



DEPARTMENT OF PLANNING AND ZONING
NORTHAMPTON COUNTY, VIRGINIA

Sandra G. Benson, AICP
Director

Planning Commission
Wetlands Board
Board of Zoning Appeals
General Development

16404 Courthouse Road
P.O. Box 538
Eastville, VA 23347
Phone: 757-678-0443
Fax: 757-678-0483
E-mail:
sbenson@co.northampton.va.us

**NORTHAMPTON COUNTY
WETLANDS BOARD**

Minutes
January 20, 2010

This was the regular meeting of the Northampton County Wetlands Board conducted on Wednesday, January 20, 2010 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, Chair; John Chubb, Mark Gates, Nancy Wells Drury, Dot Field, Bowdoin Lusk, Vice-Chair; 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 and Ms. Hickman met at 8:00 a.m. to conduct another field visit to the Waller property and then proceed to properties listed in the VMRC 09- 1763 application (Sheppard, Gazzolo, and Cardano).

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

Public Hearings

The first hearing called to order was continuance of a matter heard in November 2009.

A. Continuance of 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 read the public notice as listed above for the record.

Mr. Grant Cooley, agent for the applicant, stated that the applicant has tried to address the erosion problem by submitting a revised project drawing showing less impact. He noted that the revetment would be constructed at a 2:1 slope. He acknowledged that the Virginia Institute of Marine Science (VIMS) had suggested sills, but it was his opinion that sills would not adequately address the eroding bank problems. He added that the applicant wished to stabilize the bank by removing some trees and then grading the bank.

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

Mr. Meyers stated that the application is similar to the Mott project and that the erosion problem cannot be fixed with sills. He added that storm tide protection is needed. He stated that he had photographed the Mott property after a major storm event and the project comprised of filter cloth underneath a stone revetment at the top of the bank had worked well to protect the upland bank from erosion. Mr. Meyers then stated that he supported the Waller project as amended.

Mr. Chubb stated his opinion that the north side and the south side of the property are very different venues. He suggested that trees be cleared away from shading the bank area.

Mr. Meyers noted that one section of the bank has over-hanging trees and is experiencing problems due to the shading effects. He also noted that the rest of the bank where there are no trees, especially out by the point, is also experiencing the same erosion problem. Since there are erosion problems along the entire shoreline being caused by northeast and southeast storms and hurricane events it was his opinion that the project should be installed as revised.

Mr. Lusk stated his opinion that ninety percent of any creek's shoreline could be hardened to protect against possible storm events. However, due to the very slow rate of erosion, the south side of the Waller property could be well protected by eliminating the shade problem caused by over-hanging trees branches in order to promote growth of the re-vegetated area. It was his opinion that the north side should be protected by the installation of a riprap revetment.

The Chair asked if adjacent property owners had been informed about the project. Ms. Kellam stated that each adjacent property owner is sent a certified letter by staff containing a notice about the hearing. She added that no adjoining property owners have responded concerning this application and that every joint permit application contains an official notice that must be signed by adjoining landowners.

Mrs. Hickman noted that in September the applicant had removed over-hanging and damaged trees along the north side shoreline as instructed.

Ms. Field stated her agreement with Mr. Lusk that the applicant should be allowed to stabilize the north shoreline and to eliminate the shading problem along the southern shoreline.

Mr. Badger asked if any vegetated wetlands would be impacted by the proposed project. Mr. Cooley replied no.

Action:

The Board modified the application by denying approval of the south side riprap revetment but approving the riprap revetment along the northern shore and along the point to end where the tree over-hang begins as shown on the site plan dated December 3rd. The Board instructed the applicant to submit a revised site plan showing the project as modified by the Board. Motion to approve as modified was made by Mr. Lusk, seconded by Mr. Meyers, and carried unanimously.

The Board also strongly encouraged the applicant to clear as much shade over-hang along the southern bank as possible to encourage growth of marsh grasses along that area.

The second hearing was called to order.

B. VMRC 09- 1763: John & Clelia Sheppard, Sheila Cardano, and Victor & Luisa Gazzolo have applied to install a stone revetment approximately 490 feet along the base of the eroding bluff and also to install two low-crested breakwaters of 150 feet each plus beach nourishment and dune grass plantings. The properties are described as being Tax Map 112F, double circle 1, parcels 1, 2 & 3 in the Butlers Bluff Subdivision on the Chesapeake Bay.

