

Wetlands Board Agenda

June 21, 2023



CITY OF
VIRGINIA
BEACH

VIRGINIA BEACH WETLANDS BOARD

PUBLIC HEARING PROCEDURES & AGENDA

A Public Hearing of the Virginia Beach Wetlands Board will be held on **Wednesday, June 21, 2023** at 10:00 a.m. in the New Council Chamber - 2401 Courthouse Drive, Building 1, Second Floor, Virginia Beach, VA.

An informal session will be held the same day at 9:00 a.m. in room 2034, City Manager's Conference Room - 2401 Courthouse Drive, Building 1, Second Floor, Virginia Beach, VA. During the informal session, Staff briefs the Board on agenda items. All interested persons are invited to attend. There is no opportunity for citizenry to speak at the briefing session; however, the public is invited to speak at the formal Wetlands Board Public Hearing that follows. For information or to examine copies of proposed plans, ordinances or amendments call (757) 385-4621 or go to www.vbgov.com/wetlands or visit the Department of Planning and Community Development, 2875 Sabre Street, Suite 500, Virginia Beach, Virginia by appointment. Citizens may also submit comments to the Wetlands Board prior to the public hearing via email to waterfront@vbgov.com or via United States Mail to Waterfront Operations, 2875 Sabre Street, Suite 500, Virginia Beach, VA 23452.

The Staff reviews some or all of the items on the agenda and suggests that certain conditions be attached for deliberation by the Wetlands Board. However, it should not be assumed that those conditions constitute all the conditions that will ultimately be attached to the project. Staff agencies may impose further conditions and requirements during administration of applicable City Ordinances. The administrative comments contained in the attached Staff reports constitutes Staff recommendations for each application and are advisory only. Final determination of the application is made by the Virginia Beach Wetlands Board at the public hearing.

THE FOLLOWING DESCRIBES THE ORDER OF BUSINESS FOR THE PUBLIC HEARING

(If you have any questions, please contact Staff via email at waterfront@vbgov.com or call The Department of Planning & Community Development at 757-385-4621)

- 1. WITHDRAWALS AND DEFERRALS:** The first order of business is the consideration of withdrawals or requests to defer an item. The Board will ask those in attendance at the hearing if there are any requests to withdraw or defer an item that is on the agenda. PLEASE NOTE THE REQUESTS THAT ARE MADE, AS ONE OF THE ITEMS BEING WITHDRAWN OR DEFERRED MAY BE THE ITEM THAT YOU HAVE AN INTEREST IN.
 - a.** An applicant may WITHDRAW an application without the Boards' approval at any time prior to the commencement of the public hearing for that item. After the commencement of the hearing, however, the applicant must request that the Wetlands Board allow the item to be withdrawn.
 - b.** In the case of DEFERRALS, the Board's policy is to defer the item FOR AT LEAST 60 DAYS. Although the Board allows an item to be deferred upon request of the applicant, the Board will ask those in attendance if there are any objections to the request for deferral. If you wish to oppose a deferral request, let the Board know when they ask if there is anyone in attendance who is opposed to the deferral. PLEASE confine your remarks to the deferral request and do not address the issues of the application – in other words, please let the Board know why deferring the application is unacceptable rather than discussing what your specific issue is with the application.

- 2. REGULAR AGENDA:** The Board will then proceed with the remaining items on the agenda, according to the following process:
- a.** The applicant or applicant's representative will have 10 minutes to present the case.
 - b.** Next, those who wish to speak in support to the application will have 3 minutes to present their case.
 - c.** If there is a spokesperson for the opposition, he or she will have 10 minutes to present their case.
 - d.** All other speakers not represented by the spokesperson in opposition will have 3 minutes.
 - e.** The applicant or applicant's representative will then have 3 minutes for rebuttal of any comments from the opposition.
 - f.** There is then discussion among the Board members. No further public comment will be heard at that point. The Board may, however, allow additional comments from speakers if a member of the Board sponsors them. Normally, you will be sponsored only if it appears that new information is available, and the time will be limited to 3 minutes.
 - g.** The Board does not allow slide or computer-generated projections other than those prepared by the Planning Department Staff.

The Board asks that speakers not be repetitive or redundant in their comments. Do not repeat something that someone else has already stated. Petitions may be presented and are encouraged. If you are part of a group, the Board requests, in the interest of time, that you use a spokesperson, and the spokesperson is encouraged to have his or her supporters stand to indicate their support.

If you require reasonable accommodation for this meeting due to a disability, please call the Department of Planning and Community Development at (757) 385-4621. If hearing impaired, you may contact Virginia Relay at 711 for TDD services.



