



WETLANDS BOARD

MINUTES

CITY OF VIRGINIA BEACH

10:03 AM

CITY COUNCIL CHAMBER

JANUARY 16, 2018

MEMBERS PRESENT:

LEONARD JOHNSON, CHAIRMAN

JAMES T. VAIL, VICE CHAIR

NILS S. BAHRINGER

JASON BARNEY

MOLLY P. BROWN

CINDY HAWKS WHITE

MEMBERS ABSENT:

STEPHEN B. BALLARD

JOASHUA SCHULMAN

PATRICK SHULER

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**WETLANDS BOARD
VIRGINIA BEACH, VIRGINIA
PUBLIC HEARING MINUTES**

The January, 2018 Public Hearing for the Virginia Beach Wetlands Board was called to order by the Leonard Johnson, Chairman, in the City Council Chamber, Virginia Beach, Virginia, at 10:03 AM, January 16, 2018.

Chairman Leonard Johnson welcomed all present, stated the responsible charge of the Wetlands Board, as delineated in the Virginia State Code and announced appeals are available through the Virginia Marine Resources Commission within ten (10) days of this Board's decision.

Approval expires one (1) year from the date it is granted. A permit is normally extended, but not an approval. Applicants are advised to obtain their permit within no more than thirty (30) days of their Hearing. Extensions must be requested before the expiration date.

The Chair acknowledged each applicant and/or agent for the applicant and administered the oath of truth and honor.

The slide presentation for each application site was rendered by Mr. Charles McKenna.

THOMAS ARATA
APPLICATION No. 2016-WTRA-00242

PROJECT: Sand Management - To excavate sand involving a Coastal Primary Sand Dune and Beach

PROJECT LOCATION: 3272 Sandfiddler Road, contiguous to Atlantic Ocean

REQUEST: Extension of Time

SPEAKER: No Speaker

Upon Motion by Mr. Vail, seconded by Ms. Brown, the request of **Thomas Arata** for a **ONE (1)** YEAR EXTENSION OF TIME was **GRANTED**.

VOTE: 6 - 0

MEMBERS VOTING AYE:

Nils S. Bahringer, Jason Barney, Molly P. Brown, Leonard Johnson,
James T. Vail and Cindy Hawks White

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Stephen B. Ballard, Joashua Schulman and Patrick Shuler

MEMBERS ABSTAINING:

**STEPHEN AND LISA SPEY
APPLICATION No. 2016-WTRA-00261**

PROJECT: Sand Management - To excavate sand involving a Coastal Primary Sand Dune and Beach

PROJECT LOCATION: 2464 Sandfiddler Road

REQUEST: Extension of Time

SPEAKER: No Speaker

Upon Motion by Mr. Vail, seconded by Ms. Brown, the request of **Stephen and Lisa Spey**, for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

VOTE: 6 - 0

MEMBERS VOTING AYE:

Nils S. Bahringer, Jason Barney, Molly P. Brown, Leonard Johnson,
James T. Vail and Cindy Hawks White

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Stephen B. Ballard, Joashua Schulman and Patrick Shuler

MEMBERS ABSTAINING:

GREG FOSTER
APPLICATION No. 2016-WTRA-00260

PROJECT: Sand Management - To excavate sand involving a Coastal Primary Sand Dune and Beach

PROJECT LOCATION: 2636 Sandfiddler Road, contiguous to Atlantic Ocean

REQUEST: Extension of Time

SPEAKER: No Speaker

Upon Motion by Mr. Vail, seconded by Ms. Brown, the request of **Greg Foster** for a **ONE (1) YEAR** EXTENSION OF TIME was **GRANTED**.

VOTE: 6 - 0

MEMBERS VOTING AYE:

Nils S. Bahringer, Jason Barney, Molly P. Brown, Leonard Johnson,
James T. Vail and Cindy Hawks White

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Stephen B. Ballard, Joashua Schulman and Patrick Shuler

MEMBERS ABSTAINING:

BENJAMIN PROTO
APPLICATION No. 2016-WTRA-00259

PROJECT: Sand Management - To excavate sand involving a Coastal Primary Sand Dune and Beach

PROJECT LOCATION: 3612 Sandfiddler Road, contiguous to Atlantic Ocean

REQUEST: Extension of Time

SPEAKER: FOR –James Adair, Resource Building Corporation

Upon Motion by Mr. Vail, seconded by Ms. Brown, the request of **Benjamin Proto** for a **ONE (1)** YEAR EXTENSION OF TIME was **GRANTED**.

