



**WETLANDS BOARD
MINUTES**

CITY OF VIRGINIA BEACH
10:00 AM
CITY COUNCIL CHAMBER
FEBRUARY 20, 2017

MEMBERS PRESENT:

JAMES T. VAIL, VICE CHAIRMAN, ACTING AS CHAIRMAN, PRESIDING

STEPHEN B. BALLARD
PATRICK SHULER
RICHARD WHITTEMORE
MOLLY P. BROWN
CINDY HAWKS WHITE

MEMBERS ABSENT:

LEONARD A. JOHNSON, CHAIRMAN
NILS S. BAHRINGER
KENNETH D. JOBE (RESIGNED)

INDEX

OLD BUSINESS

EUGENE LOVING	2015-WTRA-00041	4
MERLE AND MONICA GILLEY	2016-WTRA-00245	5

NEW BUSINESS

MOIRA DEVLIN CULP REVOCABLE LIVING TRUST	2016-WTRA-00237	6
JOHN N. MACKAY, JR.	2016-WTRA-00280	7
ROBERT OLIVER AND MARY BRADLEY	2016-WTRA-00281	8
DAVID AND JEAN DRAPER	2017-WTRA-00018	9
HARBOUR GATE OWNERS ASSOCIATION, INC.	2017-WTRA-00013	10
STEVE DOUCETTE	2017-WTRA-00017	11
GIL AND MARNIE TITSCH	2016-WTRA-00273	12-13
3652 SANDFIDDLER ROAD	2017-WTRA-00015	14-15
CYGNUS PROPERTIES, LLC	2017-WTRA-00019	16-17
MERMAID INN, LLC	2017-WTRA-00020	18-19
SHELL ASSOCIATES, LLC	2017-WTRA-00023	20-21
SHELL ASSOCIATES, LLC	2017-WTRA-00024	22-23
SHELL ASSOCIATES, LLC	2017-WTRA-00026	24-25
RONALD AND LOIS COHN	2017-WTRA-00027	26-27

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

The February, 2017 Public Hearing for the Virginia Beach Wetlands Board was called to order by the Vice Chair, James T. Vail, in the City Council Chamber, Virginia Beach, Virginia, at 10:00 AM, February 20, 2017.

Vice Chairman Vail, 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 Vice 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.

EUGENE LOVING
APPLICATION No. 2015-WTRA-00041

PROJECT: To construct riprap and pier involving wetlands

PROJECT LOCATION: 1000 Curlew Drive, contiguous to Little Neck Creek

SPEAKER: FOR- Robert E. Simon, Waterfront Consulting, Inc., on behalf of Richard Bartlett as he was unable to attend.

REQUEST: One year extension

Upon motion by Mr. Shuler, seconded by Ms. Brown, the request of **Eugene Loving** for a **ONE (1) YEAR EXTENSION OF TIME WAS GRANTED.**

VOTE: 6 – 0

MEMBERS VOTING AYE:

Stephen B. Ballard, Molly P. Brown, Patrick Shuler,
James T. Vail, Cindy Hawks White and Richard Whittemore

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Nils S. Bahringer, Kenneth D. Jobe and Leonard A. Johnson

MEMBERS ABSTAINING:

MERLE AND MONICA GILLEY
APPLICATION No. 2016-WTRA-00245

PROJECT: Construct bulkhead involving 348 linear foot bulkhead channelward of existing bulkhead

PROJECT LOCATION: 4116 Hermitage Point, contiguous to Western Branch of the Lynnhaven River

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

This item was deferred from December 2016, Public Hearing.

Upon motion by Mr. Shuler, seconded by Brown, the application of **Merle and Monica Gilley** was **APPROVED, AS SUBMITTED, WITH THE FOLLOWING CONDITION:**

1. The conditions of the existing Chesapeake Bay Preservation Area (CBPA) variance, specifically the required buffer restoration and stormwater management facilities shall be documented on a revised site plan. Said plan shall be submitted to the Department of Planning and Community Development, Development Services Center (DSC) for review and approval prior to the issuance of a building permit for the bulkhead.

