
Wetlands and Dune Board

Public Hearing Agenda

April 4, 2011

5:00 P.M.

- 1. Call to Order**
- 2. Invocation and Pledge of Allegiance**
- 3. Consent Agenda**
 - a. Approval of Agenda Format
 - b. Approval of Minutes
- 4. New Business**
 - a. Public comment on JPA#11-0156 Robert Rea, et al.
 - b. Staff reading of the VIMS report into the record.
- 5. Close Public Hearing**
- 6. Board Discussion**
 - a. JPA #11-0156
 - b. Review and consideration of:
 - i. Social Concerns
 - ii. Economic Concerns
 - iii. Physical Concerns
 - iv. Environmental Concerns
- 7. Additional Comments from:**
 - a. VMRC
 - b. VIMS
 - c. Staff and Board
- 8. Consider Motion**
- 9. Adjourn**



DRAFT
Wetlands/Coastal Dune Board
Public Hearing & Regular Meeting
Town Hall
August 6, 2009
4:00 p.m.

At 4:02 p.m. in the Town Hall, Chairwoman Ann Hayward Walker called to order the Wetlands/Coastal Dune Board Public Hearing and Regular Meeting. In attendance were board members Wayne Creed, Russ Dunton, Scott Walker and Jim Weiner. Also present were Town Planner Tom Bonadeo, Town Clerk Libby Hume, R. J. Nutter, attorney for Harbor Development Group, John Lowenthal from Landmark Development, Tom Langley from Langley & McDonald, Hank Badger from the VMRC, and four representatives from Bay Shore Concrete. There was one member of the public in attendance.

CONSENT AGENDA

Hearing no objections, Ann Hayward Walker stated that the agenda format was approved by unanimous consent.

The Board reviewed the minutes from the May 27, 2009 Regular Meeting. Russ Dunton noted a grammatical change at the bottom of page 1.

Motion made by Russ Dunton, seconded by Wayne Creed and unanimously approved to accept the minutes as amended.

Ann Hayward Walker stated that the purpose of the Public Hearing was to hear public comments regarding the Harbor Development Joint Permit Application.

PUBLIC COMMENTS

Mr. Chad Saunders, Bayshore Concrete

Mr. Saunders addressed the Board to explain Bayshore Concrete's concerns regarding the proposed Harbor Development. Mr. Saunders distributed a list outlining the design requirements for the bulkhead at Bayshore Concrete (see attached). An additional concern that was not included on the list was that the soil anchors would have to be drilled in vs. cut in due to the fact that the rail service would have to be stopped in order to cut in the anchors and that is not possible since the rail service brings in the concrete.

Mr. Nutter addressed Mr. Saunders' concerns and stated that he has been working with Bayshore Concrete and will continue to work with Bayshore and the Town to ensure that everything gets worked out to the satisfaction of all parties involved.

There were no further comments from the public or written comments submitted.

Ann Hayward Walker closed the Public Hearing portion of the meeting at approximately 4:20 p.m.

NEW PROJECTS

Harbor Development JPA Wetlands Review

Tom Bonadeo invited Mr. Nutter to present his information regarding the application. Mr. Nutter stated that he wanted to begin by focusing on the jurisdictional map which he distributed to the Board members. Mr. Nutter stated that the wetlands in question were already disrupted and of very low value. The Virginia Institute of Marine Science (VIMS) report showed that the area is covered by rock, debris, etc. with erosion from the site going into the Bay. There was no vegetation and very little life in the area. The Army Corps of Engineers stated that this project will be replacing sand, etc. and will provide a new area for biological life. Mr. Nutter went on to distribute an aerial photo of the area depicting the existing and proposed bulkheads and stated that the proposed bulkhead would stop the erosion.

Mr. Nutter went on to discuss the mitigation plan for storm water management stating that a three-tiered storm water system would be installed which he believed would be the first storm water management system installed on this side of the Harbor.

Mr. Nutter then addressed the economic impact which estimated approximately \$150M in total capital improvement costs in the first three phases, not including slip income. Mr. Nutter stated that this complies with the Town's Comprehensive Plan and has been approved by the Town Council.

Scott Walker stated that there was a pipe going under Bayshore Road, relating to the storm water, which should be located. Tom Bonadeo agreed that there was such a pipe but stated that one could not see the pipe opening from either side of the street. Tom Bonadeo added that Bayshore Concrete has an extensive storm water management system and are required to routinely report back to the various governmental agencies due to the nature of their business.

Russ Dunton expressed his concern regarding the retention pond and the flow from other properties going into the Harbor. Tom Bonadeo explained that this issue was beyond the jurisdiction of the Wetlands Board but the Department of Environmental Quality (DEQ) would ensure that everything regarding this issue was done properly. Tom Bonadeo went on to state that it was an extensive process but the DEQ would mandate that everything was done according to their regulations prior to issuing a permit.

Russ Dunton went on to state that he was also concerned about i) shoreline stability; ii) the distance that the boat slips would extend beyond Bayshore Concrete's area so as not to hinder re-vegetation, etc.; and iii) drainage.

Ann Hayward Walker asked the other board members if they had similar concerns. Wayne Creed stated that he was not concerned with the issues that were not under the jurisdiction of the Wetlands Board and went on to state that he liked this project and feels that it looks good and would be good for the environment, but his concern was that according to the VA Wetlands Management Handbook, any development in a wetlands area must be necessary for economic development and he did not see where this was "necessary" and would the fact this marina was built, bring in the boaters. There was much debate regarding the term "necessary" and Tom Bonadeo stated that the Town Council, in approving this project to move forward, felt that it was "necessary" for the future economic development of the Town and that the real issue was the protection of the working harbor and the board needed to look at the value of the wetlands vs. the value of the improvements. Mr. Nutter stated that a market study showed that the demand of docking should increase and that typically, a marina development was difficult due to the wetlands concern regarding contamination of the particular area and that condemned

areas were ideal for a development of this kind. In this case the wetlands area was already disrupted and of very low value and was one of the areas that met the requirements for development. Once the breakwaters are installed, this area will be the preferred location for a development of this type as well as for recreational boaters.

Ann Hayward Walker asked that if the economic base is the main value to the Town, is there a downside if this project does not meet its expectations? Tom Bonadeo responded that this is currently an impaired wetlands area and if nothing else comes to fruition, there will at least be a new bulkhead and an excavated harbor which would be beneficial to the Town and add value to the harbor area. Tom Bonadeo went to state that currently the Town Harbor has a 5-year waiting list for boat slips. Jim Weiner stated that he has been on the waiting list for 3.5 years.

Motion made by Scott Walker, seconded by Wayne Creed, to call for the question whether to approve or disapprove this application.

Mr. Hank Badger recommended a summarization of any conditions in the motion. Russ Dunton stated that he was still concerned regarding the stormwater management, even though it was not in the jurisdiction of this board, and requested conditions be added regarding this issue as well as the issue of having the appropriate governmental agencies review the request for placement of boat dockage outside the applicant's property.

An amended motion was made by Ann Hayward Walker, seconded by Wayne Creed, to approve the JPA #09-0167 for the Harbor Development Group with the following conditions:

- 1. Removal and fill as proposed.**
- 2. SAV project contribution in a 5:1 ratio.**
- 3. Protection of the east and west neighbors' bulkheads.**
- 4. Operation as a Virginia Clean Marina as previously required by the CUP.**
- 5. Incorporate "pervious pavement" on the plaza area adjacent to the bulkhead and incorporate plantings in the landscape plan.**
- 6. The boat slips to be located outside the applicant's property line must be reviewed by the US Army Corps of Engineers.**
- 7. The DEQ to review and approve the stormwater management system of the property.**

The motion was approved by a majority vote, with Wayne Creed opposed.

Motion made by Ann Hayward Walker, seconded by Wayne Creed and unanimously approved that in the future, Tom Bonadeo's staff report should include any information regarding the economic impact of any proposed project to be reviewed by the Wetlands Board.

