



WETLANDS BOARD

MINUTES

CITY OF VIRGINIA BEACH

10: 12 AM

CITY COUNCIL CHAMBER

NOVEMBER 20, 2017

MEMBERS PRESENT:

LEONARD JOHNSON, CHAIRMAN

JAMES T. VAIL, VICE CHAIR,

NILS S. BAHRINGER

JEFFREY MARKS

MOLLY P. BROWN

JOASHUA SCHULMAN

PATRICK SHULER

MEMBERS ABSENT:

STEPHEN B. BALLARD

INDEX

OLD BUSINESS

WILLIAM A LYTLE	2016-WTRA-00202	5
SUN, MOON & STAR, LLC	2016-WTRA-00203	6
STUART M. GREENWOOD	2016-WTRA-00204	7
RESOURCE BUILDING CORPORATION	2016-WTRA-00205	8
WHITLEY TRUST	2016-WTRA-00206	9
KEITH A. ANDERSON	2016-WTRA-00207	10
GEORGE H. GLASS, JR.	2016-WTRA-00209	11
MICHAEL JOHN LANDY	2016-WTRA-00214	12
LINDA KEPPLER	2016-WTRA-00198	13
SUNSET DEVELOPMENT OF NORTH VIRGINIA, LLC	2016-WTRA-00197	14
JAMES GEORGETTI	2016-WTRA-00210	15
JOSE S. AND MILAGROS D. GUNDAYAO	2016-WTRA-00212	16
LAWRENCE AND KATHLEEN RING	2016-WTRA-00234	17
JOHN AND BARBARA FOSTER	2016-WTRA-00195	18
BRADLEY AND ANNIE CARDWELL	2016-WTRA-00216	19
SEAN AND KIM LACROIX	2016-WTRA-00233	20
DAVID A. HEACOCK	2016-WTRA-00217	21

2444 SANDFIDDLER ROAD, LLC	2016-WTRA-00218	22
JOHN AND AUDREY SETTLE, LLC	2016-WTRA-00220	23
R. BOYD MECHOR	2016-WTRA-00179	24
CITY OF VIRGINIA BEACH	2016-WTRA-00057	25

NEW BUSINESS

DEPARTMENT OF NAVY	2017-WTRA-00257	26
ROBERT E. BRIGGS	2017-WTRA-00248	27
LAWRENCE K. CHANG	2017-WTRA-00262	28
JAMES S. CONWAY	2017-WTRA-00256	29
DAVID BOWEN	2016-WTRA-00095	30
JAMES D. MARX	2017-WTRA-00255	31
AJ POTTER INVESTMENTS, LLC, ET. AL.	2017-WTRA-00232	32

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

The November, 2017 Public Hearing for the Virginia Beach Wetlands Board was called to order by the Leonard Johnson, Chairman, in the City Council Chamber, Virginia Beach, Virginia, at 10:12 AM, November 20, 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. Charles McKenna.

WILLIAM A. LYTLE
APPLICATION No. 2016-WTRA-00202

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

PROJECT LOCATION: 2752 Sandfiddler Road, contiguous to Atlantic Ocean

REQUEST: Extension of Time

SPEAKER: For – No Speaker

Upon Motion by Mr. Vail, seconded by Ms. Brown, the request of **William A. Lytle** for a **ONE (1)** YEAR EXTENSION OF TIME was **GRANTED**.

VOTE: 7-0

MEMBERS VOTING AYE:

Nils S. Bahringer, Molly P. Brown, Leonard Johnson, Jeffrey Marks,
Joashua Schulman, Patrick Shuler and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Stephen B. Ballard

MEMBERS ABSTAINING:

SUN, MOON & STARS, LLC
APPLICATION No. 2016-WTRA-00203

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

PROJECT LOCATION: 2904 Sandfiddler Road, contiguous to Atlantic Ocean

REQUEST: Extension of Time

SPEAKER: No Speaker

Upon Motion by Mr. Vail, seconded by Ms. Brown, the request of Sun, Moon & Stars, LLC, for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

VOTE: 7-0

MEMBERS VOTING AYE:

