



WETLANDS BOARD

MINUTES

CITY OF VIRGINIA BEACH

10:02 AM

CITY COUNCIL CHAMBER

FEBRUARY 19, 2018

MEMBERS PRESENT:

JAMES T. VAIL, VICE CHAIR, ACTING AS CHAIRMAN

NILS S. BAHRINGER

STEPHEN B. BALLARD

MOLLY P. BROWN

JOASHUA SCHULMAN

PATRICK SHULER

MEMBERS ABSENT:

LEONARD JOHNSON, CHAIRMAN

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

The February, 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 10:02 AM, February 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.

MERMAID INN, LLC
APPLICATION No. 2017-WTRA-00020

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

PROJECT LOCATION: 3208 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 **Mermaid Inn, LLC**, for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

VOTE: 6 - 0

MEMBERS VOTING AYE:

Nils S. Bahringer, Stephen B. Ballard, Molly P. Brown, Joashua Schulman,
Patrick Shuler and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Leonard Johnson

MEMBERS ABSTAINING:

SHELL ASSOCIATES, LLC
APPLICATION No. 2017-WTRA-00023

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

PROJECT LOCATION: 3264 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 **Shell Associates, Inc.**, for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

VOTE: 6 - 0

MEMBERS VOTING AYE:

Nils S. Bahringer, Stephen B. Ballard, Molly P. Brown, Joashua Schulman,
Patrick Shuler and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Leonard Johnson

MEMBERS ABSTAINING:

SHELL ASSOCIATES, LLC
APPLICATION No. 2017-WTRA-00024

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

PROJECT LOCATION: 2478 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 **Shell Associates, LLC**, for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

VOTE: 6 - 0

MEMBERS VOTING AYE:

Nils S. Bahringer, Stephen B. Ballard, Molly P. Brown, Joashua Schulman,
Patrick Shuler and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Leonard Johnson

MEMBERS ABSTAINING:

SHELL ASSOCIATES, LLC
APPLICATION No. 2017-WTRA-00026

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

PROJECT LOCATION: 2920 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 **Shell Associates, LLC**, for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

VOTE: 6 - 0

MEMBERS VOTING AYE:

Nils S. Bahringer, Stephen B. Ballard, Molly P. Brown, Joashua Schulman,
Patrick Shuler and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Leonard Johnson

MEMBERS ABSTAINING:

**RONALD AND LOIS COHN
APPLICATION No. 2017-WTRA-00027**

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

PROJECT LOCATION: 3228 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 **Ronald and Lois Cohn** for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

VOTE: 6 - 0

MEMBERS VOTING AYE:

Nils S. Bahringer, Stephen B. Ballard, Molly P. Brown, Joashua Schulman,
Patrick Shuler and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Leonard Johnson

MEMBERS ABSTAINING:

3652 SANDFIDDLER ROAD, LLC
APPLICATION No. 2017-WTRA-00015

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

PROJECT LOCATION: 3652 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 **3652 Sandfiddler Road, LLC**, for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

VOTE: 6 - 0

MEMBERS VOTING AYE:

Nils S. Bahringer, Stephen B. Ballard, Molly P. Brown, Joashua Schulman,
Patrick Shuler and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Leonard Johnson

MEMBERS ABSTAINING:

GIL AND MARNIE TITSCH
APPLICATION No. 2016-WTRA-00273

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

PROJECT LOCATION: 3312 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 **Gill and Marnie Titsch** for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

VOTE: 6 - 0

MEMBERS VOTING AYE:

Nils S. Bahringer, Stephen B. Ballard, Molly P. Brown, Joashua Schulman,
Patrick Shuler and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Leonard Johnson

MEMBERS ABSTAINING:

CYGNUS PROPERTIES, LLC
APPLICATION No. 2017-WTRA-0019

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

PROJECT LOCATION: 3628 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 **Cygnus Properties, LLC**, for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

VOTE: 6 - 0

MEMBERS VOTING AYE:

Nils S. Bahringer, Stephen B. Ballard, Molly P. Brown, Joashua Schulman,
Patrick Shuler and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Leonard Johnson

MEMBERS ABSTAINING:

**3323 SHORE DRIVE, LLC
APPLICATION NO. WTR 15 027**

PROJECT: To construct a bulkhead with backfill involving wetlands

PROJECT LOCATION: 3323 Shore Drive, LLC, contiguous to Lynnhaven Bay

REQUEST: Extension of Time

SPEAKER: Angelique Mitchell, Bubba's Marina, Inc.

Upon Motion by Mr. Schulman, seconded by Ms. Brown, the request of **3323 Shore Drive, LLC**, for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

VOTE: 6 - 0

MEMBERS VOTING AYE:

Nils S. Bahringer, Stephen B. Ballard, Molly P. Brown, Joashua Schulman,
Patrick Shuler and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Leonard Johnson

MEMBERS ABSTAINING:

**CHARLES AND DIANA MARTIN
APPLICATION No. 2018-WTRA-00280**

PROJECT: To construct a bulkhead involving wetlands

PROJECT LOCATION: 3433 Sandpiper Road, contiguous to Canal off North Bay

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

Deferred from December 2017, Public Hearing.

