

**NORTHAMPTON COUNTY  
WETLANDS BOARD**  
Minutes  
May 19, 2010

This was the regular meeting of the Northampton County Wetlands Board conducted on Wednesday, May 19, 2010 held in the former Northampton Middle School located at 7247 Young Street in Machipongo, Va., for the purpose of conducting regular business.

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

Also present were 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 Chair called the meeting to order at 10:06 a.m. 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 Ms. Hickman, Zoning Inspector, left the county office had 8:30 a.m. with those Board members present in order to conduct any necessary field visits.

**Public Hearings:**

**A. Continuance of VMRC 2010-0376:** Charles Campbell has applied to construct and backfill a 150-foot bulkhead to deter erosion on property located on the Chesapeake Bay at 14296 Hungars Beach Road at the end of Old Town Neck. The property is described as being Tax Map 47, double circle A, parcel 41.

It is noted that this matter was tabled in April in order to provide the applicant an opportunity to consider a re-design of the project's northern corner adjacent to the Anita Dilworth property.

Mr. Chris Wilson, agent for the applicant, stated that the owner was willing to install rip rap at the northern corner to help deflect wave energy and scour in this area as suggested by the Board. He explained that the toe would be dug out in the corner along the Dilworth property approximately 8 feet. He estimated that 18 tons of rock should be sufficient. Mr. Wilson also presented a revised drawing of the project depicting the corner changes.

The Chair asked for any other comments. There being none the public portion of the meeting was closed.

Discussion was held and Mr. Meyers expressed his concern about the effectiveness of a hard bulkhead in this high-energy area and also resulting scour. He noted that rip rap is a better option and suggested that it be extended along the entire area. Ms. Drury agreed and asked if the applicant was amenable to that option. Mr. Wilson stated that the applicant would not be able to install rip rap along the entire area as it was too costly.

Mr. Lusk noted that it is better to protect the property with the amended proposal than to not have any protection at all.

Mr. Meyers noted that an off-shore breakwater or more rip rap installation are better options and would enhance property value. Mr. Lusk stated his opinion that such suggestions are moot points as the property owner has made it clear that he cannot do that at this time.

The Chair asked Mr. Wilson what would happen if the Board denied this application. Mr. Wilson replied that he did not know what the applicant would do, but that this proposed project is estimated to cost \$30,000 compared to \$70,000 or more for other options discussed.

Mr. Chubb noted that it was incumbent upon the Board to remember that the property owner has a home to protect on this property. He added that this revised project may not be the best option, but this is the only option that the owner has submitted or can accomplish at this time.

#### Action

Motion was made by Mr. Chubb to accept the amended drawing and project design to install riprap in and along the northern corner. Mr. Chubb elaborated on his motion noting that the proposed project as revised is not the preferred method and that the Board had discussed alternative methods of using offshore breakwaters or shoreline riprap which were deemed cost prohibitive by the applicant.

The Chair asked if adjacent property owners had been informed of the meeting and proposed project. Ms. Hickman replied yes.

Second to the motion was made by Bowdoin Lusk and carried 4 to 1 with Mr. Meyers opposed. Mr. Meyers stated that due to the high energy wave environment better options are available that, in his opinion, had not been satisfactorily pursued by the applicant.

The second hearing was called to order.

**B. VMRC 10-0381:** APF LLC has applied to install approximately 290 feet of bulkhead at the mean low water mark along the edge of the property owned by STM/TNC LLC. The project area, located on Parting Creek in Willis Wharf, is described as Tax Map 11A, double circle A, parcels 92 and 100.

At this time Mr. Lusk removed himself from discussion and vote on this matter due to a possible conflict of interest.

The staff report and VIMS report were reviewed and are included for the record as follows.

