

**NORTHAMPTON COUNTY
WETLANDS BOARD**
Minutes
August 18, 2010

This was the regular meeting of the Northampton County Wetlands Board conducted on Wednesday, August 18, 2010 held in the former Northampton Middle School in conference room 2 located at 7247 Young Street in Machipongo, Va., for the purpose of conducting regular business.

Those members present were Vice-Chair Bowdoin Lusk, Mark Gates, John Chubb, Nancy Wells Drury, and Robert Meyers. Those absent were Dot Field and Chair Marshall Cox.

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

The Vice-Chair called the meeting to order at 10:30 a.m. and established a quorum.

All those wishing to speak at today's meeting were sworn in.

It is noted for the record that Ms. Hickman, Zoning Inspector, met with those Board members present at 8:00 a.m. and conducted necessary field visits to those properties involved in the scheduled public hearings.

The first hearing was called to order.

Public Hearings:

A. VMRC 2010-0856: Jack & Sylvia Sturgis, Louise Jackson, and Billie Richardson have applied to repair and replace two (2) existing groins at 7264 Silver Beach Place. The property is described as being Tax Map 18A, double circle 8, parcel 69 located on the Chesapeake Bay.

Ms. Kellam read VIMS and staff recommendations for the record as follows.

VIMS Report

Recommendations Summary:

1. *Replace existing groins with low-profile groins*
2. *Artificially nourish groins with sand*
3. *Re-nourish as necessary*
4. *Plant the riparian buffer area with vegetation*
5. *Stop the routine mowing to the bulkhead edge*

Adjacent Property Owners

As of the writing of this staff report, no adjacent property owners have commented on the proposed project.

Staff Recommendation

Because this property is part of an existing groin field and the proposed groin project will have minimal impacts, it must be seen as a viable solution. It is staff's recommendation that this project is approvable as long as low profile groins are constructed and the groins are nourished with the appropriate sand. Other upland activities such as planting the riparian buffer and not mowing to the edge of the bulkhead will help to enhance the buffer area and may assist in the prevention of erosion. The owner should also consider these conservation measures.

Mr. Sturgis, the applicant, stated that previous storm events had removed 12 feet of the groin area and their objective is to replace and repair the groins as originally built. He added that sand would be brought in to help protect the base of the bulkhead as well.

Mr. Chubb asked for clarification of the submitted project drawings since the southern groin is depicted as being 45 feet long, but the applicant is asking for 55 feet. Mr. Sturgis stated that the groin would be moved over to the property line and that either 45 or 48 feet would be fine to meet their objectives.

Mr. Meyers and Mr. Lusk both agreed that the project drawings as submitted were incomplete and should be revised to reflect the actual project and desires of the applicants. Ms. Kellam added that the application is to repair existing structures and the drawings should reflect that as well.

Mr. Badger added that low-profile groins are constructed to follow one-foot above the beach line. In this case, it was his opinion that the groins should be no longer than 40 feet from the low water mark in order to meet VMRC standards. If the groins go beyond that measurement then a public hearing must be held with VMRC.

When asked if this project is to repair or not, Mr. Badger stated that it appears the old original groin field was never actually permitted by VMRC, but probably had gone through the Army Corp of Engineers.

Discussion ensued about the stormwater impacts and sedimentation occurring at the property. Mr. Sturgis stated that the last storm event had washed out the filter cloth at the southwest corner of the existing bulkhead. He added that this would be replaced and that the bulkhead would be checked and repaired where needed.

The Vice-Chair called for public comments. There being none the public portion of the hearing was closed.

Mr. Meyers stated that revised drawings should be submitted for low-profile groins and cross-section dimensions shown as well before action is taken by the Board. Mr. Gates agreed.

Mr. Badger noted that if the northern groin is no longer than 48 feet and is low-profile construction and the southern groin is kept at 45 feet and is low-profile then the county can act on the application and a public hearing with VMRC would not be necessary. It was his opinion that when the groin field was originally constructed it did not fall within the jurisdiction of VMRC. He added that any repairs to the existing bulkhead would be evaluated by VMRC.

Mr. Sturgis confirmed that he would keep the groins as proposed by the Board and Mr. Badger and that revised drawings would be submitted.

