



**WETLANDS BOARD**

**MINUTES**

CITY OF VIRGINIA BEACH

10:19 AM

CITY COUNCIL CHAMBER

JUNE 19, 2017

**MEMBERS PRESENT:**

LEONARD JOHNSON, CHAIRMAN

JAMES T. VAIL, VICE CHAIRMAN

NILS S. BAHRINGER

MOLLY P. BROWN

JOASHUA SCHULMAN

PATRICK SHULER

CINDY HAWKS WHITE

**MEMBERS ABSENT:**

STEVEN B. BALLARD

## INDEX

### OLD BUSINESS

3323 SHORE DRIVE, LLC	WTR 15-017	4
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### NEW BUSINESS

CITY OF VIRGINIA BEACH, ET. AL.	2017-WTRA-00025	5
KEVIN COLLIER	2017-WTRA-00098	6
STEVEN TAUBMAN	2017-WTRA-00124	7
KATHY LIGON	2017-WTRA-00141	8
KRISTIE FATEHI	2017-WTRA-00149	9
ROBERT PETERSEN	2017-WTRA-00151	10
NASSER AND SIMIN HAMBAS	2017-WTRA-00147	11
RONALD RIPLEY	2017-WTRA-00150	12

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

The June, 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 10:19 AM, June 19, 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.

**3323 SHORE DRIVE, LLC  
APPLICATION NO. WTR 15-027**

**PROJECT:** Construct Bulkhead involving wetlands.  
**PROJECT LOCATION:** 3323 Shore Drive contiguous to Lynnhaven Inlet  
**SPEAKER:** NO SPEAKER  
**REQUEST:** Extension of Time

Upon Motion by Mr. Vail, seconded by Ms. Brown, the request of **3323 Shore Drive, 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, Joashua Schulman,  
Patrick Shuler, James T. Vail and Cindy Hawks White

**MEMBERS VOTING NAY:**

**MEMBERS ABSENT:**

Stephen B. Ballard

**MEMBERS ABSTAINING:**

**CITY OF VIRGINIA BEACH, ET. AL.**  
**APPLICATION NO. 2016-WTRA-00025**

**PROJECT:** To dredge involving wetlands

**PROJECT LOCATION:** Gills Cove SSD Neighborhood, contiguous to Gills Cove, Eastern Branch of Lynnhaven River

**SPEAKERS:** FOR –Rommel B. Tamayo, City of Virginia Beach-Public Works, Coastal Engineering  
Tom B. Langley, Langley and McDonald Engineering

Upon Motion, by Mr. Vail, seconded by Ms. Brown, the Application of the City of Virginia Beach, et. al., was **APPROVED, AS SUBMITTED, SUBJECT TO:**

No Net Loss of wetlands on this project was achieved by payment of an in-lieu fee. As part of the Special Service District (SSD), the vegetated wetlands will be compensated at a 1:1 ratio, inclusive to the four (4) times buffer encroachment and the non-vegetated wetlands will be compensated at 0.5:1 ratio.

**VOTE: 7-0**

**MEMBERS VOTING AYE:**

Nils S. Bahringer, Molly P. Brown, Leonard Johnson, Joashua Schulman,  
Patrick Shuler, James T. Vail and Cindy Hawks White

**MEMBERS VOTING NAY:**

**MEMBERS ABSENT:**

Stephen B. Ballard

**MEMBERS ABSTAINING:**

**KEVIN COLLIER**  
**APPLICATION NO. 2017-WTRA-00098**

**PROJECT:** To construct boat ramp and retaining walls involving wetlands

**PROJECT LOCATION:** 316 Pintail Crescent contiguous to Back Bay

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

Upon Motion by Mr. Vail, seconded by Ms. Brown, the Application of **Kevin Collier** 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, Joashua Schulman,  
Patrick Shuler, James T. Vail and Cindy Hawks White

**MEMBERS VOTING NAY:**

**MEMBERS ABSENT:**

Stephen B. Ballard

**MEMBERS ABSTAINING:**

**STEVEN TAUBMAN**  
**APPLICATION No. 2017-WTRA-00124**

**PROJECT:** To construct bulkhead involving wetlands

**PROJECT LOCATION:** 3042 Lynndale Road, contiguous to Eastern Branch of  
Lynnhaven River

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

Upon Motion by Mr. Vail, seconded by Ms. Brown, the Application of **Steven Tauman** was **APPROVED, AS MODIFIED, WITH THE FOLLOWING CONDITIONS:**

1. Revise the cross sections reference points, and the toe of slope locations to more accurately represent field conditions. (i.e. cross section A-A for points A through B, Cross section B-B for points B through F, Cross section C-C for points F through G.)
2. The six trees identified for removal and replacement in kind shall be replaced landward of the shoreline so as not to shade the tidal fringe marsh.
3. The uplands areas excavated for onsite compensation shall be sprigged with *Spartina patens*.
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.

