

ACCOMACK COUNTY WETLANDS MINUTES OF MARCH 22, 2018

At a meeting of the Accomack County Wetlands Board held on the 22ND day of March 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. 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. February 26, 2018

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

4. NEW BUSINESS

A. Maurine McElwaine & Michele Maccarone - VMRC# 2018 - 0292

18045 Robbins Lane

18049 Robbins Lane

The portion of the project which is in the Wetlands Boards jurisdiction is the installation of approximately 425 linear feet of Marsh Toe protection Rip-Rap along the shoreline, and to also to install a 100 feet private pier with a 10 feet by 20 feet "T". The property is located in Onancock, VA 23417, Tax Map # 84-A-42 & 84-A-43.

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 that they were eliminating the private pier from the application. She stated that it was suggested by Mr. Hank Badger, (VMRC). There are two properties, co-applicants, and one property already had a pier which would make the permitting and paper work confusing. The private pier is now a separate issue and on a separate application. Mr. Frederick mentioned reading on the map that it would be submitted as a building application. Ellen said the contractor said that the bulkhead that was currently on the site could be handled with just a building permit because it was being replaced in the same footprint. She then explained that she did not agree with that. Mr. Getek pointed out that the submitted application does not list a contractor. Ms. Grimes said she visited the site with a contractor, however, no contact had been signed between the contractor and the applicant.

Ms. Grimes said the bulkhead was not included in the application. What was left in the application was 425 feet of marsh toe protection that will go across two embayments. One of the embayments is more on the property line of the Maccarone's, and the proposed contractor wants to in front of that embayment. However he does not want to fill or plant behind it. She explained that over time it will build up enough sediment to naturally populate itself with grasses. Ms. Grimes added that this was an effort to protect the marsh that's there and to enhance the marsh growth in the embayment where it has eroded itself away. Mr. Byrd stated if they do this now they might be able to keep the trees, and that if not they won't.

Mr. Guvernator, Environmental Programs Director, projected photos from a previous project, (Palmer), as an example of what end product could be for this project. Mr. Frederick asked if it would be the same concept for the embayment, and Ms. Grimes said yes. Ms. Grimes said there would be no wetlands lost, but that eventually there would be a gain. She also mentioned that there could be a couple of staging areas in the buffer; however, it's impossible to tell how much impact there will be in the buffer. Once the contractor decides what he wants to do Ms. Grimes said they would know. Also, for the areas where the equipment would be tracking, Ms. Grimes stated they would replant if vegetation did not return after one growing season. The non-vegetative wetland loss will be around 2,550 square feet.

Mr. Getek asked for clarification on the re-planting areas. He asked if she meant that they would only be replanting the bare spots that may be caused during the course of construction. Mr. Getek also asked about bulkhead and Ms. Grimes said she would like Mr. Guvernator to speak on that matter.

Chris Guvernator was sworn in by Chairman Frederick. Mr. Guvernator's staff suggestion, for when the motion is made, is to specifically state in the motion that it is not addressing the bulkhead. He also added that the bulkhead would need a JPA and a building permit. Mr. Taylor asked if there would a JPA for the private pier. Ms. Grimes said that this was on the southern lot and that the other lot already had a private pier. Mr. Taylor then asked why it was not added to this application. Mr. Grimes responded that she wanted regulation to say that a separate JPA was indeed needed. Mr. Guvernator added that this JPA did not cover that part of the property. Mr. Frederick asked Mr. Guvernator if it would be his recommendation that the board mention a separate JPA concerning the bulkhead in the motion. Mr. Guvernator agreed.

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 Maurine McElwaine & Michele Maccarone - VMRC# 2018 - 0292, for installation of approximately 425 linear feet of Marsh Toe protection Rip-Rap along the shoreline, and excluding the bulkhead and the private pier. The property is located in Onancock, VA 23417, Tax Map # 84-A-42 & 84-A-43.

5. OTHER BUSINESS

A. VMRC# 2017-1451 Palmer Update

Mr. Guvernator stated the project consisted of removing and reinstalling a new rip-rap system. He updated the board saying that there had been some variation in the layout, but not a significant amount. He also mentioned that there was a portion added during construction. There has been approximately 140 feet added. In the top tip area, which was projected for the board to see, was showing a lot more erosion then when they looked at it a few months before.

This was a significant change to the project, almost 15% of what was permitted originally. Mr. Guvernator asked for the board's suggestion on how to handle it. Mr. Byrd asked the other board members how thought they should handle this change without a permit. Mr. Taylor said that the

applicant might have to apply for an “after the fact” permit. Chris said that his staff’s suggestion would be for the applicant to apply for a permit for the 140 feet instead of revising the whole permit and reapplying.

Mr. Ward asked if the applicant/contractor notified the county of the changes. Mr. Guvernator said that he was notified but that it was after the fact. Mr. Taylor suggested that there should only be a single charge instead of the normal triple charge. Mr. Taylor said they were honest and Mr. Byrd added that without the change they would have lost that area.

Mr. Guvernator added that he has to monitor the site for 1 year due to what happened in the Chesapeake Bay buffer area just to make sure that the tracks grow back.

B. Experimental Breakwater in Saxis

Chris Guvernator stated there was a researcher from Christopher Newport University working on a new type of breakwater/oyster reef structure made out of concrete and oyster shells. The researcher was manufacturing them on site last summer, and installed them recently. The project is located near a public pier in Saxis on the North side. The breakwaters are located on either side of the T-Head pier about halfway out. They are made to different sizes and heights depending on where they are being put.

These structures are three things: **(1)** A breakwater to continuete energy, **(2)** a structure to allow sediment to build in between with the movement of the water, **(3)** and an oyster reef.

C. Texas vs. Virginia

Mr. Getek attended a scientific meeting in Austin, Texas and then visited the coast. While there he asked about how the state of Texas handled wetlands decisions. They do not have a unified ordinance. Every county or township has their own rules for building around the coast. Mr. Getek added that he believed that if the state of Texas had a system like we have here they, Texas, would be better off in regards to taking care of their wetlands and tidal areas.

6. NEXT MEETING

The next Wetlands Board meeting is scheduled for Thursday, April 26, 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 10:44 a.m.

Earl Frederick, Chairman

Chontese Ridley, Environmental Permit Specialist