

ACCOMACK COUNTY WETLANDS MINUTES OF DECEMBER 19, 2019

At a meeting of the Accomack County Wetlands Board held on the 19TH day of DECEMBER 2019 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 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)

Ms. Shannon Alexander, Director of Planning, A-NPDC

Dr. Cora Johnston, UVA

DETERMINATION OF A QUORUM

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

2. ADOPTION OF AGENDA

Mr. Frederick said there was a request to move "Other Business (A). Coastal Resilience Survey Presentation to the beginning of the meeting due to schedule conflicts.

Mr. Getek mention the address for the McFall application was incorrect.

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

3. MINUTES

A. November 21, 2019

Mr. Getek said he was told comments that he made concerning a scientific meeting he visited & the Adopt-A-Wetland discussion was not in the minutes, but provision would be put in later and sent out.

On a motion made by Mr. Byrd and seconded by Mr. Ward, the Wetlands Board voted to approve the minutes November 21, 2019 meeting.

4. OTHER BUSINESS

A. Coastal Resilience Survey Presentation – Shannon Alexander, (Director of Planning, A-NPDC) & Dr. Cora Johnston, (UVA)

Ms. Alexander said Mr. Getek reached out to her in the spring about the Resilience Submit that was held in Williamsburg, VA early 2019 to give a summary on points that were valid. She said they would touch on living shoreline resiliencies, thin layer marsh restoration, resources, and some upcoming opportunities.

Ms. Alexander stated that living shorelines were the preferred method by the state. She added there had been multiple studies done in the past decade on how living shorelines would sustain with different sea level rise and conditions. She then went over different tables and charts mentioning that they were all available online and that she would leave/email the links to anyone interested. Dr. Johnston chimed in to say living shorelines have more potential to self-sustain because they are dynamic living systems.

They also spoke on Thin Layer Marsh Restoration, gave a list of resources and upcoming opportunities.

See attached power point presentation slides.

5. NEW BUSINESS

A. **Sue & Randolph Lieberum – VMRC# 2019-1768**

Clearwater Way

To install 475 (+/-) linear feet of rip rap stabilization with 280 cubic yards of class III stone over filter fabric. The property is located in Craddockville, VA 23341, Tax Map# 108-1-16.

Chris McCabe, Coastal Compliance Solutions LLC, who was the agent did not show. Mr. Frederick said with no representative present the board could do as they wished with the application. He added they could vote on it or had the option to continue he. Mr. Frederick said he also heard there were some concerns and that the property had not been staked out. Mr. Taylor posed a question about the +/- linear feet. Mr. Getek chimed in to ask if Mr. Guvernator could speak on this application.

Mr. Chris Guvernator, Environmental Programs, appeared before the Wetlands Board on and was sworn in by Chairmen Frederick. Mr. Guvernator said the applicant's agent contacted his office over the past week about possibly pulling or postponing. Mr. Guvernator also said that his staff advertised the application before he was able to do a site visit. His site visit was done afterwards and that is when he found out the site had not been staked out. Since then the agent was notified via phone 2-3 days before the meeting and it still hadn't been done. Mr. Guvernator added if the site visits were not conclusive enough for the board to discuss the application in more detail, it should be continued.

Mr. Byrd said there was no way to determine where the property line was. Mr. Guvernator said since it was advertised that the floor needed to be opened up for public comment. He added that the Board could decide whether it wanted to rule or continue.

Mr. Frederick opened the floor to public comment.

Mr. Ward asked if an indefinite postponement could be given. Mr. Guvernator said they've tried not to do that in the past. He said they can continue until the work is done in the field. Mr.

Hank Badger chimed into say that the application was incomplete, and that it would be nice to have something in writing from the agent.

Mr. Byrd asked if postponing one month would be an appropriate extension. Mr. Frederick added that they could postpone again at the next meeting if necessary.

On a motion made by Mr. Byrd and seconded by Mr. Getek, the Wetlands Board voted to give a 1-month extension to complete the application for Sue & Randolph Lieberum – VMRC# 2019-1768 to install 475 (+/-) linear feet of rip rap stabilization with 280 cubic yards of class III stone over filter fabric due to there being no markings/staking or property line designation. The property is located in Craddockville, VA 23341, Tax Map# 108-1-16.

B. James McFall – VMRC# 2019-1901

6336 Circle Drive

To construct a new bulkhead 1-foot channel ward of existing with a 41 feet return wall in the same location as the existing return wall. The property is located on Chincoteague Island, VA 23336, Tax Map# 30A7-A-12.

Mr. Raymon Britton, Jr., (BIC, INC), appeared before the Wetlands Board on behalf of the applicant and was sworn in by Chairmen Frederick.

Mr. Frederick said he had a problem with the GPS coordinates not being correct. He told Mr. Britton that he would like for him to do better. Mr. Britton said that he would inform his sectary.

Mr. Britton said the project would impact 50 square feet of vegetative wetlands and 30 square feet of subaqueces. He also said he would be removing the existing return wall and replacing it. A mistake was found with the vegetative impacts. The application stated 80 square feet of impacts and it should be 30 square feet. Mr. Frederick said it would need to be corrected.

Mr. Getek asked, to confirm, if 50 cubic yards of back fill would be used, because he did not think that much would be needed. Mr. Britton said it should have been 5 cubic yards. A short discussion ensued and it was decided that the cubic yards should be 6-7. Mr. Britton said he would send in the correction.