Nils S. Bahringer, Molly P. Brown, Leonard Johnson, Jeffrey Marks,
Joashua Schulman, Patrick Shuler and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Stephen B. Ballard

MEMBERS ABSTAINING:

STUART M. GREENWOOD
APPLICATION No. 2016-WTRA-00204

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

PROJECT LOCATION: 2908 Sandfiddler Road, contiguous to Atlantic Ocean

REQUEST: Extension of Time

SPEAKER: No Speaker

Upon Motion by Mr. Vail, seconded by Ms. Brown, the request of **Stuart M. Greenwood** for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

VOTE: 7-0

MEMBERS VOTING AYE:

Nils S. Bahringer, Molly P. Brown, Leonard Johnson, Jeffrey Marks,
Joashua Schulman, Patrick Shuler and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Stephen B. Ballard

MEMBERS ABSTAINING:

**RESOURCE BUILDING CORPORATION
APPLICATION No. 2016-WTRA-00205**

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

PROJECT LOCATION: 3510 Sandfiddler Road, contiguous to Atlantic Ocean

REQUEST: Extension of Time

SPEAKER: No Speaker

Upon Motion by Mr. Vail, seconded by Ms. Brown, the request of **Resource Building Corporation** for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

VOTE: 7-0

MEMBERS VOTING AYE:

Nils S. Bahringer, Molly P. Brown, Leonard Johnson, Jeffrey Marks,
Joashua Schulman, Patrick Shuler and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Stephen B. Ballard

MEMBERS ABSTAINING:

WHITLEY TRUST
APPLICATION No. 2016-WTRA-00206

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

PROJECT LOCATION: 3528 Sandfiddler Road, contiguous to Atlantic Ocean

REQUEST: Extension of Time

SPEAKER: No Speaker

Upon Motion by Mr. Vail, seconded by Ms. Brown, the request of **Whitley Trust** for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

VOTE: 7-0

MEMBERS VOTING AYE:

Nils S. Bahringer, Molly P. Brown, Leonard Johnson, Jeffrey Marks,
Joashua Schulman, Patrick Shuler and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Stephen B. Ballard

MEMBERS ABSTAINING:

KEITH E. ANDERSON
APPLICATION No. 2016-WTRA-00207

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

PROJECT LOCATION: 3532 Sandfiddler Road, contiguous to Atlantic Ocean

REQUEST: Extension of Time

SPEAKER: For –No Speaker

Upon Motion by Mr. Vail, seconded by Ms. Brown, the request of Keith E. Anderson for a **ONE (1)** YEAR EXTENSION OF TIME was **GRANTED**.

VOTE: 7-0

MEMBERS VOTING AYE:

Nils S. Bahringer, Molly P. Brown, Leonard Johnson, Jeffrey Marks,
Joashua Schulman, Patrick Shuler and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Stephen B. Ballard

MEMBERS ABSTAINING:

GEORGE H. GLASS, JR.
APPLICATION No. 2016-WTRA-00209

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

PROJECT LOCATION: 3384 Sandfiddler Road, contiguous to Atlantic Ocean

REQUEST: Extension of Time

SPEAKER: No Speaker

Upon Motion by Mr. Vail, seconded by Ms. Brown, the request of **George H. Glass, Jr.**, for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

VOTE: 7-0

MEMBERS VOTING AYE:

Nils S. Bahringer, Molly P. Brown, Leonard Johnson, Jeffrey Marks,
Joashua Schulman, Patrick Shuler and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Stephen B. Ballard

MEMBERS ABSTAINING:

MICHAEL JOHN LANDY
APPLICATION NO. 2016-WTRA-00214

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

PROJECT LOCATION: 3536 Sandfiddler Road, contiguous to Atlantic Ocean

REQUEST: Extension of Time

SPEAKER: For –No Speaker

Upon Motion by Mr. Vail, seconded by Ms. Brown, the request of **Michael John Landy** for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

VOTE: 7-0

MEMBERS VOTING AYE:

Nils S. Bahringer, Molly P. Brown, Leonard Johnson, Jeffrey Marks,
Joashua Schulman, Patrick Shuler and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Stephen B. Ballard

MEMBERS ABSTAINING:

