

ACCOMACK COUNTY WETLANDS MINUTES OF FEBRUARY 23, 2017

At a meeting of the Accomack County Wetlands Board held on the 23rd day of February 2017, in the Accomack County Administration Building Board Chambers, Room #104, in Accomac, Virginia.

1. CALL TO ORDER

MEMBERS PRESENT AND ABSENT

Planning Commission Members Present:

Mr. Earl Frederick, Chairman
Mr. George Ward, Jr., Vice-Chairman
Mr. T. Lee Byrd
Mr. Timothy Getek
Mr. Gene Wayne Taylor

Others Present:

Mr. G. Christian Guvernator IV, PE, Director of Environmental Programs
Mr. Tyrone Upshur, Environmental Programs Inspector
Mr. Rich Morrison, Director of Planning and Community Development
Ms. Jessica Taylor, Administrative Assistant
Mr. Karl Mertig, Consultant, Kimley-Horn

DETERMINATION OF A QUORUM

There being a quorum, Chairman Frederick called the meeting to order at 10:00 a.m.

2. ELECTION OF OFFICERS

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

Mr. Taylor moved, seconded by Ward, to nominate Mr. Frederick as Chairman for 2017. No other nominations were made. Mr. Morrison closed the floor for nominations for Chairman.

Mr. Morrison called for a voted and the Wetlands Board voted unanimously to elect Mr. Frederick as Chairman of the Wetlands Board for 2017.

Chairman 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 2017. No other nominations were made. Chairman Frederick closed the floor for nominations.

Chairman Frederick called for a vote and the Wetlands Board voted unanimously to elect Mr. Ward as Vice-Chairman of the Wetlands Board for 2017.

3. ADOPTION OF THE AGENDA

The Wetlands Board unanimously adopted the Agenda as presented.

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4. MINUTES

A. December 22, 2016

On a motion made by Mr. Taylor and seconded by Mr. Getek, the Wetlands Board voted to approve the minutes of the December 22, 2016 meeting.

5. OLD BUSINESS

A. Corbin Hall – Mitigation Bank

Bill Davis, Representative for Corbin Hall and Karl Mertig, Consultant, was sworn-in by Chairman Frederick.

Mr. Mertig reviewed the history of this project and presented current photos of the property. Discussion ensued about the revised phragmites control plan for the Corbin Hall site to spray marshlands that are infested with phragmites. On a recommendation made by Mr. Mertig, Mr. Davis agreed to cut the 512 square feet area after it has been sprayed to remove the dead phragmites and heads.

On a motion made by Mr. Byrd and seconded by Mr. Getek, the Wetlands Board voted to have staff and Mr. Davis prepare a plan to record with the permit and submit to the Wetlands Board. Mr. Davis will send a picture of the area after it has been sprayed and cut; staff will monitor the progress during the three (3) year contract that Corbin Hall has with WeedPRO.

6. NEW BUSINESS - PUBLIC HEARING

A. Vernon McIntosh - VMRC# 2016-1788

Mr. McIntosh submitted a Joint Permit Application for the reconstruction of 88 linear feet of existing 5-foot wide pier with 6-foot wide pier, and installation of 80 feet of new vinyl bulkhead 2 feet seaward of existing concrete bulkhead, and hew 35 feet by 8 feet marginal wharf. The property is located in Chincoteague, Virginia. Tax Map # 30A3-A-31A.

Ellen Grimes, Coastal Resource Management, appeared before the Wetlands Board on behalf of the applicant and was sworn in by Chairman Frederick. After reviewing the application and plans, discussion ensued related to the 25 feet of area located within the wetlands.

The Board then heard from Mr. Badger, VMRC, who was also sworn in and stated that VMRC would approve Ms. Grimes proposed work.

On a motion made by Mr. Getek and seconded by Mr. Taylor, the Wetlands Board voted to issue a permit (valid for one (1) year) to Mr. Vernon McIntosh, VMRC# 2016-1788, for the reconstruction of 88 linear feet of existing 5-foot wide pier with 6-foot wide pier, and installation of 80 feet of new vinyl bulkhead 2 feet seaward of existing concrete bulkhead, and hew 35 feet by 8 feet marginal wharf. The property is located in Chincoteague, Virginia. Tax Map # 30A3-A-31A.

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B. Kevin Oliner – VMRC# 2016-1777

Mr. Oliner submitted a Joint Permit Application for the construction of 152 feet of new bulkhead. The property is located in the Silver Sails subdivision in Chincoteague, Virginia. Tax Map #30A2-22-9B.

