



**WETLANDS BOARD
MINUTES**

CITY OF VIRGINIA BEACH
10:03 AM
CITY COUNCIL CHAMBER

JANUARY 22, 2019

MEMBERS PRESENT:

CHAIRMAN, JAMES T. VAIL, PRESIDING

VICE CHAIR, JOASHUA SCHULMAN

STEPHEN BALLARD

NILS S. BAHRINGER

JASON BARNEY

KATIE CRUM

CINDY HAWKS WHITE

MEMBERS ABSENT:

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

The January, 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 10:03 AM, January 22, 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 slide presentation for each application site was rendered by Mr. Charles McKenna and Mr. David Compton.

BENJAMIN PROTO
APPLICATION No.: 2016-WTRA-00259

PROJECT: To excavate sand involving a Coastal Primary Sand Dune/Beach
PROJECT LOCATION: 3612 Sandfiddler Road contiguous to Atlantic Ocean
REQUEST: Extension of Time
SPEAKER: None

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

VOTE: 7-0

MEMBERS VOTING AYE:

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

MEMBERS VOTING NAY:

MEMBERS ABSENT:

MEMBERS ABSTAINING:

CHARLES G. BARKER, JR.
APPLICATION No.: 2018-WTRA-00002

PROJECT: To construct a marsh sill with sand backfill and plant vegetation involving wetlands

PROJECT LOCATION: 1048 Bobolink Drive, contiguous to Linkhorn Bay

REQUEST: Extension of Time

SPEAKER: None

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

VOTE: 7-0

MEMBERS VOTING AYE:

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

MEMBERS VOTING NAY:

MEMBERS ABSENT:

MEMBERS ABSTAINING:

SANJAY AND SONIA KAPOOR
APPLICATION No.: 2017-WTRA-00315

PROJECT: To remove existing filter cloth and rip rap, install Flex-a-mat, and plant vegetation involving wetlands

PROJECT LOCATION: 421 Wolfs Neck Trail, contiguous to Canal Tributary to Eastern Branch Lynnhaven River

REQUEST: Extension of Time

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

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

VOTE: 7-0

MEMBERS VOTING AYE:

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

MEMBERS VOTING NAY:

MEMBERS ABSENT:

MEMBERS ABSTAINING:

CASEY AND DENISE ROBINSON
APPLICATION No.: 2018-WTRA-00233

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

PROJECT LOCATION: 2848 Sandfiddler Road, contiguous to Atlantic Ocean

SPEAKERS: **FOR** – Robert E. Simon, Waterfront Consulting, Inc.
Daniel Yates, Sandbridge Marine Construction

Upon Motion by Ms. White, seconded by Ms. Crum, the application of **Casey and Denise Robinson** was **DEFERRED** to the **FEBRUARY 2019 PUBLIC HEARING**.

VOTE: 4-3

MEMBERS VOTING AYE:

Nils S. Bahringer, Jason Barney, Katie Crum and Cindy Hawks White

MEMBERS VOTING NAY:

Stephen Ballard, Joshua Schulman and James Vail

MEMBERS ABSENT:

MEMBERS ABSTAINING:

The following information was requested by members of the Wetlands Board in preparation for the February Hearing:

1. More information at the next Briefing from the City Attorney and Virginia Marine Resources Commission (VMRC).
2. The Deed that was referenced.
3. Clarification on whether there is anything that precludes the applicant from building landward from the easement line in front of the bulkhead.
4. It was noted that any FEMA information with regard to the history of loss is federally protected privacy information unless the applicant or agent bring that information forth. Information and testimony regarding the property in eminent danger is the responsibility of the applicant or their agent.

**PAMELA J. TURNER LIVING TRUST
APPLICATION No.: 2018-WTRA-00238**

PROJECT: To install a bulkhead involving Coastal Primary Sand Dune/Beach
PROJECT LOCATION: 3648 Sandfiddler Road, contiguous Atlantic Ocean
SPEAKER: FOR – Robert E. Simon, Waterfront Consulting, Inc.

Upon Motion by Mr. Schulman, seconded by Mr. Barney, the application of **Pamela J. Turner Living Trust** was **APPROVED, AS MODIFIED, WITH THE FOLLOWING CONDITIONS:**

1. The maximum limits of excavation shall be limited to fifteen (15) feet seaward of the bulkhead cap and to a depth no more than three feet below the bulkhead cap. An additional six (6) feet shall be allowed for grading of the 2:1 slope.
2. 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 also recommends that the existing vegetation or American Beachgrass be sprigged twelve (12) inches on center during the winter months, five (5) feet seaward from the new crest, over the crest, and halfway down the newly created backslope.
3. Excavated sand that contains debris or rubble shall not be placed on the beach and shall be disposed offsite in a lawful manner.
4. If the excavated sand is clean beach quality sand, it may be placed upon the beach in accordance with the following conditions:
 - a. A single unvegetated accessway to the beach is used to transport the sand.
 - b. No sand is to be placed upon existing dune vegetation.
 - c. No sand is to be placed within twenty (20) feet of a Public Beach Access.
 - d. 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).
5. 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 permit.

