

YORK COUNTY WETLANDS BOARD

Minutes of May 13, 2021

6:00 PM

At a meeting of the York County Wetlands Board held on Thursday, May 13, 2021 at 6:00 p.m. in the Multi-Purpose Room of the Public Works Administration Building located at 105 Service Drive, Yorktown, Virginia, those present were:

Board Members: Jeff Frye, Acting Chair
 Jan Allen
 Timothy Smith
 Rebecca Yasky
 Noel West – Remotely at 201 Pamlico Run

Staff: Kent Henkel, Environmental Specialist II
 Barrett Nicks, Environmental Specialist I
 Jennifer Wilson, Administrative Assistant III
 Allison Norris-Lay, VMRC- Remotely at 1343 Cornwall Place, Norfolk
 Tiffany Birge, VMRC- Remotely at 3448 MacDonald Road, Virginia Beach

The meeting was called to order at 6:00 p.m. by Jeff Frye, Acting Chair.

APPROVAL OF THE MINUTES

The March 11, 2021 Wetlands Board minutes were approved by consensus

WETLANDS APPLICATIONS

- **Application 20-65a, b, VMRC 20-2264 for Kevin Earley, (408 Spivey) and Erik and Amie Adams, (416 Spivey):** Request to construct a living shoreline consisting of a stone revetment, stone groins and beach nourishment along the shoreline of the Chisman Creek at 408 and 416 Spivey Lane....Continued from March

Kent Henkel presented the application, property maps, photographs, and gave a brief history of the project relaying it was continued from March and the original notice to comply was sent in May of last year. He stated the application is still incomplete lacking information and new drawings requested by the VMRC to satisfy the VIMS report.

The Chair opened the public hearing.

John Pisarski of 803 James Dr came forward to inquire if a wall was backed up and built in the uplands instead of so close to the shoreline would that negate the need for a permit. Mr. Henkel said that it would need to go through the Chesapeake Bay Act approval, but that the Wetlands Permit would not be needed. The Board inquired what would happen to the SAV if this option was chosen.

Kevin Earley of 408 Spivey Rd came forward. He presented his own slideshow with pictures of his property and explained the project. He feels VIMs is not correct about the location and amount of SAV in the area of his project. He has asked the Colonial Soil and Water Conservation District to review his property and assist him with a plan.

The Chair closed the public hearing.

The Board inquired about SAV and mitigation. Staff replied the County has no control over VMRC's mitigation for the SAV. The Board's job today is to deal with the wall and drawings as submitted to this point, and make a decision on the application as it currently stands. The Board stated that since it appears this property is built on old concrete platform and being undermined by water, that an engineer should possibly be called on to make the correct assessment as to what should be done to best protect the property from erosion. Staff reminded Board that a stop work order was initiated to remove the wall and reconstruct a living shoreline to re-establish wetlands.

Mr. Earley is asking the Board to table the application until the Colonial Soil and Water Conservation District does a review of his property. The Board would like a plan in place to take care of the property before the wall is removed. A plan for a living shoreline must also be in place before the wall is removed.

Ms. Allen motioned to continue consideration of Application 20-65 A&B, VMRC 20-2264 until the August 12th public hearing, or the next meeting after that if there are no applications for August.

The motion was approved on the following roll call:

Noel West	Yes
Rebecca Yasky	Yes
Timothy Smith	Yes
Jan Allen	Yes
Jeffrey Frye	Yes

Mr. Frye stated the application is continued until August 12, or the next meeting with applications after that. It will be held in the Public Works Multi-Purpose room at 6 pm.

- **Application 21-15, VMRC 21-0494 for Stephen Dee, (Property Owner)** Request to replace 150-feet of bulkhead along the shoreline of the Chisman Creek at 309 Sparrer Rd

Kent Henkel presented the application, property maps, photographs, and gave a brief history of the project.

The Chair opened the public hearing.

The Board inquired about the pilings and concrete currently onsite.

John Pisarski of 803 James Dr came forward to tell the Board they will be removed.

The Chair closed the public hearing.

Board deliberated and stated it was a straightforward project.

Ms. Yasky motioned to approve Application 21-15, VMRC 21-0494 with revised drawings submitted April 20, 2021.

The motion was approved on the following roll call:

Noel West	Yes
Jan Allen	Yes
Timothy Smith	Yes
Rebecca Yasky	Yes
Jeffrey Frye	Yes

Mr. Frye stated the application is approved and the approval letter will be emailed within 10 days.

EXTENSIONS AND FINALS

- **Permit 19-06, VMRC 19-0270 for RES, (Agent) and Dominion Energy, (Applicant):** Permit to construct a transmission tower in the tidal wetlands adjacent to Brick Kiln Creek at 3709 Hampton Highway

Kent Henkel presented before and after photos of the completed project. The Board agreed by consensus to approve the final inspection and close the permit.

- **Permit 19-07, VMRC 19-0284 for Mid-Atlantic Resource Consulting, (Agent) and Mark & Christine Mathews, (Property Owners):** Permit to place beach nourishment and to construct a marsh toe sill and riprap revetment along the shoreline of the Poquoson River at 209 Sylvia Drive

Kent Henkel presented before and after photos of the completed project. The applicant is requesting a year extension. They are not sure if they will continue the project but would like the year to complete if they decide to move forward. The Board agreed by consensus to grant the extension until May 24, 2022.

- **Permit 19-09, VMRC 19-0375 for Shoreline Structures, (Agent) and Mr. & Ms. Scott Ashe (Property Owners):** Permit to place beach nourishment, construct a breakwater, a marsh toe sill and a rock spur along the shoreline of the Poquoson River at 920 Ship Point Road

Kent Henkel presented before and after photos of the completed project. The Board agreed by consensus to approve the final inspection and close the permit.

- **Permit 19-12, VMRC 19-0381 for Shoreline Structures, (Agent) and Richard Hixson (Property Owner):** Permit to place beach nourishment, construct a breakwater, two low profile breakwaters and a rock spur along the shoreline of the York River at 800 Dandy Loop Road

Kent Henkel informed the Board the permit is requesting to be closed by property owner. The work was never done, and if they decide to eventually move forward, they will be doing less than originally proposed.

OLD BUSINESS

None


NEW BUSINESS

There will not be a June meeting

Board asked Kent to keep them apprised of the Soil and Water District findings and their charter. Kent will be meeting with them the following week and will inform Board of his findings.

ADJOURNMENT

There being no further business to come before the Board, the meeting adjourned at 7:12 pm



Jeffrey Frye, Acting Chair

07-08-21

Date