

# YORK COUNTY WETLANDS BOARD

Minutes of May 12, 2022

6:00 PM

At a meeting of the York County Wetlands Board held on Thursday May 12, 2022 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  
                          Rebecca Yasky  
                          Timothy Smith

Staff:                 Kent Henkel, Engineering Specialist II  
                          Barrett Nicks, Engineering Specialist I  
                          Brenda Farmer, Administrative Technician

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

## APPROVAL OF THE MINUTES

The April 14, 2022 Wetlands Board minutes were approved by consensus.

## WETLANDS APPLICATIONS

- **Application 22-25, VMRC 22-0565 for Department of Navy, Thomas Olexa, (Applicant), C. Scott Hardaway, Jr., Virginia Institute of Marine Science, (Agent)** Request for a living shoreline at Penniman Spit. Project consists of 5 rock sills, 1 breakwater, and 2 rock spurs, along with sand fill and marsh plantings.

Kent Henkel presented the application, property maps, photographs, and gave a brief history of the project. He explained in basic terms, they are rebuilding the spit. The wetlands impacts are an estimated 18,000 sq. ft. of vegetated wetlands, 41,000 sq. ft. of non-vegetated, and 102,000 sq. ft. of subaqueous bottom. Kent explained there will be approximately 3 acres of wetlands being created or restored, so they are putting back more than what is being impacted.

The Chair opened the public hearing.

Donna Milligan, VIMS, of Gloucester came forward and stated that they have been working on this spit for a long time, and did a management plan for York County in 2014. She states in that process, erosional areas were identified that looked like they needed assistance with shore protection. During that time they came up with a conceptual plan that suggested sills and breakwaters would be effective to maintain the spit. Ms. Milligan explained that the spit is important because it protects Kings Creek and reduces wave energy from going into Kings Creek and Felgates Creek. She states if the spit disappears, you're changing the hydrodynamics of the

whole system. She also states it is a place where you can rebuild a lot of marsh. Ms. Milligan explains they used aerial photography to look at the changes over time. Their earliest date was 1937. They were able to use that to map the shoreline change. In 2019 they actually did the survey and design; there has been a 68% loss of the spit over the last 80 years. Ms. Milligan states the spit was breached in 2011, which has accelerated that rate of loss. In 1937 it was 14 acres and now it is 4 acres with only 1.7 acres above MHW. Ms. Milligan stated the proposed structures will be 5 rock sills, 1 rock breakwater, 2 rock spurs, sand fill and marsh grass plantings.

Tom Olexa, Dept. of Navy, of 104 S. Shannon Dr. came forward and stated that the Dept. of Navy has been working with VIMS for the last 4 years on getting a design project. He states that a couple of months ago they were awarded full phase, full construction, plus 3 years of monitoring. Mr. Olexa states that about 4 years ago part of his requirements was to look at the near shore environment, and working with VIMS they identified Penniman Spit as priority, and also a mutual benefit.

The chair closed the public hearing.

Ms. Allen motioned to approve Application 22-25, VMRC 22-0565 as submitted March 14, 2022.

The motion was approved on the following roll call:

Timothy Smith	Yes
Rebecca Yasky	Yes
Jan Allen	Yes
Jeff Frye	Yes

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

- **Application 22-31, VMRC 22-0768 at 306 Crockett Road for Jason Terry, (Property Owner) and, Mo Bloxom, Southern Landscaping & Const., Inc., (Agent)** Request to install vinyl bulkhead 2' channel-ward of existing failed wooden bulkhead with sand backfill between the structures.

Kent Henkel presented the application, property maps, photographs, and gave a brief history of the project. He explains that the plan will be 85 linear feet of bulkhead, 2 feet channel ward of an existing failing wooden bulkhead, and replace 16 linear feet of the existing bulkhead will be replaced in the same footprint. Kent states there will be no impacts to wetlands vegetation. Mr. Smith inquired about the pier being on the property. The pier is on the adjacent property. Ms. Allen inquires if the tree is contributing to the failure of the bulkhead. Kent states that it does not look like the tree is pushing the bulkhead out. The agent has also said they want to save the tree. Mr. Smith inquires what the fill behind the vinyl bulkhead will be. It will be sand fill between the two. Mr. Frye inquires if it is a man-made canal or a natural canal? It is natural.

The Chair opened the public hearing.

Mo Bloxom, Southern Landscaping & Const., Inc., of P.O. Box 275, Shacklefords came forward and explained that one of the reasons for not tearing down the old bulkhead is that it is more environmentally friendly to contain all the old dirt and the old bulkhead works like a silk fence would on a land disturbance project.

The chair closed the public hearing.

Ms. Yasky motioned to approve Application 22-31, VMRC 22-0768 with revised drawings submitted May 10, 2022.

The motion was approved on the following roll call:

Timothy Smith	Yes
Jan Allen	Yes
Rebecca Yasky	Yes
Jeff Frye	Yes

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

- **Violation No. 22-28: 224 Pageland Drive, Juan Gabriel & Heatherly Cabral – property owners: Unauthorized fill consisting of riprap (approximately 210 linear feet), gravel (approximately 15 linear feet) and fill dirt (approximately 30 linear feet) in tidal wetlands along the shoreline of Moores Creek, area of fill is approximately 2,550 square feet.**

Kent Henkel presented the application, property maps, photographs, and gave a brief history of the project. Kent stated that all the activities described were completed without permits.

Julie Steele, President, Environmental Specialties Group, stated that she will work with the owners to have the gravel, fill dirt and old concrete removed from the wetlands and will submit an after-the-fact JPA for the riprap along the shoreline.

The Board agreed by consensus to grant a 90 day extension with the following conditions:

- Submit an after-the fact Joint Permit Application that meets the current living shoreline guidance.
- Explain why all or a portion of the shoreline was not constructed as a living shoreline or cannot be converted to a living shoreline if a living shoreline is not being proposed.
- Remove the gravel.
- Remove the fill dirt.
- Remove the broken concrete that was dumped behind the detached garage.

#### **EXTENSIONS AND FINALS**

- **Permit 19-07, VMRC 19-0284 for Mid-Atlantic Resource Consulting, (Agent) and Mark & Christine Mathews, (Property Owners):** Request 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 photos and a brief description of the current status. The Board agreed by consensus to approve a one year extension.

- **Permit 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.

Kent Henkel presented before photos and a brief description of the current status. The Board agreed by consensus to approve a one year extension.

- **Permit 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 construct riprap revetment and a boat ramp along the shoreline of the Poquoson River at 122 and 126 Jennings Drive.

Kent Henkel presented before photos and a brief description of the current status. The owner is requesting a 1 year extension to finish the project. The Board agreed by consensus to approve a one year extension.

### OLD BUSINESS

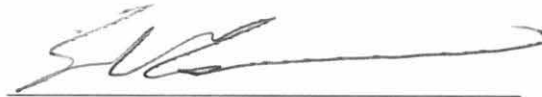
None

### NEW BUSINESS

**There will be a June meeting.**

### ADJOURNMENT

There being no further business to come before the Board, the meeting adjourned at 7:30 pm



Eric Ancarrow, Chair



Date