VOTE: 6 - 0

MEMBERS VOTING AYE:

Nils S. Bahringer, Jason Barney, Molly P. Brown, Leonard Johnson,
James T. Vail and Cindy Hawks White

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Stephen B. Ballard, Joashua Schulman and Patrick Shuler

MEMBERS ABSTAINING:

SEA VISTA, LLC
APPLICATION No. 2017-WTRA-00314

PROJECT: To construct a pool and deck involving a Coastal Primary Sand Dune/Beach

PROJECT LOCATION: 3036 Sandfiddler Road, contiguous to Atlantic Ocean

SPEAKER: For –R. Harold Jones, Sigma Environmental Services, Inc.

Upon Motion by Mr. Vail, seconded by Ms. Brown, the application of **Sea Vista, LLC** was **APPROVED, AS MODIFIED**, WITH THE FOLLOWING CONDITION:

1. Construction access to the rear of the site for the construction of the pool and deck shall only occur from the western side of the property to minimize impacts to the dune and beach.

VOTE: 6 - 0

MEMBERS VOTING AYE:

Nils S. Bahringer, Jason Barney, Molly P. Brown, Leonard Johnson,
James T. Vail and Cindy Hawks White

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Stephen B. Ballard, Joashua Schulman and Patrick Shuler

MEMBERS ABSTAINING:

ELIZABETH NORTH
APPLICATION No. 2017-WTRA-00311

PROJECT: To construct a pool and deck involving a Coastal Primary Sand Dune/Beach

PROJECT LOCATION: 3336 Sandfiddler Road, contiguous to Atlantic Ocean

SPEAKER: FOR –R. Harold Jones, Sigma Environmental Services, Inc.

Upon Motion by Mr. Vail, seconded by Ms. Brown, the application of **Elizabeth North** was **APPROVED, AS MODIFIED**, WITH THE FOLLOWING CONDITIONS:

1. Excavated sand that contains debris or rubble shall not be placed on the beach. Sand containing debris shall be sifted to remove the debris prior to placement of sand on the beach, or the sand shall be disposed offsite in a lawful manner.
2. If the excavated sand is clean beach quality sand, it may be placed upon the beach in accordance with the following conditions:
 - A single access-way to the beach shall be used to transport the sand to the Sand Placement/Spreading Zone. Use unvegetated areas to access the beach, unless none exists.
 - No sand is to be placed upon existing dune vegetation.
 - No sand is to be placed within twenty (20) feet of a Public Beach Access.
 - Sand shall be evenly graded from the toe of the dune to Mean High Water.
3. A Federal project, the Sandbridge Beach Erosion Control and Hurricane Protection Project, is present on or near the property. At the request of the U.S. Corps of Engineers (ACOE), if any work will occur below seven (7) feet NAVD88 (design profile for Sandbridge Beach), property owners or their agent shall coordinate with Ms. Michelle Hamor in the ACOE Planning Branch at (757) 201-7491 to determine if authorization is required under Section 408.

VOTE: 6 - 0

MEMBERS VOTING AYE:

Nils S. Bahringer, Jason Barney, Molly P. Brown, Leonard Johnson,
James T. Vail and Cindy Hawks White

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Stephen B. Ballard, Joashua Schulman and Patrick Shuler

MEMBERS ABSTAINING:

DEPARTMENT OF THE NAVY
APPLICATION No. 2017-WTRA-00297

PROJECT: Temporary Excavation of the Beach for Fixed and/or floating Piers at the Anzio, Omaha and Utah Beach Training Areas involving a Coastal Primary Sand Dune/Beach

PROJECT LOCATION: Joint Expeditionary Base Little Creek-Fort Story, contiguous to Chesapeake Bay

SPEAKER: FOR –Pete Crum, NavFac Mid-Atlantic

Upon Motion by Mr. Vail, seconded by Ms. Brown, the application of **Department of the Navy** was **APPROVED, AS SUBMITTED.**

VOTE: 6 - 0

MEMBERS VOTING AYE:

Nils S. Bahringer, Jason Barney, Molly P. Brown, Leonard Johnson,
James T. Vail and Cindy Hawks White

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Stephen B. Ballard, Joashua Schulman and Patrick Shuler

MEMBERS ABSTAINING:

DONALD J. EBNER
APPLICATION No. 2017-WTRA-00298

PROJECT: To construct a bulkhead involving wetlands
PROJECT LOCATION: 2009 Edmonds Road, contiguous to Long Creek
SPEAKER: FOR –Richard Calvert, Calvert Marine

Upon Motion by Mr. Vail, seconded by Ms. Brown, the application of **Donald J. Ebner** was **APPROVED, AS SUBMITTED.**

No Net Loss of wetlands on this project was achieved by the payment of an in-lieu fee.

