

**NORTHAMPTON COUNTY
WETLANDS BOARD**

Minutes
March 18, 2015

This was the regular meeting of the Northampton County Wetlands Board held on Wednesday, March 18, 2015, in the Board Chambers located at 16404 Courthouse Road in Eastville, Virginia for the purpose of conducting regular business.

Those members present were Chair, Marshall Cox, John Chubb, Jr and William Brown, II., Nancy Wells Drury and David Boyd, Dot Field

Absent – Bowdoin Lusk

Also attending were Hank Badger with the Virginia Marine Resources Commission (VMRC); Melissa Kellam, Zoning Administrator and Agent to the Board Chair; Kelley Lewis, Development Inspector and Nyoka Hall, Secretary

The meeting was called to order at 10:30 a.m., and a quorum established.

Public Hearings

All those wishing to speak at today's meeting were sworn in by the Chair.

Ms. Kellam read the public notice and decision tree details into the record.

VMRC 14-1035: THS Family Limited Partnership C/O Chester & Diane Davis seek to construct a 182 foot-long retaining wall located 10 feet channelward of an eroded slope and toe stabilization of a 50 foot section of an existing retaining wall not to extend greater than 6 feet from an existing wall. The property is described as Tax Map 56, double circle A, parcel 15682, located at 15682 Smith Beach Road, near Eastville.

The two decision trees, "Decision Tree for Currently Defended Shorelines Existing Groins" and "Decision Tree for Undefined Shorelines", were completed after a site visit by staff. Their analysis shows the pathways; recommend the following best management practices: (1) remove groins and complete "Undefined Shoreline Decision Tree", and (2) beach nourishment with sill or breakwater where necessary.

The VIMS recommendations include the CCRMP Map Viewer information and show the presence of a groin field and bulkheads to the north and south of the project location. VIMS recommended the following best management practices: (1) grade bank and (2) maintain beach or offshore breakwater with beach nourishment.

Although the proposed project is not consistent with the above recommendations, other site specific characteristics of the property and adjacent areas must be considered that would support the proposed project such as the existence of bulkheads located to the north and south on adjacent properties.

A water quality impact assessment reviewed by staff through the zoning clearance process is required before commencement of any site work. If the site work involves 2,500 square feet or more, a land disturbance permit will be required.

The hearing was then opened to the public for comment.

The agent for the applicant Mr. Chris Wilson was present as well as the property owners, Mr. & Mrs. Chester Davis. Mr. Wilson described the proposed project as it was presented in the application.

The hearing was closed to the public as there were no further comments.

After discussion amongst the Board, Mr. Boyd, Boyd motioned to approve the application as submitted but taking care to obtain the appropriate grain size to accommodate the tiger beetles. This motion was seconded by Nancy Drury. The motion carried with all in favor (6-0).

Ms. Kellam read the public notice and decision tree details into the record.

VMRC 2015-0071: James & Nancy Townsend wish to install and backfill approximately 200 feet of bulkhead with 2, 10 foot return walls (flanked by class II rip rap stone). The property is described as Tax Map 19C, double circle 01, parcel 10, located at 8453 Creek Street, near Birdsnest.

Staff has conducted a site investigation using the "Decision Tree for Undefended Shorelines", to provide site specific information for this project. This site has two distinct pathways. The first pathway shows erosion has taken place, the bank is undercut, the shoreline is forested, the bank height is 0 – 30 feet, marsh is less than 15 feet in width and the fetch is low. This pathway recommends forest management to prevent tree fall and a marsh with fiber log. The second pathway which describes the shoreline in front of the house shows bank erosion, the bank is undercut, the shoreline is not forested and improvements would prohibit grading. This pathway recommends moving the improvements if possible and consulting an expert. Also noted during the site visit which does not show up through the decision tree pathways is a near shore water depth of greater than 3 feet.

Staff is providing the VIMS report and recommendation which utilizes the online CCRMP Map Viewer for the Board's consideration. The CCRMP Map Viewer shows the project area as an undefended shoreline with a tree fringe and adjacent to a marsh community.

The proposed project is not consistent with the VIMS recommendation. The Decision Tree and the site investigation point out two specific site conditions, improvements that prohibit grading and the near shore water depth of greater than 3 feet, which should be considered by the Board in its project review process. A water quality impact assessment reviewed by staff through the zoning clearance process is required before commencement of any site work. If the site work involves 2,500 square feet or more, a land disturbance permit will be required.

Letters of opposition were submitted to be read into the record by adjacent property owners as follows:

H. Spencer Murray

8429 Denwood Road P.O. Box 10
Franktown, VA 23354
hsmconsulting@msn.com
(757) 678-6458

March 11, 2015

Department of Planning and Zoning
Wetlands Board
P.O. Box 538
Eastville, VA 23347

Reference: Townsend VMRC 2015-0071

Dear Chairman Cox and Members of the Board

Since I cannot attend your hearing I am submitting the following comments.

My property is on the same Church Creek as the subject property but fortunately faces south. There is no question that properties facing east receive nor'easter wave and storm tide erosion. There is also some boat wave as there are no restrictions on boat speed.

I have had a retaining wall with pine trees and marsh grass waterside on my property facing south for thirty years and only during hurricane level storms has tide reached my retaining wall. A solution for some east facing properties is needed.

My concern is that experience has shown that bulkheads reflect wave action and create erosion both beneath the bulkhead itself and ultimately to adjacent properties. Dr. Scott Hardaway documented that low energy wave action on bulkheads are acceptable but high energy wave action is better managed with rip rap. Marsh grasses and protective vegetation are not sustainable in front of bulkheads.

I sincerely hope that a solution to this erosion can be found for this and adjacent properties whose situation will worsen if you approve this plan as drawn. Please work with these property owners to arrive at a more sustainable and less invasive solution.

Sincerely yours,



H. Spencer Murray

James M. Shuty
6370 Cove Street
Franktown, VA 23354
Baycove2@verizon.net
757-442-5200
412-551-9891

March 14, 2015

Department of Planning and Zoning
Wetlands Board
P.O. Box 538
Eastville, VA 23347

Reference: Townsend VMRC 2015-0071

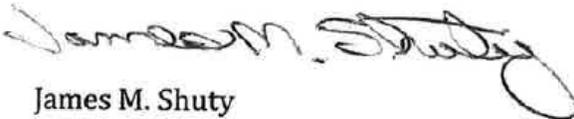
Dear Chairman Cox and Members of the Board:

My property is located one lot to the east of the Townsend property adjoining the easterly property line of the Underhill property. After reviewing the Townsend application, I wish to offer the following comments:

1. I do not see where the displaced silt from wave action is going to flow. I also believe increased erosion may occur along the shoreline.
2. Due to the vertical steepness from the top of the bank to the mean high water line, it will be impossible to sustain any marsh grass as shown on the said application.
3. I believe a more adequate and satisfactory engineering solution to this problem is possible. Is it necessary to construct a bulkhead 200 feet long to protect an area of approximately 60 feet?
4. There is a tidal pond adjoining my eastern property line, which acts as an emergency out flow for the creek. My concern would be that the deflected sediment from the bulkhead may seal the existing waterway shut.
5. If approved, this would be the only bulkhead on Church Creek and may set a precedent for future requests.

I appreciate the problem the Townsends have and I believe we can work together to achieve a successful solution to the situation. Thank you for your consideration concerning this matter.

Sincerely yours,



James M. Shuty

Judith L. Underhill
8447 Creek Street
Franktown, VA 23354

Mailing address and contact:
248 Spring Oaks Drive
Ballwin, MO 63011

March 15, 2015

Department of Planning and Zoning
Wetlands Board
P.O. Box 58
Eastville, VA 23347

Reference: Townsend VMRC 2015-0071

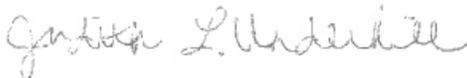
Dear Chairman Cox and Members of the Board:

My property at 8447 Creek Street adjoins the Townsend property to the east. After speaking with neighbors who have reviewed the Townsend application, I too am concerned that the application does not address the effect this bulkhead will have on the adjoining properties and others on Church Creek.

I am also concerned that this could increase the sediment deposits and bank erosion to the east and west of the proposed bulkhead, and the resulting situation may reduce my water depth which would adversely affect my dock.

Thank you for your consideration concerning this matter.

Sincerely,



Judith L. Underhill

H. Spencer Murray

8429 Denwood Road P.O. Box 10
Franktown, VA 23354
hsmconsulting@msn.com
(757) 678-6458

March 16, 2015

Department of Planning and Zoning
Wetlands Board
P.O. Box 538
Eastville, VA 23347

SECOND
LETTER

Reference: Townsend VMRC 2015-0071

Dear Chairman Cox and Members of the Board

Since I cannot attend your hearing I am submitting the following comments in addition to those contained in my letter of March 11.

At the request of the property owners, I met with them to view the situation they face on their property. (Townsend)

It appears to me that most of the erosion stems from surface water running down the bank as opposed to wave action from storms or boat traffic. The bank has vegetation growth on it but the erosion at the top does appear to threaten the huge oak tree the property owners are trying to save.

Again, I oppose the application plan as presented as I believe the better plan may be efforts to direct surface water away from the front of house and more evenly spread across the 200 foot property line.

I do hope a solution can be found, however, as sad as it is, I do not believe the huge oak tree will be able to be saved long term and especially with the bulkhead as proposed.

Sincerely yours,


H. Spencer Murray

The hearing was opened to the public for comments.

The agent for the applicant, Ellen Grimes was present as well as the property owner, Mr. James & Nancy Townsend. Ms. described the project as it was noted in the application.

