



**WETLANDS BOARD
MINUTES**

CITY OF VIRGINIA BEACH
10:02 AM
CITY COUNCIL CHAMBER

JUNE 18, 2018

MEMBERS PRESENT:

STEPHEN B. BALLARD, ACTING AS CHAIR

NILS S. BAHRINGER
JASON BARNEY
MOLLY P. BROWN
JOASHUA SCHULMAN
PATRICK SHULER
CINDY HAWKS WHITE

MEMBERS ABSENT:

LEONARD JOHNSON, CHAIRMAN
JAMES T. VAIL, VICE CHAIR

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

The June, 2018 Public Hearing for the Virginia Beach Wetlands Board was called to order by Stephen B. Ballard, acting as Chairman, in the City Council Chamber, Virginia Beach, Virginia, at 10:02 AM, June 18, 2018.

Mr. Ballard, 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 acting Chairman 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.

**CITY OF VIRGINIA BEACH, ET. AL.
APPLICATION No. 2016-WTRA-00057**

PROJECT: To Dredge the Chesopeian Colony Special Service District Neighborhood Dredging Project, involving wetlands

PROJECT LOCATION: Adjacent to Chesopeian Colony, contiguous to Pinetree Branch and London Bridge Creek

REQUEST: Extension of Time

SPEAKER: **FOR** – Jeff Flood, Kerr Environmental

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: 7-0

MEMBERS VOTING AYE:

Nils S. Bahringer, Stephen B. Ballard, Jason Barney, Molly P. Brown, Joashua Schulman, Patrick Shuler and Cindy Hawks White

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Leonard Johnson and James T. Vail

MEMBERS ABSTAINING:

CITY OF VIRGINIA BEACH, ET. AL.
APPLICATION NO. 2017-WTRA-00025

PROJECT: To Dredge involving wetlands

PROJECT LOCATION: Gills Cove SSD Neighborhood, contiguous to the Eastern Branch of the Lynnhaven River

REQUEST: Extension of Time

SPEAKER: **FOR** – Jeff Flood, Kerr Environmental

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: 7-0

MEMBERS VOTING AYE:

Nils S. Bahringer, Stephen B. Ballard, Jason Barney, Molly P. Brown,
Joashua Schulman, Patrick Shuler and Cindy Hawks White

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Leonard Johnson and James T. Vail

MEMBERS ABSTAINING:

RONALD AND DEBORAH HOLT
APPLICATION No. 2018-WTRA-00055

PROJECT: To build a riprap revetment involving wetlands

PROJECT LOCATION: 1212 Curlew Place, contiguous to Little Neck Creek

SPEAKER: **FOR** – Billy Garrington, Governmental Permitting Consultants

Upon Motion by Mr. Schulman, seconded by Ms. Brown, the application of **Ronald and Deborah Holt** was **APPROVED AS MODIFIED**, WITH THE FOLLOWING CONDITIONS:

1. The proposed riprap shall be relocated channelward of the existing *Spartina* in the vicinity of cross section B-B. Revised plans shall be submitted to the Virginia Marine Resources Commission (VMRC) and approved by the Planning Department.
2. Following installation of the wetlands vegetation, the applicant shall provide annual vegetation monitoring reports 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.

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

VOTE: 7-0

MEMBERS VOTING AYE:

Nils S. Bahringer, Stephen B. Ballard, Jason Barney, Molly P. Brown,
Joashua Schulman, Patrick Shuler and Cindy Hawks White

Mr. Barney disclosed that he has a business relationship with the agent and has no personal interest in this application.

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Leonard Johnson and James T. Vail

MEMBERS ABSTAINING:

BRADLEY DURFEY
APPLICATION No. 2018-WTRA-00088

PROJECT: To install a bulkhead involving wetlands

PROJECT LOCATION: 627 Terrace Avenue, contiguous to Lake Rudee

SPEAKER: **FOR** – Robert Simon, Waterfront Consulting

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

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

VOTE: 7-0

MEMBERS VOTING AYE:

Nils S. Bahringer, Stephen B. Ballard, Jason Barney, Molly P. Brown,
Joashua Schulman, Patrick Shuler and Cindy Hawks White

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Leonard Johnson and James T. Vail

MEMBERS ABSTAINING:

