

1 **ACCOMACK COUNTY WETLANDS BOARD MINUTES OF JANUARY 25, 2024**

2 At a meeting of the Accomack County Wetlands Board held on the 25th day of JANUARY 2024 in the
3 Accomack County Administration Building Board Chambers, Room #104, in Accomac, Virginia.

4 **1. ELECTION OF THE 2023 WETLANDS BOARD OFFICERS**

5 The Wetlands Board will elect the Chairman and Vice-Chairman for 2024

6
7 Ms. Chontese Ridley opened the floor for nominations for Chairman of the Wetlands
8 Board:

9
10 Mr. Taylor moved, seconded by Mr. Badger, to nominate Mr. Byrd as Chairman for
11 2024. No other nominations were made. Ms. Ridley closed the floor for nominations.

12
13 **Ms. Ridley called for a vote and the Wetlands Board voted unanimously to elect Mr.**
14 **T. Lee Byrd as Chairman of the Wetlands Board for 2024.**

15
16 Mr. Byrd opened the floor for nominations for Vice-Chairman of the Wetlands Board:

17
18 Mr. Taylor moved, seconded by Mr. Getek, to nominate Mr. Ward as Vice-Chairman for
19 2024. No other nominations were made. Chairman Byrd closed the floor for nominations.

20
21 **Mr. Byrd called for a vote and the Wetlands Board voted unanimously to elect Mr.**
22 **George Ward as Vice-Chairman of the Wetlands Board for 2024.**

23
24 **2. CALL TO ORDER**

25 **MEMBERS PRESENT AND ABSENT**

26 Wetland Board Members Present

27 Mr. T. Lee Byrd, Chairman

28 Mr. George Ward, Vice Chairman

29 Mr. Gene Wayne Taylor

30 Mr. Timothy Getek

31 Mr. George H. Badger

32
33 **Others Present:**

34 Ms. Chontese Ridley, Planner I

35 Ms. Beth Nunnally, Environmental Planner II

36 Ms. Claire Gorman, Virginia Marine Resources Commission (VMRC)

37
38 **DETERMINATION OF A QUORUM**

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

40

41 **3. ADOPTION OF AGENDA**
42 **On a motion made by Mr. Ward and seconded by Mr. Getek, the Wetlands Board**
43 **voted to approve the agenda.**

44 **4. MINUTES**

45 **A. December 16, 2023**

46
47 **On a motion made by Mr. Getek and seconded by Mr. Ward, the Wetlands Board**
48 **voted to approve the December 16, 2023 minutes.**

49
50 **5. NEW BUSINESS**

51 **A. Jack Bradshaw - VMRC# 2023- 2361**

52 Proposed construction of a new bulkhead two feet in front of the existing bulkhead, located in
53 the Captain's Cove subdivision of Greenbackville, VA 23356, tax map#(s) 5A3-1-1342.

54
55 Ms. Nunnally, (Environmental Programs), appeared before the Wetlands Board and
56 was sworn in by Chairman Byrd.

57
58 Ms. Nunnally gave a synopsis of the project adding that there was no bulkhead on the
59 north side. That was a discrepancy in the drawing that need to be revised.

60
61 Ms. Nunnally said there was 38 square feet of impacts to vegetated wetlands totaling
62 \$684.00 in in-lieu fees.

63
64 Mr. Byrd asked if someone from BIC would be representing the client, and Ms.
65 Nunnally said no. Mr. Britton called and he would not be attending the meeting.

66
67 Mr. Badger asked, to confirm, that Mr. Britton was willing to move forward with the
68 project. Ms. Nunnally confirmed that was correct.

69
70 **CHAIRMAN BYRD OPENED THE FLOOR TO PUBLIC COMMENT**
71 Mr. Byrd asked if there was anyone who wished to comment on application 2023-
72 2361.

73
74 No one wished to comment.

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

76
77 Mr. Getek said he had some questions about the drawings. There was an existing
78 bulkhead shown, but there was no existing bulkhead.

79
80 Mr. Getek said on the south side there was already a partial gap and assumed that the
81 applicant would be making that flush?

82
83 Ms. Nunnally said that she would assume so, but did not know the answer to that
84 question.

85 Mr. Getek said he could not see the return wall well on the north side and asked if it
86 would be substantial enough for a bulkhead, or if it should be redone. Mr. Getek asked
87 Ms. Nunnally to mention that to the agent, and to make sure he was comfortable with
88 the integrity of the return wall.

89
90 Mr. Byrd asked the board members if they should make their decision based on the
91 agent's ability to improve and or replace the returns.

92
93 Ms. Nunnally said that would be important on the south side, (which had no bulkhead),
94 and would mention this to the agent.

95
96 All agreed that the motion needed to include confirming the integrity of the bulkhead
97 was good.

98
99 Mr. Badger said the drawing was incomplete and they were making assumptions about
100 how they thought the bulkhead was going to be built.

101
102 After a short discussion, the board decided to continue this application until the next
103 month's meeting.

104
105 **On a motion made by Mr. Getek and seconded by Mr. Badger, the Wetlands**
106 **Board voted on a continuance until the February 2024 meeting for Jack Bradshaw**
107 **- VMRC# 2023- 2361 for the proposed construction of a new bulkhead two feet in**
108 **front of the existing bulkhead. The property is located in the Captain's Cove**
109 **subdivision of Greenbackville, VA 23356, tax map#(s) 5A3-1-1342.**

110
111 **B. Genivaldo Pereira- VMRC# 2023- 2415**

112 Proposed replacement of the existing bulkhead with a new vinyl bulkhead, located in the
113 Captain's Cove subdivision of Greenbackville, VA 23356, tax map#(s) 5A1-1-960.

