

ACCOMACK COUNTY WETLANDS MINUTES OF JUNE 22, 2017

At a meeting of the Accomack County Wetlands Board held on the 22TH day of June 2017, in the Accomack County Administration Building Board Chambers, Room #104, in Accomac, Virginia.

1. CALL TO ORDER

MEMBERS PRESENT AND ABSENT

Planning Commission Members Present:

Mr. Earl Frederick, Chairman

Mr. T. Lee Byrd

Mr. Timothy Getek

Mr. Gene Wayne Taylor

Others Present:

Mr. G. Christian Guvernator IV, PE, Director Environmental Programs

Mr. Tyrone Upshur, Environmental Programs Inspector

Ms. Chontese Ridley, Environmental Programs Permit Specialist

Mr. Karl Mertig, Consultant Kimley Horn

Mr. Hank Badger, Virginia Marine Resources Commission (VMRC)

DETERMINATION OF A QUORUM

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

2. MINUTES

A. May 25, 2017

On a motion made by Mr. Taylor and seconded by Mr. Getek, the Wetlands Board voted to approve the minutes as amended of the May 25, 2017 meeting.

3. OLD BUSINESS

B. Paul Webster - VMRC# 2017-0317

To place a piling in front of an approximately 110 foot long bulkhead. Piling size is 16 feet by 10 inches. The project is located in the Piney Island subdivision on Chincoteague Island, VA 23308, Tax Map # 100-11-2.

Mr. Earl Frederick stated that some adjustments have been made and that Mr. Chis Guvernator, Environmental Programs, would be the best person to fill the board in on the changes. Mr. Guvernator was sworn in by Chairman Frederick.

Mr. Guvernator explained that the applicant gave notice that there was a revision pending to the work that was proposed in the original Joint Permit Application. The applicant now wants to move the pillings behind the bulkhead instead of in front of the bulkhead. Thus, making the project not under board jurisdiction resulting in no permit needed based on the revisions received by VMRC. Mr. Guvernator then stated this permit would not have been heard by the board and the May actions that approved it with contingencies should be dealt with in a motion to resend or withdrawn.

On a motion made by Mr. Taylor and seconded by Mr. Byrd, the Wetlands Board voted to resend the original motion/permit approving to put pillings on the man made canal side of the bulkhead due to drawings being sent in showing they are now putting the pilling on the landward side of the bulkhead taking it out of the board's jurisdiction for Mr. Paul Webster, VMRC#2017-0317, the placement of pilings in front of a 110 foot long bulkhead. The property is located Piney Island subdivision of Chincoteague, VA 23336. Tax Map # 31A-3-15A.

60 NEW BUSINESS

C0 Yan Xu - VMRC# 2017-0704

To construct a 110 feet vinyl bulkhead 2 feet in front of the existing bulkhead. The property is located in the Captain's Coves subdivision in Greenbackville, VA 23356, Tax Map #5A1-1-1002

Luke Britton, Luke Britton Marine and General Construction Inc., appeared before the Wetlands Board on behalf of the applicant and was sworn in by Chairman Frederick. Mr. Frederick as Mr. Britton to describe the project. Mr. Britton stated they are proposing to build a new vinyl bulkhead, see drawings, to replace the old one that is failing. The discussion proceeded with Mr. Frederick saying he visited the site the day before and could see some erosion and believed that the bulkhead had already failed. Mr. Britton disagreed stating that if it had failed the house would not be standing and that there are still some boards in place.

Mr. Getek chimed in saying that he was getting the impression that the new bulkhead is going to higher than the old bulkhead. Mr. Britton confirmed saying that typically all the new ones they have been building have been raised up 6 inches higher. Mr. Getek expressed that there's a rising concern in the Captain's Cove community, (next door neighbor), that water will rush in. Mr. Britton responded by saying that they would not be raising the elevation of the land; just raising the bulkhead to help with the wave energy.

