



CITIZENS FOR A BETTER EASTERN SHORE SHORELINE

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Not Enough Workforce and Affordable HousingHow the General Assembly Creates Roadblocks for Rural Areas

By Mary Miller

Shortages of reasonably priced homes for a community's workforce, police and first-responders, teachers, health care workers, and industry workers, and not enough defined "affordable housing" for low-income residents, have plagued localities for decades. There is little public-sector interest for putting up low-profit bungalows or starter homes.

And the Home Builders Association of Virginia¹ lobbyists work hard at the state level to make sure their members aren't forced by local zoning codes to build below-market-rate units.

Housing Definitions

The Department of Housing and Urban Development (HUD) defines "affordable housing" as units for which the occupant(s) pay no more than 30% of household income for housing, including utilities. Although there is no legal federal definition of "workforce housing," the one most generally used is from the Urban Land Institute: "housing that is affordable to households earning 60 to 120% of the Area Median Income"; that is, on the Shore, annual household income between \$25,200 and \$31,200.

Affordable Housing on the Shore

The Shore has 2,051 units of housing considered "affordable," according to Affordable Housing Online (www.affordablehousingonline.com), a national search and information service for low-income



In Northampton County, 1 of 6 housing units is designated "affordable," but in Accomack County, that number drops to 1 of 26.

and subsidized renters. A major disparity exists between Accomack (817 units) and Northampton (1,234 units) – 1 of every 6 units in Northampton is considered "affordable," but only 1 of every 26 units in Accomack is called "affordable." Most of the units were built by, or are now managed by, non-private entities – e.g., government agencies, faith-based, or non-profit organizations. Some units are restricted to elderly or disabled residents, and most rental costs are income-based on sliding scales. Low-cost housing is often subsidized by Section 8 rental assistance.² Section 8 vouchers can be used in any approved housing – no matter where the vouchers were issued.

Not Much New Low-Cost Housing Available...Why?

There have been attempts by Virginia cities and counties to create Affordable/Workforce Housing Ordinances, and to expand "inclusive" or mixed-price housing communities, but the Virginia General Assembly routinely derails those

efforts. The state home-builders' lobby¹ has been very effective in crafting legislation that has subsequently passed. The Code contains a complicated one-size-fits-all section, which spells out the only way affordable housing can be included in most local zoning codes (§ 15.2-2305). Developers can receive incentives, i.e., density bonuses and fast-track permitting, in exchange for a few low-cost housing units. However, conditions must include a significant number of units to be developed concurrently, exclusion of land costs, and no offset of affordable unit construction costs by profit from total development.

General Assembly vs. Rural Housing

That Code formula doesn't work for rural areas – or even for cities. Another Code section (§ 15.2-2304)

See Housing, cont'd on p. 3

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In My Opinion

Bay Cleanup – A Local Perspective

By Arthur Upshur

The Watershed Implementation Plan (WIP) III meeting on November 29, 2018, raised a number of concerns for me. First, even for those attending the meeting, it was not clear what the “targets” for nutrient reduction meant. The numbers were set based on a computer model, and, as Delegate Rob Bloxom pointed out, the model is still a work in progress. We have little understanding of how hard these targets would be for our communities to reach.

For most residents, these reductions will not be meaningful until the specific action plans are developed. These targets are proposed for 2025, which is not very long to gain community consensus, and for the principal actors to make the investments and implement the new practices necessary to reach the stated goals. And these programs need to be implemented carefully, since these changes may well be damaging to our Eastern Shore economy if not implemented prudently.

Lack of Specificity

The action plans for our counties

contained little specificity in the consultant’s report. Many were only lightly considered by the working groups. Some were just copied from other jurisdictions’ plans. Typically, the recommendations did not use the model in any meaningful way.

The real impact on the Bay is critically dependent on where the population lives.

I had hoped there would be a plus and minus column of what is currently going on with our contribution to the effort to clean up the Chesapeake Bay. Targets for each action would be calculated for their impact on the model, and we could begin to debate speed, likely implementation, and how economically disruptive each action might be on our key economic drivers. But we are still just listing possible actions today, with little knowledge of how they will be needed or implemented.

