



WETLANDS BOARD

MINUTES

CITY OF VIRGINIA BEACH

10: 05 AM

CITY COUNCIL CHAMBER

SEPTEMBER 18, 2017

MEMBERS PRESENT:

LEONARD JOHNSON, CHAIRMAN

NILS S. BAHRINGER

STEPHEN B. BALLARD

MOLLY P. BROWN

JOASHUA SCHULMAN

MEMBERS ABSENT:

PATRICK SHULER

JAMES T. VAIL, VICE CHAIR

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

The September, 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 10:05 AM, September 18, 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.

**WILLIAM AND JOYCE GIBBINGS
APPLICATION NO. WTR-13-182**

PROJECT: Construct a bulkhead involving Wetlands

PROJECT LOCATION: 4128 Hermitage Point, contiguous to Thoroughgood Cove

REQUEST: Extension of Time

SPEAKER: FOR – David Gibbings

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

VOTE: 5-0 (VOICE VOTE)

MEMBERS VOTING AYE:

Nils Bahringer, Stephen B. Ballard, Molly P. Brown, Leonard Johnson and
Joashua Schulman

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Patrick Shuler and James T. Vail

MEMBERS ABSTAINING:

**CYNTHIA RICKMAN AND ALPHINE ROAD BOAT BASIN REAL ESTATE TRUST
APPLICATION No. 2016-WTRA-00132**

PROJECT: Construct riprap involving Wetlands
PROJECT LOCATION: Alphine Road Boat Basin, contiguous to Broad Bay
REQUEST: Extension of Time
SPEAKER: NO SPEAKER

Upon motion by Mr. Schulman, seconded by Ms. Brown, the request of **Cynthia Rickmān** and **Alphine Boat Basin Real Estate Trust** for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

VOTE: 5-0 (VOICE VOTE)

MEMBERS VOTING AYE:

Nils Bahringer, Stephen B. Ballard, Molly P. Brown, Leonard Johnson and
Joashua Schulman

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Patrick Shuler and James T. Vail

MEMBERS ABSTAINING

ROBERT LINCOLN
APPLICATION No. 2016-WTRA-00075

PROJECT: Construct riprap and a bulkhead involving wetlands

PROJECT LOCATION: 404 and 408 Wolfs Neck Tail contiguous to Eastern Branch of the Lynnhaven River

REQUEST: Extension of Time

SPEAKER: FOR –Robert Lincoln (Owner)

Upon Motion by Mr. Schulman, seconded by Ms. Brown, the Application of **Robert Lincoln, et. al.**, was **APPROVED**, for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

VOTE: 5-0 (VOICE VOTE)

MEMBERS VOTING AYE:

Nils Bahringer, Stephen B. Ballard, Molly P. Brown, Leonard Johnson and
Joashua Schulman

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Patrick Shuler and James T. Vail

MEMBERS ABSTAINING:

BRUCE MILLS
APPLICATION No. 2017-WTRA-00087

PROJECT: Dredge and construct riprap involving wetlands

PROJECT LOCATION: 613 and 617 Pinetree, contiguous to Buchanan Creek

SPEAKERS: FOR – Bruce Mills (Owner) and Robert E. Simon, Waterfront Consulting, Inc.
(Agent)

AGAINST –Trista Imrich, Lynnhaven River Now

Deferred from the April, May and July 2017, Public Hearings.

Mr. McKenna read the following document into the record:

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

Mr. Bruce Mills, Applicant, read the following and asked that become a part of the record:

1. Staff Comments on Agenda Item 4, Page 4, of the Wetlands Board Agenda & Staff Reports of April 17, 2017.

Upon Motion by Mr. Ballard to approve as submitted, seconded by Mr. Bahringer, the Application of Bruce Mills was **DENIED**.

VOTE: 3-2 (APPLICATION RECEIVED LESS THAN FOUR (4) AFFIRMATIVE VOTES, THE PERMIT IS DENIED)

MEMBERS VOTING AYE:

Nils Bahringer, Stephen B. Ballard and Leonard Johnson

MEMBERS VOTING NAY:

Molly P. Brown and Joashua Schulman

MEMBERS ABSENT:

Patrick Shuler and 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. Bruce Mills to dredge a channel and construct a stone revetment in Buchanan Creek in Virginia Beach (VMRC #17-0462). The proposed dredging includes a portion of Buchanan Creek and a spur into an unnamed cove between the two project properties. This cove is very shallow, with depths reaching half a foot below mean low water at the mouth. This large mudflat and shallow subaqueous bottom is non-vegetated, likely caused by shading from large trees as the shorelines at both properties have vegetated wetlands along Buchanan Creek where they receive more light. The non-vegetated wetland and associated shallow water area perform important ecosystem services and should not be discounted due to their lack of vegetation.

The proposed dredging in the cove extends approximately 35 feet landward of the mean low water line, much farther towards the head of the cove than the location of the proposed pier (though as drawings depicting both the final proposed dredge cut and the pier have not been submitted at this time, this is difficult to ascertain). There is little or no erosion evident at the location of the planned revetment and it appears to be proposed in an attempt to stabilize the area of shoreline that would be destabilized by the dredge cut. In order to minimize impacts to the non-vegetated wetland and shallow subaqueous bottom, we recommend moving the pier and dredge cut nearer to the mouth of the cove, which also would eliminate the need for the revetment. If this approach is deemed undesirable, then we recommend that the toe of the revetment extend below the depth of the dredge cut to reduce the potential of the dredging to undermine the structure.

