

**NORTHAMPTON COUNTY
WETLANDS BOARD**
Minutes
July 18, 2012

This was the regular meeting of the Northampton County Wetlands Board held on Wednesday, June 18, 2012 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, Nancy Wells Drury, Dot Field, Will Brown and John Chubb, Jr. Absent from the meeting was Vice-Chair Bowdoin Lusk and Mark Gates.

Also attending were Melissa Kellam, Zoning Administrator/Agent to the Board; and Katrina Hickman, Zoning Inspector/Enforcement Agent to the Board.

The meeting was called to order at 10:00 a.m., and a quorum established.

The Board agreed to proceed to other agenda items before entering into new business discussion.

Consideration of minutes

The minutes of the June 20, 2012 meeting were unanimously approved as submitted upon motion by Ms. Field and second by Ms. Drury.

Enforcement Agent Report: none.

Old business

The Board then considered a written request submitted by Karla Hehl asking for an extension to pay remediation and civil charge fees for the Holly Bluff Island wetlands violation. Ms. Hehl also requested an extension of time to complete the wetlands project as approved under VMRC Permit 2011-0375. It was noted that the project permit will expire in November 2012.

No public comments were offered.

Both Ms. Field and Ms. Drury were of the opinion that no extension should be granted for payment of the fees due to the extensive amount of time that has already lapsed. Those present agreed that an extension may be warranted for completion of the wetlands project.

Discussion followed on this matter. Ms. Kellam noted that if the project is not finished by the deadline then a whole new violation occurs. Mr. Brown asked Ms. Kellam to read the agreement between the county and Ms. Hehl that is attached as part of the record. Ms. Kellam noted that if the project is not completed on time and/or if the fine is not paid as agreed to, then new violations will be filed against Ms. Hehl.

Mr. Chubb moved that the Board extend the fine deadline and offer an extension of one year to complete the project within the provisions of the agreement which would be a deadline date of November 2012. Second was made by Ms. Drury. The motion failed by a 3 to 2 with Mr. Brown and Ms. Field opposed. Ms. Kellam noted that four (4) affirmative votes are required to approve any motion as written in the by-laws.

Mr. Brown questioned the time-frame of allowing only 4 additional months to have the fine paid and the project completed. The agreement was signed by Ms. Hehl in May 2012. The reason it took from November 2011 until May 2012 was because the county attorney stated that an official signed agreement between Ms. Hehl and the Board was in order even though Ms. Hehl had agreed verbally that a violation had occurred. Therefore, a written agreement was eventually signed by both parties after counsel had reviewed and rewritten several drafts.

Ms. Kellam suggested that the Board respond to Ms. Hehl and her request. By consensus, the Board tabled Ms. Hehl's request for a one-year extension to pay the civil charge of \$4,500.00 and for the extension requested to complete the work as permitted. Staff was instructed to invite Ms. Hehl to attend the next scheduled Wetlands Board meeting when a hearing is scheduled.

Ms. Drury noted that the Board has an unwritten policy that a person's personal financial situation is not part of its consideration when dealing with violations and agreements.

New business

A restoration hearing was held related to a violation involving unpermitted vegetation removal and disposal of vegetative debris within jurisdictional wetlands on County Tax Map 14, double circle A, parcel 1C owned by Joe Adams.

It is noted that a field visit to the property was conducted by the Board this morning prior to the meeting.

Those wishing to speak concerning this matter were sworn in by the Chair.

Mr. and Mrs. Adams were present. Mr. Adams explained that Mr. Daniel Sterrett was hired to trim trees on the property and while there also cleaned out some dead trees, bramble, undergrowth, etc. He thought that Mr. Sterrett was more than qualified to handle the clearing and trimming project due to his degree in forestry management.

Ms. Field inquired if a stop work order had been posted by the county. Ms. Kellam confirmed that by the time the stop work order was posted the work was basically finished even though Ms. Hickman had posted the notice when the violation was discovered.