Action

Motion was made by Mr. Meyers to table action on VMRC 2010-0856 until revised drawings are filed that depict the northern groin as being low-profile and no longer than 48 feet long, that the southern groin not exceed 45 feet in length and that specifics on repairs be provided if warranted. The motion was seconded by Mr. Gates and carried unanimously.

By consensus the Board agreed that the next series of public hearings, agenda Items B through E, be heard concurrently since the total objective of those projects is to create shoreline protection and stabilization along a specified area of Butlers Bluff Subdivision.

B. VMRC 2010-1156: Don Leneski has applied to construct a 190-foot long headland breakwater with sand fill. The property is described as being Tax Map 112F, double circle 3, parcel 19 located in the Butlers Bluff Subdivision on the Chesapeake Bay.

Ms. Kellam read the staff and VIMS recommendations as follows for Items B through G. It is noted that once the public hearing portion was conducted and discussion concluded the Board took separate action on each application.

Ms. Kellam gave a brief status report on the phased project and noted that the bank had been planted in the fall where a violation had occurred. She noted that some certified return-receipt violation notices had not been received by property owners until very recently and those violation issues are now being addressed by those owners with staff.

Ms. Kellam stated that the Leneski property would be used as the ingress and egress for all the proposed projects outlined in Items B through G during construction.

VIMS Report

As of the writing of this staff report, the VIMS report was not yet available for review.

Adjacent Property Owners

As of the writing of this staff report, no adjacent property owners have commented on the proposed project.

Staff Recommendation

This project must be seen as a viable solution accounting for the specific site conditions for this property. It is staff's recommendation that this project as proposed is approvable as long as upland erosion and time of year restrictions are addressed. A water quality impact assessment and mitigation plan, which will address upland impacts and are separate zoning approvals from the wetlands permitting application process, are required to be completed before any work commences on this project. A separate review by state and federal agencies will address protected species and time of year restrictions.

VIMS Report

Recommendations Summary:

- * Construct offshore breakwater with beach nourishment, as proposed*
- * Remove derelict bulkhead pilings and rubble, as proposed*
- * Locate future upland improvements well landward from the bluff*

Mr. Jim Gunn, agent for all property owners listed in Items B-G, was present to answer any questions. He confirmed that the Leneski property would be used exclusively for ingress and egress purposes during the construction of the off-shore breakwater projects. The entire project as a whole would include one headland breakwater at an elevation of six feet much like the Davis project to the north and one low-crested breakwater because there is a revetment.

Discussion followed with Mr. Gunn noting that there is an existing 7,000 year old dune that is crusted over whereas the 1,000 year old dune is sand. He explained that no clay would be put on the beach and that no tiger beetle habitat existed in this particular area. He also noted that the old bulkhead and existing rubble would be removed as well.

When asked by Mr. Gates, Mr. Gunn noted that an approved Water Quality Impact Assessment application would mitigate bank runoff from the upland on the Leneski property by leaving the upland somewhat higher allowing rainwater to percolate and surface runoff eliminated during severe rain events.

When asked by Mr. Meyers, Mr. Gunn explained that the access would be cut in a perpendicular fashion that would be slight enough to allow a slope that equipment could travel.

There being no public comments the Vice-Chair closed the public comment portion of the hearing.

Action

Motion was made by Mr. Meyers to approve VMRC 2010-1156 as filed. The motion was seconded by Mr. Chubb and carried unanimously.

C. VMRC 2010-1157: Edward & Jean Papazian have applied to install approximately 175 feet of stone revetment in front of an existing bulkhead and to install an 85-foot long off-shore breakwater. The property is described as being Tax Map 112F, double circle 3, parcel 15 located in the Butlers Bluff Subdivision on the Chesapeake Bay.

VIMS Report

As of the writing of this staff report, the VIMS report was not yet available for review.

Adjacent Property Owners

As of the writing of this staff report, no adjacent property owners have commented on the proposed project.

Staff Recommendation

Although it is not the preferred approach to combine two structures, this project must be seen as a viable solution accounting for the specific site conditions for this property. It is staff's recommendation that this project as proposed is approvable as long as upland erosion and time of year restrictions are addressed. A water quality impact assessment and mitigation plan, which will address upland impacts and are separate zoning approvals from the wetlands permitting application process, are required to be completed before any work commences on this project. A separate review by state and federal agencies will address protected species and time of year restrictions.