WETLANDS BOARD AGENDA

Public Hearing Date **June 21, 2023**

9:00 AM INFORMAL STAFF BRIEFING OF PUBLIC HEARING AGENDA ITEMS.

10:00 AM FORMAL REVIEW OF PUBLIC HEARING AGENDA ITEMS.

Please be advised that copies of the proposed plans, ordinances, amendments and/or resolutions associated with this public hearing are also on file and may be examined by appointment at the Department of Planning & Community Development located at 2875 Sabre St, Suite 500, Virginia Beach, VA 23452 or online at www.vbgov.com/wetlands. For information call (757) 385-4621.

NEW BUSINESS - WETLANDS

1. 2023-WTRA-00089

Blair C. and Michelle R. Fackler

[Applicants & Owners]

2017 Bay Road

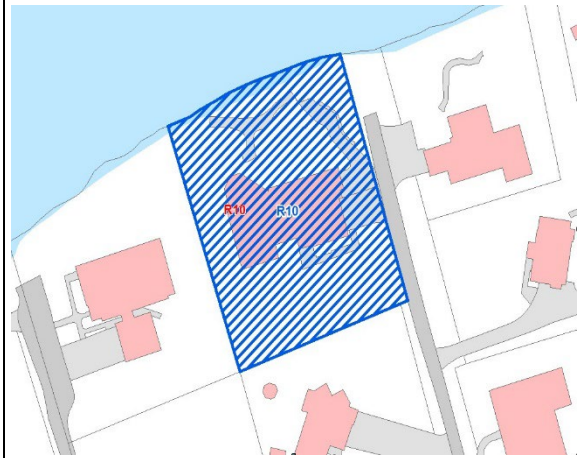
GPIN 1499-68-1460

City Council District: District 8, formerly Lynnhaven

Waterway – Long Creek

Subdivision – Broad Bay Colony

Request: To construct a rip rap revetment involving wetlands.



2. 2023-WTRA-00108

Frederick Napolitano

[Applicant & Owner]

1065 Bobolink Drive

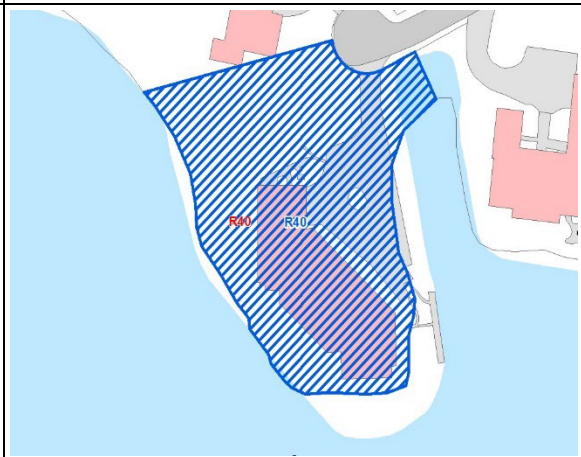
GPIN 2418-15-0186

City Council District: District 6, formerly Lynnhaven

Waterway – Linkhorn Bay

Subdivision – Birdneck Point

Request: To construct a rip rap revetment involving wetlands.



NEW BUSINESS – WETLANDS (CONTINUED)

3. 2022-WTRA-00051

Peter E. and Catherine B. Jeydel

[Applicants & Owners]

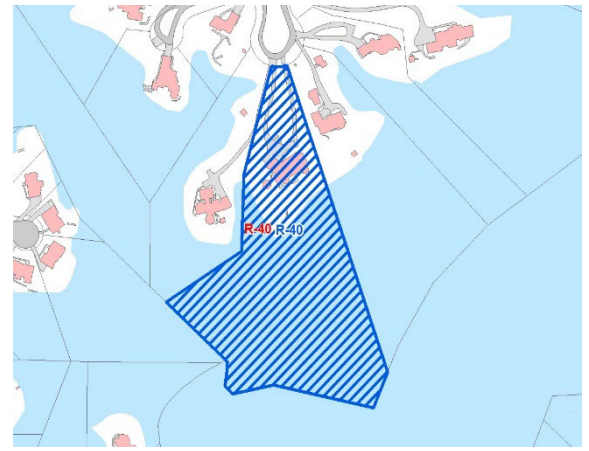
3000 Lynndale Road

GPIN 1498-27-6301

City Council District: District 8, formerly Lynnhaven

Waterway – Eastern Branch Lynnhaven River
Subdivision – Lynndale Estates

Request: To install oyster castles involving wetlands.



