

THE COMISSION

- Phillip Davenport, *Chairman*
- Robert Magoon, *Vice Chairman*
- Morgan Ayers
- Joseph Bovee
- Wally Damon
- Charles Guthrie
- William Hearst
- Frank Rabena
- Stacey Shiflet
- Martin Thomas
- James Frankenfield, *Planning Commission*
- David Redman, *Planning Commission*
- Linwood Branch, *City Council*
- Delceno Miles, *City Council*
- Bruce Widener, *First Landing State Park*
- CAPT. Michael Witherspoon USN, *Commanding Officer, JEB Little Creek-Fort Story*

BAYLINES Returns!

After a long hiatus the Baylines Newsletter has returned!

Our goal is to bring you news from the Bayfront Area as it relates to the work of the Commission. The newsletter is produced by Paul Schubert and Christy Allen, volunteers to the commission. We hope to provide you a meaningful and useful letter, monthly.

Contact: vb.bac.communications@gmail.com

From the Agenda

July Presentations:

- Stop work order for CBF reefs -by Justin Worrell (Deputy Chief) and Tiffany Barge (Environmental Engineer) Habitat Management Division Virginia Marina Resources Commission
- Permit application of proposed aquaculture float application in Broad Bay -by Benn Stagg (Chief), Shellfish Division, Virginia Marine Resources Commission [Support Documents](#)
- Commission recommendation regarding the following: *AN ORDINANCE AUTHORIZING THE EXECUTION OF USE AGREEMENTS BETWEEN THE CITY AND INDIVIDUAL PROPERTY OWNERS PERMITTING USE OF THE CITY-OWNED LYNNHAVEN TRANSFER FACILITY FOR PRIVATE DREDGING PROJECTS* -by Dan Adams – Public Works
- Ocean Park Sand Replenishment -by Dan Adams – Public Works

August Presentations:

- Green Clean Car Wash Conditional Use Permit application – 4769 Shore Drive
- Discussion of Virginia Beach Commercial Areas Pattern Book – Draft: Exhibits [here](#)



Regarding Shell Fish...

The July BAC Meeting was very lengthy and well attended by interested parties to hear and discuss the Stop Work Order for Chesapeake Bay Foundation (CBF).

Mr. Worrell, with VMRC, talked about the history and actions that led to the stop work order on June 2, 2022. He reviewed handouts that included maps of the of the reefs with unauthorized material including Keeling Drain, Browns Cove, and Pleasure House. He also explained the subsequent Stop Work Order and Notice to Comply...posted [here](#).

Extensive discussion was had over the facts that led up to the orders and discussion of the notification process. Ms. Christie Everett, CBF; discussed the goal of restoring 26 more acres of oyster reefs, how reef locations are chosen, the fact that these reefs are not for commercial harvesting in perpetuity, and the benefits of the reefs. Ms. Karen Forget, Lynnhaven River Now (LRN) provided holistic comments regarding the goals of her organization and that they are working with CBF to comply with the VMRC directives.

Mr. Stagg, with Virginia Marine Resources Commission (VMRC) provided handouts regarding the recent application by First Landing Seafood Company that included a map with 14 cage locations near the Narrows in Broad Bay. Discussion centered on proper marking of the cages. Pros and Cons of surface versus underwater cages and notifications procedures by VMRC and the City. Recreational boaters in the audience and subsequently on social media expressed concerns over the application and public notice.

On the 23rd of August, VMRC considered the request from the Lynnhaven Oyster Company for 2100 floating Oyster cages to be placed in Broad Bay. The request was [denied](#) by a vote of 4 to 2.



Lynnhaven Wharf

The July meeting also included presentation from Dan Adams, VB Public Works, made an informational presentation and Commission recommendations regarding the proposed ordinance to allow private dredge project access to the Lynnhaven Transfer Facility (The Wharf).

He indicated that staff has received *two* requests for private residential dredging operations. He outlined the long-range plan set up by Waterways Commission to rely on three sites for dredging operations (including the Lynnhaven Wharf).

Historically, of this location:

- ✚ Purchased by the City in 1972
- ✚ Used as active stockpile for Resort Beach replenishment.
- ✚ Former federal easement released.
- ✚ Boat ramp and beach use constructed on northern 1/3 in 2002
- ✚ Active dredged material placement – Crab and Long Creeks
- ✚ Active stockpile for beach quality sand
- ✚ Extremely beneficial workspace for bridge project
- ✚ Prior proposal to construct wharf strongly opposed
- ✚ Opposition linked to Neighborhood Dredging program
- ✚ Bridge construction necessitated wharf
- ✚ Opposition led to permit condition: 'temporary'
- ✚ Permit was revised to allow facility to be designated as permanent infrastructure for waterway maintenance and access.

