



WETLANDS BOARD

MINUTES

CITY OF VIRGINIA BEACH

10:00 AM

CITY COUNCIL CHAMBER

AUGUST 21, 2017

MEMBERS PRESENT:

LEONARD JOHNSON, CHAIRMAN

NILS S. BAHRINGER

STEVEN B. BALLARD (ENTERED THE CHAMBER AT 10:04 AM)

MOLLY P. BROWN

JOASHUA SCHULMAN

PATRICK SHULER

CINDY HAWKS WHITE

MEMBERS ABSENT:

JAMES T. VAIL, VICE CHAIRMAN

INDEX

OLD BUSINESS

ROBERT PETERSEN	2017-WTRA-00151	4
-----------------	-----------------	---

NEW BUSINESS

GARY M. LISOTA	2017-WTRA-00195	5
BRANDON AND JILL LOFTUS	2017-WTRA-00193	6
COLLEEN WEBSTER AND KEITH WOLFORD	2017-WTRA-00194	7
EARLE AND PATRICIA MULRANE	2017-WTRA-00131	8-9
THOMAS E. FRAIM	2017-WTRA-00172	10-11
LOUIS GELRUD	2017-WTRA-00170	12-13

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

The August, 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, August 21, 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.

ROBERT PETERSEN
APPLICATION No. 2017-WTRA-00151

PROJECT: To construct bulkhead, riprap and overlay existing riprap involving wetlands

PROJECT LOCATION: 2677 Blue Heron Court, contiguous to Lynnhaven Bay

SPEAKERS: FOR –Robert E. Simon, Waterfront Consulting, Inc.

This item was deferred from June 2017, Public Hearing.

Robert E. Simon of Waterfront Consulting, Inc., provided the Board with the following letters of support:

1. A letter from Laurie W. Francis dated August 16, 2017.
2. A letter from Michael and LeAnne Benedetto dated August 21, 2017.

Upon Motion by Mr. Shuler, seconded by Ms. Brown, the Application of **Robert Petersen** was **APPROVED, AS SUBMITTED.**

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

VOTE: 7-0

MEMBERS VOTING AYE:

Nils Bahringer, Steven B. Ballard, Molly P. Brown, Leonard Johnson,
Joashua Schulman, Patrick Shuler and Cindy Hawks White

MEMBERS VOTING NAY:

MEMBERS ABSENT:

James T. Vail

MEMBERS ABSTAINING:

**Jeffrey K. and Laurie W. Francis
1408 Blue Heron Road
Virginia Beach, VA 23454**

August 16, 2017

RE: 2677 Blue Heron Court - File #: 2017-WTRA=0015

To the Virginia Beach Wetlands Board Members:

As adjacent property owners and neighbors of Bob Peterson and Judy Jessen, I strongly oppose the recommendation of Lynnhaven River Now of installing a "Living Shore Line". It has been our experience that this type of shoreline treatment will NOT prevent erosion but may further clog a narrow waterway by slowly migrating to the middle of what little channel we currently have. I further oppose of a "Living Shore Line" because it becomes a maintenance chore after a period of time as well as it just doesn't look good. We are avid boaters who are out as least a couple of times a week. This little inlet that we live on has been silting in for years. In my opinion, the ONLY way to stop this is to harden the shoreline with either bulkhead or rip-rap. My shoreline eroded tremendously, (further silting in the inlet) until I had rip-rap installed about 18 years ago.

For these reasons, we oppose a "Living Shore Line" in favor of a more permanent solution that will ultimately be less intrusive to this small inlet we live on.

Respectfully,

Jeffrey K. Francis



Laurie W. Francis



August 21, 2017

RE: Robert and Judy Petersen application
2677 Blue Heron Court
Virginia Beach, VA 23454

Virginia Beach Wetlands Board,

I am writing this letter in support of the Petersen's application to secure the shoreline and prevent erosion by using rip rap stone. As an adjacent property, I prefer this method as it is compatible to tie into our rip rap shoreline and other neighbors.

Other methods which may intrude further into the channel, interfere with access to our boat lift, or restrict the view would be concerning.

If you have any questions, please call me at 757-287-0510.

Thank you.

Sincerely,

A handwritten signature in black ink that reads "Michael and LeAnne Benedetto". The signature is written in a cursive style with a large initial "M" and "L".

Michael and LeAnne Benedetto
2681 Blue Heron Court
Virginia Beach, VA 23454

GARY M. LISOTA
APPLICATION No. 2017-WTRA-00195

PROJECT: To construct riprap and two groins involving wetlands

PROJECT LOCATION: 1641 Cutty Sark Road, contiguous to Broad Bay

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

Mr. Charles McKenna, Coastal Zone Inspector, Planning and Community Department, read the following correspondence to the Board:

1. A letter dated August 11, 2017, addressed to Mr. Justin Worrell, Environmental Engineer, Habitat Management Division, Virginia Marine Resources Commission (VMRC), 2600 Washington Avenue, Newport News, VA 23607, and signed by Emily Hine, Assistant to the Associate Dean of Research and Advisory Services.