1. 2023-WTRA-00089

Blair C. and Michelle R. Fackler

[Applicants & Owners]

2017 Bay Road

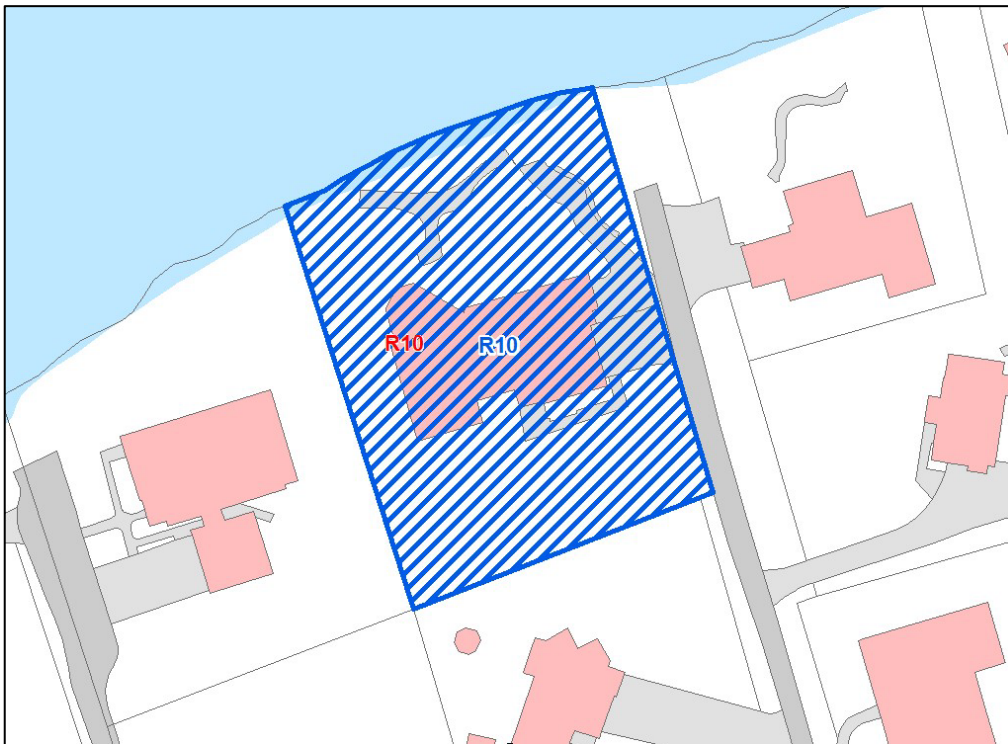
GPIN 1499-68-1460

City Council District: District 8, formerly Lynnhaven

Waterway – Long Creek

Subdivision – Broad Bay Colony

Request: To construct a rip rap revetment involving wetlands.



Disclosure Statement



The disclosures contained in this form are necessary to inform public officials who may vote on the application as to whether they have a conflict of interest under Virginia law. The completion and submission of this form is required for all applications that pertain to City real estate matters or to the development and/or use of property in the City of Virginia Beach requiring action by the City Council or a City board, commission or other body.

Applicant Disclosure

Applicant Name Blair C. and Michelle R. Fackler

Does the applicant have a representative? **Yes** **No**

- If **yes**, list the name of the representative.

Robert Simon - Waterfront Consulting Inc

Is the applicant a corporation, partnership, firm, business, trust or an unincorporated business? **Yes** **No**

- If **yes**, list the names of all officers, directors, members, trustees, etc. below. (Attach a list if necessary)

- If **yes**, list the businesses that have a parent-subsiary¹ or affiliated business entity² relationship with the applicant. (Attach a list if necessary)

¹ "Parent-subsiary relationship" means "a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation." See State and Local Government Conflict of Interests Act, VA. Code § 2.2-3101.

² "Affiliated business entity relationship" means "a relationship, other than parent-subsiary relationship, that exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. Factors that should be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person own or manage the two entities; there are common or commingled funds or assets; the business entities share the use of the same offices or employees or otherwise share activities, resources or personnel on a regular basis; or there is otherwise a close working relationship between the entities." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

Disclosure Statement



Known Interest by Public Official or Employee

Does an **official or employee of the City of Virginia Beach** have an interest in the subject land or any proposed development contingent on the subject public action? **Yes** **No**

- If **yes**, what is the name of the official or employee and what is the nature of the interest?
-

Applicant Services Disclosure

1. Does the applicant have **any existing financing (mortgage, deeds of trust, cross-collateralization, etc) or are they considering any financing** in connection with the subject of the application or any business operating or to be operated on the property?

Yes **No**

- If **yes**, identify the financial institutions.