Discussion followed of recent public uses of the Wharf:

- Mooring of USACE dredges
- Offload for Crab & Long Creek dredging.
- Orsted / Dominion Energy Offshore Wind Project Temporary Operations Base (exclusive use granted with modest rent payment of \$1,000)
- Transfer and staging location for USACE Lynnhaven Ecosystem Restoration Project
- LRN oyster reef creation material transfer

He reviewed the summary of terms for private users:

- ✓ Hire a contractor to develop and manage the dredging and removal process
- ✓ Submit a copy of the contract and Project plans for City approval.
- ✓ City to be third party beneficiary to Agreement and Contractor's insurance.
- ✓ Use the Premises for transfer of dredged materials from waterborne vessels to dump trucks to be hauled to a disposal site, and for no other purpose.
- ✓ Obtain all necessary permits and provide copies to the City.
- ✓ Contractor will be required to purchase an Erosion and Sediment bond in an amount to be determined by City staff.
- ✓ Attend a Pre-construction meeting at the Premises with Public Works Engineering – Water Resources staff prior to commencement of the Project.
- ✓ Coordinate Project schedule with City staff and provide a final schedule of dredging and disposal activities at least 2 weeks prior to commencement of activity.
- ✓ Limit operations to daylight hours only between the hours of 7:00 a.m. – 4:00 p.m., Monday – Friday. 4 trucks load per hour, estimated.
- ✓ Term of use will be a maximum of sixty (60) working days.
- ✓ Maintain Premises during use and restore site to its prior condition upon completion of the Project

He concluded with the request of the Bayfront Advisory Commission provide its recommendation to City Council about approving an ordinance to allow private use of the Wharf for dredge operations. After some general discussion by commission members, Mr. Daniel Murphy, President of Ocean Park Civic League (OPCL), asked if BAC could continue the item after a presentation and public input from the OPCL could be obtained. Chair Davenport asked Mr. Adams if the continuance would delay the private projects. Mr. Adams indicated that there is a possibility of delay and he indicated that he intends to meet directly with Ocean Park Civic League on 8/4/22. {That future meeting with the OPCL offered no objection.}

Motion was made by Mr. Guthrie, second by Ms. Shiflet; that the Bayfront Advisory Commission recommends approval by City Council of the following ordinance stipulated in the official agenda:

AN ORDINANCE AUTHORIZING THE EXECUTION OF USE AGREEMENTS BETWEEN THE CITY AND INDIVIDUAL PROPERTY OWNERS PERMITTING USE OF THE CITY-OWNED LYNNHAVEN TRANSFER FACILITY FOR PRIVATE DREDGING PROJECTS The motion was approved by a vote of 6- 0.

Commissioners Thomas, Bovee, Hearst and Rabena were absent from the vote and Ms. Ayers abstained.

BEACH REPLENISHED !

Of a less confrontational topic and receiving great praise and appreciation, Mr. Adams reported on the completion of the Ocean Park beach replenishment!

This City project was a partnering with the Virginia Port Authority (VPA) to place approximately 400,000 cubic yards of beach quality sand along Ocean Park Beach. The work was performed by Great Lakes

Dredge & Dock Co. LLC (GLDD) out of Houston, Texas. The sand is being mined as part of the VPA's Thimble Shoal Channel deepening project. The beach restoration project limits were between the west side of Lesner Bridge and Rookery Way.

GLDD began sand placement operations on Monday, May 6th, 2022 completed just after the Independence day weekend; in which the annual Ocean Park firework celebration that was not hindered in the least!





Green Car Wash proposed.

A Green Car Wash is being planned to develop the long vacant commercial property site on the vacant corner of Pleasure House and Shore drive Grace Haverly of Kimley Horn made the introductory presentation to the commission, as depicted above.

This will require a Conditional Use permit for the B2 zoning for the property.

Design concerns were discussed over landscaping plan to include the possibly of a tall earthen berm to isolate the business from traffic; the always necessary dumpster concealment; and some thoughts on the color choice for the highly visible vacuum hoses!

Chairman Phil Davenport stated that the “commission’s intent, is to find the way forward !” (Sans saying no.)

Grace will return in Sept to the BAC for design updates.

The Green Car Wash is scheduled to stand before the Planning Commission in October

Virginia Beach Commercial Areas Pattern Book

Mention and display of the Comerccial Area Pattern book which was also presented to the Planning Commission last week which reviewed casual attention by that body.

The ‘Book’ was also vetted in front of a local focus group, though reactions were not reported

The intent of the ‘Book’ is a guideline for commercial area that need revitalization to provide a more consistent and appealing aesthetic.

Included, are resiliency guidelines that would be supported by a federal grant award that would be tied to it for homeowners. A program that needs more exposure to the community.

