



Accomack County Wetlands Board Meeting Regular Meeting

Accomack County Administration Building Board Chambers, Room #104, in Accomac, Virginia.

Minutes for Thursday May 22, 2025 at 10 AM

1
2
3
4
5
6
7 **1. CALL TO ORDER**

8 **MEMBERS PRESENT**

9
10 Mr. T. Lee Byrd, Chairman
11 Mr. George Ward, Vice Chairman
12 Mr. Gene Wayne Taylor
13 Mr. George H. Badger
14 Mr. Timothy Getek
15

16 **Others Present:**

17 Ms. Julie Floyd, Environmental Permit Specialist
18 Ms. Ginger Harmon, Administrative Assistant
19 Mr. Paul Watson, Deputy Director of Code Administration
20 Mr. Lee Pambid, Deputy County Administrator
21 Ms. Claire Gorman, Virginia Marine Resources Commission (VMRC)
22 Ms. Ms Lorraine Upton (VMRC Summer Intern)
23

24 **DETERMINATION OF A QUORUM**

25 *With a quorum present, Chairman Byrd called the meeting of the Wetlands Board to order*
26 *at 10:00 a.m.*
27

28 **2. ADOPTION OF AGENDA**

29 *The Wetlands Board unanimously adopted the agenda on a motion made by Mr. Taylor*
30 *and seconded by Mr. Ward*
31

32 **3. MINUTES**

33 *On a motion made by Mr. Badger and seconded by Mr. Getek to adopt May 5, 2025 minutes*
34 *as written*
35

36 **4. NEW BUSINESS**

37
38 **A. 4.01 JPA 2025-0557 Joseph Rossetti**

39
40 Concerns an after-the-fact permit application for a bulkhead constructed at 37467 Bayside
41 Drive, Captain's Cove, on a man-made canal. The property owner is Joseph Rossetti. The
42 bulkhead was already built before the permit application was submitted, making this an
43 "after-the-fact" case. The new bulkhead was installed approximately two feet seaward of
44 the existing bulkhead, with a boat lift added later to the application. The construction was

45 completed before the required permits were obtained, which is a violation of standard
46 procedure. The board had previously required that all "dead men" (tie-backs for the
47 bulkhead) be exposed and inspected before the work was covered up. Only one dead man
48 was exposed and inspected; the rest were not, due to a combination of safety concerns,
49 communication breakdowns, and confusion over permitting requirements. Contractors and
50 staff disagreed about whether all dead men needed to be exposed, but the board's minutes
51 confirmed that all should have been inspected. There was debate over whether the board
52 had jurisdiction, since the new bulkhead was built on a man-made canal and the original
53 bulkhead was at mean low water, meaning there may not have been wetlands affected. The
54 board and staff discussed the "catch-22" of requiring a building permit (which needs a
55 wetlands permit first) and the need for inspections before covering up work. The process
56 was further complicated by the lack of pre-construction photographs and the fact that the
57 original bulkhead may have been installed without proper permits years ago. Multiple
58 parties testified, including the property owner, contractors, and staff. There was consensus
59 that the original bulkhead was functional and that the new construction did not appear to
60 impact wetlands. Mrs. Beth Nunnally, who prepared the after-the-fact JPA, stated it was
61 unlikely any wetlands were affected. Mr. Raymond Britton, a contractor familiar with the
62 site, confirmed there was no wetlands vegetation behind the old bulkhead. The board
63 discussed the need for clearer rules and better communication to prevent similar situations.
64 There was concern about setting a precedent for after-the-fact permits and the need for
65 deterrents or penalties for non-compliance. Staff confirmed that after-the-fact penalties had
66 already been assessed (double permit fees).

