

**NORTHAMPTON COUNTY
WETLANDS BOARD**
Minutes
June 20, 2012

This was the regular meeting of the Northampton County Wetlands Board held on Wednesday, June 20, 2012 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, Nancy Wells Drury, Dot Field, Will Brown and Mark Gates. Absent from the meeting was Vice-Chair Bowdoin Lusk and John Chubb, Jr.

Also attending were Hank Badger with the Virginia Marine Resources Commission (VMRC); Robert Cole with the U. S. Army Corps of Engineers (USACOE); Melissa Kellam, Zoning Administrator/Agent to the Board; and Kay Downing, Secretary to the Board.

The meeting was called to order at 11:32 a.m., and a quorum established.

It is noted for the record that Ms. Kellam and those Board members present conducted field visits prior to the meeting including the Susan Emerson property and those properties described in the agenda under public hearings.

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

The first hearing was called to order.

A. Continuance of VMRC 08-0103: Cherrydale Holdings, VA LLC has applied to renew an expired permit for a change in use of a private pier to a community pier and to extend the existing 10 foot by 30 foot "T" by construction of a 10 foot by 700 foot open pile structure on lots 13, 14 and 15 to provide mooring facility for community lot owners. The property is described as Tax Map 59, double circle A, parcels 13, 14 and 15 and is located on the east side of Blue Crab Lane.

Mr. Bill Parr, agent, was present to answer any questions.

Ms. Kellam stated that she had conferred with the county attorney on how to legally process this application. She noted that according to VMRC it has been confirmed that it is common practice to re-activate wetlands permits. Therefore, the permit can be re-confirmed, the expiration date extended, and the name of the applicants can be changed to reflect the current applicant/property owner. Mrs. Kellam also confirmed that an appropriate public notice had been legally advertised as required by the code of Virginia.

The Chair called for comments from the agent, Mr. Ben Mears, and the public at this time. None were received.

Mr. Badger and Mr. Cole both confirmed that there were no issues to re-activate this permit. Mr. Badger added that VMRC has given the applicant a deadline of November 25, 2014 for completion of the project.

Mr. Gates recalled that at the last meeting the Board discussed revising the project slightly on one end to extend. However, no official revisions were made to the project by the Board.

Action:

Motion was made by Mr. Gates to re-activate VMRC 08-0103, to re-issue the permit, extend the project completion deadline to November 25, 2014 in keeping with the VMRC deadline and to change the names of the owner, applicants and agents from the former to the new on the re-issued permit. Second was made by Ms. Drury and carried unanimously.

The second hearing was called to order.

B. VMRC 2012-0628: Guy & Joyce Doughty have applied to install a 282-foot long replacement bulkhead plus return walls two feet waterward of the existing one. The property, located at 2151 Concord Wharf Road, is described as Tax Map 2, double circle A, parcel 2 and has frontage on Occohannock Creek.

Mr. and Mrs. Doughty were present to answer questions.

Mr. Stephen Bunce, contractor and agent for the applicants, stated that due to extreme worm damage, the entire bulkhead should be replaced.

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

Ms. Field stated that during the field visit not much damage was observed to the existing bulkhead and questioned if it could be repaired. Mr. Bunce explained that the vast majority of damage is between the high and low watermark and the tide was probably too high for the Board to observe the damaged areas. The bottom boards are the weakest which cannot be seen except at extreme low tide and in his estimation there would be no way to possibly replace those boards due to the weakened condition of the structure.

When asked about the distance between the existing and proposed bulkheads, Mr. Bunce explained that the 24 inch separation provides just enough working space between the two for installation. He also explained that the new structure would be bolted to 6 by 6 walers about two-thirds down to stabilize.

Mr. Badger noted that the square footage of impacted vegetation had been designated on the drawings stamped June 1, 2012 as a 30 foot by 3 foot area. Therefore, a mitigation fee must be paid to the county prior to any issuance of a permit from the Board.

When Mr. Bunce was questioned about the new pier installation, Mr. Badger noted that the pier is a private open-pile dock that is exempt and does not require a wetlands permit.

It was noted that the Board did not possess the drawing stamped June 1, 2012 so copies were made, distributed and reviewed.

Mr. Cole confirmed that the measurement between the face of an old bulkhead and the face of the replacement should be no greater than 24 inches.

Mr. Bunce explained that the new bulkhead will be approximately 1 foot above the existing in order to install the tie rods.

Action:

Motion was made by Mr. Gates to approve the project as presented in accordance with the new drawings stamped June 1, 2012.

Ms. Kellam noted that the applicants must pay the mitigation fee for impacts to vegetated wetlands at the rate of \$12.50 per square foot prior to the issuance of the wetlands permit.

Second was made by Ms. Drury and the motion carried unanimously.

At this time, Ms. Kellam distributed a new photo of the Susan Emerson project located in the Silver Beach area for the Board's information.

The last public hearing was called to order.

