

Virginia: At a meeting of the Accomack County Wetlands Board, held in the Chambers of the Board of Supervisors on the 19th day of July, 2012, A.D.

Members present:

Mr. Earl B. Frederick, Vice-Chairman
Mr. C. Lee Davis
Mr. George H. Ward, Jr.
Mr. Gene Taylor (Alternate Member)
Mr. Mikel Patti (Alternate Member)

Staff present:

Mr. David Fluhart, Secretary
Ms. Gracie A. Milbourne, Recording Secretary

Others present:

Mr. Hank Badger, VMRC
Mr. Robert Cole, USACE

The meeting was called to order by Vice Chairman Earl B. Frederick, and opened to a public hearing at 10 a.m. All applications are approved for a one-year period from the date of this hearing, unless specifically noted. All applicants, speakers and representatives are sworn in before the Board on the following wetlands applications:

This Board is aware of and complies as closely as possible with the objectives of the Virginia Marine Resource Commission's Wetlands Policy of No Net Loss.

1). MINUTES

There were no minutes available at this meeting.

2). NEW BUSINESS

1). An application from Harry D. Parker, VMRC# 2012-0880, for the installation of rip rap structure along an eroding shoreline on property off of Occohannock DR, near Belle Haven, Virginia. TM# 116-A-19E

Ms. Ellen Grimes with Coastal Resource Management appeared before board to represent this application. Ms. Grimes asked that the property owner be allowed to install a bulkhead with a return wall on each end to address an erosion issue along the middle of the shoreline of this property. She explained that three pines trees will be removed and restored to prevent further erosion from the uplands.

No one spoke in opposition from the audience.

After a brief discussion, Mr. Patti made a motion to approve this application as presented. Mr. Ward seconded the motion. Ayes: Mr. Frederick, Mr. Patti, Mr. Ward, Mr. Davis, and Mr. Taylor.

2). An application from John Shire, VMRC# 2012-0881, for the installation of a rip rap structure along an eroding shoreline at 9364 Scarborough Neck RD, near Belle Haven, Virginia. TM# 116-2-B

Ms. Ellen Grimes with Coastal Resource Management appeared before the Board to represent this application and presented benchmark drawings required by the Army Corp of Engineers. Ms. Grimes asked for the approval of this project as it is a minimal structure and explained that the owner would like to save two cherry trees that are close to the shoreline by going around them and has agreed to pay \$12 per square foot for mitigation.

NOTE: Prior to the vote on this application, Mr. Fluhart received notice from the County Attorney that Mr. Gene Wayne Taylor, an alternate board member, should refrain from voting on applications until an Attorney General's opinion has been received regarding his service on both the Chincoteague Town Council and this board.

After a brief discussion, Mr. Ward made a motion to approve this application as presented with the provision that \$240 mitigation fee be paid for 20 square feet of vegetated wetlands for going around the tree. Mr. Davis seconded the motion. Ayes:

Mr. Frederick, Mr. Ward, Mr. Davis, and Mr. Patti.

3). An application from John Baier, VMRC# 2012-0751, for the installation of rip rap marsh toe structure along an eroding salt-marsh at 5371 Main Street, Chincoteague, Virginia. TM# 31B1-A-69

Mr. Luke Britton of Britton Construction and Mr. John Baier appeared before the Board to represent this application. Mr. Britton discussed the severe and rapid erosion problems that Mr. Baier is experiencing with his property and how he has plans to protect the wetlands from further erosion.

Mr. Davis noticed a difference in the contract price for this project on two different documents and asked Mr. Britton if the scope of work had been altered. Mr. Britton's response was that the price difference was a mistake and that the scope of the work has not changed and provided further explanation of the project. Mr. Davis and Mr. Patti were not clear on this proposal based on the drawings submitted and therefore agreed that accurate drawings and measurements must be provided before action is taken on this application.

Mr. Baier referred to the drawings submitted and offered additional explanation of how the erosion to his property will be addressed.

Mr. Robert Cole of the Army Corp of Engineers appeared and advised Mr. Baier that justification is needed across the openings of the marsh toe as loss of land can not be reclaimed without documentation and proof of the loss. He further suggested that Mr. Britton attend conferences and meetings for additional guidance and education on wetlands and living shorelines.

After a lengthy discussion, Mr. Davis made a motion to continue this application

until the next meeting for detailed drawings. Mr. Patti seconded the motion. Ayes: Mr. Frederick, Mr. Davis, Mr. Patti, and Mr. Ward.

4). An application from Brent A. Hurdle, VMRC# 2012-0439, for the installation of a bulkhead comprised of varying lengths along an eroding shoreline at 4307 Main Street, Chincoteague, Virginia. TM# 30A5-31-A

Mr. Brent Allen Hurdle and Mr. Luke Britton of Britton Construction appeared before the Board to represent this application. Mr. Britton indicated that Mr. Hurdle's property has suffered severe erosion and the construction of this wooden bulkhead will eliminate further erosion to his property next to the Chincoteague Bridge.

Mr. Davis and Mr. Frederick asked questions about the project based on the submitted pictures and drawings for clarification purposes.

After a brief discussion, Mr. Davis made a motion to approve this application as presented. Mr. Patti seconded the motion. Ayes: Mr. Frederick, Mr. Davis, Mr. Patti, and Mr. Ward.

3). OTHER BUSINESS

Resolution for Mr. George T. Parker

Mr. Parker was not able to attend this meeting; therefore the presentation did not occur.

Harmony Investments extension request.

Mr. Fluhart explained that this extension request is for the project that was approved at the Chincoteague Inn and not the one approved by the bridge. He reminded the board that the original applications were not extended by this board as they thought that the current one would supersede the older applications. He stated that the project

that was approved in January 2011 was not started within the year as they (Harmony Investments) had additional reviews with the Army Corp and VMRC. He further indicated that Harmony Investments have backed out of the project and now the owner, Mr. Burbage wants to proceed with the new motel and bulkhead as originally approved by this board in January 2011 minus the uplands and asked that the permit be transferred to his name.

After a brief discussion, Mr. Davis made a motion to reactivate and extend this application under Mr. Burbage's name provided that all other permitting agencies are agreeable and fees are current-- with an expiration date of January 20, 2013. Mr. Ward seconded the motion. Ayes: Mr. Frederick, Mr. Davis, Mr. Ward, and Mr. Patti.

ADJOURNMENT:

Mr. Davis made a motion to adjourn at 11:13 a.m. Mr. Ward seconded the motion. Ayes: Mr. Frederick, Mr. Davis, Mr. Ward, and Mr. Patti.

Mr. Earl Frederick, Vice Chairman