This lack of specificity seems dangerous. For example, it is clear that precision agriculture can have a positive impact on reducing agricultural nutrients’ leaching out towards the Bay. But it is a very expensive capital process to implement on every farm. We would need to estimate how many farmers can adopt it, and what impact local policies might have on the speed of that implementation. Today, the decision to invest in the necessary equipment or to add cover crops to stabilize nutrients is made almost exclusively by the economic impact on the farm.

In essence, these practices increase as they are profitable to increase. But if the EPA determines that our plan does not reach our targets, we will see a more regulatory approach that *requires*

implementation, regardless of the impact on farm profitability. That may be an easy answer for distant policy-makers who are not a part of our community, but it would cripple farms that are already struggling against headwinds from trade policies and the continued competitive success of less-regulated farms in other countries.

Population – It’s More Than Just Numbers

Of particular concern is that these targets apparently assume an unchanging amount of pollution input into the Bay. Population is assumed to be in decline Shore-wide, so human impact would be reduced. The real impact to the Bay is critically dependent on where the population lives. We may well have a higher waterside population – with larger houses, and expansive, manicured yards – even while the total population declines. If so, the impact, particularly with sea level rise, will almost certainly be an increase in our nitrogen and phosphorus load coming from those homes.

And Chickens Count, Too

The poultry industry impact was never discussed, although its growth in Accomack County is prodigious. We still do not have answers to the manure and waste problem. We know that those materials are good sources of nitrogen and phosphorus, and that land application of poultry litter is bound to increase. It is difficult to assess any estimate of Bay nutrients without recognizing that all those new chicken houses will certainly add more nitrogen and phosphorus into the Bay. And while discussion of transporting it out of the watershed is an encouraging first step (see box on p. 3), it is concerning that the Department of Conservation and

See Bay Cleanup, cont’d on p. 3

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Bay Cleanup, *cont'd from p. 2*

Recreation (DCR) currently has no handle on the scope or dynamics of the issue.

The reality is that we need to develop a comprehensive implementation plan to clean the Bay. Certainly the expansion of the oyster population in the Bay is important to estimate and incorporate into the model, since these filter-feeders contribute positively to cleaning our Bay. But we also need to be realistic about the impact of new waterfront development and chicken house expansion. Despite the obvious economic positives for some sectors of our economy, we need to recognize the downsides of both activities on Bay cleanup, and either plan for it, or figure out a way for those expanded activities to help pay for the added regulatory costs they may cause to be imposed on other sectors of our economy. This will not be easy or without controversy. But we need to start now, rather than just kick the can down the road with more vague efforts. 

Poultry Litter Transport

By Sue Mastyl

One of the proposed WIP III actions for agriculture was to expand the Poultry Litter Transport Incentive Program to the Eastern Shore. Currently, this is being used to move poultry manure in the Shenandoah Valley (Page and Rockingham Counties) to areas with low phosphorus levels outside the Chesapeake Bay watershed.

For the estimated 45,000 tons of poultry litter on the Shore, the current requirements mandate that the permit holder (poultry farmer, or concentrated animal feeding operation [CAFO]) keep records on the transfer of all poultry litter, including the destination and the quantity transferred. The Department of Environmental Quality (DEQ) collects these data when they inspect the CAFOs; however, DEQ has switched from an annual inspection to a risk-based inspection every 3 to 4 years, according to Neil Zahradka, Manager, Office of Land Application Programs for DEQ. These data are inadequate for the purposes of the WIP, since an annual accounting is required. DEQ does keep its own internal data, but these are incomplete due to the lag in reporting, and are not available for public inspection. Zahradka indicated that they hope to add an annual reporting requirement during the revision to the Virginia Pollution Abatement General Permit for the CAFOs; the drafting process will begin this year and must be finalized by November 30, 2020. Poultry waste brokers are not currently used on the Shore; if they are introduced as part of the Transport Program, they do have mandated annual reporting requirements.

Housing, *cont'd from p. 1*

now allows “the Counties of Albemarle and Loudoun, and the Cities of Alexandria and Fairfax,” to develop their own ordinances. Two bills in 2018 attempted to extend this exception to all Virginia localities, but both bills died in committee. This interference isn’t new. Almost 20 years ago, then-Senator Nick Rerras, at the request of the Northampton County Board of Supervisors, introduced a bill that would have allowed the County to insert an Affordable Housing Ordinance into County zoning. It failed. A revision later resurfaced that prohibited localities from creating ordinances, but allowed increased residential density in exchange for a cash contribution (proffer) to a housing fund. This version passed but then fell to a vote to “block passage,” which killed it.

