

**WETLANDS BOARD**

CITY OF VIRGINIA BEACH

10:00 AM

CITY COUNCIL CHAMBER

JANUARY 17, 2017

**MEMBERS PRESENT:**

LEONARD A. JOHNSON, CHAIRMAN, PRESIDING

JAMES T. VAIL, VICE CHAIRMAN

STEPHEN B. BALLARD

NILS S. BAHRINGER

JASON BARNEY

MOLLY P. BROWN

CINDY HAWKS WHITE

**MEMBERS ABSENT:**

PATRICK SHULER

KENNETH D. JOBE

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

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

Chairman 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.

**CHRISTOPHER AND MILDRED ARMAO  
APPLICATION No. 2016-WTRA-00257**

**PROJECT:** To construct bulkhead by replacing 23 feet of bulkhead that failed during Hurricane Matthew.

**PROJECT LOCATION:** 2809 Bluebill Drive, contiguous to Bass Inlet

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

Upon motion by Mr. Vail, seconded by Ms. Brown, the application of **Christopher and Mildred Armao** 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:**

Stephen B. Ballard, Nils S. Bahringer, Jason Barney, Molly P. Brown,  
Leonard A. Johnson, James T. Vail, and Cindy Hawks White

**MEMBERS VOTING NAY:**

**MEMBERS ABSENT:**

Kenneth D. Jobe and Patrick Shuler

**MEMBERS ABSTAINING:**

**JOHN S. MILLER, III**  
**APPLICATION NO. 2016-WTRA-00272**

**PROJECT:** To construct an approximately 89 linear foot, two 10 foot return walls, and two 15 foot 6 inch wave screen on either side of the existing concrete boat ramp.

**PROJECT LOCATION:** 3045 Little Island Road, contiguous to Whiskey Creek

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

Upon motion by Mr. Vail, seconded by Brown, the application of **John S. Miller, III**, was **APPROVED, AS SUBMITTED.**

No net loss of wetlands on this project was achieved by the use of an of an in-lieu fee.

**VOTE:** 7 – 0

**MEMBERS VOTING AYE:**

Stephen B. Ballard, Nils S. Bahringer, Jason Barney, Molly P. Brown,  
Leonard A. Johnson, James T. Vail, and Cindy Hawks White

**MEMBERS VOTING NAY:**

**MEMBERS ABSENT:**

Kenneth D. Jobe and Patrick Shuler

**MEMBERS ABSTAINING**

**THOMAS ARATA**  
**APPLICATION NO. 2016-WTRA-00242**

**PROJECT:** Sand Management - excavation of sand

**PROJECT LOCATION:** 3272 Sandfiddler Road, contiguous to Atlantic Ocean

**SPEAKER:** For –James Barton

Upon motion by Mr. Vail, seconded by Ms. Brown, the application of **Thomas Arata** 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 cannot be placed on the beach and must be disposed of offsite in a lawful manner.
3. If the excavated sand is clean beach quality sand may be placed upon the beach in accordance with the following conditions:
  - A single unvegetated access way 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 Public Beach Access ways.
  - 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 will not authorize construction of any type of structure or any activity.
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), please 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 must 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 must 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 & Community Development recommends that the existing vegetation or

American Beachgrass be sprigged twelve (12) feet 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:**

Stephen B. Ballard, Nils S. Bahringer, Jason Barney, Molly P. Brown,  
Leonard A. Johnson, James T. Vail, and Cindy Hawks White

**MEMBERS VOTING NAY:**

**MEMBERS ABSENT:**

Kenneth D. Jobe and Patrick Shuler

**MEMBERS ABSTAINING:**

**BENJAMIN PROTO**  
**APPLICATION NO. 2016-WTRA-00259**

**PROJECT:** Sand Management- excavation of sand

**PROJECT LOCATION:** 3612 Sandfiddler Road, contiguous to Atlantic Ocean

**SPEAKER:** FOR –James Adair, Resource Building Corporation

Upon motion by Mr. Vail, seconded by Ms. Brown, the application of **Benjamin Proto**, 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 cannot be placed on the beach and must be disposed of offsite in a lawful manner.
3. If the excavated sand is clean beach quality sand may be placed upon the beach in accordance with the following conditions:
  - A single unvegetated access way 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 Public Beach Access ways.
  - Any sand placed within one-hundred (100) of mean high water shall be evenly graded along the beach berm (flat dry portion of the beach).
4. The Sand Management permit will not authorize construction of any type of structure or any activity.
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), please 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 must 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 must 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 & Community Development recommends that the existing vegetation or American Beachgrass be sprigged twelve (12) on center during the winter months, five (5) seaward from the new crest, over the crest, and halfway down the newly created backslope.