Wells Fargo

2. Does the applicant have a **real estate broker/agent/realtor** for current and anticipated future sales of the subject property?

Yes **No**

- If **yes**, identify the real estate broker/realtor.
-

3. Does the applicant have services for **accounting and/or preparation of tax returns** provided in connection with the subject of the application or any business operating or to be operated on the property? **Yes** **No**

- If **yes**, identify the firm or individual providing the service.

Wall, Einhorn & Chernitzer

4. Does the applicant have services from an **architect/landscape architect/land planner** provided in connection with the subject of the application or any business operating or to be operated on the property? **Yes** **No**

- If **yes**, identify the firm or individual providing the service.
-

5. Is there any other **pending or proposed purchaser** of the subject property? **Yes** **No**

- If **yes**, identify the purchaser and purchaser's service providers.
-

Disclosure Statement



6. Does the applicant have a **construction contractor** in connection with the subject of the application or any business operating or to be operated on the property? Yes No

- If **yes**, identify the construction contractor.

7. Does the applicant have an **engineer/surveyor/agent** in connection with the subject of the application or any business operating or to be operated on the property? Yes No

- If **yes**, identify the engineer/surveyor/agent.

Waterfront Consulting, Inc. and Stone Green Consulting, LLC

8. Is the applicant receiving **legal services** in connection with the subject of the application or any business operating or to be operated on the property? Yes No

- If **yes**, identify the name of the attorney or firm providing legal services.

Applicant Signature

I certify that all of the information contained in this Disclosure Statement Form is complete, true, and accurate. I understand that, upon receipt of notification that the application has been scheduled for public hearing, **I am responsible for updating the information provided herein two weeks prior to the meeting of Planning Commission, City Council, VBDA, CBPA, Wetlands Board or any public body or committee in connection with this application.**

Michelle Renee Fackler

Applicant Signature

Blair C. and Michelle R. Fackler

Print Name and Title

2/15/2023

Date

Is the applicant also the owner of the subject property? Yes No

- If **yes**, you do not need to fill out the owner disclosure statement.

FOR CITY USE ONLY/ All disclosures must be updated two (2) weeks prior to any Planning Commission and City Council meeting that pertains to the applications

<input type="checkbox"/>	No changes as of	Date	Signature	
			Print Name	

- ❖ DEQ: Permit application fees required for Virginia Water Protection permits – while detailed in 9VAC25-20 – are conveyed to the applicant by the applicable DEQ office (<http://www.deq.virginia.gov/Locations.aspx>). Complete the Permit Application Fee Form and submit it per the instructions to the address listed on the form. Instructions for submitting any other fees will be provided to the applicant by DEQ staff.
- ❖ VMRC: An application fee of \$300 may be required for projects impacting tidal wetlands, beaches and/or dunes when VMRC acts as the LWB. VMRC will notify the applicant in writing if the fee is required. Permit fees involving subaqueous lands are \$25.00 for projects costing \$10,000 or less and \$100 for projects costing more than \$10,000. Royalties may also be required for some projects. The proper permit fee and any required royalty is paid at the time of permit issuance by VMRC. VMRC staff will send the permittee a letter notifying him/her of the proper permit fees and submittal requirements.
- ❖ LWB: Permit fees vary by locality. Contact the LWB for your project area or their website for fee information and submittal requirements. Contact information for LWBs may be found at http://ccrm.vims.edu/permits_web/guidance/local_wetlands_boards.html.

FOR AGENCY USE ONLY	
	Notes:
	JPA # 23-0818

APPLICANTS

Part 1 – General Information

PLEASE PRINT OR TYPE ALL ANSWERS: If a question does not apply to your project, please print N/A (not applicable) in the space provided. If additional space is needed, attach 8-1/2 x 11 inch sheets of paper.

<u>Check all that apply</u>				
Pre-Construction Notification (PCN) <input type="checkbox"/>	NWP # _____ (For Nationwide Permits ONLY - No DEQ-VWP permit writer will be assigned)		Regional Permit 17 (RP-17) <input type="checkbox"/>	
County or City in which the project is located: <u>Virginia Beach, VA</u>				
Waterway at project site: <u>Long Creek</u>				
PREVIOUS ACTIONS RELATED TO THE PROPOSED WORK (Include all federal, state, and local pre application coordination, site visits, previous permits, or applications whether issued, withdrawn, or denied)				
Historical information for past permit submittals can be found online with VMRC - https://webapps.mrc.virginia.gov/public/habitat/ - or VIMS - http://ccrm.vims.edu/perms/newpermits.html				
Agency	Action / Activity	Permit/Project number, including any non-reporting Nationwide permits previously used (e.g., NWP 13)	Date of Action	If denied, give reason for denial