No net loss of wetlands of this project was achieved by the payment of an in-lieu fee.

VOTE: 6 – 0

MEMBERS VOTING AYE:

Stephen B. Ballard, Molly P. Brown, Patrick Shuler,
James T. Vail, Cindy Hawks White and Richard Whittemore

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Nils S. Bahringer, Kenneth D. Job, and Leonard A. Johnson

MEMBERS ABSTAINING

MOIRA DEVLIN CULP REVOCABLE LIVING TRUST, ET AL
APPLICATION No. 2016-WTRA-00237

PROJECT: Construct Bulkhead involving a 99 linear foot bulkhead and fixed wharf

PROJECT LOCATION: 2937 Sandpiper Road, contiguous to Bass Inlet

SPEAKERS: FOR –Moira Culp and Patrick Devlin, property owners

Upon motion by Mr. Shuler, seconded by Ms. Brown, the application of **Moira Delvin Culp Revocable Living Trust** was **APPROVED, AS MODIFIED, WITH THE FOLLOWING CONDITION:**

1. Phragmites Eradication Plan be submitted and the plantings replacement plantings be approved prior to taking place.

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, Molly P. Brown, Patrick Shuler,
James T. Vail, Cindy Hawks White and Richard Whittemore

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Nils S. Bahringer, Kenneth D. Jobe and Leonard A. Johnson

MEMBERS ABSTAINING:

JOHN N. MACKAY, JR.
APPLICATION No. 2016-WTRA-00280

PROJECT: Remove existing riprap rubble, install filter cloth, use existing rubble as core layer and install 92 linear feet of Class 1 and Class1A granite quarry stone rip rap.

PROJECT LOCATION: 2976 Sand Bend Road, contiguous to North Bay Inlet

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

Upon motion by Mr. Shuler, seconded by Ms. Brown, the application of **John N. Mackay, Jr.**, was **APPROVED, AS MODIFIED, WITH THE FOLLOWING CONDITION:**

1. Add a note to the submitted cross section stating that the existing riprap rubble will be sorted to remove inappropriate rubble, including but not limited to metal and bricks.

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, Molly P. Brown, Patrick Shuler,
James T. Vail, Cindy Hawks White and Richard Whittemore

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Nils S. Bahringer, Kenneth D. Jobe and Leonard A. Johnson

MEMBERS ABSTAINING:

**ROBERT OLIVER AND MARY BRADLEY
APPLICATION No. 2016-WTRA-00281**

PROJECT: Construct 345 linear feet of timber bulkhead. Excavate 335 square feet of upland and plant *Spartina Alterniflora*. Install open pile pier with a 4-pile and 2-pile boat lift.

PROJECT LOCATION: 429 Chesopeian Trail, contiguous to Eastern Branch of Lynnhaven River

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

AGAINST –Vince Bowhens on behalf of Lynnhaven River Now

Upon motion by Mr. Shuler, seconded by Ms. Brown, the application of **Robert Oliver and Mary Bradley** was **APPROVED, AS SUBMITTED.**

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, Molly P. Brown, Patrick Shuler,
James T. Vail, Cindy Hawks White and Richard Whittemore

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Nils S. Bahringer, Kenneth D. Jobe and Leonard A. Johnson

MEMBERS ABSTAINING:

**DAVID AND JEAN DRAPER
APPLICATION No. 2017-WTRA-00018**

PROJECT: Remove a failing bulkhead and construct a 100 linear foot bulkhead in the same footprint

PROJECT LOCATION: 2940 Sand Bend Road, contiguous to North Bay Inlet

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

Upon motion by Mr. Shuler, seconded by Ms. Brown, the application of **David and Jean Draper** was **APPROVED, AS SUBMITTED.**

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, Molly P. Brown, Patrick Shuler,
James T. Vail, Cindy Hawks White and Richard Whittemore

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Nils S. Bahringer, Kenneth D. Jobe and Leonard A. Johnson

MEMBERS ABSTAINING:

