

ACCOMACK COUNTY WETLANDS MINUTES OF DECEMBER 14, 2017

At a meeting of the Accomack County Wetlands Board held on the 14TH day of December 2017, in the Accomack County Administration Building Board Chambers, Room #104, in Accomac, Virginia.

1. CALL TO ORDER

MEMBERS PRESENT AND ABSENT

Wetland Board Members Present

Mr. Earl Frederick, Chairman

Mr. George H. Ward, Jr., Vice Chairman

Mr. T. Lee Byrd

Mr. Timothy Getek

Others Present:

Mr. G. Christian Guvernator IV, PE, Director Environmental Programs

Mr. Tyrone Upshur, Environmental Programs Inspector

Ms. Chontese Ridley, Environmental Programs Permit Specialist

DETERMINATION OF A QUORUM

There being a quorum, Chairman Frederick called the meeting to order at 10:00 a.m.

2. ADOPTION OF AGENDA

The Wetlands Board unanimously adopted the Agenda as present

3. MINUTES

A. October 26, 2017

On a motion made by Mr. Taylor and seconded by Mr. Ward, the Wetlands Board voted to approve the minutes of the October 26, 2017 meeting.

4. NEW BUSINESS

A. Carter & Helen Duer – VMRC# 2017-1806

28119 Harbor Road

The installation of 252 feet of class 2 Rip-Rap in front of an existing bulkhead. The property is located in The Greens subdivision in Melfa, VA 23410, Tax Map # 100D-2-D-65 & 68.

Chris McCabe, Coastal Compliance, appeared before the Wetlands Board on behalf of the applicant and was sworn in by Chairman Frederick. Mr. McCabe said the rip-rap would consist of type 2 stones. He also stated the applicants explored doing a replacement bulkhead, but did not want to do it at this time. Doing the rip-rap was also more effective for the applicant and for the site. Mr. Frederick asked how porous and how bad of shape is the wood of the current bulkhead, and if there was any flow now. Mr. McCabe stated that along the bottom there was some flow, but that it was from deterioration. Mr. Frederick pointed some places at the top that were sunken in.

Mr. Byrd stated that putting in the rip-rap was the best thing for this bulkhead. Mr. Taylor asked if 2 feet going to be enough for the rock. Members of the board and Mr. McCabe chimed in to say that it is actually 10 feet. Mr. Taylor then followed up and asked if VMRC was with the 10 feet. Mr. McCabe read from the letter he was sent by VMRC saying that no authorization was necessary.

Mr. Getek questioned the continuing erosion behind the bulkhead, and Mr. McCabe said he would be putting class E geotextiles back there. This will hold back anything that would come through the bulkhead. It was also noticed at this time that there was an error in the drawing concerning the

location/placement of the geotextiles. It was showing that it would be placed beneath the bulkhead instead of up the face of the bulkhead. Mr. McCabe said he would correct it.

On a motion made by Mr. Byrd and seconded by Mr. Ward, the Wetlands Board voted to issue a permit (valid for (1) year) to Carter & Helen Duer – VMRC# 2017-1806, The installation of 252 feet of class 2 Rip-Rap in front of an existing bulkhead with the exception that the geotextile continue all the up the face of the existing bulkhead. The property is located in The Greens subdivision in Melfa, VA 23410, Tax Map # 100D-2-D-65 & 68.

**B. Geoffrey Hawthorne– VMRC# 2017-1721
29220 Creeks End Drive**

The construction a vinyl bulkhead 1-2 feet channel-ward of existing failing bulkhead, make necessary repairs to the existing (failing) 30 feet groyne, and to also construct a 50 feet dock with a 8 feet by 8 feet L-Head adjacent to the groyne. The property is located in Painter, VA 23420, and Tax Map # 99-A-11.

Chairman Frederick stated that the applicant had requested a postponement and would likely go before the board in January. Chris Governator, Environmental Programs, appeared before the Wetlands Board and was sworn in by Chairman Frederick. Chris stated he wanted to make sure that the board discussed this project as a continuance. Since it had already been advertised it needed to be opened and closed for public comments, and then discuss the continuance. Mr. Frederick then asked was it a date specific continuance. Chris responded that the agent said until the next board meeting, but that he would be changing the design. There is a 22 feet mistake, and looking into doing an in-kind/in-place replacement.

Mr. Frederick asked if there was anyone in the audience was there to comment on this project and no one responded. Mr. Governator pointed out that the property line is not correct and that the drawing measurements to do match the survey. Mr. Getek then mentioned that the current boat ramp had vegetative wetlands. Mr. Governator added that there was no record that there was a permit for the current boat ramp. Mr. Ward said they might not have needed one and Mr. Byrd agreed saying the boat ramp had been there for a long time.