Part 1 - General Information (continued)

1. Applicant's legal name* and complete mailing address: Contact Information:
Blair C. and Michelle R. Fackler Home () _____
2017 Bay Road Work () _____
Virginia Beach, VA 23451 Fax () _____
Cell (757) 412-7606
e-mail b.cole.fackler@gmail.com
State Corporation Commission Name and ID Number (if applicable) _____
2. Property owner(s) legal name* and complete address, if different from applicant: Contact Information:
Home () _____
Work () _____
Fax () _____
Cell () _____
e-mail _____
State Corporation Commission Name and ID Number (if applicable) _____
3. Authorized agent name* and complete mailing address (if applicable): Contact Information:
Waterfront Consulting, Inc. Home () _____
2589 Quality Court, Ste. 323 Work (757) 425-8244
Virginia Beach, VA 23454 Fax (757) 425-8244
Cell (757) 619-7302
e-mail bob@waterfrontconsulting.net
State Corporation Commission Name and ID Number (if applicable) 047-4381-1

*** If multiple applicants, property owners, and/or agents, each must be listed and each must sign the applicant signature page.**

4. Provide a detailed description of the project in the space below, including the type of project, its dimensions, materials, and method of construction. Be sure to include how the construction site will be accessed and whether tree clearing and/or grading will be required, including the total acreage. If the project requires pilings, please be sure to include the total number, type (e.g. wood, steel, etc), diameter, and method of installation (e.g. hammer, vibratory, jetted, etc). If additional space is needed, provide a separate sheet of paper with the project description.

The proposed project involves:

- removing the existing fixed and floating pier
- constructing a 6'x65' open pile timber pier
- construct a 5'x40' catwalk
- construct a 8'x10' L-head
- construct a 4'x14' gangway and a 8'x40' floating pier
- construct a 5'x95' landward wharf
- construct (2) boatlifts
- construct 130 LF of quarry stone rip rap revetment seaward of the existing bulkhead
- construct a 5'x12' fixed pier with a 5'x20' T-head for boatlift access

This project will include 100 SF conversion of non vegetated wetlands to 100 SF rock habitat

Part 1 - General Information (continued)

5. Have you obtained a contractor for the project? ___ Yes* No. *If your answer is “Yes” complete the remainder of this question and submit the Applicant’s and Contractor’s Acknowledgment Form (enclosed)

Contractor’s name* and complete mailing address:

Contact Information:

Home (____)_____

Work (____)_____

Fax (____)_____

Cell (____)_____

email _____

State Corporation Commission Name and ID Number (if applicable) _____

*** If multiple contractors, each must be listed and each must sign the applicant signature page.**

6. List the name, address and telephone number of the newspaper having general circulation in the area of the project. Failure to complete this question may delay local and State processing.

Name and complete mailing address:

Telephone number

Virginian Pilot

(757) 622-1455

150 W. Brambleton Avenue

Norfolk, VA 23510

7. Give the following project location information:

Street Address (911 address if available) 2017 Bay Road

Lot/Block/Parcel# Lot 11

Subdivision Broad Bay Point

City / County Virginia Beach, VA ZIP Code 23451

Latitude and Longitude at Center Point of Project Site (Decimal Degrees):

36.90555 / -76.06039 (Example: 36.41600/-76.30733)

If the project is located in a rural area, please provide driving directions giving distances from the best and nearest visible landmarks or major intersections. *Note: if the project is in an undeveloped subdivision or property, clearly stake and identify property lines and location of the proposed project. A supplemental map showing how the property is to be subdivided should also be provided.*

The project is located on public roads.

8. What are the *primary and secondary purposes of and the need for* the project? For example, the primary purpose may be “to protect property from erosion due to boat wakes” and the secondary purpose may be “to provide safer access to a pier.”

Primary Purpose: erosion prevention

Secondary Purpose: water access

Part 1 - General Information (continued)

9. Proposed use (check one):
 Single user (private, non-commercial, residential)
 Multi-user (community, commercial, industrial, government)
10. Describe alternatives considered and the measures that will be taken to avoid and minimize impacts, to the maximum extent practicable, to wetlands, surface waters, submerged lands, and buffer areas associated with any disturbance (clearing, grading, excavating) during and after project construction. *Please be advised that unavoidable losses of tidal wetlands and/or aquatic resources may require compensatory mitigation.*
- There will be no vegetated wetlands impacts. Rip Rap will be placed seaward of the existing bulkhead to prevent bulkhead failure.
11. Is this application being submitted for after-the-fact authorization for work which has already begun or been completed? Yes No. If yes, be sure to clearly depict the portions of the project which are already complete in the project drawings.
12. Approximate cost of the entire project (materials, labor, etc.): \$ 100K+
Approximate cost of that portion of the project that is channelward of mean low water:
\$ 100K+
13. Completion date of the proposed work: Approximately 1 year from permit date - _____
14. Adjacent Property Owner Information: List the name and complete **mailing address**, including zip code, of each adjacent property owner to the project. (NOTE: If you own the adjacent lot, provide the requested information for the first adjacent parcel beyond your property line.) Failure to provide this information may result in a delay in the processing of your application by VMRC.