Bob Meyers, 7516 Prettyman Circle suggested manta ray anchors be used as an alternative to the dead men. The manta ray anchors are driven in, over the top of the bulkhead and through the back and then connected with tie rods. He added that the alternative would be a great solution to the proposed problem of not being able to use the dead men.

Nancy and James Townsend, applicants for the proposed project spoke to the history of the property. They informed the board that the property was purchased in 2011 with no intention of doing bank work. Later that year, there was noticeable erosion, so they contacted Natural Resource Conservation Service (NRCS) and spoke with Tina Jerome about solutions to their erosion problem and she suggested a living shoreline. They then filed for the Wildlife Habitat Incentive Program (WHIP) and were denied. The Virginia Institute of Marine Science (VIMS) was contacted and they recommended a living shoreline with a revetment at low water and backfill with sand. A retaining wall would also be installed to protect the oak tree. Several contractors were contacted and none of them liked the proposed solution of the off-shore revetment and wanted to use heavier equipment on the bank than desired. Mr. John Mudd was ultimately chosen because his approach would be from the water. The Townsends elaborated further on their proposed project and the method of implementation and construction along with submitting photos and images of the property illustrating the erosion.

James Shuty, 8423 Church Creek spoke in opposition of the proposed project. He stated that the submitted plan was unclear. He suggested a flow chart be included illustrating the disbursement of sediment associated with the project.

John Mudd, Mudd's Marine Construction, Contractor elaborated on the project and identified the wall of concern as a "low profile retaining wall". He stated that the wall will be out of the water 95 percent more than the water touches the wall. He also pointed out that the erosion is coming from the top of the bank. He explained that his approach will not create any disturbance to the bank or the grasses.

With no other comments, the Chairman closed the hearing to the public.

The Board discussed the project and expressed concerns regarding the impacts to the neighboring properties and ultimately felt that additional time would be needed to make an informed decision considering all the information that was presented. Chairman Cox called for a motion and Mrs. Field motioned that the application be tabled till May 20th, 2015. The motion was seconded by Mr. Chubb and carried with all in favor (6 -0).

Chairman Cox called for a five minute recess.

The Chairman called the meeting back to order at 11:30 a.m.

Ms. Kellam read the public notice and decision tree details into the record.

VMRC 2015-0136: Robert E. & Joanne T. McMahon seek to construct an oyster castle sill to retain sandy fill material so that the eroded marsh may be reconstructed. The sill will be approximately 200 linear feet, including the 50 foot return wall to the east. The west end will abut an existing rip rap revetment. The sill will be approximately 5 feet in width & 32 inches in height. The property is described as Tax Map 18C, double circle 01, parcel G, located at 7443 Chesapeake Drive, near Exmore.

Staff has conducted a site investigation using the "Decision Tree for Undefined Shorelines", to provide site specific information for this project. Erosion has taken place and the bank is undercut. The shoreline is not forested and no upland improvements would prevent grading. The decision tree pathway makes the following best management practices (bmp's) recommendations: (1) grade bank and vegetate and (2) maintain the marsh with a sill.

Staff is providing the VIMS report and recommendation which utilizes the online CCRMP Map Viewer for the Board's consideration. The CCRMP Map Viewer shows the project area as undefended adjacent to an unknown map community. The VIMS recommendation can be found on page three of their attached report.

The proposed project is consistent with the Decision Tree and the VIMS recommendation, but VIMS does have concerns regarding the dynamic nature of this area and the use of nontraditional materials to construct the sill.

A water quality impact assessment reviewed by staff through the zoning clearance process is required before commencement of any site work. If the site work involves 2,500 square feet or more, a land disturbance permit will be required.

Ms. Kellam and Ms. Lewis read the following letters into the record.

From: Charlotte Sundstrom [mailto:toad.hall@verizon.net]
Sent: Monday, March 09, 2015 4:44 PM
To: Nyoka Hall
Subject: RE: VMRC Permit #2015-0136 McMahon

These comments are addressed to the Wetlands Board,
Marshall Cox, Chairman

We strongly object to the granting of a permit to Robert McMahon to construct an oyster castle sill to retain sandy fill material so that the eroded marsh may be reconstructed for the following reasons:

1. This request is nothing more than an attempt to restore a sandbar for their private use.
2. This could block access to the creek by boats which we now enjoy, thanks to Mother Nature, as well as affect or destroy our cultivated oyster and clam beds.
3. No environmental impact study that we know of was done on the effect this project will have on the cove.
4. Twice before this individual violated your regulations and was told to remove illegal fill from our channel. Why was he not fined?
5. The court in Baview Cove Association vs. Goldstine, a number of years ago, ruled that a previous sandbar formation, still remaining, belongs to the Goldstines.
6. This channel has always been open, although it is very dynamic and moves around with the various storms passing through. We have an aerial picture of the opening taken in the mid-80s which we will bring to the hearing.

Thank you for considering our comments.

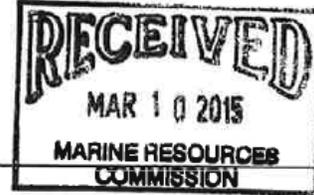
Jon & Charlotte Sundstrom
7345 Chesapeake Drive
Jamesville, VA 23398

Howell, Beth (MRC)

From: Ellen R Grimes [marshdr@verizon.net]
Sent: Tuesday, March 10, 2015 3:31 PM
To: nhall@co.northampton.va.us; Howell, Beth (MRC); Badger, Hank (MRC)
Subject: Rebuttal to Sunstrom proptest re: VMRC Permit #2015-0136 McMahon

PROTEST

Nyoka: Please pass this rebuttal on to the Wetland Board members.
thank you
Ellen R Grimes MS MFS



From: Charlotte Sundstrom [mailto:toad.hall@verizon.net]
Sent: Monday, March 09, 2015 4:44 PM
To: Nyoka Hall
Subject: RE: VMRC Permit #2015-0136 McMahon

CRM, llc's COMMENTS IN CAPS, (DIRECTLY FOLLOWING THE COMPLAINT FOR YOUR CONVENIENCE), ARE A REBUTTAL FROM ROBERT & JOANNE MCMAHON, TO THE COMPLAINANT LETTER OF MS CHARLOTTE SUNSTROM DATED 3/9/2015.

These comments are addressed to the Wetlands Board,

Marshall Cox, Chairman

We strongly object to the granting of a permit to Robert McMahon to construct an oyster castle sill to retain sandy fill material so that the eroded marsh may be reconstructed for the following reasons:

1. This request is nothing more than an attempt to restore a sandbar for their private use. THIS PROJECT WAS NOT DESIGNED TO NOR HAS ANY INTENTION OF BUILDING A SAND BAR FOR PRIVATE USE. THE PROJECT SEEKS TO ADDRESS SHORELINE EROSION, CAUSED BY THE LACK OF SAND REPLENISHMENT, BY CREATING A WIDER WAVE ATTENUATING MARSH FRINGE AND PROTECTING THAT MARSH WITH A STRUCTURAL COMPONENT.

2. This could block access to the creek by boats which we now enjoy, thanks to Mother Nature, as well as affect or destroy our cultivated oyster and clam beds. THIS OYSTER CASTLE

SILL PROJECT WILL NOT BLOCK THE CURRENT EGRESS OF THE CREEK; NOR WILL IT IMPEDE WATER FLOW OR SPEED IN AND OUT OF THE CREEK. AS FOR THE DESTRUCTION OF OYSTER AND CLAM BEDS, THE OYSTER CASTLE MATERIAL WAS DESIGNED TO ENHANCE AND PROVIDE SUBSTRATE FOR THE SETTING OF OYSTERS AS WELL AS THE HABITAT WILL ATTRACT OVER TIME A PLETHORA OF MARINE ORGANISMS AND COMMUNITIES. THE PROJECT IS EXTREMELY LOCALIZED AND WILL NOT EFFECT ANY CLAMS BEDS IN THE AREA. THE NEAREST LEASED BEDS ARE

A handwritten blue 'X' mark, likely a signature or initials, located in the bottom right corner of the page.

MORE THAN 700 FEET AWAY, AND ON THE SOUTHERN SHORELINE OF NASSAWADOX CREEK. NO BAYLOR GROUND IS NEAR THE PROJECT.

3. No environmental impact study that we know of was done on the effect this project will have on the cove. CRM, llc KNOWS OF NO REQUIREMENTS, FROM ANY ADVISORY OR REGULATORY AGENCY, FOR ANY ENVIRONMENTAL IMPACT STUDIES THAT ARE REQUIRED FOR A PROJECT OF THIS MINOR NATURE.

4. Twice before this individual violated your regulations and was told to remove illegal fill from our channel. Why was he not fined? NO PROOF OF THIS ALLEGATION IS PRESENTED HEREIN. ALL REQUIRED REGULATORY PATHWAYS ARE BEING FOLLOWED.

5. The court in Baview Cove Association vs. Goldstine, a number of years ago, ruled that a previous sandbar formation, still remaining, belongs to the Goldstines. THIS PROJECT WAS DESIGNED USING THE LATEST PLATS AND DOCUMENTS FOR REFERENCE. CITING A COURT CASE FROM THE PAST IS A MUTE POINT AS IT REFERENCES A "PREVIOUS SAND BAR".

