



**WETLANDS BOARD
MINUTES**

CITY OF VIRGINIA BEACH

CITY COUNCIL CHAMBER

AUGUST 19, 2019
10:04 AM

MEMBERS PRESENT:

CHAIRMAN, JAMES T. VAIL, PRESIDING

VICE CHAIR, JOASHUA SCHULMAN

STEPHEN BALLARD

JASON BARNEY

KATIE CRUM

CINDY HAWKS WHITE

MEMBERS ABSENT:

NILS S. BAHRINGER

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

The August 2019 Public Hearing for the Virginia Beach Wetlands Board was called to order by the Chair, James T. Vail, in the City Council Chamber, Virginia Beach, Virginia, at 10:04 AM, August 19, 2019.

The Chair 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 (VMRC) 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 Chair asked Staff if there were any changes in the planned Agenda. Mr. Compton announced that the Applications Item 8 (2019-WTRA-00148) and Item 9 (2019-WTRA-00149) were combined under Item 8.

The Chair announced that Stephen Ballard was present, and at 10:08 AM, Stephen Ballard entered the room.

The slide presentation for each application site was rendered by Mr. Charles McKenna.

INDEX

OLD BUSINESS –SAND MANAGEMENT

EARLE AND PATRICIA MULRANE	2017-WTRA-00131	4
THOMAS E. FRAIM	2017-WTRA-00172	5
LOUIS GELRUD	2017-WTRA-00170	6

OLD BUSINESS –WETLANDS

WILLIAM H. THUMEL	2018-WTRA-00017	7
FARINO LIVING TRUST	2019-WTRA-00092	8

NEW BUSINESS –WETLANDS

JEFFREY AND JESSICA GRANT	2019-WTRA-00142	9
ROBERT T. COLLINS	2019-WTRA-00143	10
BRUCE THOMPSON	2019-WTRA-00148/ 2019-WTRA-00149	11
WILLIAM J. PRICE	2019-WTRA-00159	12
JAMES AND JULIETA CONRAD	2019-WTRA-00160	13
COVE POINT CONDOMINIUMS	2019-WTRA-00161	14
LINKHORN INVESTMENTS CO.	2019-WTRA-00046	15

RESTORATION

THOMAS ARATA	2019-WTRV-00002	16
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**EARLE AND PATRICIA MULRANE
APPLICATION No.: 2017-WTRA-00131**

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

PROJECT LOCATION: 2740 Sandfiddler Road, contiguous Atlantic Ocean

REQUEST: Extension of Time

SPEAKER: **FOR** –None

Upon Motion by Mr. Schulman, seconded by Mr. Barney, the request of **Earle and Patricia Mulrane** for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

VOTE: 6-0

MEMBERS VOTING AYE:

Stephen Ballard, Jason Barney, Katie Crum, Joshua Schulman,
James T. Vail and Cindy Hawks White

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Nils S. Bahringer

MEMBERS ABSTAINING:

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

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

PROJECT LOCATION: 1460 Sandfiddler Road, contiguous to Atlantic Ocean

REQUEST: Extension of Time

SPEAKER: FOR – NONE

Upon Motion by Mr. Schulman, seconded by Mr. Barney, the request of **Thomas E. Fraim** for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

VOTE: 6-0

MEMBERS VOTING AYE:

Stephen Ballard, Jason Barney, Katie Crum, Joshua Schulman,
James T. Vail and Cindy Hawks White

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Nils S. Bahringer

MEMBERS ABSTAINING:

LOUIS GELRUD
APPLICATION No.: 2017-WTRA-00170

PROJECT: To excavate sand involving a Coastal Primary Sand Dune/Beach
PROJECT LOCATION: 2840 Sandfiddler Road, contiguous to Atlantic Ocean
REQUEST: Extension of Time
SPEAKER: **FOR** – None

Upon Motion by Mr. Schulman, seconded by Mr. Barney, the request of **Louis Gelrud** for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

VOTE: 6-0

MEMBERS VOTING AYE:

