

**NORTHAMPTON COUNTY
WETLANDS BOARD**

Minutes

October 15, 2014

This was the regular meeting of the Northampton County Wetlands Board held on Wednesday, October 15, 2014, 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., and David Boyd

Absent – Nancy Wells Drury, Dot Field, 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, County Development Inspector and Nyoka Hall, Board Secretary

The meeting was called to order at 10:00 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.

- A. Reconsideration of New Evidence - VMRC 2014-1344:** Leigh & Pauline Hagan with Tom & Margaret Waller wish to address shoreline erosion control by building approximately 80 feet +/- and refurbishing approximately 10 to 12 feet of rip rap revetment. The revetment will vary in height according to the bank height. The toe of the structure will be installed landward of the marsh fringe. The properties are described as Tax Map 1A, double circle 5, parcel 18 located at 2723 Old Neck Road and Tax Map 1A, double circle 5, parcel 17 located at 2681 Old Neck Road, near Exmore.

Re: Project Summary – VMRC 2014-1344 Leigh & Pauline Hagan with Tom & Margaret Waller

The "Decision Tree for undefended shorelines" will be used to provide recommendations for this project along with maps from the Northampton County CCRMP Map Viewer. The shoreline on this property is currently defended with a 10-foot to 12-foot existing revetment at the northern property line. The applicant proposes to refurbish the existing revetment and construct 80 additional feet of revetment long the shoreline to the southern property line. The decision tree is attached and the analysis shows the pathway highlighted in blue. The decision tree pathway makes the following recommendations: Vegetation management of the marsh and / or riparian buffer. The CCRMP Map Viewer recommends: (1) Enhance and maintain riparian and / marsh buffers; and (2) widen the marsh. The proposed project is not consistent with the decision tree and CCRMP Map Viewer in that the revetment is not a recommended structure. Only non-structural measures are recommended.

The Chairman called for a motion to re-open VMRC 2014-1344 Leigh & Pauline Hagan with Tom & Margaret Waller. After brief discussion Mr. Chubb motioned to re-open the hearing for VMRC 2014-1344 based upon the finding of new evidence. This motion was seconded by Mr. Brown and carried unanimously (4-0).

The hearing was opened to the public for comments.

Ms. Ellen Grimes, agent for the Hagan application was present. Ms. Grimes noted that the property owner was present and could answer any questions. Ms. Grimes noted that Melissa Kellam, Kelley Lewis and herself went back to the site after the denial where new evidence of undercutting of the bank was then discovered. The new proposal is requesting to remove the trees that are shading the marsh grass and hanging precariously over the bank and grade the bank to a

gentle slope. There will be no installation of new rip rap, but the existing rip rap will be reworked and a seven foot return wall will be added into the upland area. The reason for this request is that the revetment is there and serves as protection for a connection between an existing wall and a bare bank.

There were no further comments from the public, the hearing was then closed.

There was discussion amongst the board. A Motion was made by Mr. Chubb to approve the project as revised dated August 29, 2014 and discussed in the letter submitted, August 26, 2014 detailing the differences in the proposed project. The motion was then seconded by Mr. Brown and carried unanimously 4 to 0.

Old business:

Ms. Kellam requested the Board consider the Bay Act & Joint Permit Application process and consider requirement of a Water Quality Impact Assessment with a submittal prior to hearing. She explained that this needs to be integrated into the process and noted that the WQIA is part of the JPA application. There was some discussion and it was determined that staff could implement this process so long as it did not adversely impact applicants applications proceeding to the Board.

New Business:

Consider a Request for an extension of VMRC 2008-0103 Cherrydale, LLC.

The VMRC permit for this project is set to expire November 25, 2014. The agent for the applicant Mr. Bill Parr, was present and noted that the applicant had procured a contractor but had a great deal of problem procuring a barge for the installation of the poles at the site. The applicant is nearing completing a contract to obtain a barge and to begin work. There was brief discussion and Mr. Brown made a motion that the permit be extended for a period of one year set to expire November 25, 2015. The motion was seconded by Mr. Chubb and carried unanimously 4 to 0.

Statements from the public: none

Agent to the Board Chair Report: none

Enforcement Agent Report: Ms. Lewis presented a report as requested by the Board at the September hearing regarding a property adjacent to the Hagan site, owned by the Wallers. The Waller project was found to be outside of the wetlands board jurisdiction by one foot and was approved by the Department of Planning & Zoning. The Board has concerns that the project may now be in their jurisdiction. Ms. Kellam added that access was a concern at this time as there is no open permit. The Board requested that staff further investigate and bring a report to the next meeting.

Consideration of minutes

The minutes of August 20, 2014 Meeting were approved with a motion from Mr. Chubb and a second from Mr. Brown. The motion carried unanimously 4 to 0.

Adjournment

The meeting was adjourned at 11:30 a.m.

Chair

Secretary