Kevin Orourke
Michael Megee

2009 Bay Road
2036 Hackberry Road

Virginia Beach, VA 23451
Virginia Beach, VA 23451

Part 2 - Signatures

1. Applicants and property owners (if different from applicant).

NOTE: REQUIRED FOR ALL PROJECTS

PRIVACY ACT STATEMENT: The Department of the Army permit program is authorized by Section 10 of the Rivers and Harbors Act of 1899, Section 404 of the Clean Water Act, and Section 103 of the Marine Protection Research and Sanctuaries Act of 1972. These laws require that individuals obtain permits that authorize structures and work in or affecting navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters prior to undertaking the activity. Information provided in the Joint Permit Application will be used in the permit review process and is a matter of public record once the application is filed. Disclosure of the requested information is voluntary, but it may not be possible to evaluate the permit application or to issue a permit if the information requested is not provided.

CERTIFICATION: I am hereby applying for all permits typically issued by the DEQ, VMRC, USACE, and/or Local Wetlands Boards for the activities I have described herein. I agree to allow the duly authorized representatives of any regulatory or advisory agency to enter upon the premises of the project site at reasonable times to inspect and photograph site conditions, both in reviewing a proposal to issue a permit and after permit issuance to determine compliance with the permit. In addition, I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Blair C. and Michelle R. Fackler

Applicant's Legal Name (printed/typed)

(Use if more than one applicant)

Michelle Rense Fackler

Applicant's Signature

(Use if more than one applicant)

2/15/2023

Date

Property Owner's Legal Name (printed/typed)
(If different from Applicant)

(Use if more than one owner)

Property Owner's Signature

(Use if more than one owner)

Date

Part 2 – Signatures (continued)

2. Applicants having agents (if applicable)

CERTIFICATION OF AUTHORIZATION

I (we), Blair C. and Michelle R. Fackler, hereby certify that I (we) have authorized Waterfront Consulting, Inc.
(Applicant's legal name(s)) (Agent's name(s))

to act on my behalf and take all actions necessary to the processing, issuance and acceptance of this permit and any and all standard and special conditions attached.

We hereby certify that the information submitted in this application is true and accurate to the best of our knowledge.

Robert E. Simon, V.P.
(Agent's Signature)

(Use if more than one agent)

2/14/2023
(Date)

Michelle Rense Fackler
(Applicant's Signature)

(Use if more than one applicant)

2/15/2023
(Date)

3. Applicant's having contractors (if applicable)


CONTRACTOR ACKNOWLEDGEMENT

I (we), Blair C. and Michelle R. Fackler, have contracted _____
(Applicant's legal name(s)) (Contractor's name(s))
to perform the work described in this Joint Permit Application, signed and dated _____.

We will read and abide by all conditions set forth in all Federal, State and Local permits as required for this project. We understand that failure to follow the conditions of the permits may constitute a violation of applicable Federal, state and local statutes and that we will be liable for any civil and/or criminal penalties imposed by these statutes. In addition, we agree to make available a copy of any permit to any regulatory representative visiting the project to ensure permit compliance. If we fail to provide the applicable permit upon request, we understand that the representative will have the option of stopping our operation until it has been determined that we have a properly signed and executed permit and are in full compliance with all terms and conditions.

ABC Contracting - Flint Marine
Contractor's name or name of firm

567 Central Dr. Virginia Beach VA 23454
Contractor's or firms address


Contractor's signature and title

2705141263
Contractor's License Number

Applicant's signature

(use if more than one applicant)

Date

Part 3 – Appendices

Please complete and submit the appendix questions applicable to your project, and attach the required vicinity map(s) and drawings to your application. If an item does not apply to your project, please write “N/A” in the space provided.

Appendix A: (TWO PAGES) Projects for Access to the water such as private and community piers, boathouses, marinas, moorings, and boat ramps. Answer all questions that apply.

