

ACCOMACK COUNTY WETLANDS MINUTES OF AUGUST 31, 2017

At a meeting of the Accomack County Wetlands Board held on the 31ST day of August 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
Mr. Gene Wayne Taylor

Others Present:

Mr. G. Christian Guvernator IV, PE, Director Environmental Programs
Mr. Tyrone Upshur, Environmental Programs Inspector
Ms. Chontese Ridley, Environmental Programs Permit Specialist
Mr. Hank Badger, Virginia Marine Resources Commission (VMRC)

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. July 20, 2017

On a motion made by Mr. Getek and seconded by Mr. Taylor, the Wetlands Board voted to approve the minutes as amended of the June 20, 2017 meeting.

4. NEW BUSINESS

A. J&A Builders – VMRC# 2017-1074

The construction of a new 58 feet linear bulkhead. The property is located in the Captain's Cove subdivision in Greenbackville, VA 23356, Tax Map # 5A3-1-1332.

Raymond Britton, BIC. Inc., appeared before the Wetlands Board on behalf of the applicant and was sworn in by Chairman Frederick. Mr. Britton stated they would be impacting 348 square feet of sub-aqueous bottom and that there was also a bulkhead on the other side. Mr. Britton mentioned that there is some phragmites on the edge of the bank that extends the whole 58 feet.

They are going to be connecting both bulkheads and trying to keep a straight line. Mr. Getek asked if this bulkhead would be the same height as the neighboring bulkhead and Mr. Britton said that it would. Mr. Taylor asked if the phragmites were there before Mr. Britton cleaned up and Mr. Britton responded yes, but in the upland. After cleaning up the area they came back on the edge of the bank.

Mr. Hank Badger appeared before the Wetlands Board and was sworn in by Chairman Frederick. Mr. Badger was asked to give his thoughts. Mr. Badger, VMRC, said the tide range was a narrow 2-4 inches about high water and most of it is out of the board's jurisdiction.

Mr. Karl Mertig, Kimley-Horn, appeared before the Wetlands Board and was sworn in by Chairman Frederick. Mr. Badger was asked to give his thoughts. Mr. Mertig stated the bank has been infested with phragmites and re-explained that Mr. Badger said it doesn't come up over the top bank where there is more phragmites.

On a motion made by Mr. Getek and seconded by Mr. Byrd, the Wetlands Board voted to issue a permit (valid for (1) year) to J&A Builders, VMRC#2017-1074, for the construction of a new 58 feet linear bulkhead. The property is located in the Captain's Cove subdivision in Greenbackville, VA 23356, Tax Map # 5A3-1-1332.

B. Robert F. Gaskill & Henry R. Caddell – VMRC# 2017-1095

The construction of a vinyl sheet pile bulkhead using 12 feet by 8 inch butt timber piles on 6 feet - 7 feet centers vibrated into the ground to approx. 8.5 feet penetration and 4 inches by 6 inch to waler bolted to piles with 5/8 inch galv. bolts. 8 feet vinyl sheets vibrated into ground and a 2inch by 12 inch timber cap. A 2 inch by 8inch timber back plate and 2 inch by 12 inch timber cap will be bolted to structure to complete the system. The property is located in Painter, VA 23420. Tax Map # 109D-2-B-29 & 30.

Ben Mears, (agent for home owners), Robert Gaskill, (home owner), and Henry Caddell, (home owner), appeared before the Wetlands Board and was sworn in by Chairman Frederick. Mr. Mears stated they wanted to put in a bulkhead to extend on the south end 15 feet to 20 feet 20 feet from Mr. Gaskill's property line and northwest onto Mr. Caddell's lot. He also mentioned a revision/recommendation from Mr. Chris Guvenator to extend the wall 6 feet towards the north, and the north corner and return wall would be shifted 6 feet in line with the proposed structure. Mr. Mears said the lot was low and that he raised the elevation of the wall at or less than 1 foot above the existing bank's elevation.

Mr. Mears said they have also extended the sheeting from 8 feet to 10 feet. He mentioned that the system does not have tie backs. Mr. Mears believes the poles and the depth of the sheeting should be enough with the structure being so low. Mr. Frederick chimed in and proposed the usage of a stone revetment instead. He also added that the CCRM suggestion site recommended a long shore breakwater and to fill and plant behind that.

Mr. Byrd brought up that they were about to lose 2 pines that were very important and that something had to done, however, he did not believe that a living shore line would work. Mr. Byrd then mentioned an issue with the 30 feet of disturbed vegetation and wanted to know if the number had changed with the revision. Mr. Mears stated that the number was more of a guess. Mr. Byrd said the thinks it more around 90 -95 feet. Mr. Frederick explained to Mr. Gaskill that when you impact wetlands that you have to pay compensation for it. One way is to pay into the mitigation fund, \$12.00 per square foot of disturbance. Another way would be to buy into mitigation bank that exist in your water shed, however, the Eastern Shore / Accomack County does not have one. Mr. Frederick then gave them one option. They could mitigate to make up for the grass they are disturbing somewhere else on their property. To do this they would have to convert uplands into wetlands, but this would not be an option for them.

Mr. Getek wanted to know what the square footage was on the revision, and Mr. Byrd told him there was none. Mr. Guvernator was asked to come up and share his thoughts. Mr. Guvernator said he had a staff recommendation. The recommendation was for the homeowners to consider an alternative to the bulkhead; however, they still wanted to go with the bulkhead. Mr. Guvernator said he also suggested they consider an adjustment to the layout of the bulkhead and pull it back to minimize the impact.

There was more discussion about the 30ft of disturbance and Mr. Hank Badger shed some light on the issue. The board and both land owners agreed they would pay \$252.00 into the mitigation bank, (\$12.00 x 21 square feet).

