

ACCOMACK COUNTY WETLANDS MINUTES OF OCTOBER 26, 2017

At a meeting of the Accomack County Wetlands Board held on the 26TH day of October 2017, 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 H. Ward, Jr., Vice Chairman

Mr. T. Lee Byrd

Mr. Timothy Getek

Mr. David Elebash, Alternate

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. Hank Badger, Virginia Marine Resources Commission (VMRC)

Karl Mertig, Kimley-Horn

Mr. Justin Apfel, Kimley-Horn

DETERMINATION OF A QUORUM

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

2. ADOPTION OF AGENDA

The Wetlands Board unanimously adopted the Agenda as present

3. MINUTES

A. September 28, 2017

On a motion made by Mr. Byrd and seconded by Mr. Ward, the Wetlands Board voted to approve the minutes of the September 28, 2017 meeting.

4. NEW BUSINESS

A. Carole Caple – VMRC# 2017-1575

Sail Court Lot 1400 Section 3

The construction of an 85 feet vinyl bulkhead. The property is located in the Captain's Cove subdivision in Greenbackville, VA 23356, Tax Map # 5A3-1-1400.

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. Britton stated that they wanted to construct a new vinyl bulkhead in line with the two existing bulkheads on the existing lot. Mr. Getek said he noticed a gap of 2-3 feet and wanted to know if Mr. Britton would be doing some backfill and if he would be putting in a retaining wall. Mr. Britton said he would not be putting in a retaining wall and that the bulkheads would tie into each other, however, he will be adding 2-3 feet of backfill. Mr. Getek also mentioned that water was going behind the neighbor's bulkhead due to erosion asked Mr. Britton if he would be doing some backfill there as well. Mr. Britton said he would backfill the property he's working on and that it would be a benefit to the neighbor.

Mr. Britton stated the neighbor currently have a return wall on their property. Mr. Getek said that he did not see the return. Mr. Frederick chimed in saying there was a return there, but it was in the taller bushes and fragmities and was very hard to see.

Mr. Byrd asked if there would be any downsides to the neighbor by doing the project as planned or would it be creating a issue? Even though Mr. Britton said it would benefit the neighbor, Mr. Getek said from his observation that some backfill would need to be done. To that Mr. Frederick said that was not part of Mr. Britton's project and that he did not see where Mr. Britton would be responsible for supplying them with backfill. Mr. Britton said that it is common for a neighboring bulkhead to be failing in the return area and have a void there. He added that he will sometime ask he they, (the neighbor), would like him to fill the area since it has been closed off correctly. Mr. Getek said he would appreciate it if he, (Mr. Britton), would do that.

Mr. Ward asked a permit would be needed to do the backfill and Mr. Guvernator, Environmental Programs, said it was just maintenance. Mr. Byrd asked if Mr. Britton was going to be disturbing any fragmities, would they need to discuss it. Mr. Frederick said there were fragmities growing in the yard, and mentioned the slope. He then showed a photo that he had taken with a view from the BIC property. He asked Mr. Getek what his estimate was/ how far from the aliment and he, (Mr. Getek), respond 5 feet and 2-3 feet on the other side. Mr. Frederick then said he estimated 6-8 feet. From there Mr. Frederick told Mr. Britton that this should be reflected in the drawing. Mr. Britton said that he would make the adjustment showing a 5-6 feet area of fill.

On a motion made by Mr. Getek and seconded by Mr. Elebash, the Wetlands Board voted to issue a permit (valid for (1) year) to Carole Caple – VMRC# 2017-1575, The construction of an 85 feet vinyl bulkhead with the exception that the drawings be revised to reflect the exact position of the shoreline. The property is located in the Captain's Cove subdivision in Greenbackville, VA 23356, Tax Map # 5A3-1-1400.

**B. Paula Bannon – VMRC# 2017-1598
20436 Doe Creek Rd.**

The reconstruction of a bulkhead 2 feet channel-ward from the position of the original bulkhead prior to receding using vinyl sheets and pilings. The property is located in Greenbush, VA 23357, Tax Map # 76-A-49A.