6. This channel has always been open, although it is very dynamic and moves around with the various storms passing through. We have an aerial picture of the opening taken in the mid-80s which we will bring to the hearing. HISTORICAL AERIALS OF THE SAND BAR'S MOVEMENT CAN BE VIEWED IN THE JPA. CRM, llc ASSERTS THAT THE SAND BAR'S MOVEMENT FROM WEST TO EAST IS NATURAL AND THAT SHORELINE HARDENING ALONG THE NORTH / SOUTH RUNNING SILVER BEACH SHORELINE IS RESPONSIBLE FOR THE LACK OF SAND REPLENISHMENT OF THIS SAND BAR AS IT NATURALLY MOVES FROM WEST TO EAST. THE APPLICANT CANNOT BE HELD RESPONSIBLE FOR THE LACK OF SAND NEEDED TO KEEP THIS SAND BAR REPLENISHED. THIS LACK OF REPLENISHMENT HAS CREATED A SHORELINE EROSION CONDITION ON HIS SHORELINE, THAT THE APPLICANT SIMPLY WISHES, AND HAS A LEGAL RIPARIAN RIGHT TO ADDRESS.

THANK YOU - ELLEN R GRIMES MS MFS, CRM, llc

Thank you for considering our comments.

Jon & Charlotte Sundstrom

7345 Chesapeake Drive

Jamesville, VA 23398

Northampton County Department of Planning and Zoning

P.O. Box 538

Eastville, VA 23347

RE: **VMRC Permit Application 20150136**

I am writing in opposition to the Robert E. & Joanne T. McMahon application, VMRC Permit Application 20150136.

I **oppose** the proposal.

The project will have a direct negative impact on the value of my property as well as my ability to operate my property as a tax generating contributor of the tourism economy of the county and state and local businesses as a vacation rental, will take away my access to the creek and bay by boat, and will damage a fragile fin and shell fish population. The project will inhibit a natural tidal accumulator in times of storm surge. This cove is a primary drainage area for the entire Prettyman Circle area, constituting a perennial stream.

I have noticed deterioration in the water quality and aquatic life of the cove since the applicant's attempt to block the flow of water with sand bags, tires, and other foreign materials. A large storm restored a somewhat healthier flow. If I am correct, there is an outstanding complaint for removal of debris that has been unaddressed by the applicant. This application appears to represent the latest of numerous ongoing attempts by the applicant to block what has been a navigable tidal cove that serves a small, but important role in the balance of the health of the Chesapeake Bay Estuary.

My property is located at 7422 Prettyman Circle, Exmore, VA 23350

Please enter this letter into the official record for this application.

Sincerely,

William R. Campbell, Jr.

809 Camden Ave.

Salisbury, MD 21801

3/10/15

To:
Northampton County Dept. of Planning and Zoning
P.O. Box 538
Eastville, Va. 23347

I am opposed to the Robert E. & Joanne T. McMahon application:
VMRC Permit Application #20150136.

I am a property owner on the cove. My address is 7422 Prettyman Circle. Our property is primarily a vacation rental property. We enjoy kayaking and canoeing and are able to go in and out of the cove with these small watercraft. We have had guests bring boats as large as 22' into the cove to tie up at our pier.

This is a tidal body which is fed from from a small creek. The cove is part of the local ecosystem. There are native oysters, minnows, and elvers (baby eels) along with many other types of aquatic, land, and avian species that live and feed at this cove. We catch crabs from our dock all summer long.

Our Vacation rental has generated approximately \$6500.00 in taxes for the county and state since 2011. Blocking the entrance/exit to the cove would be devasgtating to our ability to attract vacationers.

It's not clear to me why the McMahons are interested in impacting our property, Northampton County, and the Chesapeake Watershed in this way. Their property is located primarily on Nasawaddox Creek, not on the cove. The McMahons have made several attempts to limit or block access to this cove, some of which are of questionable legality.

It would be my hope that this matter can be put to rest permanently and their attempts to block tidal flow denied.

Thank You,



William R. Campbell, Jr.
809 Camden ave.
Salisbury, Md. 21801

3/10/15



Verizon Message Center

Friday, Mar 13 at 10:39 AM

From: Michele Ciganek <mvciganek@verizon.net>
To: mkellam@co.northampton.va.us, klewis@co.northampton.va.us, nhall@co.northampton.va.us, hank.badger@mrc.virgila.gov, christine@vims.edu, peterkube@usace.army.mil
Cc: dgaynor@dbgesq.com, jwwescoat@myway.com
Subject: VMRC PERMIT # 2015-0136 - McMahon - 7443 Chesapeake Drive, Jamesville, VA

Ladies and Gentlemen

With regard to the above application permit for shoreline/sand reclamation utilizing Oyster Castle Sills -

Proposed location - 2nd property in from the mouth of the Nassawaddox Creek and Chesapeake Bay.

I am Michele Vierno Ciganek, and own the home and property at 7457 Chesapeake Drive, the 1st property in from The Bay. I am writing this letter for the record - as I will be unable to attend the Wetlands Board Public Hearing on March 18, 2015.

I am the Only Contiguous Property owner, as my land and Riprap (to the East) are involved directly and can be negatively impacted as a result of this proposed Sill project, in it is not constructed AND joined (tied-in) in the proper manner, taking into consideration the height of my Riprap. As you are all aware this is quite a volatile location with vast amounts of tidal water ebbing and flowing continually, large waves (due to the Bay's gale force winds) and continual boating activity (9 months a year). The location of the channel has been on the North side of the Creek for many years, as the South side has silted in. I wonder could this North side possibly silt-in as a result of these constructed Sills? Have Studies Been Conducted To Verify The Opening Of the Creek WILL NOT BE AFFECTED? If this major boating/fishing Creek and the access becomes clogged or sand/silted in - such as the mouth of the Hungar's Creek, then what? THIS WILL IMPACT hundreds more residents all along the Creek, their property values would decrease, as would the tax base for the County. The same can be said for the residents of the Cove, (at the Easterly side of the proposed Sill project), which for the first time in years has an open channel - tidal waters cleansing it daily. Their property values will be directly impacted.

ANOTHER MAJOR CONCERN - that concerns my property is: MY RIPRAP - On the East side of my land (and the remaining 20"-30' of original bulkhead, of which sand and original sea grasses and shrubs still thrive). My Riprap is supposed to be "Tied-In"/Integrated/Joined with



3

the Recommended Sills. HOW DOES Irregular Shaped Rock "Tie-In" with Rectangular Shaped Block ??? I understand from conversations with Hank Badger (as with Ellen Grimes, as well) This Would Be Accomplished Only With LARGE ROCK - thoughtfully placed to fill the numerous gaps, nooks and crannies. ANOTHER QUESTION Comes To Mind: HOW CAN a 32" high Sill "Tie-In" with a 4'-5' high Riprap wall ?? AND INSURE THAT THE UNDERMINING OF MY RIPRAP WILL NOT OCCUR, and thus/ also assure the added sand fill and tender growth of new vegetation will not suffer, as a result of erosion of water flowing through the "gaps". IS THIS INCLINE POSSIBLE TO MAINTAIN IN THIS LOCATION WITH THE CONDITIONS WE ARE CONFRONTED WITH: Which is PRONE TO HIGH WAVE ACTION AND TIDES ?? WHAT STUDIES have been conducted on this Sill type of marsh reclamation with regard to this type of waters ?? (ie: Extreme High Tide/Wave action from the Bay & Wide Creek vs. "Up the Creek"water.) Has this been successful ?? Is the Best Solution for This Particular Site ?? Additionally, what holds the Sill Block in place ?? Will the Wave Action Dislodge Them or Topple Them ?? PERHAPS SILLS SHOULD NOT BE CONSTRUCTED NEXT TO MY RIPRAP, but instead additional Riprap or Very Large Rock and then begin the sills further along shoreline ??

MY ADDITIONAL CONCERNS: WHAT GOVERNMENTAL AGENCIES OVERSEE this project ??

WHO MONITORS that all work is done in accordance with filed plans ??

HOW OFTEN IS THIS MONITORED ?? WEEKLY OR BIWEEKLY ??

WHAT "SAFETY" FEATURES will be implemented to ensure its completion ??

DOES COUNTY HOLD A BOND ?? WHAT IF the parties that are responsible for construction, selection of the proper size Rock (to be utilized and placement of same for the Tie-In to my riprap - (to insure NO GAPS), spreading the sand fill, planting & fertilizing & watering of grasses, etc. - DO NOT COMPLY OR ADHERE TO THE PLAN and FALL SHORT - FOR SOME REASON, AND THE PLAN NEVER MAKES IT TO THE FINAL PHAZE OR COMPLETION ???

As a concerned contiguous property owner, WHAT ASSURANCES will I receive from the WETLANDS BOARD, VIMS, VMRC and the NORTHAMPTON PLANNING & ZONING DIRECTOR - THAT MY PROPERTY WILL NOT BE SUBJECTED TO HARM and that CORRECT AND PROPER MEASURES WILL BE OBSERVED AND IMPLEMENTED ?? ADDITIONALLY, I request ASSURANCE that there will be NO ACCESS through any part of my property, storage of

materials, equipment or any work force entering. The EXCEPTION BEING - any governmental agencies for purposes of over-seeing this proposed project while under construction and through its completion.

I appreciate the opportunity to address all the governmental agencies with this letter, expressing my deep concerns for the protection of my land, (if not enough attention is taken into consideration and implemented), the fears of possible non - completion of this proposed project AND for my fellow neighbors on the Cove and their possible loss of water access to the Creek, and values to their homes.

Thank you all for your consideration. Please do not hesitate to contact me.

I would appreciate your acknowledgement of receipt of this letter via email.

Respectfully,

Michele Vierno Ciganek

My Home # 732-933-9944

A handwritten signature in cursive script that reads "Michele Vierno Ciganek". The signature is written in black ink and is positioned below the typed name and phone number.

