

ACCOMACK COUNTY WETLANDS MINUTES OF February 22, 2018

At a meeting of the Accomack County Wetlands Board held on the 22ND day of February 2018 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. Gene Wayne Taylor

Mr. T. Lee Byrd

Mr. David Elebash, Alternate

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

On a motion made by Mr. Taylor and seconded by Mr. Ward, the Wetlands Board voted to approve the agenda as presented.

3. MINUTES

A. **January 26, 2018**

VMRC 2017-1721 Paragraph three of the January 26, 2018 minutes were changed from:

“Mr. Getek wanted to know if VMRC knew about these changes and Mr. Iseman confirmed saying yes” to “Mr. Getek wanted to know if the Army Corps was aware of this change and Mr. Iseman confirmed saying yes. Mr. Iseman said that the changes had been posted to the VMRC website, however, he had not received a letter from the Corps yet”.

On a motion made by Mr. Byrd and seconded by Mr. Ward, the Wetlands Board voted to approve the minutes of the January 26, 2018 meeting.

4. NEW BUSINESS

A. **Cal Klausner – VMRC# 2017- 2041**

5436 Tom Reed Lane

To install 300 feet by 5 feet Rip-Rap, and for the installation of a 143 feet wooden bulkhead. The property is located on Chincoteague Island, VA 23336, Tax Map # 31B2-A-53.

Luke Britton, Luke Britton Marine and General Construction Inc., appeared before the Wetlands Board on behalf of the applicant and was sworn in by Chairman Frederick. Mr. Britton stated the applicant is proposing to build a Rip-Rap wall with 60-100lbs rocks 2-3 feet above mean-high water. He also stated they would be putting in a new bulkhead 2ft in front of the existing bulkhead, and that the boat slip was going to be dredged. Mr. Frederick asked Mr. Britton if there were any pictures of where the rockwall was to be replaced on the other side of the building. He said there was a line of and a line of shells debris and wanted to know where it would be. Mr. Britton then pointed to where

the mean-high water line was and said the wall would be and said it would be above it. Mr. Taylor clarified it by saying the wall would be above the discoloration of the shells on the landward side. All concrete rubble will be removed from the area and the road.

Chris Guvernator, Environmental Programs, was sworn in by Chairman Frederick. Mr. Guvernator confirmed that the area where the rock wall will be, (landward side of the discoloration of the shells), was out of the board jurisdiction. He also added that the work is being done from the driveway over and not from the water and back to the driveway.

George Badger, VMRC, was sworn in by Chairman Frederick. Mr. Badger stated the portion that is in the manmade canal or boat basin that is above low water is in the board's jurisdiction. He said the need for the dredging of the intertidal area should to be addressed. He added that it was not a lost, but that it was an impact and it's changing the use of the area. Mr. Britton said the applicant wanted to use it to tie their boats off and that was the point of having the slip. Mr. Byrd asked about the spoils and Mr. Britton responded that he already had a pre-approved soils site on South Main Street from a previous project.

Mr. Frederick asked what the use of the property was when the slip was first put in. Mr. Britton explained that it was a fish dock. He added that even though it is not used as much as it used to be, however, some local fisher men use the area to harvest seafood.

Mr. Guvernator pointed out that the application states 0 impacts to non-vegetative wetland area, there's an estimated 600-650 square feet. He also said that the application needed to be revised.

On a motion made by Mr. Taylor and seconded by Mr. Elebash, the Wetlands Board voted to issue a permit (valid for (1) year) to Cal Klausner – VMRC# 2017- 2041, to install 300 feet by 5 feet Rip-Rap, and for the installation of a 143 feet wooden bulkhead with the additional changes:

- 1. Change the application from 0 impacts of non-vegetative wetlands to 600 square feet of impacts to non-vegetative wetlands.**

The property is located on Chincoteague Island, VA 23336, Tax Map # 31B2-A-53.

**B. Wonderview Condos HOA– VMRC# 2017 - 2097
7622 East Side Road**

To construct 461 feet of vinyl bulkhead 2 feet in front of existing bulkhead. The property is located in the Wonderview subdivision on Chincoteague Island, VA 23336, Tax Map # 30A4-41-201 – 30A4-41-208.

