

## ACCOMACK COUNTY WETLANDS MINUTES OF MAY 24, 2018

At a meeting of the Accomack County Wetlands Board held on the 24TH day of May 2018 in the Accomack County Administration Building Board Chambers, Room #104, in Accomack, Virginia.

### 1. CALL TO ORDER

#### **MEMBERS PRESENT AND ABSENT**

Wetland Board Members Present

Mr. Earl Frederick, Chairman

Mr. Gene Wayne Taylor

Mr. Timothy Getek

Mr. T. Lee Byrd

Mr. David Montgomery, Alternate

#### **Others Present:**

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

**On a motion made by Mr. Taylor and seconded by Mr. Getek, the Wetlands Board voted to approve the agenda of the May 24, 2018 meeting.**

### 3. MINUTES

#### **A. April 26, 2018**

**On a motion made by Mr. Getek and seconded by Mr. Montgomery, the Wetlands Board voted to approve the minutes of the April 26, 2018 meeting.**

### 4. OLD BUSINESS

#### **A. Anthony & Jennifer Foster - VMRC# 2018 - 0263**

##### **12248 Fairview Road**

The portion of the project which is in the Wetlands Board's jurisdiction is the installation of 65 feet of rip-rap along the shoreline to stabilize the eroding bank. The property is located in in Painter, VA 23420, and Tax Map #109- A-118C1

Mr. Norman Pitt, Cornerstone Environmental Services, LLC, appeared before the Wetlands Board on behalf of the applicant and was sworn in by Chairman Frederick. Mr. Pitt explained that along the shoreline there was a lot of storm damage and that damage has put the property in danger. He also talked about the change in elevation of 2-3 feet. There are two large trees on the left side of the property that have roots showing and the applicants fear they will fall over. Mr. Pitt asked on behalf of the applicants, (Mr. & Mrs. Foster), to approve this project so that the Foster's can protect their property by installing the rip-rap.

Mr. Frederick questioned the alignment of the base of the rip-rap. He wanted to know if it would be further channelward of the white stakes placed on the property. Mr. Pitt responded saying no, and that everything would be landward.

Mr. Byrd chimed in to say that he agreed with Mr. Pitt on the tree, and that 5 years ago they might have been able to save it. He also added that if nothing is done, the Foster's would probably be out of a house in 10 years.

Mr. Foster was sworn in by Chairman Frederick. Mr. Foster spoke on how he wanted to save the tree and was disappointed to hear that it could not be saved. After hearing and seeing why it could not be saved he agreed it would be best to remove it.

**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 Anthony & Jennifer Foster - VMRC# 2018 - 0263– 0263, the installation of 65 feet of rip-rap along the shoreline to stabilize the eroding bank. The property is located in in Painter, VA 23420, and Tax Map #109- A-118C1.**

**B. 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 functional use for launching & mooring no more than 3 vessels. The property is located in Wachapreague, VA 23480, Tax Map # 113A-A-212.

Ms. Ellen Grimes, Coastal Resource Management, appeared before the Wetlands Board on behalf of the applicant and was sworn in by Chairman Frederick. Mr. Frederick stated there had been some changes and asked Ms. Grimes to tell the board about the new changes. Ms. Grimes said the project had been broken down into two phases due to dredging issues. They are going to go further with some of the basic things and “phase 2” will include a marina with boat mooring and 4-5 slips. (In Zone B) She also added that Zone A would be a parking area.

Ms. Grimes stated there would be a low profile bulkhead in order to let the tide come in and out. The tide will come over the bulkhead so they are going to add a breakwater baffle. This will keep the majority of the tidal rack out. This is for the most channelward bulkhead. It will be 2160 square feet.

Ms. Grimes said that in “Phase 1” the access walkway, (6 x 50 feet), would be done and the building would also be shortened 8-10 feet and will be restored. She believes that this project is improving the property as it stands now.

