

Virginia: At a meeting of the Accomack County Wetlands Board, held in the chambers of the Board of Supervisors on the 30th day of April, 2009, A.D.

Members present:

Mrs. Lee L. Merrill, Chairman
Mr. George H. Ward, Jr., Vice-Chairman
Mr. C. Lee Davis
Mr. Earl B. Frederick (**ABSENT**)
Mr. George T. Parker

Mr. David Fluhart, Secretary
Mrs. Marie E. Fox, Recording Secretary

Alternate Members Present:

(None at present time)

Others present:

Mr. Robert H. Cole, USACE

The meeting was called to order by Chairman Lee L. Merrill, and opened to a public hearing at 10 AM. 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 to the objectives of the Virginia Marine Resource Commission's Wetlands Policy of No Net Loss.

1). MINUTES

Mr. Davis made a motion to approve the minutes of the Thursday, November 20, 2008, Thursday, December 18, 2008, and Thursday, January 22, 2009, as submitted. Mr. Ward seconded the motion. Ayes: Mrs. Merrill, Mr. Ward, Mr. Davis, Mr. Parker.

2). NEW BUSINESS

1). An application from Mr. Aaron Bates, VMRC #09-0158, to install 235 linear feet of concrete riprap, thereby impacting wetlands at the north side of the entrance into Quinby Harbor, Upshurs Bay, Quinby, Virginia. Tax Map#121B-A-99

Ms. Ellen Grimes, of Coastal Resource Management, appeared before the board to represent this application and advised the property is located on the North side of the Quinby Harbor inlet. The project includes 235' of riprap of shoreline to prevent erosion and extends from the Harbor bulkhead return wall to the southwest, at the end of the road in front of the property and terminates on the other side of the existing dwelling. Ms. Grimes further explained the location of the revetment and other details of the proposal and the flags posted on the property.

Mr. Parker inquired regarding the amount of impacts shown on the VIMS Report, 313 feet of vegetated wetlands and questioned if they are vegetated. Ms. Grimes advised there are some Phragmites on the property and believes they are counted as a vegetated wetlands however, according to Mr. Badger, Phragmites is an invasive species and isn't sure if you can mitigate for the Phragmites.

Ms. Grimes advised Mr. Ward, in regard to his question concerning the Bates project, in regard to possible impacts of the Federal project proposed for Quinby Harbor. The drawing of the Bates proposal has been superimposed on the federal project channels, the Corps of Engineers 2008 Federal Project channel map, these indicate this project would not be located within that project channel area. She did state that this will connect in with the County bulkhead on the west end of the property.

Mr. Fluhart advised he has received a permit application to reactivate a permit to maintenance dredge this area.

At this time, Mr. Fluhart read a portion of the VIMS Report into the record which stated, “The concrete rubble revetment should be properly designed and constructed to be effective. The VMRC Shoreline Development BMP Guidelines recommends that no individual armor unit be long than three times its minimum dimension. If a revetment is constructed using slab concrete six inches thick, the material should be broken such that the average length of the armor material is no greater than eighteen (18) inches. The concrete rubble weight also must be appropriate for the wave energy at this site. Any exposed rebar must be cut flush and all asphalt material must be removed prior to installation.”

“Summary” “Preferred Approach:

****Prepare bank***

****Properly Install revetment***

****Mitigate any wetlands impacts.”***

A lengthy discussion ensued regarding the size of the riprap and the wave energy, fetch, and tides at the mouth of the harbor.

At this time, Mr. Badger of VMRC, spoke regarding the vegetated wetlands to be impacted and mitigation. Mr. Fluhart advised there were approximately 25 square feet of vegetated wetlands to be impacted and the mitigation fee is \$12.00 a square foot for a total of \$300.00. Ms. Grimes agreed to pay the \$300.00 mitigation fee.

Mr. Parker made a motion to approve, using strict adherence to the riprap guidelines, and wetlands vegetated impacts be mitigated at a sum of \$300.00. Mr. Davis seconded the motion. Ayes: Mrs. Merrill, Mr. Davis, Mr. Parker.

ABSTAIN: Mr. Ward.

Mr. Fluhart did extend his apologies that this application was not heard sooner, as a result of the newspaper not advertising the project. This was not the fault of the Building and Zoning Office, it was an error at the newspaper office.

2). An application from Mr. Mark Doyle, VMRC #09-0154, to install 150 linear feet of bulkhead with backfill, thereby impacting wetlands on Pine Drive, Chincoteague, Virginia. TM#31A-3-12A

Mr. Raymond Britton, Jr., of BIC, Inc. appeared before the board to represent this application. Mr. Britton advised Mr. Doyle proposes to install approximately 150 linear feet of bulkhead on Pine Drive, Piney Island, Chincoteague, Virginia.

Mr. Fluhart read the VIMS Report, which stated, "*THE LESS PREFERRED APPROACH BASED ON THE PROPOSED ACTION*" : "*None. A bulkhead is not considered to be a preferred structure for this shoreline and is NOT recommended.*"

"If a structure is permitted, from photos provided, it appears that vegetated wetlands may be impacted and this project may need to comply with the VMRC Tidal Wetlands Mitigation and Compensation Policy."

"Benchmarks should be accurately verify the extent of channelward encroachment and alignment of any permitted structure. Drawing should provide triangulated benchmarks from, at a minimum, the beginning, end and any turning points of the structure to two permanent, identifiable, upland reference points."

