

NORTHAMPTON COUNTY
WETLANDS BOARD
Minutes
March 20, 2013

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

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

The meeting was called to order at 10:30 a.m., and a quorum established. All those wishing to speak at today's meeting were sworn in by the Chair.

It is noted for the record that those Board members present and Ms. Hickman conducted field visits to each property scheduled for public hearings this day prior to the scheduled meeting.

Prior to calling to order the first hearing Mr. Cole was asked if there was any discrepancy in the approval process related to the timing of when the USACOE issues a permit versus that of a local Board. Mr. Cole explained that his review process and that of the U. S. Fish & Wildlife Service (USF&WS) are done simultaneously with local Boards. Ms. Kellam concurred as did Mr. Badger. Mr. Cole added that sometimes a condition will be issued to limit construction time around tiger beetle life cycles on regional permits. He added that county staff is also notified about the issuance of all standard permits.

Public hearings

- A. VMRC 2013-0246: The Arlington Plantation Property Owners' Association has filed to rebuild, refurbish and/or construct anew the existing rip rap structures that have been maintained along the reach of shoreline associated with the common area along the Chesapeake Bay front. The project includes: (1) totally dismantle and rebuild approximately 107' of revetment; (2) refurbish & augment approximately 168' of revetment; (3) refurbish approximately 40' of the existing groin connected to the revetment; and (4) build a new 30' revetment structure along the northern exposure of the common area. All work will be done from the upland adhering to tiger beetle regulations. The property is described as Tax Map 97A-1-A with frontage along the Bay at the mouth of Old Plantation Creek.

(Others arriving late to the meeting were also sworn in by the Chair.)

Ms. Hickman read the public notice and staff recommendation which follows.

On March 7, 2013, Katrina Hickman conducted a site visit with the Agent to verify that the project area had been staked and conducted a site assessment for staff to complete the appropriate decision trees. This project required a "Currently Defended Shoreline Decision Tree" which is attached. This decision tree moves forward into the general categories of failed structures to multiple types of structures. The more detailed parts of the decision tree break down each structure type, existing revetments and existing groins, into two separate more detailed analysis as they move forward. The analysis for both structure type pathways are highlighted in yellow.

The first structure analysis for the existing revetment has two branches due to the variation in site conditions in the project area. The first branch, where a wide beach is present, ends recommending the need for both revetment and groins. The second branch, where the beach is narrower, ends recommending the bank be graded and revetment repaired.

The second analysis for the existing groin, once again, has two branches due to the variation in site conditions in the project area. The first branch, where a wide beach is present, ends recommending to repair or replace the groin and to nourish the beach. The second branch, where the beach is narrower, ends recommending removing the groin.

The proposed project generally adheres to the decision tree recommendations. One recommendation to nourish the beach is not addressed in the proposed project. The Board may want to discuss and consider this recommendation.

Mr. George Dilley, contractor, stated that all construction work would occur from the top of the bank and no equipment would be on the beach. He added that there will be no encroachment beyond the existing project toe. The project will be rebuilt by installing new fabric and a new toe. The slope would be 2:1 which will be a little steeper than the existing since the slope will be raised approximately 1 to 1.5 feet.

Mr. Chubb asked for clarification concerning buffer plantings as depicted on the project drawings. It was his understanding that it was not the intent of the Property Owners Association (POA) to install these plantings. Mr. Dilley explained that he and the project agent have discussed planting unit requirements and this has been clarified with the President of the POA.

Referring to the staff recommendation, Mr. Chubb asked where beach nourishment would be placed. Ms. Hickman explained that the decision tree had suggested beach nourishment behind the groin area. Mr. Dilley added that the groin extends 30 feet out and after the new grade is installed beach replenishment would be for the benefit of the residents.

Ms. Field expressed her opinion that the project will cut the area to the north and suggested that some type of plantings be installed to help stabilize the area between the 2 groins.

The Chair called for public comments. Mr. Cole stated that if re-nourishment of the beach is part of the project then another assessment would be necessary by the USF&WS if tiger beetle habitat exists. He added that any re-nourishment sand must match the sand as currently exists on this beach.

There being no other comments, the hearing was closed.

Action:

Motion was made by Mr. Chubb to accept the application as presented with elimination of plantings on the north end of the beach.

Ms. Kellam explained that a new area will need to be specified for required buffer plantings. She and Ms. Hickman confirmed that the plantings are not an official part of this joint permit application being considered by the Board.

