



**WETLANDS BOARD  
MINUTES**

CITY OF VIRGINIA BEACH

CITY COUNCIL CHAMBER

SEPTEMBER 16, 2019  
10:03 AM

**MEMBERS PRESENT:**

CHAIRMAN, JAMES T. VAIL, PRESIDING

VICE CHAIR, JOASHUA SCHULMAN

STEPHEN BALLARD

KATIE CRUM

BENJAMIN J. MCFARLANE

**MEMBERS ABSENT:**

NILS S. BAHRINGER

JASON BARNEY

CINDY HAWKS WHITE

## INDEX

### NEW BUSINESS –COASTAL PRIMARY SAND DUNE/BEACH

MERLE AND CAROLYN FOSEEN	2019-WTRA-00164	4-5
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### NEW BUSINESS –WETLANDS

NICHOLAS THOMAS	2019-WTRA-00088	6
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ERIC POPP	2019-WTRA-00175	7
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LORNA C. DONATONE	2019-WTRA-00181	8
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CLARKE H. CRENSHAW, SR.	2019-WTRA-00179	9
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**WETLANDS BOARD  
VIRGINIA BEACH, VIRGINIA  
PUBLIC HEARING MINUTES**

The September 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, September 16, 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.

**MERLE AND CAROLYN FOSEEN/JEFFREY AND CECILIA WINSLOW  
APPLICATION No.: 2019-WTRA-00164**

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

**PROJECT LOCATION:** 3252 Sandfiddler Road, contiguous to Atlantic Ocean

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

Upon Motion by Mr. Schulman, seconded by Mr. McFarlane, the application of **Merle and Carolyn Foseen / Jeffrey and Cecilia Winslow** was **APPROVED, AS MODIFIED, WITH THE FOLLOWING CONDITIONS:**

1. The following notes, standards for bulkhead construction on the Atlantic Ocean, shall be added to the plans:
  - a. “The City of Virginia Beach does not verify or affirm the design and, in fact, does not recommend building bulkheads or hardening the shoreline on the Atlantic Ocean at Sandbridge, where shifting and eroding sand may cause failure of these bulkheads and structures.”
  - b. The design is at least equivalent to or better than the City of Virginia Beach Standard Wakefield design as shown in Appendix C of the Department of Public Works Specifications.”
2. Prior to any issuance of the building permit for the bulkhead, the applicant must eradicate the Beach Vitex and provide verification to Waterfront Operations of the Planning Department. The City-sponsored Beach Vitex eradication is scheduled for Fall 2019 and any construction activity shall be coordinated with an eradication plan/schedule. Please contact Mr. Charles McKenna at (757) 385-8483 for additional information.
3. 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.
4. 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.
5. Excavated sand that contains debris or rubble shall not be placed on the beach. Sand containing debris must be sifted to remove the debris prior to placement of sand on the beach, or the sand shall be disposed of offsite in a lawful manner.

6. If the excavated sand is clean beach quality sand, it may be placed upon the beach in accordance with the following conditions:
  - A single unvegetated accessway 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 a Public Beach Access.
  - Sand shall be evenly graded from the toe of the dune to Mean High Water.
  
7. 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), the property owner or their agent shall coordinate with Ms. Michelle Hamor in the ACOE Planning Branch at (757) 201-7491 to determine if authorization is required under Section 408.
  
8. Any existing dune vegetation removed shall be re-installed on the dune crest and face to the greatest extent practicable. The remaining dune crest and seaward face of the dune shall also be sprigged twelve (12)-inches on center with American Beach-grass, except for a single five (5)-foot wide access-way to the beach. The excavation of sand may occur any time of the year. The sprigging with American Beach-grass shall occur as soon as possible, however, **NOT** during the months of June, July, or August to afford the new plants the greatest chance of survival.
  
