

## ACCOMACK COUNTY WETLANDS MINUTES OF JANUARY 24, 2019

At a meeting of the Accomack County Wetlands Board held on the 24<sup>th</sup> day of January 2019 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 Montgomery, 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. ELECTION OF 2019 WETLAND BOARD OFFICERS

The Wetlands Board will elect the Chairman and Vice-Chairman for 2019

Mr. Guvernator opened the floor for nominations for Chairman of the Wetlands Board:

Mr. Taylor moved, seconded by Byrd, to nominate Mr. Frederick as Chairman for 2019. No other nominations were made. Mr. Guvernator closed the floor for nominations.

**Mr. Guvernator called for a vote and the Wetlands Board voted unanimously to elect Mr. Frederick as Chairman of the Wetlands Board for 2019.**

Mr. Frederick opened the floor for nominations for Vice-Chairman of the Wetlands Board:

Mr. Byrd moved, seconded by Mr. Taylor, to nominate Mr. Ward as Vice-Chairman for 2018. No other nominations were made. Mr. Frederick closed the floor for nominations.

**Mr. Frederick called for a vote and the Wetlands Board voted unanimously to elect Mr. Ward as Vice-Chairman of the Wetlands Board for 2019.**

### 3. ADOPTION OF AGENDA

Mr. Frederick said he had a request to add "Update to Makemie Project" to Other Business.

**On a motion made by Mr. Taylor and seconded by Mr. Ward, the Wetlands Board voted to unanimously adopt the agenda as amended.**

### 4. MINUTES

A. December 13, 2018

**On a motion made by Mr. Getek and seconded by Mr. Ward, the Wetlands Board voted to approve the minutes of the December 13, 2018 meeting.**

**5. OLD BUSINESS**

**A. Front Row Properties – VMRC# 2018-0009**

**12248 Fairview Road**

To renovate a property that was a former working railway and return it to a functional use for the mooring of vessels. Also, to install approximately 179 linear feet of vinyl bulkheading, construct approximately 1,095 linear feet of wharf/walkway access, construct (3) 4'x 15' finger piers, fill (2) areas; the first behind bulkhead number 1 and the second to create a vegetated wetland environment, and to dredge an area approximately 3,285 square feet. The property is located in Wachapreague, VA 23480, Tax Map #113A-A-212.

Ellen Grimes, Coastal Resource Management, appeared before the Wetlands Board on behalf of the applicant and was sworn in by Chairman Frederick. Ms. Grimes started by giving an explanation on why she was back before the board with this project. She said there were questions that the Core had that they could not answer and the project was split into phases. Ms. Grimes then gave some background on the two phases and said the Core did not believe that Phase 1 was a water dependent need. When asking the Core what they should do, Ms. Grimes stated they told her to put Phase 1 and 2 back together. Ms. Grimes said the water way would be dredged to accommodate 5 slips, and that the northern part of slip #1 would be in the board's jurisdiction. She added that finger piers would be put in, 6x72 feet access boardwalk over top of the bulkhead, (which was previously permitted by the board), and another bulkhead moving back towards the land. In between the two bulkheads is where the wetland's creation will be. Continuing, moving backwards behind the most landward bulkhead is going to be fill material to bring the grade up to a usable grade.

Ms. Grimes said there would be 5 parking spots with 1 handicap and the building there would be reduced in size. She also added that some of the dredge material would be placed between the bulkheads. Mr. Frederick asked, to clarify, if she meant in between the bulkheads in Zone B, and Ms. Grimes said yes. The original dredging problem has been resolved. It will be mechanically dredged first and Dean Fisher will be doing the work. The dredge material will be carried to the Town's spoil site. Ms. Grimes said she did not think the town would have any problems with the spoils going there, however, she said the applicant is supposed to talk to the Town on that matter. She also noted that she could not speak definitively the matter. Mr. Frederick said he thought the spoil site had been straightened out, but maybe not. Ms. Grimes responded that through the different iterations of the project she was not certain. Mr. Frederick also asked to confirm that the mechanical dredging would be done from the water and not upland. Ms. Grimes said it would be done from a barge matted excavator. In conclusion, Ms. Grimes said it was the same project the board had seen before. Now they have put the dredging in and piers making it a commercial facility under the board's jurisdiction.

