

1 **ACCOMACK COUNTY WETLANDS BOARD MINUTES OF August 22, 2024**

2 At a meeting of the Accomack County Wetlands Board held on the 22nd day of August 2024 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. George H. Badger

11 Mr. David Elebash, Alternate

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13 Wetland Board Members Absent

14 Mr. Timothy Getek

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16 **Others Present:**

17 Ms. Beth Nunnally, Environmental Planner II

18 Ms. Julie Crockett Floyd, Environmental Permit Specialist IV

19 Ms. Chontese Ridley, Planner I

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

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22 **DETERMINATION OF A QUORUM**

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

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25 **2. ADOPTION OF AGENDA**

26 **On a motion made by Mr. Taylor and seconded by Mr. Ward, the Wetlands Board**
27 **voted to approve the agenda.**

28 **3. MINUTES**

29 **A. July 18, 2024**

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31 **On a motion made by Mr. Taylor and seconded by Mr. Ward, the Wetlands Board**
32 **voted to approve the July 18, 2024 minutes.**

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34 **A motion was made by Mr. Badger and Seconded by Mr. Taylor to change the**
35 **minutes format from verbatim to summary.**

36
37 **4. OLD BUSINESS**

38 **A. Gemcraft Homes – JPA 2024-0974**
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40 Ms. Nunnally, (Environmental Programs), appeared before the Wetlands Board and
41 was sworn in by Chairman Byrd.

42
43 Ms. Nunnally gave an updated synopsis of the project stating that the location is on
44 Salty Way in Greenbackville, Captains Cove, tax map 5A1-1-1170. It is a 40-foot
45 replacement bulkhead, 2 feet channelward of the existing structure with a 6-foot return
46 wall adjacent to the northern neighbor. She stated that there is a storm water pipe that
47 may be an issue with construction. The method of construction is vinyl sheeting with
48 four 10" x 10' treated pilings and stainless-steel tie rods. Work will be done from land
49 and barge. The lot is unimproved. Wetlands impacts total 40 square feet of non-
50 vegetated wetlands at a cost of \$18 per square foot for an in-lieu mitigation fee of
51 \$720.00.

52
53 Ms. Nunnally displayed the new plan which shows that the pipe will be on the outside
54 of the wing wall.

55
56 Mr. Junior Britton, (BIC), appeared before the Wetlands Board and was sworn in by
57 Chairman Byrd.

58
59 Mr. Britton said the pipe is not a stormwater drain but a crossover pipe which is one of
60 many that go from one canal to another which are supposed to help the flow and keep
61 water from being stagnant.

62
63 Mr. Badger asked if the property line was in the middle of the easement.

64
65 Mr. Britton said that the property line is supposed to be in the easement but they are
66 not always. This one is very close to being in the middle.

67
68 Chairman Byrd asked Mr. Britton if he had any issues with the non-vegetated wetlands
69 square footage or the in-lieu fee of \$720.

70
71 Mr. Britton said he did not.

72
73 **CHAIRMAN BYRD OPENED THE FLOOR TO PUBLIC COMMENT**

74 Chairman Byrd asked if there was anyone who wished to comment on application
75 2024-0974

76
77 No one wished to comment.

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

79
80 Mr. Taylor asked to confirm that the easement is 10' and that the return wall would be
81 on the outside of the easement.

82
83 Mr. Britton confirmed.

84

85 **On a motion made by Mr. Taylor and seconded by Mr. Ward, the Wetlands Board**
86 **voted to issue a permit, valid for (2) years, for Gemcraft Homes - VMRC# 2024-**
87 **0974 for the construction of a 40-foot replacement vinyl bulkhead with the**
88 **following conditions:**

- 89 *1. Pay \$720.00 into the mitigation fund for 40 square feet of impacts to non-*
90 *vegetated wetlands*

91
92 **The property is located in the Captain's Cove subdivision of Greenbackville, VA**
93 **23356, tax map#(s) 5A1-1-1170.**

94
95 *All parties are advised that the foregoing determination grants no authority to*
96 *encroach on the property rights of others.*

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99 **5. NEW BUSINESS**

100
101 **A. Glenn Brooks - VMRC 2024-1485**

102
103 Ms. Nunnally gave a synopsis of the project stating that the owner is Mr. Glenn
104 Brooks and the project is located on Bald Pate Ln. in the Schooner Bay subdivision in
105 Onancock, VA. The tax number is 75D-4-4-26. It is on a man-made canal on
106 Chesconessex Creek. The structure is a 100-foot replacement bulkhead with two 4-
107 foot return walls two feet channelward of the existing structure. The work also
108 includes removing a dock and filling in a concrete boat ramp which would be 83
109 cubic yards of clean backfill. Both ends of the bulkhead would connect to
110 neighboring bulkheads. The construction method is 20 10' pilings with vinyl
111 sheeting and galvanized tie rods. There will be a boardwalk style cap. The current use
112 is residential. The wetlands impact is in the boat ramp which has degraded to provide
113 non-vegetated wetlands in some places to total 18 square feet of non-vegetated
114 wetlands impacted. At \$18 per square foot the total in-lieu fee would be \$324.

115
116 Mr. Jonathan Mudd (Mudd Marine Construction) appeared before the Board and was
117 sworn in by Chairman Byrd.

118
119 Chairman Byrd asked Mr. Mudd if there was any problem with the \$324 mitigation
120 fee.