March 18, 2015

REGARDING: VMRC 2015 - 0136 Robert E. and Joanne McMahon

Hi, I'm Sarah Emerson, living on adjacent property next door to, and just north of Robert E. and Joanne McMahon - at Nassawadox Point near Exmore, Virginia ~

I am also representing for Susan Emerson.

I state that the Emerson stance is in OPPOSITION to the proposed Oyster Castle Sill construction.

Also stating opposition to retaining sandy fill material (as read in proposal.)

These are the reasons:

- ~ Expressing dire concerns about the eco-system of our cove.
- ~ With the inevitable build up of sand, and the oyster sill attracting sand, in time, this proposal would ultimately block channel access to property owners on the cove.
- ~ This is the only cove access to Nassawadox Creek which leads out to the Bay.

And it should be noted that:

There has always been access for land owners with boats ~ including kayaks, canoes, and motor-boats.

This proposal would drastically affect the ecosystem of the cove and expedite the blockage of the connecting channel.

We would like to continue to see the channel remain open for our use & future generations. Thank you -

②

We would like this entered into the record.

The Emersons

{ Susan + Sarah Emerson }

7349 Chesapeake Drive
Jamesville, Virginia

From: Mr. James R. and Dr. S. Dawn Goldstine
7446 Prettyman Circle
Exmore, Virginia 23350

To: mkellam@co.northampton.va.us

Sunday Mar 15, 2015

To Melissa Kellam and Northampton County Wetlands Board
Re: Application for permit for McMahon on Nassawadox Creek and Cove originally named Bosmans Gut

We have owned our property next to the cove for the past 25 years and have been an observer of it for that period of time. About 15 years ago we deeded the portion of land adjacent to it on the Prettyman Circle side, to our son Chris Goldstine on which he built the house he shares with his wife Linda.

As daily observers of the cove we can testify that it is a dynamic body of water that is extremely sensitive to change. As a valued wetlands area and a breeding ground for fish and crabs, it is also a habitat and support for land, water, and flying wildlife. It also serves as a drain for over two square miles of farmland around Prettyman Circle. During our years here we have known it to be a deep water area open for boating and water-skiing, as well as a smaller area with a narrow channel fronted by a wide land bridge supporting pine trees.

We have grave concerns about the McMahon proposal, which in our experience, has only been the most recent in a 25 year succession of schemes to harness the channel and divert sand and water to serve a personal interest.

We don't have the professional expertise that you and the Board do to evaluate these things. What we do have is an intense interest in enabling the Cove to be what nature intended it to be, a clean, productive habitat for the fragile wildlife depending on it's future.

Over the years we have seen others with proposals for the development of the cove to suit a variety of interests. To date, the natural development of the cove has prevailed. Frankly, the cove has enough trouble just dealing with Mother Nature let alone equipment, oyster castle sill's, cinder-blocks, tires, and other devices to divert land and water.

We ask you most sincerely, as county officials and Board members, to use the power of your office to preserve and protect, this beautiful and fragile, force of nature.

Mr. James and Dr. Dawn Goldstine
7446 Prettyman Circle
Exmore, Virginia 23350

Melissa Kellam

From: R.Meyers <meyersrh@verizon.net>
Sent: Tuesday, March 17, 2015 10:15 AM
To: mkellam@co.northampton.va.us
Cc: Beth.Howell@mrc.virginia.gov
Subject: Fwd: VMRC application 2015-0136 McMahan
Attachments: 1- VMRC 15-0136 Entrance.docx; 2- VMRC 15-0136 Perennial Stream Flow.docx

Importance: High

Melissa,

Please provide this email to the Wetlands Board with the two annotated attachments for the Public Hearing tomorrow.

Thank you,
Bob Meyers

-----Original Message-----

From: "R.Meyers"
Date: Mar 17, 2015 10:06:51 AM
Subject: VMRC application 2015-0136 McMahan
To: brian.c.denson@usace.army.mil

Mr Denson;

Regarding the subject permit application, the drawings for the proposed finished work attached to it do not represent in any way the existing waterways.

1. The stream entrance is a navigable waterway. See the attached aerial photo take on 17 Jan, about 8 weeks ago.

Attached **1- VMRC 15-0136 Entrance.docx**

2. This waterway is a perennial stream that drains all the agricultural lands and originates from a stream that flows into a holding pond in the woods above the flow. The stream feed has enough volume that the holding pond has been designated as a dry hydrant for the fire department. The pond overflow is the feed for this cove. If the flow is blocked as is proposed, the wetlands shown upstream of the entrance to Nassawadox Creek will also be flooded.

See picture in Word doc. **2- VMRC 15-0136 Perennial Stream Flow.docx**

I urge the USACE not approve blocking of this stream or its use in any way.

RH Meyers

nearby property to proposal

7516 Prettyman Cir

Exmore VA 23350

757-442-3814

RE: VMRC 2015-0136:

IMG_0527.JPG

JPEG image

Date taken: 1/19/2015 12:18 PM

Tags: Add a tag

Rating:

Dimensions: 4384 x 2466

Size: 1.91 MB

Title: DCIM\100MEDIA

Authors: Add an author

Comments: Add comments

Camera maker: DJI

Camera model: PHANTOM VISION FC200

Subject: DCIM\100MEDIA

F-stop: f/2.8

Exposure time: 1/2502 sec.

ISO speed: ISO-100

Exposure bias: 0 step

Focal length: 5 mm

Max aperture: 2.97

Metering mode: Center Weighted Average

Subject distance: 0 mm

Flash mode: No flash function

35mm focal length: 30

Date created: 1/19/2015 4:26 PM

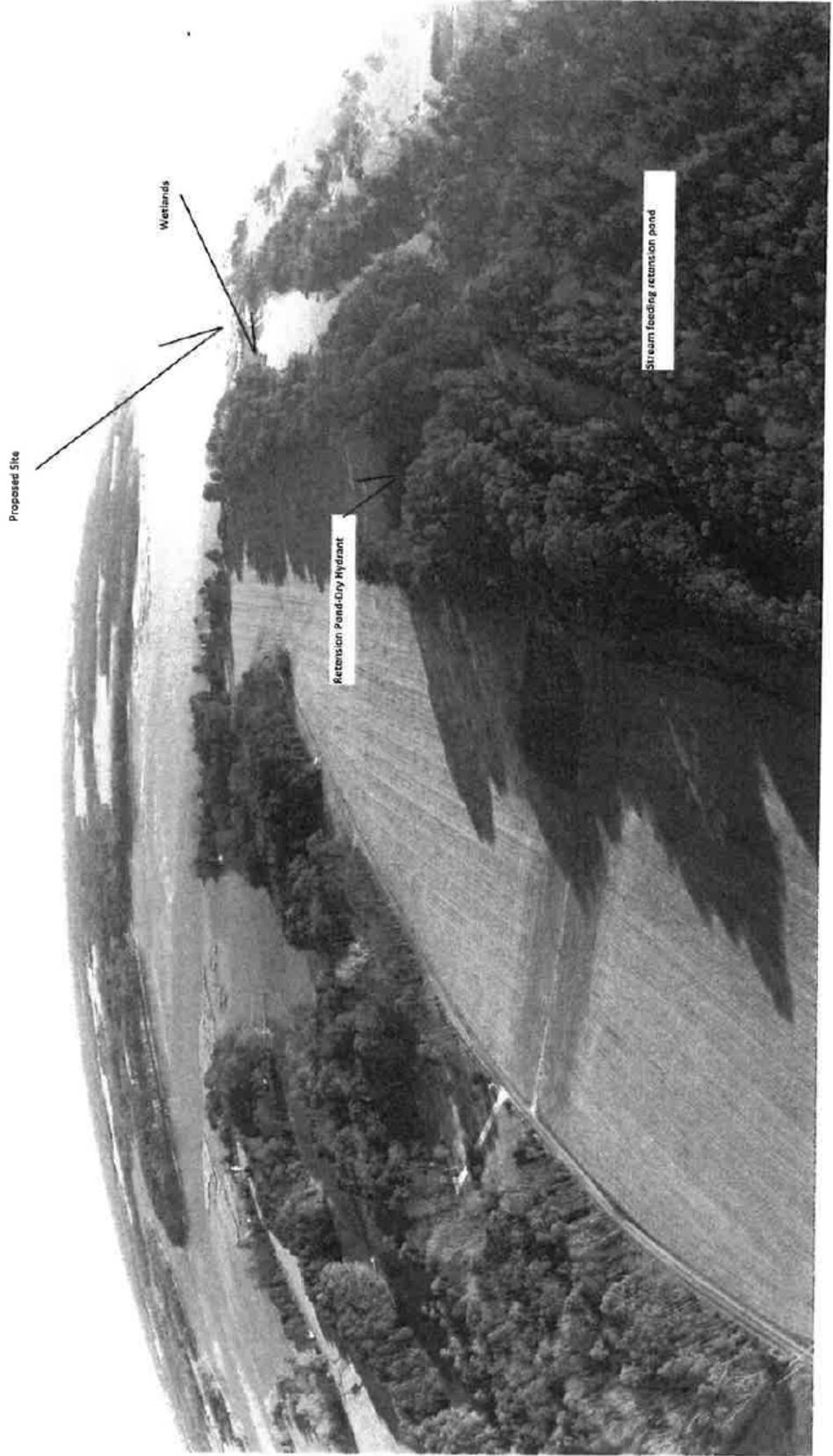
Date modified: 1/19/2015 12:52 PM



The stream entrance is a navigable waterway. The picture was taken during ebb tide and you can see how far it is below normal high by the exposed dark rock on the adjacent rip rap.

