



**WETLANDS BOARD
MINUTES**

CITY OF VIRGINIA BEACH

10: 00 AM

CITY COUNCIL CHAMBER

JULY 17, 2017

MEMBERS PRESENT:

LEONARD JOHNSON, CHAIRMAN

JAMES T. VAIL, VICE CHAIRMAN

NILS S. BAHRINGER

STEVEN B. BALLARD

JASON BARNEY

MOLLY P. BROWN

JOASHUA SCHULMAN

MEMBERS ABSENT:

PATRICK SHULER

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

The July, 2017 Public Hearing for the Virginia Beach Wetlands Board was called to order by the Chairman, Leonard Johnson, in the City Council Chamber, Virginia Beach, Virginia, at 10:00 AM, July 17, 2017.

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. McKenna.

SANDBRIDGE SAND MANAGEMENT GENERAL PERMIT

PROPOSAL: To **ADOPT** the Sandbridge Sand Management General Permit and the Sand Management and Placement Profiles

SPEAKERS: Tobias Eisenlohr, Assistant City Attorney, David K. Compton, Wetlands Staff and R. Harold Jones, Sigma Environmental

Upon motion by Mr. Vail, seconded by Ms. Brown, the **ADOPTION** of the Sand Management General Permit **was APPROVED**, with the amendment that the Placement Profiles and Conditions be **MODIFIED** by **REMOVING** the requirement that the dunes be sprigged with American Beachgrass on twelve (12) inch centers and **ADDING** the requirement that the dune be sprigged with the appropriate vegetation as **determined by the Staff**.

The standard Conditions for the Sandbridge Sand Management General Permit are:

1. Any sand excavated shall be limited to within the subject property's boundaries. The applicants and their designees should communicate with adjacent property owners regarding the project's potential to alter the contours of the sand on adjacent properties.
2. Excavated sand that contains debris or rubble shall not be placed on the beach. Sand containing debris must 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.
3. 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.
 - 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.
4. The Sandbridge General Permit does not authorize the construction of any type of structure or any activity other than the excavation and replacement of sand as indicated.
5. 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.

6. Valid Sandbridge General Permits can be reactivated multiple times; however, the contractor or operator doing the work shall contact the Waterfront Operations office at (757) 385-8246 prior to any site work or beginning excavation.

7. Any existing dune vegetation moved shall be re-installed on the dune crest and face to the greatest extent practicable. The remaining dune crest and seaward face of the dune shall also be sprigged with appropriate vegetation as determined by Staff except for a single five (5) foot wide access-way to the beach. The excavation of sand may occur any time of the year. The sprigging with American Beachgrass shall occur as soon as possible, however, NOT during the months of June, July or August to afford the new plants greatest chance of survival.

VOTE: 7-0

MEMBERS VOTING AYE:

Nils S. Bahringer, Steven Ballard, Jason Barney, Molly P. Brown,
Leonard Johnson, Joashua Schulman and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Patrick Shuler

MEMBERS ABSTAINING:

**POLICIES AND RULES OF PROCEDURES
OF THE WETLANDS BOARD
OF THE CITY OF VIRGINIA BEACH**

PROPOSAL: Amendments to Policies and Rules of Procedures of the Wetlands Board of the City of Virginia Beach in accordance with General Permit Sand Management with Placement Profiles

SPEAKER: Tobias Eisenlohr, Assistant City Attorney

Upon motion by Mr. Vail, seconded by Ms. Brown, the amendment to the **Policies and Rules of Procedures of the Wetlands Board of the City of Virginia Beach** in accordance with General Permits for Sand Management and Placement Profiles as approved by the Board was **APPROVED**.

VOTE: 7-0 (VOICE VOTE)

MEMBERS VOTING AYE:

Nils S. Bahringer, Steven Ballard, Jason Barney, Molly P. Brown,
Leonard Johnson, Joashua Schulman and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Patrick Shuler

MEMBERS ABSTAINING:

BRUCE MILLS
APPLICATION No. 2016-WTRA-00087

PROJECT: To dredge and construct riprap involving wetlands

PROJECT LOCATION: 613 & 617 Pine Tree Circle, contiguous to Buchanan Creek

SPEAKER: FOR - Robert E. Simon

This item was deferred from May 2017, Public Hearing.

Upon motion by Mr. Vail, seconded by Ms. Brown, the request of **Bruce Mills** for a **SIXTY (60) DAY DEFERRAL** was **GRANTED**.

