



CITIZENS FOR A BETTER EASTERN SHORE **SHORELINE**

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Northampton County Zoning Ordinance Tested

By Mary Miller

Two recent applications brought before the county Board of Supervisors both appeared to attempt to sidestep the zoning’s density standards – the number of dwelling units per acre allowed in a zoning district. The first, which has been turned down by the Board, sought to put several cottages and a single-family home in the Agricultural/Rural Business (A/RB) District on a parcel zoned for 2 houses. The second, an application brought forward and funded by the county, sought to add an Adaptive Re-Use, with a Minor Special Use Permit, which would allow an unspecified number of apartments in almost any building, in many zoning districts, without regard to the underlying dwelling-unit density.

Tourist Cottages

The applicant contended that the cottages, all with cooking, sleeping, and bathing facilities, were not actually dwelling units. He stated that the cottages were instead a rural business, operated as occupied rental units for up to 30 days at a time, and should not be counted in the 1-per-20 density rule in an agricultural district. Extra income for land owners was touted, “to save the family farm” with this arrangement, since short-term rental cottages could then be built on farms all over the county.

The opposition addressed to county Supervisors was vigorous and immediate. A petition to turn down the plan, with over 400 signatures, including many farmers and farmland

owners, was presented to the Board. Several citizens spoke in opposition at the Public Hearing, particularly about the hazards of tourist accommodations in the middle of a working farm. The Planning Commission had already recommended disapproval of the application. After discussion about what constitutes a “dwelling unit,” and the lack of conformity with the agricultural density standard, the Board unanimously turned down the application.

Adaptive Re-Use

Adaptive Re-Use in the county Zoning Ordinance was designed as an incentive for businesses to reuse, and transform, existing buildings into a wide variety of small businesses and service firms. The Use has no residential density standard, since the category did not include residences, only businesses.

The application to include apartments as a new Re-Use category was presented to the Planning Commission as an application by the Board, hoping to encourage workforce housing. It wasn’t until the Public Hearing that both the Commission and the public discovered the Board’s action to add apartments was to accommodate a specific company. Community Investment Group (CIG), a holding company registered in Leesburg, VA, planned to buy and reuse the old Kiptopeke Motel, owned, according to county records, by Peacock Holdings VA LLC of Andover, NJ. However, the change

to add apartments as a new Use would affect not only the motel, but buildings all over the county – at any rental price point, short- or long-term rental, with authorization to increase building square footage by 50%, all with no guarantee of either workforce or affordable housing, and all evading the underlying zoning standards.

The motel under consideration is in an Existing Business/Commercial (EB/C-1) District, where apartments are allowed with a Special Use Permit. That raises several questions:

- Why didn’t CIG go through the process already available to them – apply for a Special Use Permit for apartments, allowed in the motel’s zoning District?
- Why did the Board propose this open-ended application, which would affect buildings all over the county, and which now appears to

See Northampton, cont’d on p. 7

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Pedal to Protect Virginia's Eastern Shore

Voiajer – Fair Trade, Excellent Values

ShoreLine Staff

Voiajer LLC opened on Mason Avenue, Cape Charles, in August of 2017. Owned by Naomi Darg and managed by Naomi's mother, Narelle Kelvin, the business has from 3 to 5 employees, based on the season. They had been selling some of their products during the preceding 7 years in pop-ups around the country and overseas before starting a brick-and-mortar storefront. They work with not-for-profit groups, non-governmental organizations, and Fair Trade groups from around the world. Products come primarily – but not exclusively – from women in countries that face excruciating challenges; the work empowers them and increases their ability to provide for their families. Many have no other options, especially in these trying times. Since opening with approximately 3 product lines, they now support over 30 groups.

Inspiration for the Business

Naomi and her husband, David, were in Haiti, where David was assisting in recovery efforts after that country's 2010 earthquake. Naomi, inspired by seeing necklaces in Kenya made from magazines, recognized a need in Haiti for work by women who are raising as many as 10 children. She decided to learn, then teach a few women to make beaded jewelry from cardboard boxes. For over 10 years, Naomi and her company have supported 9 to 13 women every month by selling their jewelry. They have seen the difference a business or work opportunity can make to a person, a family, and a community. That is why they are passionate about increasing their capacity to assist many other groups.

