



WETLANDS BOARD

MINUTES

CITY OF VIRGINIA BEACH

10:01 AM

CITY COUNCIL CHAMBER

MARCH 19, 2018

MEMBERS PRESENT:

JAMES T. VAIL, VICE CHAIR, ACTING AS CHAIRMAN

STEPHEN B. BALLARD

MOLLY P. BROWN

JOASHUA SCHULMAN

MEMBERS ABSENT:

NILS S. BAHRINGER

LEONARD JOHNSON, CHAIRMAN

PATRICK SHULER

INDEX

OLD BUSINESS –SAND MANAGEMENT

CHET, LLC	2017-WTRA-00047	4
STEVE HODGES	2017-WTRA-00048	5
PETER BEDDIA	2017-WTRA-00049	6
BUTLER PROPERTIES, LLC	2017-WTRA-00053	7
CLEARWATER AT SANDBRIDGE, LLC	2017-WTRA-00054	8
VB HOUSE, LLC	2017-WTRA-00055	9
SARAH POWELL LIVING TRUST	2017-WTRA-00056	10
COASTAL VIEW PROPERTIES, LLC	2017-WTRA-00057	11

OLD BUSINESS –WETLANDS

CITY OF VIRGINIA BEACH, ET. AL.	2015-WTRA-00037	12
CITY OF VIRGINIA BEACH, ET. AL.	WTR-15-061	13
CITY OF VIRGINIA BEACH, ET. AL.	2016-WTRA-00028	14
ROBERT OLIVER & MARY BRADLEY	2016-WTRA-00281	15
ALPHA OMEGA FARM, INC ., ET. AL.	2018-WTRA-00004	16

NEW BUSINESS- WETLANDS

HORACE J. MILLER AND LINDA W. MILLER	2017-WTRA-00294	17
WILLIAM H. THUMEL	2018-WTRA-00017	18
JORGE A. DABUL	2018-WTRA-00021	19
ELLIS GILLESPIE	2018-WTRA-00022	20

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

The March, 2018 Public Hearing for the Virginia Beach Wetlands Board was called to order by the Vice Chair, James T. Vail, acting as Chairman, in the City Council Chamber, Virginia Beach, Virginia, at 10:01 AM, March 19, 2018.

Vice Chair James T. Vail, acting as Chairman, 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.

CHET, LLC
APPLICATION No. 2017-WTRA-00047

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

PROJECT LOCATION: 2912 Sandfiddler Road, contiguous to Atlantic Ocean

REQUEST: Extension of Time

SPEAKER: No Speaker

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

VOTE: 4 - 0

MEMBERS VOTING AYE:

Stephen B. Ballard, Molly P. Brown, Joashua Schulman
and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Nils S. Bahringer, Leonard Johnson and Patrick Shuler

MEMBERS ABSTAINING:

STEVE HODGES
APPLICATION No. 2017-WTRA-00048

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

PROJECT LOCATION: 3684 Sandfiddler Road, contiguous to Atlantic Ocean

REQUEST: Extension of Time

SPEAKER: No Speaker

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

VOTE: 4 - 0

MEMBERS VOTING AYE:

Stephen B. Ballard, Molly P. Brown, Joashua Schulman
and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Nils S. Bahringer, Leonard Johnson and Patrick Shuler

MEMBERS ABSTAINING:

PETER BEDDIA
APPLICATION No. 2017-WTRA-00049

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

PROJECT LOCATION: 3640 Sandfiddler Road, contiguous to Atlantic Ocean

REQUEST: Extension of Time

SPEAKER: No Speaker

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

VOTE: 4 - 0

MEMBERS VOTING AYE:

Stephen B. Ballard, Molly P. Brown, Joashua Schulman
and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Nils S. Bahringer, Leonard Johnson and Patrick Shuler

MEMBERS ABSTAINING:

BUTLER PROPERTIES, LLC
APPLICATION No. 2017-WTRA-00053

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

PROJECT LOCATION: 3108 Sandfiddler Road, contiguous to Atlantic Ocean

REQUEST: Extension of Time

SPEAKER: No Speaker

Upon Motion by Mr. Schulman, seconded by Ms. Brown, the request of **Butler Properties, LLC**, for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

VOTE: 4 - 0

MEMBERS VOTING AYE:

Stephen B. Ballard, Molly P. Brown, Joashua Schulman
and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Nils S. Bahringer, Leonard Johnson and Patrick Shuler

MEMBERS ABSTAINING:

CLEARWATER AT SANDBRIDGE, LLC
APPLICATION No. 2017-WTRA-00054

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

PROJECT LOCATION: 2572 Sandfiddler Road, contiguous to Atlantic Ocean

REQUEST: Extension of Time

SPEAKER: No Speaker

Upon Motion by Mr. Schulman, seconded by Ms. Brown, the request of **Clearwater at Sandbridge, LLC**, for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

VOTE: 4 - 0

MEMBERS VOTING AYE:

Stephen B. Ballard, Molly P. Brown, Joashua Schulman
and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Nils S. Bahringer, Leonard Johnson and Patrick Shuler