C. VMRC 2012-0741: Russell & Linda Haberman have filed to re-grade undercut areas of shoreline, install coir logs at the toe of slope and install a marsh toe revetment seaward of existing vegetation. The property has frontage on Mattawoman Creek and is identified as Tax Map 47, double circle 8, parcel 7 on the cul-de-sac of Yeardley Point Road.

Mr. Wayne McCoy, agent for the applicants, stated the purpose of the project is to address the existing erosion problem and huge fetch that has been created along part of the shoreline from storm energy. He expressed his opinion that an off-shore revetment in this instance would be "over-kill". The project would consist of a marsh toe revetment and coir log installation. Using VMRC decision tree model, this type of project was recommended. The bank would be graded back as well.

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

The Chair asked when had the erosion started. Mr. McCoy stated that it was his understanding that Hurricanes Irene and Isabelle had first initiated the problem. He noted that the vortex in the west south-west corner needs to be addressed as soon as possible.

Ms. Field expressed her concern about how much manipulation of the area would be required for installation as there is a living shoreline consisting of spartina and golden rod that is well established.

At this time, Mr. McCoy presented photos of the property to the Board and noted that the applicants had installed the spartina. It was his opinion that installing more stone in a sculpted area would allow more marsh in the future.

When asked about the phragmites, Mr. McCoy stated that he will discuss the matter with the applicants so that the area can be treated as soon as possible. He also explained that six trees would be removed during the project to promote better exposure to sunlight.

Ms. Field suggested that the Board should have some assurance that there will be no disturbance of existing marsh vegetation. The Chair agreed.

Action:

Motion to accept the application as presented was made by Ms. Drury and seconded by Ms. Field. The motion carried unanimously.

Old business

The Board then reviewed the Emerson project located in the Silver Beach area. After visiting the property this day, the Board confirmed that the project has been adequately completed. The Chair noted that the project is a nice improvement to the property and Ms. Drury appreciated the photo taken during installation of the toe as confirmation to the Board.

Ms. Grimes added that the large toe rocks had originally been there during the installation of the original project but could not be detected because of the top face stone.

Motion was made by Ms. Drury that the Board acknowledge that after its field inspection, the Board is satisfied that the project be deemed completed and that this matter be closed. Second was made by Mr. Brown and the motion carried unanimously.

New business

The Board then held a restoration hearing for property belonging to Brass, Inc., described as Tax Map 32 ((A)) 15 in the Red Bank area.

Ms. Grimes, agent for the applicant, described the proposed restoration work as depicted on the submitted work plan. The project would include fluffing the area on the right side of the pier only and vegetation installed. She noted that salt bush is already starting to appear due to

inactivity in the area. A turbidity curtain would be installed and rock and the blue cloth would be removed. She noted that the local working watermen had been contacted and confirmed that their seasonal operations are over now. Restoration is planned in the months of August and September. The cherry tree will be removed to allow more sunlight to promote vegetation growth. New plantings would be installed in 2012 in order to see what will grow before re-applying. She explained that the turbidity curtain acts as ground filter cloth. This curtain literally hangs in the water and acts as an offshore filter curtain.

Ms. Grimes noted that Mr. Murray of Brass, Inc., is still interested in addressing the erosion along the shoreline and will probably file a new application in the future.

Mr. Gates asked if upland stormwater runoff was an issue. Ms. Grimes stated that she was unaware of any stormwater runoff problems. It was her opinion that storm energy and the bow of the creek with the outgoing tide were creating most of the erosion.

The Chair called for public comments. None were received.

When asked, Ms. Grimes explained that a turbidity curtain, usually “U” shaped, has a float top and a chain bottom for suspension purposes so that it remains straight up and down as it floats. The curtain is suspended above the bottom of the creek that is kept in place by an anchor system placed at intermittent points along the bottom and the upland. Sediments are trapped as they hit the curtain and drop to the bottom of the creek and the curtain also acts as a wave deterrent during suspension. Water passes through as it is made of a porous or woven PVC fabric. Tidal waters go underneath the curtain as it floats suspended just above the bottom.

Ms. Kellam noted that staff will provide planting specifications to Ms. Grimes before planting commences.

Action:

Motion was made by Mr. Brown that the restoration project be accepted as presented on the drawing presented today and with specifications as supplied by staff. Second was made by Mr. Gates and carried unanimously.

Statements from the public: none.

Agent to the Board Chair Report – Melissa Kellam

Ms. Kellam reported that the Board may need to meet in July if it is determined by the USCOE that a wetlands restoration project may be in order for the property belonging to Joe Adams. She also noted that no new applications have been filed for the Board’s consideration as of today.

Enforcement Agent Report: none.

Consideration of minutes

The minutes of the May 16, 2012 meeting were unanimously approved as submitted upon motion by Ms. Drury and second by Mr. Gates.

Adjournment

There being no other business the meeting was adjourned at 12:50 p.m. upon proper motion by Mr. Gates and second by Ms. Drury.

Chair

Secretary