How Is the Shore a Good Fit for Your Business?


Naomi first visited Cape Charles in 2009; she was very taken with the feel of the Shore. A few years later, her father and Narelle, and then David, followed and fell in love with the place. After getting to know the town and its

very interesting art scene, they decided that Mason Avenue could be a good fit for their boutique-style store. That was nearly 5 years ago, and they have not regretted the decision, even during the challenge of COVID. During that time, they were still able to support their Haitian women, as well as increasing their support of a group in Thailand who work with women and children rescued from human trafficking.

Biggest Challenge? How Did You Overcome?

Their biggest challenge so far has to be COVID lockdowns, but they had amazing support by locals and people from nearby towns, who made the effort early after lockdown eased to come and deliberately support small businesses. Voiajer was able to keep going; they continued to support people in far worse situations than themselves. Supply challenges meant that some countries were unable to ship their products, but they found new sources and groups to support. There is a misconception about Fair Trade and supporting groups outside the U.S. Most of the people Voiajer supports are facing abject poverty. Although there is a lot of poverty within areas of the U.S., including the Shore, these countries and people have no resources similar to those available here. Mindset change can be a challenge, but on the whole, most people understand and support the effort to empower and change.

The biggest surprise in starting a Shore business was that staffing was challenging; on a positive note, the support that people – both customers and staff – have given over the past 4 1/2 years in Cape Charles, and the 10 years since starting the project in Haiti, has been inspiring.

The best advice for starting a business on the Shore? Know your products. Love your products. Know your customers. Be kind to your customers! And have the patience to endure challenges, so you can see your business grow. 



Voiajer's selection of gifts and home goods is always festive, especially during the Christmas season. Many of the objects are made from upcycled materials and have intriguing origin stories.

Flooded Roads: Maintain or Abandon?

By Sue Mastyl

A spring 2020 paper from the Virginia Coastal Policy Center (VCPC) of William & Mary Law School outlines the potential liability issues of closing roads due to increased flooding.¹

As policymakers continue to update plans for flooding due to sea-level rise (SLR), increased precipitation, and more frequent storm events, one area of concern is road flooding. Some roads on the Eastern Shore and throughout coastal Virginia already flood on a regular basis with king tides and storms; this will only increase in severity and frequency.

Flooded Roads on the Eastern Shore

The Virginia Department of Transportation (VDOT) oversees 57,867 miles of roads in Virginia – 1,516 miles on the Shore. The 2021 VTrans (Virginia’s Transportation Plan) cited 32,100 miles of roads at risk of flooding due to SLR, storm surge, and inland/riverine flooding.²

A 2015 study by Accomack-Northampton Planning District (A-NPDC) and VDOT assessed the vulnerability of Eastern Shore roads to flooding.³ They determined that with 1 foot of SLR (currently projected by 2040⁴), 33 miles of roads would be vulnerable to inundation; the number rises to 371 miles (24.5% of all roads) with 6 feet of SLR, which could occur as early as 2090 under the NOAA intermediate-high scenario.⁵ Over 80% of the vulnerable roads were in Accomack County. The study noted that the SLR predictions “represent stillwater conditions,” without considering wind, storm events, or astronomical tides, so that “a larger number of roads may be subject to flooding than what is indicated by this study.”