VOTE: 5 - 1

MEMBERS VOTING AYE:

Nils S. Bahringer, Jason Barney, Molly P. Brown,
James T. Vail and Cindy Hawks White

MEMBERS VOTING NAY:

Leonard Johnson

MEMBERS ABSENT:

Stephen B. Ballard, Joashua Schulman and Patrick Shuler

MEMBERS ABSTAINING:

**JAMES FIKE AND JENNIFER HAYES
APPLICATION No. 2017-WTRA-00304**

PROJECT: To construct a bulkhead involving wetlands

PROJECT LOCATION: 3641 Sandpiper Road, contiguous to Canal off North Bay

SPEAKER: FOR –R. Harold Jones, Sigma Environmental Services, Inc.

Upon Motion by Mr. Vail, seconded by Ms. Brown, the application of **James Fike and Jennifer Hayes** was **APPROVED, AS MODIFIED**, WITH THE FOLLOWING CONDITIONS:

1. The 45 square feet of newly created wetlands shall be planted during the next growing season following the completion of the project.
2. Revised plans shall be submitted to VMRC and shall ultimately be approved by the Department of Planning and Community Development prior to the issuance of a building permit.
3. Wetlands monitoring reports shall be submitted to the Department of Planning and Community Development twice a year for three (3) years following completion of the project.

No Net Loss of wetlands on this project was achieved by the use of on-site compensation and the payment of an in-lieu fee.

VOTE: 6 - 0

MEMBERS VOTING AYE:

Nils S. Bahringer, Jason Barney, Molly P. Brown, Leonard Johnson,
James T. Vail and Cindy Hawks White

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Stephen B. Ballard, Joashua Schulman and Patrick Shuler

MEMBERS ABSTAINING:

ANINA BUDIG
APPLICATION No. 2017-WTRA-00313

PROJECT: To construct a bulkhead, marsh sill, fill and plant vegetation involving wetlands

PROJECT LOCATION: 1810 South Woodside Lane, contiguous to Brock Cove

SPEAKER: FOR –David Kledzik, Marine Engineering

Upon Motion by Mr. Vail, seconded by Ms. Brown, the application of **Anina Budig** was **APPROVED, AS SUBMITTED.**

No Net Loss of wetlands on this project was achieved by the use of on-site compensation.

VOTE: 6 - 0

MEMBERS VOTING AYE:

Nils S. Bahringer, Jason Barney, Molly P. Brown, Leonard Johnson, James T. Vail and Cindy Hawks White

Mr. Barney disclosed that his company has a business relationship with the agent, David Kledzik, and that he does not have a conflict of interest nor does he have any personal interest in regards to this application.

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Stephen B. Ballard, Joashua Schulman and Patrick Shuler

MEMBERS ABSTAINING:

GEORGE AVGEROS
APPLICATION No. 2017-WTRA-00312

PROJECT: To construct a bulkhead, marsh sill, fill and plant vegetation involving wetlands

PROJECT LOCATION: 2814 Broad Bay Drive, contiguous to Long Creek

SPEAKER: FOR –David Kledzik, Marine Engineering

Upon Motion by Mr. Vail, seconded by Ms. Brown, the application of **George Avgeros** was **APPROVED, AS MODIFIED**, WITH THE FOLLOWING CONDITIONS:

1. Wetlands monitoring reports shall be submitted to the Department of Planning and Community Development twice a year for three (3) years following completion of the project.

No Net Loss of wetlands on this project was achieved by the use of on-site compensation.

VOTE: 6 - 0

MEMBERS VOTING AYE:

Nils S. Bahringer, Jason Barney, Molly P. Brown, Leonard Johnson,
James T. Vail and Cindy Hawks White

Mr. Barney disclosed that his company has a business relationship with the agent, David Kledzik, and that he does not have a conflict of interest nor does he have any personal interest in regards to this application.

MEMBERS VOTING NAY:


MEMBERS ABSENT:

Stephen B. Ballard, Joashua Schulman and Patrick Shuler

MEMBERS ABSTAINING:

At 11:00 AM, the January 16, 2018, Public Hearing of the Virginia Beach Wetlands Board was adjourned by Chairman Johnson.

The comments of the Planning Department are on file with the City of Virginia Beach Planning Department.



Jennifer A. Grundler
Deputy City Clerk II



Leonard Johnson
Chairman, Wetlands Board