1. Briefly describe your proposed project.

The proposed project involves:

- removing the existing fixed and floating pier
- constructing a 6'x65' open pile timber pier
- construct a 5'x40' catwalk
- construct a 8'x10' L-head
- construct a 4'x14' gangway and a 8'x40' floating pier
- construct a 5'x95' landward wharf
- construct (2) boatlifts
- construct a 5'x12' fixed pier with a 5'x20' T-head for boatlift access

2. For private, noncommercial piers:

Do you have an existing pier on your property? Yes ___ No

If yes, will it be removed? Yes ___ No

Is your lot platted to the mean low water shoreline? Yes ___ No

What is the overall length of the proposed structure? 65 feet.

Channelward of Mean High Water? 58 feet.

Channelward of Mean Low Water? 46 feet.

What is the area of the piers and platforms that will be constructed over

Tidal non-vegetated wetlands 100 square feet.

Tidal vegetated wetlands 0 square feet.

Submerged lands 1036 square feet.

What is the total size of any and all L- or T-head platforms? 475 sq. ft.

For boathouses, what is the overall size of the roof structure? n/a sq. ft.

Will your boathouse have sides? ___ Yes ___ No.

NOTE: All proposals for piers, boathouses and shelter roofs must be reviewed by the Virginia Marine Resources Commission (Commission or VMRC), however, pursuant to § [28.2-1203](#) A 5 of the Code of Virginia a VMRC permit may not be required for such structures (except as required by subsection D of § [28.2-1205](#) for piers greater than 100 feet in length involving commercially productive leased oyster or clam grounds), provided that (i) the piers do not extend beyond the navigation line or private pier lines established by the Commission or the United States Army Corps of Engineers (USACE), (ii) the piers do not exceed six feet in width and finger piers do not exceed five feet in width, (iii) any L or T head platforms and appurtenant floating docking platforms do not exceed, in the aggregate, 400 square feet, (iv) if prohibited by local ordinance open-sided shelter roofs or gazebo-type structures shall not be placed on platforms as described in clause (iii), but may be placed on such platforms if not prohibited by local ordinance, and (v) the piers are determined not to be a navigational hazard by the Commission. Subject to any applicable local ordinances, such piers may include an attached boat lift and an open-sided roof designed to shelter a single boat slip or boat lift. In cases in which open-sided roofs designed to shelter a single boat, boat slip or boat lift will exceed 700 square feet in coverage or the open-sided shelter roofs or gazebo structures exceed 400 square feet, and in cases in which an adjoining property owner objects to a proposed roof structure, permits shall be required as provided in § [28.2-1204](#).

Part 3 – Appendices (continued)

Appendix B: Projects for Shoreline Stabilization in tidal wetlands, tidal waters and dunes/beaches including riprap revetments and associated backfill, marsh toe stabilization, bulkheads and associated backfill, breakwaters, beach nourishment, groins, jetties, and living shoreline projects. Answer all questions that apply. Please provide any reports provided from the Shoreline Erosion Advisory Service or VIMS.

NOTE: It is the policy of the Commonwealth that living shorelines are the preferred alternative for stabilizing tidal shorelines (Va. Code § 28.2-104.1). **Information on non-structural, vegetative alternatives (i.e., Living Shoreline) for shoreline stabilization is available at http://ccrm.vims.edu/coastal_zone/living_shorelines/index.html.**

1. Describe each **revetment, bulkhead, marsh toe, breakwater, groin, jetty, other structure, or living shoreline project** separately in the space below. Include the overall length in linear feet, the amount of impacts in acres, and volume of associated backfill below mean high water and/or ordinary high water in cubic yards, as applicable:

The proposed project involves construct 130 LF of quarry stone rip rap revetment seaward of the existing bulkhead

This project will include 100 SF conversion of non vegetated wetlands to 100 SF rock habitat

2. What is the maximum encroachment channelward of mean high water? 11 feet.
Channelward of mean low water? 11 feet.
Channelward of the back edge of the dune or beach? 4 feet.
3. Please calculate the square footage of encroachment over:
 - Vegetated wetlands 0 square feet
 - Non-vegetated wetlands 100 square feet
 - Subaqueous bottom 1230 square feet
 - Dune and/or beach 30 square feet
4. For bulkheads, is any part of the project maintenance or replacement of a previously authorized, currently serviceable, existing structure? Yes No.

If yes, will the construction of the new bulkhead be no further than two (2) feet channelward of the existing bulkhead? Yes No.

If no, please provide an explanation for the purpose and need for the additional encroachment.

Part 3 – Appendices (continued)

5. Describe the type of construction and **all** materials to be used, including source of backfill material, if applicable (e.g., vinyl sheet-pile bulkhead, timber stringers and butt piles, 100% sand backfill from upland source; broken concrete core material with Class II quarry stone armor over filter cloth).

