussion, Mr. Mulholland continued to move to approve Case # 1097 with the provision that the distance between MLW and the rip-rap would be seeded, Mr. Palubinski added that any impact to the wetlands will be transplanted to the area outside of the toe of the revetment. The motion was seconded by Mr. Johnson and carried with a unanimous vote with a 2 year approval. Chairman Magill advised the applicant/agent that there was an appeal process which requires that there be a ten-day waiting period prior to starting construction.

Wetland Case # 1098 - Gerald & Cecelia Lazzaro, 185 Shellfield Lane, Colonial Beach, VA 22443 and Bayshore Design L.L.C, P.O. Box 339, Kinsale, VA 22488 - Request to construct a 145' timber bulkhead with rip-rap scour protection adjacent to severely eroding high bank. Grade and backfill behind bulkhead and establish vegetated cover. Location: Shellfield Shores subdivision, Lot 4, as shown on tax map 2C, Washington Magisterial District. VMRC# 09-0537

After discussion, VIMS report and public comment, Chairman Magill asked Mr. Bacon for comments, again Mr. Bacon advised the board of 28.2-1302.9 of the code of Virginia which states in part " In fulfilling its responsibilities under this ordinance, the board shall preserve and prevent the despoliation and destruction of any wetlands which are channelward of this bank within its jurisdiction while accommodating necessary economic development in a manner consistent with wetlands preservation". Chairman Magill called for a motion on the project, Mrs. Gaynor moved to approve Case # 1098 as submitted . The motion was seconded by Mr. Johnson and carried with a unanimous vote with a 2 year approval. Chairman Magill advised the applicant/agent that there was an appeal process which requires that there be a ten-day waiting period prior to starting construction.

Other Matters:

Clarification of : **Wetland Case # 1047** - Stratford Harbor Property Owners Association. 2657 N. Independence Drive, Montross, VA and Bayshore Design, P.O. Box 339, Kinsale, VA 22488 - request to place 112 feet of rip-rap against eroding bank. Location: Haulover Shores Subdivision (Commons Beach Area), "parcel C" as shown on Zoning District Map 23C, Montross Magisterial District. VMRC # 08-0600

After discussion, VIMS report and public comment, Mr. Johnson moved to approve Case # 1047 but allowing groin #1, #2, # 3& #4 to be installed with the understand that groin #4 would not be installed until it was determined that groin #1, #2, & #3 were not starving the neighboring properties, after which groin #4 could be approved administratively,(this was approved on May of 2008 and now wants to install groin # 4) and a copy of the deed was provided verifying that there are no restrictions before permits can be obtained. The motion was seconded by Mr. Nininger and carried with a majority vote, (Mr. Foxwell abstained from the vote) for a 3 year approval. Chairman Magill advised the applicant that there was an appeal process which requires that there be a ten-day waiting period prior to starting construction.

On June 15, 2009, an amendment to Case # 1047 was agreed upon by the board as a whole to approve groin #4 with beach nourishment and to extend spur to 16 feet.

Wetland Case # 1058 - Nannie Marrow, 12100 Chancellors Village, Fredericksburg, VA 22407 and Mary Paphides, 571 King Copsico Lane, Montross, VA 22520 - Request to construct 122' wood (or vinyl) bulkhead with 10' return wall, flanked with stone. Location: Bluff Point Farm, 115 Riverview Circle, as shown on Zoning District Map 3A4, Section 2, Block 5, Lot 13, Washington Magisterial District

The board as whole agreed to accept revised drawings submitted at the meeting for Case # 1058 reflecting the present construction of the bulkhead, a letter of explanation was also request from the agent to include the square footage of impacts on high tide as well as low tide. A revised wetlands approval permit will be sent to the applicant as well as the agent.

ADJOURNMENT

There being no other business to come before the Board, Mrs. Gaynor moved that they adjourn. Mr. Mulholland seconded, the motion carried by unanimous vote with the meeting adjourning at 5:00 p.m.