Motion made by Scott Walker, seconded by Jim Weiner and unanimously approved to adjourn the Wetlands / Coastal Dunes Board meeting.

Chairwoman Ann Hayward Walker

Town Clerk

Wetlands and Dune Board Staff Report

From: Tom Bonadeo
Date: April 4, 2011
Item: 6. A. – Robert Rea, et al - Breakwater JPA #1105-0156
Attachments: Application materials, VIMS report

Application Summary

The Bay Vista Subdivision is a modification of three lots originally part of the Bay Creek PUD (Planned Unit Development). The current owners of the waterfront lots have experienced significant erosion. The eastern most lot has been surveyed to delineate the Resource Protection Area (RPA) and construction of a home is nearly completed.

It is estimated that erosion since the November Nor'easter may be as much as 30' landward. The two western lots have lost significant land and building spaces have been significantly reduced. The owners have submitted an application to construct a breakwater with beach nourishment.

Virginia Institute of Marine Science Report

Analysis from VIMS has been attached to this item. VIMS concur with the proposed breakwater with some additional recommendations.

VIMS recommend the review of the possibility of any SAV in the area and that the SAV should be studied early this spring. The upland portion of the RPA should also be vegetated with native plants to help provide more stability after the beach nourishment stabilizes.

Public Comments

No comments from the general public have been received as of this writing.

Staff Analysis

After review of the application, Town staff feels the Wetlands and Dune Board should consider the following strengths and weaknesses of the application:

Strengths

1. The chosen method for stabilization is supported by the agencies.
2. The beach nourishment would create additional Tiger Beetle habitat.
3. This implementation may help stabilize the adjacent property and/or may compel the adjacent property to do the same.
4. The proposal continues the breakwaters installed by Bay Creek. The success of these breakwaters has been demonstrated by the building of additional beach and limited erosion in the wake of the November Nor'easter.

Weaknesses

1. While this proposal helps protect the applicant's property, adjacent properties are also threatened by severe erosion. It is not the responsibility of these landowners to protect neighboring property, larger would be better.

2. If the beach is stabilized and nourished it is very likely that primary dune will begin to build as this location is at the south end of a long sandy beach and winter winds will blow the fine sand south ending at this property.

Staff has reviewed the application and considered several issues:

1. Social Concerns – These building lots have been platted for numerous years and little erosion had occurred. The Sea Breeze Apartments were built about 1983 and have suffered little erosion until the last 18 months. This property is funded by USDA and provides specialized housing. It is mortgaged until 2033. It is important to maintain these properties.
2. Economic Concerns – The Impact of losing both single family and multifamily housing would be sizeable.
3. The bank erosion has reached the Sea Breeze property. This property has been protected by another parcel which has nearly disappeared. The top of the bank is now at the north property line and endangering the buried electrical service.
4. Environmental Concerns – This area formerly supported Tiger Beetle habitat. It is important to restore this habitat while protecting the property.
5. If SAV is present some replanting should be done.

Recommendation

Review the provided information, staff work and public comment. Staff recommends the approval of the application with additional replanting of the RPA and SAV areas.

APPLICANT: Robert Rea, Calder, Stobbart VMRC # 11-0156

Date: 3/11/11

LOCALITY: Cape Charles

The following information is the **minimal** required for VIMS to conduct an assessment of an application. Additional information may be required and requested for specific projects; however, **ALL** applications must provide the minimum information before VIMS will conduct an evaluation of a project.

Applications NOT providing the minimal information prior to the 20 day public notice notification deadline will not be evaluated and a shoreline report will NOT be generated for the project.

NOTE: This review does not serve to determine application completeness for local wetland boards or other regulatory agencies or advisory authorities.

A detailed description of the project is provided? Yes No

Comments:

Location of the project (911 address or latitude/longitude) is provided? Yes No

Specific driving directions or detailed vicinity map is provided?
(Can project be located?) Yes No

Comments:

A scaled PLAN VIEW (or with dimensions) is provided? Yes No

Plan is readable? Yes No

MHW and MLW clearly are depicted? Yes No

Proposed project location is identified? Yes No

A scaled CROSS SECTION (or with dimensions) is provided? Yes No

For each proposed structure? Yes No

Cross Section(s) is (are) readable? Yes No

MHW and MLW are clearly depicted? Yes No

Comments:

Information provided is consistent? Yes No

Comments:

Benchmark distances are provided? Yes No

Distances are from permanent points of reference? Yes No

Distances are readable? Yes No

Application provides the MINIMAL information required:



Application does NOT provide the minimal information required - Additional info necessary



FINAL REVIEW: Minimum still not met - NO REPORT WILL BE GENERATED



Please direct questions regarding this Minimum Information Review to wetlands@vims.edu

Part 1 – General Information

PLEASE PRINT OR TYPE ALL RESPONSES: If a question does not apply to your project, please print N/A (not applicable) in the block or space provided. If additional space is needed, attach 8-1/2" x 11" sheets of paper.

County or City in which the project is located: _____ Waterway at project site: _____
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1. Applicant's name* and complete mailing address: 1. Robert Rea 375 Middle St. Portsmouth, VA 23704 3. William Stobbart, 320 Lynne Ave, Wyomissing, PA 19610	Contact Information: Home (757) 673-0459 Work (757) 271-8892 Fax (757) 991-7745 Cell/ Pager (757) 309-5869 e-mail roberthrea@gmail.com State Corporation Commission ID Number (if applicable) _____
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2. Property owner(s) name* and complete address, if different from applicant State Corporation Commission ID Number (if applicable) _____	Contact Information: Home () _____ Work () _____ Fax () _____ Cell/ Pager () _____ e-mail _____
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3. Authorized agent name* and complete mailing address (if applicable): Tom B. Langley, PE, LS Langley & McDonald 309 Lynnhaven Parkway Virginia Beach, VA 23452 State Corporation Commission ID Number (if applicable) _____	Contact Information: Home () _____ Work (757) 463-4306 Fax (757) 463-3563 Cell/ Pager (757) 615-5700 e-mail tlangley@langleymcdonald.com
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*** If multiple applicants, property owners, and/or agents, each must be listed and each must sign the applicant signature page. If for a company, use the SCC registered name.**

4. Provide a detailed description of the project in the space below. If additional space is needed, provide a separate sheet of paper with the project description. Be sure to include how the construction site will be accessed, especially if clearing and/or grading will be required.

Construct offshore stone breakwater and beach nourishment to prevent further beach erosion. This will be an extension of an existing breakwater/beach fill project to protect additional properties. Access will be from the Applicant's properties.

FOR AGENCY USE ONLY	
	Notes:
	JPA #

Part 1 - General Information (continued)

5. Have you obtained a contractor for the project? ___ Yes* No. *If your answer is "Yes" complete the remainder of this question and submit the Applicant's and Contractor's Acknowledgment Form (enclosed)

Contractor's name* and complete mailing address:

Contact Information:

Home () _____

Work () _____

Fax () _____

Cell / Pager () _____

email _____

State Corporation Commission ID Number (if applicable) _____

*** If multiple contractors, each must be listed and each must sign the applicant signature page. If for a company, use the SCC registered name.**

6. List the name, address and telephone number of the newspaper having general circulation in the area of the project. Failure to complete this question may delay local and State processing.

Name and complete mailing address:

Telephone number

Eastern Shore News

(410) 749-7171 x220

618 Beam Street

Salisbury, MD 21801

7. Give the following project location information:

Street Address (911 address if available) 4 Bay Vistas Way, Cape Charles, VA

Lot/Block/Parcel# Parcels BV 1, BV 2, BV 3

Subdivision Bay Vistas

City / County Cape Charles, VA

If the project is located in a rural area, please provide driving directions.

Note: if the project is in an undeveloped subdivision or property, clearly stake and identify property lines and location of the proposed project. A supplemental map showing how the property is to be subdivided should also be provided.

