



Wetlands/Coastal Dune Board
Public Hearing & Meeting
Town Hall
September 23, 2013
4:00 p.m.

At 4:12 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, and Bob Roche. Board members Bruce Lindeman and Ray Salopek were not in attendance. Also present were Town Planner Rob Testerman, Assistant Town Clerk Amanda Hurley, Wayne McCoy of Mid Atlantic Environmental, Bill Parr of Peacock Holdings VA LLC and Cherrystone Creek LLC, and Hank Badger from the Virginia Marine Resources Commission. There was one member 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 April 22, 2013 Public Hearing and Meeting.

Motion made by Russ Dunton, seconded by Bob Roche, to accept the minutes of the April 22, 2013 Public Hearing and Meeting as presented. The motion was unanimously approved.

BUSINESS

- A. *Peacock Holdings VA LLC, JPA #13-1222 – Install 310 linear feet of stone riprap situated along the Chesapeake Bay adjacent to Aqua Restaurant*
Ann Hayward Walker explained that this was part of a previous approval in 2009.

Mr. Parr introduced himself and commended the Board for their discussion at the last meeting regarding economic impacts. Mr. Parr stated that Peacock Holdings LLC was urgently concerned about the future of Aqua and the Marina resort complex was a big part of the economic engine of the Town and many people's jobs relied on that restaurant staying open. Aqua had lost about 75 feet of beach in some areas and more in others.

Ann Hayward Walker pointed out that the Board was sensitive to the economic impacts, but only the riprap and beach nourishment were relevant to the Board. The revetments were under the purview of the Virginia Marine Resources Commission (VMRC) and were not in the jurisdiction of the Wetlands Board.

Mr. McCoy reviewed the Site Plan of Proposed Riprap Repair & Breakwater Projects and explained that the concept used was the continuation of offshore breakwaters.

Russ Dunton commented that Cherrystone Aqua-Farms was concerned about the disturbance of the bottom and added that last time this was done Cherrystone Aqua-Farms had a timeframe that was suitable to them for the work to be done. Mr. McCoy stated that they were also constrained by the tiger beetle which meant that work could commence after September 16th.

Ann Hayward Walker pointed out that there were letters included in the packet for adjacent property owners to sign in agreement or disagreement, but the Board did not have copies of those. Mr. Badger stated that Adjoining Property Owner Notifications had been sent but no responses had been received. Rob Testerman stated that notices were also sent out to adjacent property owners for the Public Hearing but no response had been received.

Mr. McCoy stated that three out of four revetments were proposed to be constructed. The northern most revetment would not be constructed as there was much subaqueous vegetation that would be impacted. In addition, that area was more protected and the wave dynamic and velocities were less. Mr. McCoy stated that the Class I riprap would be reused and Class II would be added and felt that this would create more beach as well as more tiger beetle habitat.

Ann Hayward Walker announced that there was an opportunity for public comments. Joan Natali stated that she did not sign up but wanted to voice her support.

Rob Testerman pointed out that there was a typographical error under Design Review on the Staff Report and the change would read, "The proposal is using Class I and Class II stone."

Russ Dunton directed his comment to Mr. McCoy stating that he would need to make the tiger beetle experts happy and work with Cherrystone Aqua-Farms' schedule. Ann Hayward Walker clarified that if Peacock Holdings LLC received all approvals today, they could begin work immediately.

Russ Dunton stated that part of the motion should include that Peacock Holdings LLC was to conform to Cherrystone Aqua-Farms' schedule so that the work did not interfere or impact their business. Ann Hayward Walker commented that the Board was being attentive to the concerns and potential impacts on Cherrystone Aqua-Farms.

Ann Hayward Walker asked what the estimated time frame was and Mr. McCoy stated that part of it depended on the Army Corps of Engineers and the Fish and Wildlife Service. Mr. Parr stated that they would allow 30-40 days to have material delivered and mobilize equipment and 60-90 days to get work completed.

Motion made by Russ Dunton, seconded by Bob Roche, to approve the permit with the condition that Peacock Holdings LLC conform to Cherrystone Aqua-Farms' work schedule. The motion was unanimously approved.

Russ Dunton stated that the Board previously approved the beach restoration which was never done and asked what happened when an applicant skipped over the Board's approval. Mr. McCoy stated that he was the agent for that and explained that their main concern was installing the Wave Attenuating Devices (WADs) but then hurricane Sandy hit and did a lot of damage. An annual review on the WADs had been done last week and revealed that 4"-6" of sand had been accreted behind the WADs which was beyond expectations. The beach nourishment was decided to be put on hold for a year to monitor the WADs' capability. The question was whether to do a blocking wall and rock like what was done at Seabreeze apartments or slopes and beach nourishment. Mr. McCoy stated that the intent was to still do beach nourishment. Mr. Badger asked if the permits were still active and Rob Testerman stated that he would look into it. Russ Dunton suggested they ask for an extension if it was needed.

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

Chairwoman Ann Hayward Walker

Asst. Town Clerk