

ACCOMACK COUNTY WETLANDS MINUTES OF MAY 25, 2017

At a meeting of the Accomack County Wetlands Board held on the 25TH day of May 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 Environmental Programs
Mr. Tyrone Upshur, Environmental Programs Inspector
Ms. Chontese Ridley, Environmental Programs Permit Specialist
Mr. Karl Mertig, Consultant Kimley Horn
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. MINUTES

A. April 25, 2017

On a motion made by Mr. Taylor and seconded by Mr. Ward, the Wetlands Board voted to approve the minutes of the April 25, 2017 meeting.

3. OLD BUSINESS

B. James Moton - VMRC# 2016-1733

The removal of 57-feet of rip-rap and replacement with 57-feet of vinyl bulkhead to extend 12-feet channel-ward of existing rip-rap. The property is located along South Main Street – Chincoteague, Virginia. Tax Map # 30A3-9-A-2.

Mr. Frederick stated they had considered this application before. Mr. Taylor and Mr. Byrd also added that it has been previously approved based on the submittal of new drawings. Mr. Frederick asked if everyone had a chance to look at the drawings and if the drawings satisfied everyone's need for information. The revised sheet 1 of 3 plan view was changed from 16 feet to 14 feet from the edge of the road.

On a motion made by Mr. Byrd and seconded by Mr. Ward, the Wetlands Board voted to issue a permit (valid for (1) year) to Mr. James Moton, VMRC#2016-1733, the removal of 57-feet of rip-rap and replacement with 57-feet of vinyl bulkhead to extend 12-feet channel-ward of existing rip-rap. The property is located along South Main Street – Chincoteague, Virginia. Tax Map # 30A3-9-A-2.

60 NEW BUSINESS

C0 Paul Webster - VMRC # 2017-0317

The placement of pilings in front of a 110 foot long bulkhead. The property is located Piney Island subdivision of Chincoteague, VA 23336. Tax Map # 31A-3-15A.

Ellen Grimes appeared before the Wetlands Board on behalf of the applicant and was sworn in by Chairman Frederick.

After reviewing the application and plans Mr. Earl Frederick said that he had questions about the project and asked Ms. Grimes to describe the project. Ms. Grimes stated that when the bulkhead was put in there was no pillings, and the bulkhead is having leaning problems. Therefore, they want to put in support pillings.

She also mentioned hearing there were some property ownership issues. The Maddox family used to own the property, however, this lot had been sold to Mr. Todd Burbage. Ms. Grimes presented an email from Mr. Burbage stating, "we do not object." Mr. Frederick said the email needed to be added to the official application.

Ms. Grimes said when doing her site inspection at low water there was water lapping up against the bulkhead, which lead her to believe that wetlands were not involved, however, when the consultant did their inspection there was mud in front of the bulkhead. In response Mr. Frederick informed Ms. Grimes that she must use the meanest low-water.

Mr. Frederick asked about page 16 of the application that stated there was 12 square feet of vegetative wetlands. Ms. Grimes said it was a mistake and that she would add the non-vegetative wetlands page.

Mr. Taylor informed Ms. Grimes that the property owner needed to be part of the permit, and that the board could not just approve for her to do work on someone else's property. A discussion ensued about this matter. Mr. Frederick asked Mr. Hank Badger for his thoughts on this. (Mr. Hank Badger was sworn in by Chairman Frederick). Hank questioned the ownership. Stating that it could be on the clients parcel and that Mr. Burbage could be signing off on something that is not his. There was more discussion on the determination of what it meant when the Wetlands Board approved a project between the board members. Mr. Frederick asked Mr. Chris Guvernator to chime in. (Mr. Chris Guvernator was sworn in by Chairman Frederick). Mr. Guvernator stated that it was the opinion of the County Attorney that approving an application in front of the Wetlands Board does not constitute do work on property that you do not own. He also added that to knowingly do work on property that does not be long to them, that they would need the approval of the adjacent property owner.

Ms. Grimes said that Mr. Burbage has given approval and will add him as co-applicant and have him sign the signature pages. She also stated that she would edit pages (9,10 &16).

On a motion made by Mr. Taylor and seconded by Mr. Byrd, the Wetlands Board voted to issue a permit (valid for (1) year) to Mr. Paul Webster, VMRC#2017-0317, the placement of pilings in front of a 110 foot long bulkhead. The property is located Piney Island subdivision of Chincoteague, VA 23336. Tax Map # 31A-3-15A with the following stipulations:

30 The addition of Oceanside Resort, LLC as co applicant and have them sign the signature page of the application.

40 To correct the amount of vegetative wetlands from 12 square feet to 0, and list the non-vegetative as 0 square feet.

B. Racing Moon LLC. - VMRC # 2017-0536

The construction of a 252 feet pier. The property is located in the Racing Moon subdivision of Chincoteague, VA 23336. Tax Map # 30A2-A-132.

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.

After reviewing the application and plans Mr. Earl Frederick said that he had questions about the project and asked Mr. Britton to describe the project. Mr. Britton said they are proposing to construct a 232 feet by 5 feet walkway attached to a 20 feet by 5 feet with a 30 feet by 5 feet L community pier.

Mr. Britton said he was told by Mr. Chris Guvernator that he need to fill out page 15 of the wetlands application changing the pier type from private to community. Mr. Federick asked what portion of this pier was in the boards jurisdiction and Mr. Mertig referenced the map saying the green and blue areas were in the boards jurisdiction. Mr. Federick concluded that most of the area is out of the boards jurisdiction, however, since the deck is going over wetlands Mr. Britton would need a permit from the Army Corps of Engineers, (which he already has).

Mr. Getek asked if there was any product available that will allow sunlight to come through the deck. Mr. Britton responded that they space each plank a quarter inch apart which allows sunlight to come in.

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 Racing Moon LLC., VMRC#2017-0536, The construction of a 252 feet pier. The property is located in the Racing Moon subdivision of Chincoteague, VA 23336. Tax Map # 30A2-A-132.

6. OTHER BUSINESS

Mr. Jim White has retired as an alternate for the Wetlands Board. The Board is now looking for two alternates. Mr. Ron Wolf and Mr. Robert Crockett are helping in the search. The Board needs someone from the bayside and the seaside.

7. NEXT MEETING

The next Wetlands Board meeting is scheduled for Thursday, June 22, 2017 at 10:00 a.m. in the Accomack County Board Chambers, Room 104, in Accomac.

8. ADJOURNMENT

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

The meeting was adjourned at 11:17 a.m.

Earl Frederick, Chairman

Chontese Ridley, Environmental Permit Specialist