Part 1 - General Information (continued)

8. What is the primary and secondary purpose of the project? For example, the primary purpose may be "to protect property from erosion due to boat wakes" and the secondary purpose may be "to provide safer access to a pier."

To protect property from further erosion.

9. Proposed use (check one):

Single user (private, non-commercial, residential)
 Multi-user (community, commercial, industrial, government)

10. Describe the measures that will be taken to avoid and minimize impacts, to the maximum extent practicable, to wetlands, surface waters, submerged lands, and buffer areas associated with any disturbance (clearing, grading, excavating) during and after project construction.

Please be advised that unavoidable losses of tidal wetlands and/or aquatic resources may require compensatory mitigation.

Construction access will be from the Applicant's upland properties.
Project footprint is minimum to provide adequate erosion protection.
Habitat is lost with each passing storm.

11. Have you previously had a site visit, applied to, or obtained a permit from any agency (Federal, State, or Local) for any portion of the project described in this application or any other project at the site?

Yes* No * If you answered "Yes", provide the following information:

<u>Agency / Representative</u>	<u>Activity</u>	<u>Permit/Project No.</u>	<u>Action** & Date</u>
	Pre-Application Site Visit		on Feb. 3, 2011 attended by:
Corps of Engineers/Robert Cole			
VMRC/Hank Badger			
VIMS/Karen Duhring	(brought comments from Scott Hardaway)		
Town of Cape Charles/Tom Bonadeo			

(**Issued, Denied, Withdrawn, or Site Visit)

Part 1 - General Information (continued)

12. Is this application being submitted for after-the-fact authorization for work which has already begun or been completed? Yes X No. If yes, be sure to clearly depict the portions of the project which are already complete in the project drawings.
13. Approximate cost of the entire project (materials, labor, etc.): \$ 200,000
Approximate cost of that portion of the project which is below mean low water: \$ 80,000
14. Completion date of the proposed work: December 2011
15. Adjacent Property Owner Information: List the name and complete mailing address, including zip code, of each adjacent property owner to the project. (NOTE: a property owner/applicant cannot be their own adjacent property owner. You must give the next owner down the river, creek, etc).
- Robert Schlegel
7320 Glenroie Ave., 11-D
Norfolk, VA 23505
- Bay Creek Community Assn.
4534 Bonney Road
Virginia Beach, VA 23462
- Monika Bridgforth
22076 Verlinda Landing North
Cape Charles, VA 23310
- US Coast Guard
Cape Charles, VA 23310
- Seabreeze Associates
13195 Warwick Blvd.
Building 1, Suite F
Newport News, VA 23602
- Paul Galloway
19 Charlestown Dr.
Cape Charles, VA 23310

Part 2 - Signatures

1. Applicants and property owners (if different from applicant).

NOTE: REQUIRED FOR ALL PROJECTS

PRIVACY ACT STATEMENT: The Department of the Army permit program is authorized by Section 10 of the Rivers and Harbors Act of 1899, Section 404 of the Clean Water Act, and Section 103 of the Marine Protection Research and Sanctuaries Act of 1972. These laws require that individuals obtain permits that authorize structures and work in or affecting navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters prior to undertaking the activity. Information provided in the Joint Permit Application will be used in the permit review process and is a matter of public record once the application is filed. Disclosure of the requested information is voluntary, but it may not be possible to evaluate the permit application or to issue a permit if the information requested is not provided.

CERTIFICATION: I am hereby applying for all permits typically issued by the DEQ, VMRC, U.S. Army Corps of Engineers, and/or Local Wetlands Boards for the activities I have described herein. I agree to allow the duly authorized representatives of any regulatory or advisory agency to enter upon the premises of the project site at reasonable times to inspect and photograph site conditions, both in reviewing a proposal to issue a permit and after permit issuance to determine compliance with the permit.

In addition, I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Robert Rea

Beth Calder

William Stobbart

Applicant's Name (printed/typed)

(Use if more than one applicant)

R. Rea *Beth Calder*

Applicant's Signature

W. Stobbart 1/20/2011

(Use if more than one applicant)

13 Jan 11

Date

Property Owner's Name (printed/typed)
(If different from Applicant)

(Use if more than one owner)

Property Owner's Signature

(Use if more than one owner)

Date

Part 2 – Signatures (continued)

2. Applicants having agents (if applicable)

CERTIFICATION OF AUTHORIZATION

I (we), Robert Rea, hereby certify that I (we) have authorized Tom Langley
(Applicant's name(s)) (Agent's name(s))

to act on my behalf and take all actions necessary to the processing, issuance and acceptance of this permit and any and all standard and special conditions attached.

We hereby certify that the information submitted in this application is true and accurate to the best of our knowledge.

Tom B. Langley
Digitally signed by Tom B. Langley
DN: cn=Tom B. Langley, c=US, email=tblang@hwyplanning.com, o=US
Date: 2011.01.19 16:43:33 -0500

(Agent's Signature)

(Use if more than one agent)

01/19/2011

(Date)

R. Rea

(Applicant's Signature)

(Use if more than one applicant)

13 Jan 11

(Date)

3. Applicant's having contractors (if applicable)

CONTRACTOR ACKNOWLEDGEMENT

I (we), _____, have contracted _____
(Applicant's Name(s)) (Contractor's Name(s))
to perform the work described in this Joint Permit Application, signed and dated _____.

We will read and abide by all conditions set forth in all Federal, State and Local permits as required for this project. We understand that failure to follow the conditions of the permits may constitute a violation of applicable Federal, state and local statutes and that we will be liable for any civil and/or criminal penalties imposed by these statutes. In addition, we agree to make available a copy of any permit to any regulatory representative visiting the project to ensure permit compliance. If we fail to provide the applicable permit upon request, we understand that the representative will have the option of stopping our operation until it has been determined that we have a properly signed and executed permit and are in full compliance with all terms and conditions.

Contractor's name or name of firm

Contractor's or firms address

Contractor's signature and title

Contractor's License Number

Applicant's signature

(use if more than one applicant)

Date

Part 2 – Signatures (continued)

ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

I (we), Robert Schlegel, own land next to (across
(Print adjacent/nearby property owner's name)

the water from/on the same cove as) the land of Rea, et al
(Print applicant's name(s))

I have reviewed the applicant's project drawings dated 02-08-11
(Date)

to be submitted for all necessary Federal, state and local permits.

I HAVE NO COMMENT _____ ABOUT THE PROJECT.

I DO NOT OBJECT _____ TO THE PROJECT.

I OBJECT _____ TO THE PROJECT.

The applicant has agreed to contact me for additional comments if the proposal changes prior to construction of the project.

(Before signing this form be sure you have checked the appropriate option above).

Adjacent/nearby property owner's signature(s)

Date

Note: If you object to the proposal, the reason(s) you oppose the project must be submitted in writing to VMRC. An objection will not necessarily result in denial of the project; however, valid complaints will be given full consideration during the permit review process.

Part 2 – Signatures (continued)

ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

I (we), Bay Creek Community Assn., own land next to (across
(Print adjacent/nearby property owner's name)

the water from/on the same cove as) the land of Rea, et al.
(Print applicant's name(s))

I have reviewed the applicant's project drawings dated 02-08-11
(Date)

to be submitted for all necessary Federal, State and Local permits.

I HAVE NO COMMENT _____ ABOUT THE PROJECT.

I DO NOT OBJECT _____ TO THE PROJECT.

I OBJECT _____ TO THE PROJECT.

The applicant has agreed to contact me for additional comments if the proposal changes prior to construction of the project.

(Before signing this form, be sure you have checked the appropriate option above).

Adjacent/nearby property owner's signature(s)

Date

Note: If you object to the proposal, the reason(s) you oppose the project must be submitted in writing to VMRC. An objection will not necessarily result in denial of the project; however, valid complaints will be given full consideration during the permit review process.

Part 2 – Signatures (continued)

ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

I (we), Monika Bridgforth, own land next to (across
(Print adjacent/nearby property owner's name)

the water from/on the same cove as) the land of Rea, et al
(Print applicant's name(s))

I have reviewed the applicant's project drawings dated 02-08-11
(Date)

to be submitted for all necessary Federal, State and Local permits.