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, Joashua Schulman,  
Patrick Shuler, James T. Vail and Cindy Hawks White

**MEMBERS VOTING NAY:**

**MEMBERS ABSENT:**

Stephen B. Ballard

**MEMBERS ABSTAINING:**

**KATHY LIGON**  
**APPLICATION No. 2016-WTRA-00141**

**PROJECT:** To construct riprap involving wetlands  
**PROJECT LOCATION:** 2609 Moss Road contiguous to Broad Bay  
**SPEAKER:** FOR –Billy Garrington, Governmental Permitting Consultants

Mr. David K. Compton, Planning and Community Development, made the following comment:

1. The linear footage on the Plan for the riprap will be corrected.

Upon Motion by Mr. Vail, seconded by Ms. Brown, the Application of **Kathy Ligon** 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, Joashua Schulman, Patrick Shuler, James T. Vail and Cindy Hawks White

**MEMBERS VOTING NAY:**

**MEMBERS ABSENT:**

Stephen B. Ballard

**MEMBERS ABSTAINING:**



**KRISTIE FATEHI**  
**APPLICATION No. 2017-WTRA-00149**

**PROJECT:** To construct bulkhead involving wetlands

**PROJECT LOCATION:** 1224 Crystal Lake Circle, contiguous to Crystal Lake

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

Upon Motion, by Mr. Vail, seconded by Ms. Brown, the Application of **Kristie Fatehi** was **APPROVED, AS MODIFIED, WITH THE FOLLOWING CONDITIONS:**

1. The rear surface of the proposed bulkhead sheeting shall be installed as close as possible to the existing timber bulkhead.
2. The removal of the walkway next to the vegetated wetlands and the removal of concrete the sprigging of said area as appropriate.

No Net Loss of wetlands on this project was achieved by a combination of on-site compensation and allow the balance of an in-lieu fee if there is a balance.

**VOTE:** 7-0

**MEMBERS VOTING AYE:**

Nils S. Bahringer, Molly P. Brown, Leonard Johnson, Joashua Schulman,  
Patrick Shuler, James T. Vail and Cindy Hawks White

**MEMBERS VOTING NAY:**

**MEMBERS ABSENT:**

Stephen B. Ballard

**MEMBERS ABSTAINING:**

**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.

AGAINST –Trista Imrich, Lynnhaven River Now

Upon Motion by Mr. Vail, seconded by Ms. Brown, the request of **Robert Petersen** for a **SIXTY (60) DAY DEFERRAL** was **GRANTED**.

**VOTE:** 7-0

**MEMBERS VOTING AYE:**

Nils Bahringer, Molly P. Brown, Leonard Johnson, Joashua Schulman,  
Patrick Shuler, James T. Vail and Cindy Hawks White

**MEMBERS VOTING NAY:**

**MEMBERS ABSENT:**

Stephen B. Ballard

**MEMBERS ABSTAINING:**

**NASSER AND SIMIN HAMBAZ**  
**APPLICATION No. 2017-WTRA-00147**

**PROJECT:** To construct bulkhead involving a Coastal Primary Sand Dune/Beach

**LOCATION:** 3540 Sandfiddler Road, contiguous to Atlantic Ocean

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

Upon Motion by Mr. Vail, seconded by Ms. Brown, the Application of **Nasser and Simin Hambaz** was **APPROVED, AS MODIFIED, WITH THE FOLLOWING CONDITIONS:**

1. Excavated sand that contains debris or rubble shall not be placed on the beach and shall be disposed of offsite in a lawful manner.
2. Any existing dune vegetation removed shall be re-installed seaward of the new bulkhead to the greatest extent practicable.
3. Revised plans reflective of Conditions 1 and 2 shall be submitted to VMRC, 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 S. Bahringer, Molly P. Brown, Leonard Johnson, Joashua Schulman,  
Patrick Shuler, James T. Vail and Cindy Hawks White

**MEMBERS VOTING NAY:**

**MEMBERS ABSENT:**

Stephen B. Ballard

**MEMBERS ABSTAINING:**

**RONALD RIPLEY**  
**APPLICATION No. 2017-WTRA-00150**

**PROJECT:** To construct a fence involving a Coastal Primary Sand Dune/Beach

**PROJECT LOCATION:** 2900 Sandfiddler Road, contiguous to Atlantic Ocean

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

Mr. David K. Compton, Planning and Community Development, made the following comments:

1. Allow the fence to be installed at the same height of the adjacent fence.
2. Hand tools to excavate the sand to allow placement at the bottom of the fence.

The Board and the Applicant, Ronald Ripley, agreed to the comments above.

Upon Motion by Mr. Vail, seconded by Ms. Brown, the Application of **Ronald Ripley** was **APPROVED, AS MODIFIED, WITH THE FOLLOWING CONDITIONS:**

1. The bottom slats of the privacy fence shall be set at grade and the top of the fence shall be concurrent with the adjacent fence across the easement. Revised drawing reflective of the requirements shall be submitted to VMRC for review and ultimately approved by the Planning and Community Development prior to issuing a Permit.
2. In the future, should the applicant wish to excavate sand, including sand accumulated on the fence, a separate authorization will be required from the Wetlands Board.
3. The applicant is not authorized to excavate sand in the Public Beach Access and shall coordinate with Public Works Beach Operations regarding maintenance of the Public Beach Access.

**VOTE:** 7-0

**MEMBERS VOTING AYE:**

Nils S. Bahringer, Molly P. Brown, Leonard Johnson, Joashua Schulman,  
Patrick Shuler, James T. Vail and Cindy Hawks White

**MEMBERS VOTING NAY:**


**MEMBERS ABSENT:**

Stephen B. Ballard

**MEMBERS ABSTAINING:**

At 11:30 AM, the June 19, 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 Johnson  
Chairman, Wetlands Board