The 2016 Session adopted legislation that “limits the scope of impacts (of development) that may be addressed by proffers to: transportation, schools, public safety, and parks. Proffers – including cash, pertaining to affordable housing, phasing development, stormwater management, and other issues – are no longer allowed”³ (§ 15.2-2303.4).

Can Localities Resolve Shortages of Low-Cost Housing?

The Code does permit localities, by Ordinance, to offer loans or grants for rehabilitation or construction of residential units, and require that at least 20% of the units be “for low- and moderate-income persons” for at least 10 years. And, “in order to ensure its competitiveness as an employer,” a locality may use local funds to provide home-ownership grants, not to exceed \$25,000 each, to employees of the locality, the School Board, and constitutional officers, to purchase their primary residences in the locality.” Residential housing grants in the same amount may be used to provide workforce housing for school division personnel (§ 15.2-958.-2).

If localities want and need realistic ways to provide affordable and workforce housing, it does not appear that help will be coming from the General Assembly. Industry lobbyists create many of the housing regulations. The only tool now provided to cities and counties is the permission to raise and spend their own local revenue on local housing needs.

¹ www.hbav.com/advocacy/government-affairs/

² “The Section 8 rental voucher program is the federal government’s primary program for assisting very low-income families and individuals to rent decent, safe and sanitary housing.” (www.affordablehousing.com)

³ *Guidance on the New Proffer Legislation* – Prepared by the Albemarle County Attorney’s Office

Standing Together: Community Unity 2019

By Donna Bozza

On the coldest day yet this winter, the warmth of community brought out over 400 citizens to celebrate Martin Luther King Jr. Day at the 29th Annual Community Unity Day. Sponsored by the Northampton Chapter of the NAACP, CBES, and Northampton County Public Schools, the event was held at Northampton High School. This year, the celebration was dedicated to the memory of Effie Marie Giddens Spady. A long-time community activist, Effie worked diligently alongside her sister Jane Cabarrus, President of the Northampton NAACP, to ensure the event's success year after year. The County's youth participated in a variety of ways, including performing musical selections, prayer, and tributes to Dr. King, plus serving breakfast. Keynote Speaker, the Reverend Felton T. Sessoms, inspired the audience, quoting Dr. King and reminding attendees that the non-violent pursuit of social justice and equality is needed now as much as ever.



Kiptopeke Elementary's "Ties With the Guys" shared some of Dr. King's powerful words. Photo by Cecil Watts



Community Unity Day sponsors and hands-on helpers Jim Lang & Jeff Wilson from Pender & Coward's Waterfront Law Team join CBES Vice-President Meriwether Payne (far right) to serve breakfast. CBES coffee service was donated by Eastern Shore Coastal Roasting Co.



Cecil Watts photo

Remembering Effie: The family of Effie Marie Giddens Spady accept a posthumous Trailblazer Award. Other such honorees were Michael Anthony Johnson, Mary "Mama Girl" Onley, and Arthur Lee Stevens. Service Awards went to Shirley Mitchell Christian and Debra K. Murray.

What's Next for the Railroad?

Submitted by George Mapp

Bay Coast Railroad (BCR) announced in October 2018 that it would cease operations. With BCR out of the picture, responsibility for maintaining the railroad falls to the owner, the private corporation Canonie Atlantic, which is owned by the Accomack-Northampton Transportation District Commission (ANTDC), which in turn is owned by Northampton and Accomack Counties.

At the November meeting of Canonie and ANTDC, Spencer Murray, Chair of the Northampton County Board of Supervisors, ANTDC member, and Senior Vice-President/Administration of Canonie, presented a summary of the history and current status of the railroad. In addition, a newly organized non-profit organization, the New York, Philadelphia, and Norfolk Railroad Resurrection, Ltd., made a presentation regarding transforming the Hallwood/Cape Charles portion of the railway into a tourist line, a rolling railroad heritage museum.

