

1 **ACCOMACK COUNTY WETLANDS MINUTES OF NOVEMBER 16, 2023**

2 At a meeting of the Accomack County Wetlands Board held on the 16th day of NOVEMBER 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. Gene Wayne Taylor

9 Mr. Timothy Getek

10 Mr. George H. Badger

11
12 **Others Present:**

13 Ms. Chontese Ridley, Planner I

14 Ms. Beth Nunnally, Environmental Planner II

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

16
17 **DETERMINATION OF A QUORUM**

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

19
20 **2. ADOPTION OF AGENDA**

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

23 **3. MINUTES**

24 **A. October 28, 2023**

25
26 **On a motion made by Mr. Getek and seconded by Mr. Badger, the Wetlands**
27 **Board voted to approve the October 28, 2023 minutes.**

28
29 **4. OLD BUSINESS**

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

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

34
35 Ms. Beth Nunnally, (Environmental Programs), appeared before the Wetlands Board
36 and was sworn in by Chairman Byrd.

37
38 Ms. Nunnally stated the JPA's were continued from October, and it had been
39 determined that 2023-1659 was outside of the Board's jurisdiction.

41 Ms. Nunnally said that revisions had been received for JPA 2023-1659. The dimension
42 for the vegetated wetlands that were to be filled and the location for on-site mitigation
43 had been added.

44
45 All the necessary information had been provided.

46
47 Ms. Nunnally pointed out the area the applicant wanted to fill to have more room, and
48 informed the Board that the rest of the project was outside of their jurisdiction.

49
50 Ms. Nunnally said she noticed one thing that was needed to make the project complete.

51
52 Ms. Nunnally said there was a small section of the berm that was not included in the
53 vegetated wetlands summary of encroachment.

54
55 Mr. C. Ward appeared before the Wetlands Board, on behalf of the applicant, and was
56 sworn in by Chairman Byrd.

57
58 Mr. C. Ward apologized for not including the small square footage of wetlands that
59 would be impacted by the proposed berm.

60
61 **CHAIRMAN BYRD OPENED THE FLOOR TO PUBLIC COMMENT**
62 Mr. Byrd asked if there was anyone who wished to comment on application 2023-
63 1659 & 1660.

64
65 No one wished to comment.

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

67
68 Mr. Getek asked Mr. C. Ward, to confirm, there would be a breakwater that would end
69 at the pier and not wrap around to the other side of the house. Mr. C. Ward confirmed
70 that was correct.

71
72 Claire Gorman, (VMRC), appeared before the Wetlands Board and was sworn in by
73 Chairman Byrd.

74
75 Mr. Getek asked Ms. Gorman if the mitigation offset with VMRC was still in effect for
76 this project.

77
78 Ms. Gorman said the mitigation area was in VMRC's jurisdiction and it had not been
79 approved yet. Ms. Gorman added that the breakwater had not been approved yet either.

80
81 Mr. Badger wanted to clarify what was in the Wetlands Board's jurisdiction. Mr.
82 Badger asked if the sill, (gray around the house), was landward or channelward of mean
83 low water.

84
85 Mr. C. Ward said with the exception of the small area that was not calculated,
86 everything was channelward of mean high water.

87 Mr. Badger said anything that was landward of ½ times the tide range was in their
88 jurisdiction.
89

90 Mr. Badger stated that one of their charges was that the filling of wetlands was looked
91 at based on need, and asked Mr. C. Ward why that area needed to be filled.
92

93 Mr. C. Ward said the original proposal was for the property owner to have room for
94 additional parking and a shed, (there was no outside storage).
95

96 Mr. C. Ward said he and the applicant developed another possibility for the area. A
97 shed could be installed on pilings with a ramp leading to the driveway in front of the
98 house. Mr. C. Ward added that this would minimize the impacts.
99

100 Mr. Getek said the elevated shed sounded nice, but that he would like to see a diagram
101 or drawing with dimensions and the height.
102