LINDA KEPPLER
APPLICATION No. 2016-WTRA-00198

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

PROJECT LOCATION: 3680 Sandfiddler Road, contiguous to the Atlantic Ocean

REQUEST: Extension of Time

SPEAKER: For – No Speaker

Upon motion by Mr. Vail, seconded by Ms. Brown, the request of **Linda Keppler** for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

VOTE: 7-0

MEMBERS VOTING AYE:

Nils S. Bahringer, Molly P. Brown, Leonard Johnson, Jeffrey Marks,
Joashua Schulman, Patrick Shuler and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Stephen B. Ballard

MEMBERS ABSTAINING:

**SUNSET DEVELOPMENT OF NORTHERN VIRGINIA, LLC
APPLICATION No. 2016-WTRA-00197**

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

PROJECT LOCATION: 2768 Sandfiddler Road, contiguous to Atlantic Ocean

REQUEST: Extension of Time

SPEAKER: For –Steven Heinrich, Seaside Restoration

Upon Motion by Mr. Vail, seconded by Ms. Brown, the request of **Sunset Development of Northern Virginia, LLC**, for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

VOTE: 7-0

MEMBERS VOTING AYE:

Nils S. Bahringer, Molly P. Brown, Leonard Johnson, Jeffrey Marks,
Joashua Schulman, Patrick Shuler and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Stephen B. Ballard

MEMBERS ABSTAINING:

JAMES GEORGETTI
APPLICATION No. 2016-WTRA-00210

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

PROJECT LOCATION: 3688 Sandfiddler Road, contiguous to Atlantic Ocean

REQUEST: Extension of Time

SPEAKER: For –Steven Heinrich, Seaside Restoration

Upon Motion by Mr. Vail, seconded by Ms. Brown, the request of **James Georgetti** for a **ONE (1)** YEAR EXTENSION OF TIME was **GRANTED**.

VOTE: 7-0

MEMBERS VOTING AYE:

Nils S. Bahringer, Molly P. Brown, Leonard Johnson, Jeffrey Marks,
Joashua Schulman, Patrick Shuler and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Stephen B. Ballard

MEMBERS ABSTAINING:

**JOSE S. AND MILAGROS D. GUNDAYAO
APPLICATION No. 2016-WTRA-00212**

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

PROJECT LOCATION: 3348 Sandfiddler Road, contiguous to Atlantic Ocean

REQUEST: Extension of Time

SPEAKER: FOR –Steven Heinrich, Seaside Restoration

Upon Motion by Mr. Vail, seconded by Ms. Brown, the request of **Jose S. and Milagros D. Gundayao** for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

VOTE: 7-0

MEMBERS VOTING AYE:

Nils S. Bahringer, Molly P. Brown, Leonard Johnson, Jeffrey Marks,
Joashua Schulman, Patrick Shuler and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Stephen B. Ballard

MEMBERS ABSTAINING:

**LAWRENCE AND KATHLEEN RING
APPLICATION NO. 2016-WTRA-00234**

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

PROJECT LOCATION: 2616 Sandfiddler Road, contiguous to Atlantic Ocean

REQUEST: Extension of Time

SPEAKER: FOR –Steven Heinrich, Seaside Restoration

Upon Motion by Mr. Vail, seconded by Ms. Brown, the request of **Lawrence and Kathleen Ring** for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

VOTE: 7-0

MEMBERS VOTING AYE:

Nils S. Bahringer, Molly P. Brown, Leonard Johnson, Jeffrey Marks,
Joashua Schulman, Patrick Shuler and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Stephen B. Ballard

MEMBERS ABSTAINING:

JOHN AND BARBARA FOSTER
APPLICATION NO. 2016-WTRA-00195

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

PROJECT LOCATION: 3276 Sandfiddler Road, contiguous to Atlantic Ocean

REQUEST: Extension of Time

SPEAKER: No Speaker

Upon Motion by Mr. Vail, seconded by Ms. Brown, the request of **John and Barbara Foster** for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

VOTE: 7-0

MEMBERS VOTING AYE:

Nils S. Bahringer, Molly P. Brown, Leonard Johnson, Jeffrey Marks,
Joashua Schulman, Patrick Shuler and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Stephen B. Ballard