Mr. Byrd and Mr. Frederick questioned the square footage of the corner Ms. Grimes spoke of near slip #1. Mr. Frederick also noted that the area is non-vegetative wetlands. Ms. Grimes, after looking over the drawings, responded 312 cubic yards for the corner of non-vegetative wetlands.

Mr. Getek then stated that he thought, as part of the permit, there had to be a certified place to put the spoils. Mr. Frederick asked how they approved this originally. Mr. Guvernator, from the audience, said there was no dredging. Ms. Grimes said she would talk to the applicant and get him to obtain a letter from the Town that says that he can use their spoil site. Mr. Frederick stated that in the motion it would be noted that approval is subject to [having a certified spoil site].

Ms. Grimes asked if the 65 square feet of wetlands that was approved before would remain approved or if they would have to go through it again?

Mr. Chris Guvernator, Environmental Programs Director, was sworn in by Chairman Frederick. Mr. Guvernator said he believed his department took in payment for the 65 square feet and it has been taken care of. If there are any additional vegetative wetland impacts then additional money would have to be taken in, but if not they could move on and approve this application as amended. Ms. Grimes said there were no additional impacts. Mr. Guvernator said if it had to be amended, they would be adding additional square footage of non-vegetative wetlands impacts.

Mr. George Badger, VMRC, was sworn in by Chairman Frederick. Mr. Badger stated that the additions to the board's jurisdiction were the 6x72 walk way, the dredging, and the open pile structure. Mr. Frederick asked if anyone had questions and Mr. Byrd said he was still confused about the 312 cubic yards. After doing some calculations the 312 cubic yards was converted to around 1,400 square feet. Mr. Byrd said that made sense to him. Mr. Frederick then asked if Ms. Grimes would be getting all of her fill for Zone A from the dredge material, and also wanted to know the consistency. Ms. Grimes said that it would be silty, and Mr. Frederick asked her what her intention was. Ms. Grimes stated there would be too much dredge material produced to put in between the two bulkheads. She estimated only one quarter of it would be put there. Ms. Grimes added that the Core has asked those same questions, however, she has not addressed it yet. Mr. Frederick then asked what where the chances of plants being able to live there. Ms. Grimes said they thought about doing a one in one out, (depending on what the Town wants/allows), where they would take some of the dry spoils from the spoil site to mix in with the silty between the bulkheads. Mr. Frederick said usually when people say they want to sprig they are talking about sand size or coarse sand size that is replaced behind a sill or something like that; you do not go with the very fines.

Mr. Getek told Ms. Grimes she was going a great job with revitalizing wetlands / mitigating and wanted to know if she should be charged a fee. Ms. Grimes said that she would let Mr. Hank Badger answer that question. Mr. Badger said the 65 feet is a loss of tidal wetlands and the area that is being created is already in the tidal wetlands. That made it a change from non-vegetative to vegetative.

Mr. Byrd asked Mr. Ward what he thought about the project being that it was in his area. Mr. Ward asked Ms. Grimes about the one for one she mentioned earlier, and if she would be mixing the dry with the wet. Ms. Grimes corrected the previous statement and said they would spread out the dry material and then the tide would make it wet. Mr. Ward said this would make it sturdier. Mr. Frederick asked to confirm that she would not be mixing the wet with the dry. Ms. Grimes said that was correct. She did not believe that mixing the two would be a good idea.

Mr. Byrd went over all that needed to be put in the motion to make sure nothing was left out with Mr. Ward. Ms. Grimes said she had a question for Mr. Badger. Ms. Grimes asked since they were not doing the wetlands planting as a part of mitigation if they had to have a mitigation plan with a motoring plan? Mr. Badger said yes if the board requires it. Mr. Byrd said yes, it has been done for all the other ones. Mr. Frederick added that this needed to be put into the motion.