RE: VMRC 2015-0136:

This waterway is a perennial stream that drains all the agricultural lands and originates from a stream that flows into a holding pond in the woods above the flow. The stream feed has enough volume that the holding pond has been designated as a dry hydrant for the fire department. The pond overflow is the feed for this cove. If the flow is blocked as is proposed, the wetlands shown upstream of the entrance to Nassawadox Creek will also be flooded.



Nyoka Hall

From: Melissa Kellam <mkellam@co.northampton.va.us>
Sent: Friday, March 13, 2015 12:04 PM
To: 'Nyoka Hall'
Subject: FW: VMRC 15-0136 McMahon
Attachments: IMG_0527.JPG; DJI00051.JPG

From: R.Meyers [<mailto:meversrh@verizon.net>]
Sent: Friday, March 13, 2015 11:43 AM
To: mkellam@co.northampton.va.us
Subject: VMRC 15-0136 McMahon

TO: Melissa Kellam and NHC Co Wetlands Board,

The permit application for McMahon does not represent the fact that the cove he will in effect be encouraging be blocked is a perennial stream outflow from the Prettyman Circle fields and a useable channel for boating.

See aerial photos from mid January, a few weeks ago. You can see the date, time in the picture properties. The picture of the stream entrance was taken at low tide as you can see the dark line on the rip rap when you zoom in.

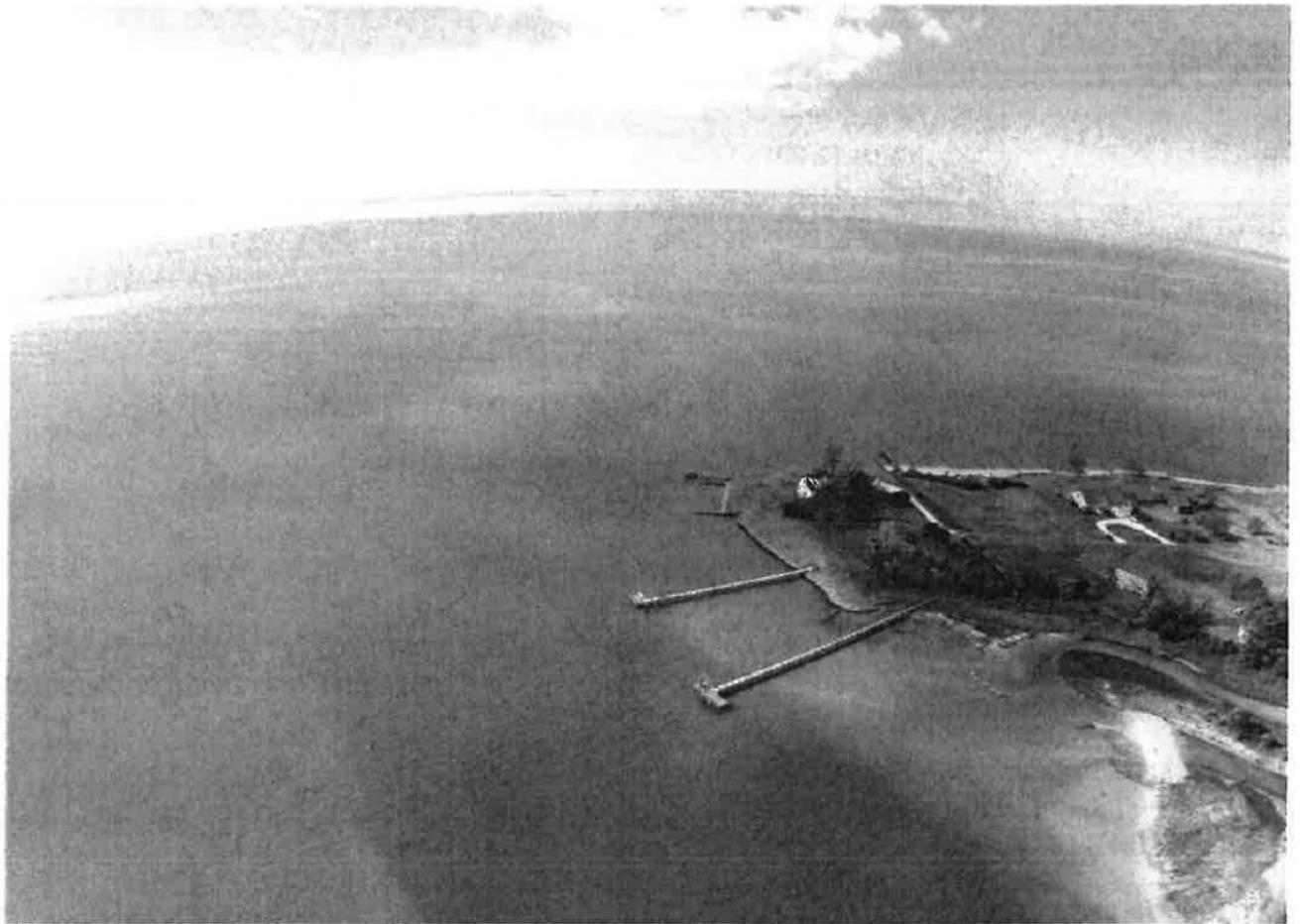
If you, in the Planning Office, or assisting the NHC Co Wetlands Board have any authority to allow blockage of this water channel I would appreciate knowing what it is. The applicant has already attempted this in the past with cinder blocks, old tires and sand fence which I believe you ordered him to remove. One tire still remained in mid January. Oyster castle placement in the same area is nothing but subterfuge to do exactly what he was doing before, attempting to block this dynamic water flow.

In addition, the structure that the applicant built over the stream flow several years ago and is now totally in the water may have never had a building permit. If that permit exists in your records, please provide me with the permit details by email. If a permit was never granted for that structure, Northampton County should insist that it be removed. It provides no purpose and is an unnecessary hazard to boating. This is a County issue as the structure was built when it was clearly in your jurisdiction.

See aerial photos from a few weeks ago. You can zoom in quite far for detail.

Please enter these photos and this email in the record for the Public Hearing on this application.

RH Meyers
7615 Prettyman Circle
Exmore
nearby property owner
757-442-3814



NORTHAMPTON COUNTY



Mark Cline
Building Official

757 678 0440
X 523

Building Department
P.O. 538
Eastville, VA 23347
Phone: (757) 678-0445
Fax: (757) 678-0483
www.co.northampton.va.us

November 28, 2007

Robert McMahon
27 Banksville Rd.
Armonk, NY 10504

Dear Mr. McMahon,

This letter is to affirm that a building permit is not required to build a walkway or bridge over the marsh on your property located on the property known as Tax Map ID number 18C((1))G, provided the level of the walking surface is no more than 30 inches above the underlying grade.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Cline".

Mark Cline
Building Official

Northampton County Department of Planning and Zoning
P O Box 538
Eastville, VA 23347

RE: VMRC Permit Application 20150136

I am writing in opposition to the Robert E. & Joanne T. McMahon application.

I oppose this proposal as this will have a direct negative impact on the value of my property.

This project is the end result in the applicant's attempt to block flow with tires, sandbags and debris. There was a noted increase in algae growth last summer over the last years as flow has been restricted.

My property is located at 7400 Prettyman Circle, Exmore, VA 23350

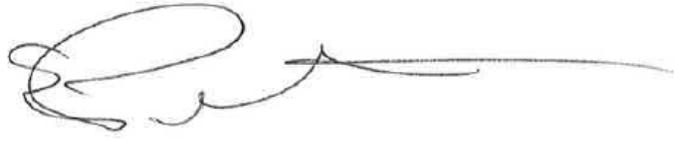
Please record this letter into the official record for this application.

Sincerely,

Joseph E. Peterson

7400 Prettyman Circle

Exmore, VA 23350

A handwritten signature in black ink, appearing to read 'Joseph E. Peterson', with a long horizontal flourish extending to the right.

3/14/15

Northampton County Department of Planning and Zoning
P O Box 538
Eastville, VA 23347

RE: VMRC Permit Application 20150136

I am writing in opposition to the Robert E. & Joanne T. McMahon application.

I oppose this proposal as this will have a direct negative impact on the value of my property.

This project is the end result in the applicant's attempt to block flow with tires, sandbags and debris. I contacted Ellen Grimes about the noted

increase in algae production last summer, she assured me that this is not due to pollutants but to restricted flow. How can the proposed obstruction at the inlet help but impede flow further?

My property is located at 7400 Prettyman Circle, Exmore, VA 23350

Please record this letter into the official record for this application.

Sincerely,

Terry Peterson



7400 Prettyman Circle

Exmore, VA 23350

The hearing was opened to the public for comments.

The agent for the agent for the applicant, Ellen Grimes was present as well as the applicant Mr. Robert & Joanne McMahon. Ms. Grimes spoke for the applicant and submitted the following information into the record:

McMahon Intro Outline

THANK THE BD FOR DOING INDIVIDUAL SITE VISITS

NATURE OF THE PROJECT:

- fact
- emotion
- clever speculation

fact

- this northern point of Nassawadox Creek is a dynamic location, sand is constantly on the move
- County aerials, 2002 to 2013, indicate that the sand spit is moving in an easterly and northeasterly direction ... *most of that movement and profound shoreline changes occurring between 2002 and 2007*
- since 2002 the spit has eroded by **218** feet
- since 2002 the McMahon property lost **73** feet of scrub-shrub community
- since 2002 the McMahon property has lost **27** feet of land from directly in front of the house due to the ox-bow formation of the creek
- sand for this spit is most likely supplied by the N-S flow of sand from the Silver Beach area, which since 2002 is for the most part armored with bulkheads, rip rap and groins. THEREFORE the sand source for this spit has become none existent
- without a sand source to replenish what migrates, or erodes from it location, upland erosion is inevitable.

emotion

- the residents of the Cove have, for decades now, been attempting to arrest the dynamics of both the sand and the ingress/egress of the cove
- there have been misunderstandings and court proceedings about sensitive lands ownership,
- attempts to dredge the cove's channel manually

page 2

- misunderstandings about the “intent” of erected structures,
- accusations about intentional closure of the channel
- complaints of structures impeding the tide sensitive navigation in and out of the channel
- and I m sure the list goes on

I had occasion early in my career in the early 90's to be involved in one such effort create a permanent ingress/egress to the cove. At that time no one was willing to accept what had to be done to accomplish that.