MEMBERS ABSTAINING:

**BRADLEY AND ANNIE CARDWELL
APPLICATION NO. 2016-WTRA-00216**

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

PROJECT LOCATION: 3260 Sandfiddler Road, contiguous to Atlantic Ocean

REQUEST: Extension of Time

SPEAKER: No Speaker

Upon Motion by Mr. Vail, seconded by Ms. Brown, the request of **Bradley and Annie Cardwell** for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

VOTE: 7-0

MEMBERS VOTING AYE:

Nils S. Bahringer, Molly P. Brown, Leonard Johnson, Jeffrey Marks,
Joashua Schulman, Patrick Shuler and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Stephen B. Ballard

MEMBERS ABSTAINING:

**SEAN AND KIM LACROIX
APPLICATION No. 2016-WTRA-00233**

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

PROJECT LOCATION: 3420 Sandfiddler Road, contiguous to Atlantic Ocean

REQUEST: Extension of Time

SPEAKER: No Speaker

Upon Motion by Mr. Vail, seconded by Ms. Brown, the request of Sean and Kim LaCroix for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

VOTE: 7-0

MEMBERS VOTING AYE:

Nils S. Bahringer, Molly P. Brown, Leonard Johnson, Jeffrey Marks,
Joashua Schulman, Patrick Shuler and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Stephen B. Ballard

MEMBERS ABSTAINING:

DAVID A. HEACOCK
APPLICATION NO. 2016-WTRA-00217

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

PROJECT LOCATION: 2744 Sandfiddler Road, contiguous to Atlantic Ocean

REQUEST: Extension of Time

SPEAKER: No Speaker

Upon Motion by Mr. Vail, seconded by Ms. Brown, the request of **David A. Heacock** for a **ONE (1)** YEAR EXTENSION OF TIME was **GRANTED**.

VOTE: 7-0

MEMBERS VOTING AYE:

Nils S. Bahringer, Molly P. Brown, Leonard Johnson, Jeffrey Marks,
Joashua Schulman, Patrick Shuler and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Stephen B. Ballard

MEMBERS ABSTAINING:

2444 SANDFIDDLER ROAD, LLC
APPLICATION No. 2016-WTRA-00218

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

PROJECT LOCATION: 2444 Sandfiddler Road, contiguous to Atlantic Ocean

REQUEST: Extension of Time

SPEAKER: No Speaker

Upon Motion by Mr. Vail, seconded by Ms. Brown, the request of **2444 Sandfiddler Road, LLC**, for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

VOTE: 7-0

MEMBERS VOTING AYE:

Nils S. Bahringer, Molly P. Brown, Leonard Johnson, Jeffrey Marks,
Joashua Schulman, Patrick Shuler and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Stephen B. Ballard

MEMBERS ABSTAINING:

JOHN AND AUDREY SETTLE, LLC
APPLICATION NO. 2016-WTRA-00220

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

PROJECT LOCATION: 3400 Sandfiddler Road, contiguous to Atlantic Ocean

REQUEST: Extension of Time

SPEAKER: No Speaker

Upon Motion by Mr. Vail, seconded by Ms. Brown, the request of **John and Audrey Settle, LLC**, for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

VOTE: 7-0

MEMBERS VOTING AYE:

Nils S. Bahringer, Molly P. Brown, Leonard Johnson, Jeffrey Marks,
Joashua Schulman, Patrick Shuler and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Stephen B. Ballard

MEMBERS ABSTAINING:

R. BOYD MELCHOR
APPLICATION No. 2016-WTRA-00179

PROJECT: To construct riprap, sill and bulkhead involving wetlands
PROJECT LOCATION: 1244 Crystal Lake Circle, contiguous to Crystal Lake
REQUEST: Extension of Time
SPEAKER: For –Robert E. Simon, Waterfront Consulting, Inc., Agent for Applicant

Upon Motion by Mr. Vail, seconded by Ms. Brown, the request of R. Boyd Melchor for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

VOTE: 7-0

MEMBERS VOTING AYE:

Nils S. Bahringer, Molly P. Brown, Leonard Johnson, Jeffrey Marks,
Joashua Schulman, Patrick Shuler and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Stephen B. Ballard

MEMBERS ABSTAINING:

CITY OF VIRGINIA BEACH
APPLICATION No. 2016-WTRA-00057

PROJECT: To Request for modified approval to dredge the Chesapeake Colony Special Service District Neighborhood Dredging Project, involving wetlands.