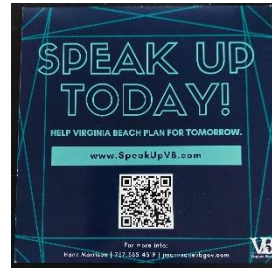
There will be a public meeting in late September.

ON THE WEB:

[HTTPS://WWW.VBGOV.COM/GOVERNMENT/DEPARTMENTS/PLANNING/2016COMPREHENSIVEPLAN/DOCUMENTS/COMMUNITY%20REVITALIZATION%20GUIDELINES/220727_CRG%20BOARDS WEB.PDF](https://www.vbgov.com/government/departments/planning/2016comprehensiveplan/documents/community%20revitalization%20guidelines/220727_CRG%20BOARDS_WEB.PDF)

OTHER NOTABLE COMMISSION BUSINESS:

- Ronna Marsh council District 8 candidate was in attendance.
- Upcoming council business scheduled:
 - Shore Drive CIP Phase 3 and 4 to discuss on August 23rd
 - The Lynnhaven Wharf usage ordinance to be discussed in Sept.
- Members: Morgan Ayers and William Hearst's terms up this year. They both seek reappointment
- Hank Morrison promoted the City SPEAK SURVEY



- Mark Shea discussed ridership numbers for the HRT - 4 Bayfront routes for viability.
 -and mention the free ride share 'Free Be' program was at no [direct]cost to the taxpayer
- Danny Murphy of Ocean Park reported on the area beaches being closed for high bacteria levels.
- He also mentioned the community's concern for Lynnhaven boat ramp being a rally point for street racing.

HOTLINKS

[Virginia Beach Government](#)

[Bayfront Advisory
Commission](#)

[Planning Commission](#)

[Virginia Marine Resources
Commission](#)

[First Landing State Park](#)

[JEB Little Creek – Ft. Story](#)



Frank Rabena brought to the group's attention, NOAA's proposal to reduce boat speed, to reduce the possibility of whale strikes. Points made that this would be a negative impact to local charter recreational and commercial fishing. He went on to make the argument that NOAA's data is inconclusive, more to the matter, insufficient.



Rule to Amend the North Atlantic Right Whale Vessel Speed Regulations Open for Comment

(From: NOAA.GOV)

NOAA Fisheries is proposing changes to the North Atlantic right whale [vessel speed rule](#) to further reduce the likelihood of lethal [vessel collisions](#). The changes would broaden the spatial boundaries and timing of seasonal speed restriction areas along the U.S. East Coast. They would also expand mandatory speed restrictions of 10 knots or less to include most vessels 35–65 feet in length.

"Collisions with vessels continue to impede North Atlantic right whale recovery. This proposed action is necessary to stabilize the ongoing right whale population decline, in combination with other efforts to address right whale entanglement and vessel strikes in the U.S. and Canada," said Janet Coit, Assistant Administrator for NOAA Fisheries.

During the past two and a half years alone NOAA Fisheries has documented four lethal (death and serious injury) right whale vessel strike events in U.S. waters. These events are impeding the species' recovery and contributing to the population's decline.

"We have made progress in addressing the threat of vessel strikes, but additional action is warranted to further reduce the risk of lethal strike events to ensure the species can get back on track to recovery," said Kim Damon-Randall, Director, Office of Protected Resources, NOAA Fisheries.

Comment on the Proposed Rule

The comment period for the proposed rule is open through September 30, 2022. You may submit comments electronically. NOAA Fisheries may not consider comments sent by any other method (such as e-mail or mail), to any other address or individual, or received after the end of the comment period.

For more information visit [NOAA Fisheries](#) on line

ABOUT the B.A.C.

- ✓ The BAC is tasked to review and make recommendations to the City Council regarding public and private projects, and issues associated with the Bayfront area; and projects or issues associated with the Bayfront area that the City Council may refer to the Commission.
- ✓ Length of Term: 3 years not to exceed 3 consecutive terms
- ✓ Meetings held on the 3rd Thursday each Month, 3:30 - 5:30 pm
- ✓ Composition: 16 Members;
 - 10 citizens in the Bayfront area.
 - 6 Ex-Officio Members who are Planning Commission and City Council Members from the Bayside and Lynnhaven Districts; [soon to be District 8 and 9]
 - Commanding Officer of Joint Expeditionary Base Little Creek – Fort Story
 - First Landing State Park Manager.
- ✓ City Staff Liaison: Hank Morrison; jmorrison@vbgov.com



NEXT MEETING:

15 SEPTEMBER 2022 3:30PM
OCEAN PARK VOLUNTEER RESCUE SQUAD
3769 E. STRATFORD DRIVE
(ENTER ON SIDE OPPOSITE SHORE DRIVE)

Add event to calendar

[Apple](#) [Google](#) [Office](#)
[365](#) [Outlook](#) [Outlook.com](#) [Yahoo](#)