Clever speculation

- where will the ox-bow entrance/exit be next ?

Since 2002 aerials indicate that the “ox-bow” feature of the creek has always been present.

- How deep will the entrance be ?

If what little sand that is moving continues to build as an off shore sand bar the mouth will always runt he risk of being shallow, most likely reducing the speed of the water flow in and out of the cove

- Will the cove permanently close up ?

Doubtful in our lifetime. There is ever present the ground water from the watershed of the cove seeking and outlet, as well tidal flow in and out.

AND

If as they say, sea level is on the rise tidal flow will become more prominent as.

TO THE PROJECT – show the block and the pictures

- this project was planned using the decision tree and common sense
- rule of thumb – the wider the marsh the greater the wave attenuation – we planned for 35 feet wide
- this project is strictly and attempt to slowing further erosion of the point by creating a marsh / scrub-shrub zone that has been eroding since after 2002.

- the oyster castles will be multi functional in creating a low profile wave break for the newly planted marsh while also encouraging recruitment of all marine life from algae to benthic worms, to crustacea such as amphipodes and oysters.
- The amount of interstitial spaces in the castle sill will be greater than that in a rock sill
- **IMPORTANT: It was also planned with the property owner in mind:**
- this project, is geared toward responsible stewardship and reasonable cost
- the State is pushing for more responsible shoreline protection methods
- ENTER THE LIVING SHORELINE
- these methods are not without their maintenance AND monitoring requirements
- hybrid projects, using conventional rock sills, may be more \$\$ and time than the property owner is willing to spend
- ENTER THE OYSTER CASTLE METHOD creating a low profile, multi-functional protective sill
- the monitoring program has also been designed to collect the data necessary but allow the property owner to complete the requirements at minimal cost and with available technology – camera, printer, computer

explain the castles – show pictures

12"x12"x8" ; 32lbs/each; nesting; layers 6" w/ 2" nest;
manufacturer – Allied Concrete co – charlottesville, va
one foundational unit yielding a 5 block base and a **single** block top is:
54 blocks x 32lb = 1728 lbs

TNC and VMRC, Dr Sean Cornell of Shippensburg (and the Chincotegue Bay Field Station) in Greebackville have been working with them deploying them as setting venues for oysters

Bo Lusk will chat with you about TNC's project(s)

Mr McMahon would appreciate a time to speak as well and a time for rebuttal

thank you for your attention and are there any questions



DOUBLE BLOCK TOP

5 BLOCKS WIDE

40 BLOCKS x 32 lbs/each

4 BLOCKS LONG

= 1280 lbs

= 256 lbs/ft.

5' x 4' x 24" (HT)

WITH SINGLE BLOCK TOP

5 BLOCKS WIDE

54 BLOCKS x 32 lbs/each

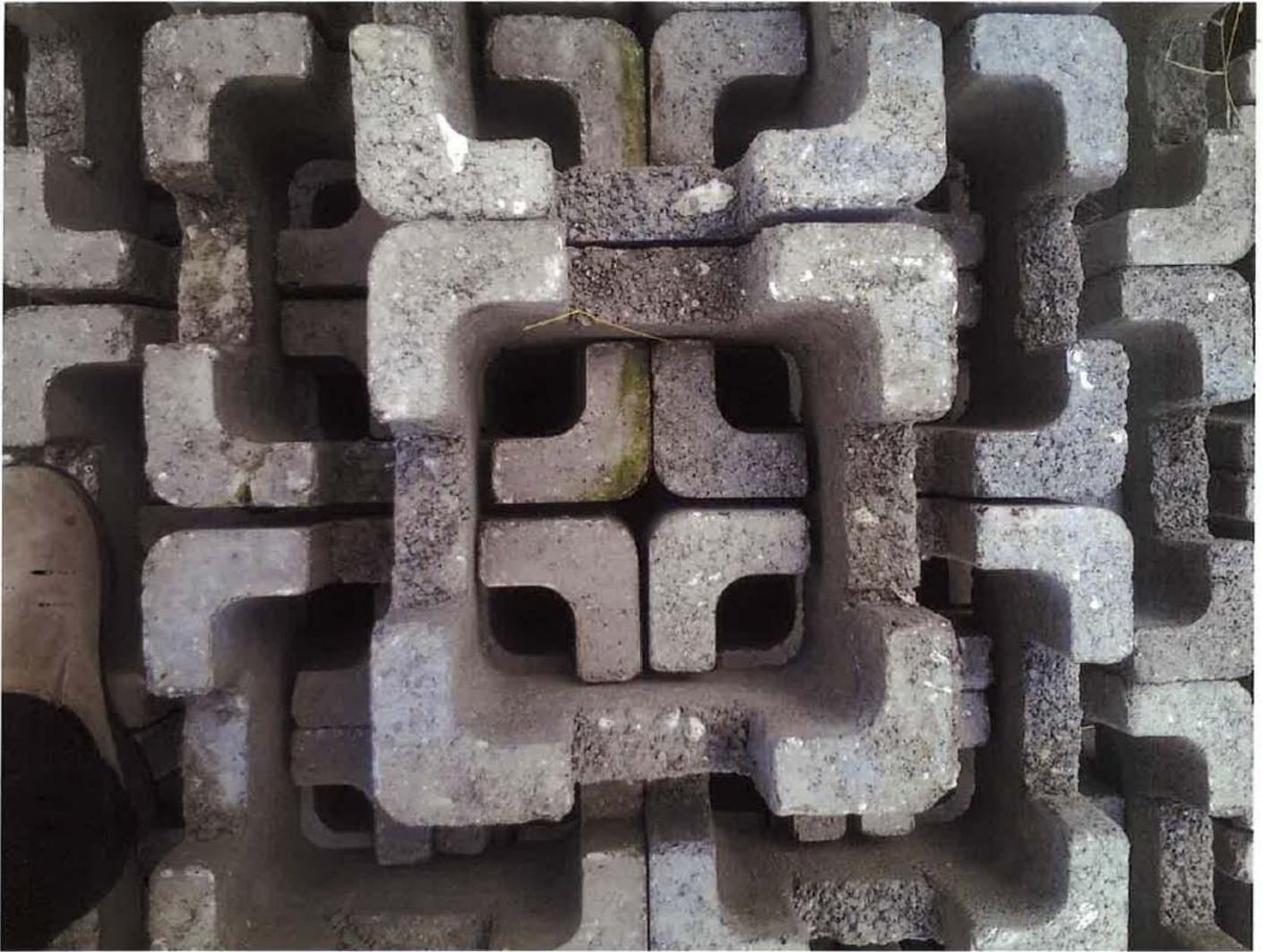
5 BLOCKS LONG

= 1728 lbs

= 345 lbs/ft

UMRC 15-0136 McMahon

BUILT 3/17/15 IN 15 MIN.



THE CORNER TURRETS OF 4 BLOCKS
ARE LOCKED IN THE CENTER OF ONE
BLOCK.

NOTE: THE INTERSTITIAL SPACES FOR RECRUITMENT.

