

1                                   **ACCOMACK COUNTY WETLANDS MINUTES OF AUGUST 24, 2023**

2           At a meeting of the Accomack County Wetlands Board held on the 24<sup>th</sup> day of AUGUST 2023 in the Accomack  
3                                   County Administration Building Board Chambers, Room #104, in Accomac, Virginia.

4           **1. CALL TO ORDER**

5                                   **MEMBERS PRESENT AND ABSENT**

6                                   Wetland Board Members Present

7                                   Mr. T. Lee Byrd, Chairman

8                                   Mr. George Ward, Vice Chairman

9                                   Mr. Gene Wayne Taylor

10                                  Mr. George H. Badger

11                                  Mr. David Montgomery, Alternate

12  
13                                  **Others Present:**

14                                  Ms. Chontese Ridley, Environmental Permit Specialist

15                                  Mrs. Beth Nunnally, Environmental Planner II

16                                  Ms. Claire Gorman, Virginia Marine Resources Commission (VMRC)

17                                  Ms. Khadijah Payne, Virginia Marine Resources Commission (VMRC)

18                                  Mr. Leander Pambid, Deputy County Administrator for Building, Planning & Economic  
19                                  Development

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21                                  **DETERMINATION OF A QUORUM**

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

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24           **2. ADOPTION OF AGENDA**

25                                  **On a motion made by Mr. Taylor and seconded by Mr. Ward, the Wetlands Board voted to**  
26                                  **approve the agenda.**

27           **3. MINUTES**

28                                  **A. July 27, 2023**

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30                                  **On a motion made by Mr. Badger and seconded by Mr. Ward, the Wetlands Board voted to**  
31                                  **approve the July 27, 2023 minutes.**

32                                  **Mr. Getek abstained.**

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34  
35           **4. NEW BUSINESS**

36                                  **A. Daniel Ridout, III- VMRC# 2023- 1366**

37                                  Proposed construction of 3 quarry stone sills, (sill 1: 85 feet long, sill 2: 20 feet long, sill 3: 56 feet long), a  
38                                  60 feet rip rap revetment and a 125 feet marsh toe apron, located in Melfa, VA 23410, tax map#(s) 100-11-  
39                                  6.

40  
41                                  Ms. Nunnally, (Environmental Programs), stood before the Wetlands Board and was sworn in by  
42                                  Chairman Byrd.

44 Ms. Nunnally gave a summary of the project adding that there was 30 square feet of impacts to  
45 vegetated wetland and 2,544 square feet of impacts to non-vegetated wetlands. The mitigation on  
46 site was going to be 2,544 square feet planted onsite with a net gain of 270 square feet of vegetated  
47 wetlands.  
48

49 Ms. Nunnally said the Living Shoreline components within the Board's jurisdiction were the marsh  
50 toe apron at 375 square feet, (conversion of habitat from non-vegetated wetlands to riprap  
51 environment), the nourishment area behind the sills and the marsh toe apron is 2,544 square feet,  
52 (an encroachment on non-vegetated wetlands), and part of the revetment where the 30 square feet  
53 of impacts to vegetated wetlands are located.  
54

55 Ms. Nunnally said the mitigation area was the nourishment area and it was a 1:1 conversion of  
56 non-vegetated to vegetated wetlands.  
57

58 Ms. Ellen Grimes, CRM, LLC, appeared before the Wetlands Board on behalf of the applicant and  
59 was sworn in by Chairman Byrd.  
60

61 Ms. Grimes stated this was a hybrid Living Shoreline arrangement and explained the flow of the  
62 proposed sills.  
63

64 Ms. Grimes said the site visit was done in late spring and they did not see a whole lot of evidence  
65 of vegetation, but seen that Ms. Nunnally's photos did.  
66

67 Ms. Grimes said that the riprap revetment would not be going underneath the pier. The applicant  
68 was going to remove that section of the pier, and would replace it after the rock go in underneath  
69 it.  
70

71 Ms. Grimes apologized for all of the revisions adding that she did not know how to say that the  
72 non-vegetated wetlands were going to be vegetated after the nourishment. There was also going to  
73 be some impacts, but that they would not be at net 0; they would be at a minus.  
74

75 Ms. Grimes said herself, Ms. Nunnally, and Ms. Gorman figured it to be a conversion of mostly  
76 non-vegetated to vegetated wetlands. There was also a conversion from non-vegetated wetlands to  
77 a rocky intertidal habitat, and a conversion of subaqueous bottom to a rocky intertidal habitat.  
78 From this Ms. Grimes concluded that there was a net gain.  
79

