

NORTHUMBERLAND COUNTY WETLANDS BOARD
JANUARY 11, 2022
MINUTES

Due to the Northumberland County Emergency Ordinance addressing Continuity of Government during the Coronavirus (Covid-19) Pandemic, the Northumberland County Wetlands Board held an in person and telephonic public hearing on January 11, 2022 in the Sheriff's Office in Heathsville, Virginia at 7:00 PM:

Present

Absent

Harry Towne – Chairman
George Rew – Vice-Chairman
Albert Fisher
Robert Vanlandingham
Lewis Howard

Harry Towne, Chairman, called the meeting to order.

On a motion by George Rew, seconded by Robert Vanlandingham, the minutes of December 14, 2021 meeting were unanimously approved.

Application No. 21-1298

Depue H., Jr. and Cheryl A. Duffey – to install 228 linear feet of riprap sill with 220 cubic yards of beach nourishment and 3,400 square feet of wetland vegetation plantings along the shoreline of the Coan River and 408 Lake Landing Drive. Craig Palubinski, agent and Depue and Cheryl Duffey, owners, were present. Craig Palubinski described the project and noted that the house is approximately 60 feet from the toe of an eroding bank which is semi stabilized by a non-standard bulkhead. He noted that it has been eroding for years. He stated that the owners reached out to Mike Vanlandingham of the Erosion Advisory Service who advised they install a living shoreline.

Depue Duffey, stated that in 2008 he noticed that he was having a lot of erosion and contacted Mike Vanlandingham of SEAS who recommended a living shoreline. He said this was a novel thing and not wanting to make a snap decision waited 13 years. "I had him come back in October 2020 hoping for a much cheaper way to do this. His recommendation is the same. I feel if we don't do something now, we will lose it. The hurricane cut 15 to 20 feet from the bank." He noted that Ernesto also did damage. "We did put in a non-permitted retaining wall that has kept everything but the bad storms from continuing to eat away at our bank. I see no other alternative."

Cheryl Duffey thanked the Board for taking their time to hear the project.

George Rew asked Philip Marston about the revision he received.

Philip Marston said that Jeff Madden has reached out to Emily Hine of VIMS.

Jeff Madden said Ms. Hine had recommended a saddle or gap or opening in the structure to allow fauna to come and go. "If one of these structures is over 100 feet, VIMS would like to have some sort of gap." He stated that VIMS would be sending their formal comments to VMRC as the majority of the project is within their jurisdiction. "The area from benchmarks 5 to 8 and benchmarks 1 to 2 are within the Wetlands Board jurisdiction."

Craig Palubinski said, "We have two weirs proposed. We also talked about leaving that north end open. We had closed it due to the recommendation of the property owner who opposed it. We could eliminate points 1 to 2."

John Blankenship, owner of lot 1, said he had met with Mr. Vanlandingham and the Duffey's a long time ago and had agreed on the placement of a sill that would be along that edge trying to protect my property. He said that he has protested the project. He then explained the damage caused by storms which have damaged his property and his neighbors. He said that if you remove the sill and the sand and plantings are higher than my natural shoreline, it will be a major risk to my property. He further explained why he thought there was a "bad bottom" there and that it will not support the weight. He also explained that it is very important that the sill maintain the proper height, or you will get an uncontrolled flow of water. "I still oppose this. I think there are other ways of doing this project that will be simpler, cheaper and with less risk to me and my property."

Craig Palubinski described how the sill would work.

John Blankenship said, "This is a change since they met and I want to be sure of the drawing."

Craig Palubinski said we can do an opening elsewhere or off set it.

Albert Fisher said he understood that there is a lot that goes on at that end. He said the part that should be modified is out of our jurisdiction.

Craig Palubinski stated that the only design difference was making an area lower.

Harry Towne said, "our concern is the potential for environmental damage. This statement from VIMS said she didn't see any environmental damage."

Jeff Madden noted that a statement outlining recommendations will be coming from VIMS to this Board as well as VMRC.

Mr. Blankenship said he wanted to be informed as to exactly how this will be constructed.

Harry Towne said that it is the task of the Board to approve or disapprove the project with this closed off area.

Mr. Blankenship asked if it is closed off on lot 1.

Craig Palubinski said, “The drawings are showing lot 1 closed off.”

Harry Towne said, “we are taking action on 1 to 2 and 5 to 8.”

Jeff Madden said, “That is really the limit of your jurisdiction.” He stated that he would take VIMS recommendations and apply it for an opening of some kind.

Mr. Blankenship stated that he thought the footing is not sufficient. “If it had been done before this last storm, it would have been gone.”

Craig Palubinski said, “I don’t think it would have. He has a vegetated shoreline that is still there.”

Craig Palubinski requested a three-year permit.

Robert Vanlandingham stated that he thought Mike Vanlandingham knows what he is doing. “I don’t know Emily Hines, but I hope she knows what she is doing. I can’t argue with them.”

Albert Fisher asked if Craig Palubinski has inspected the bottom.

Craig Palubinski said the bottom is spongy. He noted that sometimes the stone settles and it might take more stone.

George Rew made a motion to approve the application as submitted.

Jeff Madden asked if Mr. Rew believed that the public and private benefits outweigh the public and private detriment in this case.

George Rew said, “Yes”.

Albert Fisher seconded the motion and the Board unanimously approved.

Application No. 21-2559

Barbara England – to remove existing riprap and install 40 linear feet of armor stone channelward of an existing bulkhead along the shoreline of Ingram Bay and 144 Ingram Bay Drive. Charles England, agent and son of the owner, was present online and described the project as adding to the protection of the property.

Robert Vanlandingham noted that it was washing pretty badly there.

Albert Fisher stated that this is a volatile area.

After further consideration, Robert Vanlandingham made a motion to approve the application as submitted.

Jeffrey Madden asked Mr. Vanlandingham if he believed the public and private benefit outweighs the public and private detriment.

Robert Vanlandingham said, "Yes."

Lewis Howard seconded the motion and the Board unanimously approved.

Application No. 21-2311

Afterwork, LLC - to expand a commercial marina along the shoreline of Kingscote Creek and 312 and 410 Church Lane. William Washington was present on-line. Robert Lewis, agent, was present and described the expansion project. He said projects 2 and 4 were to be considered. He stated that he has signed permission from Randy Harding to cross his oyster ground. He also stated that a right-of-apportionment done in 1998 by Mr. Keyser shows that we are not encroaching on Mr. Allen's property with this pier. He said that Preston Smith of the Health Department has a copy of this application and will meet with Mr. Washington to determine if everything meets today's standard.

William Washington informed the Board that he has not yet met with Preston Smith.

Jeff Madden said, "We will not issue a permit until the Health Department signs off."

A three-year permit was requested.

After consideration, Robert Vanlandingham made a motion to approve the application as submitted for three years. Lewis Howard seconded the motion and the Board unanimously approved.

Other Business

The Board then heard a request to extend permit (VMRC #15-1805) for John Warren. Mr. Warren explained that he was unable to complete the work due to equipment failure and health problems which included time in a hospital. He also noted problems finding a contractor. The Board discussed the fact that Mr. Warren had been advised that there would be no further extensions allowed. After consideration, George Rew made a motion to approve the request to extend the permit for two years with no further extensions allowed. Robert Vanlandingham seconded the motion and the Board unanimously approved.

On a motion by Robert Vanlandingham, seconded by Albert Fisher, Harry Towne was unanimously re-elected Chairman and George Rew was unanimously elected Vice-Chairman.

There being no further business to come before the Board, on a motion by Robert Vanlandingham, seconded by George Rew, the meeting was adjourned.