Upon Motion by Mr. Shuler, seconded by Ms. Brown, the Application of **Gary M. Lisota** was **APPROVED, AS MODIFIED**, WITH THE FOLLOWING CONDITIONS:

1. All tires located on site and all debris located in the construction area shall be removed and disposed of in a lawful manner.
2. The two (2) proposed groins shall be shortened to a maximum of twenty (20) feet beyond mean low water with a maximum height of mean low water on the channelward end. Groin height on the landward end shall not exceed the elevation shown on the Proposed Groin Cross Section shown on Sheet 6 of the Plan.
3. 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 permit.

No net loss of wetlands on this project was achieved by the use of on-site compensation.

VOTE: 7-0

MEMBERS VOTING AYE:

Nils Bahringer, Steven B. Ballard, Molly P. Brown, Leonard Johnson,
Joashua Schulman, Patrick Shuler and Cindy Hawks White

MEMBERS VOTING NAY:

MEMBERS ABSENT:

James T. Vail

MEMBERS ABSTAINING

August 11, 2017

Mr. Justin Worrell
Environmental Engineer
Habitat Management Division
Virginia Marine Resources Commission
2600 Washington Avenue
Newport News, VA 23607

Dear Mr. Worrell:

This letter responds to your request for comments regarding the proposal by Mr. Gary Lisota to construct a stone revetment channelward of an existing bulkhead as well as two stone groins at his property on Broad Bay in Virginia Beach (VMRC #17-1278). Personnel from the Department of Physical Sciences Shoreline Studies Group and the Office of Research and Advisory Services contributed to this report.

The upland property is currently protected from erosion by a functioning bulkhead. There is rubble and debris channelward of the bulkhead, particularly near the lower gazebo and the remnants of a stone groin. There are no obvious signs of bulkhead failure, though the top of the bulkhead is covered by a walkway, so early signs of upland sediment loss are difficult to observe. The proposed stone revetment channelward of the bulkhead will serve to dissipate some of the wave energy that otherwise would have been reflected by the vertical wall of the bulkhead.

One of the proposed groins is in the same location as a relict structure and the other is located under the pier. These structures will likely serve to trap sediment channelward of the proposed revetment. Consequently, they will reduce what little sediment is available to the down drift shoreline. To reduce these potential impacts, we suggest that the structures be reduced in size (such that they comply with the General Permit #2 guidelines) and that the cell between the groins be filled with clean medium/coarse sand. Additionally, we recommend that the groins be shortened to about 40 feet channelward of mean high water so that they avoid offshore submerged aquatic vegetation (SAV). If encroachment upon SAV is permitted, we recommend strong consideration of compensatory mitigation. We are available to provide guidance on compensation strategies if necessary.

Please contact me if you have questions or require additional information.

Sincerely,



Emily Hein
Assistant to the Associate Dean
Research and Advisory Services

BRANDON AND JILL LOFTUS
APPLICATION No. 2017-WTRA-00193

PROJECT: To dredge and construct 60 linear foot bulkhead involving wetlands

PROJECT LOCATION: 3741 Little Neck Point, contiguous to Western Branch Lynnhaven River

SPEAKER: FOR—Robert E. Simon, Waterfront Consulting, Inc.

Upon Motion by Mr. Shuler, seconded by Ms. Brown, the Application of **Brandon and Jill Loftus** was **APPROVED, AS MODIFIED**, WITH THE FOLLOWING CONDITIONS:

1. Excavation and construction of the groin/cantilevered bulkhead shall begin at the channelward locations, and progress landward incrementally to prevent any sloughing of adjacent properties.
2. The top elevation of the groin/cantilevered bulkhead cap shall be low profile and sloped to match grade with the existing grades outside of the dredge area.
3. The applicant's in-lieu fee shall increase to compensate for the vegetated wetlands loss.
4. Revised plans shall be submitted to Virginia Marine Resources Commission (VMRC), and shall ultimately be 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 payment of an in-lieu fee.

VOTE: 7-0

MEMBERS VOTING AYE:

Nils Bahringer, Steven B. Ballard, Molly P. Brown, Leonard Johnson,
Joashua Schulman, Patrick Shuler and Cindy Hawks White

MEMBERS VOTING NAY:

MEMBERS ABSENT:

James T. Vail

MEMBERS ABSTAINING:

COLLEEN WEBSTER AND KEITH WOLFORD
APPLICATION No. 2017-WTRA-00194

- PROJECT:** To construct a 110 linear foot Wakefield bulkhead, beach access stairs and stormwater discharge pipes
- PROJECT LOCATION:** 4478A and 4478B Ocean View Avenue, contiguous to Chesapeake Bay
- SPEAKER:** FOR –Robert E. Simon, Waterfront Consulting, Inc.