The A-NPDC study showed that:

- 100% of roads on Tangier will be inundated with 1 foot of SLR; this will occur for Chincoteague and Saxis with 4 feet of SLR, and for Wachapreague with 6 feet of SLR.
- Major access roads will be inundated with 2 feet of SLR, including:
 - Bell’s Neck Road, Chincoteague Causeway, Crystal Beach Road, East Point Road, Greenbackville/State Line Road, Hopkins Road, North Chesconessex/Northside Road, Saxis Causeway, and Schooner Bay Road in Accomack County
 - Bayford Landing, Church Neck/Bayside Road, Johnsons Cove/Old Neck Road, Webbs Island, and Wise Point Landing in Northampton County

The study noted that estimating costs to maintain or elevate roads vulnerable to flooding is difficult. A 2003

study for 3 Chesapeake Bay communities in Maryland estimated costs from \$385,000 to \$1.5 million per lane mile; a 2009 study for 6.75 miles of roads on the Middle Peninsula of Virginia estimated \$5.3 million for short-term solutions and \$26.5 million for long-term plans. All of these estimates would have to be adjusted for inflation.

Potential Liabilities

The VCPC paper notes that local governments will play a key role in deciding whether to 1) replace roads vulnerable to flooding (including the option to elevate the roads), 2) continue to maintain them in place, or 3) abandon them altogether. Some policymakers are taking steps to address the threat of SLR on roads, including plans by the U.S. Fish & Wildlife Service and National Park Service to move the road and parking lot for the beach on Assateague Island to a more stable location.^{6,7} However, communities are already seeing pushback on some plans, including homeowners in Gloucester County who threatened to sue after the county and VDOT posted “Road May Flood” signs, because it might decrease property values; and homeowners in Florida who successfully sued the county when it stopped repairing a low-lying, flood-prone road due to increasing costs.

The primary source of funding for roads in Virginia is the SMART SCALE program; importantly, only historical flooding, and not future SLR, is factored in, and only with respect to disruption to traffic. Environmental quality is only 1 of 6 factors considered in evaluations.

In deciding to abandon a road, the governing body must determine that either there is “no public necessity” (which could include scenic value alone) for continuing its use, or “the safety and welfare of the public” are best served by the abandonment. Once abandoned, it may not be possible to add the road back into the system.

Of the options outlined above, replacing or elevating sections of road will be the most expensive in many cases. Maintaining roads in place also has significant costs, while failure to maintain a flooded road could leave a locality open to liability under the takings clause, either by preventing access to property or by causing damage to property. Abandoning a section of road due to flooding may also create liability if a property owner feels they have been denied access to their property.

To avoid these liabilities, the VCPC authors recommend including the community in the process, with early

Failure to maintain a flooded road could leave a locality open to liability. Abandoning a section of road due to flooding may also create liability.

Calling All Anglers

You Too Can Be a Fisheries Scientist

By George Mapp

Birdwatchers have excellent phone apps to help identify birds in the field. Simply take a picture, submit it, and if the picture is detailed enough, the app will identify the bird. Or submit a sound recording. If it's a new species for you, click and it's added to your life list. More importantly, your observation is added to a database, catalogued, and made available to researchers and the public. For users, it's convenient – there's no need for field guides or notebooks. For the rest of us, the data reveal what both sexes look like and sound like at all ages, when and where species normally occur, and enables estimates of abundance and migration patterns.


Now the Virginia Institute of Marine Science (VIMS) has developed a similar app for anglers. RecFish (<https://www.recfish.org/>) is now available on mobile devices and as a website. The initial version is not fully functional, as it can only recognize a few species. It takes several thousand pictures of each species to “train” the machine learning software – software also used for facial recognition and optical character readers. So, the goal of this first version is to gather pictures. As more and more are added, identification “skill” will improve.

The goal is to identify the fish, estimate size and weight, and determine if it is legal to keep. Future enhancements may include whether it is edible, legal regulations, and the citation size and weight. One possible enhancement – virtual fishing tournaments. Like the

bird databases, this one will add to our knowledge of the appearance of both sexes at all ages, migration patterns, abundance, and size and weight statistics.

VIMS has been doing trawl surveys for 67 years, but only in waters deeper than 9 feet. While the data are invaluable for managing fisheries, it misses shallow waters – important fish habitats of grass beds and oyster reefs.

There are approximately 300 fish species reported in the Bay, but only about 30 year-round resident species. The rarer the species, the more important the pictures are. Anglers are not inclined to pose with throw-back fish, but by photographing them, they will be doing a good deed. Those who prefer not to divulge the location of their favorite fishing spot can opt to provide an approximate location or no location at all.

