



Wetlands/Coastal Dune Board

Public Hearing & Meeting

Town Hall

April 22, 2013

3:00 p.m.

At 3:04 p.m. in the Town Hall, Chairwoman Ann Hayward Walker, having established a quorum, called to order the Wetlands/Coastal Dune Board Public Hearing and Meeting. In attendance were Board members Russ Dunton, Bruce Lindeman and Bob Roche. Board member Wayne Creed had resigned effective April 1, 2013 and due to the short notice, new Board member Ray Salopek was not able to attend. Also present were Town Planner Tom Bonadeo, Town Clerk Libby Hume, Don MacLennan from Engineering Resources Group, LLC, Oral Lambert from Bay Creek South and Hank Badger from the Virginia Marine Resources Commission. There were no members of the public in attendance.

CONSENT AGENDA

Motion made by Russ Dunton, seconded by Bob Roche, to accept the agenda format as presented. The motion was unanimously approved.

The Board reviewed the minutes from the November 2, 2012 Public Hearing and Meeting.

Motion made by Russ Dunton, seconded by Bruce Lindeman, to accept the minutes of the November 2, 2012 Public Hearing and Meeting as presented. The motion was unanimously approved.

BUSINESS

A. *Bay Creek South LLC JPA #13-0416*

Tom Bonadeo stated that an application was received to install 600' of stone revetment along the Chesapeake Bay to protect the 5th hole of the Nicklaus Golf Course. This area was just north of the northern most breakwater of the group installed in 2003. Hurricane Sandy had eroded the beach, dune and cart path west of the general area of the 5th hole of the Nicklaus Course. Tom Bonadeo showed photographs dated April 16, 2013 to show the 600' of eroded bank and the beach/bank tapering off to the south of the site. The applicant proposed to dig down at the toe of the bank deep enough to be below mean low water to install a stone "bank" composed of Class I stone covered by Class III stone. Class III stone weighed 500 lbs. each and the design would protect the Nicklaus Golf Course investment of approximately \$15.5M. This golf course got approximately 13,800 rounds of play per year and the average spending per round was \$96 which resulted in an economic impact to the area of \$1,320,660 annually, not taking into consideration the jobs created in the maintenance of the course and other related facilities.

Tom Bonadeo went on to state that in 2010, the State developed a decision tree to aid in selecting the appropriate treatment for erosion along the Chesapeake and he had been working with the applicant regarding the decision tree.

Tom Bonadeo pointed out that this area was considered as part of the tiger beetle habitat. More than 14" of the depth of the beach in this area had eroded so much of the habitat may have been lost.

The Board also reviewed several photographs of the revetment built at the Aqua Restaurant which showed the damage incurred during Hurricane Sandy with only smaller stone. Class III stone, which was proposed for the project, was designed to withstand the wave action during a high tide event. The construction proposal was to build the revetment from the uplands and to restore the uplands to preconstruction vegetation. Tom Bonadeo also recommended plantings at the base of the revetment over the toe.

Tom Bonadeo introduced Don MacLennan who gave an overview of the proposed plans and added that if nothing was done by next fall, the golf course could be lost. Mr. MacLennan stated that breakwaters were constructed previously but nothing was planned for beach nourishment. The engineers had studied the existing breakwaters and found that breakwaters were not suitable for this area in that an enormous amount of area had been lost around the golf course and the heavy stone in the revetment would be able to withstand the good sized waves. The revetment would be high enough to go above FEMA's flood elevation level. This was the only practical solution to save the property. Mr. MacLennan passed around photos which showed the difference in the area over the last 5-year period.

Russ Dunton stated that he did not see any harm in the proposal and added that the revetment would be above the wetlands area so would not disturb the wetlands.

There was some discussion regarding the tiger beetle habitat and the applicant's obligation to protect the habitat. Mr. MacLennan stated that the construction crew would not be driving on the beach and would do whatever possible to alleviate any disturbance of the tiger beetle habitat, but the area of concern had eroded so much that it no longer was conducive for tiger beetles. Ann Hayward Walker added that Hurricane Sandy took the habitat and in her opinion, the property owners had no responsibility to restore the habitat that was destroyed by nature.

There was discussion regarding the importance of beach nourishment and the planting of vegetation in the area to help build sand during the summer months which would protect the area from added erosion during the hurricane season. Ann Hayward Walker added that the Town was required to have an annual beach maintenance plan and budget funding for beach nourishment in order to qualify for FEMA assistance. Tom Bonadeo added that the Town maintained the breakwaters and dunes as a first line of defense from storms.

Hank Badger asked whether a report was received from the Virginia Institute of Marine Science (VIMS). Tom Bonadeo stated that he had spoken with a representative from VIMS and no clear answer or guidance was given. He was informed that VIMS no longer prepared project reports.

Tom Bonadeo stated the following: i) the applicant looked at the existing breakwaters and compared the beach loss from 2004 to 2013; ii) alternatives were reviewed to protect the investment in the golf course; and iii) the applicant proposed a stone revetment to protect the area. Tom Bonadeo suggested that adding extra sand and plantings would go a long way to protect the area.

Mr. MacLennan stated that the applicant wanted to have the work completed by this fall and were considering the planting of vegetation.

Tom Bonadeo stated that the economic impact of the project had been reviewed, as well as the alternatives, beach protection/nourishment, the design including the addition of beach sand on the toe, planting of vegetation, etc. There was a possibility to use dredge spoils from a proposed maintenance dredging of the Cape Charles Harbor with approval by the U.S. Army Corps of Engineers (USACE).

It was noted that a decision was still needed from the USACE but all the other agencies stated that the project was out of their jurisdiction. Tom Bonadeo stated that he would notify the USACE of the Wetlands Board decision.

Ann Hayward Walker stated that she felt confident in the Board's decision. The Town had a track record of acting in accordance of the guidelines.

Russ Dunton asked the board if there were any other questions or concerns. There were none.

Motion made by Russ Dunton, seconded by Bob Roche, to approve the permit as presented. The motion was unanimously approved.

Tom Bonadeo stated that he was expecting another application regarding the wave attenuator constructed on the north end of the beach by the Bay Breeze Apartments and Bay Vistas development. Hurricane Sandy hit prior to the beach nourishment being completed and the storm took out the dune and soil in the area. The owners of the Bay Breeze Apartments were planning to move forward to protect the area so the damaged building could be repaired. The Bay Breeze Apartments were federally subsidized apartments and the USDA RD held the mortgage.

Russ Dunton asked about their jurisdiction and oversight for public projects in the Wetlands and Dune. Hank Badger stated that governments were exempt and there was no oversight in place and added that it was the local government's option to run their plans by the Board.

Motion made by Russ Dunton, seconded by Bruce Lindeman, and unanimously approved to adjourn the Wetlands/Coastal Dune Board Meeting.

Chairwoman Ann Hayward Walker

Town Clerk