Luke Britton, Luke Britton Marine and General construction Inc., appeared before the Wetlands Board on behalf of the applicant and was sworn in by Chairman Frederick. Mr. Britton expressed the urgency of this application as the erosion on the property is causing trees to fall and putting the residence on the site in danger. After reviewing the application and plans Mr. Britton stated that he did not believe there would be any impact to vegetative wetlands.

Mr. Badger and Chairman Frederick discussed jurisdiction within Silver Sails; it is a man-made canal and out of VMRC jurisdiction. Discussion ensued related to waterways and road access within the subdivision.

Mr. Mertig brought it to the board's attention that trees had been removed on the property by Mr. Britton. Discussion ensued related to the disagreement of vegetative wetlands on the property. Mr. Taylor noted that the phragmites may have spread once trees were moved and disturbed an area with phragmites. As members, applicant, and consultant were unable to find a compromise, Ms. Grimes requested (approved by Chairman Frederick) to interject and offer her input. Mr. Britton and Mr. Mertig agreed to meet onsite and review the proposed option to stake the property since the lines have GPS.

On a motion made by Mr. Ward and seconded by Mr. Byrd, the Wetlands Board voted to continue this item to allow Mr. Britton and Mr. Mertig to meet on site to review options. If the work stays within Wetlands jurisdiction, the applicant will submit a revised drawing to VMRC to be disbursed to the Wetlands Board, otherwise the application may be withdrawn by the applicant.

At 11: 30 a.m., on a motion made by Mr. Ward and seconded by Mr. Getek, the Wetlands Board voted to take a break and reconvene at 11:40 a.m.

C. Maddox Campground Kayak Launch – VMRC # 16-1368

Maddox Family Campground submitted a Joint Permit Application for the construction of a 10 foot wide by 50 foot long pier for access and a 15 foot wide by 20 foot long marsh and sand kayak launch. The property is located in Maddox Campground, 6742 Maddox Boulevard, at the waterway of Sheepshead Creek in Chincoteague, Virginia. Tax Map# 31-A-47.

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Chris McCabe, Coastal Compliance Solutions, appeared before the Wetlands Board on behalf of the applicant and was sworn in by Chairman Frederick. After reviewing the application and plans (noting that a revised drawing had been submitted), Mr. Badger informed the Wetlands Board of comments that VMRC had received from Fiddler's Bay property owners. Mr. McCabe informed the Wetlands Board that the most recent revision to drawing were to address issues expressed by both those property owners and no additional comments have been submitted since notifying the property owners of the revisions. Discussion ensued related to mitigation, which Mr. McCabe and the applicant supported.

On a motion made by Mr. Taylor and seconded by Mr. Byrd, the Wetlands Board voted to issue a permit (valid for one (1) year) to Maddox Campground Kayak Launch VMRC # 16-1368, to construct:

- **A 3 feet wide by 34 feet long pier over marsh to**
 - **a 6 feet wide by 120 feet long pier to**
 - **a 10 feet wide by 30 feet long 'T' platform with**
 - **a 3 feet wide by 10 feet long step down kayak launch, affixed to the platform**
- in Maddox Campground, 6742 Maddox Boulevard, at the waterway of Sheepshead Creek in Chincoteague, VA 23336. Tax Map # 31-A-47, with the following conditions:**
- A. Applicant must pay \$456 into the Wetlands Mitigation Bank for impact to 38 square feet of vegetated tidal wetlands.**
 - B. Applicant must provide all entities with a copy of plans dated January 23, 2017.**

7. OTHER MATTERS

A. Staff Report

Mr. Governator introduced himself and Tyrone Upshur who is the Environmental combined inspector for Erosion and Sediment Control and Stormwater Management. He also informed the Wetlands Board that the Department had hired a Permit Specialist who will begin in March.

Mr. Governator discussed the Chesapeake Bay Overlay District and Atlantic Preservation, mitigation and planting within the Resource Protection Area (RPA).

Ms. Taylor and Chairman Frederick discussed the second Wetlands Board alternate; Chairman Frederick will send Ms. Taylor emails related to the Mr. Patti stepping down from the position.

8. NEXT MEETING

The next Wetlands Board meeting is scheduled for Thursday, March 23, 2016 at 10:00 a.m. in the Accomack County Board Chambers, Room 104, in Accomac.

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9. ADJOURNMENT

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

The meeting was adjourned at 12:24 p.m.

Earl Frederick, Chairman

Jessica Taylor, Administrative Assistant