

Virginia: At a meeting of the Accomack County Wetlands Board, held in the chambers of the Board of Supervisors on the 22nd day of January, 2009, A.D.

Members present:

Mrs. Lee L. Merrill, Chairman
Mr. George H. Ward, Jr., Vice-Chairman
Mr. C. Lee Davis (ABSENT)
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. Robert H. Cole, USACE

The meeting was called to order by Mr. David Fluhart, Secretary, 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). ELECTION OF OFFICERS

Mr. Fluhart opened the meeting as Chairman Protemp and opened nominations for Chairman. Mr. Frederick nominated Mr. Ward for Chairman, Mrs. Merrill seconded the motion. Mr. Ward declined the nomination.

After a brief discussion, Mr. Frederick withdrew his nomination of Mr. Ward as chairman.

Mr. Ward nominated Mrs. Lee Merrill for Chairman and himself as Vice Chairman. Mr. Parker seconded the motion. Ayes: Mrs. Merrill, Mr. Ward, Mr. Frederick, Mr. Parker.

At this time, Mr. Fluhart turned the meeting over to Mrs. Merrill, Chairman

2). **MINUTES**

Mr. Parker made a motion to approve the minutes of the Thursday, September 25, 2008 and Thursday, October 23, 2008 meetings as written. Mr. Frederick seconded the motion. Ayes: Mrs. Merrill, Mr. Ward, Mr. Frederick, Mr. Parker.

3). **NEW BUSINESS**

1). **A request from Robert Chesser, VMRC #08-2204 for the construction of a replacement 30-foot bulkhead with backfill with a 2-foot return wall, thereby impacting wetlands across from 3244 Main Street, Chincoteague, Virginia.**

TM#30A2-A-23.

Mr. Raymond Britton, Jr., of BIC, Inc., appeared before the board to represent this application. Mr. Britton explained the proposal in detail, explaining the current status of the existing bulkhead.

Mr. Fluhart read a portion of the VIMS Report into the record, which stated, *“Recommendation: From a marine environmental viewpoint, the preferred alternative for replacing a deteriorated bulkhead is to remove the bulkhead, grade back the bank and construct a riprap revetment, aligned as far landward as feasible to avoid subaqueous and wetland impacts. Riprap revetments dissipate, rather than reflect wave energy as bulkhead do, and provide more habitat value than bulkheads. In addition,*

when properly designed and constructed, revetments generally last much longer than bulkheads.”

“Incorporating native deep-rooted woody and herbaceous plantings in the upland riparian zone (yard) is also recommended . . .”

In answer to a question from Mr. Parker, Mr. Fluhart advised it did not appear that VIMS visited the property. The VIMS Report seemed to include generic information found in previous reports.

At this time, the board discussed the status of the adjacent existing shorelines and reviewed a photograph of the area indicating scouring behind the bulkhead, because the sheeting is gone.

Mr. Frederick made a motion to approve this application as presented. Mr. Ward seconded the motion.

At this time, Mr. Fluhart advised no vegetated wetlands will be affected by this proposal.

Mrs. Merrill called for a vote on the motion. Ayes: Mrs. Merrill, Mr. Ward, Mr. Frederick, Mr. Parker.

4). PERMIT EXTENSIONS

1). A request for an extension for Mr. Fred Obrecht, VMRC #06-1725. The permit expires on February 25, 2009.

Mr. Fluhart advised this proposal is at Underhill Creek and is a private pier that is being converted to a community pier. He advised conditions of the existing shoreline have not changed. At the present time, no lots in this new development have sold,

according to a representative for the development, the economy is not driven enough to install the pier.

Mr. Ward made a motion to approve this extension for a period of one year from the existing expiration date. Mr. Parker seconded the motion. Ayes: Mrs. Merrill, Mr. Ward, Mr. Frederick, Mr. Parker.

2). A request for an extension for Marine Railway, Inc., VMRC # 06-0047. The permit expires on February 23, 2009.

Mr. Raymond Britton, Jr., of BIC, Inc., appeared before the board to represent this extension request. Mr. Britton explained that the economy has hampered development. Mr. Britton advised there was mitigation on site approved, however that is not complete either. The owners have slowed the development because of the economy and may begin again next fall. Mr. Britton advised if the mitigation were to be started it would cause more erosion. Mr. Fluhart stated the proposal is located within a developed area.

Mr. Parker made a motion to approve the extension for one year from the current expiration date. Mr. Frederick seconded the motion.

A discussion ensued regarding the number of extensions the board may grant to one application. Mr. Fluhart advised according to the code, “no permit shall be granted without an expiration date established by the board.” “ Upon proper application the board may extend the permit expiration date.” Mr. Fluhart further stated that is all of the guidance from the Code of Virginia.

Mrs. Merrill called for a vote on the motion. Ayes: Mrs. Merrill, Mr. Ward, Mr. Frederick, Mr. Parker.

3). A request for an extension from Richard Mance, VMRC #07-2505. The permit expired on December 20, 2008.

No one appeared to represent this application. Mr. Fluhart read the letter of extension request dated December 18, 2008 from Mr. Mance into the record, which stated “Please refer to attached permit. I am requesting from the board a one year extension due to delays encountered with other aspects of this development.”

Mr. Fluhart explained that this application was for the construction of a road crossing associated with the development named Deep Creek Plantation, at the end of Mink Farm Road, near Onancock, Virginia. He further explained that Mr. Mance has been working with VDOT and the Department of Health and the Planning Department to secure all necessary permits.

Mr. Fluhart further advised, as the Subdivision Agent, he has recently been able to sign the final plats for this subdivision approximately two weeks ago. He continued by stating Mr. Mance has continually worked on getting all of the approvals. Mr. Fluhart further advised the site conditions have not changed.

Mr. Parker made a motion to reactive the permit back to December 20th, 2008. Mr. Frederick seconded the motion. Ayes: Mrs. Merrill, Mr. Ward, Mr. Frederick, Mr. Parker.

Mr. Parker made a motion to approve the extension for one year to expire December 19, 2009. Mr. Frederick seconded the motion. Ayes: Mrs. Merrill, Mr. Ward, Mr. Frederick, Mr. Parker.

IN OTHER BUSINESS

Mr. Fluhart advised the board there is a workshop on Thursday, February 12, 2009 regarding Shifting Sand, Beaches and Dunes in Virginia.

Mr. Fluhart advised Accomack County did not adopt the beaches and dunes ordinances and is enforced by the Virginia Marine Resources Commission in this county.

Mr. Hank Badger, of VMRC, appeared before the board and explained the evolvement of the beaches and dunes ordinances and the dissimilarity between a beach and a dune.

After further discussion, Mr. Fluhart advised to let his office know if any board member decides to attend.

Mr. Jack Bonniwell

Mr. Parker advised he would like to see a resolution of appreciation for Mr. Bonniwell and a plaque and invite Mr. Bonniwell for presentation at the next meeting.

ADJOURNMENT

Mr. Ward made a motion to adjourn the meeting at 10:43 AM. Mr. Frederick seconded the motion. Ayes: Mrs. Merrill, Mr. Ward, Mr. Frederick, Mr. Parker.