Steve Mallette, Resource Management, appeared before the Wetlands Board on behalf of the applicant and was sworn in by Chairman Frederick. Mr. Mallette said the original bulkhead was put in during the late 60's or early 70's by John Branch. The bulkhead has been deteriorating. He plans to go 1 foot behind the existing piling to minimize impact on the shoreline, go in a straight line to the third piling about 14 feet, and then a straight line from that point over to the end. He stated that the deviations in the bulkhead are from where it is failing.

Mr. Mallette said the only impacts would be 68.4 square feet of non-vegetative wetlands, and there would be 26 cubic yards of soil that would be behind the existing bulkhead.

Mr. Byrd sated this was a "no-brainer" and that the Bannon's would lose their property without this new bulkhead. Mr. Ward asked Mr. Mallette if they would be starting from behind the ramp and going left. Mr. Mallette confirmed he would be going behind that piling then to the 3rd piling

in a straight line. Mr. Byrd added that where the bulkhead has failed in 2-4 places you could see a wash out including the tiebacks and that it was not going to last very long.

Mr. Frederick stated to Mr. Bannon that there was a hose on the ground, (put out by Mr. Bannon), that was a straight alignment down the bulkhead. Mr. Bannon confirmed and Mr. Frederick said that it had been modified and was more water ward now. It is halfway between the two pilings that go up the ramp. Mr. Bannon said that the third and fourth pilings are actually broken and are allowing the bulkhead to move.

Mr. Bannon was sworn in by Chairman Frederick. Mr. Frederick asked about compliance noticing that none of the drawings showed measurements to landmarks. Mr. Mallette said that he had submitted new drawings with measurements. Mr. Hank Badger confirmed that VMRC had received the revised drawings.

Mr. Frederick said when speaking with Mr. Bannon on site, Mr. Bannon told him that VMRC had concerns about the original plan for this. Mr. Frederick then asked Mr. Hank Badger if he had been satisfied.

Mr. Hank Badger, VMRC, was sworn in By Chairman Frederick. Mr. Badger said the original submittal of drawings showed it being off 4-6 feet off, however, after talking to Mr. Bannon and being on site they came to a conclusion and pulled it back. Mr. Badger said they, VMRC, are satisfied.

On a motion made by Mr. Ward and seconded by Mr. Byrd, the Wetlands Board voted to issue a permit (valid for (1) year) to Paula Bannon – VMRC# 2017-1598, The reconstruction of a bulkhead 2 feet channel-ward from the position of the original bulkhead prior to receding using vinyl sheets and pilings. The property is located in Greenbush, VA 23357, Tax Map # 76-A-49A.

**C. Harvey & Carol Muller III & Andrew & Colleen Best - VMRC# 2017-1717
37482 & 37488 Bayside Drive**

The installation of a wave break like structure to the existing bulkhead, and to place fill material directly behind the bulkhead to build the elevation. The property is located in the Captain's Cove subdivision in Greenbackville, VA 23356, Tax Map # 5A1-1-987 & 5A1-1-988.

Ellen Grimes, CRM, LLC, appeared before the Wetlands Board on behalf of the applicants and was sworn in by Chairman Frederick. Ellen stated that both applicants are have problems with exceedingly high tides causing waves to come up, over and behind their bulkhead. She also said the existing bulkhead is in good shape; however, they would like to add a wave-break-like structure above the lip of the bulkhead. To do this pilings would need to be installed in front of the bulkhead and the structure would be built on those pilings. It will be taller than the bulkhead yet still allowing water to come through and feed the marsh behind it.

They would also like to add some beach nourishment on the upper reaches of the property between the house and the high water mark. Then between the high water mark and the backside of the bulkhead they would like to put in some marsh nourishment to build up the elevation. There's less than 8 cubic yards of beach nourishment, less than 8 cubic yards of marsh nourishment and marsh planting that'll amount to 850-900 square feet.