67
68 **CHAIRMAN BYRD OPENED THE FLOOR TO PUBLIC COMMENT**

69
70 *Mr. Byrd asked if there was anyone who wished to comment on application 2025-0557.*
71 *No one wished to comment.*

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

74
75 *On a motion made by Mr. Badger and seconded by Mr. Getek the Wetlands Board*
76 *voted unanimously to issue a "no permit required" (NPN) letter from the wetlands*
77 *board's perspective. All parties are advised that the foregoing determination grants no*
78 *authority to encroach on the property rights of others.*

79
80
81 **B. 4.02 JPA 2025-0563 Wayne Cox**

82
83 Another after-the-fact bulkhead permit application in Captain's Cove. Located on a man-
84 made canal, similar to previous case in the meeting. Construction Specifics: Bulkhead built
85 two feet seaward of existing bulkhead. Approximately 60 feet wide. Located on a lot
86 adjacent to other recently discussed bulkhead projects. Signature Controversy: Initial
87 application contained forged signatures. A second version was submitted with correct,
88 verified signatures. Property owners were unaware of the first submission. VMRC
89 confirmed the importance of valid signatures. Site Characteristics: Relatively stable site
90 with grass present. Lower elevation compared to neighboring lots. Potential stormwater

91 runoff affecting surrounding undeveloped properties. Wetlands Considerations: No clear
92 evidence of vegetated or non-vegetated wetlands. Tide rises and falls on the bulkhead.
93 Board erred on side of caution by reviewing the application. Confirmed the original
94 bulkhead was functional. Key Participants: Wayne Cox (property owner) Beth Nunnally
95 (permit agent) Jeff Brown (contractor) Raymond Britton (experienced local contractor).
96 The board treated this case similarly to previous after-the-fact bulkhead permits,
97 emphasizing the need for proper permitting processes.

98
99 **CHAIRMAN BYRD OPENED THE FLOOR TO PUBLIC COMMENT**

100
101 *Mr. Byrd asked if there was anyone who wished to comment on application 2025-0563.*
102 *No one wished to comment.*

103
104 **CHAIRMAN BYRD CLOSED THE FLOOR TO PUBLIC COMMENT**

105
106 *On a motion made by Mr. Badger and seconded by Mr. Getek the Wetlands Board*
107 *voted unanimously to issue "no permit required" (NPN) letter from the wetlands*
108 *board's perspective. All parties are advised that the foregoing determination grants no*
109 *authority to encroach on the property rights of others.*

110
111
112 **C. 4.03 JPA 2025-0609 Chris Wegrzyn**

113
114 Another after-the-fact bulkhead permit application in Captain's Cove. Consistent with
115 previous cases in the meeting's pattern of similar bulkhead installations. Construction
116 Details: Bulkhead constructed two feet seaward of existing bulkhead. Approximately 30
117 feet wide. Located on a corner lot. Tied into neighboring bulkhead during simultaneous
118 construction. Initial application contained incorrect signatures. Second version submitted
119 with correct, verified signatures. Paperwork was initially lost and not properly filed.
120 Contractor (Jeff Brown) attempted to process paperwork. Property owner (Chris Wegrzyn)
121 was aware of the JPA being filed. Site Characteristics: Stable site with grass present. Tide
122 rises and falls on the bulkhead. No apparent wetlands impact. Photographs provided by
123 owner demonstrated site conditions. Unique Aspects: Luke Britton was still listed as the
124 agent on the application, despite his absence. Raymond Britton (senior) agreed to oversee
125 tie-back inspections. Owner willing to cooperate with board's requirements. Inspection and
126 Compliance: Tie-backs to be exposed for inspection within 10 days. Raymond Britton
127 senior committed to overseeing the inspection process. Board's Deliberation: Determined
128 the case was outside wetlands board jurisdiction. No evidence of wetlands impact.
129 Consistent approach with previous similar cases. Emphasized need for proper permitting
130 processes in future. Key Participants: Chris Wegrzyn (property owner) Jeff Brown
131 (contractor) Raymond Britton (experienced local contractor) Beth Nunnally (permit agent)
132 The board maintained its approach of careful review while recognizing the limited
133 jurisdictional scope of the wetlands board in this type of case.

