

ACCOMACK COUNTY WETLANDS MINUTES OF JUNE 25, 2020

At a regular monthly meeting of the Accomack County Wetlands Board, held on the 25th day of June, 2020 in the Metompskin Elementary School Auditorium, Parksley, 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
Mr. Hank Badger, Virginia Marine Resources Commission (VMRC) Representative

DETERMINATION OF A QUORUM

Chairman Frederick announced the individual members present on behalf of the people listening in through the live stream option. There being a quorum, Chairman Frederick called the meeting to order at 10:00 a.m.

1. ANNOUNCEMENTS

Mr. Frederick opened with the following announcement:

- i. This meeting is being live streamed, as advertised

2. ADOPTION OF AGENDA

Mr. Frederick offered the following revisions to the agenda:

- i. Add Resolution to be considered
- ii. Add Staff Update under ‘Other Business’
- iii. Remove consideration of minutes
- iv. Add continuance for Jason Young – VMRC# 2019-1980

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

3. RESOLUTION

The following Resolution of Appreciation was signed by all Wetlands Board members presented and read into the record:

WHEREAS, George Henry Badger III, known to us as Hank, serves as Environmental Engineer,

Habitat Division, Virginia Marine Resources Commission; and

WHEREAS, Hank has served as the VMRC liaison to the Accomack County Wetlands Board since 1997; and

WHEREAS, while attending field visits to project sites, he provided knowledgeable and valuable advice and guidance on all aspects of each project; and

WHEREAS, while attending Board hearings and meetings, he provided helpful advice and information pertaining to state regulations when called on; and

WHEREAS, his attention to detail and consistency throughout the permitting process have led to improved Board decisions and actions; and

WHEREAS, he helped Accomack County staff better understand the policies and procedures of the regulations associated with physical encroachment into tidal areas, which are an essential and valuable natural resource to the County and the Commonwealth; and

WHEREAS, the Accomack County Wetlands Board wishes to recognize Hank Badger for his contributions; and

NOW, THEREFORE, BE IT RESOLVED, that the Accomack County Wetlands Board does hereby express its genuine gratitude and appreciation for Mr. Badger's years of valuable advice and guidance; and

BE IT FURTHER RESOLVED that the Accomack County Wetlands Board offers Mr. Badger and his family sincere best wishes in their future endeavors. We will miss you, Hank!

4. NEW BUSINESS

A. Island Square, Inc. – VMRC#2020-0201

7140 Silver Sails Landing, Chincoteague

To construct a 60-foot vinyl bulkhead.

Raymond Britton of BIC, and Luke Britton, Luke Britton Marine, appeared before the Wetlands Board and were sworn in by Chairman Frederick. They explained the project, located on a manmade canal. They noted the 50 square feet of impact to vegetated wetlands. The alignment is a straight line matching the neighbor. Hank Badger was sworn in and indicated that it is out of the VMRC jurisdiction. Mr. Getek asked about the return wall, and the applicant clarified that they will use the existing one. Mr. Getek questioned the amount of fill needed for the project, and the applicant indicated between 25 and 30 cubic yards. Mr. Byrd asked to specify the amount to be clear, and the applicant confirmed the amount. Two large dump truck loads.

Mr. Badger asked about the impacted wetlands and wanted to make sure that all options were considered to avoid the impact, including on-site mitigation. The amount of 50 square feet was verified. On-site mitigation was not an option. They will pay the fee.

Mr. Getek asked about the length of the other return wall, and the applicant indicated that it would be 6 feet in length. Mr. Guvernator was sworn in and indicated that these values discussed could be added to the permit by motion.

Mr. Frederick announced that, “As advertised, the public has been given the opportunity to submit written comments by email, mail or by calling in to the County Environmental office. All comments received will be entered into the record for this hearing.” He then asked staff if any comments had been received.

Mr. Guvernator responded that, as of the cut-off day and time, no comments were received.

Mr. Frederick then asked the public if there was anyone present who wished to speak concerning the application. No one came forward.

On a motion made by Mr. Taylor and seconded by Mr. Byrd, the Wetlands Board voted to issue a permit (valid for (1) year) for Island Square, Inc. – VMRC#2020-0201 to construct a 60-foot vinyl bulkhead, with the following corrections:

- 1. 50 square feet of vegetated wetlands impacted by the project be mitigated by paying \$12.00 per square foot into the mitigation fund.*
- 2. No more than 25 to 30 cubic yards of back fill will be used.*
- 3. Length of return wall will be six (6) feet in length.*

B. Old Dominion Electrical Cooperative – VMRC# 2020-0204

Chincoteague Road, Wallops Area

To perform nine (9) geotechnical borings, three (3) of which are within the Wetlands Board jurisdiction, related to future reconstruction of electrical transmission lines. Kyle Lindenmouth of ODEC and Corey Gray of Stantech were sworn in and presented the project.

Mr. Taylor asked about the alignment, and why the project doesn't follow the roadway. The applicant indicated that the original poles were placed in the 1940s and there were some historic resources to avoid in the bend in the road.

