



**WETLANDS BOARD
MINUTES**

CITY OF VIRGINIA BEACH
10:07 AM
CITY COUNCIL CHAMBER

SEPTEMBER 17, 2018

MEMBERS PRESENT:

CHAIRMAN, JAMES T. VAIL, PRESIDING

STEPHEN B. BALLARD
JASON BARNEY
MOLLY P. BROWN
JOASHUA SCHULMAN
PATRICK SHULER

MEMBERS ABSENT:

NILS S. BAHRINGER

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

The September, 2018 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 10:07 AM, September 17, 2018.

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.

**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 to Atlantic Ocean

REQUEST: Extension of Time

SPEAKER: No Speaker

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

VOTE: 6-0

MEMBERS VOTING AYE:

Stephen B. Ballard, Jason Barney, Molly P. Brown,
Joashua Schulman, Patrick Shuler and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Nils S. Bahringer

MEMBERS ABSTAINING:

**THOMAS E. FRAIM
2017-WTRA-00172**

PROJECT: To excavate sand involving a Coastal Primary Sand Dune/Beach
PROJECT LOCATION: 2460 Sandfiddler Road, contiguous to Atlantic Ocean
REQUEST: Extension of Time
SPEAKER: No Speaker

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

VOTE: 6-0

MEMBERS VOTING AYE:

Stephen B. Ballard, Jason Barney, Molly P. Brown,
Joashua Schulman, Patrick Shuler and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Nils S. Bahringer

MEMBERS ABSTAINING:

LOUIS GELRUD
APPLICATION No. 2018-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: No Speaker

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

VOTE: 6-0

MEMBERS VOTING AYE:

Stephen B. Ballard, Jason Barney, Molly P. Brown,
Joashua Schulman, Patrick Shuler and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Nils S. Bahringer

MEMBERS ABSTAINING:

**BRANDON AND JILL LOFTUS
APPLICATION No. 2018-WTRA-00193**

PROJECT: To dredge and construct a bulkhead involving wetlands

PROJECT LOCATION: 3741 Little Neck Point, contiguous to Western Branch Lynnhaven River

REQUEST: Extension of Time

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

Upon Motion by Mr. Schulman, seconded by Ms. Brown, the request of **Brandon and Jill Loftus** for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

VOTE: 6-0 (VOICE VOTE)

MEMBERS VOTING AYE:

Stephen B. Ballard, Jason Barney, Molly P. Brown,
Joashua Schulman, Patrick Shuler and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Nils S. Bahringer

MEMBERS ABSTAINING:

SANFORD DOWDY, III
APPLICATION No. 2018-WTRA-00145

PROJECT: To install a bulkhead involving wetlands

PROJECT LOCATION: At and adjacent to 2409 Sandpiper Road, contiguous to North Bay

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

Upon Motion by Mr. Schulman, seconded by Ms. Brown, the application of **Sanford Dowdy, III**, was **APPROVED, AS MODIFIED**, WITH THE FOLLOWING CONDITIONS:

1. The height of the proposed bulkhead shall be limited to no more than 3.5 feet NAVD 88 in order to minimize required backfill.
2. All unauthorized rubble in front of the proposed bulkhead and the wooden pallet ramp shall be removed and disposed of offsite in a lawful manner.
3. Revised plans shall be submitted to the Virginia Marine Resources Commission (VMRC) and shall ultimately be 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 B. Ballard, Jason Barney, Molly P. Brown,
Joashua Schulman, Patrick Shuler and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Nils S. Bahringer

MEMBERS ABSTAINING:

MERRI TYRREL
APPLICATION No. 2018-WTRA-00147

PROJECT: To install a bulkhead 2' channelward of existing bulkhead involving wetlands

PROJECT LOCATION: 2912 Sand Bend Road, contiguous to North Bay

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

Upon Motion by Mr. Schulman, seconded by Ms. Brown, the application of **Merri Tyrrel** was **APPROVED, AS MODIFIED**, WITH THE FOLLOWING CONDITIONS:

1. The proposed bulkhead shall be limited to 3.5 feet NAVD 88 (no more than six (6) inches higher than the height of the applicant's existing bulkhead) in order to minimize backfill.
2. Revised plans shall be submitted to the Virginia Marine Resources Commission (VMRC) and shall ultimately be 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 payment of an in-lieu fee.