9. Valid Sand Management Permits can be reactivated multiple times within three (3)-years of the original approval; however, each time there is a need to move sand, the contractor or operator doing the work shall contact the Waterfront Operations office to schedule a pre-construction meeting at (757) 385-8246 prior to any site work or beginning excavation

**VOTE: 5-0**

**MEMBERS VOTING AYE:**

Stephen Ballard, Katie Crum, Benjamin J. McFarlane,  
Joshua Schulman and James T. Vail

**MEMBERS VOTING NAY:**

**MEMBERS ABSENT:**

Nils S. Bahringer  
JASON BARNEY  
Cindy Hawks White

**MEMBERS ABSTAINING:**

**NICHOLAS THOMAS**  
**APPLICATION No.: 2019-WTRA-00088**

**PROJECT:** To install a bulkhead involving wetlands

**PROJECT LOCATION:** 2948 Sand Bend Road, contiguous to man-made canal to North Bay

**SPEAKERS:** **FOR** – Jonathan Simon, Waterfront Consulting, Inc.

Upon Motion by Mr. Schulman, seconded by Mr. McFarlane, the application of **Nicholas Thomas** was **APPROVED, AS MODIFIED, WITH THE FOLLOWING CONDITION:**

1. All trees removed shall be mitigated on site at a 1:1 ratio. Note the plan accordingly.

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, Benjamin J. McFarlane,  
Joshua Schulman and James T. Vail

**MEMBERS VOTING NAY:**

**MEMBERS ABSENT:**

Nils S. Bahringer  
Jason Barney  
Cindy Hawks White

**MEMBERS ABSTAINING:**

**ERIC POPP**  
**APPLICATION No.: 2019-WTRA-00173**

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

**PROJECT LOCATION:** 329 Princess Anne Road, contiguous North Lynnhaven Rive

**SPEAKER:** **FOR** – Jim Cahoon, Bay Environmental, Inc.

Upon Motion by Mr. Schulman, seconded by Mr. McFarlane, the application of **Eric Popp** was **APPROVED, AS SUBMITTED.**

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

**VOTE:** **5-0**

**MEMBERS VOTING AYE:**

Stephen Ballard, Katie Crum, Benjamin J. McFarlane,  
Joshua Schulman and James T. Vail

**MEMBERS VOTING NAY:**

**MEMBERS ABSENT:**

Nils S. Bahringer  
Jason Barney  
Cindy Hawks White

**MEMBERS ABSTAINING:**

**LORNA C. DONATONE**  
**APPLICATION No.: 2019-WTRA-00181**

**PROJECT:** To relocate rip rap and install a bulkhead involving wetlands

**PROJECT LOCATIONS:** 1421 Blue Heron Road, contiguous to Eastern Branch of Lynnhaven River

**SPEAKER:** **FOR** – Jonathan Simon, Waterfront Consulting, Inc

Upon Motion by Mr. Schulman, seconded by Mr. McFarlane, the application of **Lorna C. Donatone** 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, Benjamin J. McFarlane,  
Joshua Schulman and James T. Vail

**MEMBERS VOTING NAY:**

**MEMBERS ABSENT:**

Nils S. Bahringer  
Jason Barney  
Cindy Hawks White

**MEMBERS ABSTAINING:**



**CLARK H. CRENSHAW, JR.**  
**APPLICATION No.: 2019-WTRA-00179**

**PROJECT:** To construct rip rap and rip rap sill involving wetlands

**PROJECT LOCATION:** 1216 Cedar Point Drive, contiguous to Crystal Lake

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

Mr. Simon stated for the record that a neighbor wrote a letter of protest to Virginia Marine Resources Commission (VMRC) with concerns of access to the site, parking on the street and crews work hours.

Upon Motion by Mr. Schulman, seconded by Mr. McFarlane, the application of **Clarke H. Crenshaw** was **APPROVED, AS SUBMITTED.**

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

**VOTE:** **5-0**

**MEMBERS VOTING AYE:**

Stephen Ballard, Katie Crum, Benjamin J. McFarlane,  
Joshua Schulman and James T. Vail

**MEMBERS VOTING NAY:**

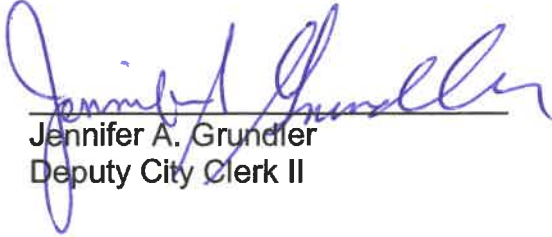
**MEMBERS ABSENT:**

Nils S. Bahringer  
Jason Barney  
Cindy Hawks White

**MEMBERS ABSTAINING:**

At 10:36 AM, the September 16, 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.



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Jennifer A. Grundler  
Deputy City Clerk II



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James T. Vail, Chair  
Wetland Board