On a motion made by Mr. Taylor and seconded by Mr. Byrd, the Wetlands Board voted to grant a continuance to Geoffrey Hawthorne– VMRC# 2017-1721, The construction a vinyl bulkhead 1-2 feet channel-ward of existing failing bulkhead, make necessary repairs to the existing (failing) 30 feet groyne, and to also construct a 50 feet dock with a 8 feet by 8 feet L-Head adjacent to the groyne. The property is located in Painter, VA 23420, and Tax Map # 99-A-11.

5. OTHER BUSINESS

A. Carol Smoots Complaint – VMRC# 2005-1631

Complaint came in from the adjacent property owner about Smoots doing work on their property. (Lawsuit currently been the adjacent property owner and Smoots) The board can to the conclusion that they had nothing to do with this matter other than them approving Ms. Smoots project. Mr. Taylor stated that the board's approval does not allow work/construction on someone else's property.

Mr. Governator showed the board the drawing that was approved for Ms. Smoots in 2005. He added that the complainant is saying that the Smoot's have encroached on his property with their waterfront improvements. Mr. Governator said that he just wanted the board to be aware of the complaint.

Mr. Taylor suggested that when available, applicants should go to the Clerk of the Court's office and use what is in the plat book to put their drawings on. The board concluded that this is a property owner issue. No board action required.

B. Post-Approval permit modifications

Mr. Frederick explained that after the last Wetland's Board meeting the applicant, (**Paula Bannon – VMRC# 2017-1598**), came up and said what was approved was not what he had in mind and wanted to make some changes. Mr. Governator stated there has been some discussion with the contractor on the best way to install it. He also added that right now there is no written process for what happens after you approve an application if it changes. Mr. Governator wants to have this put into the county code so that anybody can see the process if this type of thing happens in the future.

Mr. Frederick stated that the agent, (Steve Mallette), had a dog leg at the end of the bulkhead near the boat ramp, and the property owner, (Mr. Bannon), saw it as a straight line. Some of the board members shared their ideas and Mr. Governator broke it down into two scenarios:

1. If they want a credit they will have to reapply and we will resend the first application. The applicant can use the credit towards the new application fee.
2. If there are any additional impacts in the board's jurisdiction, a new JPA will be required. If the board approves the new one, the old permit will be terminated as a motion.

Mr. Ward and Mr. Byrd agreed with this. Mr. Taylor added that the Chairman of the board needs to be notified and Mr. Getek agreed. Chairman Frederick agreed and also said he would like all the board members to be aware of these changes as well. Mr. Governator then said if there were any field changes that were greater than or less than what the board approved, he would bring it to the board for informational purposes.

C. Preview of JPA 2017-2021 Frogstool Nature Preserve Dike Project

To construct a freshwater impoundment to combat sea level rise, saltwater intrusion and to enhance the habitat. The property is located near the confluence of Frogstool Branch and the Machipongo River, Tax Map # 112-A-21 & 112-A-22A.

Mr. Governator stated the applicant wanted to come in January, however, our department informed them that their application was missing information that is needed before scheduling to go before the board. He went on to say that you typically see this in bird sanctuaries, duck ponds, and nature preserves. However, the application does not read that way. The application talks about defending from sea level rise and protecting a stand of loblolly pines that's being impacted by saltwater. This is 6,000 feet of an earthen berm a few feet high along the western side of the Machipongo River.

A discussion ensued on the topic and the. Once concluded Mr. Governator informed the board that there is a tentative meeting set for December 21st at 2:00pm to meet at the gate with VIMS ,VMRC, and two environmental engineers associated with the project.

D. Review of 2018 Meeting Schedule

Mr. Frederick noticed an error in the date for the September meeting. It should have been September 27th and not the 28th. Ms. Ridley, Environmental Programs, made the edit. He also noted that for the July and November they have usually changed the meeting dates from the fourth Thursday to the third

Thursday of the month. The board decided to go with the third Thursday for those months. They also decided to move up the December meeting to the second Thursday of the month, December 13th.

6. NEXT MEETING

The next Wetlands Board meeting is scheduled for Thursday, January 25, 2018 at 10:00 a.m. in the Accomack County Board Chambers, Room 104, in Accomac.

7. ADJOURNMENT

On a motion made by Mr. Tylor and seconded by Mr. Ward, the Wetlands Board voted to adjourn the meeting.

The meeting was adjourned at 12:10 a.m

Earl Frederick, Chairman

Chontese Ridley, Environmental Permit Specialist