I HAVE NO COMMENT _____ ABOUT THE PROJECT.

I DO NOT OBJECT _____ TO THE PROJECT.

I OBJECT _____ TO THE PROJECT.

The applicant has agreed to contact me for additional comments if the proposal changes prior to construction of the project.

(Before signing this form, be sure you have checked the appropriate option above).

Adjacent/nearby property owner's signature(s)

Date

Note: If you object to the proposal, the reason(s) you oppose the project must be submitted in writing to VMRC. An objection will not necessarily result in denial of the project; however, valid complaints will be given full consideration during the permit review process.

Part 2 – Signatures (continued)

ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

I (we), US Coast Guard, own land next to (across
(Print adjacent/nearby property owner's name)

the water from/on the same cove as) the land of Rea, et al
(Print applicant's name(s))

I have reviewed the applicant's project drawings dated 02-08-11
(Date)

to be submitted for all necessary Federal, State and Local permits.

I HAVE NO COMMENT _____ ABOUT THE PROJECT.

I DO NOT OBJECT _____ TO THE PROJECT.

I OBJECT _____ TO THE PROJECT.

The applicant has agreed to contact me for additional comments if the proposal changes prior to construction of the project.

(Before signing this form, be sure you have checked the appropriate option above).

Adjacent/nearby property owner's signature(s)

Date

Note: If you object to the proposal, the reason(s) you oppose the project must be submitted in writing to VMRC. An objection will not necessarily result in denial of the project; however, valid complaints will be given full consideration during the permit review process.

Part 2 – Signatures (continued)

ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

I (we), Seabreeze Associates, own land next to (across
(Print adjacent/nearby property owner's name)

the water from/on the same cove as) the land of Rea, et al
(Print applicant's name(s))

I have reviewed the applicant's project drawings dated 02-08-11
(Date)

to be submitted for all necessary Federal, State and Local permits.

I HAVE NO COMMENT _____ ABOUT THE PROJECT.

I DO NOT OBJECT _____ TO THE PROJECT.

I OBJECT _____ TO THE PROJECT.

The applicant has agreed to contact me for additional comments if the proposal changes prior to construction of the project.

(Before signing this form, be sure you have checked the appropriate option above).

Adjacent/nearby property owner's signature(s)

Date

Note: If you object to the proposal, the reason(s) you oppose the project must be submitted in writing to VMRC. An objection will not necessarily result in denial of the project; however, valid complaints will be given full consideration during the permit review process.

Part 2 – Signatures (continued)

ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

I (we), Paul Galloway, own land next to (across
(Print adjacent/nearby property owner's name)

the water from/on the same cove as) the land of Rea, et al
(Print applicant's name(s))

I have reviewed the applicant's project drawings dated 02-08-11
(Date)

to be submitted for all necessary Federal, State and Local permits.

I HAVE NO COMMENT _____ ABOUT THE PROJECT.

I DO NOT OBJECT _____ TO THE PROJECT.

I OBJECT _____ TO THE PROJECT.

The applicant has agreed to contact me for additional comments if the proposal changes prior to construction of the project.

(Before signing this form, be sure you have checked the appropriate option above).

Adjacent/nearby property owner's signature(s)

Date

Note: If you object to the proposal, the reason(s) you oppose the project must be submitted in writing to VMRC. An objection will not necessarily result in denial of the project; however, valid complaints will be given full consideration during the permit review process.

Part 3 – Appendices (continued)

Appendix B: Projects for Shoreline Stabilization in tidal wetlands, tidal waters and dunes/beaches (including riprap revetments and associated backfill, marsh toe stabilization, bulkheads and associated backfill, breakwaters, beach nourishment, groins, jetties, etc). Answer all questions that apply. Please provide any reports provided from the Shoreline Erosion Advisory Service.

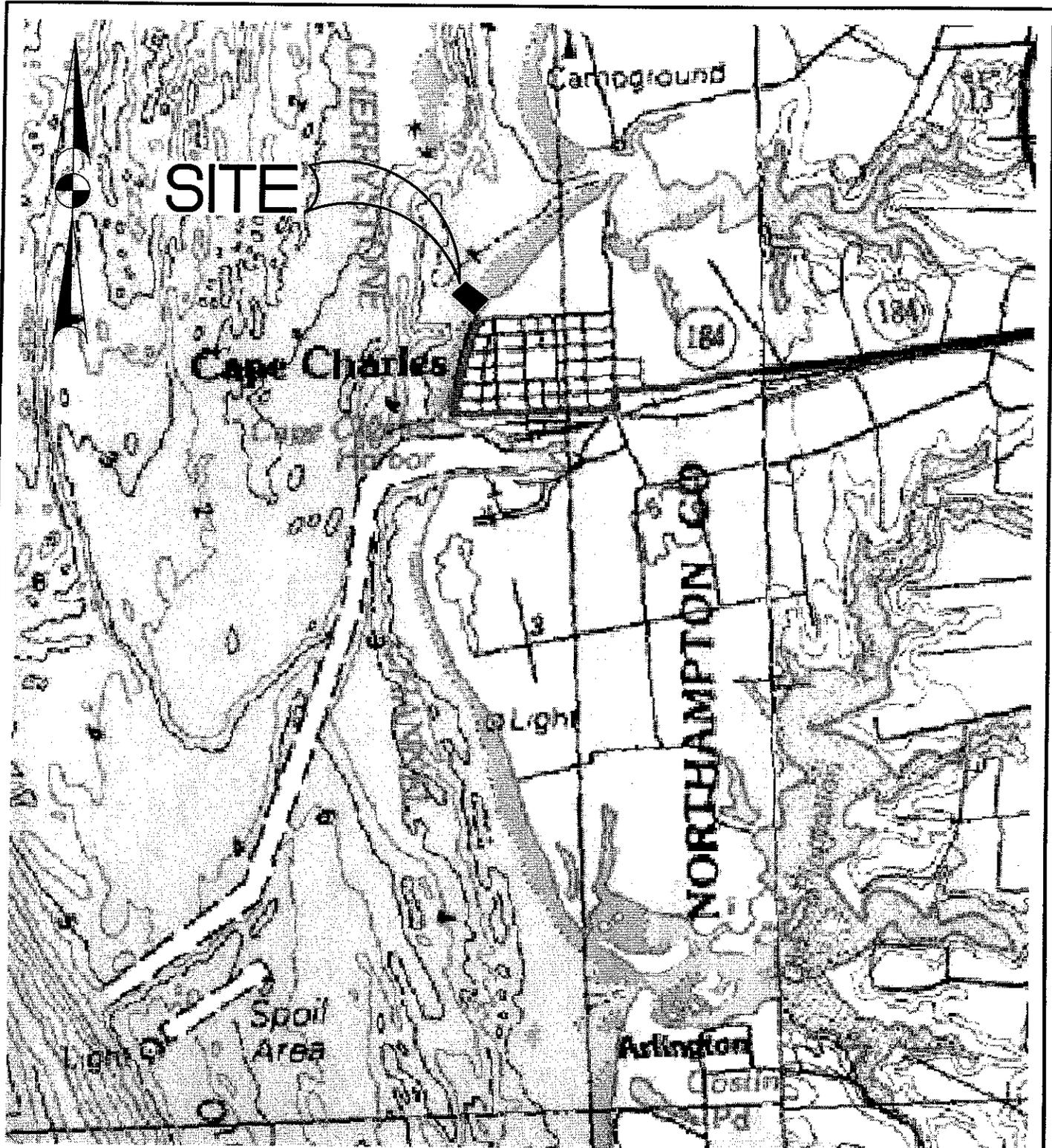
NOTE: Information on non-structural, vegetative alternatives (i.e. Living Shoreline) for shoreline stabilization is available at http://ccrm.vims.edu/coastal_zone/living_shorelines/index.html.