VIMS Report

Recommendations Summary:

- * Construct offshore breakwater and toe revetment, as proposed*
- * Locate future upland improvements well landward from the bluff*

Action

Motion was made by Mr. Meyers to approve VMRC 2010-1157 as filed which was seconded by Mr. Gates and carried unanimously.

D. VMRC 2010-1158: Erwin Jones has applied to install approximately 175 feet of stone revetment in front of an existing bulkhead and to install 85 feet of off-shore breakwater. The property is described as being Tax Map 112F, double circle 3, parcel 14 located in the Butlers Bluff Subdivision on the Chesapeake Bay.

VIMS Report

As of the writing of this staff report, the VIMS report was not yet available for review.

Adjacent Property Owners

As of the writing of this staff report, no adjacent property owners have commented on the proposed project.

Staff Recommendation

Although it is not the preferred approach to combine two structures, this project must be seen as a viable solution accounting for the specific site conditions for this property. It is staff's recommendation that this project as proposed is approvable as long as upland erosion and time of year restrictions are addressed. A water quality impact assessment and mitigation plan, which will address upland impacts and are separate zoning approvals from the wetlands permitting application process, are required to be completed before any work commences on this project. A separate review by state and federal agencies will address protected species and time of year restrictions.

VIMS Report

Recommendations Summary:

- * Construct offshore breakwater and toe revetment, as proposed*
- * Locate future upland improvements well landward from the bluff*

Action

Motion was made by Mr. Meyers to approve VMRC 2010-1158 as submitted. Second was made by Ms. Drury and the carried unanimously.

E. VMRC 2010-1159: Ms Boon Cheng Kok & Alan Harris have applied to install approximately 100 feet of interfacing stone revetment in front of an existing bulkhead with backfill and to install 180 feet of headland breakwater. The property is described as being Tax Map 112F, double circle 3, parcel 16 located in the Butlers Bluff Subdivision on the Chesapeake Bay.

VIMS Report

As of the writing of this staff report, the VIMS report was not yet available for review.

Adjacent Property Owners

As of the writing of this staff report, no adjacent property owners have commented on the proposed project.

Staff Recommendation

Although it is not the preferred approach to combine two structures, this project must be seen as a viable solution accounting for the specific site conditions for this property. It is staff's recommendation that this project as proposed is approvable as long as upland erosion and time of year restrictions are addressed. A water quality impact assessment and mitigation plan, which will address upland impacts and are separate zoning approvals from the wetlands permitting application process, are required to be completed before any work commences on this project. A separate review by state and federal agencies will address protected species and time of year restrictions.

VIMS Report

Recommendations Summary:

- * Construct offshore breakwater and toe revetment, as proposed*
- * Clarify how vinyl bulkhead affects project design*
- * Locate future upland improvements well landward from the bluff*

Action

Motion was made by Mr. Meyers to approve VMRC 2010-1159 as submitted. Second was made by Mr. Chubb and carried unanimously.

The last public hearing was called to order. Since Ms. Drury was one of the applicants she recused herself from discussion and any action on the matter.

F. VMRC 2010-1163: The Nancy Wells Drury Revocable Trust Agreement and John & Caroline Petrie have applied to construct approximately 215 linear feet of stone revetment to be placed against and channelward of an existing bulkhead. The properties are described as being Tax Map 6A, double circle 4, parcels 6 and 5 located at 4620 and 4500 Peaceful Shores Drive on the Chesapeake Bay.

Ms. Kellam then reviewed the staff and VIMS reports for the record as follows.

VIMS Report

As of the writing of this staff report, the VIMS report was not yet available for review.

Adjacent Property Owners

As of the writing of this staff report, no adjacent property owners have commented on the proposed project.

Staff Recommendation

A very small portion of this project, in the northern portion of the Drury property and the southern portion of the Petrie property, is located within the Northampton County Wetlands Board's jurisdiction. Impacts within the Board's jurisdiction will be minimal and no vegetated wetlands are involved. The property is part on an existing bulkheaded shoreline and the revetment will serve to protect the existing bulkhead structure. Staff recommends approval as submitted.