Upon Motion by Mr. Shuler, seconded by Ms. Brown, the Application of **Colleen Webster and Keith Wolford** was **APPROVED, AS MODIFIED**, WITH THE FOLLOWING CONDITIONS:

1. Provide the invert elevation of the twelve (12) inch stormwater pipes at the bulkhead penetration.
2. Please ensure that the proposed beach fill will not impede the stormwater flow and note that a portion of the stairway will be covered following beach nourishment.
3. The proposed beach access stairs shall conform to the side yard setback requirements of the Zoning Ordinance.
4. Revised plans shall be submitted to Virginia Marine Resources Commission (VMRC), and shall ultimately be reviewed and ultimately approved by the Department of Planning and Community Development prior to the issuance of a permit.

VOTE: 7-0

MEMBERS VOTING AYE:

Nils Bahringer, Steven B. Ballard, Molly P. Brown, Leonard Johnson,
Joashua Schulman, Patrick Shuler and Cindy Hawks White

MEMBERS VOTING NAY:

MEMBERS ABSENT:

James T. Vail

MEMBERS ABSTAINING:

**EARLE AND PATRICIA MULRANE
APPLICATION No. 2017-WTRA-00131**

PROJECT: Sand Management –excavation of sand

PROJECT LOCATION: 2740 Sandfiddler Road, contiguous to Atlantic Ocean

SPEAKER: FOR -Steven Heinrich, Seaside Restoration

Upon Motion by Mr. Shuler, seconded by Ms. Brown, the application of **Earl and Patricia Mulrane** was **APPROVED, AS SUBMITTED, WITH THE FOLLOWING CONDITIONS:**

1. 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.
2. Excavated sand that contains debris or rubble shall not be placed on the beach and 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 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).
4. The Sand Management Permit does not authorize construction of any type of structure or any activity other than the excavation or grading 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 Corps of Engineers, 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. 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.
7. 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.
8. 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 and

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 Bahringer, Steven B. Ballard, Molly P. Brown, Leonard Johnson,
Joashua Schulman, Patrick Shuler and Cindy Hawks White

MEMBERS VOTING NAY:

MEMBERS ABSENT:

James T. Vail

MEMBERS ABSTAINING:

THOMAS E. FRAIM
APPLICATION No. 2017-WTRA-00172

PROJECT: Sand Management –excavation of sand

PROJECT LOCATION: 2460 Sandfiddler Road, contiguous to Atlantic Ocean

SPEAKER: FOR -Steven Heinrich, Seaside Restoration

Upon Motion by Mr. Shuler, seconded by Ms. Brown, the application of **Thomas E. Fraim** was **APPROVED, AS MODIFIED, WITH THE FOLLOWING CONDITIONS:**

1. 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.
2. Excavated sand that contains debris or rubble shall not be placed on the beach and 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 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).
4. The Sand Management Permit does not authorize construction of any type of structure or any activity other than the excavation or grading 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 Corps of Engineers, 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. 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.
7. 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.
8. 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 and

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.

9. The maximum limits of excavation and grading shall be limited to ten (10) feet seaward of the bulkhead and three (3) feet deep.

VOTE: 7-0

MEMBERS VOTING AYE:

Nils Bahringer, Steven B. Ballard, Molly P. Brown, Leonard Johnson,
Joashua Schulman, Patrick Shuler and Cindy Hawks White

MEMBERS VOTING NAY:

MEMBERS ABSENT:

James T. Vail

MEMBERS ABSTAINING:

LOUIS GELRUD
APPLICATION No. 2017-WTRA-00170

PROJECT: Sand Management –excavation of sand

PROJECT LOCATION: 2840 Sandfiddler Road, contiguous to Atlantic Ocean

SPEAKER: FOR -Steven Heinrich, Seaside Restoration

Upon Motion by Mr. Shuler, seconded by Ms. Brown, the application of **Louis Gelrud** was **APPROVED, AS SUBMITTED, WITH THE FOLLOWING CONDITIONS:**

1. 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.
2. Excavated sand that contains debris or rubble shall not be placed on the beach and 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 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).
4. The Sand Management Permit does not authorize construction of any type of structure or any activity other than the excavation or grading 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 Corps of Engineers, 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. 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.
7. 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.
8. 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 and

Community Development recommends that the existing vegetation of 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 Bahringer, Steven B. Ballard, Molly P. Brown, Leonard Johnson,
Joashua Schulman, Patrick Shuler and Cindy Hawks White

MEMBERS VOTING NAY:

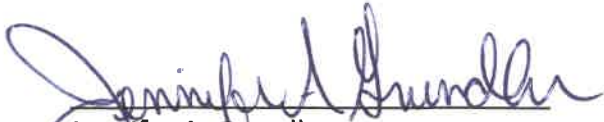
MEMBERS ABSENT:

James T. Vail

MEMBERS ABSTAINING:

At 10:45 AM, the August 21, 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