

ACCOMACK COUNTY WETLANDS MINUTES OF SEPTEMBER 28, 2017

At a meeting of the Accomack County Wetlands Board held on the 28TH day of September 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. Gene Wayne Taylor
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)

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. August 31, 2017

On a motion made by Mr. Byrd and seconded by Mr. Elebash, the Wetlands Board voted to approve the minutes of the August 31, 2017 meeting.

4. NEW BUSINESS

A. Angelo Spagnuolo – VMRC# 2017-1268

The construction a 12 feet wide by 50 feet long concrete boat ramp. The property is located in the Nandua Bay subdivision in Painter, VA 23420. Tax Map # 109-8-16.

Mr. Chris McCabe, appeared before the Wetlands Board on behalf of Mr. Angelo Spagnuolo and was sworn in by Chairman Frederick. Mr. Frederick asked Mr. McCabe to give some details on the project. Mr. McCabe explained that they wanted to install a concrete boat ramp so that Mr. Spagnuolo will be able to retrieve his boat in case of a storm event and that he would also like to be able to launch his boat. The closet boat ramp is in Harborton, which is a 40 minute boat ride.

Mr. Frederick asked if anyone had questions for Mr. McCabe and Mr. Taylor said he would like to know what Mr. Hank Badger's, (VMRC), thoughts were. Mr. Badger was sworn in by Mr. Frederick. Mr. Badger pointed out that the project does not impact any vegetative wetlands, but also pointed out that it's not a full concrete pad. It has gaps in it and will still have some interaction with the environment. Mr. Taylor said he liked that and thought it was something positive.

Mr. Frederick asked Mr. McCabe to elaborate more on the ramp material. Mr. McCabe said it is pre-cast concrete with the slats in it that you lay down in sections and anchor. The sections are 12 feet long with 3 inches of space each section. Mr. Elebash asked Mr. McCabe how the sections were anchored. Mr. McCabe said they have steel anchors. Mr. Frederick questioned if this method would be efficient with the slabs going on bare sand, and if it would be stable. Mr. Byrd chimed in to say that the ones he has seen were sledged hammered in near the area Mr. Elebash lives. He also added that those are stable and do a nice job.

On a motion made by Mr. Byrd and seconded by Mr. Ward, the Wetlands Board voted to issue a permit (valid for (1) year) to Angelo Spagnuolo, VMRC#2017-1268, for the construction a 12 feet wide by 50 feet long concrete boat ramp. The property is located in the Nandua Bay subdivision in Painter, VA 23420. Tax Map # 109-8-16.

B. Shirley Keating – VMRC# 2017-1434

To remove a portion of a failing low profile bulkhead and replace with rip rap stone. The property is located in the Captain's Cove subdivision in Greenbackville, VA 23356, Tax Map # 5A3-1-1456.

Mr. Raymond Britton, BIC Inc., appeared before the Wetlands Board on behalf of Ms. Keating and was sworn in by Chairman Frederick. Mr. Frederick asked Mr. Britton to fill the board in on the project. Mr. Britton stated that Ms. Keating has a low profile bulkhead on the property adjacent to her. Mr. Britton also said that Ms. Keating would like to remove the failing bulkhead and replace it with rip-rap stone, and that they would be keeping it in front of the vegetative wetlands. Stone height will be the same as the bulkhead that it will be replacing, and will be disturbing 198 square feet of subaqueous marsh.

On a motion made by Mr. Taylor and seconded by Mr. Elebash, the Wetlands Board voted to issue a permit (valid for (1) year) to Shirley Keating, VMRC#2017-1434, to remove portion of a failing low profile bulkhead and replace with rip rap stone. The property is located in the Captain's Cove subdivision in Greenbackville, VA 23356, Tax Map # 5A3-1-1456.

C. James Palmer – VMRC# 2017-1451

To properly re-install or newly install approximately 1,020 linear feet of rip-rap, to remove amaged sections of an old pier, and to construct a new pier in the cove approximately 82 feet with a fixed "T" and floating "T". The property is located in Schooner Bay subdivision in Onancock, VA 23417. Tax Map # 75-1-3.

