

Virginia: At a meeting of the Accomack County Wetlands Board, held in the chambers of the Board of Supervisors on the 27th day of August, 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
Mr. George T. Parker

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

Alternate Members Present:

(None at present time)

Others present:

Mr. Hank Badger, VMRC

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). An application from Mr. and Mrs. Henry Custis, VMRC #09-0983 for the location of approximately 260-foot of rip rap marsh toe and sill revetment as protection for the existing embankment thereby impacting wetlands at 24291 Meadville Drive, near Onancock, Virginia. TM #84-A-81

Ms. Ellen Grimes of Coastal Resource Management appeared before the Board to represent this application and described the proposal in detail.

After a brief discussion, Mr. Fluhart read a portion of the VIMS Report into the record which stated, *“From a marine environmental viewpoint, providing marsh toe/sill protection as proposed is an appropriate approach for providing an effective energy buffer from boat wakes to the existing marsh fringe along this shoreline.”*

“The impacts resulting from the proposed riprap re-work and enhancement is expected to be minimal provided the work is contained within the existing footprint.”

There was no public comment.

Mr. Parker advised he had visited the property and a work boat was passing by, judging by the wake of the boat, he stated he was surprised the shoreline lasted this long.

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

ABSTAINING: Mr. Parker.

2). An application from Mr. Gerald Haley, VMRC #09-0933 for the location of approximately 120-foot rip rap revetment as protection for the existing shoreline, thereby impacting wetlands at Nandua Shores Drive, (next to 12105 Nandua Shores Drive, near Painter, Virginia. TM#109D-1-7

Ms. Ellen Grimes of Coastal Resource Management appeared before the board to represent this application and explained the proposal in detail.

Ms. Grimes continued by stating the size and the location of the riprap they intend to install, also describing the taper in the existing bank.

At this time, Mr. Fluhart read a portion of the VIMS Report, which stated, *“ The proposed revetment would sever the connection between the riparian, inter-tidal and sub-aqueous areas resulting in a loss of marine resources, a reduction in the ability of*

the upland to filter runoff, and a change in the benthic community able to live along the shoreline.”

“The area along the vicinity of this shoreline supports marsh vegetation which plays a role in reducing wave energy and providing protection to the shoreline. From a marine environmental viewpoint, the preferred alternative at this location is to create a wetlands fringe along this shoreline to provide shoreline stabilization while also providing habitat and other marine benefits. A fringe marsh can be created by depositing sand from the base of the bank out channelward to a desired width (15 feet or greater is recommended) at an appropriate elevation to support wetland vegetation. Spartina alterniflora should be planted in the sand on 18 centers.”

“The deposited sand would raise the elevation of the shoreline, provide area for wave attenuation and create distance between the base of the bank and the erosive tidal wave energy thereby providing protection to the shoreline.”

“Since this property is located along a moderate to high energy shoreline, we recommend placing the proposed riprap channelward of the created marsh in the form of a sill, instead of against the bank as proposed, to hold the sand in place and to protect both the upland bank and existing marsh fringe from wave energy. This approach would provide more comprehensive, long-term protection to the shoreline without severing the connection between the upland and wetland interface.”

At this time, Ms. Grimes addressed the concerns of VIMS, but also reminded the board that the representative at VIMS does not visit the site. She further discussed a previous application from Mr. Abramson, an adjacent property owner.

A discussion ensued regarding the Chesapeake Bay Act and the requirement of a Water Quality Assessment, possibly requiring the replanting of shrubs and bushes,

erosion and the possibility of the area being considered a beach. Mr. Badger advised that the area is not a beach.

Further discussion included sand collection, jurisdiction and the future of the grass Patens.

No one from the audience had comments regarding this proposal.

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

4). PERMIT EXTENSIONS

1). A request from Sunset Bay, LLC, VMRC #07-1279 for an extension. The original permit was issued on July 23, 2007 as proposed. An extension was granted on September 25, 2008 to expire on August 23, 2009. The extension request was received on July 13, 2009.

Mr. Raymond Britton, of BIC, Inc., appeared before the Board to represent this application. Mr. Britton advised the economy has set them back in this proposal, however he indicated the project should be started soon.

After a brief discussion, Mr. Davis made a motion to approve this extension request for one year, to expire on August 23, 2010. Mr. Ward seconded the motion. Ayes: Mrs. Merrill, Mr. Ward, Mr. Davis, Mr. Frederick, Mr. Parker.

2). A request from Mr. Andrew Hannah, VMRC #07-0667 for an extension. The original permit was issued on August 23, 2007 as proposed. An extension was granted on November 20, 2008 to expire on August 23, 2009. The extension request was received on August 12, 2009.

Mr. Fluhart advised Mr. Hannah has been working through some issues and will probably need a variance from the Health Department. He further stated Mr. Hannah is requesting a one year extension.

After a brief discussion, Mr. Davis made a motion to approve this extension request to expire in one year, on August 23, 2010. Mr. Ward seconded the motion. Ayes: Mrs. Merrill, Mr. Ward, Mr. Davis, Mr. Frederick, Mr. Parker.

OTHER BUSINESS

TALL PINES HARBOR CAMPGROUND

Mr. Parker questioned the progress of the project/violation. Mr. Fluhart advised Mr. Barker is on track and has completed the violation, and moved the boat ramp in the approved location. According to Mr. Fluhart, Mr. Barker still needs other approvals from VMRC to proceed with the remainder of his proposal.

WORKSHOP

Mr. Fluhart advised the board members of a workshop on September 17th, “Current Issues in Coastal Resources” held at the Virginia Institute of Marine Science in Gloucester, Virginia.

ADJOURNMENT

Mr. Parker made a motion to adjourn the meeting at 10:30 AM. Mr. Davis seconded the motion. Ayes: Mrs. Merrill, Mr. Ward, Mr. Davis, Mr. Frederick, Mr. Parker.

Mrs. Lee L. Merrill, Chairman