

1                   **ACCOMACK COUNTY WETLANDS MINUTES OF OCTOBER 26, 2023**

2           At a meeting of the Accomack County Wetlands Board held on the 26<sup>th</sup> day of OCTOBER 2023 in the  
3           Accomack County Administration Building Board Chambers, Room #104, in Accomac, Virginia.

4           **1. CALL TO ORDER**

5                   **MEMBERS PRESENT AND ABSENT**

6                   Wetland Board Members Present  
7                   Mr. T. Lee Byrd, Chairman  
8                   Mr. George Ward, Vice Chairman  
9                   Mr. Gene Wayne Taylor  
10                  Mr. Timothy Getek  
11                  Mr. George H. Badger

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13                  **Others Present:**

14                  Ms. Chontese Ridley, Planner I  
15                  Ms. Beth Nunnally, Environmental Planner II  
16                  Ms. Claire Gorman, Virginia Marine Resources Commission (VMRC)

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18                  **DETERMINATION OF A QUORUM**

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

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21           **2. ADOPTION OF AGENDA**

22                  **On a motion made by Mr. Taylor and seconded by Mr. Badger, the Wetlands Board**  
23                  **voted to approve the agenda.**

24           **3. MINUTES**

25                  **A. September 28, 2023**

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27                  **On a motion made by Mr. Getek and seconded by Mr. Ward, the Wetlands Board**  
28                  **voted to approve the September 28, 2023 minutes.**

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30                  **Mr. Badger abstained.**

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32           **4. OLD BUSINESS**

33                  **A. Michael Pulaski- VMRC# 2023- 1659 & 1660**

34                  Proposed construction of a 90 square feet long offshore breakwater, installation of 80 square  
35                  feet of new rip-rap berm and 110 square feet of offshore breakwater located in the Captain's  
36                  Cove subdivision of Greenbackville, VA 23356, tax map#(s) 5A3-1-1458 & 1459.

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38                  Ms. Claire Gorman, (VMRC), appeared before the Wetlands Board and was sworn in  
39                  by Chairman Byrd.

41 Ms. Gorman stated that the applicant and agent had been in touch with SEAS and they  
42 had been working on fine-tuning their design.

43  
44 Mr. Byrd asked if that had been resolved and Ms. Gorman said that she believed it was  
45 in progress.

46 Mr. Charles Ward, (Starboard Environmental), appeared before the Wetlands Board on  
47 behalf of the applicant and was sworn in by Chairman Byrd.

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49 Mr. C. Ward asked the board for a continuance explaining that he had not turned in or  
50 finalized the plans based on the SEAS recommendations.

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52 Mr. Byrd asked if 30 days would be enough or was a 60-day extension needed.

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54 Mr. C. Ward said he could have his information submitted within the next two weeks,  
55 but could not say if the agencies would have comments ready by that time.

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57 **CHAIRMAN BYRD OPENED THE FLOOR TO PUBLIC COMMENT**

58 Mr. Byrd asked if there was anyone who wished to comment on application 2023-  
59 1659 & 1660.

60  
61 No one wished to comment.

62 **CHAIRMAN BYRD CLOSED THE FLOOR TO PUBLIC COMMENT**

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64 Mr. Badger stated that the November meeting was a week earlier, November 16, and  
65 did not know if that would be enough time.

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67 Mr. C. Ward said he would have his submission to VMRC by the next meeting and that  
68 the board could discuss what he submitted.

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70 Ms. Nunnally, (Environmental Programs), stood before the Wetlands Board and was  
71 sworn in by Chairman Byrd.

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73 Ms. Nunnally wanted to point out that the December board meeting was also a week  
74 earlier.

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76 Mr. Taylor suggested that Mr. C. Ward have a backup drawing for the side yard, where  
77 the storage shed was proposed, in case they deem that a storage building was not a good  
78 reason to fill marsh property.

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80 The applicant's agent decided to go with the one-month continuance.

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82 **5. NEW BUSINESS**

83 **A. Todd Koch- VMRC# 2023- 0572**

84 Proposed installation of a new bulkhead 2 feet seaward of the existing bulkhead.  
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86 Ms. Nunnally gave a summary of the project adding that the originally proposed  
87 seawall had been removed. The concrete bulkhead was going to be placed less than  
88 two feet channelward.