The implication was that this was the only way to save the railroad, but this is not necessarily the case. Recognizing the value of rail corridors, Congress passed a law in 1983 that allows localities to retain and repurpose these strips of land indefinitely, with the option of restoring rail service anytime. It's called "railbanking," and it has been used elsewhere to establish multi-use trails.

The Shore has an established bike trail plan developed by the Accomack-Northampton Planning District Commission. It calls for a trail from the Chesapeake Bay Bridge/Tunnel (CBBT) to Maryland. The Southern Tip Bike and Hike Trail starts near the CBBT and extends

See **Railroad**, cont'd on page 5

White Boots: Ready-to-Wear on the Water

By Mary Miller

They're iconic. From the Gulf shrimpers to Florida deck hands, up through the Carolinas, to Chesapeake crabbers, clammers, and oystermen, right up to where the sandy beaches give way to rocky coastline, those seafood and fishing crews' white boots are hard to miss. Called everything from seaboots to Cajun Reeboks, to Swamp Nikes, to Tangier tennis shoes, one observer called them "fashionable, functional, and solid safety equipment."

There's a local store that stocks almost everything needed to fix anything mechanical, and also stocks a complete selection of these iconic boots – the newly opened Northampton Farm Store in downtown Cheriton. Owner Bruce Killmon, a long-time farm equipment professional, has set up a great, eye-catching display of white boots – Eastern Shore sneakers – ready for any weather. And providing that "fashionable, functional, and solid safety equipment" for local watermen.

But Why Are They White? – and Other Lore

There are as many answers to that as there are wise-cracking watermen you could ask. And that's where all these "research" quotes come from:

- They're white to reflect the sun so your feet don't bake.
- Guts, blood and gunk is hard to see on a dark surface.
- Should you find yourself on the outside of the boat, a.k.a. in the water, the ability to kick off those boots and swim to safety is a very nice feature.



Display of working watermen's boots at Northampton Farm Store, Cheriton.

- They're not "boat shoes" like the plaid-short crowd wears.
- White boots don't leave scuff marks on the boat deck.
- You can tell another waterman's truck if there's a pair of white boots between the cab and the bed of the pickup.
- It has nothing to do with what you wear after Labor Day.
- White boots are easier to spot on bodies of water.
- If you hunt at night, being able to distinguish where your foot ends is paramount to keeping all of your toes out of the blast area of the gun.
- White boots just look darn good. They are a true fashion statement.

There you have it, straight from the boat deck: fashion, safety, economy, cleanliness, and a little dark humor thrown in.



Railroad, cont'd from p. 4

5 miles along Rt. 13 to Capeville Drive. The remaining segment of the Southern Tip Trail has been proposed, plans have been published, and public meetings have been held, but no plan has been approved.

So in this transition period, Canonie and ANTDC will decide the fate of the railroad corridor. If they pursue another long term lease, similar to the former 30-year BCR lease, this would leave any plans for a rail trail in the hands of a new company. In recent years, \$8 million of taxpayers' money was spent, unsuccessfully, in an effort to keep the old railroad going. Is a tourist line really a viable option?

Or would we be better off railbanking the corridor, opening it up for a rail trail? With public support and careful attention to funding opportunities, we could gain a wonderful new resource for recreation and transportation. Hallwood is 5 miles from NASA Wallops, and it is another 3 miles to Chincoteague. What a boon it would be to have a multi-use trail reaching from the southern tip of the peninsula to Cape Charles, Onancock, and Chincoteague.



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Chatham Winery



Currently in its 20th year, Chatham Vineyards is located on Church Neck near Bayside Road, between Franktown and Johnstown. Owned and operated by the Wehner family, the company employs up to 32 during the harvest season, with 10 part-time tasting employees, 2 full-time vineyard managers, and up to 20 seasonal crew members.

Chatham Vineyards is a 20-acre commercial vineyard that produces up to 80 tons of fruit grown for their estate-bottled wines and other Virginia wineries. The winery was constructed in 2005 and currently has a production capacity of 4,000 to 5,000 cases annually. The Wehners produce premium, estate-bottled wines for retail, wholesale, club, and bulk wine sales.

Joan and Harrison had planted vineyards at their farm in Great Falls, Virginia, in 1970, the year their son Jon was born. The first outing in Jon’s baby book was a trip to Boordy Vineyards in Maryland to purchase their first grape vines. The family purchased historic Chatham Farm in 1979, where Jon always dreamed of living and working.