**VMRC # 10-0381**

**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**

*It is staff's recommendation that this project as proposed is approvable but more details should be provided as to how the bulkhead will terminate at each property line, especially the northern property line. A return wall is suggested. No backfill is shown on the plan. If the applicant intends to backfill, it must be shown on a plan, which addresses the upland impacts. This plan is required that addresses the upland portion of the property as it relates to a water quality impact assessment and mitigation in the buffer area. This plan is a separate zoning approval from the wetlands permitting application process and is required to be completed before any work commences on this project.*

**VIMS Report:**

**EXISTING SITE CONDITIONS AND PROPOSED ACTION:**

*The applicant proposes a total of 290 LF of bulkhead along their low energy shoreline of Parting Creek. The existing shoreline contains a large concrete rubble revetment structure. The upland contains a concrete slab and a shell road. The existing and/or proposed land use is for commercial aquaculture.*

*From a marine environmental viewpoint, bulkheads are not appropriate shoreline treatments, especially on curved shorelines. The proposed bulkhead would continue to sever the connection between the upland, shoreline, and deeper water areas; and destroy habitat. Bulkheads change how waves strike the shoreline and typically contribute to their own destruction by reflecting waves and eroding the shoreline on the water side of the structure.*

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

*From a marine environmental viewpoint, the preferred alternative for this site is to remove the existing concrete rubble; grade the bank as necessary to a maintainable, stable slope and construct a properly designed and sized revetment with the toe located as landward of wetlands as feasible. This option would avoid the impacts to wetlands as proposed with the bulkhead.*

*Riprap revetments dissipate, rather than reflect wave energy as bulkheads do, and provide more habitat value than bulkheads. In addition, when properly designed and constructed, revetments generally last much longer than bulkheads. Incorporating native deep-rooted woody and herbaceous plantings in the upland riparian zone (yard) and stopping the routine mowing to the shoreline edge are also recommended in order to enhance the ability of the shoreline to provide water quality improvement benefits.*

**RECOMMENDATION(S) SUMMARY:**

*\*Construct a properly designed riprap revetment*

*\*Plant a variety of deep-rooted vegetation in the riparian area.*

*\*Stop the routine mowing to the shoreline edge.*

*VIMS Shoreline Permit Application Report # 10-0381*

**NOTE**

*The Virginia Institute of Marine Science (VIMS) applies an integrated coastal management perspective during the review of proposed activities on tidal shorelines. The coastal ecosystem has dynamic connections between wetlands, coastal waters and the surrounding landscape. This provides valuable ecosystem services, such as maintaining water quality, shoreline stability, and wildlife habitat. Activities should be designed to avoid adverse impacts to coastal resources. When impacts are unavoidable, every effort should be made to minimize impacts and provide compensation as required.*

Staff noted that all adjacent property owners had been notified of the project and meeting.

Mr. Pete Terry, President of STM and acting as agent, stated that their commercial aquaculture business wishes to pump water to growing clams and oysters and are restricted due to easements of The Nature Conservancy. He stressed that there would be no negative impacts to the environment and no impacts to the aesthetics of the shoreline. He noted that there would be 30-foot tie backs on each end of the project and added that the adjacent property to the south has an existing bulkhead.

Discussion followed on the submitted project drawings and application. When asked, Mr. Terry stated that the bulkhead would actually go along the outer edge of the riprap and not to the low water mark. He also stated that the tie-backs would actually work as return walls. Mr. Terry explained that a portion of existing rip rap will have to be dug out to install the return walls and re-installed after the project is finished. He also noted the upland area would be graded as well. Mr. Meyers suggested that the backfill area be shown on the vertical-profile drawing and Mr. Terry agreed to do so.

There being no other comments the public portion of the hearing was closed.

## Action

Motion was made by Mr. Meyers to approve the project conditioned that the drawing be revised to show both return walls on either end of the project as well as the necessary backfill area. Second was made by Nancy Wells Drury and carried unanimously. Mr. Meyers explained his reason for recommending approval since this area is a low energy environment that is used as working commercial waterfront.

## **Old Business**

Mr. Meyers suggested that the Board visit the Cherrydale project area whenever field visits are conducted at the next regular meeting time. The Board agreed in order to verify that this project was completed as approved by the Board.

## **New Business**

There was no Zoning Administrator's report as Melissa Kellam was absent.

The Board was informed that to date no new applications have been filed so there may be no need to meet in June.

Ms. Downing distributed copies of the adopted Wetlands Board By-Laws for members' information and suggested that the Board review the by-laws for discussion at a later time.

Mr. Chubb suggested that the Zoning Inspector report her findings to Board members when any field inspections are conducted as a point of information for their benefit.

## **Statements from the Public**

No statements were made by the public.

## **Consideration of Minutes**

The minutes of the April 21, 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. Lusk at 10:40 a.m.

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Chair

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Secretary