Stephen Ballard, Jason Barney, Katie Crum, Joshua Schulman,
James T. Vail and Cindy Hawks White

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Nils S. Bahringer

MEMBERS ABSTAINING:

WILLIAM H. THUMEL
APPLICATION No.: 2018-WTRA-00017

PROJECT: To install riprap, replace bulkhead and overlay riprap involving wetlands

PROJECT LOCATION: 1344 East Bayshore Drive, contiguous to Crystal Lake

REQUEST: Extension of Time

SPEAKERS: **FOR** – Billy Garrington, Governmental Permitting Consultants

Upon Motion by Mr. Schulman, seconded by Mr. Barney, the request of **William H. Thumel** for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

VOTE: 6-0

MEMBERS VOTING AYE:

Stephen Ballard, Jason Barney, Katie Crum, Joshua Schulman,
James T. Vail and Cindy Hawks White

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Nils S. Bahringer

MEMBERS ABSTAINING:

**FARINO LIVING TRUST
APPLICATION No.: 2019-WTRA-00092**

PROJECT: To replace a bulkhead two (2) feet channelward involving wetlands
PROJECT LOCATION: 681 Thalia Point Road, contiguous to Western Branch of Lynnhaven River
SPEAKER: **FOR** – Robert E. Simon, Waterfront Consulting, Inc.

(This matter was deferred from the July 15, 2019, Wetlands Board Hearing)

Upon Motion by Mr. Schulman, seconded by Mr. Barney, the application of **Farino Living Trust** was **APPROVED, AS MODIFIED, WITH THE FOLLOWING CONDITION:**

1. The limits of fill shall be delineated on the Proposed Site Improvements sheet. Revised plans depicting this information shall be submitted to the Virginia Marine Resources Commission (VMRC) and ultimately approved by the Department of Planning and Community Development prior to the issuance of a building permit.

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

VOTE: 6-0

MEMBERS VOTING AYE:

Stephen Ballard, Jason Barney, Katie Crum, Joshua Schulman,
James T. Vail and Cindy Hawks White

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Nils S. Bahringer

MEMBERS ABSTAINING:

**JEFFREY AND JESSICA GRANT
APPLICATION No.: 2019-WTRA-00142**

PROJECT: To construct rip rap revetment involving wetlands

PROJECT LOCATION: 513 Chesapeake Trail, contiguous to man-made canal to Pine Tree branch

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

Upon Motion by Mr. Schulman, seconded by Mr. Barney, the application of **Jeffrey and Jessica Grant** was **APPROVED, AS MODIFIED, WITH THE FOLLOWING CONDITION:**

1. The riprap shall be constructed with an entrenched toe, and filter fabric shall be installed beneath the riprap.

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

VOTE: 6-0

MEMBERS VOTING AYE:

Stephen Ballard, Jason Barney, Katie Crum, Joshua Schulman,
James T. Vail and Cindy Hawks White

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Nils S. Bahringer

MEMBERS ABSTAINING:

ROBERT T. COLLINS
APPLICATION No.: 2019-WTRA-00143

PROJECT: To construct a bulkhead involving wetlands

PROJECT LOCATION: 12873 Bluebill Drive, contiguous Bass Inlet

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

Upon Motion by Mr. Schulman, seconded by Mr. Barney, the application of **Robert T. Collins**, was **APPROVED, AS SUBMITTED**.

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

VOTE: 6-0

MEMBERS VOTING AYE:

Stephen Ballard, Jason Barney, Katie Crum, Joshua Schulman,
James T. Vail and Cindy Hawks White

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Nils S. Bahringer

MEMBERS ABSTAINING:

BRUCE THOMPSON
APPLICATION NO.: 2019-WTRA-00148

PROJECT: To construct bulkhead involving wetlands

PROJECT LOCATIONS: 436, 456 and 464 Southside Road, contiguous to Lake Wesley

SPEAKER: **FOR** – Billy Garrington, Governmental Permitting Consultants

Mr. Compton announced for the record that 2019-WTRA-00148 and 2019-WTRA-00149 will be processed together. Mr. Garrington stated that 2019-WTRA-00149 is the same ownership and the lot that is to the South, the applicant will withdrawal.