Mr. Frederick asked if the fill for Zone A had been previously approved and Mr. Guvernator responded yes. Mr. Badger pointed out that he did not see any distances on the drawing. Ms. Grimes noted the scales that were on the drawings and Mr. Frederick asked if that was adequate. Mr. Badger said normally a distance would be there, because the scale could easily be off and the drawing would be out of compliance. Mr. Frederick asked Ms. Grimes if it could be fixed and she said yes

Mr. Badger then noticed on the first drawing there was a distance of 45 feet listed, but it was not on the new drawing. Ms. Grimes said that she left them out on the current drawing due to adding the scales. Mr. Byrd said they needed to be added to the drawing, the actual numbers and not just scales. Mr. Taylor asked Mr. Badger if 45 feet is what was approved originally to confirm and was correct. . The board agreed that this needed to be put in the motion and that the drawings needed to be revised. Mr. Badger also pointed out that amount of space between the bulkhead were not the same as the original drawing. That will also be added to the motion and revised.

**On a motion made by Mr. Ward and seconded by Mr. Byrd, the Wetlands Board voted to “approve as amended,” a permit (valid for (1) year) to Front Row Properties – VMRC# 2018-0009 renovate a property that was a former working railway and return it to a functional use for the mooring of vessels. Also, to install approximately 179 linear feet of vinyl bulkheading, construct approximately 1,095 linear feet of wharf/walkway access, construct (3) 4'x 15' finger piers, fill (2) areas; the first behind bulkhead number 1 and the second to create a vegetated wetland environment, and to dredge an area approximately 3,285 square feet with the following modifications:**

1. *Update the drawings footage wise*
2. *Get a document saying they have dredge area to place the spoils*
3. *Add in the 1,400 square feet of non-vegetative impacts*
4. *There will be a year monitoring period*

**The property is located in Wachapreague, VA 23480, Tax Map #113A-A-212.**

## **6. NEW BUSINESS**

### **A. Debra J. Quinn Life Trust – VMRC# 2018 – 1993 7234 Bunting Road**

To construct a 135 feet bulkhead with a 12 feet return wall. The property is located on Chincoteague Island, VA 23336, Tax Map #30A3-4-1.

Ellen Grimes, Coastal Resource Management, appeared before the Wetlands Board on behalf of the applicant and was sworn in by Chairman Frederick. Ms. Grimes said the applicant, Ms. Quinn, lives on a piece of Fallon Gut. Her foundation is too close to the gut, and there is a place along there where it is encroaching dangerously. Due to this Ms. Quinn, (the applicant), would like to have a bulkhead installed. The bulkhead will be 123 feet with a 12 foot return wall on one side. The northeastern return wall will dive off into the uplands. Ms. Grimes stated that there would wetlands impacts down at the southwestern portion and by center near the house. Ms. Grime also added that they could not move the bulkhead closer to the house due to construction constraints with tiebacks and deadmen. The bulkhead will be 8 feet from the house. Mr. Taylor asked to confirm that the outside of the project would be 9 feet and Ms. Grimes said yes. Mr. Guvernator chimed in asked Ms. Grimes if she had contacted the Town who owns the road and she replied yes. Ms. Grimes said she spoke with Harvey Spurlock.

Mr. Frederick asked to confirm if the project was just to halt erosion. Ms. Grimes confirmed and Mr. Frederick said it would not halt flooding. He said when talking to Ms. Quinn she told him, (from what she was told). The water level sometimes goes up to the guardrails going over the bridge on Bunting Road.

Mr. Frederick mentioned flood gates that were once in the area, but did not know if they were still functioning. Mr. Taylor asked to see the plat for the site. The contractor, (from the audience), said that he had the plat with him. Ms. Grimes asked before the plat was given to the board to so that all parties would have a copy of it. Mr. Guvernator said he would scan it. The contractor for the project showed the plat to the board members and a discussion ensued.