103 Mr. Badger said with structures over vegetated wetlands, (5 feet by 5 feet), the wetlands
104 die and go turn to non-vegetated wetlands.
105

106 Mr. C. Ward said the applicant was more worried about wave action and destruction of
107 his home and property than he was the shed. Mr. C. Ward said the applicant did not
108 want to delay the project any further and asked him to remove the shed from the project.
109

110 Mr. C. Ward said the applicant asked him to amend the application removing any
111 wetland impacts on the northwesterly side of the structure. The applicant also wished
112 to remove 900 square feet of proposed mitigation on site and planting of the marsh.
113

114 Mr. C. Ward said the proposed berm, (to give the structure additional protection),
115 would not make the right hand turn. It would end at the edge of the marsh where the
116 bank was serving as the high and mean low water mark. They would not be encroaching
117 the riprap berm into the marsh.
118

119 Mr. C. Ward said they would like to request conditional approval to allow himself and
120 staff to determine the number for the uncounted impacts that Ms. Nunnally pointed out.
121

122 Mr. Byrd asked Mr. C. Ward, to confirm, that he was requesting approval on a
123 mitigation measurement that would be done after the fact.
124

125 Mr. C. Ward said they accept conditional approval based on staff's confirmation on
126 what the wetland impacts were on the southerly side of the existing residence.
127

128 Mr. Badger said the board had gotten in trouble for approving a project that did not
129 have definite impacts in the past and their decision was reviewed. Mr. Badger said he
130 did not know how they could approve this project without being reviewed again.
131

132 Mr. C. Ward said he had no problem coming back to the December meeting with the
133 dimensions.

134
135 Mr. Taylor asked if there was going to be any additional protection on the end where
136 fill had previously been proposed.

137
138 Mr. C. Ward said no, and there was not wave action on that side.

139
140 **On a motion made by Mr. Badger, and seconded by Mr. Getek, the Wetlands**
141 **Board voted on a continuance until the December 14, 2023 meeting for Michael**
142 **Pulaski, VMRC# 2023- 1659 & 1660, for the proposed construction of a 90 square**
143 **feet long offshore breakwater, installation of 80 square feet of new rip-rap berm**
144 **and 110 square feet of offshore breakwater.**

145
146 **5. NEW BUSINESS**

147 **A. James K. Casey, Jr. & Jennifer Mister- VMRC# 2023- 2226**
148 Proposed construction of a new 100 feet vinyl bulkhead, located in the Captain's Cove
149 subdivision of Greenbackville, VA 23356, tax map#(s) 5A3-1-1343.

150
151 Ms. Nunnally stated that the agent requested a continuance to give him more time to
152 finish the revisions.

153
154 Mr. Byrd asked if it was a one-month continuance and Ms. Nunnally said yes.

155
156 **CHAIRMAN BYRD OPENED THE FLOOR TO PUBLIC COMMENT**

157 Mr. Byrd asked if there was anyone who wished to comment on application 2023-
158 2226.

159
160 No one wished to comment.

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

162
163 **On a motion made by Mr. Getek, and seconded by Mr. Badger, the Wetlands**
164 **Board voted on a continuance until the December 14, 2023 meeting for James K.**
165 **Casey, Jr. & Jennifer Mister, VMRC# 2023- 2226, for the proposed construction**
166 **of a new 100 feet vinyl bulkhead, located in the Captain's Cove subdivision of**
167 **Greenbackville, VA 23356, tax map#(s) 5A3-1-1343.**

168
169 **B. Zorylu Bonilla- VMRC# 2023- 2255**
170 Proposed installation of two 30 feet long by 10 feet wide by 4 feet high quarry stone sills with
171 a 10 feet gap. Also, one 15 feet long by 2 feet wide by 1 feet high trip sill, two 25 feet stone
172 revetments, five face pilings, and approximately 2,590 square feet of beach nourishment,
173 located in Onancock, VA 23417, tax map#(s) 83B-2-D-7, 6A, 6 & 5.