Luke Britton, Luke Britton Marine and General Construction Inc., appeared before the Wetlands Board on behalf of the applicant and was sworn in by Chairman Frederick. Mr. Britton said that some areas would be replaced in place and other parts of the bulkhead would be placed 2 feet in front of the existing. Mr. Britton then walked the board through how this would work using drawings of the proposed work. He said there was an existing boat slip on the left side, and that they would be returning 2 feet inside of the property line. This way they will not be disturbing the neighbor's bulkhead. Mr. Guvernator added that this was a revision that his office just received. Mr. Britton said he had a few telephone conversations with Mr. Scott, (the neighbor in question), about the project. After they, (Mr. Britton and the applicant), decided to go 2 feet inside of the property line Mr. Scott was okay with everything.

Mr. Taylor asked how much of a gap would be between this property and Mr. Scott's property. Mr. Britton said that it has not been determined yet. In speaking with Mr. Scott, Mr. Britton was told there was an electric box on the property. Mr. Scott thought that the electric box marked the property line, and that is where Mr. Britton will be returning in at.

A conversation ensued about whether or not the bulkhead would be extended or if it should return 2 feet in. Mr. Britton said he would rather do the return 2 feet in which would keep him from having to speak with Mr. Scott again. Mr. Guvernator added that if Mr. Britton extended it Mr. Scott's signature would be needed and a new application. Mr. Frederick asked Mr. Badger what he thought and Mr. Badger said that he agreed with Chris.

Mr. Frederick questioned the lack of measurements compared to the previous application. He added that the only measurements that he showed for compliance were the two measurements going back into the slip. Mr. Britton explained that the old bulkhead was an existing structure and was a perfect reference point. Mr. Frederick then asked about the corner where the channel will be widened? Mr. Britton said the same applied there being that there was an old reference point from the old bulkhead. Mr. Frederick then asked Mr. Tyrone Upshur, Certified E&S Inspector – Env. Programs, if he was okay with the measurements as presented. Mr. Upshur said yes.

Mr. Guvernator mentioned that there were some non-vegetative areas that will be impacted. Mr. Britton had "0". Mr. Guvernator estimated 640 square feet of impacts. Mr. Britton said he would revise it and get it to Mr. Guvernator.

On a motion made by Mr. Taylor and seconded by Mr. Elebash, the Wetlands Board voted to issue a permit (valid for (1) year) to B. Wonderview Condos HOA– VMRC# 2017 - 2097, to construct 461 feet of vinyl bulkhead 2 feet in front of existing bulkhead with the additional changes:

- 1. Change the application from 0 impacts of non-vegetative wetlands to 460 square feet of impacts to non-vegetative wetlands.**

The property is located on Chincoteague Island, VA 23336, Tax Map # 30A4-41-201 – 30A4-41-208.

**C. Front Row Properties– VMRC# 2018 – 0009
23 Atlantic Ave.**

To upgrade and renovate a property that was a former vessel railway and return it to a functional use for launching & mooring no more than 3 vessels. The property is located in Wachapreague, VA 23480, Tax Map # 113A-A-212.

Ellen Grimes, Coastal Resource Management, LLC, appeared before the Wetlands Board on behalf of the applicant and was sworn in by Chairman Frederick. Ms. Grimes said the property was used as a railway to pull boats up and fix them, but was not sure of the history or when it went out of use. The property has an existing 20x40 building on it which the majority of it is in the Wetlands' Board jurisdiction. She also stated that the applicant was present and that he wanted to put in, (on top of the railway), a concrete boat ramp 80 – 90 feet, a bulkhead on the north side, (borders Bay Shore Properties, a bulkhead on the south side, a bulkhead on the side facing the roadway, and a bulkhead across from the new low water mark, and a bulkhead going across from the north to the south. This will create 3 slips. The applicant also wants to put in an access pier 3 feet by 40 feet along the bulkhead to the south of the ramp, and three figure piers about 15 feet long.

Ms. Grimes stated that some of the spoil materials would be going behind the bulkhead, but the remainder does not have a place to go. She said the arrangement she thought they would be to use the town's, (Town of Wachapreague), spoil site. However, the applicant would have to rent machinery to make renovations to the berm to actually get the trucks up it to dump the spoils because there is no access by truck. Mr. Byrd said he had heard about this before, and asked Ms. Grimes what percent was going into non-vegetative that the board did not have to worry about behind the building. Ms. Grimes responded that it was in the board's jurisdiction, but 60%. The other 4% the applicant needs to find a place for.

Mr. Byrd then asked Mr. Guvernator how that would work. Mr. Guvernator responded saying he believed the applicant needs to have a plan for 100% of the spoils. Ms. Grimes added that the Town of Wachapreague dredges every 3-4 years, and if the applicant wanted to wait 100% of the spoils would go to the Town's spoil site. Mr. Byrd added that it would probably be awhile before it would be done again. Ms. Grimes then asked for the board's feedback on the plans as proposed.

