

YORK COUNTY WETLANDS BOARD

Minutes of October 12, 2023

6:00 PM

At a meeting of the York County Wetlands Board held on Thursday, October 12, 2023 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 III
 Charles White, Engineering Specialist I
 Robert Walters, Engineer I, E.I.T
 Brenda Farmer, Administrative Technician
 Tiffany Birge, Environmental Engineer, VMRC

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

APPROVAL OF THE MINUTES

The September 14, 2023 Wetlands Board minutes were approved by consensus.

WETLANDS APPLICATIONS

- **Application 23-27, VMRC 23-1389 Seaford Breeze, LLC (Applicant), Randolph Carnell, Living Shorelines, LLC (Agent):** Request to install a living shoreline with a 145 linear foot sill, sand fill and plantings along Back Creek at 111 Shirley Road.

Kent Henkel presented the application, property maps, photographs, and gave a brief history of the project, he explained that the applicant has requested to continue the application until the next meeting due in part to a protest by an adjacent property owner. Kent explained the adjacent property owner that is protesting will not be able to attend the November meeting and is requesting the meeting be continued until December.

The Chair opened the public hearing.

No one came forward.

The Chair closed the public hearing.

The Board deliberated and noted, according to VMRC, that the applicant must agree to have the meeting continued until December.

Ms. Allen motioned to continue Application 23-27, VMRC 23-1389 until the November 9, 2023 meeting with the following conditions:

- Staff will contact applicant to see if the applicant will agree to continue application until December 14, 2023.

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 continued until November 9, 2023.

- **Application 23-28, VMRC 23-1364 Charles Forbes, III (Applicant):** Request to install a living shoreline with a 25 linear foot marsh sill, sand fill and plantings along Back Creek at 110 Buckingham Drive.

Kent Henkel presented the application, property maps, photographs, and gave a brief history of the project. Kent stated the applicant has riprap on the majority of his property. The adjacent property has a bulkhead with a return and the area along the return wall has been eroding back into Mr. Forbes property. Kent stated the proposed sill will connect to the sill that already exists and end at the return wall on the adjacent property. Any rocks or bricks that need to be removed will be done by hand as to not disturb the existing vegetation; sand and plantings will be placed up into the existing vegetation. The estimated wetlands impacts are an encroachment of 75 sq. ft. on non-vegetated wetlands, 75 sq. ft. of subaqueous bottom converted to vegetated wetlands and 150 sq. ft. of impacts of subaqueous bottom for the sill.

The Chair opened the public hearing.

No one came forward to speak.

The Chair closed the public hearing.

The Board deliberated and agreed it was straight forward.

Mr. Smith motioned to approve Application 23-28, VMRC 23-1364 with revised drawings received October 12, 2023.

The motion was approved on the following roll call:

Rebecca Yasky	Yes
Jan Allen	Yes
Timothy Smith	Yes

Jeff Frye

Yes

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

- **Application 23-43, VMRC 23-1964 Robert & Deborah Curtis (Applicant), Joseph Scott (Agent):** Request to install 170 linear feet of replacement vinyl bulkhead along a canal leading to Chisman Creek at 202 Cobia Drive.

Kent Henkel presented the application, property maps, photographs, and gave a brief history of the project. He explained that the proposed bulkhead will be 2-feet out from the existing bulkhead. There will be sand backfill between the new and existing bulkheads. Kent stated that there is 13 sq. ft. of non-vegetated tidal wetland impacts behind the existing bulkhead, there are also impacts of 340 sq. ft. of subaqueous bottom for the 2-feet out and 170 linear feet for the placement of the new bulkhead.

The Chair opened the public hearing.

Joseph Scott of P.O. Box 315, Kilmarnock, VA came forward and stated there were not a lot of options on a dredged canal and bulkheads, and most contractors really try to avoid pulling them out because it disturbs the ground and their driving through soft surfaces.

The Chair closed the public hearing.

Ms. Yasky motioned to approve Application 23-43 VMRC 23-1964 with revised drawings submitted September 19, 2023: **The revised drawings and information will supersede any conflicting previously dated information.**

The motion was approved on the following roll call:

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

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

- **Application 23-48, VMRC 20-2264 Kevin Earley & Erik & Amie Adams (Applicants):** Request to construct a living shoreline with 250 linear feet of sill, sand fill and plantings along the shoreline of the Chisman Creek at 408 & 416 Spivey Lane.

Kent Henkel presented the application, property maps, photographs, and gave a brief history of the project. Kent explained this application was originally approved by the Board on September 9, 2021, but there was an issue with submerged aquatic vegetation (SAV) of where the sills were proposed. Kent explained there were fees involved that were quite substantial and VMRC would not approve the application until the fees were in place. Therefore, the applicant has revised the application to avoid SAV impacts. Kent states there are still a number of things that have not been

addressed that need to be worked through. Kent explained the applicants plan is to grade back behind where the structure would be located and plant wetlands. Kent explained that if the sills were moved landward it would reduce the amount of upland areas that would need to be converted to wetlands. Kent suggested a continuance so that he and Charles could go out to the property to meet with Mr. Earley and discuss revisions for the application.

The Chair opened the public hearing.

Kevin Early of 408 Spivey Lane came forward and stated he would like for Kent to email him and set up a time to come out and discuss his options.

The Chair closed the public hearing.

Ms. Allen motioned to continue Application 23-48, VMRC 20-2264 until the November 9, 2023 at 6 pm in the Multi-Purpose Room of the Public Works Administration Building.

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 continued until the November 9, 2023 meeting.

EXTENSIONS AND FINALS

- **Application 13-40, a, b, c, d; VMRC 13-1310 for Timothy Shekoski and four co-applicants:** Request to construct vinyl marsh toe stabilization structures and dredge along the Poquoson River at 105 Old House Point Circle, 108 Old House Point Circle, 1239 Dare Road, 1301 Dare Road, 1307 Dare Road.

Kent Henkel presented before and after photos of the completed project.

Board agreed by consensus to close out the permit.

- **Application 19-50, VMRC 19-1502 for Pankoke Marine Construction, (Agent) and Michael Myers, (Property Owner):** Request to construct 105 feet of vinyl bulkhead 2-feet in front of failing wooden bulkhead along the shoreline of a manmade canal leading to Chisman Creek at 102 Tarpon Drive.

Kent Henkel presented before and after photos of the completed project.

Board agreed by consensus to approve the completed project and close out the permit.

OLD BUSINESS

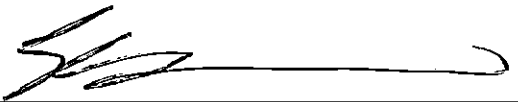
NEW BUSINESS

There will be a November meeting.

ADJOURNMENT

There being no further business to come before the Board, the meeting adjourned at 6:46 pm

Eric Ancarrow, Chair



Date