PROJECT LOCATION: Adjacent to Chesapeake Colony

SPEAKER: No Speaker

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

VOTE: 7-0

MEMBERS VOTING AYE:

Nils S. Bahringer, Molly P. Brown, Leonard Johnson, Jeffrey Marks,
Joashua Schulman, Patrick Shuler and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Stephen B. Ballard

MEMBERS ABSTAINING:

**DEPARTMENT OF THE NAVY
APPLICATION No. 2016-WTRA-00257**

PROJECT: Temporary Excavation of the Beach for Floating Causeway at the Omaha Utah Training Area involving a Coastal Primary Sand Dune/Beach

PROJECT LOCATION: Joint Expeditionary Base Little Creek

SPEAKER: FOR –Pete Crum, NavFac Mid-Atlantic

Upon request by Mr. Patrick Shuler, Mr. Charles McKenna read the presentation into the record.

Upon motion by Mr. Vail, seconded by Ms. Brown, the application of **Department of the Navy** was **APPROVED, AS SUBMITTED.**

VOTE: 7-0

MEMBERS VOTING AYE:

Nils S. Bahringer, Molly P. Brown, Leonard Johnson, Jeffrey Marks,
Joashua Schulman, Patrick Shuler and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Stephen B. Ballard

MEMBERS ABSTAINING:

ROBERT E. BRIGGS
APPLICATION No. 2017-WTRA-00248

PROJECT: To Construct Bulkhead involving Wetlands

PROJECT LOCATION: 2923 Little Island Road, contiguous to North Bay Inlet

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

Upon Motion by Mr. Vail, seconded by Ms. Brown, the application of **Robert E. Briggs** was **APPROVED, AS SUBMITTED.**

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, Molly P. Brown, Leonard Johnson, Jeffrey Marks,
Joashua Schulman, Patrick Shuler and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Stephen B. Ballard

MEMBERS ABSTAINING:

LAWRENCE K. CHANG
APPLICATION No. 2017-WTRA-00262

PROJECT: To construct concrete soil stabilization mats (Flexamat) and riprap involving wetlands

PROJECT LOCATION: 949 Diggs Lane, contiguous to Eastern Branch Lynnhaven River

SPEAKER: FOR –Richard Calvert, Calvert Marine

Upon Motion by Mr. Vail, seconded by Ms. Brown, the application of Lawrence K. Chang was **APPROVED, AS MODIFIED**, WITH THE FOLLOWING CONDITIONS:

1. Any trees that are removed for installation of the Flexamat or rip rap shall be mitigated on site at a 1:1 ratio. New trees shall be located in the 50' Seaward Buffer.
2. Revised plans shall be submitted to Virginia Marine Resource 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 use of on-site compensation.

VOTE: 7-0

MEMBERS VOTING AYE:

Nils S. Bahringer, Molly P. Brown, Leonard Johnson, Jeffrey Marks,
Joashua Schulman, Patrick Shuler and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Stephen B. Ballard

MEMBERS ABSTAINING:

JAMES S. CONWAY
APPLICATION NO. 2017-WTRA-00256

PROJECT: To construct riprap with living shoreline involving wetlands

PROJECT LOCATION: 1901 Channel Points Lane, contiguous to Lynnhaven River

SPEAKERS: FOR –Eric Bartlett, Professional Construction Consultants, LLC
FOR/AGAINST –Trista Imrich, Lynnhaven River Now

Upon Motion by Mr. Vail, seconded by Ms. Brown, the application of **James S. Conway** was **APPROVED, AS MODIFIED**, WITH THE FOLLOWING CONDITION:

1. Revised plans depicting a cross section of the proposed wetlands mitigation area shall be submitted to Virginia Marine Resource 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 use of on-site compensation.

