

**NORTHAMPTON COUNTY
WETLANDS BOARD**
Minutes
August 21, 2013

This was the regular meeting of the Northampton County Wetlands Board held on Wednesday, August 21, 2013, in the Board Chambers located at 16404 Courthouse Road in Eastville, Virginia for the purpose of conducting regular business.

Those members present were Chair Marshall Cox, , Vice-Chair Bowdoin Lusk, Mark Gates, Nancy Wells Drury, Will Brown, John Chubb, Jr., and Dot Field.

Also attending were Hank Badger with the Va. Marine Resources Commission (VMRC) and Melissa Kellam, Zoning Administrator and Agent to the Board Chair; Kay Downing, Board Secretary; Nyoka Hall, County Zoning Permit Technician; and Kelley Lewis, County Development Inspector.

The meeting was called to order at 9:34 a.m., and a quorum established.

Public Hearings

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

The first hearing was a continuance from the July 17, 2013 meeting.

- A. VMRC 2013-0772: Continuance Candace Nottingham** has applied to construct 137 feet of timber bulkhead attaching on the north and south ends to existing return walls with an 8 foot by 8 foot bottom deck at the top of the proposed bulkhead cantilevered over to support steps to access the beach. Associated backfill will be installed on a 2:1 slope planted with beach grass on the escarpment. The property is located at Smith Beach and is described as Tax Map 56, double circle A, parcel 15770.

Comments provided by Ms Kellam were read again by Ms. Hall as part of the official record.

The "Decision Tree for undefended shorelines" will be used to provide recommendations for this project. The decision tree is attached and the analysis shows one pathway highlighted in pink. The pathway recommends the applicant consider beach nourishment with sills or breakwaters where necessary. The project is not consistent with this recommendation, but sills or breakwaters may not be practical when you consider the short length of shoreline for the leased area of approximately 200 linear feet. If the breakwaters are considered impractical, the bulkhead should be considered a reasonable structure. The Board should review two concerns

before permitting a bulkhead. First, if constructed as presented the location and connection with the adjacent bulkheads create 90 degree angles which will be weak points and cause scouring at the internal corners. Second, if the bulkhead is relocated towards the Chesapeake Bay in alignment with the adjacent bulkheads to reduce the weak points and scouring, it will create approximately 2,000 square feet of additional impacts to the beach and revised drawings and re-advertising will be required. The Board must decide which of these two conditions takes precedence over the bulkhead design or if there is an alternate design.

The applicant for this project is the owner of Smith's Beach. Most of the projects heard by the Board in Smith's Beach are submitted by the lease holders as the applicants. They own the houses, but only lease the land. The owner has applied for this application and the Board may want to consider the whole entire shoreline of the property which is approximately 5,500 linear feet. The shorelines in front of the leased areas are approximately 200 linear feet each. When the shoreline for the entire property is considered and not just each of the leased shorelines, the breakwaters as recommended by the decision tree are the most appropriate structures for this property as a whole.

Mr. Chris Wilson, agent for the applicant, stated that revised drawings show at each corner where filter cloth will be installed at a three foot depth and filled with rock.

Ms. Field asked if new steps would be installed and Mr. Wilson replied yes.

The Chair called for other comments. Mrs. Downing noted that Robert Cole with the U.S. Army Corps of Engineers has stated that a new review will be conducted due to the proposed revisions for this application and the Neal application.

There being no other comments, the hearing was closed.

(Ms. Kellam arrived at 9:40 a.m.)

Action:

Motion was made by Mr. Lusk to approve the project as revised to include installation of rock at both corners of the project area. It is noted that the original project drawings plus the revised drawing dated 7-28-13 fully depict the entire project including access stairs. Second was made by Ms. Drury and the motion carried unanimously 6 to 0.

The second continuance from the July 17 meeting was called to order.

