

Wetlands Board Minutes – June 12th, 2019

Board Members Present: Paulson, Strickland, King, Brassington, Burton, Ballard,
Board Members Absent: Wilson
Alternate board member(s) designated to vote: Laws
VMRC attending: Rachael Peabody
Norfolk Staff: Seamus McCarthy, Nathan Bowman
Meeting start time: 1303
Meeting end time: 1414

May 2019 Minutes Approval: Motion by Mr. Ballard, seconded by Ms. Burton, passed unanimously

1. Richard and Laura Morse #16-0693: Request for 3-year permit extension for construction of a living shoreline project to impact vegetated and non-vegetated wetlands at 117 Ridgeley Point on the Lafayette River

Project was approved by the wetland board June 2016. See letter from Ms. Morse letter requesting extension for this permit.

Staff Recommendation: To approve request for wetland permit extension

ACTION TAKEN: Motion by Mr. King, seconded by Mr. Ballard and passed unanimously.

2. Thomas St Andre & Sandra Winstead #19-0482: Construction of a rip rap revetment and living shoreline to impact vegetated and non-vegetated wetlands at 241 Sir Oliver Road on the Lafayette River. Civic League: Cromwell Farms/ Ellsworth

Staff had meetings onsite with and agent Richard Calvert and VMRC representative Rachael Peabody on April 4th, May 16th and again on May 29th to discuss project. Shoreline consists of a failing wood bulkhead and assorted concrete and brick rubble and with high marsh species *Iva* and *Baccaris* growing up to top of bank. On the Eastern end of property adjacent to neighbor's bulkhead return wall soil has been scoured out mostly by upland runoff allowing saltbushes to be established behind falling wall. The applicant is proposing a 12 lf rip rap revetment from property line on existing bank at a 1.5 to 1 slope with the toe of the rip rap going out 5'. The existing low area adjacent to the bulkhead will be backfilled with soil and would tie into a living shoreline consisting of a 48 LF 16" coir log with sand placed to achieve proper elevations and planted with *Spartina Alterniflora* and *Patens*. The existing bank is proposed to be excavated to a 4 to 1 slope to create the high marsh area transitioning to upland. A 12 lf coir log will tie in the Western end which will end at a 5 lf section of rip rap. All rip rap is Class A-1 granite stone with filter cloth utilized.

Impact Calculations: 12 sf of veg wetlands high marsh will be impacted by backfilling behind the revetment but will be offset by excavating and planting 148 sf of high marsh in the existing upland. Additionally, approximately 560 sf of non veg wetland will be converted to a vegetated wetland by planting *alterniflora* and *patens*.

Representing project: Agent: Richard Calvert, Calvert Marine

VIMS Assessment: From VIMS comprehensive map viewer – Remove existing structure if present, grade bank if necessary and install non-structural living shoreline which may include riparian buffer planning along bank and or marsh plants, coir logs, or oyster reefs along the shoreline. Best choice for low energy environments

Staff Assessment: The bank is experiencing erosion and losing sediment into waterway. This plan

addresses the neighbors concern of the scour adjacent to the bulkhead and incorporates a living shoreline which will significantly increase vegetated wetlands in this area while preventing further soil erosion which will be a net benefit to the water quality of the Lafayette river. All wetland special conditions are included submittal.

Staff Recommendation: Staff believes this project meets the standards for permit issuance.

Comments &/or Special Conditions by Board:

Ms. Brassington inquired about the existing bulkhead on the property remaining and Mr. McCarthy clarified that it is stone/concrete rubble and will remain.

Mr. Paulson asked about the dilapidated pilings in the water and Mr. Calvert told the board that the shoreline would be cleaned up as part of this project and that included the old pilings in the water.

ACTION TAKEN: Motion by Mr. Strickland, seconded by Mr. King and passed unanimously with the special condition that the shoreline be cleaned up and the pilings removed.

3. Sandra D. Hardison et al #19-0506: Construction of a bulkhead to impact non-vegetated wetlands at 2329 Wharton Ave in Little Creek.
Civic League: Roosevelt Area

Staff met onsite with VMRC and with agent Bob Simon on April 4th and again on May 16th of this year to discuss stabilization options for failing bulkhead. The shoreline consists of failing timber 65 lf wood bulkhead which ties into 12 lf concrete boat ramp on the eastern end of the property. The timber bulkhead is experiencing soil loss in multiple sections, but no vegetated wetlands have been established landward of bulkhead. Initial application was to replace 75 lf of bulkhead with vinyl with 45' in same the alignment, this included removing the boat ramp by installing 12 lf of bulkhead across boat ramp. The first site visit in April was on a wind event so the water levels were elevated. Staff suggested a rip rap revetment because of the long fetch but after the next site visit on a lower tide looking at the height of the bulkhead to bottom (5.5 ft) and proximity to the existing channel the amount of stone and cost for a rip rap revetment would need to be considered. The applicant agreed to pull back entire alignment of bulkhead outside of the board's jurisdiction with only a 12 lf section spanning the concrete boat ramp which is before the board today.