According to Mills Wehner, Jon’s wife, the Shore is a great fit for both their retail and wholesale business, and as a destination for many kinds of tourism – agri- & ecotourism, beach-goers, foodies, and coastal travelers. Beyond that, the soils and climate are proving to be an exceptional terroir for wine grapes, and the wines have been recognized for their flavor profiles, distinct from those on mainland Virginia.

As to challenges, the business is “farming first.” The biggest challenge is – and always will be – the weather. While the effects of Mother Nature can’t always be overcome, some adaptations include pruning techniques to lessen the threat of spring frost; a wind machine to fend off the effects of spring frosts; and early-ripening grape clones to harvest before storm season, especially the reds, which are picked last. Fortunately, nearly constant wind helps combat mildew, and the vineyard has a relatively long maritime growing season and sandy, well-drained soils.

The best advice the Wehners offer for success on the Shore is to cultivate strategic tourism partnerships with other entrepreneurs that highlight the Shore’s unique offerings. These include the popular “Paddle Your Glass Off” wine and kayak tour with Southeast Expeditions; summer dinner and wine concerts with local chefs and artists; a pop-up series of Shore foodways meals with local chefs; and wine & oyster events at the winery. All draw attention to the area’s unique viticulture, agriculture, and aquaculture offerings.



Keeping Track Our Next Elections (Didn’t We Just Have One?)

Although many folks are already focused on the national elections in 2020, there are critical local elections happening this year in both Shore counties. The ballot on Tuesday, November 5, will include:

- All 9 Supervisor seats and all 9 School Board seats in Accomack County (Accomack County passed a referendum in 2017 to change to an elected School Board)
- Supervisors in Districts 4 and 5; School Board members for Districts 4 and 5; and one at-large School Board member in Northampton County
- Sheriff, Commonwealth’s Attorney, Commissioner of Revenue, and Treasurer in both counties

Candidates for the general election have until June 11 to file all the necessary paperwork, including a Petition of Qualified Voters (125 signatures are required for Supervisor or School Board member; 50 are required for all other offices). More information can be found at www.elections.virginia.gov/candidatepac-info/, and at the Registrar’s offices in Accomack (757-787-2935) and Northampton (757-678-0480).

CBES has a long tradition of supporting local elections, and we applaud all those who make democracy work by stepping forward as candidates.

For in a Democracy, every citizen, regardless of his interest in politics, “holds office”; every one of us is in a position of responsibility; and, in the final analysis, the kind of Government we get depends upon how we fulfill those responsibilities. We, the people, are the boss, and we will get the kind of political leadership, be it good or bad, that we demand and deserve.

– John F. Kennedy

Northampton County

Board of Supervisors Meeting Changes

Starting with the February 2019 regular monthly meeting, the Board will convene at 5 PM on the second Tuesday of the month, as usual. Closed session business will be conducted; however, there will no longer be a break before the main public meeting starts at 6 PM (instead of 7 PM). The 6 PM meeting will begin with agency presentations, then move into regular legislative business.

The second change involves the Board’s monthly work session. The meetings will now be held on the 4th Tuesday of the month, instead of the 4th Monday. The work sessions will start at 5 PM.

In Memoriam: Jack Humphreys

By Denard Spady

Long-time CBES Board member Jack Humphreys passed away on January 18 after a brief illness. Jack and his wife, Jody, have been Eastern Shore residents since 2004; Jack served on the CBES Board and Executive Committee for much of that time.

Jack had a wonderfully varied background. Born in Illinois, he grew up in Texas, where his high school band was selected to march in the Rose Bowl Parade. He joined the Navy at 17, and subsequently participated in the ocean recovery of John Glenn in a



Jack Humphreys leads a group of birders in November, 2018.

Mercury space capsule. A University of Illinois graduate, he worked as a forester in southern Indiana and in the Northern Neck of Virginia, and later worked at a Ford Tractor dealership in Maryland for many years.

