



DEPARTMENT OF PLANNING AND ZONING
NORTHAMPTON COUNTY, VIRGINIA

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**NORTHAMPTON COUNTY
WETLANDS BOARD**

**Minutes
November 18, 2009**

This was the regular meeting of the Northampton County Wetlands Board conducted on Wednesday, November 18, 2009 and held at 10:00 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, Chair; Bowdoin Lusk, Vice-Chair; John Chubb and Mark Gates. Those absent were Nancy Wells Drury, Dot Field and Robert Meyers.

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

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

It is noted for the record that those members present met at 8:30 a.m. and conducted field visits to the applicant's property with Ms. Hickman.

All those wishing to speak on any matter before the Board were sworn in by the Chairman.

The first scheduled public hearing was called to order.

VMRC 09-1339: Tom Waller, Jr., has filed to construct a 324' +/- vinyl bulkhead, 5 feet to 6 feet high, along the northern shoreline at the bottom of the bank behind the marsh. Also planned is construction of a 320' +/- rip rap

revetment, 5 feet high, sloped 2:1 from the bottom of the bank along the south shoreline. All construction access will be from the top of the bank. Clearing along the northern shoreline will consist of mainly stump removal. Clearing along the southern shoreline will involve many trees that have fallen or are in danger of falling over to grade the revetment at a 2:1 slope. The property is located in the Great Pine Harbor Subdivision at 2673 Old Neck Road and is described as being Tax Map 1A, double circle 5, parcel X.

Ms. Kellam presented the staff report as follows.

BACKGROUND INFORMATION AND FACT FINDING FOR VMRC # 09-1339

VIMS Findings and Recommendations Summary: *These comments had not been received at the time of writing this report.*

Adjacent Property Owners: *No correspondence received.*

Staff Recommendation: *The applicant proposes to construct a revetment against an eroded bank dropping off approximately three to four feet. The wetlands area adjacent to the project site contains a healthy marsh fringe. The bank in the project area should be considered minor erosion. Staff recommends approval of one of the two project revisions to reduce impacts to the wetlands: (1) instead of a revetment, re-grade and vegetate the bank and buffer, or (2) reduce the scale of the revetment and move the toe of the project landward. Both options would require more impacts to the buffer area and a separate zoning permit would be required that includes a plan, water quality impact assessment and mitigation.*

The VIMS summary recommendation(s) were then read into the record by Ms. Kellam as follows.

Proposed Bulkhead:

- *Expand the wetland fringe channelward of the bank*
- *construct a rock sill channelward of the marsh*
- *Selectively manage vegetation on the bank to allow sunlight to reach the marsh and prevent trees from falling into the waterway.*

Proposed Riprap:

- *Grade unstable areas of the upland bank to a maintainable slope and densely plant with wetland and riparian vegetation at appropriate elevations*
- *Selectively manage vegetation on the bank to allow sunlight to reach the marsh and prevent trees from falling into the waterway.*
- *Create wetland area channelward of the bank*
- *Construct a rock sill channelward of the new marsh if wave energy dictates*

Mr. Grant Cooley, agent for the applicant, stated that the bulkhead would be located along the western part of the shoreline and placed at the bottom of the bank above mean high water and out of the vegetated area. He added that they would like to place riprap at the bottom of the slope where the property comes to a point in order to encourage vegetation growth. In addressing comments from VIMS it was his opinion that the sill proposed in front of the marsh grass would not protect the upland. He also noted that the bank would have to be graded where trees are under cut and that a sill would have to be several feet tall compared to the bulkhead proposed. Mr. Cooley stated his opinion that a wetlands area could not be created at the project site due to insufficient intertidal motion.

Mr. Lusk asked if the applicant would consider grading back the area along the proposed bulkhead and filling to the edge of the marsh. Mr. Cooley stated that such a suggestion could be a possibility, but was concerned about potential storm surge destabilizing the area. He added that the owner is trying to stabilize the shoreline and preserve the upland in order to construct a replacement home in the future.

Mr. Lusk added that the location is not a high energy area and that grading and re-vegetation should work well.

Mr. Chubb asked if a graded riprap would be a better option instead of the proposed bulkhead. Mr. Cooley stated that less physical damage would occur by installing a bulkhead where trees have been removed and added that they would prefer to leave the existing marsh grasses undisturbed.

Mr. Waller commented that the adjoining lot to the north is losing approximately 1 foot of bank a year due to erosion. He noted that the trees use to be about 6 feet inland years ago.

Ms. Hickman stated that last January she suggested that the owner remove trees to the north and south to encourage wetlands growth. It was her opinion that the trees were the main reason for the erosion problem due to shading of the bank area. She noted that some of the tree roots were already exposed when she visited the property.

Mr. Chubb stated that he was somewhat concerned about installing a bulkhead on the north side where wave energy would intersect with the structure thereby eroding more marsh. Mr. Waller interjected that water depth on the north side is very shallow. It was noted that if an off-shore sill was placed on the south side of the property it would have to be quite high and not really feasible due to the water depth.

Mr. Lusk stated that this application is difficult to address since there is a high energy environment on one side of the property but not on the other side. He added that he was not a "fan" of sills; however, a bulkhead could do the job but the owner will probably lose the marsh and point. It was his opinion that perhaps sloping and vegetating with some riprap may be a better option.

The Chairman asked Mr. Badger if it would be possible to request a field visit from VIMS. Mr. Badger stated yes, that county staff can make such a request for the Board. However, he noted that it is up to VIMS to actually decide to do such a visit. The Chairman stated his opinion that the water depth at this site has not adequately been addressed and that a field visit may reveal other insights and details.

Mr. Cooley noted that there are many other bulkheads in this creek area where bulkheads and vegetation co-exist and work well together.

Mr. Chubb stated his opinion that if trees are removed on the south side along with grading of the bank there should be no need for a bulkhead.

The Chairman suggested that VIMS be asked to visit the property in order to provide a more in-depth analysis due to the unique dynamics of the area.

Mr. Cooley stated that he would prefer not to re-design the project, but that the applicant is willing to do whatever will work in order to prevent further erosion.

Action

Motion was made by Mr. Lusk to delay action on this matter and that a request be sent to VIMS asking for a field inspection of the property if possible. The motion was seconded by Mr. Chubb and carried unanimously.

The Board then directed staff to contact VIMS and inquire about the possibility of a field inspection of the Waller property before the next regular meeting scheduled for December 16th.

Old Business: none.

Zoning Administrator's Report

Ms. Kellam reported that no new applications have been received to date.

Zoning Inspector's Report: none.

Statements from the Public: none.

Consideration of Minutes

The minutes of the October 21, 2009 meeting were approved with corrections on page 2, third paragraph from the bottom, first sentence, the word "not" should be inserted after "is" and prior to "kept"; and on page 6, fourth paragraph from the bottom, the word "regarded" be changed to "re-graded". Motion to approve as corrected was made by Mr. Chubb and seconded by Mr. Lusk.

Adjourn

There being no other business the meeting was adjourned at 10:35 a.m.

Chairman

Secretary