1. For riprap, bulkheads, marsh toe, breakwaters, groins, jetties: What is the overall length of the structure(s)? 100 linear feet. If applicable, what is the volume of the associated backfill? 3,400 cubic yards.
2. What is the maximum encroachment channelward of mean high water? 100 feet.
channelward of mean low water? 45 feet.
channelward of the back edge of the dune or beach? 120 feet.
3. Please calculate the square footage of encroachment over:
 - Vegetated wetlands 0 square feet
 - Nonvegetated wetlands 16,500 square feet
 - Subaqueous bottom 3,800 square feet
 - Dune and/or beach 8,900 square feet
4. For bulkheads, is any part of the project maintenance or replacement of a previously authorized, currently serviceable, existing structure? Yes No.

If yes, will the construction of the new bulkhead be no further than two (2) feet channelward of the existing bulkhead? Yes No.

If no, please provide an explanation for the purpose and need for the additional encroachment.

5. Describe the type of construction and **all** materials to be used, including source of backfill material, if applicable (e.g. vinyl sheet-pile bulkhead, timber stringers and butt piles, 100% sand backfill from upland source; broken concrete core material with Class II quarry stone armor over filter cloth).
NOTE: Drawings must include construction details, including dimensions, design and all materials, including fittings if used.
Granite Type I riprap armor stone in 2 layers; VDOT #1 bedding stone and/or concrete shapes with no exposed rebar; filter fabric; beach-quality sand from local borrow pits, minimum grain size 0.4mm
6. If using stone, broken concrete, etc., for your structure(s), what is the average weight of the:
Core (inner layer) material 1.5 pounds per stone Class size VDOT #1
Armor (outer layer) material 2,000 pounds per stone Class size Type 1



PURPOSE : BREAKWATERS AND
BEACH REPLENISHMENT

DATUM : NAVD88 = 0.0

ADJACENT PROPERTY OWNERS

- ① ROBERT SCHLEGEL OYSTER GNDS.
- ② ROBERT SCHLEGEL
- ③ SEABREEZE ASSOCIATES
- ④ UNITED STATES COAST GUARD
- ⑤ MONIKA BRIDGFORTH
- ⑥ PAUL GALLOWAY
- ⑦ BAY CREEK COMMUNITY ASSN.

PERMIT APPLICATION

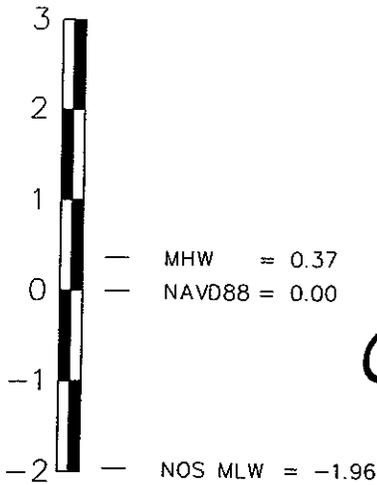
VICINITY MAP

Langley and McDonald, Inc

Engineers Planners Surveyors
309 LYNNHAVEN PARKWAY
VIRGINIA BEACH, VIRGINIA 23452
757-463-4306 (FAX) 757-463-3563

IN : CHESAPEAKE BAY
AT : SUNSET BOULEVARD
CITY/COUNTY : TOWN OF CAPE CHARLES
NORTHAMPTON CO.

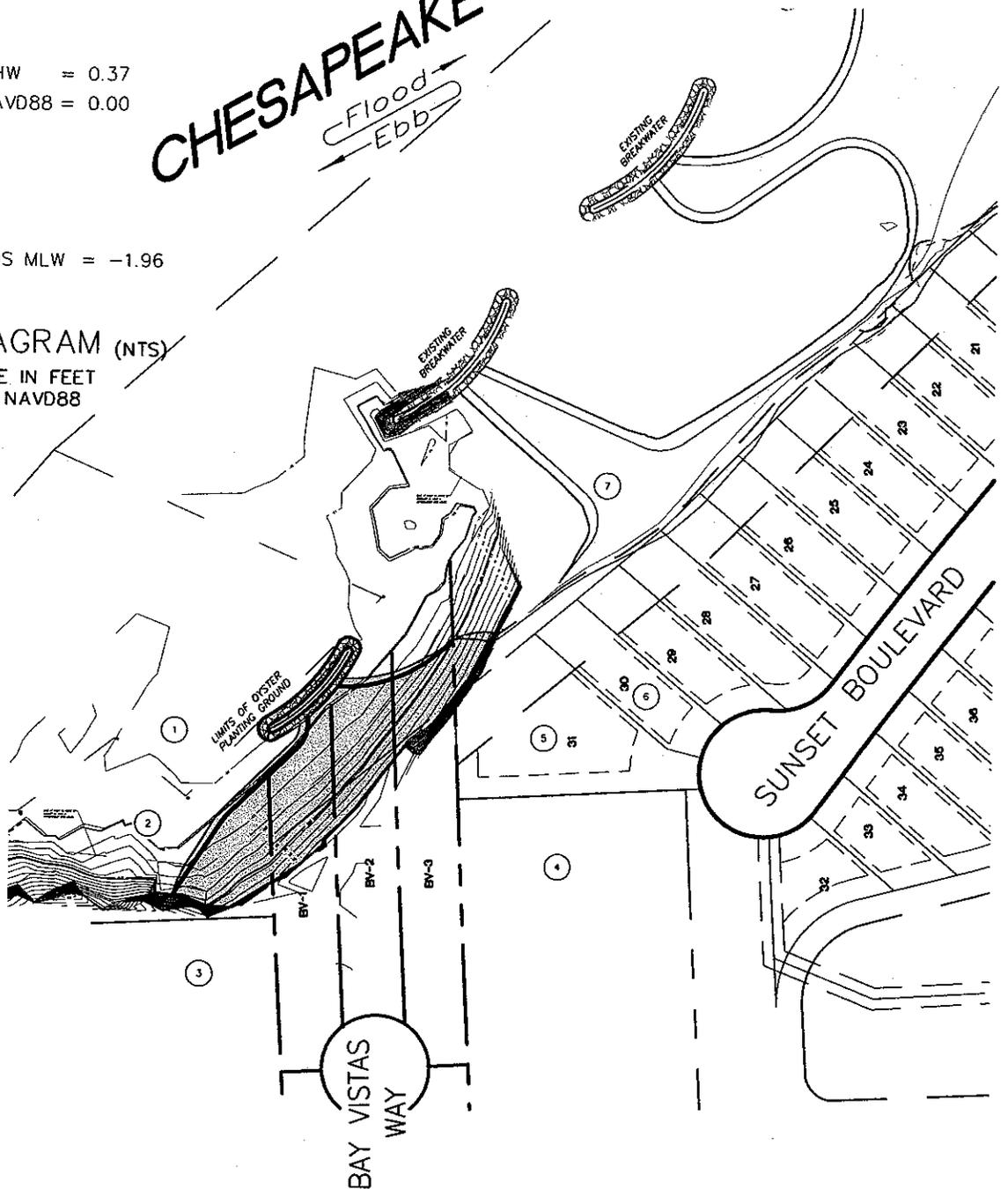
APPLICATION BY :
REA, CALDER & STOBART
DATE: FEBRUARY 08, 2011
SCALE : 1" = 3000'
SHT. 1 OF 4