On a motion made by Mr. Byrd and seconded by Mr. Taylor, the Wetlands Board voted to issue a permit (valid for (1) year) to Robert F. Gaskill & Henry R. Caddell , VMRC# 2017-1095, with the following conditions:

- **Baseline off of the bank in front of the tree plus 2 feet and the returns stay the same and length.**
- **The applicant also agrees to pay \$252.00 into the mitigation bank.**
- **The applicant submits new drawings.**

The construction of a vinyl sheet pile bulkhead using 12 feet by 8 inch butt timber piles on 6 feet - 7 feet centers vibrated into the ground to approx. 8.5 feet penetration and 4 inches by 6 inch to waler bolted to piles with 5/8 inch galv. bolts. 8 feet vinyl sheets vibrated into ground and a 2inch by 12 inch timber cap. A 2 inch by 8inch timber back plate and 2 inch by 12 inch timber cap will be bolted to structure to complete the system. The property is located in Painter, VA 23420. Tax Map # 109D-2-B-29 & 30.

C. Cheryl Downes – VMRC# 2017-1102

The construction of a new bulkhead 14 inches in front of existing bulkhead. The property is located on Chincoteague Island, VA 23336. Tax Map # 30A2-3-15.

Mr. Raymond Britton appeared before the Wetlands Board on behalf of Ms. Cheryl Downs. Mr. Britton stated that the new bulkhead will be 14 inches in front of existing bulkhead and impacts 93 square feet of sub-aqueous bottom. Mr. Frederick asked Mr. Badger if the board's jurisdiction was on the north side of the project. Mr. Badger confirmed that was correct.

On a motion made by Mr. Taylor and seconded by Mr. Getek, the Wetlands Board voted to issue a permit (valid for (1) year) to Cheryl Downes, VMRC# 2017-1102, The construction of a new bulkhead 14 inches in front of existing bulkhead. The property is located on Chincoteague Island, VA 23336. Tax Map # 30A2-3-15.

D. Angelo Spagnuolo – VMRC# 2017-1268

The construction a 12 feet wide by 50 feet long concrete boat ramp. The property is located in the Nandua Bay subdivision in Painter, VA 23420. Tax Map # 109-8-16.

Chris Guvernator appeared before the Wetlands Board on behalf of the agent/client, and was sworn in by Chairman Frederick. Mr. Frederick. Chis stated that his office received a request from the owner's agent on behalf of the owner to postpone until the September meeting. There were recent changes made to the JPA and they wanted to get it straight before coming to the board.

E. Francine Yoder – VMRC# 2017-1276

The installation of approximately 54 feet of vinyl bulkhead at the end of a canal-like waterway adjacent to Chincoteague Bay. The property is located in the Blake Point subdivision on Chincoteague Island, VA 23336. Tax Map # 31B1-19-1.

Ellen Grimes, CRM, LLC, appeared before the Wetlands Board on behalf of the applicant and was sworn in by Chairman Frederick.

Ms. Grimes stated that the water way has a low tidal range of 10 inches to a foot. There is a section that is has not been bullheaded and is suspect to a lot of flooding during storms and high tide. Ms. Yoder would like to bulkhead this area to keep storm waters from coming in. Mr. Taylor asked if the bulkhead would be coming straight across from the L and Ms. Grimes said yes. It is going straight across to just inside the property line with another 5 feet return wall.

Mr. Getek asked Ms. Grimes what was the property line on the canal and who owns both sides of it. Ms. Grimes responded that Ms. Yoder owns the Southside and that the other side is owned by the property owner that's to the North of her. Mr. Frederick then asked if the 5 feet return wall would be adequate to stop flooding. Ms. Grimes responded yes and stated that fill had been put on the lot before.

On a motion made by Mr. Taylor and seconded by Mr. Ward, the Wetlands Board voted to issue a permit (valid for (1) year) to Francine Yoder – VMRC# 2017-1276, The installation of approximately 54 feet of vinyl bulkhead at the end of a canal-like waterway adjacent to Chincoteague Bay. The property is located in the Blake Point subdivision on Chincoteague Island, VA 23336. Tax Map # 31B1-19-1.

5. OTHER BUSINESS

A. Mr. Getek - Introduction of Cortney Weatherby, Chincoteague Bay Field Station

B. Badge / Board Identification

Mr. Getek suggested members of the Wetlands board have a badge or ID to present when going to visit sites. Mr. Guvernator said he could make available a badge or cards to leave at the door. Mr. Frederick wanted to know if they cards would identify them individually or just as the Wetlands Board. Mr. Guvernator responded they would have name, title, Wetlands Board, address and contact number for Environmental Programs.

C. Corbin Hall Phragmites Removal

Mitigation was the establishment or ratification of at least 512 square feet of phragmites in the marsh through the process of spaying the phragmites. There was some discussion on whether the applicant should replant the sprayed area or see if the native seed bank would provide the vegetation that would be the board's definition of wetlands.

Mr. Mertig visited the site on August 10, 2017 and displayed pictures of his findings to the board. There were dead phragmites stalks, but there is no return phragmites in the area in question even though there is growth in the marsh. The area in question is fully covered with species in the board's jurisdiction.

Mr. Guvernator added that the board originally requested that Mr. Corbin set aside \$6,144.00 for mitigation until this plan was agreed upon. He also stated this was for mitigation only and not as a performance bond, therefore, he has released it back to the owner.

7. NEXT MEETING

The next Wetlands Board meeting is scheduled for Thursday, September 28, 2017 at 10:00 A.M. in the Accomack County Board Chambers, Room 104, in Accomac.

8. ADJOURNMENT

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

The meeting was adjourned at 11:33 a.m.

Earl Frederick, Chairman

Chontese Ridley, Environmental Permit Specialist