Wetlands Board Minutes
City of Virginia Beach
10:00 a.m.
City Council Chamber
July 18, 2016

Members Present:

Stephen B. Ballard, Chairman, Presiding
Leonard A. Johnson, Vice Chairman
Molly P. Brown
Kenneth D. Jobe
Patrick Shuler
James T. Vail

Members Absent:

Nils S. Bahringer
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Wetlands Board
Public Hearing Minutes

The July, 2016 Public Hearing for the Virginia Beach Wetlands Board was called to order by the Chair, Stephen B. Ballard, at 2405 Courthouse Drive, Building 1, City Council Chamber, Virginia Beach, Virginia, at 10:00 a.m. on Monday, July 18, 2016.

Chairman Ballard 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 days of this Board’s decision.

Approval expires one year from the date it is granted. A permit is normally extended, but not an approval. 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. McKenna.

Mr. Shuler read the Planning Department and Virginia Institute of Marine Science (VIMS) comments.
Proposal: Dredge involving wetlands

Location: 1825 Green Hill Road and 2261 Haversham Close, contiguous to Broad Bay

Speaker: Written request from Wayne McCoy, Mid Atlantic Environmental

Request: Reconsideration of conditions for application to dredge involving wetlands

Upon motion by Mr. Shuler, seconded by Ms. Brown, the request for reconsideration of conditions for the permit of CHELSEA WATERWAY ASSOCIATES INC. ET AL was APPROVED AS CONDITIONED, SUBJECT TO:

This request for reconsideration must be re-advertised and the advertising fee paid before the application will be placed on the next available Wetlands Board Public Hearing Agenda.

Vote: 6 - 0

Members Voting Aye:


Members Voting Nay:

Members Absent:

Nils S. Bahlinger

Members Abstaining:
Lynn Schoenbaum  
Application No. 2016-WTRA-00049

Proposal: Construct riprap revetment involving wetlands

Location: 1320 Penguin Circle, contiguous to Linkhorn Bay

Speaker: Billy Garrington, Governmental Permitting Consultants

Upon motion by Mr. Jobe, seconded by Ms. Brown, the permit of LYNN SCHOENBAUM 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:


Members Voting Nay:

Members Absent:

Nils S. Bahringer

Members Abstaining:
William and Chrys Morris  
Application No. 2016-WTRA-00063

Proposal: Construct riprap and plant wetlands involving wetlands

Location: 3013 Little Island Road, contiguous to Whiskey Creek

Speaker: Chris Flint, Flint Marine Construction

Upon motion by Mr. Jobe, seconded by Ms. Brown, the permit of William and Chrys Morris was Approved, as modified, subject to:

1. The Applicant is to either:
   a. Raise the elevation of the area proposed to be planted with needlerush (Juncus roemerianus) channelward of Mean High Water (MHW) at the toe of the proposed riprap to at or above MHW since needlerush (Juncus roemerianus) may not sustain at the lower elevation;

   OR

   b. Plant saltmarsh cordgrass (Spartina alterniflora) which typically grows between mid-tide and MHW in place of needlerush (Juncus roemerianus).

2. A monitoring plan shall be provided to Waterfront Operations annually and in the month of October, inclusive of photos, for no less than three growing seasons.

   No net loss of wetlands on this project was achieved partially on-site with any remaining balance compensated for by payment of an in-lieu fee.

Vote: 6 – 0

Members Voting Aye:


Members Voting Nay:

Members Absent:

   Nils S. Bahringer

Members Abstaining:
Cecil Cutchins and Richard C. Burroughs  
Application No. 2016-WTRA-00090

Proposal: Reconstruct riprap, fill, and plant wetlands involving wetlands

Location: 1073 and 1081 South Bay Shore Drive, contiguous to Linkhorn Bay

Speaker: Billy Garrington, Governmental Permitting Consultants

Upon motion by Mr. Jobe, seconded by Ms. Brown, the permit of Cecil Cutchins and Richard C. Burroughs was APPROVED, AS SUBMITTED.

No net loss of wetlands on this project was achieved by on site compensation.

Vote: 5 – 0

Members Voting Aye:


Members Voting Nay:

Members Absent:

Nils S. Bahringer

Members Abstaining:

James T. Vail
Michael and Nikki Foster  
Application No. 2016-WTRA-00099

Proposal:  Reconstruct riprap involving wetlands

Location:  1444 Carolyn Drive, contiguous to Linkhorn Bay

Speaker:  Jason Barney, Barney Environmental Inc.

Upon motion by Mr. Jobe, seconded by Ms. Brown, the permit of Michael and Nikki Foster was APPROVED, AS SUBMITTED.

No net loss of wetlands on this project was achieved by on site compensation for non-vegetated area impacts and by payment of an in-lieu fee for vegetated area impacts.

Vote:  6 – 0

Members Voting Aye:


Members Voting Nay:

Members Absent:

Nils S. Bahringer

Members Abstaining:
Mary Regan  
Application No. 2016-WTRA-00111

Proposal: Construct articulated concrete and mesh mat involving wetlands

Location: 3153 Adam Keeling Road, contiguous to Lynnhaven Bay

Speaker: Justin D. Worrell, Virginia Marine Resources Commission  
FOR – Robert Simon, Waterfront Consulting Inc.  
AGAINST – Trista Imrich, Lynnhaven River NOW

Upon motion by Mr. Jobe, seconded by Ms. Brown, the permit of MARY REGAN was APPROVED, AS MODIFIED, SUBJECT TO:

1. The management of woody vegetation along the shoreline to provide for optimum sunlight penetration.
2. A monitoring plan shall be provided to Waterfront Operations annually and in the month of October, inclusive of photos, for no less than three growing seasons.
3. A Phragmites eradication plan, if necessary.
4. City Staff are to be present during initial construction and report back to the Wetlands Board on installation and performance of the articulated concrete and mesh mat.

Mr. Jobe further requested the record to reflect that this application is somewhat experimental in nature and involves the use of a product new to Virginia Beach. Upon review of the monitoring plan, the Board reserves the right to review the use of the Flexamat Permanent Erosion Control product. This approval does not set a precedent for the use of this product.

No net loss of wetlands on this project was achieved by on site compensation and payment of an in-lieu fee.

Vote: 6 – 0

Members Voting Aye:


Members Voting Nay:

Members Absent:

Nils S. Bahringer

Members Abstaining:

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Mary S. Jones  
Application No. 2016-WTRA-00114

Proposal: Construct a bulkhead and riprap revetment involving wetlands

Location: 2213 Windward Shore Drive, contiguous to Broad Bay

Speaker: Robert Simon, Waterfront Consulting Inc.

Upon motion by Mr. Jobe, seconded by Ms. Brown, the permit of MARY S. JONES was APPROVED, AS MODIFIED, SUBJECT TO:

1. Clearly show and label the location of the proposed filter fabric beneath the riprap.

2. Identify the locations of Cross Sections A-A and B-B on Sheet 3 of 9.

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

Vote: 5 – 1

Members Voting Aye:

Stephen B. Ballard, Molly P. Brown, Kenneth D. Jobe, Patrick Shuler, James T. Vail

Members Voting Nay:

Leonard A. Johnson

Members Absent:

Nils S. Bahringer

Members Abstaining:
At 11:28 a.m., the July 18, 2016 Public Hearing of the Virginia Beach Wetlands Board was adjourned by Chairman Ballard.

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

Jennifer K. Farr-Brewer  
Deputy City Clerk II

Stephen B. Ballard, Chairman  
Wetlands Board