Upon Motion by Mr. Schulman, seconded by Mr. Barney, the application of **Bruce Thompson (2019-WTRA-00148), combined with application No.: 2019-WTRA-00149, was APPROVED, AS MODIFIED, WITH THE FOLLOWING CONDITION:**

1. The location of the bulkhead and backfill shall be prohibited in the jurisdictional intertidal area. The bulkhead shall be relocated landward to the mean-high water mark.
2. Revised plans depicting the requirements in Condition 1 above shall be submitted to Virginia Marine Resources Commission (VMRC) and ultimately approved by the Department of Planning & Community Development prior to the issuance of a building permit.
3. Prior to release of the approved plans from the Planning & Community Department, evidence of an encroachment approval, or a determination from the Public Works Real Estate office that encroachment approval is not required, must be submitted to the Waterfront Operations office.

Wetlands compensation shall not be necessary due to the removal of structures from the wetlands feature.

VOTE: 5-0

MEMBERS VOTING AYE:

Jason Barney, Katie Crum, Joshua Schulman,
James T. Vail and Cindy Hawks White

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Nils S. Bahringer

MEMBERS ABSTAINING:

Stephen Ballard

Mr. Ballard abstained due to a personal relationship with the applicant.

WILLIAM J. PRICE
APPLICATION No.: 2019-WTRA-00159

PROJECT: To construct a bulkhead involving wetlands

PROJECT LOCATION: 333 Pike Circle, contiguous to Lake Wesley

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

Upon Motion by Mr. Schulman, seconded by Mr. Barney, the application of **William J. Price** was **APPROVED, AS SUBMITTED.**

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

VOTE: 6-0

MEMBERS VOTING AYE:

Stephen Ballard, Jason Barney, Katie Crum, Joshua Schulman,
James T. Vail and Cindy Hawks White

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Nils S. Bahringer

MEMBERS ABSTAINING:

**JAMES AND JULIETA CONRAD
2019-WTRA-00160**

PROJECT: To construct a bulkhead, rip rap sill, excavate and plant wetlands involving wetlands

PROJECT LOCATION: 639 Chesapeake Point, contiguous to Eastern Branch Lynnhaven River

SPEAKER: **FOR** – Richard Calvert, Calvert Marine

Upon Motion by Mr. Schulman, seconded by Mr. Barney, the application of **James and Julieta Conrad** was **APPROVED, AS MODIFIED, WITH THE FOLLOWING CONDITIONS:**

1. The use of slow release fertilizer, such as *Osmocote*, shall be used during the planting of the relocated *Spartina Alterniflora*.
2. A monitoring plan shall be provided and shall include the following “Following installation of the wetlands vegetation, an annual vegetation monitoring report shall be submitted in mid-August for three (3) years following approval. The annual report shall include photographs and a re-vegetation plan for any areas of where the vegetation has failed to establish.”
3. Revised plans shall be submitted to Virginia Marine Resources Commission (VMRC) and ultimately approved by the Department of Planning and Community Development prior to the issuance of a building permit.

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

VOTE: 6-0

MEMBERS VOTING AYE:

Stephen Ballard, Jason Barney, Katie Crum, Joshua Schulman,
James T. Vail and Cindy Hawks White

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Nils S. Bahringer

MEMBERS ABSTAINING:

**COVE POINT CONDOMINIUMS
2019-WTRA-00161**

PROJECT: To construct a bulkhead and rip rap sill involving wetlands

PROJECT LOCATION: 700 Oriole Drive, contiguous to Little Neck Creek

SPEAKER: **FOR** – Richard Calvert, Calvert Marine

Upon Motion by Mr. Schulman, seconded by Mr. Barney, the application of **Cove Point Condominiums** was **APPROVED, AS MODIFIED, WITH THE FOLLOWING CONDITIONS:**