Mr. Frederick mentioned that there are more launch sites and asked Ms. Grimes how close the nearest next slip was. Ms. Grimes agreed and said it was 500 feet away. Mr. Ward was asked for his opinion on this and he asked why the Town would need an additional launch site. Before coming up Mr. Ward & Mr. Frederick also asked about the 60 square feet of vegetative wetlands that was mentioned in the application. Ms. Grimes said it was in the shell area near where the proposed parking lot would go.

Mr. Frederick then asked Mr. Badger if there were any restrictions to repurposing dredged spoils and putting it behind the bulkhead. Mr. Badger said once the bulkhead is installed anything behind it with the back fill, will no longer in the board's jurisdiction.

Mr. Trunzo, applicant, was sworn in by Chairman Frederick. Mr. Trunzo said he had a conversation with Mr. Janci, (Mayor, Town of Wachapreague), and Mr. Janci said he would like to see the railway stay. Mr. Trunzo did not believe that it needed to stay, however. He said originally it was to be removed and that it is a system that does not work anymore. Mr. Ward asked if the Town wanted it to stay and be used as a railway. Mr. Trunzo said that he was not sure. Mr. Frederick mentioned that Mr. Guvernator said he had issues with the application. It did not have adequate drawings to show the grade of the mean-low water line. Mr. Guvernator confirmed stating that there was information lacking. Ms. Grimes said that Mr. Badger wanted some additional numbers as well, but she did not submit them. She did not want to submit something that might not be necessary in the end.

Mr. Ward if the current building on the site will remain and Mr. Trunzo said yes, that he would like to keep it and repair it. Mr. Byrd then asked what the end result would be, and what would he, (Mr. Trunzo), plan to do with it if he was get everything he wanted. Mr. Trunzo said he might rent some slips, but it would mainly be for his own vessel. Mr. Byrd asked if the building on site, (if he were to keep it), would be for his own personal use. Mr. Trunzo said he would be storage, and that there were some thoughts of having commercial operation there.

Mr. Frederick said the application had a lot of loose ends and that he would not feel comfortable bringing it up for a vote at that meeting. Mr. Ward said his biggest concern was that a lot of tidal bottom was being done away with. Mr. Frederick asked Mr. Trunzo how he felt and he said he would talk to Ellen.

On a motion made by Mr. Ward and seconded by Mr. Byrd, the Wetlands Board voted to grant a two month continuance to get information for a spoilage site, and to configure it so they are not filling in so much land to Front Row Properties– VMRC# 2018 – 0009, to upgrade and

renovate a property that was a former vessel railway and return it to a functional use for launching & mooring no more than 3 vessels. The property is located in Wachapreague, VA 23480, Tax Map # 113A-A-212.

5. OTHER BUSINESS

A. Board Insurance

Mr. Governator said there was a question at the January meeting relating to insurance that covers the board. The original question referenced directors insurance or officers insurance. Mr. Governator stated that the board members are not considered directors or officers, they are appointed board members. He also added they would not be subject to errors and omissions. Mr. Governator said they are part of the locality's governance and have sovereign immunity in their decision making. All board members are covered by the VACOR public official's liability policy.

B. Carol Caple – VMRC 2017-1575 Update

Captain's Cove

There was a question about what was going to happen in the corner of the Caple project, and how the small cut back was going to be covered during construction. Mr. Governator said he went out a couple times to make sure there was not a drainage cut or area where water could pile up during high tide. That was not the case during either visit. Mr. Governator showed the board updated pictures of the site.

C. Judd Brook Properties LLCVMRC# 2017-2021 - Update

Near the confluence of Frogstool Branch and the Machipongo River

Mr. Ward asked if there were any updates on this project. Mr. Frederick asked Mr. Governator if he had anything. Mr. Governator said he would tell the board what he had heard from the applicant. He said that the applicant's agent asked his office to verify the information that was thought to be missing from the application. Mr. Governator said his office reissued end of December letter that was sent after the field visit. Mr. Governator added that an adjoining property owner, Mr. Savage (across the water from the property), would be coming in at 1:00PM to express some concerns about the project.

6. NEXT MEETING

The next Wetlands Board meeting is scheduled for Thursday, March 22, 2018 at 10:00 a.m. in the Accomack County Board Chambers, Room 104, in Accomac.

7. ADJOURNMENT

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

The meeting was adjourned at 11:15 a.m.

Earl Frederick, Chairman

Chontese Ridley, Environmental Permit Specialist