Mr. Frederick questioned whether or not there was still going to be a boat ramp in the location of the railway. Ms. Grimes responded no, that area will be a fill area. He then asked did she do calculations on the area in Zone A that is in the boards jurisdiction compared to the area in Zone B which is now proposed to be planted. Mr. Frederick wanted to know the size of this proposed planted area. Ms. Grimes stated that it was included and showed where to locate it in the packet. The area in question was 30 x 72 feet and Zone A is 45 x 46 feet. Ms. Grimes said these areas were probably in the board's jurisdiction, but only due to elevation.

Mr. Byrd asked if they could agree that, in the worst case, are giving up 2,070 and getting 2,160 of vegetative wetlands. Ms. Grimes said that they were not doing this for mitigation purposes, because they are only destroying 65 feet of vegetative wetlands. Mr. Frederick added that it could not be considered mitigation because it is not uplands being converted.

Mr. George Badger, (VMRC), was sworn in by Chairman Frederick. Mr. Badger said he believed that the board's jurisdiction stopped at mean high water. He added that there was a 25 x 72 feet loss of non-vegetative wetlands, and a conversion of non-vegetative wetlands to vegetative wetlands. Leaving

Zone B to be 2,100 square feet. Mr. Taylor then wanted to know what the USACOE and VMRC had to say about Zone A, and Mr. Badger stated that VMRC has not made any decisions yet. Ms. Grimes said that the USACOE was doing a historical resources review on the property and a federal project channel review, but have not made any decisions yet.

Ellen wanted to know if the board would permit the concept and Mr. Frederick said they were working towards that, but wanted to talk about all of them first.

Mr. Chris Guvernator, (Environmental Programs), was sworn in by Chairman Frederick. Mr. Guvernator suggested that if there will be significant changes/deviation prior to or during construction, that we are notified. If it is insignificant it will be treated as a field change. However, if it will be significant enough to change the jurisdictional review, it will come back before the board. Mr. Frederick asked the other board members if they agreed to that and they said yes.

Ms. Grimes asked for a continuation until she could talk to the town and Mayor Janci of Wachapreague to get more information.

**On a motion made by Mr. Taylor and seconded by Mr. Getek, the Wetlands Board voted continue the hearing of Anthony & Jennifer Foster - VMRC# 2018 - 0263– 0263, the installation of 65 feet of rip-rap along the shoreline to stabilize the eroding bank until the next meeting of the Wetlands Board. The property is located in in Painter, VA 23420, and Tax Map #109- A-118C1.**

## **5. NEW BUSINESS**

### **A. Bennie Sias – VMRC# 2018 – 0468**

#### **7213 Pine Drive**

The portion of the project which is in the Wetlands Board's jurisdiction is to replace an existing 102 feet linear bulkhead with a new vinyl bulkhead. The property is located on Chincoteague Island, VA 23336, and Tax Map# 31A-3-1A.

Mr. Raymond Britton, BIC, INC., appeared before the Wetlands Board on behalf of the applicant and was sworn in by Chairman Frederick. Mr. Britton gave the board a drawing correction. Mr. Frederick stated there was an additional 10 square feet of impact to vegetative wetlands in front of the bulkhead. Mr. Taylor asked Mr. Britton if he would be paying into the mitigation fund and he said yes.

Mr. Frederick asked Mr. Britton if he was putting a return wall on the south and that was correct. Mr. Britton said on the north they would be removing what is there and replacing it in place. Mr. Frederick also asked Mr. Britton if he was sure that it was only 10 square feet of impact. Mr. Britton said yes. Mr. Frederick said he had estimated 20 sq. ft. of impact. A discussion ensued on the total amount of impact until everyone could agree on one number. The board agreed to go with 20 sq. ft. of impacts.

