

Virginia: At a meeting of the Accomack County Wetlands Board, held in the Chambers of the Board of Supervisors on the 24th day of March, 2016, A.D.

Members present:

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

Staff present:

Ms. Gracie A. Milbourne, Secretary, Wetlands Board & Recording Secretary

Others present:

Mr. Hank Badger, VMRC

The meeting was called to order by Chairman Earl B. Frederick, and opened to a public hearing at 10 a.m. All applications are approved for a one-year period from the date of this hearing, unless specifically noted. All applicants, speakers and representatives are sworn in before the Board on the following wetlands applications:

This Board is aware of and complies as closely as possible with the objectives of the Virginia Marine Resource Commission's Wetlands Policy of No Net Loss.

1). MINUTES

Mr. Getek made a motion to approve the minutes of the February 25, 2016 meeting as circulated. Mr. Ward seconded the motion. Ayes: Mr. Frederick, Mr. Ward, Mr. Getek, Mr. Taylor, and Mr. Byrd.

2). NEW BUSINESS

1). An application from Rosemary Wilson, VMRC# 2016-0219, for the installation of a stone revetment (to replace concrete debris and an old failing

bulkhead) along Occohannock Creek at 9280 Camp Lane, near Belle Haven, Virginia. TM# 116-A-16

Mr. Radak Juran, Contractor, appeared before the Board to represent this application. He discussed the revised drawings dated March 14, 2016 that revealed the maximum of 52.8 square feet of vegetated wetlands that will be impacted by this project and indicated that the owner is willing to pay mitigation for this square footage.

Mr. George (Hank) Badger referred to the drawings and asked whether the 90-foot bulkhead on the side of the breakwater will be replaced.

Mr. Juran stated that the old bulkhead and concrete will be removed and the new bulkhead will be constructed from the toe line.

Mr. Frederick read the VIMS recommendations for the record that revealed an offshore sill is preferred to an onshore structure, such as a revetment, since the sill will not sever the natural processes and connections between uplands and aquatic areas.

After some discussion about the height of the revetment from the toe line, the drawings, VIMS' comments and the existing platform, Mr. Byrd made a motion to approve this application with the following conditions: 1) Change page 16 of the JPA to reflect a change in vegetated wetlands to 52.8 square feet; 2) Pay mitigation for 52.8 square feet of vegetated wetlands; and 3) This approval was based on the site drawing/map dated March 14, 2016. Mr. Ward seconded the motion. Ayes: Mr. Frederick, Mr. Ward, Mr. Byrd, Mr. Taylor, and Mr. Taylor.

AT THIS TIME, THERE WAS A MOTION BY MR. GETEK TO ADJOURN FOR A 5-MINUTE BREAK. MR. TAYLOR SECONDED THE MOTION. AYES: ALL.

AFTER THIS PERIOD, MR. FREDERICK CALLED THE MEETING TO ORDER AGAIN TO HEAR THE FOLLOWING APPLICATIONS:

2). An application from Don and Dana Griffin, VMRC# 2015-1815, for the installation of marsh edging stone, four stone sand containment sills with marsh plantings, one coir log with beach replenishment, two boat lifts, and a retaining wall along Chincoteague Channel, 5043 Main Street, Chincoteague, Virginia. TM# 30A7-A-14

Mr. Chris McCabe of Coastal Compliance Solutions LLC appeared before the Board to represent this application. Mr. McCabe gave a brief summary of multiple scenarios associated with this property that included plans to build a retaining wall just upland from this board's jurisdiction; remove the existing house and sell it and build a larger one, install an engineered septic system; etc. He explained that the owners have experienced a lot of erosion on their adjacent lot as the wave energy comes up and around the shell pile during storms, as well as a lot of erosion around the existing marsh that they are looking to armor. Therefore, the plan is to multi-fold using marsh edging stone to protect the existing marsh by abutting the rap up against the existing marsh edge to stop the scouring, but keep it below mean high water so the tide can get in and inundate that tide; build the retaining wall in the uplands so they can prevent the water from the marsh from getting into the yard; protect around the edge where the cove

is (the northwesterly facing corner of the existing bulkhead); and replenish a small beach that is in front of the bulkhead.

Mr. Frederick read the VIMS recommendations for the record that stated “*If active erosion is occurring along this shoreline, the preferred approach for erosion control to preserve and maintain tidal wetland ecosystems is to: Remove bulkhead, enhance riparian & marsh buffers, plant marsh with sill, remove failed bulkhead, grade bank*”. Mr. Frederick summarized the *Riparian and Marsh Buffers recommendations* that suggested planting the riparian buffer with a variety of native deep-rooted grasses that should extend from mid-tide to a minimum of 100 LF landward of the upland bank, with vegetation planted at appropriate elevations; summarized the *Marsh Fringe recommendations* that suggested to provide a wave break to the shoreline by planting a marsh fringe, as wide as feasible for greatest benefit, at the toe of the bank channelward of the prior bulkhead alignment; planting a new marsh may require the placement of sand fill to achieve the appropriate elevation to establish marsh vegetation; and *Construct Marsh Sill*.