134
135 **CHAIRMAN BYRD OPENED THE FLOOR TO PUBLIC COMMENT**

136

137 *Mr. Byrd asked if there was anyone who wished to comment on application 2025-0609.*
138 *No one wished to comment.*

139
140 **CHAIRMAN BYRD CLOSED THE FLOOR TO PUBLIC COMMENT**

141
142 *On a motion made by Mr. Badger and seconded by Mr. Ward, the Wetlands Board*
143 *voted unanimously to issue a "No Permit Required" (NPN) letter. All parties are*
144 *advised that the foregoing determination grants no authority to encroach on the*
145 *property rights of others.*

146
147
148 **D. 4.04 JPA 2025-0608 Wayne Wingard**

149
150 After-the-fact bulkhead permit application in Captain's Cove. Consistent with previous
151 cases in the meeting's pattern of similar bulkhead installations. Construction Specifics:
152 Bulkhead constructed two feet seaward of existing bulkhead. Approximately 30 feet wide.
153 Located on a corner lot. Tied into neighboring bulkhead during simultaneous construction.
154 Unique Characteristic: Luke Britton was still listed as the agent on the application, despite
155 his absence. This raised initial questions about the application's processing. Site
156 Characteristics: Stable site with grass present. Tide rises and falls on the bulkhead. Owner
157 provided photographs demonstrating site conditions. No apparent wetlands impact.
158 Permitting and Compliance: Contractor (Jeff Brown) involved in processing the
159 application. Raymond Britton (senior) agreed to oversee tie-back inspections. Owner
160 willing to cooperate with board's requirements. Inspection Process: Tie-backs to be
161 exposed for inspection within 10 days. Raymond Britton senior committed to overseeing
162 the inspection process. Board emphasized the importance of proper inspection procedures.
163 Board's Deliberation: Determined the case was outside wetlands board jurisdiction. No
164 evidence of wetlands impact. Consistent approach with previous similar cases. Continued
165 concern about after-the-fact permit processes. Reinforced the need for proper permitting
166 and inspection processes. Key Participants Wayne Wingard (property owner) Jeff Brown
167 (contractor) Raymond Britton (experienced local contractor) Beth Nunnally (permit agent).
168 Broader Context: Part of a series of four similar after-the-fact bulkhead permit applications.
169 Highlighted ongoing issues with permitting processes in Captain's Cove. Board discussed
170 potential need for stronger deterrents and educational outreach. The board maintained a
171 consistent approach of careful review while recognizing the limited jurisdictional scope of
172 the wetlands board in this type of case.

173
174 **CHAIRMAN BYRD OPENED THE FLOOR TO PUBLIC COMMENT**

175
176 *Mr. Byrd asked if there was anyone who wished to comment on application 2025-0608.*
177 *No one wished to comment.*

178
179 **CHAIRMAN BYRD CLOSED THE FLOOR TO PUBLIC COMMENT**

180
181 *On a motion made by Mr. Badger and seconded by Mr. Getek, the Wetlands Board*
182 *voted unanimously to issue a "No Permit Required" (NPN) letter. All parties are*

183 *advised that the foregoing determination grants no authority to encroach on the*
184 *property rights of others.*
185

186 **5. OLD BUSINESS**

187
188 **A. 5.01 Violation related to JPA 2025-0557; Joseph Rossetti**

189 The board determined the case was outside their jurisdiction. The discussion was brief and
190 focused on confirming the bulkhead was built on a man-made canal. Verifying no wetlands
191 were impacted. Resolving the after-the-fact permit issue. A motion was made by Mr. Getek
192 and second by Mr. Ward to vacate the associated sworn complaint about the violation.
193
194

195 **B. 5.02 Violation related to JPA 2025-0563; Wayne Cox**

196 The board identified issues with forged initial signatures. Confirmed correct signatures
197 were later obtained. Determined the case was outside their jurisdiction. A motion was made
198 by Mr. Getek and second by Mr. Ward to vacate the associated sworn complaint about the
199 violation. The board's approach was consistent with other similar cases. No evidence of
200 wetlands impact. Tide rises and falls on the existing bulkhead. Original bulkhead was
201 functional. Minimal discussion of a specific violation.
202
203

