

**NORTHAMPTON COUNTY
WETLANDS BOARD**

Minutes
August 19, 2015

This was the regular meeting of the Northampton County Wetlands Board held on Wednesday, August 19, 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 Nancy Wells Drury and William Brown, II.
Those members absent were David Boyd, Dot Field and 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 10:00 a.m., and a quorum was established.

Melissa Kellam read the following into the record:

VMRC 15-0898: Mill Creek Shellfish C/O Henry S. Jones, Jr. wishes to install a commercial pier structure to be used in conjunction with a proposed clam nursery operation on the upland of the same property, north, tax map 83 double circle A, parcel 1. The pier will serve to support and maintain water pumping operations for the hatchery. It will be approximately 317 feet long (including landward portion) & with a 4 foot x 10 foot "L" at the terminus to house water pumps. This application is also requesting authorization for a 24 inch outfall pipe to be placed on the upland & discharge through a marsh mud flat and grass fringe back into Mill Creek. The outfall structure will be surrounded by and have a class II stone rip rap spillway leading from its discharging end. The property is described as Tax Map 83, double circle A, parcel 1, located near Cheriton.

Chairman Cox opened the hearing to the public for comments. Ellen Grimes, the agent for the applicant spoke briefly about the project and its intended purpose. John Salm, the Engineer responsible for the outfall design was present and briefly described the scope and purpose of the outfall design and its intended purpose. Mr. Henry Jones, Jr., the applicant also provided details of the project. Mr. Jones provided photos of the property showing the location and how the design was decided upon to make the least amount of impact on the area. He also added that there would not be any lights on the dock except in the case of an emergency repair; which would only require a flashlight.

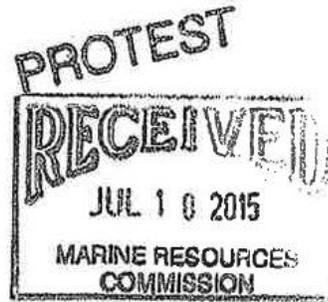
Ms. Catherine Fulton & Ms. Virginia Oden were both present and submitted letters of protest into the record as follows:

TIDEWATER REALTY & SECURITY CORP.

6304 SEWELLS POINT ROAD
NORFOLK, VIRGINIA 23513

July 7, 2015

George H. Badger, III
Environmental Engineer
VMRC
2600 Washington Av,
Third Floor
Newport News, VA 23607



RE: Mill Creek Shellfish, VMRC #15-0898

To Whom It May Concern:

This letter is intended to protest the proposed location of the Mill Creek Shellfish pipe and pier, which are projected to run across a large area of marsh and empty into Mill Creek. I believe the presence of this pipe will have a detrimental affect on the marsh and creek and will devalue our property, which is immediately adjacent to the proposed pipe location. I questioned Mr. Jones about the location. He answered that this location would save him \$65,000.00 because he would be required to pave a road to another location. However, his saving \$65,000 is at our expense because our property will be adversely affected.

The Cherrystone area is currently a quiet and beautiful place characterized by small farms and pristine natural habitat. Unlike Cape Charles, which has been a center for commerce with ships and railroads throughout its history, Cherrystone is not an industrial area. The clamming industry already disrupts the small waterways in this area to some extent and creates an eyesore that detracts from its appeal. Adding this pipe will only further degrade surrounding properties.

The pier will make travelling the creek a problem, especially if any oyster boats are tied to it. It was an old oyster boat that ruined our pier. Unlike yachts, oyster boats are not a thing of beauty. Our house sits on 18 acres and constantly looking at oyster boats in Mill Creek frightens me. We have had many valuables stolen since the clamming business accelerated. Having strangers off our shore is not comforting. Safety is a concern. Can't this operation face a business area and not a residential one?

TIDEWATER REALTY & SECURITY CORP.

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NORFOLK, VIRGINIA 23513

PROTEST

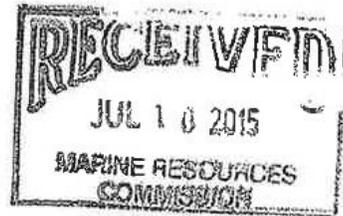
It's inconceivable to me that a large PVC pipe and a long pier running across a pristine marsh would have no impact on the wetlands. Why can't the pipe be placed where it is less noticeable and covers less marshland? Additionally, the water flow in this area concerns me because oysters are only just now beginning to reappear in this area. I don't see the sense of disturbing them or the clams that are naturally part of this waterway. The marshland in this area is also the site of a number of osprey nests. I'm concerned about potential noise pollution from a commercial fishing operation so close to the natural inhabitants of this area and to the home on our property. Why pick the widest stretch of marsh to build on?