VOTE: 7-0

MEMBERS VOTING AYE:

Nils S. Bahringer, Steven Ballard, Jason Barney, Molly P. Brown,
Leonard Johnson, Joashua Schulman and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Patrick Shuler

MEMBERS ABSTAINING:

NEIL C. THOMPSON
APPLICATION No. 2017-WTRA-00164

PROJECT: To construct bulkhead involving wetlands

PROJECT LOCATION: 2821 Wood Duck Drive, contiguous to Sand Broad Inlet

SPEAKER: FOR –Robert E. Simon

Upon motion by Mr. Vail, seconded by Ms. Brown, the request of **Neil C. Thompson** for a **SIXTY (60) DAY DEFERRAL** was **GRANTED**.

VOTE: 6-0, WITH JASON BARNEY ABSTAINING

MEMBERS VOTING AYE:

Nils S. Bahringer, Steven Ballard, Molly P. Brown,
Leonard Johnson, Joashua Schulman, and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Patrick Shuler

MEMBERS ABSTAINING:

Jason Barney

Mr. Barney noted he was involved in some work on this project and therefore abstained.

PAMELA J. TURNER LIVING TRUST AND J. WEDFORD TURNER LIVING TRUST
APPLICATION No. 2017-WTRA-00124

PROJECT: To construct a deck, beach access stairs, covered porch and excavate sand involving Coastal Primary Sand

PROJECT LOCATION: 3648 Sandfiddler Road, contiguous to Atlantic Ocean

SPEAKER: FOR –Robert E. Simon

Upon Motion by Mr. Vail, seconded by Ms. Brown, the Application of **Pamela J. Turner Living Trust** and **J. Wedford Turner Living Trust** was **APPROVED, AS MODIFIED**, WITH THE FOLLOWING CONDITIONS:

1. Site access shall be limited to only the north side of the property.
2. Debris located in the accessway on the north side of the property shall be removed during construction.
3. Revised plans shall be submitted to VMRC, and shall ultimately be reviewed for accuracy and completeness by the Department of Planning and Community Development prior to the issuance of a permit.
4. Any sand excavated shall be limited to within the subject property's boundaries. The applicants and their agents should communicate with adjacent property owners regarding the project's potential to alter the contours of the sand on adjacent properties.
5. Excavated sand that contains debris or rubble shall not be placed on the beach and shall be disposed of offsite in a lawful manner.
6. If the excavated sand is clean beach quality sand, it may be placed upon the beach in accordance with the following conditions:
 - A single unvegetated accessway to the beach is used to transport the sand.
 - 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.
 - Any sand placed within one-hundred (100) feet of mean high water shall be evenly graded along the beach berm (flat dry portion of the beach).
7. A Federal project, the Sandbridge Beach Erosion Control and Hurricane Protection Project, is present on or near the property. At the request of the Corps of Engineers, if any work will occur below seven (7) feet NAVD88 (design profile for Sandbridge Beach), the property owner 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.

8. The contractor or operator doing the work shall contact the Waterfront Operations office at (757) 385-8246 to schedule a pre-construction meeting to occur prior to any site work or beginning excavation.
9. Valid Sand Management Permits can be reactivated multiple times whenever an excessive accumulation of sand affects infrastructure; however, the contractor or operator doing the work shall contact the Waterfront Operations office at (757) 385-8246 prior to any site work or beginning excavation.
10. Any existing dune vegetation removed shall be re-installed on the dune crest and face to the greatest extent practicable. In order to prolong the design life of the sand reservoir and minimize the need for maintenance sand management, the Department of Planning & Community Development recommends that the existing vegetation or American Beachgrass be sprigged twelve (12) inches on center during the winter months, five (5) feet seaward from the new crest, over the crest, and halfway down the newly created backslope.

VOTE: 7-0

MEMBERS VOTING AYE:

Nils S. Bahringer, Steven Ballard, Jason Barney, Molly P. Brown,
Leonard Johnson, Joashua Schulman and James T. Vail

MEMBERS VOTING NAY:

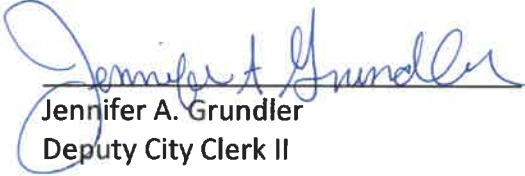
MEMBERS ABSENT:

Patrick Shuler

MEMBERS ABSTAINING:

At 10:41 AM, the July 17, 2017, 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