204 **C. 5.03 Violation related to JPA 2025-0608; Wayne Wingard**

205 The board reviewed the after-the-fact bulkhead permit. Confirmed the bulkhead was
206 constructed two feet seaward of the existing bulkhead. Noted Luke Britton was still listed
207 as the agent. Determined the case was outside their jurisdiction. A motion was made by
208 Mr. Getek and second by Mr. Ward to vacate the associated sworn complaint about the
209 violation. Key characteristics: 30-foot wide bulkhead. Located on a corner lot. Tied into
210 neighboring bulkhead. No apparent wetlands impact. Tide rises and falls on the bulkhead.
211 The board's approach was consistent with other similar cases. Minimal discussion of a
212 specific violation. Focus on proper permitting processes. Emphasizing the need for due
213 diligence in future applications.
214
215

216 **D. 5.04 Violation related to JPA 2025-0609; Chris Wegrzyn**

217 The board reviewed the after-the-fact bulkhead permit. Confirmed the bulkhead was
218 constructed two feet seaward of the existing bulkhead. Noted initial issues with incorrect
219 signatures. Determined the case was outside their jurisdiction. A motion was made by Mr.
220 Getek and second by Mr. Ward to vacate the associated sworn complaint about the
221 violation. Key characteristics: Approximately 30 feet wide. Located on a corner lot. Tied
222 into neighboring bulkhead during simultaneous construction. No apparent wetlands
223 impact. Tide rises and falls on the bulkhead. The board's approach was consistent with
224 other similar cases. Minimal discussion of a specific violation. Focus on proper permitting
225 processes. Emphasizing the need for due diligence in future applications.
226
227

228 **E. 5.05 Violation related to JPA 2025-1659; Michael Pulaski**

229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266

Violation Details: Located on a lot fronting Chincoteague Bay. Involved a breakwater installation project. Significant marsh damage during construction. Specific Violation Issues: Rock storage damage. Rocks were stored directly on marsh area. Approximately 110 square feet of marsh potentially impacted. Gravel left behind impeding grass growth. Photographic Evidence: August 2023 photos showed healthy marsh before construction. March 2025 photos revealed rock storage and marsh degradation. May 2025 photos showed partial recovery and remaining gravel. Pulaski's non-participation refused to attend the wetlands board meeting. Stated he would not attend future meetings. Did not provide pre-construction photographs as promised. Claimed marsh had already degraded before construction. Board's Observations: Marsh appears to be recovering in some areas. Gravel remains a significant impediment to grass regrowth. Uncertain about exact extent of damage. Resolution and Next Steps: A motion was made by Mr. Getek and second by Mr. Ward to continue the case to the June 26th meeting. Request for Pulaski to provide: 1. Restoration plan 2. Monitoring plan 3. Commitment to remove gravel 4. Plan to replant marsh with spartina. Recommended Restoration: Raymond Britton suggested planting spartina plugs one foot on center, and removing gravel to facilitate grass growth. A three-year monitoring plan was requested with a detailed restoration and monitoring plan. Mr. Watson is to communicate board's expectations to Pulaski. The board emphasized the need for proactive restoration and monitoring to mitigate the marsh damage.

6. NEXT MEETING

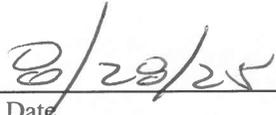
Our next meeting is June 26, 2025.

7. ADJOURNMENT

On a motion made by Chairman Byrd and seconded by Mr. Taylor, the Wetlands Board has voted to adjourn the meeting at 12:32 pm.



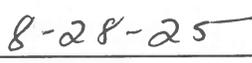
T Lee Byrd,
Chairman



Date



Ginger Harmon,
Administrative Assistant of Environmental Programs



Date