Mr. Aaron Matthews, contractor, was sworn in by Chairman Frederick. Mr. Byrd asked to see the where the pull gates were on the plat. Mr. Matthews showed Mr. Byrd where they were located and went on to explain why he thought doing the bulkhead in a straight line to line up and be uniform with the bulkhead

across the street. One of his main concerns is being too close to the foundation during construction. He stated that by doing it this way there would be some impact to wetlands, but it would pay off in the end. Mr. Byrd asked if the amount of wetlands from the original was known. Ms. Grimes said they figured that out when they first got there. Mr. Frederick asked if they were talking about the amount of impacted wetlands and said it was 235 square feet. Mr. Taylor said the project was being presented going out 9 feet and asked Mr. Matthews did he not want to go the 9 feet. Mr. Matthew's said he was told that what was being presented was what would get approved so he went with it. Mr. Taylor said it was two different things, but did believe that Ms. Quinn needs a bulkhead. He also added that if he wanted to do it his way the drawings would need to be changed. Ms. Grimes said that changing the project, to say in line with the northeastern bulkhead, could cost over \$5,000.00 in mitigation fees. Mr. Frederick said it was not the board's decision what they present. Mr. Byrd said that if Ms. Quinn wanted to pay then that was fine, however, they would have to restart the process.

Mr. Matthews said he did not want to do that and would keep everything the same. Mr. Getek asked if putting in any weep holes would be beneficial, and Ms. Grimes said they would if that is what the board wanted. Mr. Frederick asked Mr. Matthews what he thought about the weep holes and whether they were good or bad. Mr. Matthews said there would be no problem with the water getting and out.

**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 Debra J. Quinn Life Trust – VMRC# 2018 – 1993 to construct a 135 feet bulkhead with a 12 feet return wall. The property is located on Chincoteague Island, VA 23336, Tax Map #30A3-4-1.**

**B. Chincoteague Bay Trails End Association, Inc. – VMRC# 2018 – 1869  
Trails End, off of Nautilus Drive**

To dredge approximately 1,250 cubic yards of sediment material from an active boat canal and launch facility, and to install approximately 330 linear feet of low profile vinyl bulkheading along the western canal edge. The property is located in Horntown, VA 23395, Tax Map #29-A-2.

Ellen Grimes, Coastal Resource Management, appeared before the Wetlands Board on behalf of the applicant and was sworn in by Chairman Frederick. Ms. Grimes started with informing the board that Captain's Cove has dredged this canal before, but was not sure of the dates. She also added that they installed a bulkhead to stop sediment from getting into the canal. The applicant wants to put in this new bulkhead to keep the sediment from going into the center of the canal. It will be a low profile bulkhead, no tie backs, no deadmen, and pilings are going to be placed alternately with deep sheathing. Ms. Grimes also said there would be no fill and the water would be able to go over top of it and run out from it nourishing the marsh behind it.

Mr. Byrd asked without the deadmen and tie backs if Ms. Grimes thought it would stay there. Ms. Grimes said yes if the pilings are alternate and deep as well as the sheathing. Mr. Getek asked if the bulkhead was really considered low-profile and if she wanted to keep it at 3 feet. Ms. Grimes said that 2 feet would be fine. Mr. Frederick said he did not think there was a definition of what low profile it. The bulkhead is open ended so it can flow both ways.

Mr. Byrd asked to confirm that there were no vegetative wetland impacts and Ms. Grimes said that was correct. Mr. Governor said he needed an estimated number of impacts to non-vegetative wetlands for the record. The impacts were 430 square feet, but the application says 330 square feet. Mr. Byrd asked if that needed to be in the motion and Mr. Governor said if needs to be in the JPA (revised) or in the motion has to say it. Ms. Grimes said she would revise the application. Mr. Frederick said he thought that the 430 square feet should be put in the motion.

**On a motion made by Mr. Getek and seconded by Mr. Taylor, the Wetlands Board voted to issue a permit (valid for (1) year) to Chincoteague Bay Trails End Association, Inc. – VMRC# 2018 – 1869, as amended to state there will be 430 square feet of non-vegetative wetlands impacted, to dredge approximately 1,250 cubic yards of sediment material from an active boat canal and**

launch facility, and to install approximately 330 linear feet of low profile vinyl bulkheading along the western canal edge. The property is located in Horntown, VA 23395, Tax Map #29-A-2.

