



DEPARTMENT OF PLANNING AND ZONING
NORTHAMPTON COUNTY, VIRGINIA

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**NORTHAMPTON COUNTY
WETLANDS BOARD**

**Minutes
June 17, 2009**

This was the regular meeting of the Northampton County Wetlands Board conducted on Wednesday, June 17, 2009 and held at 10:30 a.m. in the former circuit courtroom located at 16404 Courthouse Road in Eastville, Va., for the purpose of conducting regular business.

Those members present were Marshall Cox, Chairman; Bowdoin Lusk, Vice-Chairman; Robert Meyers, John Chubb, Nancy Wells Drury, Scott Walker and Dot Field.

Also present were Melissa Kellam, Zoning Administrator; and Katrina Hickman, Zoning Inspector. Mr. Hank Badger from the Virginia Marine Resources Commission was also in attendance.

The Chairman called the meeting to order and established a quorum.

The scheduled public hearing was called to order and all those wishing to speak were sworn in by the Chairman.

Public Hearing

VMRC 09-0533: Ruth B. Cassidy, Trustee, has filed to stabilize approximately 1,300 linear feet of severely eroding shoreline. Approximately 700 linear feet of offshore segmented breakwaters will be placed in appropriate orientation. Nourishment will be placed behind the structure to reduce any downstream effects. Sand will be mined on site to provide material, as much as possible. The bank will be cut back to a moderate slope and stabilized with vegetation, allowing direct access to the project from its landward side. To reduce the amount of

subaqueous disturbance, the design calls for the embayments to be cut into the bank. The adjacent field continues to be in agricultural production, so impact to natural buffers will be minimal. The property described as being parcel 4 of Tax Map 12, double circle A, is located off Beach Lane, Occohannock Neck, with frontage on the Chesapeake Bay.

Ms. Kellam presented the staff report which is included in its entirety as follows.

VMRC # 09-0533:

BACKGROUND AND FACT FINDING

VIMS Recommendations: *The proposed plan for breakwaters and beach nourishment is consistent with an integrated marine environmental viewpoint for stabilization of sandy, high energy, eroding shorelines by enhancing the natural capacity of the sand to provide the desired erosion protection through beach nourishment stabilized with offshore breakwaters.*

The placement of sand on certain high-energy beaches can impact habitat of protected species (e.g. sea turtles, Northeastern beach tiger beetle). Time of year restrictions may be required for protected species. Temporary water quality impacts are also possible if fill contains a large amount of fine-grained material and it is exposed to wind or wave erosion.

We are concerned with the proximity of the southern breakwater structure to the property line. The structure should be monitored over the next few years to ensure that it is not causing increased erosion rates on the adjacent property.

Increasing the distance between the agricultural field and the shoreline or adding vegetation along the beachward side of the agricultural field will reduce the potential for sediment and nutrient contamination of the Chesapeake Bay.

Northampton County Shoreline Evolution Report 2004: *Shoreline is following a general trend since 1949. Aerial photographs of the location show approximately 50-feet of erosion on the northern end of the property between 2002 and 2007, although the southern part of the property appears to be more stable.*

Adjacent Property Owners: *One adjacent property owner to the south, the YMCA of South Hampton Roads, has written in support of the project. This letter was included in the Board packets.*

STAFF RECOMMENDATION

In July of 2006, the Northampton County Wetlands Board approved a revetment project for the Cassidy property. Subsequently, the revetment project was never constructed and the Board's permit has expired. The current project before the Board includes the construction of a breakwater system along approximately 1,300-feet of shoreline. It is staff's recommendation that this project is the preferred method of stabilization when such a long stretch of shoreline provides the opportunity for breakwater systems to be most effective. Any approval should address VIMS' concerns regarding monitoring the southern property line for increased erosion, timing of construction and adding vegetation to separate agricultural fields from the beach.

Approval of a water quality impact assessment and mitigation plan are separate from this application, but are required to be completed before any work commences on this project.

Mr. Wayne McCoy, agent for the applicant, presented the application noting that the applicant wishes to preserve the existing shoreline and to stop further erosion. He noted that some sculpting is already taking place just south of the riprap or hardened surface area.

Mr. Walker noted that the project drawing seems to be skewed and the horizontal slope distance of the breakwater being in compliance with VIMS recommendations. Mr. Meyers also noted that no scale appears on the drawing and photocopying can skew the plan even more.

Mr. Chubb asked for clarification of where sand would be mined on the site. Mr. McCoy stated that any sand used would be a compatible grain size and that it has not yet been determined how much sand may be available at the site. He also noted that the silty clay material would be removed and placed away from the project site.

The Chairman asked Mr. McCoy to define “moderate” slope described in cutting back the bank. Mr. McCoy stated that the slope would be 2 to 1.

The Chairman also asked for clarification in monitoring the project including the entity responsible. Ms. Kellam stated that the Board could establish how that monitoring should be done.

Ms. Field stated that an official tiger beetle survey will be completed for the entire bayside of the Eastern Shore to document its habitat and that sand grain size is of great importance. She noted that beetle larvae lay in the sand for a period of two years; therefore, larvae are impacted regardless of project construction times. She noted that adults die off at the end of summer after eggs are laid and that it is important to sustain both eggs and larvae.

Mr. Chubb asked Mr. McCoy about re-vegetation of the area. Mr. McCoy stated that beach grass would be used along with other species approved by the county.

Mr. Meyers suggested that a positive grade or slope be incorporated along the southeast of the upland to alleviate stormwater runoff.

Ms. Field stated that vegetation should consist of sand-holding types with deep root systems.

The Chairman called for any other comments. There being none the public comment portion of the hearing was closed.

Mr. Meyers suggested that Mr. McCoy be given information concerning native vegetation species that would be most desirable for this project.

Mr. Lusk voiced his support of the project design especially with the incorporation of a long gentle slope of the bank into the plan, but he emphasized the need to intentionally vegetate the area with effective plant species.

Action

Motion was made by Mr. Walker to approve the application with the following conditions: (1) that the project be completed between the months of October 2009 and May 2010; (2) the size of backfill sand shall be scrutinized as specified by the U. S. Fish & Wildlife Service; (3) monitoring of the project shall be for two years after completion by property owners and annual reports submitted to the Board; and (4) that county inspections be made by staff. Motion was seconded by Mr. Meyers and carried with Mrs. Drury abstaining.

Old Business

Under old business the Board unanimously accepted the revised drawing for VMRC 09-0080 filed by Richard Anderson and approved March 18, 2009. Motion to accept the project drawing as revised was made by Mr. Lusk and seconded by Ms. Drury.

New Business

There was no new business for discussion.

Zoning Administrator's Report

No Zoning Administrator's report was given. Ms. Kellam noted that no new applications have been received to date. Mr. Meyers recommended that if no applications are received by the pending deadline then the July meeting be cancelled. The Board so agreed.

Ms. Hickman reported on the status of certain wetlands violations, one in Vaucluse Subdivision and another in Eden Head Subdivision near Concord Wharf.

Statements from the Public

No public statements were made.

Consideration of Minutes

The minutes of May 20, 2009 were approved as submitted upon proper motion by Mr. Walker and second by Ms. Drury.

Adjourn

There being no further business the meeting was adjourned upon proper motion by Mr. Walker and second by Ms. Field.

Chairman

Secretary