I believe there is ample acreage and water for this facility in other more appropriate locations where it would not disturb our community. Please do not allow this project to go forward. It is not the only location available and suitable for this commercial operation.

Sincerely,



Catherine Fulton for Tidewater Realty and Securities



Virginia B. Oden
2004 East Ocean View Avenue
Norfolk, VA. 23503

PROTEST

July 7, 2015

Mr. George H. Badger, III
Environmental Engineer
Commonwealth of Virginia
Marine Resources Commission
2600 Washington Ave., Third Floor
Newport News, Va. 23607



Re: VMRC #15-0898

Dear Mr. Badger:

I am writing on behalf on the opposition to the application of Mill Creek Shellfish c/o Henry S. Jones, Jr., to construct various facilities for the intake and outflow of water from Mill Creek to support an upland aquaculture shellfish nursery operation (the "Application"). The Leonard O. Oden Revocable Living Trust and The Virginia Oden Revocable Living Trust are in opposition to the Application.

Preliminarily, we could find no record of any business authorized by the State Corporation Commission to operate as "Mill Creek Shellfish" among the SCC's electronic records. It appears the operator has failed to file a fictitious name certificate as required by Va. Code §§ 59.1-69, -70. If so, then its application should be summarily denied.

With respect to the merits of the Application itself, it fails to disclose the quantities, force, and timing of water withdrawals and discharges from and into Mill Creek. Accordingly, it is impossible to gauge the effects of such activity on the erosion and accretion of property in Mill Creek and Cherrystone Creek itself. Our property already has been adversely affected by human activity in these creeks, including the clamming industry. Our mean low water mark is now incalculable and we have lost over 5 acres of sub aqueous bottom. Our shoreline has rapidly eroded since the 1980s because the direction of the water actually changed, cutting through the marsh adjacent to our property. Construction of the proposed facilities is likely to further adversely affect our property.

Moreover, the construction of a commercial pier and related equipment will damage the natural beauty of the area. The Cherrystone Creek area of homes and farms is not a city like Cape Charles, which was a major shipping port during the days of sailing vessels and railroads. The Cherrystone Creek area has been residential and agricultural since Tom Savage and Obedience Robins came to the Eastern Shore in the 1600s. A commercial pier/pipeline extending across the widest section of marsh will further ruin the pristine natural beauty and habitats of the area.

For these reasons, we are opposed to the pipeline.

Sincerely,


Virginia B. Oden

With no further comments the Chairman closed the hearing to the public opened discussion to the Wetlands Board. The Board discussed the application briefly. All agreed that further review would be needed. Ms. Drury motioned to continue the application until next meeting and more members were present to make an informed decision. The motion was seconded by Mr. Chubb and carried with all in favor (4-0).

Old Business - none

New Business

VMRC 2013-0974 Joseph & Evelyn Witek - Request for extension

The applicant Ms. Ellen Grimes was present and requested that the Witek permit be extended for 3 more months. The contractor was actively working and was nearing completion, but wanted to ensure there was adequate time as the permit was set to expire September 1, 2015.

The Board discussed the matter briefly and a motion was made by Ms. Drury to approve the request for a 3 month extension. The motion was seconded by Mr. Chubb and carried with all in favor 4-0.

VMRC 08-0103 Cherrydale Holdings, VA LLC – Request for extension

The applicant Mr. Parr was present and requested that the Cherrydale Holdings permit be extended to June 15, 2016. This permit was set to expire on November 1, 2015. The process has been difficult as finding a contractor took much longer than anticipated. A contractor was finally secured some months ago and work has commenced, but additional time would be needed to complete the job.

The Board discussed the matter briefly and a motion was made by Mr. chubb and was seconded by Ms. Drury. The motion carried (4-0).

Minutes

The Minutes of the July 15th, 2015 meeting were approved as submitted with a motion from Mr. Brown and a second from Mr. Chubb. The motion carried with all in favor (4-0).

With no further business the meeting was adjourned at 10:45 a.m.

Chair

Secretary