As a point of information, Ms. Field suggested that different plants better suited for the buffer area be considered than what is proposed.

Second was made by Ms. Drury and the motion carried unanimously 5 to 0.

The last hearing was called to order.

- B. VMRC 2013-0247: Karen & Scott McDonald, Robert & Ramona Castner, and Kenneth and Legree Hallman have applied to construct a replacement rip rap revetment. The new structure will be installed with a deeper toe, a greater face width and larger rock. Dismantling of the existing structure will be done from the beach. The upper reaches of the revetment and the reshaping of the remaining embankment will be accomplished from the top of the bank. A vinyl return wall will be installed at the north end of the project. The properties are located on Bluff Lane with frontage on the Chesapeake Bay in the Latimers Bluff Subdivision. The properties are described as Tax Map 117A, double circle 7, parcel 5A and Tax Map 117A, double circle 1, parcels G1 and G.

Ms. Hickman distributed photographs of erosion at the project area for the Board's information and then presented the staff recommendation as follows.

On March 7, 2013, Katrina Hickman conducted a site visit with the Agent to verify that the project area had been staked and conducted a site assessment for staff to complete the appropriate decision trees. This project required a "Currently Defended Shoreline Decision Tree" which is attached. This decision tree moves forward into the general categories of failed structures. The more detailed parts of the decision tree break each structure type. This project

includes only one structure type, an existing revetment. The more detailed parts of the decision tree break down this structure type into a more thorough analysis as it moves forward. The analysis pathways for an existing revetment are highlighted in yellow.

The analysis for the existing revetment has two branches due to the variation in site conditions in the project area. Once the determination is made that no groins exist in the project area, these branches joint back together and two recommendations are provided. Where the bank can be graded, the decision tree recommends that bank grading be implemented and the revetment only be repaired landward of MHW, beaches, dunes and / or vegetated wetlands. Where the bank cannot be graded, the decision tree recommends the repair of the revetment.

The proposed project generally adheres to the decision tree recommendations. Although the repairs to the revetment may be more extensive than recommended, the repairs are necessary to strengthen the revetment which must defend the shoreline against bay front storms. A vinyl return wall is included in the proposed project where grading the bank could not be accomplished adjacent to the northern undefended property line.

Mr. Dilley, contractor, stated that the project would need to be constructed from the beach due to the size of stone being proposed. The project would be done in 75-foot increments until finished. A temporary road would be constructed to allow access to the beach and then be completely removed. There will be no encroachment of the structure beyond what already exists. The structure will be approximately two feet higher than the existing and the rock size would be R7 or Class III.

Mr. Chubb asked for clarification concerning the hand-drawn revisions to the project drawings depicting the relocation of the proposed road. Ms. Kellam noted that the revised drawings depicting the road located in the center of the project area were officially submitted and would be sent to VMRC as part of the official record.

Mr. Chubb asked if existing steps would be replaced. Mr. Dilley noted that it was not their intention to replace the steps at this time, but a new application would be filed later. When asked by the Chair, Mr. Dilley stated that the steps would eventually be replaced in their same locations.

The Chair called for public comments. Mr. Cole explained that new drawings of the temporary access road depicting construction details will be required for the USF&WS to review.

There being no other comments, the hearing was closed.

Ms. Field stated that she had no problem with the project pending review of the USF&WS.

Action:

Motion was made by Ms. Field to approve the project pending USACOE and USF&WS approvals of the access road.

Discussion followed on the wording of the motion. Mr. Badger noted that local Boards do not usually base their actions pending review of other agencies. It was noted that all agency and Board approvals must be obtained before a project can be constructed.

Ms. Field amended her motion to approve the project as presented to the Wetlands Board which was seconded by Mr. Brown. The motion carried unanimously 5 to 0.

Old business: none.

New business

Ms. Kellam reported that there were several pending permits that have not been deemed complete. Mrs. Downing added that the deadline for the April meeting expired this past Monday. Therefore, the Board did not anticipate meeting in April.

Statements from the public: none.

Agent to the Board Chair Report

Ms. Kellam had nothing new to report.

Enforcement Agent Report

Ms. Hickman had nothing new to report.

Consideration of minutes

A second draft of the February 20, 2013 minutes were approved as submitted upon motion by Mr. Chubb and second by Ms. Drury.

Adjournment

There being no other business the meeting was adjourned at 11:02 a.m.

Chair

Secretary