Mr. Chubb noted for the record that the Board's jurisdiction falls within the area marked by the red flags on the property. Ms. Kellam added that an approved mitigation plan is needed in order to alleviate the buffer violation. She noted that the wetlands violation basically consists of crushed wetlands plants and debris removal as delineated by the red flags waterward. Ms. Hickman stated that over 120 units of plantings will be required to mitigate the upland.

Mr. Adams stated that he was unaware that a county permit was required to do this type of work and trusted that Mr. Sterrett would know when a permit was necessary.

Ms. Drury stressed that most local landscapers know what areas cannot be disturbed. Ms. Kellam noted that Mr. Sterrett is a professional arborist who, to her knowledge, has not been involved in any other violations.

Action

The Board approved the staff recommendation that all vegetative debris be removed, by hand, from all wetland areas, but no restoration planting would be required, based on the environmental impacts set as minor. Ms. Drury suggested that violation guidelines do not have to be followed verbatim and that the Board should impose a small fine. Motion to accept the staff recommendation was made by Ms. Field with second by Mr. Brown. The motion carried 4 to 1 with Ms. Drury opposed.

Statements from the public

Mrs. Adams asked if an extension could be requested if there are mitigating circumstances such as drought conditions that could delay planting. Ms. Kellam explained that if a project deadline cannot be met then a written extension request must be submitted to the Board prior to that deadline.

Agent to the Board Chair Report

Ms. Kellam stated that no new applications have been received to date; however, the filing deadline has not yet passed.

Adjournment

There being no other business the meeting was adjourned at 10:42 a.m.

Chair

Secretary

received
7-20-2012 Hahl

Mr. Marshall Cox, Chairman
Wetlands Board
Department of Planning and Zoning
Northampton County, Virginia
P.O. Box 538
Eastville, Virginia 23347

July 11, 2012

RE: Holly Bluff Island wetlands Permit-VMRC Permit #2011-0375

Dear Mr. Cox:

I am writing to you and the Board to request an extension of one year to the above permit. Due to the fact that the down turn in our economy has left me not able to financially pay for this work. I also would like to pay half of the violation of \$4,500.00 by November 16, 2012 and \$2,250.00 the following year.

Holly Bluff withstood, Irene and I feel when the economy improves and the permit work is finished it will be there even longer.

Thank you for your consideration.

Sincerely,

Karla B. Hehl

Karla B. Hehl
P.O. Box 279
Warrenton, NC 27589

RECEIVED
12-13-12
P+ E/KD

WHEREAS, the Northampton County Wetlands Board did on November 16, 2011, find that ~~Karla Hehl~~ was in violation of the Northampton County Wetlands Ordinance with respect to Northampton County tax map number 123-A-2 in that an existing bulkhead was removed and a new revetment was constructed without the required Northampton County Wetlands permit; and

WHEREAS, ~~Karla Hehl~~ agrees she was in violation of the Northampton County Wetlands Ordinance as set forth above; and

WHEREAS, the Northampton County Wetlands Board and ~~Karla Hehl~~ did agree on November 16, 2011, that the wetlands violation be resolved by payment of a civil charge of \$4,500.00, and

WHEREAS, ~~Karla Hehl~~ has asked for additional time to pay such civil charges of \$4,500.00; and

WHEREAS, the Northampton County Wetlands Board is agreeable to the delay in payment as requested; and

WHEREAS, ~~Carla Hehl~~ has applied for and the Northampton Wetlands Board has granted the Joint Permit Application #11-0375 allowing ~~Karla Hehl~~ to perform certain work on the aforesaid property which would remediate problems arising from the unpermitted work and also harden the shoreline on the aforesaid property in a way that is acceptable to both ~~Carla Hehl~~ and to the Northampton County Wetlands Board;

NOW, THEREFORE, the parties hereto, in consideration of the premises, agree that, not later than November 16, 2012, ~~Karla Hehl~~ will pay \$4,500.00 to the Northampton County Treasurer and will also satisfactorily complete the work permitted in Joint Permit Application #11-0375. Upon such timely payment and completion of the permitted work the