80 **CHAIRMAN BYRD OPENED THE FLOOR TO PUBLIC COMMENT**

81 Mr. Byrd asked if there was anyone who wished to comment on application 2023- 1366.  
82

83 No one wished to comment.

84 **CHAIRMAN BYRD CLOSED THE FLOOR TO PUBLIC COMMENT**

85  
86 Mr. Getek stated to Ms. Grimes that he seen where the complication came in, and that he seen  
87 the loss of non-vegetated wetlands and the gain vegetated wetlands. Mr. Getek sad there seemed  
88 to be 400 square feet lost, if a conversion done, of non-vegetated wetlands.  
89

90 Mr. Getek asked to confirm if the gain of 270 square feet of vegetated wetlands was a total  
91 conversion gain, or just for the vegetated wetlands?  
92

93 Ms. Grimes said it was not for the total. It was for what you end up gaining from the project as a  
94 whole. The nourishment and the non-vegetated wetlands were 0, and whatever was above that,  
95 and planted, would come out to be gain/conversion to the rocky intertidal habitat.  
96

97 Mr. Getek asked Ms. Grimes if the impact numbers, (regarding non-vegetated wetlands), needed  
98 to be adjusted or if she was going to keep it at 2,950 square feet?  
99

100 Mr. Badger said he a couple questions for Ms. Grimes and, stated for the record, that he was a lot  
101 owner and lived in Blenheim, but that was not going to interfere with his decision making.  
102

103 Mr. Badger asked Ms. Grimes was there a reason she came out the distance that she did? Mr.  
104 Badger said that could impact the neighbor's erosion issues.  
105

106 Ms. Grimes said it was the skinniest part of the marsh, and they wanted to give the applicant as  
107 much marsh as possible. Ms. Grimes said they could shorten the return wall and make it half the  
108 distance if needed. However, Ms. Grimes mentioned that the adjacent property owner needed to  
109 address that. Ms. Grimes did not think/was not sure if they were doing anything that would  
110 exacerbate that on his property, because it was already pretty bad.  
111

112 Mr. Badger asked to confirm that both adjacent property owners had been contacted and that  
113 there was no response from either. That was correct.  
114

115 Mr. Badger said normally when there is a shoreline sill there is not a revetment behind it, it was  
116 usually one or the other. In this particular case, there was erosion along the shoreline and a lot of  
117 trees. In order to slope it back, and not have the revetment, all the trees would have to be  
118 destroyed. Mr. Badger said he did not have a problem with the revetment, but wanted to discuss  
119 it.  
120

121 Mr. Byrd said it was a tradeoff and, in this particular case, he thought it was a good tradeoff.  
122

123 Mr. Badger agreed with Ms. Grimes that very little of the revetment was in the Wetlands Board's  
124 jurisdiction.  
125

126 Mr. Badger then wanted to address the tradeoffs and conversions. Mr. Badger said if you have a  
127 gain of vegetated wetlands, but a loss of non-vegetated wetlands he did not think it could be  
128 called a gain of 270 square feet. It was just a conversion.  
129

130 Mr. Badger said in reality, Ms. Grimes probably needed to pay for the 30 square feet of impacts.  
131

132 A discussion ensued on whether or not the conversions compensated for the loss.  
133

134 Mr. Getek asked if the sills. Ms. Grimes said the sills were 8-10 inches above high water and the  
135 marsh toe was at high water. The sills were 2 ½ - 3 feet in height.  
136

137 Mr. Taylor said he also agreed that the 30 square feet needed to be compensated for.  
138

139 Ms. Claire Gorman, VMRC, appeared before the Wetlands Board and was sworn in by Chairman  
140 Byrd.  
141

142 Mr. Byrd asked Ms. Gorman her opinion on the vegetated and non-vegetated wetlands impacts  
143 and Ms. Gorman said they were reasonable.

144  
145 Mr. Badger asked Ms. Gorman, regulation wise, if they were doing something they should not be  
146 doing.

147  
148 Ms. Gorman said giving the erosion there she did not have any specific concerns about the  
149 revetment.

150  
151 Mr. Taylor ask if converting subaqueous bottom to vegetated wetlands be a gain. Mr. Badger  
152 said he would not consider it a gain. It was a loss of subaqueous bottom, but could be an  
153 acceptable loss.

154  
155 Ms. Grimes asked where else could the gain come from and she was told from the uplands.

