

Wetlands Board Minutes – July 10th, 2019

Board Members Present: Paulson, Strickland, King, Brassington, Burton, Wilson, Worgess, Laws, Slagle
Board Members Absent: Ballard
Alternate board member(s) designated to vote: Worgess
VMRC attending: none
Norfolk Staff: Seamus McCarthy, Nathan Bowman, Margaret Kelly
Meeting start time: 1306
Meeting end time: 1426

June 2019 Minutes Approval: Motion by Mr. King, seconded by Mr. Strickland, passed unanimously

1. Breeden Investment Properties Inc. #19-0989: Construction of a 1236 lf rip rap revetment and 16'x 156' wharf and 5'x 30' gangway with floating dock a to impact vegetated and non-vegetated wetlands at 533 Front Street on the Elizabeth River.

Civic League: None- Fort Norfolk Area

This proposed development has obtained Planning Commission and City Council approval in November 2018 for 5.1acre multi-unit residential waterfront complex with required public access. Staff had meetings on site with agent Eli Wright and VMRC Rachael Peabody on December 20th, 2018 and recently on June 18th of this year to discuss project. Existing shoreline conditions vary from remnants of failed a bulkhead with rock rubble and concrete with sporadic high marsh vegetation mainly saltbushes *Baccharis* and *Iva frutescens* on the western side. This transitions to a failing wooden bulkhead with multiple areas of soil loss around the rest of the shoreline. The site to the east of 519 Front Street was approved for a large revetment and pier in September 2015 by the Wetlands Board.

Along the existing waterfront a 1236 lf rip rap revetment is proposed on a 1.5:1 slope underlined with geotextile fabric to contain the eroding shoreline and failing bulkhead. Due to the deep-water depths along the bulkhead ranging from approximately 8'-24' deep from previous marine industrial uses the rip rap will go seaward between 20 and 50 ft with an average of 45'. Starting at the northeast corner the bulkhead will be cut to allow installation of the rip rap which will be class I riprap with heavier class II 200-800 lbs. set on top. At the southern end of the site with more boat wake and wave action and deeper water class III rip rap 800-2300 lbs. is proposed ovetop of the class I. A 16' X 116' dock/wharf is proposed in this section. On the western side of the site the proposed rip rap transitions back to a class II stone as the depths get shallower and at the northwest corner approximately 51sf of high marsh is proposed to be impacted by the rip rap. This is where the 5' wide by 33' gangway leading to a 10'x 20' floating dock will be installed.

Impact Calculations: 51 sq. ft. of high marsh saltbush *Iva* and *Baccaris* and 2265 sf of non-vegetated wetland rock rubble habitat and tidal areas eroded behind the bulkhead will be impacted by the proposed revetment. 407 sf feet of non-vegetated wetland rock rubble habitat will be converted to non-vegetated wetlands rock habitat by grading and placing a rip rap revetment on the existing bank. 3844 sf of subaqueous will be converted to non veg rock habitat.

Representing project: Agent: Eli Wright Timmons Group

VIMS Assessment: From VIMS comprehensive map viewer – Plant marsh with sill
Highly Modified Area. Seek expert advice.

Management options for this shoreline may be limited due to the presence of highly developed upland (e.g. commercial wharfs) or infrastructure directly adjacent to the shoreline (e.g. road) and

will depend on the need for and limitations posed by navigation access and erosion control. Seek expert advice on the design of your project.

Staff Assessment is this site has been marine industrial for years with a failing wooden bulkhead that is experiencing continual soil loss from both rain and tidal events. Stabilizing this shoreline should be a priority to stop sediment and contaminants from existing marine facilities from entering the Elizabeth River. Because of the existing depths and marine traffic adjacent to the parcel staff would recommend rip rap over a new bulkhead installation. On site mitigation was also discussed for the wetland impact but wasn't feasible due to the depths making it infeasible to grade and create wetlands. All non-vegetated wetlands impacts will be compensated through US Army Corps of Engineers permitting process. The rip rap will create habitat and eventually colonized by oysters and mussels. After discussions with Chesapeake Bay Foundation and Elizabeth River Project seeding of juvenile oysters (about size of a quarter) would help establish oysters at site. Minimum recommended seeding would be 15 oysters per square meter. Once project is complete it will help enhance the water quality of the Elizabeth River.