Ellen Grimes, CRM, LLC, appeared before the Wetlands Board on behalf of Mr. James Palmer and was sworn in by Chairman Frederick. Ms. Grimes explained that there's a low lying marsh area in front of a residential dwelling and they are proposing to install 450 square feet of new marsh toe rip-rap composed of class 2 stones and some class 1 stones. Also to reinstall 570 square feet of existing marsh toe. When it was originally installed it was not installed with filter cloth so they will be taking it out and putting back in to install filter cloth underneath it.

A mini excavator will be used to pick up the stone and to gently place it on mats. Once the filter cloth is in, the stone will be replaced and the mats will be removed. Direct impacts will be temporary due to the moving of the stone and putting it back. 200 square feet of vegetative wetlands will be impacted although the application states 0.

There was also complaint/protest letter received against the project sent from Mr. Howard Taylor and Ms. Florence Newman. Mr. Frederick read the portion of the protest that dealt with the submerged aquatic vegetation, (SAV), aloud. Mr. Taylor & Ms. Newman were

that the project would have a vegetative impact on the area and would eliminate shoreline habitat for blue crabs and small fish. Dr. James Palmer was sworn in by Chairman Frederick and a discussion ensued. Dr. Palmer says he believes putting in the rip-rap will protect several homes in the area, and that he was trying to do the right thing for the marsh. The board concluded that the rip-rap is the best thing for the environment and that it will have a positive affect, while protecting several houses.

Mr. Guvernator stated that his staff recommended approval of the project, as is, due to the fact there's in no natural impediment to continue erosion against the low marsh.

On a motion made by Mr. Byrd and seconded by Mr. Ward, the Wetlands Board voted to issue a permit (valid for (1) year) to James Palmer, VMRC# 2017-1451, to properly re-install or newly install approximately 1,020 linear feet of rip-rap, to remove damaged sections of an old pier, and to construct a new pier in the cove approximately 82 feet with a fixed "T" and floating "T" with the following conditions:

- 1. Include payment into the mitigation fund for 200 square feet of vegetative wetlands impact.**
- 2. 1 year monitoring period for the temporary marsh disturbance to verify recovery from damage during construction.**
- 3. Allow for potential revisions as directed by other regulatory agencies.**

The property is located in Schooner Bay subdivision in Onancock, VA 23417. Tax Map # 75-1-3.

5. OTHER BUSINESS

A. Ernest Savage - VMRC #2017-1189

Chairman Frederick asked Mr. Guvernator to come before the board to speak on this project. Mr. Guvernator told the board that this JPA did not come before the board, and that it was not a typical residential lot. Mr. Savage applied for the construction of a floating dock and walkway. Mr. Savage was contacted to get a better perspective of project being that it seemed like a community pier vs. being a private pier. It was confirmed by AccoMap and the County Accessors office confirmed that Mr. Savage owned the property, and Mr. Savage confirmed that this was a private pier for private use on private property. Resulting in it not being in the boards jurisdiction and not having to come before the board.

A protest to cease and desist construction was revived from the Pender & Coward law group, on behalf of Ms. Smoots, September 8, 2017 by VMRC. They were questioning the ownership of the parcel. They have also declared trespassing, said damage has been done to her property, and is asking for the VMRC permit to be voided.

B. Dennis Evans - VMRC# 2017-1531

To construct a concrete boat ramp 10.5 feet wide and 80 feet long. The project is located Parksley, VA 23421, Tax Map # 88E-1-3-5

Mr. Evan's withdrew his application and Mr. Badger, VMRC, added that VMRC terminated Mr. Evan's application.

7. **NEXT MEETING**

The next Wetlands Board meeting is scheduled for Thursday, October 26, 2017 at 10:00 A.M. in the Accomack County Board Chambers, Room 104, in Accomac.

8. **ADJOURNMENT**

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

The meeting was adjourned at 11:05 a.m. _____
Earl Frederick, Chairman

Chontese Ridley, Environmental Permit Specialist

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