UMQC 15-0136 McMahon

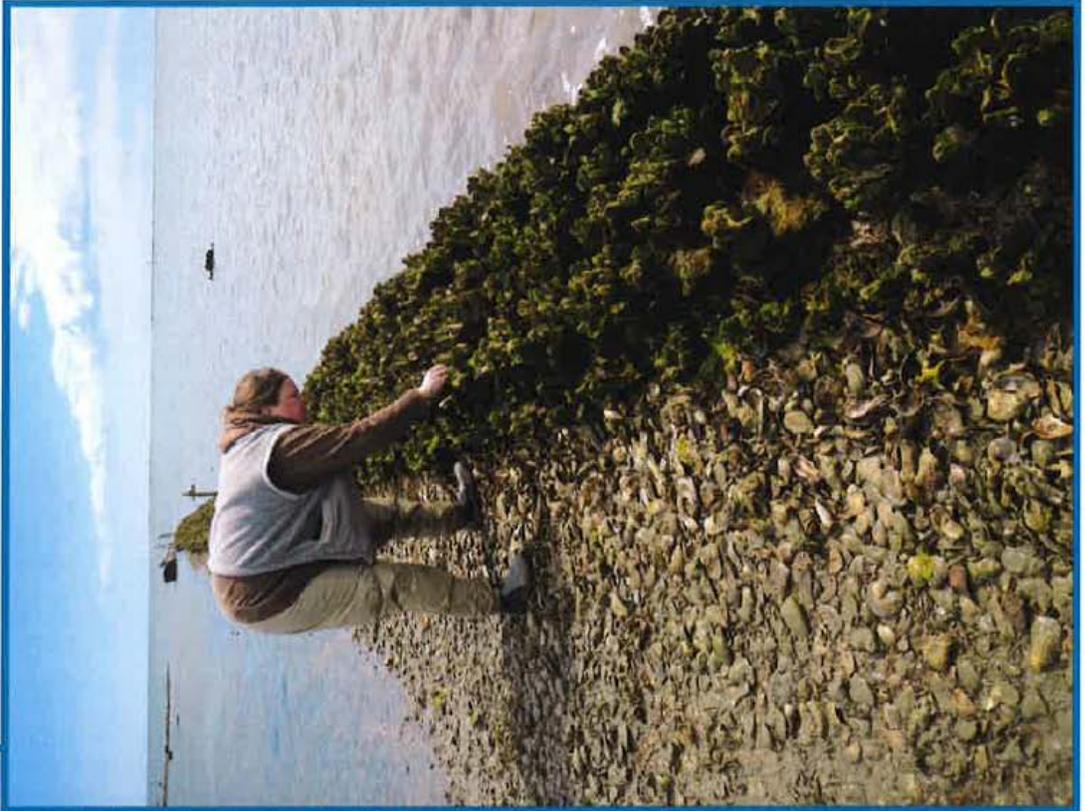
3/17/15



Top Blocks FLIPPED FOR ADDITIONAL
LOCKING POWER



Long Bar 2010



Boxtree Castle Walls

Deployed spring 2012

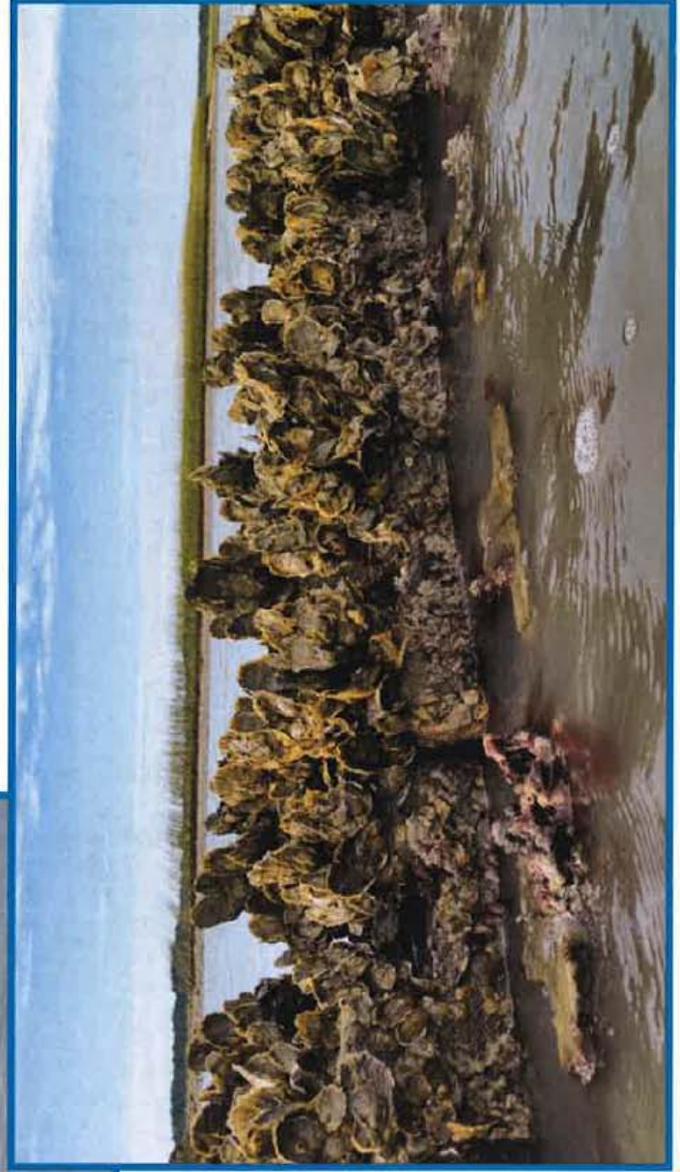
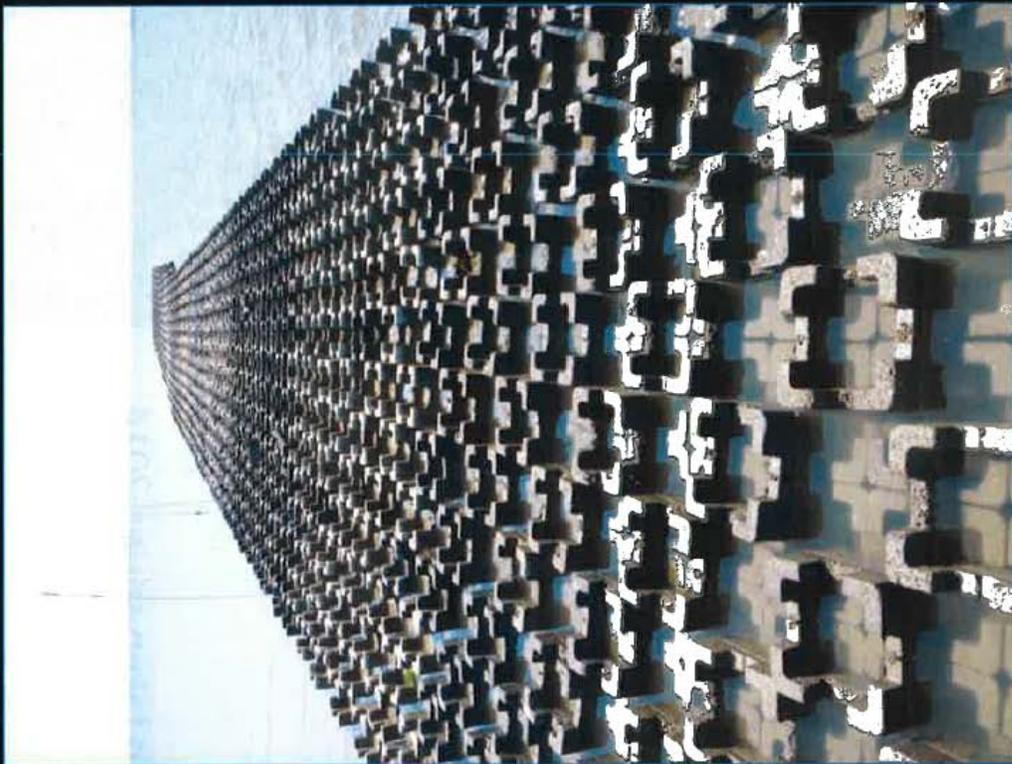


Photo taken spring 2014





Wetlands Board Minutes March 18, 2015.



Village of Oyster Living Shoreline Project

Mr. McMahon, the property owner spoke about the proposed project expressing concern and read the following into the record:

17 March 2015

To: Nyoka Hall
Department Administrator
Northampton County Planning and Zoning Dept.

Ms. Hall,

I would like to submit the following information regarding VMRC Permit #2015-0136 to the members of the Board for the purpose of clarification. Ms. Grimes has set forth a very clear statement of purpose as to our intent, yet the protest letters that have been submitted perseverate on conditions and events that are, in some instances, decades old. In the process, they continually try to vilify my character and disparage my name. Since they insist on revisiting issues that have been shown to be erroneous, I offer the following in my defense.

The first accusation I would like to address goes to ownership. The writer references the court decision in Bayview Cove Assn. vs. Goldstine. What is conveniently left out is that the suit also tried to wrest from Lot G (my lot) the "easternmost extremity of private ownership in said Cove, including all accretions, riparian rights and subaqueous property rights...." (Copy to follow). The decision passed down by the court declared the quit claim deeds filed by the Association in 1996 and again in 1999 were "a nullity". (Copy to follow). Confirmation of the boundaries established by the Malen Plat dated May 29, 1987 are referenced in my deed dated February 23, 2000.

A common theme in the protest letters is the structure that was built in the sand on the south side of the gut where the oxbow turned due East. One letter states that this area was always open while another states that this is the first time in years that that section has been open. A third letter states that the structure was built "over the stream flow". I have a copy of the plan I submitted stamped as received by the VMRC on September 27, 2007 and a copy of a letter (dated November 28, 2007) written "to affirm that a building permit is not required to build a walkway or bridge ...on the property...." I have another letter (dated July 15, 2008) giving me zoning clearance for "the proposed sand fencing for the purpose of stabilization". I am also submitting photos to verify the above. In short, I have always been in compliance.

Which leads to a third issue: that I should have been fined for attempting to create a walkway for my mother-in-law who was 90 years old in 2007. When a complaint was lodged at the Zoning Dept. dated August 7, 2007 I arranged to meet with Mr. Stith on August 21, 2007. Mr. Stith verified removal on September 7, 2007. After further discussion, I filed for a joint permit with the VMRC to build the walkway/observation deck (see above). I am submitting pictures which will show the progression of these endeavors. I hope it is obvious that I have always done what was required to abide by the standards established at the time. As to the latest complaint lodged against me, Ms. Lewis asked me to remove fencing and tires by January 30, 2015. I called her on January 2, 2015 to verify removal; which she did. I have never heard of someone being fined for being in compliance, but apparently there are those who think that would be acceptable. In conclusion, I am hoping that the above information might help to clear up, once and for all, the issues that still seem to be festering in this community. I inherited the animosity that attends this property and have been targeted ever since. What I seek is the quiet enjoyment of my property which is mine by right.

Thank you for your patience and your professionalism.

Robert McMahon

Mr. Lusk spoke neither for nor against the proposed project. He noted his experience working with oyster castles

projects and expressed his willingness to answer any questions the Board may have. He provided a packet of information which illustrated and explained the how the oyster castles would work.