The applicant may also wish to consider trimming the tree cover surrounding to cove to promote the growth of marsh vegetation.

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

Sincerely,



Emily Hein
Assistant to the Associate Dean
Research and Advisory Services

Summary of Proposal

The applicant proposes to maintenance dredge a portion of Buchanan Creek that was previously dredged in 2001/2002 to maintain a channel for recreational boating access. The proposed dredge depth is -3.0 with a 0.5 foot over-dredge. Dredge spoils will be loaded onto a hopper barge and taken to the City's transfer facility at Thalia. From there, the spoils will be loaded into sealed dump trucks and taken to the Whitehurst Dredged Material Disposal Area. The dredging will impact approximately 5,840 square feet of subaqueous bottom and 1,684 square feet of non-vegetated wetlands. In addition to dredging, the applicant is requesting a permit to construct 139 linear feet of Class 1 and 1A riprap, which will impact approximately 145 square feet of non-vegetated wetlands; however, this is a 1 for 1 conversion of non-vegetated mudflat to non-vegetated rock habitat. The applicant proposes payment of an in-lieu fee for both the dredging and riprap.

Evaluation and Staff Recommendations

The shoreline in this area is relatively flat with little wave action and no visible erosion. While the VIMS preferred shoreline BMP is for a living shoreline, Staff is of the opinion that there isn't enough light reaching the shoreline in this area to support a living shoreline without significant removal of trees. In addition, the desire to dredge the channel for boating access will narrow the shoreline and will make the bank profile more steep, both of which are unfavorable for establishing a living shoreline.

The applicant should note that prior to the release of the building permit it will be necessary to provide copies of the Thalia Dredge Transfer Site and Whitehurst Dredge Disposal Site use agreements.

The Department of Planning and Community Development Staff recommends that the application be approved as submitted.

NEIL C. THOMPSON
APPLICATION No. 2017-WTRA-0064

PROJECT: Construct bulkhead involving wetlands

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

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

Deferred from July 2017, Public Hearing.

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

1. The mean low water mark on sheet 6 of the drawings shall be correctly labeled.
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 permit.

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

VOTE: 5-0

MEMBERS VOTING AYE:

Nils Bahringer, Stephen B. Ballard, Molly P. Brown, Leonard Johnson and
Joashua Schulman

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Patrick Shuler and James T. Vail

MEMBERS ABSTAINING:

TIMOTHY HARDY
APPLICATION NO. 2017-WTRA-00200

PROJECT: Construct a revetment of interlocked concrete blocks with a geogrid (Flexamat) and a retaining wall involving wetlands

PROJECT LOCATION: 2605 Sandy Valley Road, contiguous to Lynnhaven River

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

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

1. The proposed Flexamat shall have an eighteen (18) inch toe-in.
2. The proposed retaining wall shall have a maximum height of 1.4 feet.
3. *Spartina alterniflora* shall be used in areas with elevations below Mean High Water, *Spartina Patens* shall be used in areas will elevations above Mean High Water.
4. 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.
5. Monitoring Plan for three (3) growing seasons, to include meetings with the Staff and photos in the Fall season.

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

VOTE: 5-0

MEMBERS VOTING AYE:

Nils Bahringer, Stephen B. Ballard, Molly P. Brown, Leonard Johnson and
Joashua Schulman

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Patrick Shuler and James T. Vail

MEMBERS ABSTAINING:

BARRY CROSS, ET. AL.
APPLICATION NO. 2017-WTRA-00196

PROJECT: Construct a revetment of interlocked concrete blocks with a geogrid (Flexamat) and a retaining wall involving wetlands and a beach

PROJECT LOCATION: 1420 North Woodhouse Road, contiguous to Linkhorn Bay

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

Upon Motion by Mr. Schulman, seconded by Ms. Brown, the application of **Barry Cross, et. al.**, was **APPROVED, AS SUBMITTED.**

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

VOTE: 5-0

MEMBERS VOTING AYE:

Nils Bahringer, Stephen B. Ballard, Molly P. Brown, Leonard Johnson and
Joashua Schulman

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Patrick Shuler and James T. Vail

MEMBERS ABSTAINING:

BLAKE CONVERSE
APPLICATION No. 2017-WTRA-00216

PROJECT: Construct a bulkhead involving wetlands

PROJECT LOCATION: 4345 Alfriends Trail, contiguous to Old Donation Creek

SPEAKER: FOR –Richard Calvert, Calvert Marine

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

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

VOTE: 5-0

MEMBERS VOTING AYE:

Nils Bahringer, Stephen B. Ballard, Molly P. Brown, Leonard Johnson and Joashua Schulman

MEMBERS VOTING NAY:


MEMBERS ABSENT:

Patrick Shuler and James T. Vail

MEMBERS ABSTAINING:

At 11:32 AM, the September 18, 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. Grudler
Deputy City Clerk II



Leonard Johnson
Chairman, Wetlands Board