**HARBOUR GATE OWNERS ASSOCIATION INC.
APPLICATION NO. 2017-WTRA-00013**

PROJECT: Construct a Walkway involving a Coastal Primary Sand
Dune/Beach

PROJECT LOCATION: 3300 Ocean Shore Avenue, contiguous to Chesapeake Bay

SPEAKER: FOR – Chris Flint, Flint Construction

Upon motion by Mr. Shuler, seconded by Ms. Brown, the application of **Harbour Gate Owners Association, Inc.** was **APPROVED, AS SUBMITTED.**

VOTE: 6-0

MEMBERS VOTING AYE:

Stephen B. Ballard, Molly P. Brown, Patrick Shuler,
James T. Vail, Cindy Hawks White and Richard Whittemore

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Nils S. Bahringer, Kenneth D. Jobe and Leonard A. Johnson

MEMBERS ABSTAINING:

STEVE DOUCETTE
APPLICATION No. 2017-WTRA-00017

PROJECT: Construct a bulkhead involving a Coastal Primary Sand Dune/Beach

PROJECT LOCATION: 3244 Sandfiddler Road, contiguous to Atlantic Ocean

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

Upon motion by Mr. Shuler, seconded by Ms. Brown, the application of **Steve Doucette, was Inc. was APPROVED, AS SUBMITTED, SUBJECT TO:**

Two Comments from the City Staff:

1. Be advised that once the construction of the bulkhead in the City access is complete, that portion of the bulkhead shall become City property.
2. The level of sand seaward of the bulkhead and the public beach access shall be left level with the bulkhead cap in a state for the public to access the beach.

VOTE: 6-0

MEMBERS VOTING AYE:

Stephen B. Ballard, Molly P. Brown, Patrick Shuler,
James T. Vail, Cindy Hawks White and Richard Whitemore

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Nils S. Bahringer, Kenneth D. Jobe and Leonard A. Johnson

MEMBERS ABSTAINING:

GIL AND MARNIE TITSCH
APPLICATION NO. 2016-WTRA-00273

PROJECT: Sand Management –excavation of sand

PROJECT LOCATION: 3312 Sandfiddler Road, contiguous to Atlantic Ocean

SPEAKER: No Speaker

Upon motion by Mr. Shuler, seconded by Brown, the application of **Gil and Marnie Titsch**, was **APPROVED, AS SUBMITTED, WITH FOLLOWING CONDITIONS:**

1. 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.
2. Excavated sand that contains debris or rubble shall not be placed on the beach and shall be disposed of offsite in a lawful manner.
3. 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 access way 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 Public Beach Access ways.
 - 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).
4. The Sand Management Permit will not authorize construction of any type of structure or any activity other than the excavation or grading indicated.
5. 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), please coordinate with Ms. Michelle Hamor in the ACOE Planning Branch at (757) 201-7491 to determine if authorization is required under Section 408.
6. The contractor or operator doing the work shall contact the Waterfront Operations office at (757) 385-8246 to schedule a pre-construction meeting to occur prior to any site work or beginning excavation.
7. Valid Sand Management Permits can be reactivated multiple times whenever an excessive accumulation of sand affects infrastructure; however, the contractor or operator doing the work shall contact the Waterfront Operations office at (757) 385-8246 prior to any site work or beginning excavation.

8. 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 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.

VOTE: 6-0

MEMBERS VOTING AYE:

Stephen B. Ballard, Molly P. Brown, Patrick Shuler,
James T. Vail, Cindy Hawks White and Richard Whitemore

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Nils S. Bahringer, Kenneth D. Jobe and Leonard A. Johnson

MEMBERS ABSTAINING:

**3652 SANDFIDDLER ROAD
APPLICATION NO. 2017-WTRA-00015**

PROJECT: Sand Management –excavation of sand

PROJECT LOCATION: 3652 Sandfiddler Road, contiguous to Atlantic Ocean

SPEAKER: FOR –James Barton representing Dave Heacock

Upon motion by Mr. Shuler, seconded by Brown, the application of **3652 Sandfiddler Road, LLC**, was **APPROVED, AS SUBMITTED, WITH FOLLOWING CONDITIONS:**

