

**Virginia: At a meeting of the Accomack County Wetlands Board, held in the
Chambers of the Board of Supervisors on the 24th day of
January, 2013, A.D.**

Members present:

Mr. Earl B. Frederick, Chairman
Mr. George H. Ward, Jr., Vice Chairman
Mr. C. Lee Davis
Mr. Gene Taylor
Mr. T. Lee Byrd

Staff present:

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

Others present:

Mr. George H. (Hank) Badger, VMRC

**The meeting was called to order by Vice Chairman, Earl B. Frederick, at 10 a.m.
and turned over to Mr. Fluhart, pro-tem for election of officers for Year 2013.**

1) ELECTION OF OFFICERS

Mr. Fluhart opened nominations for Chairman. Mr. Taylor nominated Mr. Frederick as Chairman. Mr. Davis seconded the motion. Ayes: Mr. Taylor, Mr. Davis, Mr. Ward, and Mr. Byrd.

Mr. Fluhart turned the meeting over to Mr. Frederick who called for nominations for Vice Chairman. Mr. Davis made a motion to nominate Mr. Ward as Vice Chairman. Mr. Taylor seconded the motion. Ayes: Mr. Frederick, Mr. Davis, Mr. Taylor, and Mr. Byrd.

At this time, the meeting was opened to a public hearing. 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.

2). **MINUTES**

Mr. Davis made a motion to approve the minutes of the November 15, 2012 meeting as circulated. Mr. Taylor seconded the motion. Ayes: Mr. Frederick, Mr. Ward, Mr. Davis, Mr. Taylor, and Mr. Byrd.

3). **NEW BUSINESS**

1). An application from Joseph Zager, VMRC# 2012-1768 for the installation of a low-profile riprap sill with associated fill material and marsh grass plantings at 14264 Dogwood Lane, Hillsborough, near Belle Haven, Virginia.

TM# 118A-5-3.

Ms. Ellen Grimes and Mr. Joseph Zager appeared before the Board to represent this application. Ms. Grimes asked that Mr. Zager be allowed to create somewhat of a living shoreline by placing 220 linear feet of rip rap in a low-profile structure on property located on the non-boating side of Shield's Bridge. She indicated that plans are to place fill material behind the structure, plant marsh grass and trim or remove some trees to allow sunlight to the new plantings.

Mr. Zager agreed to proceed with the project as Ms. Grimes stated and considered it the most appropriate in terms of preserving the looks of the shoreline and keeping the bank from undercutting.

Mr. George H. (Hank) Badger with VMRC appeared before the Board with comments about this project. He stated a concern about having a monitoring plan in

place to ensure that this area becomes a living shoreline and not a beach.

After a brief discussion about the drawings, mitigation, establishing and monitoring the marsh, Mr. Ward made a motion to approve this application as presented with a stipulation that a planting monitoring plan be presented to staff. Mr. Byrd seconded the motion. Ayes: Mr. Frederick, Mr. Ward, Mr. Byrd, and Mr. Taylor. Abstaining: Mr. Davis.

Note: For Clarification purposes, Mr. Fluhart noted that the mitigation is insignificant to the wetlands loss.

2). An application from Agostino & Aileen M. Feola, VMRC# 2012-1808 for the installation of a bulkhead with a return wall and a splash apron at 5060 Wildcat Drive, Chincoteague, Virginia. TM# 16-2-3.

Ms. Ellen Grimes appeared before the Board to represent this application. She reminded the board that in 2004, the Feolas constructed a low-profile bulkhead and a pier that was attached to their neighbors on one side and now after Hurricane Sandy, they have to do something with the other 32-foot section of the shoreline that has not been bulkheaded. She mentioned that they have now placed additional rock behind the bulkhead in the wetlands jurisdiction to improve the appearance and preservation of the shoreline that may be considered *after-the-fact*.

Mr. Fluhart referred to another property where the owner (Luther Carter) removed rocks in stages and installed plantings and thought that this situation could be treated the same and therefore would eliminate the need of an *after-the-fact* permit.

Ms. Grimes stated that the Feolas will remove the stone in stages, install plantings, pay mitigation for 32 square feet of vegetated wetlands and submit revised

drawings.

Mr. Badger appeared and asked about the impacts to the wetlands.

After a brief discussion, Mr. Taylor made a motion to approve this application based on the drawing dated November 1, 2012 with the following conditions: 1) Mitigation must be paid for 32 square feet of vegetated wetlands; and 2) Submittal of a revised site plan modifying the splash apron to less than two-foot wide. Mr. Davis seconded the motion. Ayes: Mr. Frederick, Mr. Ward, Mr. Taylor, Mr. Davis, and Mr. Byrd.

3). An application from Burke F. & Kathy W. McCahill, VMRC# 2012-1828, for the installation of riprap revetment and riprap marsh toe protection at 35710 Occohannock Drive, near Camp Occohannock and Belle Haven, Virginia. TM# 116A-A-19A.

Ms. Ellen Grimes appeared before the Board to represent this application. Ms. Grimes described the McCahill's shoreline as steep with trees hanging over the edge and asked that they be given permission to install 60-foot of marsh toe and 270 feet of Class II riprap revetment with the bank graded and a return wall.

Mr. Frederick asked questions about the western end of the property where there appears to be a beach and asked where the toe will be situated relative to the beach section.

Ms. Grimes explained that the toe will be placed in front of that area and referred to the plat to reveal where the 60 square feet of vegetated wetlands would be impacted.

After a brief discussion, Mr. Ward made a motion to approve this application with the condition that mitigation for 60 square feet of vegetated wetlands be paid in the

mitigation fund.. Mr. Davis seconded the motion. Ayes: Mr. Frederick, Mr. Ward, Mr. Davis, Mr. Byrd, and Mr. Taylor.

4). An application from Captain's Cove Golf & Yacht Club, c/o Lance Stitcher, VMRC# 2012-1529, for the installation of a yard inlet with a check valve on the end that will discharge into the existing marsh thereby impacting wetlands on an easement between property located in Captain's Cove Subdivision on Starboard Street, near Greenbackville, Virginia. TM# 5A3-1-1463 and 5A3-1-1464.

Mr. George (Ed) Young, P.E. of George Young Surveyors, and Ms. Barbara Derrickson appeared before the Board to represent this application. Mr. Young explained that the Cove is experiencing drainage problems on both sides of Starboard Street as the road construction is too low and the pipes are ineffective. He mentioned that the installation of new pipes and inlet will eliminate drainage problems where the water currently gets trapped on both sides of that street and will impact 1,021 square feet of vegetated wetlands that the Cove agrees to pay for into the mitigation fund.

After a brief discussion, Mr. Davis made a motion to approve this application as presented with the condition that a mitigation must be paid for 1,021 square feet of vegetated wetlands. Mr. Ward seconded the motion. Ayes: Mr. Frederick, Mr. Davis, Mr. Ward, Mr. Byrd, and Mr. Taylor.

ADJOURNMENT:

Mr. Ward made a motion to adjourn at 11:05 a.m. Mr. Taylor seconded the motion. Ayes: Mr. Frederick, Mr. Ward, Mr. Taylor, Mr. Byrd, and Mr. Davis.

Earl B. Frederick, Chairman