1. The use of slow release fertilizer, such as *Osmocote*, shall be used during the planting of the relocated *Spartina Alterniflora*.
2. A monitoring plan shall be provided and shall include the following “Following installation of the wetlands vegetation, an annual vegetation monitoring report shall be submitted in mid-August for three (3) years following approval. The annual report shall include photographs and a re-vegetation plan for any areas of where the vegetation has failed to establish.”
3. Revised plans shall be submitted to Virginia Marine Resources Commission (VMRC) and ultimately approved by the Department of Planning and Community Development prior to the issuance of a building permit.

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

VOTE: 6-0

MEMBERS VOTING AYE:

Stephen Ballard, Jason Barney, Katie Crum, Joshua Schulman,
James T. Vail and Cindy Hawks White

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Nils S. Bahringer

MEMBERS ABSTAINING:

**LINKHORN INVESTMENTS Co., LLC
2019-WTRA-00046**

PROJECT: To construct a bulkhead involving wetlands

PROJECT LOCATION: 1525 McCullough Lane, contiguous to Linkhorn Bay

SPEAKER: **FOR** – Billy Garrington, Governmental Permitting Consultants

(This matter was scheduled at the July 15, 2019 for a Show Cause, and is before the Board August 19, 2019, as an After-the-Fact Application)

Upon Motion by Mr. Schulman, seconded by Ms. White, the application of **Linkhorn Investments Co., LLC** 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:

Stephen Ballard, Katie Crum, Joshua Schulman,
James T. Vail and Cindy Hawks White

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Nils S. Bahringer

MEMBERS ABSTAINING:

Jason Barney

Mr. Barney abstained due to having an interest in the project at 1525 McCullough Lane.

**THOMAS ARATA
2019-WTRV-0002**

RESTORATION HEARING

VIOLATION: Unauthorized sand grading involving a Coastal Primary Sand Dune/Beach

LOCATION: 3272 Sandfiddler Road, contiguous to Atlantic Ocean

SPEAKER: Thomas Arata

(This matter was scheduled at the July 15, 2019, Restoration Hearing)

Upon Motion by Mr. Schulman, seconded by Mr. Barney, **THOMAS ARATA** is **ORDERED** for the **RESTORATION** of 3272 Sandfiddler Road in accordance with the following conditions:

1. Restore the nine hundred (900) square foot denuded area with not less than nine hundred (900) sprigs of American Beach Grass and/or Sea Oats.
2. A monitoring plan shall be provided and shall include the following "Following installation of the wetlands vegetation, an annual vegetation monitoring report shall be submitted in October/November for three (3) years following approval. The annual report shall include photographs and a re-vegetation plan for any areas of where the vegetation has failed to establish."

VOTE: 6-0

MEMBERS VOTING AYE:

Stephen Ballard, Jason Barney, Katie Crum, Joshua Schulman,
James T. Vail and Cindy Hawks White

MEMBERS VOTING NAY:

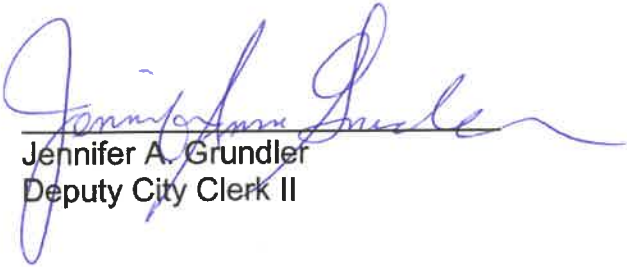
MEMBERS ABSENT:

Nils S. Bahringer

MEMBERS ABSTAINING:

At 11:18 AM, the August 19, 2019, Public Hearing of the Virginia Beach Wetlands Board was adjourned by the Chair, James T. Vail.

The comments of the Planning Department are on file with the City of Virginia Beach Planning Department.



Jennifer A. Grundle
Deputy City Clerk II



James T. Vail, Chair
Wetland Board