More and more anglers, like birders, are content to observe without harming the animals. For anglers, this is catch-and-release. Injuries to fish can be minimized in several ways, for example, by using barbless hooks, leaving the fish in the water while carefully removing the hook, and releasing promptly. 


Sources

Malmquist, David. VIMS scientists want to hear your fish tales. VIMS. Edu, 2021. <https://www.vims.edu/newsandevents/topstories/2021/recfish.php>

Techniques to reduce catch-and-release mortality. Florida Fish and Wildlife Conservation Commission, 2022. <https://myfwc.com/research/saltwater/fish/snook/reduce-catch-release-mortality/>

Flooded Roads, *cont'd from p. 4*

discussions and negotiations with affected property owners; ongoing education of citizens about current and predicted flooding risks in the community; and developing alternative plans to provide access to affected properties.

As SLR increases and storm events increase in frequency and intensity, localities “will need to consider whether it is worth the expense to continuously maintain roads that are repeatedly damaged by flooding,” the authors note. “Localities will ... have to consider the option of abandoning certain roads that become problem areas for repeated flooding,” which may remove the legal risk and costs associated with ongoing maintenance, “but does come with its own potential legal risks, ... from landowners who lose sole access to their properties.” 

Sources:

¹ Howieson W, Tentilucci M. Closing roads due to increased flooding: potential liability issues in Virginia. College of William & Mary Law School, Virginia Coastal Policy Center, spring

2020. https://law.wm.edu/academics/programs/jd/electives/clinics/practicum_list/vacoastal/reports/transportation-paper-4-26-213.pdf

² VTrans: Virginia's Transportation Plan. Long-term risks & opportunity register. Jan. 21, 2022. <https://vtrans.org/long-term-planning/long-term-risk-register>

³ Accomack-Northampton Planning District. Eastern Shore of Virginia transportation infrastructure inundation vulnerability assessment. May 2015. http://www.a-npdc.org/wp-content/uploads/2016/05/TIIVA-Report-ANPDC-May2015_final-no-appendices.pdf

⁴ Virginia Institute of Marine Science. Sea-level report cards: Chesapeake Bay. 2022.

⁵ ADAPTVA. Virginia sea level: evidence-based planning for changing climate. 2022. http://adaptva.com/info/virginia_sea_level.html

⁶ U.S. Fish & Wildlife Service and National Park Service. Your new beach experience: a project to support and sustain the local tourism-based economy, Chincoteague, VA. May 2017. <https://www.fws.gov/uploadedFiles/New%20Beach%20Experience%20-%20May%20update%202017.pdf>

⁷ U.S. Fish & Wildlife Service. Finding of no new significant impact: environmental assessment for the recreational beach relocation. Dec. 11, 2018. <https://www.fws.gov/uploadedFiles/2018%20EA%20for%20Beach%20Relocation.pdf>

RECYCLING CORNER

By Sue Mastyl

Alternatives to Plastic

With over 330 million tons of plastic waste generated each year, only 9% of which is recycled, we need to be on the lookout for every way we can reduce plastics and plastic packaging in our daily lives.

We've addressed alternatives to plastics and plastic packaging previously (see March 2021 and November 2021 *ShoreLine*); here are some additional ways to avoid plastic waste, including products that come in plastic bottles:

- Laundry – for the washer, try laundry detergent bars or sheets, or refillable laundry detergent (in containers usually made of recycled aluminum or glass); for the dryer, try wool dryer balls
- Hair care products – try shampoo and conditioner bars, or refillable products (choose a pump instead of a cap to keep it plastic-free)
- Dish detergent – try a vegan dish-washing block with a scrub brush, or refillable dish soap
- Menstrual products – instead of tampons or plastic-wrapped pads, try plastic-free menstrual cups, such as the DivaCup (<https://divacup.com/>) made of silicone, alone or in combination with a washable cotton panty liner
- Skin care products – instead of disposable cotton makeup pads in plastic packaging, try washable, reusable cotton rounds
- Oral hygiene – try a bamboo toothbrush, and toothpaste bits or tablets in a refillable glass jar