VOTE: 7-0

MEMBERS VOTING AYE:

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

MEMBERS VOTING NAY:

MEMBERS ABSENT:

MEMBERS ABSTAINING:

JAMES T. HILL
APPLICATION No.: 2018-WTRA-00235

PROJECT: To install a bulkhead involving a Coastal Primary Sand Dune/Beach
PROJECT LOCATION: 3644 Sandfiddler Road, contiguous to Atlantic Ocean
SPEAKER: FOR – Robert E. Simon, Waterfront Consulting, Inc.

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

1. The maximum limits of excavation shall be limited to fifteen (15) feet seaward of the bulkhead cap and to a depth no more than three feet below the bulkhead cap. An additional six (6) feet shall be allowed for grading of the 2:1 slope.
2. 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 also recommends that the existing vegetation or American Beachgrass be sprigged twelve (12) inches on center during the winter months, five (5) feet seaward from the new crest, over the crest, and halfway down the newly created backslope.
3. Excavated sand that contains debris or rubble shall not be placed on the beach and shall be disposed offsite in a lawful manner.
4. If the excavated sand is clean beach quality sand, it may be placed upon the beach in accordance with the following conditions:
 - a. A single unvegetated accessway to the beach is used to transport the sand.
 - b. No sand is to be placed upon existing dune vegetation.
 - c. No sand is to be placed within twenty (20) feet of a Public Beach Access.
 - d. 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).
5. 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 permit.

VOTE: 7-0

MEMBERS VOTING AYE:

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

MEMBERS VOTING NAY:

MEMBERS ABSENT:

MEMBERS ABSTAINING:

GRIFFITH I. BRINKLEY
APPLICATION No.: 2018-WTRA-00234

PROJECT: To construct a rip rap revetment and plant vegetation involving wetlands

PROJECT LOCATION: 1947 Clifton Road, contiguous to North Landing River

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

Upon Motion by Mr. Schulman, seconded by Mr. Barney, the application of **Griffith I. Brinkley** was **APPROVED, AS SUBMITTED.**

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

VOTE: 7-0

MEMBERS VOTING AYE:

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

MEMBERS VOTING NAY:

MEMBERS ABSENT:

MEMBERS ABSTAINING:

**WAYNE AND KIMBERLY JOHNSON
APPLICATION No.: 2018-WTRA-00236**

PROJECT: To construct a rip rap revetment involving wetlands
PROJECT LOCATION: 1951 Clifton Road, contiguous to North Landing River
SPEAKER: **FOR** – Robert E. Simon, Waterfront Consulting, Inc.

Upon Motion by Mr. Schulman, seconded by Mr. Barney, the application of **Wayne and Kimberly Johnson** was **APPROVED, AS MODIFIED, WITH THE FOLLOWING CONDITIONS:**

1. The rip rap from between points R5 and R6 shall be eliminated from halfway between the two (2) points to point R6.
2. Revised plans 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 the use of on-site compensation

VOTE: 7-0

MEMBERS VOTING AYE:

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

MEMBERS VOTING NAY:

MEMBERS ABSENT:

MEMBERS ABSTAINING:

**CITY OF VIRGINIA BEACH
WITCHDUCK POINT PIPE OUTFALL MAINTENANCE
APPLICATION No.: 2018-WTRA-00162**

PROJECT: To remove accumulated sediment and debris from existing 18-inch stormwater pipe involving wetlands

PROJECT LOCATION: 1109 Chelsea Court, contiguous Western Branch Lynnhaven River

SPEAKER: Mark Jones, Stormwater Manager - City of Virginia Beach Public Works Operations

Upon Motion by Mr. Schulman, seconded by Mr. Barney, the application **City of Virginia Beach Witchduck Point Pipe Outfall Maintenance** was **APPROVED, AS MODIFIED**, WITH THE FOLLOWING CONDITIONS:

1. The applicant shall provide a cross section showing the proposed locator trench with a note stating that the vegetated wetlands will be restored upon completion of the project.
2. Revised plans 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 permit.

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

VOTE: 6-0

MEMBERS VOTING AYE:

Nils S. Bahringer, Stephen Ballard, Jason Barney,
Joshua Schulman, James Vail and Cindy Hawks White

MEMBERS VOTING NAY:

MEMBERS ABSENT:

MEMBERS ABSTAINING:

Katie Crum

Katie Crum noted that she will be abstaining as that the applicant is represented by her employer, Kimley-Horn & Associates, Inc.

Chairman James Vail noted that he is a member of the Witchduck Civic League. The Witchduck Civic League has no position on this application and therefore, there is no conflict.

**2018-WTRV-0003
HE HUANG AND CHUI MEI CHEUNG
SHOW CAUSE HEARING**

VIOLATION: Unauthorized bulkhead retaining wall involving wetlands
LOCATION: 685 Thalia Point Road, contiguous to Western Branch Lynnhaven River
SPEAKER: FOR – Robert E. Simon, Waterfront Consulting, Inc.

Upon Motion by Ms. White, seconded by Mr. Barney, the SHOW CAUSE HEARING of **He Huang** and **Chui Mei Cheung** was **DEFERRED** to the **FEBRUARY 2019 PUBLIC HEARING**.

VOTE: 7-0

MEMBERS VOTING AYE:

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

MEMBERS VOTING NAY:

MEMBERS ABSENT:

MEMBERS ABSTAINING:

At 11:19 AM, the January 22, 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. Grundler
Deputy City Clerk II



James T. Vail, Chair
Wetland Board