114
115 Ms. Nunnally gave a synopsis of the project adding that there was 54 square feet of
116 impacts to vegetated wetlands totaling \$972.00 of in-lieu fees.

117
118 **CHAIRMAN BYRD OPENED THE FLOOR TO PUBLIC COMMENT**

119 Mr. Byrd asked if there was anyone who wished to comment on application 2023-
120 2415.

121
122 No one wished to comment.

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

124
125 Mr. Getek said he had questions about the drawing. The bulkhead to the east was
126 already 2 feet channelward, and they wanted to make sure it was going to be flush.
127 The drawing looked as if it was going out an additional 2 feet.

128
129 Mr. Getek asked Ms. Nunnally if the vegetation was vegetated or non-vegetated. Mr.
130 Getek said he wanted to make sure the vegetation is categorized correctly.

132 Ms. Nunnally said when she originally went out the site was covered with
133 phragmites, but when she went back to take photos it had been cut down.
134
135 Ms. Nunnally explained at that time she said it was vegetated, but maybe it was not in
136 the areas that were adjacent to the tidal flow.
137
138 Mr. Getek suggested a continuance be considered for this application as well and Mr.
139 Byrd agreed.
140
141 Mr. Byrd said they needed representation and someone to explain the drawings.
142
143 Mr. Taylor asked Ms. Nunnally if the tide was rising and falling and if it was going
144 out to low water. Ms. Nunnally said yes.
145
146 Mr. Taylor stated that even if it was to go dry it would still be in the jurisdiction, but
147 non-vegetated.
148
149 Mr. Badger agreed that it was non-vegetated as well.
150
151 All agreed that a continuance was appropriate and Mr. Badger added that revised
152 drawings needed to be submitted.
153
154 Mr. Ward added that he did not like how the bulkhead was jetting it out and that it
155 needed to be flush.
156
157 **On a motion made by Mr. Getek and seconded by Mr. Ward, the Wetlands Board**
158 **voted on a continuance until the February 2024 meeting for Genivaldo Pereira -**
159 **VMRC# 2023- 2415 for the proposed replacement of the existing bulkhead with a**
160 **new vinyl bulkhead with the following conditions:**
161 *1. New drawings be submitted*
162 **The property is located in the Captain's Cove subdivision of Greenbackville, VA**
163 **23356, tax map#(s) 5A1-1-960.**
164

165 **6. OTHER BUSINESS**

166 **A. Channelward/ Manmade Canal & Navigation Discussion**

167
168 Mr. Getek said he had a few questions that he would like to ask Ms. Gorman, for the
169 record.

170
171 Ms. Claire Gorman, (VMRC), appeared before the Wetlands Board and was sworn in
172 by Chairman Byrd.

173
174 Mr. Getek asked what was VMRC's opinion on navigation in manmade canals such
175 as Captain's Cove. Was it a critical issue or if they had any involvement with
176 navigation.
177

178 Ms. Gorman said manmade channels were outside of VMRC’s jurisdictions. It was
179 the Corps’ jurisdiction and they look at navigation.
180

181 **B. JPA & Site Location Requirements Checklist – DRAFT**

182 Draft checklist of application and field requirements
183

184 Mr. Byrd informed everyone that due to Ms. Nunnally having training she had
185 requested a continuance until February to proceed with the list.
186

187 **C. William B. & Gayle Lynch Chandler III TR – VMRC# 2022-2002 - Extension**

188 Proposed creation of a living shore line with (2) 100 linear feet sills and (1) 20 linear feet sill,
189 located in Belle Haven, VA 23361, tax map#(s) 108-1-10.
190

191 Ms. Ridley said she received an email from Ms. Kaite Spady who works with Ms.
192 Ellen Grimes, (CRM, LLC), from the applicant requesting an extension.
193

194 Ms. Ridley said the permit expired in October of 2023 therefore, there was no permit
195 to extend.
196

197 Ms. Ridley also added that staff had not been back out do the site and did not know if
198 site conditions had changed or if they remained the same.
199

200 Mr. Ward asked what the applicant was requesting and Ms. Ridley read the project
201 description into the record:

202 *“Proposed creation of a living shore line with (2) 100 linear feet sills and (1)*
203 *20 linear feet sill, located in Belle Haven, VA”*
204

205 Mr. Badger asked if there were any policies, (staff wise), in place to address permits
206 that are about to expire or a notification that alerts the applicant.
207

208 Ms. Ridley said that notifications went out for Building and Land Disturbance
209 Permits, but not for Wetlands Board Permits.
210

211 Mr. Byrd asked if that was something that could be set up for Wetland Board Permits
212 and Ms. Ridley said she would speak to IT about getting that done.
213

214 It was also decided that permits that have expired will no longer come before the
215 board for extension request.
216

217 **On a motion made by Mr. Ward and seconded by Mr. Badger, the Wetlands**
218 **Board voted to deny William B. & Gayle Lynch Chandler III TR – VMRC# 2022-**
219 **2002 – Extension Request for the proposed creation of a living shore line with (2)**
220 **100 linear feet sills and (1) 20 linear feet sill, due to time frames. The property is**
221 **located in Belle Haven, VA 23361, tax map#(s) 108-1-10.**
222

223 **Correction: Notifications have been going out from the County’s EnerGov**
224 **Permit system 30 days before the expiration of Wetlands Board Permits.**

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7. **NEXT MEETING**

The next Wetlands Board meeting is scheduled for Thursday, February 22, 2024 at 10:00 a.m. in the Accomack County Board Chambers, Room 104, in Accomac, VA.

8. **ADJOURNMENT**

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

The meeting was adjourned at 10:38 a.m.

T. Lee Byrd, Chairman

Chontese Ridley, Environmental Permit Specialist