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90 Ms. Nunnally said there were 63.1 square feet of impacts to vegetated wetlands.  
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92 **CHAIRMAN BYRD OPENED THE FLOOR TO PUBLIC COMMENT**

93 Mr. Byrd asked if there was anyone who wished to comment on application 2023-  
94 0527 .  
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96 No one wished to comment.

97 **CHAIRMAN BYRD CLOSED THE FLOOR TO PUBLIC COMMENT**  
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99 Mr. Getek asked if the portion of the concrete bulkhead that extends out from the  
100 perpendicular bulkhead was going to remain.  
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102 Mr. C. Ward explained that it was an existing concrete seawall that they were going  
103 to encapsulate, but after discussions with VMRC & VIMS, they decided to pull it out.  
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105 Mr. C. Ward added that the current existing bulkhead was solid and not leaning, but  
106 the concrete was starting to deteriorate. The owner is concerned due how close the  
107 house is to the bulkhead, and wants to protect the property, (7-8 feet away).  
108

109 Mr. C. Ward said there would be impacts to a small portion of subaqueous bottom,  
110 but there would be no filling. The bulkhead would be going up against the concrete  
111 and no backfill would be needed.  
112

113 Mr. Badger asked if there was a new home on the property, and Mr. C. Ward said yes.  
114 Mr. Badger concluded that the house was put there knowing where the bulkheads  
115 were.  
116

117 Mr. Getek asked if there were any shellfish there that needed to be relocated in the  
118 two-foot area, and Mr. C. Ward said it was highly likely.  
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120 Mr. Getek asked Mr. C. Ward if he would be encroaching on the adjacent property's  
121 owner property by going out two feet channelward. Mr. Getek asked if the property  
122 belonged to the applicant as well.  
123

124 Mr. C. Ward said there were survey markers on the site and that the property line was  
125 probably about 4 feet off from the existing concrete wall.  
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127 Mr. Getek asked if the adjoining property owner had been notified and Mr. C. Ward  
128 said the notification was sent.  
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130 Mr. Byrd asked Mr. C. Ward if the adjoining property owner had responded and Mr.  
131 C. Ward said he had not spoken with the adjacent property owner.

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Mr. C. Ward asked staff to confirm that notification of the hearing was mailed and staff confirmed that was correct.

**On a motion made by Mr. Taylor and seconded by Mr. Badger, the Wetlands Board voted to issue a permit, valid for (1) year, for Todd Koch- VMRC# 2023-0572 for he proposed installation of a new bulkhead 2 feet seaward of the existing bulkhead with the following conditions:**

- 1. Pay a total of \$1,135.80 into the mitigation fund for 63.1 square feet of impacts to vegetated wetlands.*
- 2. Relocation of any shellfish*

**The property is located on Chincoteague Island, VA 23336, tax map#(s) 30A3-A-30.**

**6. OTHER BUSINESS**

**A. Glen Cunningham – VMRC# 2023-2215 - Emergency Permit Update**

Replacement of 72 square feet of failed, existing bulkhead and the installation of a new vinyl bulkhead, located on Chincoteague Island, VA 23336, tax map#(s) 31B1-10-28

Mr. Byrd thanked the board members, staff, and Ms. Gorman for getting the emergency permit approved quickly.

Mr. C. Ward also thanked everyone involved in the process and for acting quickly.

A short discussion ensued on Joint Permit Application completion. All applications should be filled out completely with all facts and figures included at time of submission.

**B. Review of the 2024 Meeting Schedule**

Ms. Ridley went over the meeting schedule for 2024 confirming the dates for the July, November and December meetings.

The board members confirmed all dates were acceptable.

**7. NEXT MEETING**

The next Wetlands Board meeting is scheduled for Thursday, November 16, 2023 at 10:00 a.m. in the Accomack County Board Chambers, Room 104, in Accomac, VA.

**8. ADJOURNMENT**

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

The meeting was adjourned at 11:47 a.m.

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T. Lee Byrd, Chairman

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Chontese Ridley, Environmental Permit Specialist