

## ACCOMACK COUNTY WETLANDS MINUTES OF JULY 19, 2018

At a meeting of the Accomack County Wetlands Board held on the 19<sup>th</sup> day of July 2018 in the Accomack County Administration Building Board Chambers, Room #104, in Accomack, Virginia.

### 1. CALL TO ORDER

#### MEMBERS PRESENT AND ABSENT

Wetland Board Members Present

Mr. Earl Frederick, Chairman

Mr. T. Lee Byrd

Mr. Gene Wayne Taylor

Mr. Timothy Getek

Mr. David Elebash, Alternate

#### Others Present:

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

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

**On a motion made by Mr. Taylor and seconded by Mr. Getek, the Wetlands Board voted to approve the agenda of the July 19, 2018 meeting.**

### 3. MINUTES

#### A. June 21, 2018

**On a motion made by Mr. Byrd and seconded by Mr. Elebash, the Wetlands Board voted to approve the minutes of the June 21, 2018 meeting.**

### 4. NEW BUSINESS

#### A. **Conner & McGee Seafood Village, Inc. – VMRC# 2018 – 0659**

**6576 Maddox Blvd.**

To reconstruct an existing 6 feet wide walkway around the existing restaurant in the same footprint, and to construct a new 20 feet by 36 feet deck on back of the restaurant. The property is located on Chincoteague Island, VA 23336, and Tax Map# 30A6-6-14.

Ms. Stacey Hart, J. Stacey Hart & Associates, Inc. appeared before the Wetlands Board on behalf of the applicant and was sworn in by Chairman Frederick. Ms. Hart asked if the project could be tabled due to new information coming in late. She also mentioned that the Environmental Specialist for the site would also like to be present.

**On a motion made by Mr. Taylor and seconded by Mr. Elebash, the Wetlands Board voted to table the hearing for Conner & McGee Seafood Village, Inc. – VMRC# 2018 – 0659, to reconstruct an existing 6 feet wide walkway around the existing restaurant in the same footprint, and to construct a new 20 feet by 36 feet deck on back of the restaurant for one month. The property is located on Chincoteague Island, VA 23336, and Tax Map# 30A6-6-14.**

**B. Oyster Widows – VMRC# 2018 – 0775**

**34256 Wright Road**

To construct a 201 feet dock with a 24x32 feet deck on the end. The property is located in Atlantic, VA 23303, Tax Map #43-A-14A.

Mr. Bradley Walker appeared before the Wetlands Board on behalf of the applicant and was sworn in by Chairman Frederick. Mr. Walker said the issue they're having is that the dock cannot be seen at low tide. This leads to the workers having to push wheel barrels down through the mud to and from the boats to get the oysters. He said this is inefficient. They want the dock to be 8 feet wide for safety even though that is wider than what the code allows. The applicant wanted the extra width to make sure that no one or no equipment falls off the deck in passing.

George Badger was sworn in by Chairman Frederick. Mr. Frederick asked Mr. Badger what was the board's jurisdiction. Mr. Badger responded 1 ½ times mean low water. (Which would be the width of the dock) The code requirement is 4 feet tall and 5 feet wide. In order to meet the code the dock would have to 7 feet above the substrate. Mr. Walker said that he would do the 7 feet the dock would be so high above the water that you would not be able to reach it. Mr. Byrd suggested having slant down to the water which would take him out the board's jurisdiction. Mr. Walker said that was doable, but he would like to keep everything low. He also stated that he did not want to harm the environment.

Mr. Walker proposed taking down the 10 foot sections under the roof making the new footprint significantly less. Mr. Frederick clarified what sections Mr. Walker was talking about and confirmed that the new dock would extend to a new "T" off shore. Mr. Walker confirmed.

There was some confusion about the tidal wetlands and making wetlands. Mr. Badger stepped in to explain this situation. Mr. Badger explained that this was an open pile structure replacing an open pile structure and that there would be no change. There would be no loss of wetlands.

Mr. Frederick asked Mr. Walker what was the size of each area he proposed to remove. The section he would like to remove was 560 square feet and he would be putting back 240 square feet. Mr. Frederick then went back to the height issue. Mr. Badger chimed in to say in cases like this it is not unusual to see a stepdown/slope. Mr. Walker said this was not ideal for them. Mr. Badger said the slop/stepdown could start where the vegetative wetlands stop. Mr. Chris Guvernator suggested that the dock extend to the south and not the north. Mr. Byrd said that would change everything. Mr. Byrd asked Mr. Walker would he be willing to do that to resolve the issues. Mr. Walker said yes.

A discussion ensued until an agreement was met.

**On a motion made by Mr. Taylor and seconded by Mr. Getek, the Wetlands Board voted to issue a permit (valid for (1) year) to Oyster Widows – VMRC# 2018 – 0775, To construct a 201 feet dock with a 24x32 feet deck on the end with the following conditions:**

- 1. Revise the drawings to show the dock 8 feet wide by 5 feet high*
  - a. Extension to the south and not the north*
  - b. Showing structures to the right being removed*

**The property is located in Atlantic, VA 23303, Tax Map #43-A-14A**

**C. Ellen Papetti – VMRC# 2018 – 0924**

**24412 Swan Lane**

To install 55 linear feet of quarry-stone sill with a 5-6 feet base width, and approximately 45 linear feet of quarry-stone bank revetment. The property is located in Onancock, VA 23417, Tax Map #92-7-4.

Ellen Grimes, Coastal Resource Management, appeared before the Wetlands Board on behalf of the applicant and was sworn in by Chairman Frederick. Applicant wants to rebuild the marsh. It needs to be protected, and she plans to fill behind it and replant.

Mr. Frederick said it looked like a classic living shoreline. Mr. Byrd said this would do a great deal of good and protect the bank.

**On a motion made by Mr. Byrd and seconded by Mr. Taylor, the Wetlands Board voted to table the hearing for Ellen Papetti – VMRC# 2018 – 0924, to install 55 linear feet of quarry-stone sill with a 5-6 feet base width, and approximately 45 linear feet of quarry-stone bank revetment. The property is located in Onancock, VA 23417, Tax Map #92-7-4.**

**5. OTHER BUSINESS**

**A. Hacks Neck**

Mr. Guvernator wanted to bring the complaints that have been coming in about this area to the board's attention. There have been several over the last year. The most recent might be under the board's jurisdiction. There is a boat ramp that seems to be used regularly. The first one, (1 year ago), someone had dumped dirt that which made it impossible for anyone to use it. By the time someone from the Sheriff's Office could get there it had been spread out to maintain the boat ramp.

It is being discussed to see who owns it, is it public or private and so on legally. The adjacent property owners said that all work done has been for business purposes. The most recent complaint is that construction debris being put in the wetlands in more than one area. Research is still being done.

**B. County Project Overview**

Maintenance dredging at Hammocks Boat Ramp

Mr. Guvernator and Mr. Badger thought it would be a good idea to inform the board about this project. It is for the installation of 50 lf of open-water timber/FRP breakwater (jetty) to impede sand migration, installation of 163 lf of bulkhead. There will be no impact to vegetated tidal and no impact to non-vegetated tidal wetlands.

A discussion ensued.

**6. NEXT MEETING**

The next Wetlands Board meeting is scheduled for Thursday, August 23, 2018 at 10:00 a.m. in the Accomack County Board Chambers, Room 104, in Accomac.

**7. ADJOURNMENT**

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

The meeting was adjourned at 11:08 a.m.

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Earl Frederick, Chairman

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Chontese Ridley, Environmental Permit Specialist