



DEPARTMENT OF PLANNING AND ZONING  
NORTHAMPTON COUNTY, VIRGINIA

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**NORTHAMPTON COUNTY  
WETLANDS BOARD**

**Minutes**

February 17, 2010

This was the regular meeting of the Northampton County Wetlands Board conducted on Wednesday, February 17, 2010 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; John Chubb, Mark Gates, Nancy Wells Drury, Dot Field, and Robert Meyers. The member absent was Vice-Chair Bowdoin Lusk

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.

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

It is noted for the record that those members present and Ms. Hickman met at 9:00 a.m. to conduct the field visit to the property described in VMRC 2010-0048 (Ronald Crumb).

The scheduled hearing was called to order.

VMRC2010-0048: Ronald P. Crumb has applied to construct approximately 117 feet of bank hardening consisting of toe filter cloth and a base of bricks with riprap Class I and II armor stone along with 48 cubic yards of backfill. The property, described as being Tax Map 47A, double circle 1, parcel 16, is located at 14274 Harbour Lane with frontage at the mouth of Barlow Creek and the Chesapeake Bay.

Ms. Kellam then reviewed information contained within the staff report which is included in its entirety as part of the official record as follows.

**VMRC # 10-0048**

Meeting Date: February 17, 2010

**VIMS Recommendations**

*As of the writing of this staff report, no VIMS recommendation was available. The VIMS recommendation will be forwarded to Board members immediately when received.*

**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, this project must be seen as a viable solution to stabilize an eroding bank. It is staff's recommendation that this project as proposed is approvable as long as two items are addressed: (1) the structure is moved landward as far as possible to reduce impacts to the wetlands; and (2) more details are provided regarding the alignment of the structure specifically how it will terminate at each end. The westerly termination point must be designed in a manner to reduce impacts to adjacent property. Other preferred approaches could be considered by the applicant such as bank re-grading, re-vegetation of the bank and enhancement of the marsh in conjunction with the appropriate living shoreline techniques. 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.*

Noting that the VIMS report and recommendations had been received Ms. Kellam also reviewed that information as part of the official record as follows.

*The applicant proposes 117LF of onshore riprap revetment along their sandy, high-energy shoreline of Barlow Creek. The existing shoreline consists of a sandy, low bank (approximately 3 feet high) with marsh fringe channelward of the bank. The upland is in lawn and trees. The residential structure is located approximately 130 feet from the shoreline. The proposed revetment would sever the connection between the riparian, beach and inter-tidal areas resulting in a loss of marine resources and a change in the beach community able to live along the shoreline.*

**THE PREFERRED APPROACH FROM AN INTEGRATED MARINE ENVIRONMENTAL VIEWPOINT:**

*The toe of the bank along this shoreline appears to be at or near MHW. The lack of distance between the base of the bank and daily tidal wave action facilitates erosion of this bank. The preferred stabilization measures at this high energy, sandy site from a marine environmental viewpoint are to create distance between the base of the bank and the erosive tidal waters and raise the elevation of the shoreline by building wetland area*

*channelward of the bank. Portions of the immediate shoreline already support marsh grass which plays a role in protecting the shoreline. The enhanced wetland can be created by depositing sand channelward of the bank, out to a desired width (as wide as possible), at an appropriate elevation to support marsh vegetation and planting it with *Spartina alterniflora* 18 inches on center. Depositing sand in the beach jurisdiction landward of the wetlands and planting with beach grasses would also assist in protecting this shoreline. The sand would create distance between the base of the bank and the tidal wave action and raise the elevation of the shoreline (reducing erosive wave energy from reaching the bank), provide an area for wave attenuation (slowing down the wave velocity) and provide area for planting marsh grass (further reducing wave energy), all contributing more effective upland protection to this site without severing the connection between the riparian, beach, and inter-tidal areas. Any overhanging tree limbs in the vicinity of the shoreline should be routinely trimmed to allow sunlight to reach the marsh grass and allow it to grow.*

*Placing the proposed riprap off shore channelward of the deposited sand, in the form of a properly designed sill, instead of onshore as proposed, would provide more comprehensive shoreline protection by holding the sand in place and providing an energy buffer for both the marsh and the upland bank without impacting beach resources. We do not expect the placement of the sill to impact any SAV resources.*

**SUMMARY RECOMMENDATION(S):**

- \*Enhance and expand wetland area channelward of the bank*
- \*Enhance sand berm and plant with beach vegetation landward of wetlands*
- \*Construct rock sill channelward of deposited sand*

Mr. Chris Wilson, agent for the applicant, stated that the applicant has made several futile attempts to restore sand along his shoreline by transplanting plugs and replenishing sand levels which worked to some degree until the severe impacts caused by the November and December northeast storms caused major erosion problems. Instead of installing a bulkhead, a riprap revetment is proposed which would be placed behind existing vegetation along the shoreline to prevent any disturbance to existing grasses. The riprap structure would be tapered to a three-foot belly in the middle then tapered down to the yard level. Stone would be tapered similarly. He noted that the stone will eventually fill with sand and probably settle at least a foot or so. He also noted that adjoining neighbors, Sara and Bob Phillips, have expressed interest in joining the application adding another 30 feet of riprap along their shoreline to the south. If acceptable, the two projects could be incorporated into one. Mr. Wilson added that he was doubtful that sills would work in this particular area because of the bay-type environment and that the proposed revetment would be less intrusive than a bulkhead.