1. 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.
2. Excavated sand that contains debris or rubble shall not be placed on the beach and shall be disposed of offsite in a lawful manner.
3. 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 access way 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 Public Beach Access ways.
 - 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).
4. The Sand Management Permit will not authorize construction of any type of structure or any activity other than the excavation or grading indicated.
5. 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), please coordinate with Ms. Michelle Hamor in the ACOE Planning Branch at (757) 201-7491 to determine if authorization is required under Section 408.
6. The contractor or operator doing the work shall contact the Waterfront Operations office at (757) 385-8246 to schedule a pre-construction meeting to occur prior to any site work or beginning excavation.
7. Valid Sand Management Permits can be reactivated multiple times whenever an excessive accumulation of sand affects infrastructure; however, the contractor or operator doing the work shall contact the Waterfront Operations office at (757) 385-8246 prior to any site work or beginning excavation.

8. 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 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.

VOTE: 6-0

MEMBERS VOTING AYE:

Stephen B. Ballard, Molly P. Brown, Patrick Shuler,
James T. Vail, Cindy Hawks White and Richard Whitemore

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Nils S. Bahringer, Kenneth D. Jobe and Leonard A. Johnson

MEMBERS ABSTAINING:

CYGNUS PROPERTIES, LLC
APPLICATION NO. 2017-WTRA-00019

PROJECT: Sand Management –excavation of sand

PROJECT LOCATION: 3628 Sandfiddler Road, contiguous to Atlantic Ocean

SPEAKER: No Speaker

Upon motion by Mr. Shuler, seconded by Brown, the application of **Cygnus Properties, LLC**, was **APPROVED, AS SUBMITTED, WITH FOLLOWING CONDITIONS:**

1. 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.
2. Excavated sand that contains debris or rubble shall not be placed on the beach and shall be disposed of offsite in a lawful manner.
3. 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 access way 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 Public Beach Access ways.
 - 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).
4. The Sand Management Permit will not authorize construction of any type of structure or any activity other than the excavation or grading indicated.
5. 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), please coordinate with Ms. Michelle Hamor in the ACOE Planning Branch at (757) 201-7491 to determine if authorization is required under Section 408.
6. The contractor or operator doing the work shall contact the Waterfront Operations office at (757) 385-8246 to schedule a pre-construction meeting to occur prior to any site work or beginning excavation.
7. Valid Sand Management Permits can be reactivated multiple times whenever an excessive accumulation of sand affects infrastructure; however, the contractor or operator doing the work shall contact the Waterfront Operations office at (757) 385-8246 prior to any site work or beginning excavation.

8. 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 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.

VOTE: 6-0

MEMBERS VOTING AYE:

Stephen B. Ballard, Molly P. Brown, Patrick Shuler,
James T. Vail, Cindy Hawks White and Richard Whitemore

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Nils S. Bahringer, Kenneth D. Jobe and Leonard A. Johnson

MEMBERS ABSTAINING:

MERMAID INN, LLC
APPLICATION NO. 2017-WTRA-00020

PROJECT: Sand Management –excavation of sand

PROJECT LOCATION: 3208 Sandfiddler Road, contiguous to Atlantic Ocean

SPEAKER: Reed Black on behalf of Mermaid Inn, LLC

Upon motion by Mr. Shuler, seconded by Brown, the application of **Mermaid Inn, LLC**, was **APPROVED, AS SUBMITTED, WITH FOLLOWING CONDITIONS:**

1. 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.
2. Excavated sand that contains debris or rubble shall not be placed on the beach and shall be disposed of offsite in a lawful manner.
3. 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 access way 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 Public Beach Access ways.
 - 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).
4. The Sand Management Permit will not authorize construction of any type of structure or any activity other than the excavation or grading indicated.
5. 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), please coordinate with Ms. Michelle Hamor in the ACOE Planning Branch at (757) 201-7491 to determine if authorization is required under Section 408.
6. The contractor or operator doing the work shall contact the Waterfront Operations office at (757) 385-8246 to schedule a pre-construction meeting to occur prior to any site work or beginning excavation.
7. Valid Sand Management Permits can be reactivated multiple times whenever an excessive accumulation of sand affects infrastructure; however, the contractor or operator doing the work shall contact the Waterfront Operations office at (757) 385-8246 prior to any site work or beginning excavation.