MEMBERS ABSTAINING:

VB HOUSE, LLC
APPLICATION No. 2017-WTRA-00055

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

PROJECT LOCATION: 2348 Sandfiddler Road, contiguous to Atlantic Ocean

REQUEST: Extension of Time

SPEAKER: No Speaker

Upon Motion by Mr. Schulman, seconded by Ms. Brown, the request of **VB House, LLC**, for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

VOTE: 4 - 0

MEMBERS VOTING AYE:

Stephen B. Ballard, Molly P. Brown, Joashua Schulman
and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Nils S. Bahringer, Leonard Johnson and Patrick Shuler

MEMBERS ABSTAINING

SARAH POWELL LIVING TRUST
APPLICATION No. 2017-WTRA-00056

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

PROJECT LOCATION: 3428 Sandfiddler Road, contiguous to Atlantic Ocean

REQUEST: Extension of Time

SPEAKER: No Speaker

Upon Motion by Mr. Schulman, seconded by Ms. Brown, the request of **Sarah Powell Living Trust** for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

VOTE: 4 - 0

MEMBERS VOTING AYE:

Stephen B. Ballard, Molly P. Brown, Joashua Schulman
and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Nils S. Bahringer, Leonard Johnson and Patrick Shuler

MEMBERS ABSTAINING

COASTAL VIEW PROPERTIES, LLC
APPLICATION No. 2017-WTRA-00057

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

PROJECT LOCATION: 3304 Sandfiddler Road, contiguous to Atlantic Ocean

REQUEST: Extension of Time

SPEAKER: No Speaker

Upon Motion by Mr. Schulman, seconded by Ms. Brown, the request of **Coastal View Properties, LLC**, for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

VOTE: 4 - 0

MEMBERS VOTING AYE:

Stephen B. Ballard, Molly P. Brown, Joashua Schulman
and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Nils S. Bahringer, Leonard Johnson and Patrick Shuler

MEMBERS ABSTAINING

CITY OF VIRGINIA BEACH, ET. AL.
APPLICATION No. 2015-WTRA-00037

PROJECT: To dredge involving wetlands

PROJECT LOCATION: Harbour Point Special Services District Neighborhood, contiguous to Rudee Inlet

REQUEST: Extension of Time

SPEAKER: No Speaker

Upon Motion by Mr. Schulman, seconded by Ms. Brown, the request of **City of Virginia Beach, et. al.**, for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

VOTE: 4 - 0

MEMBERS VOTING AYE:

Stephen B. Ballard, Molly P. Brown, Joashua Schulman
and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Nils S. Bahringer, Leonard Johnson and Patrick Shuler

MEMBERS ABSTAINING

**CITY OF VIRGINIA BEACH, ET. AL.
APPLICATION NO. WTR 15 061**

PROJECT: To dredge involving wetlands

PROJECT LOCATION: Shadowlawn Special Service District Neighborhood, contiguous to Rudee Inlet

REQUEST: Extension of Time

SPEAKER: No Speaker

Upon Motion by Mr. Schulman, seconded by Ms. Brown, the request of **City of Virginia Beach, et. al.**, for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

VOTE: 4 - 0

MEMBERS VOTING AYE:

Stephen B. Ballard, Molly P. Brown, Joashua Schulman
and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Nils S. Bahringer, Leonard Johnson and Patrick Shuler

MEMBERS ABSTAINING

CITY OF VIRGINIA BEACH, ET. AL.
APPLICATION No. 2016-WTRA-00028

PROJECT: To dredge involving wetlands

PROJECT LOCATION: At and adjacent to the Rudee Inlet Dredge Support Dock, contiguous to Rudee Inlet and Lake Wesley

REQUEST: Extension of Time

SPEAKER: No Speaker

Upon Motion by Mr. Schulman, seconded by Ms. Brown, the request of **City of Virginia Beach, et. al.**, for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

VOTE: 4 - 0

MEMBERS VOTING AYE:

Stephen B. Ballard, Molly P. Brown, Joashua Schulman
and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Nils S. Bahringer, Leonard Johnson and Patrick Shuler

MEMBERS ABSTAINING

**ROBERT OLIVER AND MARY BRADLEY
APPLICATION No. 2016-WTRA-00281**

PROJECT: To construct a bulkhead involving wetlands

PROJECT LOCATION: 429 Chesopeian Trail, contiguous to the Eastern Branch of the Lynnhaven River

REQUEST: Extension of Time

SPEAKER: FOR – Robert Oliver, Applicant

Upon Motion by Mr. Schulman, seconded by Ms. Brown, the request of **Robert Oliver** and **Mary Bradley** for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

VOTE: 4 - 0

MEMBERS VOTING AYE:

Stephen B. Ballard, Molly P. Brown, Joashua Schulman
and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Nils S. Bahringer, Leonard Johnson and Patrick Shuler

MEMBERS ABSTAINING

ALPHA OMEGA FARM, INC., ET. AL.
APPLICATION No. 2018-WTRA-00004

PROJECT: To dredge for maintenance of a farm canal involving wetlands

PROJECT LOCATION: 2585 West Landing Road contiguous to West Neck Creek

REQUEST: Thirty Day Deferral

SPEAKER: FOR – Billy Garrington on behalf of Robert Simon, Waterfront Consulting, Inc.