**VOTE: 7-0**

**MEMBERS VOTING AYE:**

Stephen B. Ballard, Nils S. Bahringer, Jason Barney, Molly P. Brown,  
Leonard A. Johnson, James T. Vail, and Cindy Hawks White

**MEMBERS VOTING NAY:**

**MEMBERS ABSENT:**

Kenneth D. Jobe and Patrick Shuler

**MEMBERS ABSTAINING:**

**GREG FOSTER**  
**APPLICATION NO. 2016-WTRA-00260**

**PROJECT:** Sand Management - excavation of sand

**PROJECT LOCATION:** 2636 Sandfiddler Road, contiguous to Atlantic Ocean

**SPEAKER:** FOR –James Barton

Upon motion by Mr. Vail, seconded by Ms. Brown, the application of **Greg Foster** 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 cannot be placed on the beach and must be disposed of offsite in a lawful manner.
3. If the excavated sand is clean beach quality sand may be placed upon the beach in accordance with the following conditions:
  - A single unvegetated access way 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 Public Beach Access ways.
  - Any sand placed within one-hundred (100) of mean high water shall be evenly graded along the beach berm (flat dry portion of the beach).
4. The Sand Management permit will not authorize construction of any type of structure or any activity.
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), please 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 must 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 must 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 & Community Development recommends that the existing vegetation or American Beachgrass be sprigged twelve (12) 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:**

Stephen B. Ballard, Nils S. Bahringer, Jason Barney, Molly P. Brown,  
Leonard A. Johnson, James T. Vail, and Cindy Hawks White

**MEMBERS VOTING NAY:**

**MEMBERS ABSENT:**

Kenneth D. Jobe and Patrick Shuler

**MEMBERS ABSTAINING:**

**STEPHEN AND LISA SPEY**  
**APPLICATION No. 2016-WTRA-00261**

**PROJECT:** Sand Management - excavation of sand

**PROJECT LOCATION:** 2464 Sandfiddler Road, contiguous to Atlantic Ocean

**SPEAKER:** FOR –James Barton

Upon motion by Mr. Vail, seconded by Ms. Brown, the application of **Stephen and Lisa Spey** 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 cannot be placed on the beach and must be disposed of offsite in a lawful manner.
3. If the excavated sand is clean beach quality sand may be placed upon the beach in accordance with the following conditions:
  - A single unvegetated access way 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 Public Beach Access ways.
  - 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 will 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), please 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 must 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 must 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 & Community Development recommends that the existing vegetation or American Beachgrass be sprigged twelve (12) feet on center during the winter months, (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:**

Stephen B. Ballard, Nils S. Bahringer, Jason Barney, Molly P. Brown,  
Leonard A. Johnson, James T. Vail, and Cindy Hawks White

**MEMBERS VOTING NAY:**

**MEMBERS ABSENT:**

Kenneth D. Jobe and Patrick Shuler

**MEMBERS ABSTAINING:**

**FREDRICK AND MARGRET BABINOWICH  
APPLICATION No. 2016-WTRA-00263**

**PROJECT:** Sand Management: excavation of sand

**PROJECT LOCATION:** 2824 Sandfiddler Road, contiguous to Atlantic Ocean

**SPEAKER:** FOR –James Barton

Application of **Fredrick and Margret Babinowich** was withdrawn, by consensus.

David K. Compton, Planning and Community Developments, Wetlands Staff, made the following comments:

1. The removal of the sand landward of the bulkhead does not require a permit from the Board.
2. Clean beach quality sand can be placed out on the beach without a permit from the Board.

**VOTE:**

**MEMBERS VOTING AYE:**

**MEMBERS VOTING NAY:**


**MEMBERS ABSENT:**

Kenneth D. Jobe and Patrick Shuler

**MEMBERS ABSTAINING:**

At 10:37 AM, the January 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.



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Jennifer A. Grundler  
Deputy City Clerk II



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Leonard A. Johnson  
Chairman, Wetlands Board