121
122 Mr. Mudd indicated that the fee is acceptable.

123
124 **CHAIRMAN BYRD OPENED THE FLOOR TO PUBLIC COMMENT**

125 Chairman Byrd asked if there was anyone who wished to comment on application
126 2024-1485

127
128 No one wished to comment.

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

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Mr. Badger brought up a concern about the project appearing to end inside of the boat ramp instead of continuing on the neighbor’s bulkhead and wanted to require a revised drawing.

Mr. Mudd indicated that he would send a revised drawing.

On a motion made by Mr. Badger and seconded by Mr. Ward, the Wetlands Board voted to issue a permit, valid for (2) years, for Glenn Brooks - VMRC# 2024- 1485 for the construction of a 100-foot replacement vinyl bulkhead with the following conditions:

- 1. Pay \$324.00 into the mitigation fund for 18 square feet of impacts to non-vegetated wetlands.*
- 2. Submit a revised drawing showing the bulkhead continuing all the way to the neighbor’s bulkhead.*

The property is located in the Schooner Bay subdivision in Onancock, VA 23417, tax map#(s) 75D-4-4-26.

All parties are advised that the foregoing determination grants no authority to encroach on the property rights of others.

B. Judy Taylor and Cynthia Welch – (After the Fact) JPA 2023-2359

Ms. Nunnally gave a summary of the project. She explained that by administrative oversight the owners were told that no permission was needed from the Wetlands Board, but it was later determined that it would be required to be seen by the Board. The project is located on High Seas Dr. in Captain’s Cove adjacent to Chincoteague Bay. The structure is a new 75-foot bulkhead with 2 two-foot return walls connecting to neighbors on both sides. She noted that the construction method was not noted in the application and asked that a revised drawing include that information. The current use of the property is unimproved and the wetlands impacts are 375 square feet of non-vegetated wetlands. At \$18 per square foot the total in-lieu fee is \$6,750 because there is nowhere on site to mitigate.

Mr. Britton (BIC) was the agent for the project and had already been sworn in by Chairman Byrd.

Mr. Britton stated that the owner may have chosen a different design if she had known the cost.

Ms. Nunnally pointed out that the square footage of 375 square feet was shown on the original application and that it would not have changed. She also pointed out that because of the mix-up the County was covering the cost of advertising and application fees for a total of \$480.00.

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Mr. Britton stated that the return wall was not installed but that the bulkhead was tied directly to the neighboring bulkheads.

CHAIRMAN BYRD OPENED THE FLOOR TO PUBLIC COMMENT

Chairman Byrd asked if there was anyone who wished to comment on application 2023-2359

No one wished to comment.

CHAIRMAN BYRD CLOSED THE FLOOR TO PUBLIC COMMENT

Chairman Byrd asked Ms. Gorman (VMRC) for guidance on the matter of reducing fees.

Ms. Gorman stated that it is fully within the Board’s purview whether or not to charge and how much to charge.

Ms. Nunnally stated that the County attorney indicated that waiving the administrative fees (\$480) would be advisable but recommended that the Board does not change the actual wetlands fee.

On a motion made by Mr. Taylor and seconded by Mr. Ward, the Wetlands Board voted to issue a permit, valid for (2) years, for Glenn Brooks - VMRC# 2024- 1485 for the construction of a 100-foot replacement vinyl bulkhead with the following conditions:

- 1. Pay the full \$6,750.00 into the mitigation fund for 375 square feet at \$18 per square foot of impacts to non-vegetated wetlands.*
- 2. Submit a revised drawing showing the construction method.*

The property is located in the Captain’s Cove subdivision in Greenbackville, VA 23356, tax map#(s) 5A3-1-1436.

All parties are advised that the foregoing determination grants no authority to encroach on the property rights of others.

6. OTHER BUSINESS

A. Remote Participation Policy

Ms. Chontese Ridley appeared before the board and was sworn in my Chairman Byrd.

Ms. Ridley indicated to the Wetlands Board that the County attorney felt that the Wetlands Board should enact a 30-day waiting period before voting on a bylaw or a new policy or other type of change and that the 30-day period would not begin until given the language. She stated that because the board received the language today, the

223 remote participation policy 30-day clock started and at the next board meeting there
224 should be a vote on whether or not you agree with the policy.

225
226 Ms. Ridley also spoke about the Policies and Procedures document that should be
227 reviewed so that the Wetlands Board has a Policies and Procedures Guide like other
228 boards. She asked that the board review and provide comments to this document.

229
230 Ms. Ridley also brought up term expirations and indicated that if a board member
231 were to resign it would be appropriate to give at least a 2-month notice.

232
233 Mr. Elebash asked if the remote participation was audio or if it was both audio and
234 video.

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236 Ms. Ridley indicated that it would most likely be audio only.

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238 **7. NEXT MEETING**

239 The next Wetlands Board meeting is scheduled for Thursday, September 26, 2024 at 10:00 a.m.
240 in the Accomack County Board Chambers, Room 104, in Accomac, VA.

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242 **8. ADJOURNMENT**

243 **On a motion made by Mr. Ward and seconded by Mr. Elebash, the Wetlands Board**
244 **voted to adjourn the meeting.**

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246 The meeting was adjourned at 11:10 a.m.

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250 T. Lee Byrd, Chairman

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254 Julie Crockett Floyd, Environmental Permit Specialist