Mr. Frederick stated there had been a protest letter sent in on project by Nickolas & Carmela Sanimarco, (lot 986). Mr. Frederick then read an excerpt from the letter.

“...Concerned the project would adversely impact our lot, namely damage to our bulkhead and flooding to our lot...”

Mr. Frederick also added that the lot is empty and there is no structure on it. The Sanimarco's did not have a representative present; however, Ms. Grimes asked to address some of the issues in the Sanimarco's letter. Ms. Grimes stated that the Sanimarco's bulkhead is 2 feet higher than the applicant's bulkhead. She continued to say that everyone in that area experiences some water in their yard, and that it is not uncommon in that area.

She did not believe that a wave-breaking structure would change that water splashing condition in a negative way, but could actually help it. Mr. Frederick pointed out that he did not see a tie back or return wall between the Best and Sanimarco property asking if you could walk from the Best to Sanimarco property unhindered? Ms. Grimes confirmed that to be true if you are behind the bulkhead.

Mr. Getek asked if at any point does the 2 feet of wave-breaking structure go above the Sanimarco's bulkhead height or taper. Ellen said if this was a concern of the board they can make it taper. Mr. Getek said doing so could possibly eliminate the Sanimarco's concerns. Mr. Hank Badger, (VMRC), said that he contacted Mr. Sanimarco and Mr. Frederick asked him to come up give his findings. Mr. Badger stated that he was not sure if Mr. Sanimarco fully understood the project. Mr. Badger and Mr. Elebash both seemed to agree that the taper would not make matters any worse and could eliminate concern. Mr. Byrd then asked Ms. Grimes what the downside of the taper would be. Ms. Grimes said she could not answer that question. Mr. Ward chimed in to say he did not see how this would create more of a problem than what the Sanimarco's already have.

Mr. Harvey Muller sworn in by Chairman Frederick. Ms. Grimes asked Mr. Muller is Mr. Sanimarco gets water in his yard when he, (Mr. Muller), gets water in his yard behind his bulkhead? Mr. Muller replied no, that Mr. Sanimarco only gets water when the water directly hits his, (Mr. Sanimarco), bulkhead.

The decision on whether to taper or not taper was still lingered. Ms. Grimes said whichever was the most functional is what she would go with, but for the time being, she was requesting a non-taper.

Mr. Justin Apfel was sworn in by Chairman Frederick. Mr. Frederick asked if he had seen a structure like this before and he said no. Karl Mertig, Kimley-Horn was sworn in by Chairman Frederick. Mr. Mertig also said he had no experience with that type of structure. He also had some questions about the drawing dimensions. He said the drawing depicted the height was 24 inches, but the board that are proposed for use are 2 x 10 and are not showing any overlap. Ms. Grimes said it did not matter if they were overlapped because no matter what water would be allowed to go through it.

Mr. Getek asked what the maximum channel ward encroachment was due to application showing 25 feet. Ms. Grimes replied that it was a typo, should have 25 inches, and would revise it.

On a motion made by Mr. Ward and seconded by Mr. Byrd, the Wetlands Board voted to issue a permit (valid for (1) year) to C.Harvey & Carol Muller III & Andrew & Colleen Best - VMRC# 2017-1717, The installation of a wave break like structure to the existing

bulkhead, and to place fill material directly behind the bulkhead to build the elevation with the stipulations that the maximum of 2 feet above adjacent bulkhead, and change 8 cubic feet of intertidal fill to a maximum of 16 cubic feet of intertidal fill . The property is located in the Captain's Cove subdivision in Greenbackville, VA 23356, Tax Map # 5A1-1-987 & 5A1-1-988.

5. OTHER BUSINESS

Introduction of new Wetlands Board Alternate, David Montgomery.

6. NEXT MEETING

The next Wetlands Board meeting is scheduled for Thursday, November 16, 2017 at 10:00 a.m. in the Accomack County Board Chambers, Room 104, in Accomac.