In retirement on the Eastern Shore, Jack was a Master Gardener and taught classes for other aspiring Master Gardeners. He was also a Master Naturalist and often led birding tours on Fisherman's Island. He became known for his radio spots on WESR on behalf of the Virginia Tech Extension Service – and was sometimes known to use that forum to promote CBES (and other) events! Always active in church work, he was an Elder at the Naomi Makemie Presbyterian Church in Onancock.

At CBES, Jack served on the Board and Executive Committee for many years, seldom missing a meeting unless he was off the Shore. He has been a contributor both financially and with carefully considered advice, as the organization moved beyond the long-time grant support of the Cary Trust, established its endowment fund, hired its first full-time Executive Director, and made difficult decisions about paying off debt and selling its office building.

Jack and Jody both have been frequent and reliable volunteers for all of CBES events – regularly working at the Pig Roast, the Bike Tour, the Community Unity Breakfast, the Annual Meeting, and Candidate Forums. They have always been available to do cheerfully whatever needed doing. They are the kind of members and leaders upon whom organizations like CBES depend. Jack will be sorely missed by his many friends and especially by his CBES colleagues.



2007

Celebrating 30 Years of ShoreLine

- After months of community meetings, the Northampton County Planning Commission met its ambitious timeline and presented the first draft of a revised Zoning ordinance.
- Cherrystone Aquafarms was accepted into a state-run export program to increase private-sector products being shipped to Europe and the Americas.
- Northampton County's Board of Zoning Appeals (BZA) was overruled by the Circuit Court – no hardship had been established in a petition to allow oversized commercial signage. The BZA was overruled again, this time over an appeal to build closer to the water than regulations permitted and did not constitute a hardship.
- Major residential insurers began to rethink insuring coastal properties, due to increasing weather-related losses. By May of 2007, several insurers stopped insuring homes in zones they had identified as “coastal.”
- The Virginia Public Access Project (VPAP) included both Shore counties in its online database of political candidates and the amounts and sources of their campaign contributions.
- The Virginia Department of Transportation (VDOT) nixed a proposed limited-access highway down the Shore through Accomack and Northampton counties. VDOT stated it would be too expensive and there was a “low level of interest” from all 5 states involved.
- A Virginia League of Conservation Voters survey indicated that strong majorities, in all areas of the state, support conserving the state's natural resources: 72% supported giving local governments more tools to manage land use.
- The General Assembly began to permit localities to impose “substantial penalties” for violations of local Erosion and Sediment Control Ordinances.
- Local historian Frances Bibbins Latimer published *Landmarks – Black Historic Sites on the Eastern Shore of Virginia*. Using court and church records, plus oral histories, she identified 131 historic sites of importance to the Shore's African American communities.
- And *Nature* magazine provided a timeline for the origin of the traditional Oyster Roast. Discoveries confirmed evidence of shellfish-roasting along waterways that dated to more than 164,000 years ago.



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SHORELINE

Community Calendar - February 2019

Note: Please verify times and places prior to attending meetings.

CBES and Other Activities	Accomack County	Northampton County
Feb 6 VIMS Public Seminar 7:30 PM, Wachapreague	Feb 4/ Board of Supervisors (BOS)	Feb 5 Planning Commission (PC) 7 PM, Sup. Chambers
Feb 19 ES Ground Water Committee 10 AM, Accomac	Feb 6 FY20 Proposed Budget Meeting 5 PM, Sup. Chambers	Feb 5 Board of Zoning Appeals 1 PM, Conference Room
Feb 19 CBES Board Meeting 7:00 PM, Eastville	Feb 6 Board of Zoning Appeals 10 AM, Sup. Chambers	Feb 12 Board of Supervisors (BOS) 6 PM, Sup. Chambers
Feb 23 Heritage Celebration at ESCC 10 AM - 3 PM, Melfa	Feb 13 Planning Commission (PC) 7 PM, Sup. Chambers	Feb 20 Wetlands Board TBA, Conference Room
	Feb 19 School Board 6:30 PM, Sup. Chambers	Feb 20 PC Work Session 7 PM, Conference Room
	Feb 20 BOS 5 PM, Sup. Chambers	Feb 26 School Board 6 PM, Machipongo
	Feb 26 PC Work Session 7 PM, Sup. Chambers	Feb 26 BOS Work Session 5 PM, Conference Room
	Feb 28 Wetlands Board 10 AM, Sup. Chambers	

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