- B. VMRC 2013-0934: Laura M. & William K. Neal, III,** have applied to install a 30 foot return wall at the north end of the existing bulkhead where erosion is occurring on the adjacent property behind the bulkhead. The new return wall will extend into the upland. Also, the project will involve installation of 275+/- feet of rip rap sill at mean low water that will extend northward from the property line. The sill is to curve

around to the upland at the southern property line and tie into a proposed 50 to 70 feet of rip rap revetment placed at a 2:1 slope using Class I armor stone. The remainder of the eroding bank is to be graded at a 2:1 slope and planted to create a vegetative cover. The applicants may plant grasses in the area between mean low and mean high water. The property has frontage on Nassawadox Creek and is described as being Tax Map 14A, double circle 2, parcel 1 located at 7103 Riverside Lane.

Staff comments from Ms. Kellam were read into the record again by Ms. Hall as follows.

The "Decision Tree for undefended shorelines" will be used to provide recommendations for this project. Erosion has taken place and the bank is undercut from 0-feet to 8-feet in height along an approximate 200-foot stretch of shoreline. The decision tree is attached and the analysis shows two pathways highlighted in pink. One pathway, where existing marsh is present, recommends a marsh with a sill. The second pathway, where no marsh remains, recommends beach nourishment with a sill or breakwater where necessary.

The proposed project is consistent with the decision tree recommendations. Two additional items included in this application are the construction of a return wall for a separate existing bulkhead structure at the northern end of the property which is not a part of the sill project and a revetment against the bank ensuring additional protection at the southern end of the property which is a part of the sill project. Both additional measures are reasonable in conjunction with the sill project and existing bulkhead. Although the decision tree recommends beach nourishment in the areas where no marsh exists, this may not be practical because these areas are small and dispersed over the length of the entire shoreline. If beach nourishment is added to the project, items that should be considered are the characteristics of the source sand and proposed elevations of the sand fill. Any beach nourishment would create new impact and be considered a revision to the project's scope.

Mr. Grant Cooley, agent for the applicant, stated that the applicant has revised the permit to be a smaller scale project that would include removal of trees along failing shoreline to stabilize the bank from additional collapsing. A sill will be "t" into the bank to be one foot above the bank elevation.

Ms. Kellam suggested that the project drawings be "redlined" to depict the scope of the revised project.

The Chair called for any other comments. There being none, the hearing was concluded.

Action:

Motion was made by Ms. Drury to approve the project as revised on the drawings dated 8-28-13 reducing the scope of the original project. She noted that the permit would be valid for a one-year period. Second was made by Mr. Lusk and carried unanimously 6 to 0.

Old Business: none.

New business

The Board granted a one year extension to Thomas Hutson for **VMRC 2012-1267**. Motion to approve the one-year extension was made by Ms. Field and seconded by Mr. Lusk. The motion carried with a majority vote of 5 to 0 with 1 abstention from Mr. Chubb, adjacent property owner to Mr. Hutson. During review of the request Mr. Wayne McCoy, agent for the applicant, noted that an additional Class I rock interface will be installed to address additional erosion. However, this additional area is beyond the jurisdiction of the Board. It was also noted that a County Water Quality Impact Assessment would need to be completed.

Ms. Kellam suggested that the Board require applicants to have a written inspection schedule to enhance tracking of wetlands projects. Mr. McCoy noted that some localities require the engineer to sign-off on the final project before it is deemed completed.

Mrs. Downing stated that each Wetlands Permit contains language about the requirement of a final County inspection. However, there is hardly any compliance from contractors or applicants.

Ms. Kellam informed the Board that Karen Duhring would like to conduct a training session with the Board on new mapping and decision tree techniques. Board members Drury and Chubb verified that there are very intricate steps to be learned based on the demonstration they observed in the past. Mr. Chubb added that this type of training should not replace field inspections. The Board concurred.

The Chair instructed Ms. Kellam to invite Ms. Duhring to attend the next time when the Board has a short agenda.

Statements from the public: none.

Kelli Lewis distributed inspection and status reports to the Board for their information. The Board requested that these reports be part of the agenda packet from now on.

Consideration of Minutes

The minutes of the July 17, 2013 meeting were unanimously approved as submitted upon motion by Ms. Drury and second by Mr. Lusk.

Adjournment

There being no other business the meeting was adjourned at 10:05 a.m. upon proper motion by Mr. Lusk.

Chair

Secretary