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 James McFall – VMRC# 2019-1901 to construct a new bulkhead 1-foot channel ward of existing with a 41 feet return wall in the same location as the existing return wall with the following corrections:

1. *Corrections on page 16*
 - a. *Vegetative wetlands impacts be changed from 80 square feet to 50 square feet*
 - b. *50 cubic yards of fill changed to 6-7 cubic yards of fill*
2. *\$600.00 be paid into the mitigation fund for 50 square feet of impacts to vegetative wetlands*

The property is located on Chincoteague Island, VA 23336, Tax Map# 30A7-A-12.

C. Gary & Wendy Heller – VMRC# 2019-1905

34450 Royall Woods Lane

To construct 215 feet of shore stabilization revetment with Geo-textile fabric placed below Class III armor stone. The property is located in the Royall Woods subdivision of Craddockville, VA 23341, Tax Map# 117-11-6.

Brian Magee, (Magee & Associates, LLC), appeared before the Wetlands Board and sworn in by Chairman Frederick. Mr. Magee stated there were two lots, (lot 5 & 6), and lot 5 was being impacted by storm events from the Chesapeake Bay. The peak on lot 6, (lot on the right), protects the remainder of lot 6. Mr. Magee stated the project area was from the property line to the left on lot 5 to just beyond the peak on lot 6. The revetment goes from the property line to around the peak.

There were some concerns on the property line and what the applicant actually owned. Mr. Magee said the plot presented was an old one and that the newer would have different lines. Mr. Frederick said the board would need to see that. For clarification Mr. Getek asked Mr. Magee if he was saying the property line was incorrect and that it was actually straight. Mr. Magee said yes.

Mr. Frederick said when he went out to the site he seen flags and asked if they were marking the beginning of the revetment work. Mr. Magee said the revetment starts at the property line and that there were flags along the whole toe, (from the property to around the peak). Mr. Frederick then asked if the stone would go up to the flag in the photo, and Mr. Magee said it would go to the top of the bank. Mr. Magee asked about the color of the flag because the ones he put out were a different color. Mr. Getek asked about the white poles that were on the property and Mr. Magee said he did not put those out.

Mr. Byrd and Mr. Badger said they did not see any flags during their site visit. A discussion ensued about what was actually flagged and the return wall. Mr. Magee had the return wall on a drawing, but not on the plan view. Mr. Frederick informed Mr. Magee that the return wall would have to be shown on the plan view.

Mr. Byrd mentioned that the Colpitts were using core logs, (due to an issue presented by an adjoining property owner), and asked if he was. Mr. Magee said that he would not be using any fill at all.

Mr. Badger asked if the toe of the revetment was staked out in the field because he did not see it. He also said he could not identify where the toe was going to be, and that there were no benchmarks. Mr. Magee said that he would put them back up. Mr. Byrd asked if a motion would be made of this now or if they would need to look at the site again. Mr. Badger said that it was the Board's decision. He also added that without the flags he could not tell if there were vegetation impacts or not.

Mr. Frederick asked if this needed to be continued. Mr. Byrd asked if the county could look at the site, after its marked, without bringing it back before the board. Mr. Guvernator said no. Mr. Badger said that benchmarks also needed to be added.

On a motion made by Mr. Byrd and seconded by Mr. Ward, the Wetlands Board voted to give a 1-month extension to present new drawings and mark the site/put out flags for Gary & Wendy Heller – VMRC# 2019-1905 to construct 215 feet of shore stabilization revetment with Geo-textile fabric placed below Class III armor stone due to the following:

1. *Project area is unmarked and there are no flags*
2. *No markings to tell whether or not vegetative wetlands will be impacted or not*

The property is located in the Royall Woods subdivision of Craddockville, VA 23341, Tax Map# 117-11-6.

D. Cindy Welsh – VMRC# 2019-1926

Captains Corridor

To construct a new bulkhead to prevent further erosion. The property is located in Captain's Cove subdivision of Greenbackville, VA 23356, Tax Map# 5A3-1-1406.

Mr. Raymon Britton, Jr., (BIC, INC), appeared before the Wetlands Board on behalf of the applicant and had already been sworn in by Chairmen Frederick. Mr. Britton said he would be connecting one bulkhead to another. There was 300 square feet of subaqueous bottom and that that all the trees and brush would be removed.

Mr. Getek asked Mr. Britton how much backfill would he be using. Mr. Britton said probably 50 cubic yards of fill. Mr. Getek said it would need to modify the application. Mr. Badger asked if there would be any vegetative wetland impacts and Mr. Britton said no.

On a motion made by Mr. Getek and seconded by Mr. Taylor, the Wetlands Board voted to give a 1-month extension to complete the application for Cindy Welsh – VMRC# 2019-1926 to construct a new bulkhead to prevent further erosion with following modification:

1. *Add 50 cubic yards of backfill to the permit application*

The property is located in Captain's Cove subdivision of Greenbackville, VA 23356, Tax Map# 5A3-1-1406.

6. OTHER BUSINESS

A. Review of the 2020 Meeting Schedule

Ms. Chontese Ridley, Environmental Programs, appeared before the Wetlands Board and was sworn in by Chairmen Frederick. Ms. Ridley went over the proposed meeting dates for the 2020 Wetlands Board Meetings.

See Attachment

7. NEXT MEETING

The next Wetlands Board meeting is scheduled for Thursday, January 23, 2020 at 10:00 a.m. in the Accomack County Board Chambers, Room 104, in Accomac, VA.

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 11:17 a.m.

Earl Frederick, Chairman

Chontese Ridley, Environmental Permit Specialist