Ms. Kellam reviewed the staff report as follows

VIMS Recommendations

From an environmental perspective, the preferred approach to shoreline protection on high-energy, sandy, tall bluff shorelines such as this site would be to grade the bluff to a maintainable slope and stabilize with vegetation; provide artificial beach nourishment (depositing sand) channel ward of the bank and construct offshore breakwater (rock) structures. Breakwater systems are preferred for stabilization since they do not sever the connection between upland and tidal zone. The proposed sand would move the shoreline

further from erosive tidal action and provide area for wave run-up. The breakwater would provide an energy break to the shoreline and hold the sand in place.

We typically do not recommend the use of multiple structures (i. e. breakwater system and a revetment) along a single shoreline because they result in increased environmental impacts. 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. However, given the proximity of the houses to the top of the bluff and the limitation for bank grading at this site, the toe stabilization (revetment) structure may be warranted for bank stability in this case. The toe protection structure should be covered with as much sand as possible and beach grass planted as proposed for additional stabilization.

Upland runoff should also be directed away from the top of the bank to further prevent erosion of the bank.

Time of the year restriction for protected species on this beach may be required by state or federal agencies, particularly for the northern beach tiger beetle.

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 of the three properties. It is staff's recommendation that this project as proposed is approvable as long as VIMS' concerns regarding 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.

The Chair asked if adjacent property owners had been notified about the proposed project. Mrs. Downing replied yes.

Mr. Jim Gunn, agent for the applicants, stated that the VIMS report provides a great summary of the project. He noted that the breakwater would be kept close to the shoreline and would be low profile. It was their objective to keep sand flowing to the park area to the south. He stated that the dune ties in behind the breakwater and they expect that to stay there as it currently exists.

Mr. Chubb asked if there were any plans to address the failing bulkhead to the north as it may pose problems. Mr. Gunn replied no, but they are hoping that the owner to the north will file their own permit.

Ms. Field voiced her concerns about the proposed project causing more erosion to the south as has happened with the Savage Neck project. Mr. Gunn stated that they are aware of the concern.

Ms. Sam Sweeney, agent with Kiptopeke State Park, asked that the Board ensure that the breakwater and sills be constructed so as to not interfere with the park's swimming beach area located immediately to the south. He also noted that there is a handicap accessibility boardwalk in that area that warrants protection from more scouring as well.

Mr. Gunn assured Mr. Sweeney that the rocks comprising the breakwaters would not move or wash-out causing damage to park property and beach area. He reiterated that the breakwater would be located as close to shore as possible and would be as low-profile as possible to minimize erosion and to deflect wave action. He noted that it was impossible to stop all impacts, but believed that the effects of scouring would be minimal and would cure itself over time.

When asked, Mr. Sweeney confirmed that the Park had received an official public notice of the meeting from county staff.

The Chair noted that the park has experienced some problems at the boat ramp area trying to keep the sand at a satisfactory level due to the shifting sand patterns.

There being no other public comments the hearing was closed.

Mr. Chubb stated that there appears to be no other alternative for this particular situation, but noted his concern about the upland cliff problems.

Mr. Meyers noted that reports from VIMS and staff recommend that stormwater runoff be diverted from the top of the cliff or bank. He stated that when water collects in the bluff super saturation of the soil causes collapse from above. It was his opinion that implementation of dry wells are needed to help alleviate this problem. He also noted that the homeowners should inspect all existing gutters to make sure that water is moving away from the bank area.

Action:

Motion was made by Mr. Meyers to approve the application as submitted. Second was made by Ms. Drury and carried with Ms. Field abstaining.

Mr. Meyers stated his opinion that staff should notify by letter the adjoining property owner(s) to the north informing them of the action taken by the Board.

Old Business: none.

New Business: none.

Zoning Administrator's Report

Ms. Kellam reported that two new applications have been received, but only one will require a hearing.

Zoning Inspector's Report:

Ms. Hickman informed the Board that the Army Corp of Engineers is requiring that a joint permit application be filed for any repairs behind revetment walls. She added that due to the unusual amount and intensity of storms there have been many inquiries about this type of work.

Statements from the Public: none.

Consideration of Minutes

The minutes of the December 16, 2009 meeting were approved with one correction to page 7, the last paragraph should read, "Mr. Gates stated that the neighbor's bulkhead appears to be contributing to the erosion problem and Mr. Arnold agreed and noted that it would be best to tuck the riprap back behind the adjacent bulkhead." Motion to approve as corrected was made by Mr. Chubb and seconded by Ms. Drury. The motion carried with Mr. Meyers and Mr. Lusk abstaining as they were absent from the December 16th meeting.

Adjourn

There being no other business the meeting was adjourned at 11:12 a.m.

Chairman

Secretary