

ACCOMACK COUNTY WETLANDS MINUTES OF FEBRUARY 27, 2020

At a regular monthly meeting of the Accomack County Wetlands Board, held on the 27th day of February, 2020 in the Accomack County Administration Building Board Chambers, Room 104, Accomac, Virginia, at 10:00 a.m.

1. CALL TO ORDER

MEMBERS PRESENT AND ABSENT

Wetland Board Members Present:

Mr. Earl Frederick, Chairman
Mr. George Ward, Vice Chairman
Mr. Timothy Getek
Mr. Gene Wayne Taylor
Mr. T. Lee Byrd

Others Present:

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

DETERMINATION OF A QUORUM

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

1. ADOPTION OF AGENDA

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

2. PUBLIC COMMENT PERIOD

Mr. Frederick opened the public comment period. The following persons came forward and were sworn in:

Ms. Ellen Grimes of 30334 Kuzian Cove Road, Painter, VA 23420 requested for the public comment period to be moved to the end of the agenda. Mr. Frederick directed staff to consider the request and report back to the Board next month.

Mrs. Sue Mastyl of 14329 Mears Circle, Harborton, VA 23389 suggests to the Board and the staff, that, since this is a new procedure, and that we will have a lot information coming down from the state on wetlands and living shorelines, that we find a way to let the public know that we are changing this process and now allowing public comment. Because the perception of how this Board works has been different. It would be a valuable and helpful announcement that the Board is now

receiving public comments, and that there is a process for that. Mr. Frederick directed staff to acct on this comment.

Mr. Frederick closed the public comment period.

3. MINUTES

A. January 23, 2020

On a motion made by Mr. Getek and seconded by Mr. Ward, the Wetlands Board voted to approve the minutes.

4. OLD BUSINESS

A. Jason Young – VMRC# 2019-1980 3724 Main Street

To installation of approximately 123 linear feet of Class I and or A1 quarystone rip-rap. The property is located in on Chincoteague Island, VA 23336, Tax Map# 30A3-A-27.

Ms. Grimes indicated that she hasn't made any changes to the project, and has not heard from Mr. Young. She indicated that the applicant could go ahead with the construction of the pier, as it was not in the Board's jurisdiction, but that the applicant knows that the Board asked for additional information on the rest of the work. She asked for a 30-day continuance so she can find out if they want to withdraw the application or continue with revisions.

Mr. Frederick called on Mr. Badger, swore him in and asked if he could verify the assertion that the pier portion of the work was indeed excluded from the Board's review. Mr. Badger confirmed this.

Mr. Getek asked how we communicate to the public that there is another continuance. Mr. Badger stated that anyone concerned with the application would have been present at the initial hearing, and would have heard of the continuance first hand. They would have been here this month, and heard about the next continuance.

Mr. Guvernator was sworn in and stated that, if staff had received any written comments on the project, they would have notified the people in writing of the continuance.

On a motion made by Mr. Taylor and seconded by Mr. Byrd, the Wetlands Board voted to issue a continuance for one (1) month for Jason Young – VMRC# 2019-1980.

After the vote, a discussion between Mr. Taylor and Ms. Grimes ensued concerning the approach to measuring the tide range on site and the determination of the Wetlands Board jurisdiction.

5. NEW BUSINESS

- A. Francis Makemie Society – VMRC# 2019-2013
7492 Monument Road
The portion of the project which is in the Wetlands Board’s jurisdiction is the proposed installation of a living shoreline. The property is located in Sanford, VA 23426, Tax Map# 24-A-17.

Mr. Rick Hall, Custis Drive, AccomacVA 23301 was sworn in and explained the project.

Mr. Frederick asked about consideration of a more gentle slope for the bank, as discussed during a site visit of 3:1 over the proposed 2:1 slope. Mr. Byrd also discussed the change. Mr. Guvernator explained the general difference between the two different slopes. The applicant agreed to the change.

Mr. Getek asked about the erosion that is taking place. Mr. Hall discussed boat wake and tidal movements. Mr. Byrd added some history of the ox bow area.

Mr. Getek also asked about keeping track of the overall cost of the project to help determine the cost of creating wetlands, and if it is truly \$12.00 per square feet, which was confirmed by staff.

Mr. Frederick addressed the audience to ask if anyone else would like to speak on the project. There was no response from the audience.

On a motion made by Mr. Byrd and seconded by Mr. Ward, the Wetlands Board voted to issue a permit (valid for (1) year) for Francis Makemie Society– VMRC#2019-2013 for the installation of a living shoreline, with the following corrections:

1. *List the affected parcels (24-A-17 and 24-A-18)*
2. *Revise the bank slope to 3:1*
3. *All activities related to the historic resources are the responsibility of the applicant.*

- B. Old Dominion Electric Cooperative – VMRC# 2020-0047

Marsh Island Drive

The portion of the project which is in the Wetlands Board’s jurisdiction is the proposed replacement of the existing 27x26 feet structure that is in disrepair with rip-rap to stabilize the substation shoreline. The property is located in Chincoteague, VA 23336, Tax Map# 30-A-3B.

Kyle Lindenmouth, representing ODEC from Glen Allen, VA and Catherine Lavagnino were sworn in and presented the project.

Mr. Ward, Mr. Byrd and Mr. Frederick discussed the concrete rubble, proposed to be re-used, be placed inside the section, as it is lighter than the proposed riprap.

Mr. Getek mentioned the sunken boat in the vicinity, which is not on their property.

Mr. Frederick read the riprap guidelines, provided by Accomack County in previous years.