Sources for these products include:

- Eco Maniac Company in Virginia Beach (<https://www.ecomaniaccompany.com/>) offers mobile events in the Hampton Roads area
- Grove Collaborative (<https://www.grove.co/>)
- Last Object (<https://lastobject.com/collections/shop-all>)
- Lush (<https://www.lushusa.com/>), with a store in MacArthur Center in Norfolk
- Package Free (<https://packagefreeshop.com/>)
- The Waste Less Shop (<https://www.thewastelessshop.com/>)
- Zero Waste Outlet (<https://zerowasteoutlet.com/>)

Source:

Nakamura K. 10 plastic-free products you need in your life, according to Global Citizens. Global Citizen, July 19, 2021. <https://www.globalcitizen.org/en/content/plastic-free-products-global-citizens/>



Spiced Mushroom Soup – the Last of the Chill Chasers

Looking at the deep brown broth, catching the scent of the deep, complex flavors – one would think it would take all of a day and a night to make this. Not so – it's 30 minutes prep, tops. The soup calls for a bit of Garam Masala – a warm, aromatic Indian spice blend. Make this yourself: ground cumin, coriander, cardamom, black pepper, cinnamon, cloves, and nutmeg – save any extra in a sealed jar. Recipe is for 2, but is easily increased and easy to make.

- 10 to 12 mushrooms – plain or fancy, your choice
- 1 lemon
- Salt
- 1 tbsp ground cardamom
- ½ tsp chili powder
- ½ tsp Garam Masala
- 2 cups water

Sauté mushrooms in a little oil until they lose moisture and start to brown. Add salt and spices – stir well. Add water and simmer 15 to 20 minutes uncovered, to reduce a little. Then add juice of one lemon, stir and simmer for another minute. It's ready!

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Open Farm Day at The Nature Conservancy's Brownsville Preserve

Saturday, April 9th, 2022

10:00 AM – 3:00 PM

For more information or to volunteer,
please contact Margaret Van Clief
at mvanclief@tnc.org or (757) 414-9227

Keeping Track

Groundwater Award Named for Gene Hampton

At their March 15 meeting, the Eastern Shore of Virginia Ground Water Committee moved to rename their annual award as The Eugene R. Hampton Eastern Shore Ground Water Committee Award.

Their statement reads, “With the passing of Eugene ‘Gene’ Hampton on October 6, 2021, members supported a motion to rename the Ground Water Committee’s award in his honor. He was a long-time member of the Committee from Northampton County and a retired geologist with the U.S. Geological Survey. He was a Fellow of the Geological Society of America. A native of Washington state, he and his wife retired to the Shore, where he supported many local civic activities and causes. He had a talented ‘green thumb’ and loved to garden.”

The Ground Water Committee established the Ground Water Award Program in 2004 to publicize local projects, individuals, and entities whose decisions and actions support responsible and sustainable water resource use. Previous award recipients include Jane Corson-Lassiter, Eastern Shore Environmental Education Council; Waste Watchers of the Eastern Shore; and 4 local nurseries.

Bay “Beaver Believers”

Tom Horton, a former *Baltimore Sun* reporter, now contributing to the *Bay Journal*, recently spoke at the Barrier Islands Center as part of the Arthur Schwartzchild Lecture Series. Horton, recognized as one of America’s foremost nature writers, presented his *Bay Journal* film, *Water’s Way: How to Think Like a Watershed*. Along with longtime collaborator, photographer Dave Harp, and environmental videographer Sandy Cannon-Brown, Horton makes a case for a potential solution to one of the most pressing problems facing the Chesapeake Bay: rampant erosion and runoff.

The principal premise of the 45-minute film, which is available for streaming on the *Bay Journal* website (<http://bayjournal.com>), is that until they were essentially eliminated in the Chesapeake Bay watershed during the 1800s, beavers were instrumental in keeping the Bay healthier. They constructed dams that slowed water movement, mitigating flooding and silting, as well as reducing other damage to the Bay’s health. *Water’s Way* offers a compelling argument for a potential contribution to improving water quality in the Chesapeake Bay.