174
175 Ms. Ellen Grimes, CRM LLC, appeared before the Wetlands Board on behalf of the
176 applicant, and was sworn in by Chairman Byrd.

177
178 Ms. Grimes said this was multiple properties pointed out each one.

179 Ms. Grimes said the board's jurisdiction was the beachy area, return wall of the
180 adjacent property owner, and the return wall of the subject property.

181
182 Ms. Grimes said the bulkhead needed a little work, but the work that needed to be done
183 was out of the board's jurisdiction.

184
185 Ms. Grimes then went into more detail on the construction of the project adding that
186 two of the pilings would most likely be in the board's jurisdiction.

187
188 Ms. Grimes said the area behind the return wall was being flanked and eroding.

189
190 Ms. Grimes said there would be nourishment placed behind the sill system and pointed
191 out the location.

192
193 Ms. Grimes said there would be some planting done along the sides and in the corners,
194 but they wanted to keep the beachy area clear.

195
196 Ms. Grimes said the vegetated impacts for the revetment would be 40 square feet, and
197 non-vegetated impacts for the trip still would be 45 square feet.

198
199 Ms. Grimes said they planned to plant five hundred plants on 1 ½ feet centers and the
200 theoretical creation was a little over 1,100 square feet. Minus the impacts, there would
201 be 1,000 square feet of planted area.

202
203 Mr. Byrd apologized to Ms. Nunnally for not asking her if she had anything to add
204 prior to the discussion.

205
206 Ms. Nunnally said to make sure to illustrate the vegetated and non-vegetated impacts
207 were 85 square feet and not 95 square feet.

208
209 Ms. Zorylu Bonilla appeared before the Wetlands Board and was sworn in by Chairman
210 Byrd.

211
212 Ms. Bonilla said she believed in saving the vegetation and she had seen more and more
213 erosion over the years.

214
215 **CHAIRMAN BYRD OPENED THE FLOOR TO PUBLIC COMMENT**

216 Mr. Byrd asked if there was anyone who wished to comment on application 2023-
217 2255.

218
219 No one wished to comment.

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

221
222 Mr. Getek asked Ms. Gorman if she was on board with all the numbers presented and
223 if they were appropriate.

224

225 Ms. Gorman said she had no comment on the project, she had been to the site, and that
226 she agreed with the numbers.

227
228 Mr. Badger asked Ms. Grimes if there were currently any vegetated wetlands under the
229 trip sill.

230
231 Ms. Grimes said that would be non-vegetated wetlands and that the vegetated wetlands
232 were in the corners, (above the Wetlands Board's jurisdiction).

233
234 Mr. Badger pointed out it was not a loss, but a change. There was still habitat in there,
235 there was no vegetation, but it was still below high water.

236
237 Ms. Grimes was compensating for the change by sprigging other areas.

238
239 Mr. Getek said he wanted to point out that there was a monitoring program for the
240 project and asked Ms. Grimes about the panic grass she had listed.

241
242 Ms. Grimes said they were native species and showed the board where they were
243 located on the property.

244
245 **On a motion made by Mr. Badger and seconded by Mr. Getek, the Wetlands**
246 **Board voted to issue a permit, valid for (2) years, for Zorylu Bonilla- VMRC#**
247 **2023- 2255 for the proposed installation of two 30 feet long by 10 feet wide by 4**
248 **feet high quarry stone sills with a 10 feet gap. Also, one 15 feet long by 2 feet wide**
249 **by 1 feet high trip sill, two 25 feet stone revetments, five face pilings, and**
250 **approximately 2,590 square feet of beach nourishment. The property is located in**
251 **Onancock, VA 23417, tax map#(s) 83B-2-D-7, 6A, 6 & 5.**

252
253 **C. Alfred Russo- VMRC# 2023- 2265**
254 Proposed construction of a new 120' +/- vinyl bulkhead, located in the Captain's Cove
255 subdivision of Greenbackville, VA 23356, tax map#(s) 5A3-1-1425.