Mr. Getek also mention that it is encroaching on the neighbor's property. Luke agreed and after some discussion it was determined that the bulkhead was going to be built In Kind/In Place.

Mr. Frederick had a concern about whether the project should be listed as a new project due to the failure of the bulkhead. Mr. Britton referenced photos from the packet to show that the bulkhead had not completely failed and a discussion ensued. Mr. Badger, VMRC, chimed in to say that from their stand point it was failed, however, this project is not in VMRC jurisdiction.

There was also some discussion on whether or not Mr. Britton should be granted the maximum of 2 feet channelward for work room. Mr. Britton stressed that it would make the job a lot easier and would be more cost effective for his client. Mr. Byrd stated that the bulkhead was not the definition of failed and that granting the 2 feet channel-ward this is something the board usually approves for contractors.

On a motion made by Mr. Byrd and seconded by Mr. Getek, the Wetlands Board voted to issue a permit (valid for (1) year) to Mr. Yan Xu, VMRC#2017-0704, to construct a 110 feet vinyl bulkhead 2 feet in front of the existing bulkhead. The property is located in the Captain's Coves subdivision in Greenbackville, VA 23356 with the stipulations that the side returns be built In Kind/ In Place and the frontal bulkhead to be built 2 feet channel-ward as laid out in the revised drawings to be submitted.

B. Check Frequency

Mr. Frederick stated that Mr. Guvernator had been working hard on and asked him to give an update. Mr. Guvernator stated the amount of checks received was fixed number by the IRS, however, we can control the frequency. He also stated that the forms (mileage sheets) still needed to be filled out monthly, but we could hold them and submit them for a check request quarterly, twice a year, or once a year.

Mr. Frederick went on to say that under previous administration they received the checks every six months and no set frequency. Mr. Getek said that whatever was more convent in terms of manpower and efficiency is the way he would like to go. Mr. Frederick then asked Ms. Ridley, (Environmental Programs), for her input. Ms. Ridley responded that she wanted to see what the board wanted, and that she would work with Meridith to make sure that the mileage was sent in time to make the selected frequency. Mr. Frederick mentioned that it was important to somehow get Ms. Ridley their mileage for sites visits before meetings. He suggested sending them by email. Ms. Ridley added that calling it in or leaving a voice mail would work.

Mr. Frederick said more recently they were receiving their checks the end of June and the end of December. He asked the other board members if they were okay with this and they agreed to go with every six months.

Administrative changes will be made. No formal motion required.

C. Addition to Written Approvals

The proposal of adding the following sentence to all of our written approval actions:

"Please be advised that the foregoing determination grants no authority for an individual to encroach upon the property rights of others."

Mr. Frederick asked Mr. Guvernator to come up. Chris said the referenced statement is similar to a statement that VMRC has in their documents. It has been confirmed and sightly revised by the attorney just to bring forth in writing what we all understand is the authority and not the authority of the board. Mr. Frederick asked Mr. Guvernator where would this appear and he responded that it would be the finial approved permits issued. He also told Mr. Frederick that he could read it after every approval to get it into the minutes. Mr. Frederick said he would read it after saying, "the permit is valid for 1year from this date..."

Passage has been approved by the County Attorney. No formal motion required.

6. OTHER BUSINESS

Mr. Jim White has retired as an alternate for the Wetlands Board. The Board is now looking for two alternates. Mr. Ron Wolf and Mr. Robert Crockett are helping in the search. The Board needs someone from the bayside and the seaside.

7. NEXT MEETING

The next Wetlands Board meeting is scheduled for Thursday, July 20, 2017 at 10:00 a.m. in the Accomack County Board Chambers, Room 104, in Accomac.

8. ADJOURNMENT

On a motion made by Mr. Byrd and seconded by Mr. Getek, the Wetlands Board voted to adjourn the meeting.

The meeting was adjourned at 11:19 a.m.