Mr. Crumb stated that he moved to the property in 1996 and has since struggled to keep the shoreline along the bank in-tact by installing 6 or 7 truck-loads of sand which did help for a few years. However, Hurricanes Dennis and Floyd eroded the bank again. After consulting with marine experts he installed filter cloth plus an additional 20 loads of

sand. Grass plugs were planted every year which helped until new storms took everything out including 6 to 7 feet of the upland yard area. He noted that the grass plugs grew better where shells exist so he had scattered loose shells along the shoreline as well. After the November northeaster the sand was gone, the grass was gone and the shells were gone along with more upland area. With so much major storm damage and resulting erosion he decided to file a permit for this revetment project.

Discussion followed on the type of stone best suited for this project. Mr. Chubb noted his opinion that Class I stone would be too easily scattered during a storm event.

The Chair called for public comments. There being none, the hearing was closed.

Mr. Chubb stated that he did not see any alternative, but adding the adjoining shoreline would be advantageous in his opinion.

Ms. Kellam noted that a second application would need to be filed and advertised since it was not included in Mr. Crumb's original application.

Ms. Field noted that both property owners could re-apply as a joint project.

Mr. Meyers noted that revised drawings should be submitted showing the 30-foot taper tie-in.

Mr. Badger stated his opinion that it is a "cleaner" process to have two separate applications.

Mr. Gates stated his concern about using waste brick as base material and that the 4:1 slope may not be optimum.

Mr. Wilson stated that a 3:1 slope would be better and acknowledged that his figures were off. He also stated that the waste brick would save on costs and be used for the toe only. Class II stone would be used for the revetment with Class I stone placed on top. He also stated that the base should be 9-foot wide rather than 12-foot.

Mr. Meyers stated that a revised drawing should be submitted showing a 3:1 slope and any other changes as discussed.

Action:

Motion was then made by Mr. Meyers that the Board postpone action on this matter until revised drawings can be reviewed at the March meeting. Ms. Field asked that the motion incorporate staff recommendations. Mr. Meyers noted that if the project is moved landward then it would not come under the jurisdiction of the Board. Ms. Kellam explained her staff recommendation noting that her suggestion would lessen the impact to wetlands which may be more preferable than impacting the upland buffer.

When asked by Ms. Field, Mr. Wilson stated his opinion that losing an additional 9 feet of upland yard may not be the best way to proceed since the landowner has already lost an additional 10 feet of upland from past erosion. Ms. Chubb noted that changing the project from 12 feet to 9 feet reduces the impact 3 feet.

The Chair noted that the applicant should submit revised drawings depicting all the changes discussed.

A revised motion was made by Mr. Meyers to postpone action on this application until next month with revised drawings submitted. He noted that by next month the applicant should know if the adjacent property owner is going to join the project. Discussion followed and Ms. Drury suggested that the applicant be given 60 days.

Another revision was made to the motion by Mr. Meyers stating that the Board continue this matter up to 60 days unless the applicant is ready to proceed by the next regular meeting; and that revised drawings be submitted correcting the slope calculation and that details be provided on how the west end of the project will be completed. The revised motion was seconded by Mr. Gates and carried unanimously.

### **Old Business**

The Board then reviewed the revised drawing for VMRC 09-1339 as filed by Tom Waller, Jr. Mr. Grant Cooley was available to answer questions.

Ms. Kellam stated her opinion that the revised drawing depicts the end of the project at a slightly different location than what was verbally stated by the Board versus what was marked on the original project plan. However, Mr. Cooley noted that his interpretation of what the Board wanted was shown on the revised drawing that he resubmitted for the applicant. He added that erosion is occurring whenever a 30 mile per hour wind creates one-foot high waves and noted his opinion that the original permit should have been approved as submitted. He noted that the obvious erosion will be addressed through buffer encroachment measures beyond the Board's jurisdiction.

Motion was made by Mr. Gates to approve the revised drawings as submitted for Tom Waller. Second was made by Ms. Field and carried unanimously.

The Board then considered an extension request for VMRC 08-1633 for Mr. Hugo as submitted by Ellen Grimes, his agent. Ms. Kellam stated that the extension letter had been received prior to the permit deadline.

At this time Ms. Grimes stated that the landowner's land disturbance permit related to this project will expire on April 1, 2010. Therefore, a one-year extension is being requested. She explained that the applicant is trying to obtain bids on the project at this time and that no work has commenced yet.

During discussion the Board noted many concerns including the alignment of the original project location being skewed now because of on-going erosion that has occurred in the past year and changes to adjacent shorelines and existing bulkhead structures. Mr. Meyers noted that due to so many unknowns the extension should not be granted without more information and perhaps an additional field inspection should be conducted at the property.

Mr. Badger stated that the Board may extend the permit for an additional 30 days to allow re-consideration and if it does expire, the permit can be re-activated and extended if the Board so desires.

Ms. Grimes noted that she would schedule a field visit with Ms. Kellam if needed in order for the extension request to be granted for the project as previously approved. However, she cautioned that an alternative project such as an off-shore breakwater is not a feasible project for this property owner.

Motion was made by Ms. Field to grant a 30 day extension for VMRC 08-1633 (Hugo) in order to obtain updated information concerning changes to the property due to on-going erosion and its bearing, if any, on the project as originally approved. Second was made by Mr. Meyers and carried unanimously.

### **New Business**

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

Ms. Hickman had nothing new to report to the Board.

**Statements from the Public:** None.

### **Consideration of Minutes**

The minutes of the January 20, 2010 meeting were approved with one correction to page 5, the sixth paragraph should be re-worded for clarity. Motion to approve as corrected was made by Mr. Chubb and seconded by Ms. Drury.

### **Adjournment**

There being no other business the meeting was adjourned at 11:10 a.m.

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Chair

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Secretary