256
257
258 Ms. Nunnally stated that the agent requested a continuance to give him more time to
259 finish the revisions.

260
261 Mr. Byrd asked if it was a one-month continuance and Ms. Nunnally said yes.

262
263 **CHAIRMAN BYRD OPENED THE FLOOR TO PUBLIC COMMENT**

264 Mr. Byrd asked if there was anyone who wished to comment on application 2023-
265 2265.

266
267 No one wished to comment.

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

269
270 **On a motion made by Mr. Getek, and seconded by Mr. Badger, the Wetlands**
271 **Board voted on a continuance until the December 14, 2023 meeting for Alfred**

272 **Russo- VMRC# 2023- 2265, for the proposed construction of a new 120' +/- vinyl**
273 **bulkhead, located in the Captain's Cove subdivision of Greenbackville, VA 23356,**
274 **tax map#(s) 5A3-1-1425.**
275
276
277

278 **6. OTHER BUSINESS**

279 **A. Randolph Lieberum Extension Request- VMRC# 2020-1856**

280 Installation of approximately 155 linear feet of quarry stone sills, 80 linear feet of quarry
281 stone rip rap revetment, 3000 square feet, (150 cubic yards), of beach nourishment material,
282 and a 85 feet by 5 feet pier with a 10 feet by 20 feet "T".
283

284 Ms. Chontese Ridley, (County Planner I), appeared before the Wetlands Board and
285 was sworn in by Chairman Byrd.
286

287 Ms. Ridley said Ms. Lieberum had called a couple weeks ago, and that her permit was
288 due to expire on November 21, 2023.
289

290 Ms. Ridley said Ms. Lieberum first came before the board in 2021 and that Ms.
291 Lieberum requested an extension for her original permit at the November 2022
292 meeting.
293

294 Ms. Ridley said Ms. Liebreum informed her that everything besides the pier had been
295 completed and that they needed more time to finish. Due to issues with materials,
296 construction was slowed leading Ms. Liebreum to request another 1-year continuance.
297
298

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

300 Mr. Byrd asked if there was anyone who wished to comment on application 2020-
301 1856.
302

303 No one wished to comment.

304 **CHAIRMAN BYRD CLOSED THE FLOOR TO PUBLIC COMMENT**
305

306 Mr. Getek asked if anyone had been out to the site and if the conditions were still the
307 same.
308

309 Mr. Byrd said that he had been out to the site and nothing had changed.
310

311 **On a motion made by Mr. Getek and seconded by Mr. Taylor, the Wetlands**
312 **Board voted to grant an extension, valid for (1) year, for Randolph Lieberum,**
313 **VMRC# 2020-1856, for the installation of approximately 155 linear feet of**
314 **quarry stone sills, 80 linear feet of quarry stone rip rap revetment, 3000 square**
315 **feet, (150 cubic yards), of beach nourishment material, and a 85 feet by 5 feet**
316 **pier with a 10 feet by 20 feet "T". The property is located on Chincoteague**
317 **Island, VA 23336, tax map#(s) 30A3-A-30.**
318

319 7. **NEXT MEETING**
320 The next Wetlands Board meeting is scheduled for Thursday, December 21, 2023 at 10:00 a.m. in
321 the Accomack County Board Chambers, Room 104, in Accomac, VA.
322

323 8. **ADJOURNMENT**
324 **On a motion made by Mr. Taylor and seconded by Mr. Badger, the Wetlands Board**
325 **voted to adjourn the meeting.**
326

327 The meeting was adjourned at 10:56 a.m.

328

329 _____
330 T. Lee Byrd, Chairman

331
332
333
334 _____
335 Chontese Ridley, Environmental Permit Specialist