This application was deferred from the February 2018, Public Hearing.

Upon Motion by Mr. Schulman, seconded by Ms. Brown, the request of **Alpha Omega Farm, Inc.**, for a **DEFERRAL** to the MAY 2018 WETLANDS PUBLIC HEARING was **GRANTED**.

VOTE: 4 - 0

MEMBERS VOTING AYE:

Stephen B. Ballard, Molly P. Brown, Joashua Schulman
and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Nils S. Bahringer, Leonard Johnson and Patrick Shuler

MEMBERS ABSTAINING

**HORACE J. MILLER AND LINDA W. MILLER
APPLICATION No. 2017-WTRA-00294**

PROJECT: To construct riprap and concrete geoweb ramp involving wetlands

PROJECT LOCATION: 5804 Sterling Court, contiguous to the Eastern Branch of the Elizabeth River

SPEAKER: FOR – Horace J. Miller, Applicant

Upon Motion by Mr. Schulman, seconded by Ms. Brown, the application of **Horace J. Miller** and **Linda W. Miller** was **APPROVED, AS SUBMITTED**, WITH MODIFICATION TO THE STAFF CONDITION AS FOLLOWS:

1. Compensation for one hundred sixty (160) square feet of non-vegetative wetlands be achieved by payment into the Libertyville Wetlands Mitigation Bank or by payment of an in-lieu fee.

VOTE: 4 - 0

MEMBERS VOTING AYE:

Stephen B. Ballard, Molly P. Brown, Joashua Schulman
and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Nils S. Bahringer, Leonard Johnson and Patrick Shuler

MEMBERS ABSTAINING

WILLIAM H. THUMEL
APPLICATION No. 2018-WTRA-00017

PROJECT: To install riprap, replace bulkhead, and overlay riprap involving wetlands

PROJECT LOCATION: 1344 East Bayshore Drive, contiguous to Crystal Lake

SPEAKER: FOR –Billy Garrington, Governmental Permitting Consultants

Upon Motion by Mr. Schulman, seconded by Ms. Brown, the application of **William H. Thumel** was **APPROVED, AS MODIFIED**, WITH THE FOLLOWING CONDITIONS:

1. The ninety-four (94) square feet of vegetated wetlands losses shall be mitigated on site by the conversion of uplands to vegetated wetlands along the shoreline south of the proposed riprap overlay.
2. Following installation of the wetlands vegetation, an annual vegetation monitoring report shall be provided in mid-August for three years. The reports shall include pictures and a re-vegetation plan for any areas of the vegetation that failed to establish.
3. Revised plans shall be submitted to the Virginia Marine Resources Commission (VMRC) and ultimately approved by the Department of Planning and Community Development prior to the issuance of a permit.

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

VOTE: 4 - 0

MEMBERS VOTING AYE:

Stephen B. Ballard, Molly P. Brown, Joashua Schulman
and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Nils S. Bahringer, Leonard Johnson and Patrick Shuler

MEMBERS ABSTAINING

JORGE A. DABUL
APPLICATION No. 2018-WTRA-00021

PROJECT: To overlay riprap and replace bulkhead involving wetlands

PROJECT LOCATION: 472 Goodspeed Road, contiguous to Stratton's Creek

SPEAKER: FOR –David Kledsik, Marine Engineering and Technology, LLC

Upon Motion by Mr. Schulman, seconded by Ms. Brown, the application of **Jorge A. Dabul** was **APPROVED, AS SUBMITTED.**

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

VOTE: 4 - 0

MEMBERS VOTING AYE:

Stephen B. Ballard, Molly P. Brown, Joashua Schulman
and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Nils S. Bahringer, Leonard Johnson and Patrick Shuler

MEMBERS ABSTAINING

ELLIS GILLESPIE
APPLICATION No. 2018-WTRA-00022

PROJECT: To install riprap involving wetlands

PROJECT LOCATION: 1411 Hickman Drive, contiguous to the Western Branch of the Lynnhaven River

SPEAKER: FOR –Billy Garrington, Governmental Permitting Consultants
Against –Vincent Bowhers, property owner in Little Neck Waterfront

Upon Motion by Mr. Schulman, seconded by Ms. Brown, the application of **Ellis Gillespie** was **APPROVED, AS SUBMITTED.**

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

VOTE: 4 - 0

MEMBERS VOTING AYE:

Stephen B. Ballard, Molly P. Brown, Joashua Schulman
and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Nils S. Bahringer, Leonard Johnson and Patrick Shuler

MEMBERS ABSTAINING

At 10:39 AM, the March 19, 2018, Public Hearing of the Virginia Beach Wetlands Board was adjourned by Vice Chair James T. Vail, acting as Chairman.

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

Jennifer A. Grundler
Deputy City Clerk II

James T. Vail
Vice Chair, acting as Chairman, Wetlands Board