VOTE: 6-0

MEMBERS VOTING AYE:

Stephen B. Ballard, Jason Barney, Molly P. Brown,
Joashua Schulman, Patrick Shuler and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Nils S. Bahringer

MEMBERS ABSTAINING:

LOUIS AND ELLEN JONES
APPLICATION NO. 2018-WTRA-00154

PROJECT: To construct a riprap reventment involving wetlands

PROJECT LOCATION: 3902 Richardson Road, contiguous to Western Branch Lynnhaven River

SPEAKER: FOR – Robert E. Simon, Waterfront Consulting

Upon Motion by Mr. Schulman, seconded by Ms. Brown, the application of **Louis and Ellen Jones** was **APPROVED, AS MODIFIED**, WITH THE FOLLOWING CONDITIONS:

1. The proposed on-site compensation by placement of new riprap for the one hundred fifty (150) square feet of non-vegetated wetlands losses and sprigging of *Spartina* for the six hundred twenty-five (625) square feet of vegetated wetlands impacts.
2. Following installation of the wetlands vegetation, provide annual vegetation monitoring reports in mid-August for three years. The reports shall include pictures and a re-vegetation plan for any areas of the vegetation that failed to establish.”
3. The tree mitigation shown on the applicant’s Chesapeake Bay Protection Area buffer restoration plan, will also suffice as compensation for the twenty-one (21) trees to be removed in the footprint of the riprap.

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

VOTE: 6-0

MEMBERS VOTING AYE:

Stephen B. Ballard, Jason Barney, Molly P. Brown,
Joashua Schulman, Patrick Shuler and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Nils S. Bahringer

MEMBERS ABSTAINING:

JERAMY AND NATALIE BIGGIE
APPLICATION No. 2018-WTRA-00155

PROJECT: To remove an existing bulkhead and construct riprap reventment involving wetlands

PROJECT LOCATION: 409 Susan Constant Drive, contiguous to Canal at Crystal Lake (Stratton's Creek)

SPEAKER: No Speaker

Upon Motion by Mr. Schulman, seconded by Ms. Brown, the application of **Jeremy and Natalie Biggie** was **DEFERRED TO THE OCTOBER 2018 WETLANDS PUBLIC HEARING.**

VOTE: 6-0

MEMBERS VOTING AYE:

Stephen B. Ballard, Jason Barney, Molly P. Brown,
Joashua Schulman, Patrick Shuler and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Nils S. Bahringer

MEMBERS ABSTAINING:

**THOMAS AND BARBARA JOYNT
APPLICATION No. 2018-WTRA-00157**

PROJECT: To install a bulkhead 2' channelward of existing bulkhead involving wetlands

PROJECT LOCATION: 1332 Kingsfisher Court, contiguous to Linkhorn Bay

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

Upon Motion by Mr. Schulman, seconded by Ms. Brown, the application of **Thomas and Barbara Joynt** was **APPROVED, AS MODIFIED**, WITH THE FOLLOWING CONDITION:

1. The proposed bulkhead shall be constructed according to the plans stamped on August 15, 2018.
2. A Civil Permit for CBPA Buffer Restoration shall be obtained concurrent with the building permit for the proposed bulkhead. All required restoration must be installed within ninety (90) days after issuance of the building permit.

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

VOTE: 6-0

MEMBERS VOTING AYE:

Stephen B. Ballard, Jason Barney, Molly P. Brown,
Joashua Schulman, Patrick Shuler and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Nils S. Bahringer

MEMBERS ABSTAINING:

**VIRGINIA BEACH WETLANDS BOARD
ELECTION OF VICE CHAIR**

Upon motion by Ms. Brown, seconded by Mr. Barney, **Mr. Joashua Schulman** was elected to serve as Vice Chair for the remainder of the term.

VOTE: 6-0 (VOICE VOTE)

MEMBERS VOTING AYE:

Stephen B. Ballard, Jason Barney, Molly P. Brown,
Joashua Schulman, Patrick Shuler and James T. Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Nils S. Bahringer

MEMBERS ABSTAINING:

At 10:39 AM, the September 17, 2018, 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