CHESAPEAKE BAY

Flood
 Ebb

DATUM DIAGRAM (NTS)
 ELEVATIONS ARE IN FEET
 REFERRED TO NAVD88



PURPOSE : BREAKWATERS AND
 BEACH REPLENISHMENT
 DATUM : NAVD88 = 0.0

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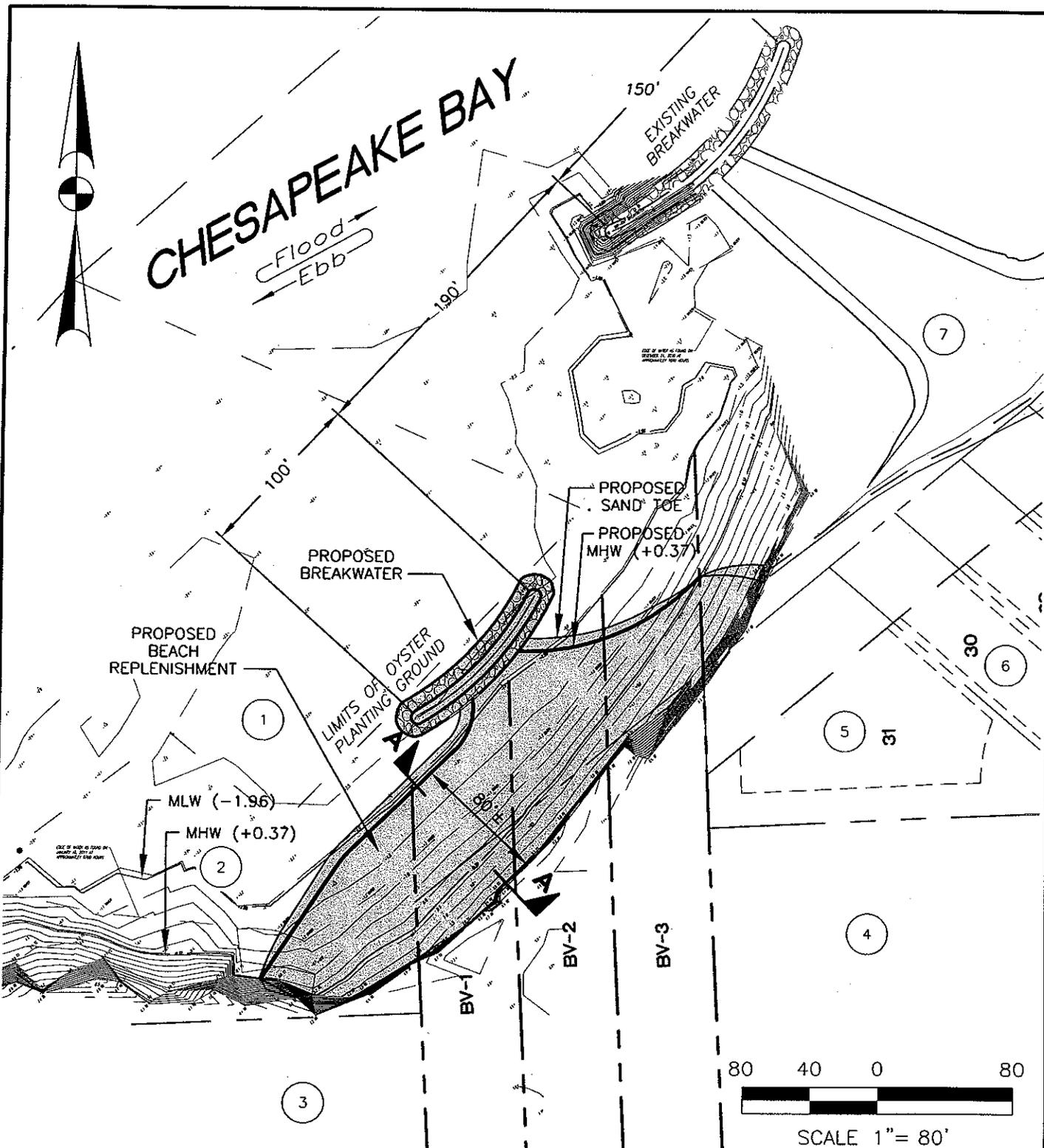
PERMIT APPLICATION

ADJOINING OWNERS

Langley and McDonald, Inc
 Engineers Planners Surveyors
 309 LYNNHAVEN PARKWAY
 VIRGINIA BRACH, VIRGINIA 23452
 757-463-4306 (FAX) 757-463-3563

IN : CHESAPEAKE BAY
 AT : SUNSET BOULEVARD
 CITY/COUNTY : TOWN OF CAPE CHARLES
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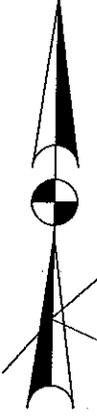
APPLICATION BY :
 REA, CALDER & STOBART
 DATE: FEBRUARY 08, 2011
 SCALE : 1" = 150'
 SHT. 2 OF 4



PURPOSE : BREAKWATERS AND BEACH REPLENISHMENT
 DATUM : NAVD88 = 0.0
ADJACENT PROPERTY OWNERS
 ① ROBERT SCHLEGEL OYSTER GNDS.
 ② ROBERT SCHLEGEL
 ③ SEABREEZE ASSOCIATES
 ④ UNITED STATES COAST GUARD
 ⑤ MONIKA BRIDGFORTH
 ⑥ PAUL GALLOWAY
 ⑦ BAY CREEK COMMUNITY ASSN.

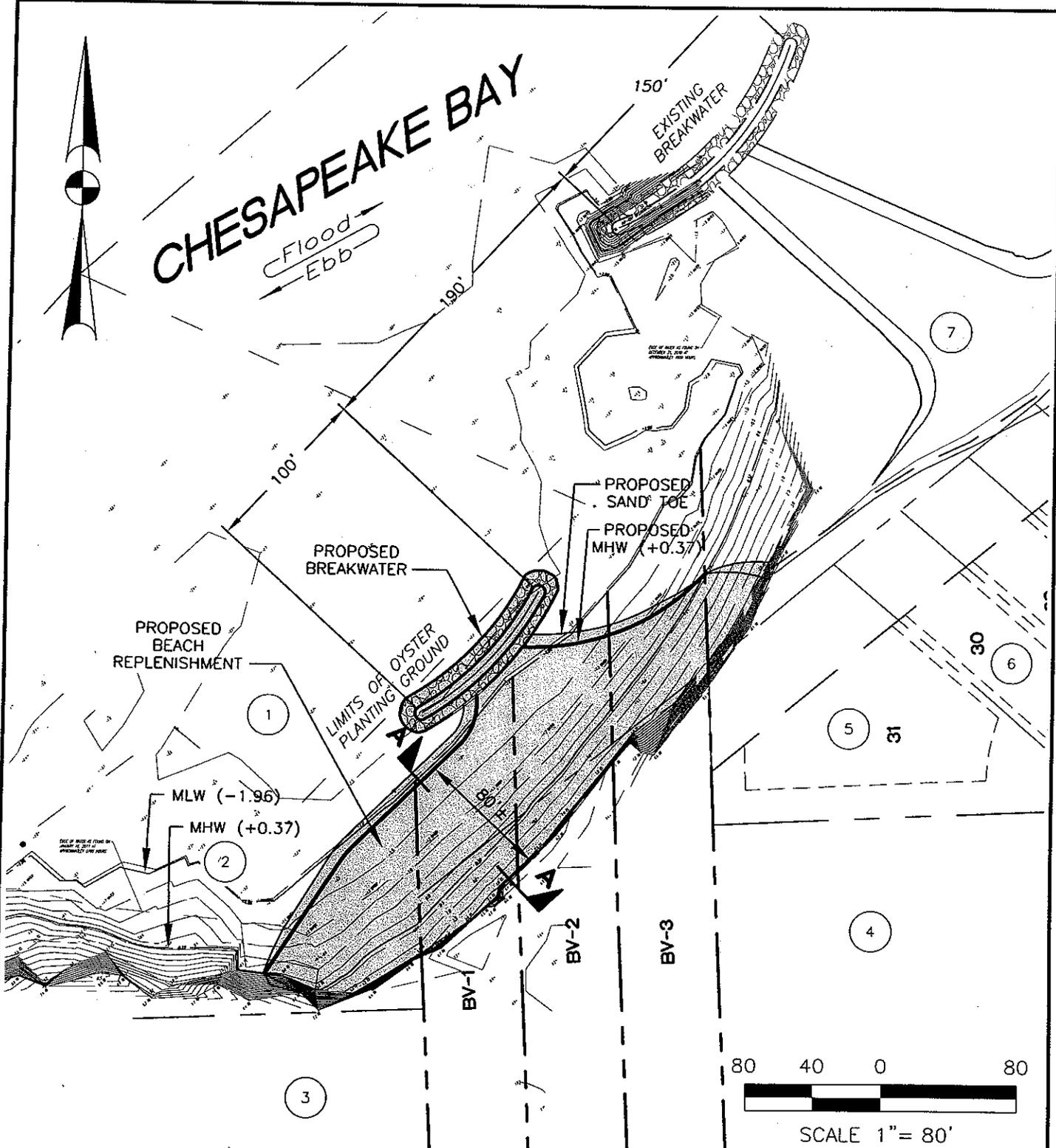
PERMIT APPLICATION
SITE PLAN
 Langley and McDonald, Inc
 Engineers Planners Surveyors
 309 LYNNHAVEN PARKWAY
 VIRGINIA BEACH, VIRGINIA 23452
 757-463-4306 (FAX) 757-463-3563