Mr. Getek asked about how far out the structure will go. The applicant explained that it will go out past the old bulkhead line, but in line with the adjacent bulkhead. Mr. Taylor discussed the 2-foot rule when replacing bulkheads. Mr. Badger mentioned that the 2-foot rule for bulkhead replacement typically pertains to projects that have a loss, but not to one like this. Mr. Getek asked the applicant to confirm that it will be even with, or a little behind, the adjacent bulkhead, which the applicant did.

Mr. Taylor questioned the applicant to confirm the ownership of the property affected by the project. The applicant indicated that they have an easement, but aren't sure that they own the whole property. County staff will try to verify ownership with the Assessor's office. The applicant indicated that they have a physical survey, but they could not find it. Further discussion ensued.

Mr. Guvernator mentioned that the revised exhibits the applicant is presenting today have not been formally submitted through the JPA process and need to be sent to VMRC, along with the change from full riprap section to their proposed concrete rubble amendment.

Mr. Getek requested confirmation of the approach to the work, landward or seaward. The applicant stated that it will depend on the season.

Mr. Frederick addressed the audience to ask if anyone else would like to speak on the project. There was no response from the audience.

On a motion made by Mr. Taylor and seconded by Mr. Getek, the Wetlands Board voted to issue a permit (valid for (1) year) for Old Dominion Electric Coop – VMRC#2020-0047 to replacement of the existing 27x26 feet structure that is in disrepair with rip-rap to stabilize the substation shoreline, with the following corrections:

- 1. Class I riprap will be on top of the concrete rubble.*
- 2. The Wetlands Board cannot approve any project on other people's property unless the property owner is part of the application.*
- 3. Project cross section drawing revision submitted to the JPA.*

C. James & Georgene Palmer – VMRC# 2020-0063
20496 Schooner Bay Road

The portion of the project which is in the Wetlands Board's jurisdiction is the proposed repair and restoration of the marsh areas that are showing signs of impact from rip-rap marsh toe construction in 2018. The property is located in Onancock, VA 23417, Tax Map# 75-1-3.

Ms. Grimes presented the project. Mr. Palmer was sworn in and also provided information.

Mr. Getek mentioned that he noticed orange flags in the field. Ms. Grimes used them to mark the spots and Mr. Palmer also marked where the water was getting to. Mr. Getek followed up with a comment about the 1.5 times tidal range jurisdiction, and Ms. Grimes indicated that it was not delineated in the field.

Mr. Getek asked about the standing water, and wanted to confirm that it is saline in nature, and Ms. Grimes confirmed it. Mr. Getek referred to his photos taken during the site visit, and was questioning additional areas that look the same in other places. Mr. Getek asked if the proposed solution would be effective. Ms. Grimes indicated that the other locations were different. Mr. Byrd mentioned that there is a gut that supplies them, but the areas in this project are different. Mr. Getek was just confirming that this proposed fix would be effective.

Mr. Byrd discussed the need for identifying the specific kind of soil and the type of plants. Ms. Grimes indicated that the application called out the proposed type of fill. Mr. Taylor discussed the best type of fill that would have the best chance in this case.

Mr. Frederick asked if there was anything in the marsh toe procedure that may have changed the flow rate out into the water. Ms. Grimes said that there is, and she thinks that the new rip rap was installed a little higher, an inch or two, which would change things. Ms. Grimes indicated that some ideas on avoiding this in the future has stemmed out of this experience.

Mr. Taylor asked about the volume of fill required for the project. Ms. Grimes stated 40 cubic yards, but was reluctant to be more specific because she was unsure how much would eventually be needed. Mr. Byrd discussed what was needed to do it right.

Mr. Byrd also discussed how to word the point that the fill would match the surrounding contours or be no higher than the surrounding land.

Mr. Badger mentioned that there was no management plan included with the JPA, and it was required.

Mr. Getek mentioned that the placement of the marsh toe is different between projects he has seen, and suggested that the applicant find out where this elevation is, and then make decisions as to what the best method of restoration would be. Mr. Getek also said it might be beneficial to put a gap or two in the riprap. Ms. Grimes said that there were some elevational places, preconstruction, that channeled water back into the marsh.

Mr. Byrd asked about adding a management plan, and Mr. Badger and Mr. Guvernator provided some input.

Mr. Frederick thanked the applicant and his agent for the discussion that will benefit future projects from what was said.

Mr. Frederick addressed the audience to ask if anyone else would like to speak on the project. There was no response from the audience.

On a motion made by Mr. Byrd and seconded by Mr. Ward, the Wetlands Board voted to issue a permit (valid for (1) year) for James & Georgene Palmer – VMRC#2020-0063 for the repair and restoration of the marsh areas that are showing signs of impact from rip-rap marsh toe construction in 2018, with the following corrections:

- 1. Appropriate materials be used*
- 2. Match existing contours with the proposed fill*
- 3. 3-year planting plan*

6. OTHER BUSINESS

A. Mr. Guvernator gave a brief staff report covering the following:

- i. Malbon Group 2 Qualification Notice
- ii. County Code Revision (Handout)
- iii. Marina Bay - VMRC# 2020-0138 (Marsh Island Mooring Facility)
- iv. Judd Brooks Frogstool Nature Preserve update
- v. Conner & McGee Seafood Village, Inc. - VMRC# 2018-0659 update
- vi. Resilience Funding (Mr. Getek)

7. NEXT MEETING

The next Wetlands Board meeting is scheduled for Thursday, March 26, 2020 at 10:00 a.m.

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 11:57 a.m.

Earl Frederick, Chairman

Chris Guvernator, Director