

# YORK COUNTY WETLANDS BOARD

Minutes of May 14, 2020

6:00 PM

At a meeting of the York County Wetlands Board held on Thursday, May 14, 2020 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  
                          Timothy Smith  
                          Rebecca Yasky- Remotely at 220 Mastin Avenue, Seaford

Staff:                 Anna Drake, Stormwater Engineer II  
                          Kent Henkel, Engineering Specialist II  
                          Jennifer Wilson, Administrative Assistant III  
                          Allison Norris-Lay, VMRC- Remotely at 1343 Cornwall Place, Norfolk

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

## APPROVAL OF THE MINUTES

The April 9, 2020 Wetlands Board minutes were approved by consensus

## WETLANDS APPLICATIONS

- **Application 20-10, VMRC 20-0215 for C&R Commercial, LLC, (Agent) and MKH2, LLC, (Property Owner):** Request to remove and reconstruct 130-linear feet of riprap revetment along the shoreline of Chisman Creek at 110 Anchor Drive

Anna Drake presented the application, presented slides, and reminded the Board that this property has a Stop Work Order issued due to the lack of a Land Disturbing Activity permit. The Board had determined in April and March that the application was incomplete due to the lack of drawings. Staff has still not received any drawings for this application. Ms. Drake informed the Board of the verbiage included in the continuation letter informed the applicant that if the application was still incomplete the application could be denied at this meeting. There was no response to the letter.

The Chair opened the public hearing.

No one came forward to address the Board.

The Chair closed the public hearing.

The Board deliberated and stated since there was still no response from the applicant, then the application should be denied.

Ms. Yasky motioned to deny Application 20-10, VMRC 20-0215

Jeff Frye	Yes
Timothy Smith	Yes

Rebecca Yasky            Yes

- **Application 20-19, VMRC 20-0602 for Allen Atwell, President, Chesapeake Watch HOA (Applicant):** Request to install oyster bag living shoreline with beach nourishment and plantings along the shoreline of the Poquoson River at 810Z Ship Point Road.

Anna Drake presented the application, property maps, photographs, and drawings. During the site visit when the project was staked, the applicant decided to reduce the length from 300-feet to only 245-feet. Ms. Drake stated if the Board should decide to approve this application, then a condition should be added stating that the beach nourishment and planting would only be applied in those areas without wetlands vegetation.

The Chair opened the public hearing.

Allen Atwell, participated remotely from 800 Ship Point Road. He wanted to thank Staff for all of their support and assistance with this project and stated this project would be done in phases. The areas around the pier with the most significant erosion will be completed first.

The Chair closed the public hearing.

The Board deliberated and decided this project definitely needed to be done to protect shoreline. They also stated the project is a living shoreline and thus self-mitigating.

Mr. Smith motioned to approve Application 20-10, VMRC 20-0644 with the revised drawings submitted April 16, 2020 and the added wording that beach nourishment will not occur in areas currently vegetated on the following roll call:

Rebecca Yasky	Yes
Timothy Smith	Yes
Jeff Frye	Yes

The Chair stated the application will be emailed for applicant/agent to sign and notarize after the required 10-day appeal period.

- **Application 20-20 A&B, VMRC 20-0644 for Brian Jaynes, Jaynes Concrete (Agent/ Contractor) and Maryann Trono, and Joseph and Stefanie Martin, (Property Owners):** Request to re-construct riprap revetment and a boat ramp along the shoreline of the Poquoson River at 122 and 126 Jennings Drive.

Anna Drake presented the application, property maps, photographs, and drawings. She reminded the Board that the reconstruction of the revetment at 122 Jennings Drive had been approved as part of a group project in 2018. The property owner of 122 Jennings Drive had opted out of the 2018 permit due to financial considerations.

The Chair opened the public hearing.

Brian Jaynes, Jaynes Concrete, Inc. of 122 Jennings Drive, addressed the Board. He stated that the riprap will be installed at 122-126 Jennings Drive and come up two-feet higher than it currently does. He hopes that will keep the erosion and scouring to a minimum.

Ms. Drake stated that if a splash apron needed to be added to the project, the staff could approve that administratively.

Mr. Jaynes added that he will be using two layers of filter cloth and backfilling the yard with clay and top soil.

The Chair closed the public hearing.

The Board discussed that they have approved many of these applications to re-construct revetments. Mr. Smith inquired if the boat ramp would add to the issue of water funneling into property causing erosion. Mr. Jaynes is hoping that making the boat ramp steeper will prevent that and if need be they will sandbag the boat ramp during storm events.

Mr. Smith motioned to approve Application 20-20 A&B, VMRC 20-0644 with revised drawings submitted April 21 and April 28, 2020 on the following roll call:

Rebecca Yasky	Yes
Timothy Smith	Yes
Jeff Frye	Yes

The Chair stated the application will be emailed for applicant/agent to sign and notarize after the required 10-day appeal period.

### **EXTENSIONS AND FINALS**

None

### **OLD BUSINESS**

None

### **NEW BUSINESS**

June meeting: Staff informed the Board there will be a June meeting

Newsletter: The VIMS Rivers and Coast newsletter was handed out to members that were present and will be mailed to other members.

Discussion of Senate Bill -776: Ms Drake informed the Board that VMRC had provided guidance regarding the new law and now the Wetlands Ordinance must be updated. In summary, the new law states applications will be considered incomplete that do not include a living shoreline, unless there is scientific justification that this is not the best scenario. The reasoning for this bill is to protect wetlands from sea level rise. Allison asked the Board to email her any questions they have. She will pass these on to Rachel Peabody who is working on VMRC's new policy. They will be

discussing scientific justifications with VIMS. The only obvious exceptions will probably be bulkhead replacements on man-made canals. A living shoreline in a manmade canal would make an already narrow canal too hard to navigate.

**ADJOURNMENT**

There being no further business to come before the Board, the meeting adjourned at 6:43 p.m.



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Jeff Frye, Acting Chair

8-13-20

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Date