IN : CHESAPEAKE BAY
 AT : SUNSET BOULEVARD
 CITY/COUNTY : TOWN OF CAPE CHARLES
 NORTHAMPTON CO.
 APPLICATION BY :
 REA, CALDER & STOBART
 DATE: FEBRUARY 08, 2011
 SCALE : 1" = 80'
 SHT. 3 OF 4



CHESAPEAKE BAY

Flood
Ebb



PURPOSE : BREAKWATERS AND BEACH REPLENISHMENT
 DATUM : NAVD88 = 0.0

ADJACENT PROPERTY OWNERS

- ① ROBERT SCHLEGEL OYSTER GNDS.
- ② ROBERT SCHLEGEL
- ③ SEABREEZE ASSOCIATES
- ④ UNITED STATES COAST GUARD
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PERMIT APPLICATION

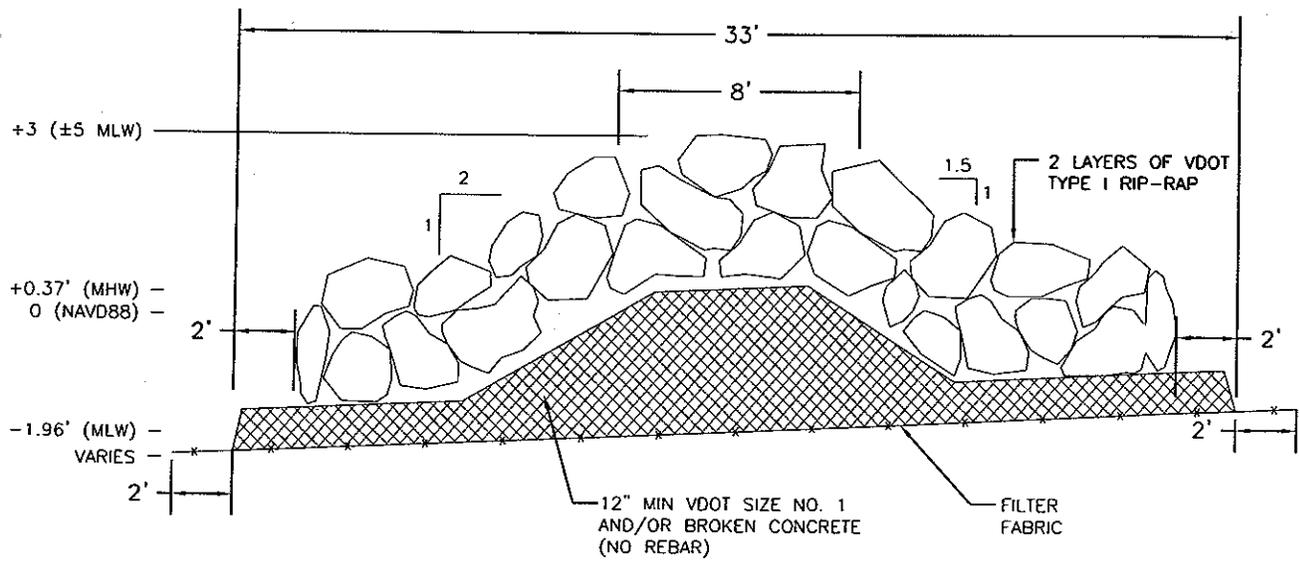
SITE PLAN

Langley and McDonald, Inc
 Engineers Planners Surveyors
 309 LYNNHAVEN PARKWAY
 VIRGINIA BEACH, VIRGINIA 23452
 757-463-4306 (FAX) 757-463-3563

IN : CHESAPEAKE BAY
 AT : SUNSET BOULEVARD
 CITY/COUNTY : TOWN OF CAPE CHARLES
 NORTHAMPTON CO.

APPLICATION BY :
 REA, CALDER & STOBART
 DATE: FEBRUARY 08, 2011
 SCALE : 1" = 80'

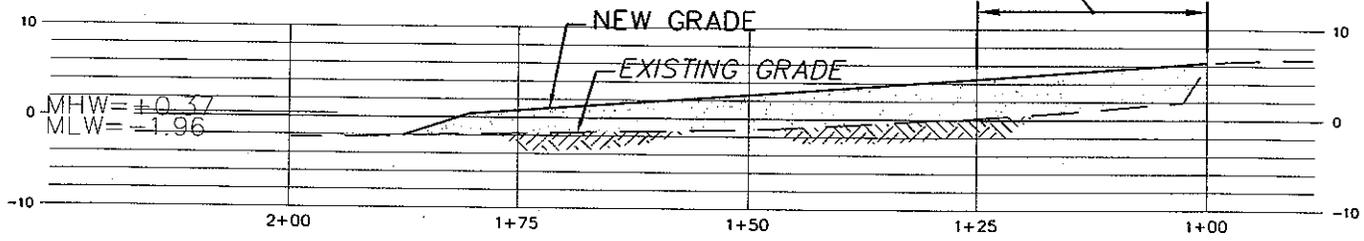
SHT. 3 OF 4



TYPICAL BREAKWATER SECTION

SCALE HOR. 1" = 6' VER. 1" = 3'

25' OF AMERICAN BEACHGRASS (*Ammophila breviligulata*) SPRIGS TO BE PLANTED ON 18" O.C. WITH AN OUNCE OF SLOW RELEASE FERTILIZER PLACED IN EACH PLANTING HOLE.



TYPICAL SAND FILL SECTION

SCALE: 1" = 20'

PURPOSE : BREAKWATERS AND BEACH REPLENISHMENT DATUM : NAVD88 = 0.0 ADJACENT PROPERTY OWNERS ① ROBERT SCHLEGEL OYSTER GNDS. ② ROBERT SCHLEGEL ③ SEABREEZE ASSOCIATES ④ UNITED STATES COAST GUARD ⑤ MONIKA BRIDGFORTH ⑥ PAUL GALLOWAY ⑦ BAY CREEK COMMUNITY ASSN.	PERMIT APPLICATION		IN : CHESAPEAKE BAY AT : SUNSET BOULEVARD CITY/COUNTY : TOWN OF CAPE CHARLES NORTHAMPTON CO. APPLICATION BY : REA, CALDER & STOBART DATE: FEBRUARY 08, 2011 SCALE : 1" = AS NOTED SHT. 4 OF 4
	SECTIONS		
	Langley and McDonald, Inc Engineers Planners Surveyors 309 LYNNHAVEN PARKWAY VIRGINIA BEACH, VIRGINIA 23452 757-463-4306 (FAX) 757-463-3563		

VIMS Shoreline Permit Application Report # 11-0156

APPLICANT:

Locality:
Immediate Waterway:
Report Date:

ROBERT REA, ET AL

TOWN OF CAPE CHARLES
Chesapeake Bay
3/23/11

EXISTING SITE CONDITIONS AND PROPOSED ACTIONS:

A breakwater with beach nourishment is proposed on a Chesapeake Bay shoreline. There is an existing series of offshore breakwaters immediately north of the project area (VMRC #04-2844). The project area includes three upland parcels with active erosion. A residential structure is under construction on one of the parcels while the other two are presently undeveloped. The existing beach at the project site is non-vegetated with no primary sand dune present. The proposed sand fill area extends along approximately 380 feet of beach across these three parcels as well as the adjacent parcels to the north and south. The riparian area next to the shoreline is mowed lawn.