Upon Motion by Mr. Schulman, seconded by Ms. Brown, the application of **Charles and Diana Martin** request for a **NINETY (90) DAY DEFERRAL** was **GRANTED**.

VOTE: 6 - 0

MEMBERS VOTING AYE:

Nils S. Bahringer, Stephen B. Ballard, Molly P. Brown, Joashua Schulman,
Patrick Shuler and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Leonard Johnson

MEMBERS ABSTAINING:

ANTHONY DISILVESTRO
APPLICATION No. 2018-WTRA-00007

PROJECT: To construct a Flex-a-mat revetment with upland wetlands vegetation, riprap and breakwater

PROJECT LOCATION: 1680 Godfrey Lane, contiguous to Broad Bay

SPEAKER: FOR – Robert Simon, Waterfront Consulting, Inc.
AGAINST –Trista Imrich, Lynnhaven River Now

Upon Motion by Mr. Schulman, seconded by Ms. Brown, the application of **Anthony Disilvestro** was **APPROVED, AS MODIFIED**, WITH THE FOLLOWING CONDITION:

1. All debris located in the footprint of the proposed project shall be removed and disposed of properly.

VOTE: 6 - 0

MEMBERS VOTING AYE:

Nils S. Bahringer, Stephen B. Ballard, Molly P. Brown, Joashua Schulman,
Patrick Shuler and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Leonard Johnson

MEMBERS ABSTAINING:

**SANJAY AND SONIA KAPOOR
APPLICATION NO. 2017-WTRA-00315**

PROJECT: To remove existing filter cloth and rip rap, install Flex-a-mat, and plant wetlands vegetation

PROJECT LOCATION: 421 Wolfs Neck Trail, contiguous to Canal Tributary to Eastern Branch of the Lynnhaven River

SPEAKER: FOR – Robert Simon, Waterfront Consulting, Inc.

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

1. The five (5) trees located in the footprint of the Flexamat shall be mitigated on-site at a 1:1 ratio.
2. Revised plans shall be submitted to the VMRC and ultimately approved by the Department of Planning and Community Development prior to the issuance of a building permit.

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

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Leonard Johnson

MEMBERS ABSTAINING:

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

PROJECT: To dredge for maintenance of a farm

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

SPEAKER: FOR – Robert Simon, Waterfront Consulting, Inc.

Upon Motion by Mr. Schulman, seconded by Ms. Brown, the application of **Alpha Omega Farm, Inc.**, request for a **THIRTY (30) DAY DEFERRAL** was **GRANTED**.

VOTE: 5 - 0

MEMBERS VOTING AYE:

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

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Leonard Johnson

MEMBERS ABSTAINING:

Patrick Shuler

Mr. Shuler excused himself in accordance with the Commonwealth Conflict of Interest

CHARLES G. BARKER, JR.
APPLICATION No. 2018-WTRA-00002

PROJECT: To construct a marsh sill with sand backfill and wetlands vegetation

PROJECT LOCATION: 1048 Bobolink Drive, contiguous to Linkhorn Bay

SPEAKER: FOR – Billy Garrington, Governmental Permitting Consultants
Trista Imrich, Lynnhaven River Now

Upon Motion by Mr. Schulman, seconded by Ms. Brown, the application of **Charles G. Barker, Jr.**, was **APPROVED, AS MODIFIED**, WITH THE FOLLOWING CONDITION:

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

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

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Leonard Johnson

MEMBERS ABSTAINING:

JOSEPH LAMONTAGNE
APPLICATION No. 2018-WTRA-00003

PROJECT: To install new riprap toe and riprap overlay
PROJECT LOCATION: 203 Caspian Avenue, contiguous to Lake Rudy
SPEAKER: FOR –Richard Calvert, Calvert Marine

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

1. The existing concrete, debris and trash identified on Section B of the plans dated January 2, 2018, shall be removed from the site to the extent it does not impact the structural integrity of landward structures and disposed properly in accordance with applicable law.
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.

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

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Leonard Johnson

MEMBERS ABSTAINING:

AMENDMENT TO POLICIES AND PROCEDURES

PROPOSAL: **TO CHANGE THE TIME OF THE INFORMAL SESSION**

Upon Motion by Mr. Schulman, seconded by Ms. Brown, the amended Policies and Procedures for the start time of the Informal Session held on the third Monday of each month to be changed from 8:30 a.m. to 8:45 a.m. was **APPROVED**.

VOTE: **5 - 1**

MEMBERS VOTING AYE:

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

MEMBERS VOTING NAY:

Patrick Shuler

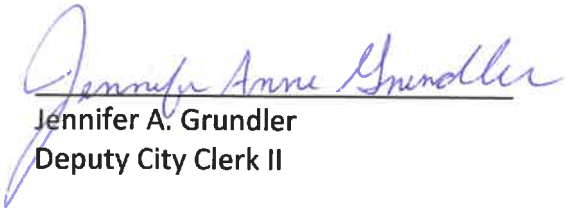
MEMBERS ABSENT:

Leonard Johnson

MEMBERS ABSTAINING:

At 10:56 AM, the February 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