VIMS Report

EXISTING SITE CONDITIONS AND PROPOSED ACTIONS:

A revetment is proposed next to an existing bulkhead on the Chesapeake Bay. There is an established line of bulkheads to the north and south. There is no beach or intertidal area present along most of this bulkhead section, except where groins have trapped a small amount of sand.

The upland is developed with a residence. The riparian area between the house and bulkhead is forested and partially cleared.

The proposed revetment will convert shallow waters and a small intertidal area to rock. This will cause a shift in the type of animals that use the shoreline.

THE PREFERRED APPROACH FROM AN INTEGRATED MARINE ENVIRONMENTAL VIEWPOINT:

Replacing deteriorating bulkheads on Chesapeake Bay with another type of structure is generally preferred. An offshore breakwater system does not appear to be feasible in this case. There is only one 200-ft lot and no existing natural beach to work with. According to VIMS permit records, there has been no visible beach at this location since at least 2003. Another preferred alternative for replacing deteriorated bulkheads is a revetment aligned landward from the existing bulkhead. This option generally avoids wetland and shallow water impacts.

In this case, the proposed revetment placed channelward from the bulkhead is also an acceptable option. There is an established bulkhead line on the adjacent parcels and the bulkhead height is 7 feet. Removing the bulkhead and grading the bank for a revetment landward would require major land disturbance and may increase risk to the adjacent bulkheads and shorelines.

VIMS RECOMMENDATIONS SUMMARY

**Construct revetment channelward from bulkhead, as proposed*

Mr. Ben Mears, agent for the applicants, stated that the proposed project is a reasonable option for the existing environment and the few homes located there. He added that off-shore breakwaters are not an option at this time. He added that armor stone will be large enough to withstand the dynamics of the shoreline environment. There would be a 1 to 1.5 slope with some face to abate wave energy. It was his opinion that during severe storm events wave would go over the revetment since the area is low. He also explained that good quality filter cloth would be installed to face the existing bulkhead.

The Vice-Chair called for public comments. There being none the public portion of the hearing was concluded and discussion continued.

Action

Mr. Gates stated that he was in favor of the proposed project as presented and made a motion to approve the project.

Mr. Meyers questioned that VIMS did not comment on an off-shore breakwater system for this area as previously done in similar scenarios.

Second to the motion was made by Mr. Chubb and the motion carried unanimously.

Old Business

The Board discussed the violation at the Holly Bluff area. Ms. Kellam noted that the deadline for the applicant to respond was August 15.

It was the consensus of the Board that a field visit be made by Mr. Cox if possible so that the Board can receive updated information about the condition of the area. Mr. Badger stated that he would try to coordinate a field visit with county staff if necessary.

Discussion on existing Wetlands Board By-Laws was deferred as all members were not present at this meeting. It was the consensus of those members present that this matter could be placed on the next meeting agenda or to hold a separate work session on the matter at a later date.

New Business

The Board then considered an extension request from Stacey Fisher for VMRC #09-0533 (formerly Cassidy). Mr. Wayne McCoy, acting as agent, noted that due to the amount of time it took to receive the biological report on the tiger beetle there was little time left to complete the project as approved. He added that all other permits are now in place and the new property owners are ready to start the project if the Board will grant the needed extension.

Motion was made by Mr. Meyers to grant a one year extension for VMRC #09-0533 as requested. Second was made by Mr. Gates and the motion carried unanimously.

Ms. Kellam reported that one new application will be scheduled for the September meeting as well as the continuance for Mr. Sturgis if his revised drawings are received in time.

Mrs. Downing then distributed the "Shoreline Management Decision Tree" data from VIMS to those Board members present.

Statements from the Public

Mr. Ed Papazian thanked the Board for approving the Butlers Bluff shoreline protection projects (agenda Items B-E) on behalf of all property owners involved.

Consideration of Minutes

The minutes of the May 19, 2010 meeting were unanimously approved as submitted upon proper motion by Ms. Drury and second by Mr. Meyers.

Adjournment

There being no other business motion to adjourn was made by Mr. Gates at 11:50 a.m.

Chair

Secretary