No submerged aquatic vegetation (SAV) habitat was mapped in the project vicinity from 2006-2009. However, the 2010 VIMS inventory does show SAV habitat at 0-10% density cover in the nearshore area. This indicates that the shallow water area is suitable for SAV growth when water clarity and other conditions are suitable.

THE PREFERRED APPROACH FROM AN INTEGRATED MARINE ENVIRONMENTAL VIEWPOINT:

The addition of another breakwater to the existing offshore breakwater system is appropriate provided there will be no significant impacts to SAV habitat. The proposed breakwater location near MLW appears to be in water depths less than or equal to -1 ft MLW, which is typically too shallow for SAV growth. In order to confirm there will be no direct SAV impacts, a survey of SAV conditions at the staked breakwater location could be performed in late April or May.

Time of year restrictions for construction may be required for the Northeastern beach tiger beetle.

Only clean sand that is compatible with the existing beach should be used. We suggest letting the sand fill equilibrate before planting beach grasses. The proposed planting of American beach grass will enhance the beach habitat value and provide additional stabilization. The best time of year to plant this cool-season dune grass is November to April. Planting saltmeadow hay (*Spartina patens*) could also be considered for a warm-season grass.

A densely planted riparian buffer between the sand fill and the upland development would also improve erosion and flood protection, rather than regular mowing and turf grass. This vegetation buffer could contain salt-tolerant native ornamental grasses and low-growing native shrubs.

RECOMMENDATIONS SUMMARY:



wetlands@vims.edu

Center for Coastal Resources Management

P.O. Box 1346

Gloucester Point, VA 23062-1346

(804)684-7792, fax: (804)684-7179, <http://ccrm.vims.edu/>



VIMS Shoreline Permit Application Report # 11-0156

- *Verify SAV habitat condition in breakwater footprint
- *Construct breakwater with sand fill as proposed if SAV habitat will be avoided
- *Allow sand fill to equilibrate before planting beach grasses
- *Restore vegetation buffer in riparian area

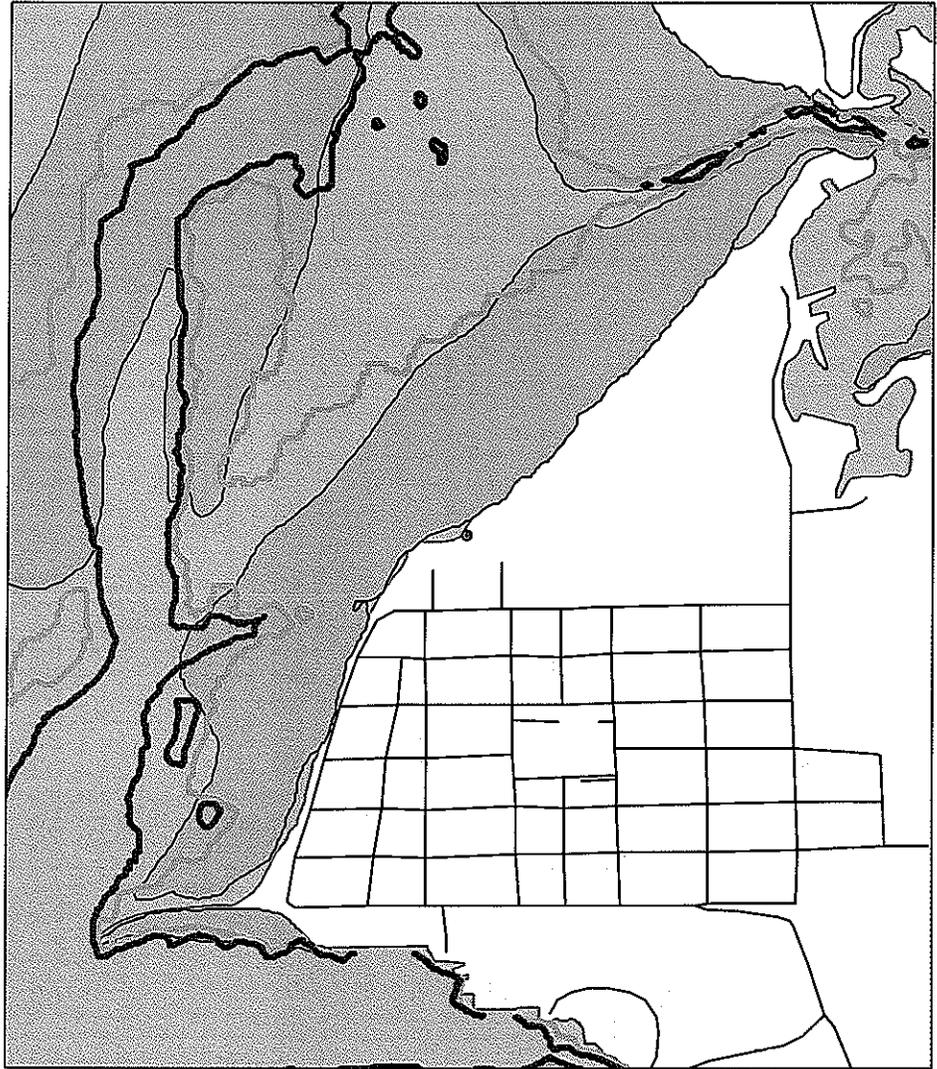
NOTE

The Virginia Institute of Marine Science (VIMS) applies an integrated coastal management perspective during the review of proposed activities on tidal shorelines. The coastal ecosystem has dynamic connections between wetlands, coastal waters and the surrounding landscape. This provides valuable ecosystem services, such as maintaining water quality, shoreline stability, and wildlife habitat. Activities should be designed to avoid adverse impacts to coastal resources. When impacts are unavoidable, every effort should be made to minimize impacts and provide compensation as required.

Permit Site Study Area

Chesapeake Bay
Town of Cape Charles

- Project site
- Roads
- Shoreline access structures**
STRUCTURE
 - Boathouse
 - Dilapidated dock
 - Dock
 - Ramp
- Shoreline erosion structures**
STRUCTURE
 - Breakwater
 - Bulkhead
 - Dilapidated bulkhead
 - Groin
 - Jetty
 - Marina
 - Miscellaneous
 - Riprap
 - Seawall
 - Wharf
- Oyster reefs**
TYPE
 - ▲ Completed
 - ▲ Proposed
- Bathymetric contours**
DEPTH
 - -1 meters
 - -2 meters
- ▨ SAV habitat
- ▨ Open water



0 0.1 0.2 Miles



VIMS Shoreline Permit Application Report # 11-0156

APPLICANT: ROBERT REA, ET AL
 Locality: TOWN OF CAPE CHARLES
 Immediate Waterway: Chesapeake Bay
 Report Date: 3/23/11

A site visit and impact assessment were conducted by VIMS on 2/3/2011. These impact estimates are based on observations made and information provided in the Joint Permit Application.

Type of Activity	Permanent Loss/Fill Area (SF)	Impact Area (SF)
Breakwater (126 LF, 1 Unit(s))		
Vegetated	0	0
Non-vegetated	0	0
Beach and Dune	0	0
Sub-aqueous	4158	4158
Beach Nourishment (380 LF, 26540 SF)		
Vegetated	0	0
Non-vegetated	0	16500
Beach and Dune	0	8900
Sub-aqueous	0	1140
Totals (506 LF, 26540 SF, 1 Unit(s))		
Vegetated	0	0
Non-vegetated	0	16500
Beach and Dune	0	8900
Sub-aqueous	4158	5298



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