Impact Calculations: 50 sf of non-vegetated wetlands concrete boat ramp proposed to be impacted but the intertidal concrete ramp provides no ecological benefit.

Representing project: Agent: Bob Simon Waterfront Consulting

VIMS Assessment: From VIMS comprehensive map viewer – Remove existing structure if present, grade bank if necessary and install non-structural living shoreline which may include riparian buffer planting along bank and or marsh plants, coir logs, or oyster reefs along the shoreline. Best choice for low energy environments

Staffs assessment is that the existing timber bulkhead is failing and losing soil and there are no vegetated wetlands above the bulkhead that have been established. Other options for shoreline stabilization were discussed on site including a living shoreline and a rip rap revetment. But with proximity of the boat channel, the height of the bulkhead to the bottom and a .5-mile fetch neither seemed viable for this location. The applicant pulled most of the structure out of the board jurisdiction with the exception of the 12 lf section spanning the boat ramp.

Staff Recommendation: Staff believes this project meets the standards for permit issuance

Comments &/or Special Conditions by Board:

Mr. Laws asked what will be going in place of the old boat ramp that is proposed to be removed for this project.

Mr. McCarthy told him it would be backfilled with sand and soil.

Mr. Paulson inquired about the driveway leading up to the bulkhead and what is to be done with it. Mr. Simon told the board that it will also be removed and, in its place, will be turf and/or shrubs

Mr. Ballard asked about how you create a new bulkhead behind the old one. Mr. Simon outlined the steps as such. First you excavate behind the old one to remove pressure from the existing structure. Then you install your new bulkhead at the new alignment and remove the old one from in front of it.

Mr. Paulson inquired if the neighbors could tie into the new vinyl sheet pile in the future with Mr. Simon letting him know that each corner sheet is a male-male piece that allows future work to be tied into the structure.

ACTION TAKEN: Motion by Ms. Burton, seconded by Mr. Ballard and passed unanimously.

4. James A. Openshaw III 19-0739: Construction of an after the fact 93 lf bulkhead to impact non-vegetated wetlands at 233 Sir Oliver Road on the Lafayette River.

Civic League: Cromwell Farms/ Ellsworth

This application is part of the restoration order from the May Wetland Board public hearing. Staff met onsite March 8th, 2019 and April 17th with Mr. Openshaw, Carl Eason, and Bob Simon. A previous application JPA 05-1361 for replacement of an existing 120 lf bulkhead and boat ramp was approved by the Wetland Board in November 2005. 93 lf of the bulkhead with 20 piles was constructed in same alignment as previous bulkhead with no vegetated wetlands impacted. This application before you today shows the 93 lf bulkhead replaced with a wetland planting area of 140 sf on the north side of the property.

Impact Calculations: There is no vegetated wetlands impacted by proposed bulkhead. 20 sf of non veg wetlands was impacted by pilings being driven. 140 sf of non-vegetated wetland will be converted to a vegetated wetland by placing a coir log backfilling sand and planting *Spartina alterniflora*.

Representing project: Agent: Bob Simon Waterfront Consulting with the speaker being Carl Eason.

VIMS Assessment: Remove existing structure if present, grade bank if necessary and install non-structural living shoreline which may include riparian buffer planting along bank and or marsh plants, coir logs, or oyster reefs along the shoreline. Best choice for low energy environments

Staff Assessment: The bulkhead was replaced without any wetland or building permits or contact with the City of Norfolk by either owner or contractor. If staff would have been called to meet onsite for pre application meeting staff would have recommended living shoreline approach due to low wave energy, large area of mud flat at low tide and size of yard with no significant trees adjacent to bulkhead. Since the bulkhead has been installed removal at this point would result in significant sediment deposition into waterway and would add considerable cost to the Openshaw's who relied on their contractor for permitting guidance. As mentioned, the application does include a water quality component planting 144 sf of *Spartina alterniflora*. All wetland planting special conditions have been included.

Staff Recommendation: Staff believes this project meets the standards for permit issuance.

Comments &/or Special Conditions by Board:

Mr. King is in support of the project.

ACTION TAKEN: Motion by Mr. King, seconded by Mr. Strickland and passed unanimously