VOTE: 7-0

MEMBERS VOTING AYE:

Nils S. Bahringer, Molly P. Brown, Leonard Johnson, Jeffrey Marks,
Joashua Schulman, Patrick Shuler and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Stephen B. Ballard

MEMBERS ABSTAINING:

DAVID BOWEN
APPLICATION No. 2017-WTRA-00095

PROJECT: To construct a retaining wall involving wetlands construct

PROJECT LOCATION: 2820 Timber Neck Trail, contiguous to Eastern Branch Lynnhaven River

SPEAKERS: FOR – Carl Eason, Wolcott Rivers Gates
Peter Kardok, a Neighbor, 2829 Timber Neck Trail
Phillip Figueroa, a Neighbor, 2817 Timber Neck Trail

Upon Motion by Mr. Vail, seconded by Ms. Brown, the application of **David Bowen** was **APPROVED, AS MODIFIED, WITH THE FOLLOWING CONDITIONS:**

1. In the event the City of Virginia Beach permit modification to add the Bowen dredge basin is not approved, this approval shall be void.
2. The retaining wall must be constructed prior to the dredging.
3. On the application revise:
 - Item 4 Page 5 –change the sequence to excavate, construct riprap, and then remove the bulkhead. Add construction of the retaining wall.
 - Item 10 Page 7 to include the compensation sequence.
 - Item 2 Page 14 – include current pier length.
 - Items 1, 2, &3 Page 16 to include marsh toe wall information.
4. On the application drawings, show the Chesapeake Colony SSD dredge cut (sheet 2 and 3).

No Net Loss of wetlands on this project was achieved first by the use of on-site compensation and then in-lieu fee if necessary.

VOTE: 7-0

MEMBERS VOTING AYE:

Nils S. Bahringer, Molly P. Brown, Leonard Johnson, Jeffrey Marks,
Joashua Schulman, Patrick Shuler and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Stephen B. Ballard

MEMBERS ABSTAINING:

JAMES D. MARX
APPLICATION No. 2017-WTRA-00255

PROJECT: To construct riprap and a bulkhead

PROJECT LOCATION: 485 Goodspeed Road contiguous to Rainy Gut

SPEAKER: FOR – Eric Bartlett, Professional Construction Consultants, LLC

Upon Motion by Mr. Vail, seconded by Ms. Brown, the application of **James D. Marx** was **APPROVED, AS SUBMITTED.**

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, Molly P. Brown, Leonard Johnson, Jeffrey Marks,
Joashua Schulman, Patrick Shuler and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Stephen B. Ballard

MEMBERS ABSTAINING:

**AJ POTTERS INVESTMENTS, LLC, ET. AL.
APPLICATION No. 2017-WTRA-00232**

PROJECT: To construct a bulkhead involving wetlands

PROJECT LOCATION: 1539 McCullough Lane, Contiguous to Linkhorn Bay

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

Upon Motion by Mr. Vail, seconded by Ms. Brown, the application of **AJ Potters Investments, LLC, et. al.** was **APPROVED, AS MODIFIED**, WITH THE FOLLOWING CONDITIONS:

1. A Wetlands Board permit of the bulkhead proposed at the +5-foot elevation will not be released until the 2-foot depth of fill on the property has been approved by the CBPA Board.
2. The project shall be revised to show on-site mitigation at a rate of 1:1.
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.

Wetlands Compensation will be achieved on by on-site compensation

VOTE: 7-0

MEMBERS VOTING AYE:

Nils S. Bahringer, Molly P. Brown, Leonard Johnson, Jeffrey Marks,
Joashua Schulman, Patrick Shuler and James T. Vail

MEMBERS VOTING NAY:

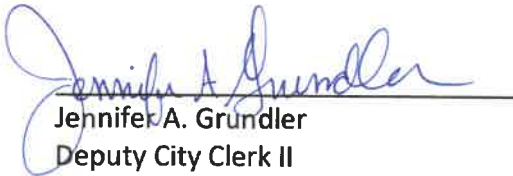
MEMBERS ABSENT:

Stephen B. Ballard

MEMBERS ABSTAINING:

At 11:23 AM, the November 20, 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