8. 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 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.

VOTE: 6-0

MEMBERS VOTING AYE:

Stephen B. Ballard, Molly P. Brown, Patrick Shuler,
James T. Vail, Cindy Hawks White and Richard Whittemore

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Nils S. Bahringer, Kenneth D. Jobe and Leonard A. Johnson

MEMBERS ABSTAINING:

SHELL ASSOCIATES, LLC
APPLICATION NO. 2017-WTRA-00023

PROJECT: Sand Management - excavation of sand

PROJECT LOCATION: 3264 Sandfiddler Road, contiguous to Atlantic Ocean

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

Upon motion by Mr. Shuler, seconded by Brown, the application of **Shell Associates, LLC**, was **APPROVED, AS SUBMITTED, WITH FOLLOWING CONDITIONS:**

1. 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.
2. Excavated sand that contains debris or rubble shall not be placed on the beach and shall be disposed of offsite in a lawful manner.
3. 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 access way 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 Public Beach Access ways.
 - 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).
4. The Sand Management Permit will not authorize construction of any type of structure or any activity other than the excavation or grading indicated.
5. 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), please coordinate with Ms. Michelle Hamor in the ACOE Planning Branch at (757) 201-7491 to determine if authorization is required under Section 408.
6. The contractor or operator doing the work shall contact the Waterfront Operations office at (757) 385-8246 to schedule a pre-construction meeting to occur prior to any site work or beginning excavation.
7. Valid Sand Management Permits can be reactivated multiple times whenever an excessive accumulation of sand affects infrastructure; however, the contractor or operator doing the work shall contact the Waterfront Operations office at (757) 385-8246 prior to any site work or beginning excavation.

8. 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 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.

VOTE: 6-0

MEMBERS VOTING AYE:

Stephen B. Ballard, Molly P. Brown, Patrick Shuler,
James T. Vail, Cindy Hawks White and Richard Whittemore

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Nils S. Bahringer, Kenneth D. Jobe and Leonard A. Johnson

MEMBERS ABSTAINING:

SHELL ASSOCIATES, LLC
APPLICATION NO. 2017-WTRA-00024

PROJECT: Sand Management - excavation of sand

PROJECT LOCATION: 2748 Sandfiddler Road, contiguous to Atlantic Ocean

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

Upon motion by Mr. Shuler, seconded by Brown, the application of **Shell Associates, LLC**, was **APPROVED, AS SUBMITTED, WITH FOLLOWING CONDITIONS:**

1. 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.
2. Excavated sand that contains debris or rubble shall not be placed on the beach and shall be disposed of offsite in a lawful manner.
3. 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 access way 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 Public Beach Access ways.
 - 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).
4. The Sand Management Permit will not authorize construction of any type of structure or any activity other than the excavation or grading indicated.
5. 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), please coordinate with Ms. Michelle Hamor in the ACOE Planning Branch at (757) 201-7491 to determine if authorization is required under Section 408.
6. The contractor or operator doing the work shall contact the Waterfront Operations office at (757) 385-8246 to schedule a pre-construction meeting to occur prior to any site work or beginning excavation.
7. Valid Sand Management Permits can be reactivated multiple times whenever an excessive accumulation of sand affects infrastructure; however, the contractor or operator doing the work shall contact the Waterfront Operations office at (757) 385-8246 prior to any site work or beginning excavation.

8. 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 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.
9. An additional fifteen (15) feet maximum of excavation beyond the twenty-six (26) foot excavation area and additional grading to create of a 2:1 slope shall be allowed. Revised plans showing these modifications shall be submitted to the Virginia Marine Resources Commission prior to the issuance of a Sand Management Permit.