**JOHN BRUSH, JR. AND GAY GOLDSMITH
APPLICATION No. 2018-WTRA-00091**

PROJECT: To reconstruct riprap involving wetlands

PROJECT LOCATION: 1426 North Woodhouse Road, contiguous to Linkhorn Bay

SPEAKER: **FOR** – Robert Simon, Waterfront Consulting

Upon Motion by Mr. Schulman, seconded by Ms. Brown, the application of **John Brush, Jr.** and **Gay Goldsmith** was **APPROVED, AS SUBMITTED**, WITH THE FOLLOWING MODIFICATION TO THE STAFF CONDITION AS FOLLOWS:

1. The agent shall recalculate and resubmit the vegetated wetlands impacts, inclusive of the *Spartina* that has emerged landward of mean high water.

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

VOTE: 7-0

MEMBERS VOTING AYE:

Nils S. Bahringer, Stephen B. Ballard, Jason Barney, Molly P. Brown,
Joashua Schulman, Patrick Shuler and Cindy Hawks White

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Leonard Johnson and James T. Vail

MEMBERS ABSTAINING:

**HANS AND HOLLI WACHTMEISTER
APPLICATION No. 2018-WTRA-00089**

PROJECT: To install bulkhead involving wetlands
PROJECT LOCATION: 1421 Crystal Parkway, contiguous to Crystal Lake
SPEAKER: **FOR** – Robert Simon, Waterfront Consulting

Upon Motion by Mr. Schulman, seconded by Ms. Brown, the application of **Hans and Holli Wachtmeister** was **APPROVED, AS SUBMITTED.**

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

VOTE: 7-0

MEMBERS VOTING AYE:

Nils S. Bahringer, Stephen B. Ballard, Jason Barney, Molly P. Brown,
Joashua Schulman, Patrick Shuler and Cindy Hawks White

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Leonard Johnson and James T. Vail

MEMBERS ABSTAINING:

RESTORATION HEARING
SANFORD DOWDY, III
APPLICATION No. 2018-WTRC-00001

PROJECT: Unauthorized retaining wall construction and infill without permits

PROJECT LOCATION: At and adjacent to 3409 Sandpiper Road, contiguous to North Bay

SPEAKER: Sanford Dowdy, III

On April 16, 2018, the Board found that the property located at and adjacent to 3409 Sandpiper Road contiguous to North Bay was in violation of the provisions of the Wetlands Zoning Ordinance and assessed a charge. The Board ordered a Restoration Hearing for this date.

Upon Motion by Mr. Schulman, seconded by Mr. Barney, **Sanford Dowdy, III**, was hereby ordered to:

1. Submit an After-the-Fact application by July 19, 2018, to include the removal of the unauthorized retaining wall, and construction of an authorized retaining wall. The fine ordered on April 16, 2018, in the amount of \$3,000.00, shall be paid by Sanford Dowdy, III, no later than Friday, June 22, 2018.
2. A proposed construction schedule from the contractor is to be submitted.

Failure to complete this restoration order as ordered by the Board is a separate violation of the Wetlands Zoning Ordinance.

VOTE: 7-0

MEMBERS VOTING AYE:

Nils S. Bahringer, Stephen B. Ballard, Jason Barney, Molly P. Brown,
Joashua Schulman, Patrick Shuler and Cindy Hawks White

MEMBERS VOTING NAY:

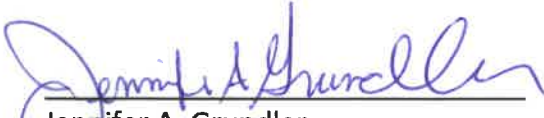
MEMBERS ABSENT:

Leonard Johnson and James T. Vail

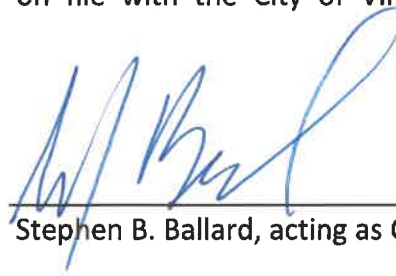
MEMBERS ABSTAINING:

At 10:56 AM, the June 18, 2018, Public Hearing of the Virginia Beach Wetlands Board was adjourned by Mr. Stephen B. Ballard, 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



Stephen B. Ballard, acting as Chairman