Source:

Blankenship, Karl. Can beavers help build a better Chesapeake Bay? Jan 24, 2022. <https://www.bayjournal.com/>



Northampton, cont’d from p. 1

be for the convenience or benefit of a single real estate transaction?

- Why did the Board’s proposal have no mention of low-cost housing?
- Why did the Board word the application in a way that appears to evade its own Comprehensive Plan/Zoning Ordinance density standards?
- How did the Board intend to enforce any “workforce housing” promises?

Does the County Need Workforce Housing? More Tourism Accommodations?

YES, to the workforce housing need. But approving a county-wide Adaptive Re-Use for apartments, and hoping for workforce price-point housing, may not be an effective plan. Since there’s no legal definition for workforce housing, nor any established price-points, it would likely be impossible to enforce any promises made by the developers.

The county has no Ordinance in place to address this issue. The current application, if approved, could produce market-rate apartments, or more vacation rentals, or federally funded subsidized affordable housing, for which many in the local workforce would not be qualified.

What about more tourism accommodations? The county could first commission a professional “needs assessment” to determine the type, quantity, and location for any new vacation rentals. The sizeable opposition to the plan to put cottages on farmland may have revealed some local dissatisfaction with the results of increasing tourism in general – lack of long-term rentals due to the increase in vacation rentals, the rising costs of homes or rental apartments, increased traffic and congestion, etc. Careful planning for the growing tourism industry, to include local input, might be indicated.

Establishing Neighborhoods

Removing the density of dwelling units appears to be at the center of both applications. The number of houses or apartments on an acre of land determines the concentration of population in Villages, Hamlets, Agricultural, and in the Town Edge Districts. The higher densities in the towns are controlled by those towns – rural neighborhoods and farmland are much less crowded. This population distribution has been supported by public input, and is a major feature in the Northampton County’s Comprehensive Plan. The Zoning Ordinance reflects this concept. Abandoning this density concept, in favor of development applications, runs counter to the community’s support for established population distribution.



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**Memorial Service
Announced**



Jack Ordeman (1930 - 2020), past president of CBES and longtime *ShoreLine* contributor, will be remembered at a memorial service at St. Paul's School near Baltimore, where he served as headmaster for over 25 years.

The service will be held in the school's chapel on May 8 at 1 PM. There are plans to set up a video link for those who cannot attend in person. More information will be shared on the CBES website as soon as it is received.

Community Calendar*

**NOTE: For current status of public meetings, go to the appropriate website or contact by email or phone.*

Accomack County
757-787-5700

www.co.accomack.va.us

- 1st Wed **Board of Zoning Appeals**
10 AM, Accomac
- 2nd Wed **Planning Commission (PC)**
7 PM, Accomac
- 3rd Tues **School Board**
6:30 PM, Accomac
- 3rd Wed **Board of Supervisors (BOS)**
5 PM, Parksley
- 4th Tues **PC Work Session**
7 PM, Accomac
- 4th Thur **Wetlands Board**
10 AM, Accomac

CBES and Other Activities

- 3rd Tues **ES Ground Water Committee**
10 AM, Melfa
- 3rd Tues **CBES Board Meeting**
7 PM, via Zoom

Northampton County
757-678-0440

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- 1st Tues **Board of Zoning Appeals**
10 AM, Eastville
- 1st Tues **Planning Commission (PC)**
6 PM, Eastville
- 2nd Tues **Board of Supervisors (BOS)**
6 PM, Eastville
- 2nd Thurs **School Board Work Session**
6 PM, Machipongo
- 3rd Wed **Wetlands Board**
Meets as needed, Eastville
- 3rd Wed **PC Work Session**
2 PM, Eastville
- 4th Tues **BOS Work Session**
5 PM, Eastville
- 4th Thurs **School Board**
6 PM, Machipongo

**For membership and other
CBES information:**
www.cbes.org