"SUMMARY: PREFERRED APPROACH:

**Grade bank 2:1 or flatter to achieve property elevation for vegetation*

**Plant *Spartina alterniflora*: *Spartina patens* and riparian vegetation*

LESS PREFERRED APPROACH:

**A structure is not recommended*

**Mitigate any wetland impacts*

**Provide proper benchmarks”*

Mr. Parker inquired regarding a remark within the VIMS Report, which stated “*EXISTING SITE CONDITIONS:*” “*From pictures provided, it appears this site may have been disturbed and wetlands area impacted. The adjacent shorelines have pine debris, organic soils and wetland fringe where the project site appears to be sandy with lack of pine debris and vegetation.*”

A discussion ensued regarding the area disturbed on the property prior to this hearing. Mr. Britton explained his company did remove some trees and the lot had previously been cleared by another contractor. Mr. Britton further explained the erosion undermined the trees and described the location of the existing adjacent bulkhead and the alignment of the proposed bulkhead.

Mr. Britton concurred with Mr. Fluhart regarding the upland area being removed and lowered to the elevation of the low water mark.

No one appeared to comment from the public.

Mr. Davis made a motion to approve this application as presented. Mr. Ward seconded the motion. Ayes: Mrs. Merrill, Mr. Ward, Mr. Davis, Mr. Parker. ABSENT: Mr. Frederick.

3). PERMIT EXTENSIONS

1). A request from Chincoteague Landmark, LLC, VMRC #05-2660 for an extension. The original permit was issued on March 23, 2006 with conditions for one year. An extension was granted on January 24, 2008 to expire on February 23, 2009.

Mr. Fluhart advised this permit would have to be reactivated and extended. He further advised it appears site conditions have not changed. Mr. Britton advised the sunken sea clam boat is in the process of being removed at this time.

After a brief discussion, Mr. Davis made a motion to reactivate this permit and extend from the February 23, 2009 expiration date as site conditions have not changed and the removal of the sea clam boat as stated. Mr. Parker seconded the motion. Ayes: Mrs. Merrill, Mr. Ward, Mr. Davis, Mr. Parker. Absent: Mr. Frederick.

2). A request from R. Peter Lalor, VMRC #07-1690 for an extension. The original permit was issued on October 25, 2007 with revisions and mitigation for one year.

Mr. Peter Lalor appeared before the Board to represent this application and explained he had received a permit and only a portion of the project was completed. The portion not complete is in the boat basin area.

After a brief discussion, Mr. Davis made a motion to reactivate the permit and approve for a one year extension, to expire on October 25, 2009. Mr. Parker seconded the motion. Ayes: Mrs. Merrill, Mr. Ward, Mr. Davis, Mr. Parker.

3). A request from Captain's Cove Golf & Yacht Club, VMRC #08-0399 for an extension. The original permit was issued on May 22, 2008 for one year.

Mr. Raymond Britton, of BIC, Inc., appeared before the board to represent this request. Mr. Britton advised there was a discrepancy in the ownership of the property and will be resolved soon. Mr. Britton continued by stating the material is already on site and the condition of the shoreline has not changed in the last year.

Mr. Lance Stitcher, a Captain's Cove representative for the project. Mr. Stitcher advised the Captain's Cove Group deed should have been to the Captain's Cove Golf

and Yacht Club and this is on hold until Mr. Warfield can settle with the bankruptcy court scheduled for May, June and August. Mr. Stitcher advised this should be settled in August and would be in time to complete the project under the current approved time if this permit is extended.

After a brief discussion, Mr. Davis made a motion to approve this extension for one year to expire on May 22, 2010. Mr. Parker seconded the motion. Ayes: Mrs. Merrill, Mr. Ward, Mr. Davis, Mr. Parker. ABSENT: Mr. Frederick.

4). A request from Steve VanKesteren, VMRC #08-0516 for an extension.

The original permit was issued on April 19, 2007 for one year. An extension was granted on April 19, 2008 to expire on April 19, 2009.

Mr. Steve VanKesteren appeared before the Board to represent this application. Mr. VanKesteren advised an organization was going to complete this work, but funding was not readily available at the present time. He further advised if the organization does not complete the project, he will do it himself.

Mr. Fluhart advised the site conditions have not changed and the VIMS Report advised “minimal impacts” as the result of this proposal.

After a brief discussion, Mr. Davis made a motion to reactivate the permit and grant a one year extension to expire on April 19, 2010. Mr. Parker seconded the motion. Ayes: Mrs. Merrill, Mr. Ward, Mr. Davis, Mr. Parker.

5). OTHER BUSINESS

WORKSHOP

Mr. Fluhart advised the board of a VIMS Workshop on May 12th “Managing Impacts of Residential Pier and dock workshop”. Mr. Fluhart if any board members are interested to please contact his office.

MR. GEORGE PARKER

Mr. Parker advised the board he would not be able to attend the June or July meetings as he will be out of town.

TALL PINES CAMPGROUND

Mr. Parker questioned regarding the progress of the Tall Pines Campground project. Mr. Fluhart advised he would update the board at the next meeting.

ADJOURNMENT

Mr. Parker made a motion to adjourn the meeting at 11:09 AM. Mr. Davis seconded the motion. Ayes: Mrs. Merrill, Mr. Ward, Mr. Davis, Mr. Parker.

Mrs. Lee L. Merrill, Chairman