

**NORTHAMPTON COUNTY  
WETLANDS BOARD**  
Minutes  
September 15, 2010

This was the regular meeting of the Northampton County Wetlands Board held on Wednesday, Sept. 15, 2010, 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, Mark Gates, John Chubb, Nancy Wells Drury, and Robert Meyers. The member absent was Dot Field.

Also present were Melissa Kellam, Zoning Administrator; Katrina Hickman, Zoning Inspector; and Kay Downing, Secretary to the Board.

The Chair called the meeting to order at 10:33 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 at 9:00 a.m. with those Board members present in order to conduct necessary field visits.

**Public Hearings:**

**A. Continuance of 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.

It is noted for the record that the Board had conducted a public hearing on this matter at the August 18, 2010 meeting. The Board, at that time, asked the applicants to submit a revised drawing that would accurately depict the construction type and length of the groins.

Mr. & Mrs. Sturgis were present to answer any questions concerning the revised drawing submitted on this project as requested by the Board at the August 18<sup>th</sup> meeting.

**Action:**

Noting that the applicants had complied with the Board's request to submit a revised drawing to depict low-profile groins no longer than 48 feet, Mrs. Drury made the motion to approve VMRC 2010-0856 as revised. Second was made by Mr. Lusk and carried unanimously.

The second public hearing was called to order.

**B. VMRC 2010-1281:** J. C. Walker Bros., Inc., has applied to construct a 75-foot by 20-foot commercial dock including necessary intake and outfall pipes to support and expand an existing clam aquaculture facility to adjacent property leased from Ballard Fish & Oyster Co. The entire project involves parcels described as Tax Map 11A, double circle A, lots 105 and 104 in the village of Willis Wharf with frontage on Parting Creek.

Ms. Kellam presented the staff report as follows.

**VIMS Report – recommendation summary**

*Construct open-pile pier with minimum area.  
Provide specifications for intake and outfall pipes.*

**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 will impact one hundred fifty (150) square feet of tidal wetlands within the Northampton County Wetlands Board’s jurisdiction. Impacts within the Board’s jurisdiction will be minimal and no vegetated wetlands are involved. The Northampton Wetlands Board has advertised for a public hearing to include a pier and an intake / outtake pipe. The Northampton County Wetlands Board by approval of this application will be permitting the location of the pipe within its jurisdiction but not, the discharge. The discharge is addressed through other state and federal regulations. The application did not provide the location of the pipe. Once the applicant provides a location of the pipe on the drawings, which is acceptable to the Board, staff recommends approval of the application.*

Mr. Tom Walker was present to answer questions. It is noted that the applicant and the Board had discussed the project during the field visit conducted earlier this day.

Mr. Chubb asked for clarification concerning the intake pipe location. He noted that if the pipe was beyond the mean low water mark then it would be outside the Board’s jurisdiction. Mr. Walker noted that the company will not add any new intakes. He explained that the pumps are mobile and can be moved anywhere from 10 to 15 feet in either direction and are stored during winter months. He added that the intake over the end of the dock goes into state waters outside the county’s jurisdiction. Mr. Walker also explained that the company has a total of 5 intakes permitted by VMRC and that one mobile intake pump will be located on this project site.

There being no other questions or comments the Chair closed the matter from further public input.

Action:

Motion was made by Mr. Meyers to approve the application as submitted noting that the permitted intake systems are portable and will be located on the dock outside of the Board's jurisdiction. Second was made by Mr. Gates and the motion carried unanimously.

### **Old Business**

The Board then discussed the status of the Holly Bluff violation. Mr. Lusk noted that the applicant's deadline was extended to October 1. Ms. Kellam stated that the site will be inspected again by the end of October and no action is required by the Board at this time. She asked Mr. Lusk to assist with the next scheduled field visit to the violation area.

The Board then reviewed and briefly discussed the "as built" drawings pertaining to Susan Emerson's project VMRC 10-0347 to install 107 feet +/- of riprap revetment to the top of the bank (6'-8' high), using Class I core stone and Class III armor stone. The project is to tie into the existing revetment to the north, extend to a 12'-15' return wall at the south property line. The Emerson property is located in Malen Subdivision on Chesapeake Drive near Silver Beach and is described as being Tax Map 18C-1-B.

It was noted that there was no increase of encroachment area, but that the construction detail was somewhat different than that originally submitted and without Board approval, the project would have to be removed.

Ms. Hickman distributed photos taken of the as-built project for the Board's information.

Ellen Grimes, agent for Ms. Emerson, described the as-built drawings in detail. George Dilley was the contractor and the existing project as built is now located more landward by approximately six feet. It was noted that the rock used was Class III weighing 500 to 1,000 pounds with 50 percent being over 900 pounds. The rock chosen was size specific based on gravity qualities and granite was chosen over sandstone. The largest rock was placed in the toe area and decreased in size as the project went up the bank with the smaller stones being used for chinking.

Mr. Meyers had observed that the project on adjacent property was faltering because the stone appeared to be too small to withstand wave action. Ms. Grimes noted that the rock used to construct the Emerson project is larger and should perform well.

The Chairman asked if the Board wished to conduct a field trip to the Emerson project before taking action on the "as-built" drawings. By consensus, the Board agreed to visit the property next month and to continue this matter. Mr. Meyers added that encroachment appears to be less than that originally permitted so there should be no problem in delaying action on this matter until next month.

The Board then discussed the Cherrydale violation. The Board agreed that it appears some permanent damage still exists, but that restoration measures had mitigated much of the damage where grasses are being re-established.

Motion was made by Mr. Meyers to conclude this matter noting that this restoration effort was probably as good as it was going to get given the nature of the violation.

Mr. Lusk agreed that every aspect of the damage created has not been eliminated; however, measures have been taken to restore much of the area.

Ms. Grimes stated her observation that the marsh was pristine before construction of the pier. She noted that the indentations caused by the excavator have resulted in "salt pans" that are probably permanent without more restoration efforts being implemented.

The Board then questioned if VMRC should be contacted to offer guidance in this matter.

Mr. Meyers withdrew his motion at this time.

Ms. Kellam noted that if the salt pans are within the jurisdiction of VMRC, then that agency should be the one pursuing this matter.

It was the consensus of the Board to seek advice from VMRC concerning this matter before final action is determined on this violation.

### **New Business**

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

In her Zoning Inspector's report, Ms. Hickman reported that a possible violation is being investigated at this time in the Parting Creek area of Willis Wharf. Jurisdiction had not yet been determined.

### **Statements from the Public**

Ms. Grimes stated her opinion that those damaged areas at Cherrydale can be corrected and that restoration material can be easily transported down the dock in order to reach the damaged spots that still exist. She asked that the Board pursue this matter and not deem the marsh as irreparable when other options are feasible.

### **Consideration of Minutes**

The minutes of the August 18, 2010 meeting were approved as submitted upon proper motion by Mr. Gates and second by Mr. Meyers. Mr. Cox abstained as he was not present for that meeting.

Prior to adjourning Mr. Meyers suggested that staff review and submit written comments on the Wetlands By-Laws for the Board's discussion at the regular October meeting.

Mr. Meyers also suggested that future staff reports contain information gleaned through the Coastal Resources Management tools (shoreline management decision tree) and that staff's findings be submitted to VIMS as well. By consensus, the Board agreed.

**Adjournment**

There being no other business motion to adjourn was made by Mr. Lusk at 11:20 a.m.

---

Chair

---

Secretary