Mr. Frederick asked for clarification as to the shading of the exhibit, which was explained as differences in mean high water and subject to tidal influence and 1.5 times the tide range, and the elevation difference.

Mr. Byrd said that, for projects that involve equipment tracking through the area, someone is responsible for restoration of the damaged area(s) over a certain number of years. Mr. Frederick asked Mr. Badger for comments related to the project and a mitigation plan. Mr. Badger said that his experience seeing a similar machine make ruts that change the elevation of the area, which make it impossible for the original vegetation to come back and you would have to come back and raise the elevation back to the original ground level. Mr. Badger said that some kind of mitigation plan, in this case, would be appropriate.

Mr. Frederick asked if there was a mitigation plan in the application, and the applicant said they had not specifically addressed it. The applicant stated that they will be back in a year to replace the poles, and they could evaluate it at that time. Mr. Frederick asked if they would be driving the marsh vehicle over mats. The applicant explained the proposed construction process and that the vehicle would be used to get out to the bore sites and drop off equipment. The equipment used to complete the borings will be set up on pads. The vehicle will not be

driving on mats. Mr. Frederick pointed out that the area will be impacted with the vehicle.

The applicant indicated that they would address any impact when they come back for the pole construction project. Mr. Guvernator expressed concern that the second application wasn't in, and since the Board was only reviewing this "first step" of the whole project, that a restoration plan should be considered now, instead of waiting for the second application.

Mr. Getek asked about the weight of the drilling equipment. The applicant responded that is it approximately 200 pounds spread over three pads that are each 4 ft by 8 ft in size.

Mr. Taylor indicated that the applicant doesn't own the property, so they will need to get the property owner's acknowledgement that the permit has been applied for. The applicant thought they had it in the application package, and will check and see if they have it.

The Board and staff discussed options to include the requirement of a monitoring plan in the motion.

Mr. Getek asked Mr. Badger about including the concept of repairing the potential impact of the marsh vehicle into the monitoring plan, and Mr. Badger concurred.

Mr. Frederick announced that, "As advertised, the public has been given the opportunity to submit written comments by email, mail or by calling in to the County Environmental office. All comments received will be entered into the record for this hearing." He then asked staff if any comments had been received.

Mr. Guvernator responded that, as of the cut-off day and time, no comments were received._____

Mr. Frederick then asked the public if there was anyone present who wished to speak concerning the application. No one came forward.

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 Electrical Cooperative – VMRC# 2020-0204 to perform three (3) geotechnical borings, with the following corrections:

- 1. Provide owners acknowledgement of application.*
- 2. Provide one-year monitoring and mitigation plan, acceptable to County staff.*

C. Thomas Gajewski – VMRC# 2020-0231

Castaway Drive, Lot 799, Captains Cove, Greenbackville

To construct a new bulkhead to prevent erosion.

Raymond Britton presented the project.

Mr. Byrd asked to verify the alignment of the proposed bulkhead as being straight. The applicant responded that it was proposed to be straight between the existing bulkheads. Mr. Frederick commented that the straight line was with the next lot over from the adjacent lot.

Mr. Getek asked about the return wall, and the applicant responded that they are going to attach to the existing return wall.

Mr. Getek asked about the amount of fill, making sure that the referenced 63 cubic yards of fill will be enough, and the applicant confirmed the amount.

Mr. Frederick announced that, “As advertised, the public has been given the opportunity to submit written comments by email, mail or by calling in to the County Environmental office. All comments received will be entered into the record for this hearing.” He then asked staff if any comments had been received.

Mr. Guvernator responded that, as of the cut-off day and time, one comment was received. On June 12, 2020, Mr. William Heiland, a neighbor, left a voice message that said, “Hooray” and that he is thrilled about the project. _____

Mr. Frederick then asked the public if there was anyone present who wished to speak concerning the application. No one came forward.

On a motion made by Mr. Getek, and seconded by Mr. Ward, the Wetlands Board voted to issue a permit (valid for (1) year) for Thomas Gajewski – VMRC# 2020-0231 to construct a new bulkhead.

D. Island Motor Inn, Inc. – VMRC# 2020-0635

4391 Main Street, Chincoteague

To replace approximately 631 linear feet of existing bulkhead to prevent erosion and fill in boat basin.

Applicant’s agent notified staff on Wednesday evening that, due to issues over which she has no control, she would not be able to attend the meeting, and requested to move the application to the July meeting.

5. OTHER BUSINESS

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

- i. JPA 2019-1980 James Young, staff is talking directly with the property owner to try and find out when they plan to return to the Board. If the property owner does not provide a specific date, then staff will recommend closing out the application.
- ii. The draft Wetlands Board Guide will be discussed at the next meeting.
- iii. The enforcement section of the Wetlands Ordinance that was left out when the ordinance was first adopted, was added by direction of the Board of Supervisors at their June 16th meeting. A copy of the final enforcement section will mailed out to the Wetlands Board members.

6. NEXT MEETING

The next Wetlands Board meeting is scheduled for Thursday, July 23, 2020 at 10:00 a.m. and the location of the meeting is not yet determined.

7. 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 10:55 a.m.

Earl Frederick, Chairman

Chris Guvernator, Director