Staff Recommendation: Staff believes this project meets the standards for permit issuance with the compensation for 51SF of vegetated impact (51sf @ \$22sf = \$1122). Also, if the board desires recommending upon project completion seeding the rip rap with oysters 2 meters wide at and below mean low water to meet the 15 oysters per square meter threshold with staff present for placement of the oyster seed.

Comments &/or Special Conditions by Board:

Ms. Brassington inquired about any outfalls for the project and Mr. McCarthy replied that a site plan has yet to be submitted but they think any proposed outfalls can be placed above mean high water and out of the board's jurisdiction.

Ms. Wilson asked if the required public access will be part of the Elizabeth River Trail and Mr. McCarthy replied that it will not be.

Mr. Strickland stated that the cross-section heights of the substrate not matching the height of the bulkhead and Mr. McCarthy/Mr. Gunn told him that they will be matching grade with the proposed revetment and cutting the old bulkhead off at -1 or 5 feet down.

Ms. Wilson asked about the derelict piles on the western side of the proposed development and if they were going to be removed as part of this project. Mr. Wright was not sure what the developers had planned for them but that is where the kayak and canoe launch will be going.

Ms. Burton asked about the project completion date and Mr. Wright was not sure.

Mr. Strickland asked Mr. Wright about his opinion on the seeding of oysters for the project and Mr. Wright thought it was an interesting experiment and warranted further study.

Mr. Paulson wanted to know if the old concrete was to be removed and Mr. Gunn told him it would stay, be dressed with smaller stone and used as a base for the new revetment.

ACTION TAKEN: Motion by Mr. King seconded by Ms. Wilson and passed unanimously with the special conditions of the payment of \$1122.00 and seeding of juvenile oysters at 15 per square meter of granite revetment.

2. Victor Brannon #19-0995: Construction of a rip rap revetment and rock sill to impact vegetated and non-vegetated wetlands at 6157 Westwood Terrace on the Lafayette River.

Civic League: Larchmont/ Edgewater

Staff had meetings onsite with and contractor Robert Gaskins on June 18th to discuss project. Shoreline consists of a failing concrete seawall on the north and west side transitioning to assorted concrete and brick rubble and with high marsh species *Iva* and *Baccaris* growing up to top of bank

and pockets of low marsh *Spartina alterniflora* on the southwest corner of property. The applicant is proposing a 139 lf rip rap revetment seaward of existing concrete wall at a 1.5:1 slope with the toe of the rip rap going out 8'. To protect the existing marsh and add more planting area a 91 lf rock sill will be placed in front, backfilled with sand and planted with *alterniflora* to allow for a larger marsh that can thrive in full sunlight. All rip rap is Class A-1 granite stone with filter cloth utilized. The neighboring property 6164 Westwood Terrace was approved by the wetland board June 2016 and modified March 2017 for similar project.

Impact Calculations: 15 sf of high marsh will be impacted by the proposed revetment but will be offset by excavating and planting 18 sf of marsh in the existing upland. Additionally, approximately 256 sf of non veg wetland will be converted to a vegetated wetland by planting *alterniflora*.

Representing project: Agent: Robert Gaskins Maple Farms Landscape and Marine Contracting Inc.

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

Staff Assessment: Staff opinion is that existing concrete wall is failing and experiencing erosion due to wind generated waves from more than a .8-mile fetch. This application consisting of a revetment with rock sill will protect the shoreline and its associated existing trees and wetlands and create a 256-sf planting area where mudflat will be converted to vegetated wetlands. Staff looked at the feasibility of a living shoreline but the height of the bank, the trees adjacent to the bulkhead, and the fetch from the north made the revetment and sill the right choice for this location. All existing shellfish are required to be relocated to new rip rap and all wetland special conditions are included in the application.

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

Comments &/or Special Conditions by Board:

Ms. Brassington commented on the City of Norfolk outfall and its deteriorating seawall. Mr. McCarthy responded that the City does not have funds at this current time to repair.

Ms. Wilson asked about seeding oysters like the Breeden project within the marsh that is to be created. Mr. Gaskins replied that on these types of projects the oysters tend to seed themselves on the new granite and there really is no need.

Mr. Paulson was worried about the impact on either property from the outfall. Mr. Gaskins replied that it had been there for many years and not adversely impacted either property so there is no reason it should suddenly change.

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

3. Request by Robert Chaklos for 45day extension on civil assessment of \$2500

ACTION TAKEN: Motion by Mr. King, seconded by Mr. Strickland and passed unanimously with the condition that if the fine is not paid by the end of the 45 days from the first due date to direct the City Attorney to bring the matter to Norfolk Circuit Court.