**On a motion made by Mr. Taylor and seconded by Mr. Taylor, the Wetlands Board voted to issue a permit (valid for (1) year) to Bennie Sias – VMRC# 2018 – 0468, to replace an existing 102 feet linear bulkhead with a new vinyl bulkhead with the following changes:**

- 1. Correct page 16 to state 20 square feet of impacts to vegetative wetlands, not 10 square feet, and to show this on the drawings*
- 2. Correct the names of the adjoining property owners, on both sides, on the drawings*

**The property is located on Chincoteague Island, VA 23336, and Tax Map# 31A-3-1A.**

**B. Conner & McGee Seafood Village, Inc. – VMRC# 2018 – 0659  
6576 Maddox Blvd.**

The portion of the project which is in the Wetlands Board’s jurisdiction is to reconstruct an existing 6 feet wide walkway around the existing restaurant in the same footprint, and to construct a new 20 feet by 36 feet deck on back of the restaurant. The property is located on Chincoteague Island, VA 23336, and Tax Map# 30A6-6-14.

Mr. Guvernator announced, on behalf of the agent and applicant that they would like to request a continuation.

**On a motion made by Mr. Taylor and seconded by Mr. Montgomery, the Wetlands Board voted to postpone the hearing of Conner & McGee Seafood Village, Inc. – VMRC# 2018 – 0659, reconstruct an existing 6 feet wide walkway around the existing restaurant in the same footprint, and to construct a new 20 feet by 36 feet deck on back of the restaurant. The property is located on Chincoteague Island, VA 23336, and Tax Map# 30A6-6-14.**

**C. James & Georgene Palmer – VMRC# 2018 – 0660  
20496 Schooner Bay Drive**

The portion of the project which is in the Wetlands Board’s jurisdiction for additional work that was completed at the time of the work permitted by VMRC# 2017-1451. Approximately 140 linear feet of additional rip-rap was installed in Onancock, VA 23417, Tax Map #75-1-3.

Ms. Ellen Grimes, Coastal Resource Management, appeared before the Wetlands Board on behalf of the applicant. Ms. Grimes asked to be granted an “after the fact” permit for necessary additional work that was done. The punitive fees were waived; however, Mr. Palmer did pay for submitting a new application. This additional work was done to save the property from further erosion.

**On a motion made by Mr. Taylor and seconded by Mr. Byrd, the Wetlands Board voted to issue a permit (valid for (1) year) to James & Georgene Palmer – VMRC# 2018 – 0660, for additional work that was completed at the time of the work permitted by VMRC# 2017-1451. Approximately 140 linear feet of additional rip-rap was installed in Onancock, VA 23417, Tax Map #75-1-3.**

**D. D. Michele Maccarone – VMRC# 2018 – 0696  
18045 Robbins**

The portion of the project which is in the Wetlands Board’s jurisdiction is to replace, (in the same footprint), approximately 210 linear feet of existing timber bulkhead with a new vinyl sheathing bulkhead. The property is located in Onancock, VA 23417, and Tax Map# 84-A-42.

Ms. Ellen Grimes, Coastal Resource Management, appeared before the Wetlands Board on behalf of the applicant. She stated the contractor did not know before that this project needed to be permitted by the county’s Wetlands Board and that he wanted to add 105 feet of marsh-toe protection. They would like to replace the bulkhead in kind / in place.

**On a motion made by Mr. Taylor and seconded by Mr. Byrd, the Wetlands Board voted to issue a permit (valid for (1) year) to Michele Maccarone – VMRC# 2018 – 0696, replace, (in the same footprint), approximately 210 linear feet of existing timber bulkhead with a new vinyl sheathing bulkhead. The property is located in Onancock, VA 23417, and Tax Map# 84-A-42.**

**6. NEXT MEETING**

The next Wetlands Board meeting is scheduled for Thursday, June 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. Byrd and seconded by Mr. Montgomery, the Wetlands Board voted to adjourn the meeting.

The meeting was adjourned at 11:37 a.m.

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Earl Frederick, Chairman

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Chontese Ridley, Environmental Permit Specialist