Linda Goldstine read her husband, Chris Goldstine's letter of opposition into the record:

VMRC Permit #2015-0136 - Goldstine Protest Statement

15MAR2014

My experience with Bosman's Gut aka "The Cove" goes back to the late 70's when I moved to an apartment in Silver Beach. At that time it was deeper and totally open to boating traffic. So open that water skiing within the gut was possible. Some time in the mid 80's a huge sand dune formed that closed off most of the opening. Several acres of grassy marsh developed behind the dunes and a large beach formed in front of them. Over the years the main tidal flow has also made dramatic changes, from flowing in and out on the east side of the gut, to meandering in front of the dunes, and most recently flowing, in and out on the west side of the gut.

Just because something is legal doesn't mean it's the right thing to do. This project is not necessary to protect the McMahon's home or property. The goal is not clear and seems more like an attempt to acquire more land. The result is that it would be land at the expense of their neighbors. If the McMahon's are concerned about their property I suggest they build a bulkhead. Further, the abandoned dock he built should also be removed as it is a potential navigation hazard.

The plan submitted by the McMahon's is not an accurate representation of what exists now. The sand is not gone but merely moved to new locations at the opening of the gut. The plan to build a sill in a highly dynamic environment where massive amounts of sand are moved around with every storm not only leaves many questions unanswered, but also presents an unpredictable impact on the surrounding environment.

I strongly oppose this plan.



Chris M. Goldstine
7438 Prettyman Circle
Exmore Virginia 23350
chris@goldstine.net
757.442.7767

Lorraine Huchler read her letter into the record:

McMahon VMRC Permit #2015-0136

Statement for Northampton Wetlands Board Hearing – 18 March 2015

My husband and I have owned a home with a dock that sits at the very tip of Bayview cove since 1992. Earlier this week, I spent some time speaking with Ellen Grimes on the telephone to understand the purpose of the project in the application, the construction process, the timeline for the installation and periodic monitoring to ensure that the expected outcome – creating a wetland – would occur.

Because the site visit was cancelled.

Last Monday, one of Mr. McMahon's neighbors allowed me to view the site from her property at low tide where I could see the boundary markers for the project. I was astonished at the size of the project – it appears that it would reduce the velocity of flow into and out of the cove as the tide changed – I am concerned that this project will create an obstruction to flow into and out of the cove during tide changes.

redirect the flow -

It's not part of this application but it's relevant.

There's an existing man-made obstruction to flow at the mouth of this cove. Mr. McMahon had previously installed a catwalk - with pilings as large as the pilings on my dock – and has not removed the portion of that remnant of his catwalk that sits below the mean low water mark. Hurricane Sandy in October 2012 destroyed most of that catwalk. I notified the VMRC via e-mail on September 1, 2013 that the remnant was obstructing navigation and a portion or all of it was below mean low water. It's now 27 months since that catwalk was destroyed – and it remains as an obstruction to navigation and, obviously, an obstruction to flow into and out of the cove during tide changes – because sand has continued to accumulate around the pilings – it's a well know phenomenon. This catwalk remnant is so close to this project that it will accelerate the accumulation of sand and impede navigation into and out of the cove.

I am concerned that

not speculation.

As you know, this cove has a perennial stream adjacent to my property that feeds this cove. I am concerned that this project will restrict the tidal flowrate into and out of the cove, causing accumulation of sand at the mouth of the cove – which means that at certain tidal conditions, there will eventually be no flow into or out of the cove. As the property owner at the far end of the cove, my property will be affected first, and most severely. The perennial stream will still feed the cove, raising the water level, flood my dock, making it unusable, degrade the water quality adjacent to my property, reduce the value of my home, and, most significantly, deny me my riparian rights.

So here's my question. What is the proper balance between preserving the current ecology of the cove and honoring the rights of all of the property owners on the cove with the desires of a single property owner to improve his property? I maintain that if this project is permitted to proceed, that it tips the balance too strongly in the favor of a single property owner.

Finally, having lived on this cove for 23 years, I am well aware of the extraordinarily dynamic hydraulics at the entrance to this cove. And over the years, several of us neighbors have explored ways to maintain a consistent passage for flow. But in the end, it's clear to me that, in this case, the forces of nature will overwhelm a man-made solution – and the better part of wisdom is to "do no harm" and allow the environment of the cove to exist for the enjoyment of all of the property owners on the cove.

Lorraine Huchler, P.E.
7267 Chesapeake Drive
Exmore, VA 23350

And the high amount of wave energy that occurs with storms that rearranges the contour of the opening to the cove and destroys structures with dock-like pilings.

Karen Smith expressed her concerns about the proposed project and submitted a letter to be entered into the record.

11 March 2015

201 Washington St.

Portsmouth, VA, 23704

Northampton County Dept. of Planning & Zoning, Wetlands Board

PO Box 538

Eastville, VA 23347

Re: VMRC Permit **Application # 2015-0316 "Oyster Castle Sills" project**

Property owners at 7348 Prettyman Circle, Exmore, VA 23350 **OPPOSE THIS CONSTRUCTION**

please enter this in the official record for this applicat

We are writing to you to express grave concerns regarding one of the requests that will be heard before your board this coming Wednesday, March 18, 2015, being submitted by Robert & Joanne McMahon. The little tidal inlet is sometimes called Boseman's Gut, we have named it "Silver Beach Cove", reflecting its proximity to the larger Silver Beach area.

This structure Mr. McMahon proposes is being called a construction of "Oyster Castle Sills", but in actuality will largely function as a jetty, redirecting sand deposits into the mouth of the cove. This entrance has for years been sand-choked, but in the past several years, a new channel that has developed, enlivening the cove with direct fresh tidal flow.

The channel has also cut off a sand spit, formerly a public use small island beach, which Mr. McMahon now jealously guards against incursion with threats for passing boaters and menacing signs that have toppled into the water as it advanced

For years, we have fostered oyster spat in floats along our property on this, nurturing and then returning the baby oysters to the Chesapeake Bay Foundation. We have never seen any evidence of Mr. McMahons's interest in aquatic health, as he instead wages an ongoing battle to block off the cove with his sandbags, tires, and posts.

For years we have owned our property at 7348 Prettyman Circle, which faces directly onto this cove, and renting out the house in the summers, generating tax dollars to Northampton County and the state of Virginia. Our tenants (and we!) enjoy canoe and kayak trips out through the mouth of the cove to scenic Nassawaddox Creek.

→ WE STRONGLY OPPOSE THIS DEVELOPMENT, WHICH WE FEEL WILL BE HARMFUL TO OUR INVESTMENT AND THE SHARED ENJOYMENT OF THIS WATERWAY.

Thank you for your service in protecting our wetlands and waterways,

Karen F. Smith



Donald C. Smith



John Sundstrom expressed his concerns regarding the project. He informed the Board that Mr. McMahon has had multiple violations and illegal structures that County Staff has requested to be removed in the past. He also added that oysters are grown by many of the residents in the area and there isn't a scarcity of them. This project will not benefit the cove and will be a detriment to the area.

Don Smith expressed concern about the experimental nature of the project. Felt that it was the wrong place to run an experiment. Understands that Mr. McMahon wants to protect his property as the area is prone to a lot of wave action, but this is not the type of project to install. This project may close off the flow and will be a hazard to the fragile environment.

Bob Meyers spoke on the behalf of Ms. Ciganek. Mr. Meyers made reference to the information that he submitted showing images of the cove. The application needs to be resubmitted with accurate drawings as those that are before you are not.

Debbie Campbell expressed her concerns with the project and submitted a letter into the record.

Northampton County Department of Planning and Zoning

P.O. Box 538

Eastville, VA 23347

I am writing in opposition to the Robert E.. & Joanne T. McMahon application, VMRC Permit Application 20150136.

As a property owner on the cove that will be directly impacted by the project, I oppose the modifications based on a number of substantive reasons, including:

- The project is environmentally damaging to the aquatic life in the cove, which includes eels and elvers (of special concern for declining population on the East Coast), crabs, oysters and clams, speckled trout, minnows, migratory waterfowl and a pair of nesting Bald Eagles (to mention a few).
- The project will inhibit a natural tidal accumulator of storm surges, making other fragile areas more susceptible to flooding.
- The project will block my access to the Bay and devalue my property
- The project will harm tourism, as I operate a tax and revenue generating vacation rental property on the cove that benefits the economy of both Northampton County and the state. The value and viability of my vacation rental property is predicated upon visitors being able to use boats and kayaks to access the creek and bay.
- The cove is a primary drainage area for the entire Prettyman Circle area, constituting a perpetual stream.

This is the latest of numerous ongoing attempts by the applicant to illegally block what has been a navigable tidal cove.

My property is located at 7422 Prettyman Circle, Exmore, VA 23350

Please enter this letter into the official record for this application.

Sincerely,


Deborah S. Campbell

809 Camden Ave.

Salisbury, MD 21801

The Chairman closed the hearing to public as there were no more public comments.

The board had some discussion regarding the project and then the Chairman called for a motion. Mr. Boyd motioned to continue the application till the time new drawings, photos and information is submitted. Ms. Field seconded the motion. The motion carried with all in favor 6-0.

Old Business: Review of VMRC 13-1861 Charles Wanko, Jr.

The agent for the applicant submitted the revisions as requested noting the requested 20 feet of Class I rock in the vicinity of the dock and removal of dead trees. Mr. Chubb motioned the application be approved and Mr. Boyd seconded the motion. The motion carried with all in favor 6-0.

New Business: None

Statements from the public – none

Agent to the Board Chair Report – no reports

Enforcement Agent Report: A written report was submitted

Consideration of minutes

The minutes of January 21, 2015 Meeting were approved with a motion from Mr. Chubb and a second from Ms. Field. The motion carried unanimously 6 to 0.

Adjournment

The meeting was adjourned.

Chair

Secretary