Mr. McCabe acknowledged the VIMS recommendations but explained that the remnants of the old existing bulkhead will not be removed since it is not failing and marsh is growing in front and behind it.

Mr. Frederick asked that how many stone sills will be installed since there was conflicting information on the drawings.

Mr. McCabe indicated four and referred to the drawing dated March 1, 2016.

Mr. Taylor pointed out that since this project involves two lots, both tax map numbers will need to be added to the drawing and asked for updates on the beach area once it's approved.

Mr. George (Hank) Badger of VMRC appeared before the Board and stated that VMRC may require a royalty but may not be mitigation if this application is approved. Mr. Badger further reviewed the VIMS correspondence that stated the proposed rock sills in the center of the project should provide sufficient protection to the nourished and planted area behind them and the proposed beach on the northeastern side of the dock should function in a similar way and result in minimal impacts providing the marsh growing in front of the bulkhead at the northeast side of the property is not disturbed.

Mr. Getek discussed the comments from an adjacent property owner, Mr. Jillian H. Poole, who agreed that there has been extensive erosion on the vacant lot and believed that the marsh edge will be a great benefit; however, he preferred that there be no boat lifts for the existing dock.

Mr. Badger discussed the VIMS recommendations that stated the preferred approach for erosion control to preserve and maintain tidal wetland ecosystems is to remove the bulkhead, grade the bank, enhance riparian & marsh buffers and plant marsh with sill.

Mr. McCabe indicated that this project will have no impact to wetlands and could be considered a living shoreline project.

After some discussion, Mr. Taylor made a motion to approve this application for both lots with the following conditions: 1) A map must be

submitted to show the dimensions of various points along the marsh toe and the four stone sills from a reference point; and 2) The same map should show the existing marsh in front of the bulkhead north of the pier. Mr. Getek seconded the motion. Ayes: Mr. Frederick, Mr. Ward, Mr. Taylor, Mr. Getek, and Mr. Byrd.

3). An application from Captain's Cove Golf & Yacht Club, VMRC# 2016-0255, to construct a low profile bulkhead on the landward side of the existing community pier adjacent to the marina clubhouse, Captain's Cove Subdivision, near 3323 Dock Court, Greenbackville, Virginia. TM# 5A1-1-D

Prior to hearing this application, Mr. Getek revealed that he is a member of the homeowners association in the Captain's Cove development but does not have any part in the decision making for the Association.

Mr. Chris McCabe of CCS LLC appeared before the Board to represent this application. Mr. McCabe explained that this application is a revision of the 2014 project that was approved to install stone sills to help with the erosion that was never completed due to funding ability. He expressed a concern about the eroding shoreline during the past two years and subsequently asked for the approval of this application to hopefully stop the sand from eroding in the marsh and be captured inside of the low profile bulkhead.

Mr. Getek had questions and a brief discussion began about the following:

1) the dock damage and its stability on the eastern portion of the property; 2) the location of the low-profile bulkhead out in the water with no backfill and with water on both sides, 3) the dredging; and 4) whether the low-profile bulkhead would be in this board's jurisdiction. The board acknowledged that since this

application is for a commercial bulkhead, it is in this board's jurisdiction.

Mr. Gerald Zink, a property owner across from the Marina Club, appeared before the board with comments about the 2014 permit and was in attendance for observation purposes for personal knowledge for his property.

After some discussion, Mr. Getek made a motion to approve this application as presented with updates. Mr. Taylor seconded the motion. Ayes: Mr. Frederick, Mr. Ward, Mr. Getek, Mr. Taylor, and Mr. Byrd.

3). **EXTENSIONS**

An extension request from Chincoteague Landmark LLC for the installation of a community pier, new bulkhead and backfill, replacement bulkhead, an open-pile wharf and a 6-slip pier and associated pier on North Main Street along Chincoteague Channel, Chincoteague, Virginia. (This permit will expire on April 23, 2016)

Mr. Chris McCabe appeared on behalf of the Chincoteague Landmark LLC and explained that due to the involvement with several permit reviewers at the Army Corps of Engineers level, construction has been delayed and for that reason asked for the approval of the extension. He also stated that the boat filled with concrete is still onsite, however, the owner is committed to its removal.

The Board members briefly discussed whether the normal one year extension would be adequate since several delays had occurred.

After a brief discussion, Mr. Taylor made a motion to approve a 2-year extension to line up with the expiration date of the VMRC permit. Mr. Ward seconded the motion. Ayes: Mr. Frederick, Mr. Ward, Mr. Taylor, Mr. Taylor,

and Mr. Getek.

ADJOURNMENT:

Mr. Byrd made a motion to adjourn. Mr. Getek seconded the motion. Ayes: Mr. Frederick, Mr. Ward, Mr. Byrd, Mr. Getek, and Mr. Taylor.

Mr. Earl B. Frederick, Chairman