156  
157 Ms. Gorman said she was not sure it could be considered a gain since it was not in the Wetlands  
158 Board's jurisdiction.

159  
160 Mr. Getek asked Ms. Gorman if she agreed with the numbers and she said she agreed with the  
161 conversion numbers, but that the gain numbers were more complicated.

162  
163 After a short discussion it was determined that the net loss of 30 square feet of vegetated  
164 wetlands needed to be compensated for.

165  
166 **On a motion made by Mr. Badger and seconded by Mr. Ward, the Wetlands Board voted to**  
167 **issue a permit (valid for (1) year, for Daniel Ridout, III- VMRC# 2023- 1366, for the proposed**  
168 **construction of 3 quarry stone sills, (sill 1: 85 feet long, sill 2: 20 feet long, sill 3: 56 feet long),**  
169 **a 60 feet rip rap revetment and a 125 feet marsh toe apron with the following conditions:**

- 170 *1. Pay a total of \$540.00 into the mitigation fund for 30 square feet of impacts to non-*  
171 *vegetated wetlands and 8 square feet of impacts to vegetated wetlands.*
- 172 *2. The fill from the nourishment and the marsh toe apron rock sill is a net 0 loss of*  
173 *vegetated and non-vegetated wetlands is a conversion.*

174 **The property is located Melfa, VA 23410, tax map#(s) 100-11-6.**

## 175 176 **6. OTHER BUSINESS**

### 177 **A. Permit Approval Length**

178 Discussion on if the amount of time a permit is valid for should be changed

179  
180 Mr. Byrd said this was something the board had discussed at least once before. One year was  
181 doable, but there were a lot of issues.

182  
183 **CHAIRMAN BYRD OPENED THE FLOOR TO PUBLIC COMMENT**

184 No one wished to comment.

185 **CHAIRMAN BYRD CLOSED THE FLOOR TO PUBLIC COMMENT**

186  
187 Mr. Getek asked Ms. Nunnally, in terms of all the permits they had granted, what percentage had  
188 asked for an extension after one year.

189  
190 Ms. Ridley said the percentage was 50% or more.

192 A short discussion ensued on what the length of time should be and it was concluded that two  
193 years would be a good start, but that five years would be too long due to possible changes to site  
194 conditions.

195  
196 Mr. Getek asked Ms. Gorman about the length of time used by other boards, and she said it  
197 varied.

198  
199 Mr. Byrd said he did not see a downside to extending the length, but asked if anyone did see a  
200 downside.

201  
202 Mr. Ward pointed out that any changes made would be from the date of the meeting.

203  
204 Mr. Leander “Lee” Pambid, Deputy County Administrator for Building, Planning & Economic  
205 Development, appeared before the Wetlands Board and was sworn in by Chairman Byrd.

206  
207 Mr. Pambid said there was a bigger picture to look at. On the Planning and Zoning side they  
208 were taking a look at the futility of approval or how long a permit is good for. For things like the  
209 site plan, zoning permits, etc.

210  
211 Mr. Pambid said section 102 of the County’s code, where the Wetlands Board primarily operates  
212 out of, and could not find any specifically about the length of time that a permit is good for.

213  
214 Mr. Pambid said while board might set a policy, it might be a good idea to make a  
215 recommendation to the Board of Supervisors to say that is what it is going to say in the code. (If  
216 it was the Wetlands Board inclination to do so).

217  
218 Mr. Badger said he was not sure that they, (the board), wanted a code.

219  
220 Mr. Ward agreed saying that their hands would be tied. Mr. Ward said if they voted to go with  
221 two years today, there was no reason why they could not come back and say it was not working  
222 and go back to one year.

223  
224 After a short discussion the board decided they did not want to make a recommendation to the  
225 Board of Supervisors.

226  
227 **On a motion made by Mr. Getek and seconded by Mr. Badger, the Wetlands Board voted**  
228 **to have a policy change allowing the permit length to be two years instead of one year.**

229  
230 **7. NEXT MEETING**

231 The next Wetlands Board meeting is scheduled for Thursday, September 28, 2023 at 10:00 a.m. in the  
232 Accomack County Board Chambers, Room 104, in Accomac, VA.

233  
234 **8. ADJOURNMENT**

235 **On a motion made by Mr. Ward and seconded by Mr. Taylor, the Wetlands Board voted to**  
236 **adjourn the meeting.**

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238 The meeting was adjourned at 11:00 a.m.

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T. Lee Byrd, Chairman

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Chontese Ridley, Environmental Permit Specialist