VOTE: 6-0

MEMBERS VOTING AYE:

Stephen B. Ballard, Molly P. Brown, Patrick Shuler,
James T. Vail, Cindy Hawks White and Richard Whittemore

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Nils S. Bahringer, Kenneth D. Jobe and Leonard A. Johnson

MEMBERS ABSTAINING:

SHELL ASSOCIATES, LLC
APPLICATION NO. 2017-WTRA-00026

PROJECT: Sand Management - excavation of sand

PROJECT LOCATION: 2920 Sandfiddler Road, contiguous to Atlantic Ocean

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

Upon motion by Mr. Shuler, seconded by Brown, the application of **Shell Associates, LLC**, was **APPROVED, AS SUBMITTED, WITH FOLLOWING CONDITIONS:**

1. 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.
2. Excavated sand that contains debris or rubble shall not be placed on the beach and shall be disposed of offsite in a lawful manner.
3. 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 access way 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 Public Beach Access ways.
 - 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).
4. The Sand Management Permit will not authorize construction of any type of structure or any activity other than the excavation or grading indicated.
5. 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), please coordinate with Ms. Michelle Hamor in the ACOE Planning Branch at (757) 201-7491 to determine if authorization is required under Section 408.
6. The contractor or operator doing the work shall contact the Waterfront Operations office at (757) 385-8246 to schedule a pre-construction meeting to occur prior to any site work or beginning excavation.
7. Valid Sand Management Permits can be reactivated multiple times whenever an excessive accumulation of sand affects infrastructure; however, the contractor or operator doing the work shall contact the Waterfront Operations office at (757) 385-8246 prior to any site work or beginning excavation.

8. 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 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.

VOTE: 6-0

MEMBERS VOTING AYE:

Stephen B. Ballard, Molly P. Brown, Patrick Shuler,
James T. Vail, Cindy Hawks White and Richard Whittemore

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Nils S. Bahringer, Kenneth D. Jobe and Leonard A. Johnson

MEMBERS ABSTAINING:

RONALD AND LOIS COHN
APPLICATION NO. 2017-WTRA-00027

PROJECT: Sand Management: excavation of sand

PROJECT LOCATION: 3228 Sandfiddler Road, contiguous to Atlantic Ocean

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

Upon motion by Mr. Shuler, seconded by Brown, the application of **Ronald and Lois Cohn**, was **APPROVED, AS SUBMITTED, WITH FOLLOWING CONDITIONS:**

1. 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.
2. Excavated sand that contains debris or rubble shall not be placed on the beach and shall be disposed of offsite in a lawful manner.
3. 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 access way 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 Public Beach Access ways.
 - 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).
4. The Sand Management Permit will not authorize construction of any type of structure or any activity other than the excavation or grading indicated.
5. 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), please coordinate with Ms. Michelle Hamor in the ACOE Planning Branch at (757) 201-7491 to determine if authorization is required under Section 408.
6. The contractor or operator doing the work shall contact the Waterfront Operations office at (757) 385-8246 to schedule a pre-construction meeting to occur prior to any site work or beginning excavation.
7. Valid Sand Management Permits can be reactivated multiple times whenever an excessive accumulation of sand affects infrastructure; however, the contractor or operator doing the work shall contact the Waterfront Operations office at (757) 385-8246 prior to any site work or beginning excavation.
8. 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 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.

9. Excavation shall be limited to an area thirty-three (33) feet seaward of the bulkhead to establish a fifteen (15) foot wide trench and an additional eighteen (18) foot area for grading to create a 2:1 slope to match the grade of the existing dune line. Excavated sand shall be used to fill in the unvegetated low areas in the existing dune system.

VOTE: 6-0

MEMBERS VOTING AYE:

Stephen B. Ballard, Molly P. Brown, Patrick Shuler,
James T. Vail, Cindy Hawks White and Richard Whittemore

MEMBERS VOTING NAY:


MEMBERS ABSENT:

Nils S. Bahringer, Kenneth D. Jobe and Leonard A. Johnson

MEMBERS ABSTAINING:

At 11:23 AM, the February 20, 2017, Public Hearing of the Virginia Beach Wetlands Board was adjourned by Vice Chairman 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
Vice Chairman, Wetlands Board