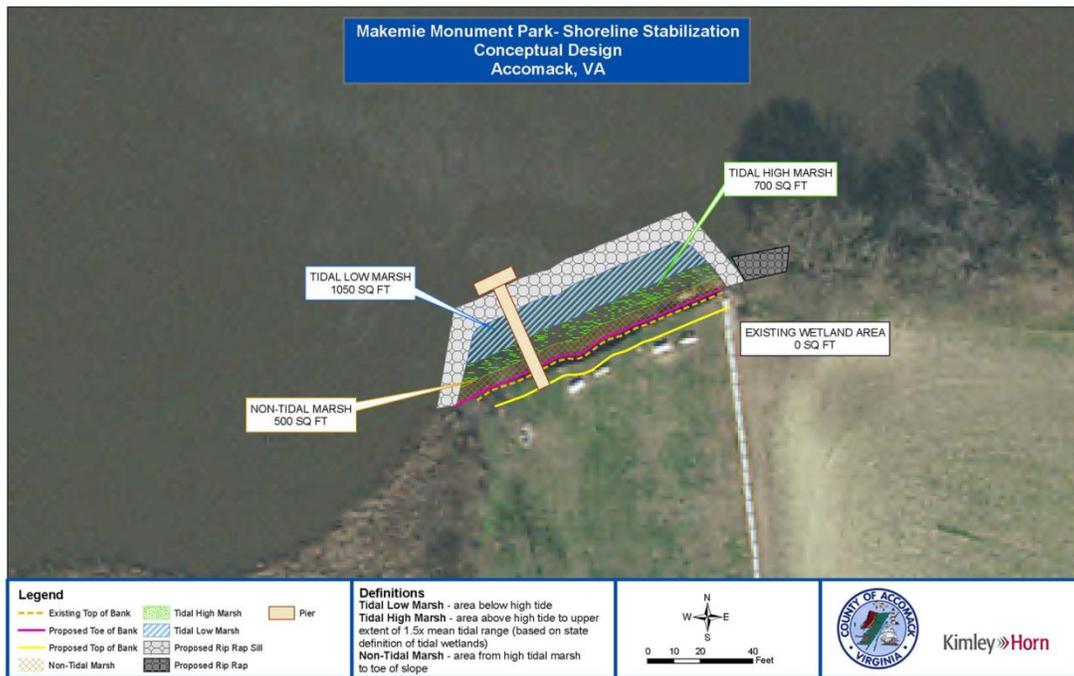
**7. OTHER BUSINESS**

**A. Makemie Monument Park**

Property is open to the public 7 days a week from dawn to dusk. They are losing their shoreline up to an area where people like to fish at the water's edge. Mr. Governator said he has been working with the Francis Makemie Society, state agencies, and with a consultant to come up with a plan to us a living shore line. A living shoreline would take of the erosion problems and extend the amount tidal wetlands in the area. Mr. Governator said the county would use some of the In Lieu of fees for mitigation funds to help with this project along with other county resources and the Makemie Society.

Mr. Byrd asked how much the project would cost and Mr. Governator said about \$60,000. Mr. Byrd then asked if we had that amount and Mr. Governator said our funding balance could probably fund the whole project, however we are only allowed to contribute to the portion of the project that puts tidal wetlands into play.

A discussion ensued.



**NEXT MEETING**

The next Wetlands Board meeting is scheduled for Thursday, February 28, 2019 at 10:00 a.m. in the Accomack County Board Chambers, Room 104, in Accomac.

**8. ADJOURNMENT**

On a motion made by Mr. Taylor and seconded by Mr. Ward, the Wetlands Board voted to adjourn the meeting. The meeting was adjourned at 11:31 a.m.

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Earl Frederick, Chairman

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Chontese Ridley, Environmental Permit Specialist