



Wetlands/Coastal Dune Board

Public Hearing & Meeting

Town Hall

April 4, 2011

5:00 p.m.

At 5:02 p.m. in the Town Hall, Chairwoman Ann Hayward Walker called to order the Wetlands/Coastal Dune Board Public Hearing and Meeting. In attendance were board members Wayne Creed, Russ Dunton and Jim Weiner. Bruce Lindeman was unable to attend. Also present were Town Planner Tom Bonadeo, Town Clerk Libby Hume, Tom Langley from Langley & McDonald, Hank Badger from the VMRC and the applicants Maureen Bosheir and Robert Rea. There were two (2) members of the public in attendance.

CONSENT AGENDA

Motion made by Russ Dunton, seconded by Wayne Creed and unanimously approved to accept the agenda format as presented.

The Board reviewed the minutes from the August 6, 2009 Public Hearing and Meeting.

Motion made by Wayne Creed, seconded by Jim Weiner and unanimously approved to accept the minutes as presented.

Ann Hayward Walker stated that the purpose of the Public Hearing was to hear public comments regarding the Joint Permit Application for Robert Rea, et al. to extend the existing offshore breakwater and beach nourishment to prevent further beach erosion of the Bay Vistas property.

PUBLIC COMMENTS

There were no comments to be heard nor were there any written comments submitted prior to this meeting.

Ann Hayward Walker asked Tom Langley to give an overview of the project.

Tom Langley stated that Bay Vistas was just outside the protection of the existing breakwaters which were installed by Bay Creek. There were three (3) properties along the shoreline and the property owners were the applicants. An interagency meeting was held on the site and the agencies represented were the Corps of Engineers, Virginia Marine Resources Commission (VMRC), Virginia Institute of Marine Science (VIMS), the US Fish & Wildlife Service and the Town of Cape Charles. Tom Langley reviewed two breakwater options provided by Scott Hardaway from VIMS. The first option suggested an additional breakwater be built, alongside the existing ones built by Bay Creek, with beach fill behind it with a revetment, and considered the entire area but Sea Breeze was not a party to this application. The three (3) property owners were looking to protect their beach and opted for the second option which suggested a breakwater more inshore and beach nourishment. The second option was also less costly than the first.

Tom Langley went on to explain that the US Fish & Wildlife Service was entitled to 135 days for research regarding the effect of the project on the wildlife in the area and it was expected that construction of the breakwater could not begin until after September 15th which was the end of the tiger beetle season.

Tom Bonadeo read the VIMS Recommendations Summary as follows:

- Verify submerged aquatic vegetation (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.

Tom Bonadeo added that after the pre-application meeting, the US Fish & Wildlife Service now viewed the beach nourishment as a good thing in that it would promote the tiger beetle population. Also, the grain size of the sand was not as important anymore because it had been determined that tiger beetles could be found in sand of various grain sizes.

Tom Langley concluded by stating that the intent of the applicants was to have everything ready to begin construction as of September 15, 2011.

Ann Hayward Walker closed the Public Hearing portion of the meeting at approximately 5:15 p.m.

BOARD DISCUSSION

Tom Bonadeo stated that the owners of Sea Breeze had visited their property and had contacted the USDA, who is the mortgage holder for the Sea Breeze Apartments, for financial assistance to do something to stop the erosion. The USDA was interested in preserving the shoreline for this property which was mortgaged until 2033. A similar application was expected to be received from the owners of the Sea Breeze property.

Tom Bonadeo continued to state that the adjacent properties have eroded substantially and the top of the bank was now inside the Sea Breeze property and Mr. Robert Schlegel had lost a significant amount of his property.

Tom Bonadeo went on to state that no comments were received from any of the adjacent property owners.

Russ Dunton stated that the shoreline had been eroding his entire lifetime and a lot of shoreline had been lost over the last 50 years. It would have been great if the original breakwaters would have come around the beach to protect the entire area but since they did not, something needed to be done to protect these properties from further erosion.

Hank Badger asked how the applicants addressed the adjacent property owners who would get beach nourishment on their properties.

Ann Hayward Walker stated that she had spoken to Monika Bridgeforth, who was not able to attend this evening, and she did not express any objections to this plan.

Tom Bonadeo stated that he had spoken with Robert Schlegel and did not receive any negative comments. Mr. Schlegel had an oyster lease on his property and this project would not affect his oyster grounds.

Russ Dunton added that the adjacent property owners would benefit from the beach nourishment and in his opinion, the applicants were doing what VIMS and the VMRC wanted so he had no problem with the application.

Wayne Creed stated that he preferred the first option and expressed his concern for the area outside the breakwater area and asked how it would affect the Sea Breeze property with only one breakwater section being added. Ann Hayward Walker responded that the owners of Sea Breeze had been notified, made aware of the options and were working on their own project. Tom Bonadeo added that it was difficult with the owners of Sea Breeze being out of the area and the property being publicly financed and agreed that they were taking steps to do something in the near future to protect the property.

Tom Bonadeo went on to state that something needed to be done or everybody lose. Tom Bonadeo stated that he would love to see the first option as well but the applicants' concern was in protecting their properties.

Hank Badger reiterated that he did not see how the applicants could encroach on the adjacent properties without obtaining their written permission. Tom Bonadeo responded that he had been in contact with Mr. Schlegel and the Bay Creek Homeowners' Association and it should not be a problem to obtain written permission. Mr. Oral Lambert of Bay Creek had no objections but asked to be kept apprised of the progress of the application / project.

Motion made by Wayne Creed, seconded by Russ Dunton, to approve the JPA #11-0156 for Robert Rea, et al. pending receipt of written confirmation from the adjacent property owners (Bay Creek Homeowners' Association and Mr. Robert Schlegel) with additional replanting of the RPA and SAV areas as recommended by VIMS. The motion was unanimously approved.

Ann Hayward Walker adjourned the Wetlands / Coastal Dunes Board Meeting at approximately 5:35 p.m.

Chairwoman Ann Hayward Walker

Town Clerk