NOTE: Drawings must include construction details, including dimensions, design and all materials, including fittings if used.

Pier - Timber Construction

Rip Rap - Class 1 & A1 quarry stone rip rap revetment, heavy duty filter cloth

6. If using stone, broken concrete, etc. for your structure(s), what is the average weight of the:

Core (inner layer) material 50-150 pounds per stone Class size 1 & A1

Armor (outer layer) material 50-150 pounds per stone Class size 1 & A1

7. For **beach nourishment**, including that associated with breakwaters, groins or other structures, provide the following:

- Volume of material _____ cubic yards channelward of mean low water
 _____ cubic yards landward of mean low water
 _____ cubic yards channelward of mean high water
 _____ cubic yards landward of mean high water

- Area to be covered _____ square feet channelward of mean low water
 _____ square feet landward of mean low water
 _____ cubic yards channelward of mean high water
 _____ cubic yards landward of mean high water

- Source of material, composition (e.g. 90% sand, 10% clay): _____
- Method of transportation and placement: _____

- Describe any proposed vegetative stabilization measures to be used, including planting schedule, spacing, monitoring, etc. Additional guidance is available at <http://www.vims.edu/about/search/index.php?q=planting+guidelines>:

**ENGINEER/SURVEYOR'S INSPECTION STATEMENT
FOR
WATERFRONT CONSTRUCTION/COASTAL PRIMARY SAND DUNE PROJECTS**

REVISED 10-09-03

PROJECT LOCATION: 2017 Bay Road

APPLICANT'S NAME: Blair C. and Michelle R. Fackler

APPLICANT'S ADDRESS: 2017 Bay Road

Virginia Beach, VA 23451

ENGINEER OF RECORD: Sean Green, P.E.

PROFESSIONAL ENGINEER/ SURVEYOR

CERTIFYING PROJECT

CONSTRUCTION: Rip Rap, Pier, Floating Pier, Gangway, Boat Lifts

AT THE COMPLETION OF A WATERFRONT CONSTRUCTION/COASTAL PRIMARY SAND DUNE PROJECT IT IS REQUIRED THAT A CERTIFICATION BY THE APPROVING ENGINEER/SURVEYOR BE SUBMITTED, STATING THAT THEY HAVE INSPECTED THE REFERENCED PROJECT SITE AND TO THE BEST OF THEIR KNOWLEDGE, THE WATERFRONT/COASTAL PRIMARY SAND DUNE PROJECT HAS BEEN CONSTRUCTED IN ACCORDANCE WITH THE APPROVED PLANS AND SPECIFICATIONS. SUCH CERTIFICATION SHALL BE SEALED BY THE ENGINEER OR SURVEYOR CERTIFYING THE CONSTRUCTION.

THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT OF PLANNING, WATERFRONT OPERATIONS OFFICE WITH ALL APPLICATIONS FOR WATERFRONT CONSTRUCTION/COASTAL PRIMARY SAND DUNE PROJECTS AT THE TIME OF SUBMITTAL.


SIGNATURE OF ENGINEER/SURVEYOR CERTIFYING CONSTRUCTION

4/18/2023
DATE

Sean Green, P.E.
TYPE OR PRINT NAME OF ENGINEER/SURVEYOR CERTIFYING CONSTRUCTION

Michelle Renee Fackler
SIGNATURE OF APPLICANT

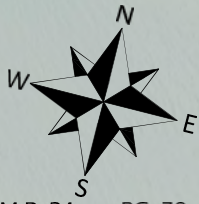
2/15/2023
DATE

SIGNATURE OF COASTAL ZONE ADMINISTRATOR

DATE

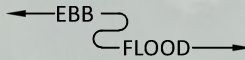
ANY ALTERATION OF THIS FORM OR ITS ENDORSEMENTS WITHOUT THE EXPRESS CONSENT FROM THE ORIGINATOR SHALL INVALIDATE THIS INSTRUMENT.

APPLICATION NO. _____



M.B. 24 PG. 78

LONG CREEK



EX. FLOATING PIER
EX. BOAT LIFT
EX. FIXED PIER AND BOAT LIFTS

MEAN LOW WATER
EX. RIP RAP
MEAN HIGH WATER
EX. BULKHEAD

APO #2
NOW OR FORMERLY
MICHAEL MEGEE
2036 HACKBERRY ROAD
GPIN: 1499-68-0341



2 STORY FRAME
#2017 BAY ROAD

S 14°25'32" E
170.0'
BAY ROAD
12' RIGHT-OF-WAY



Sean E. Green
Digitally signed by: Sean E. Green
Date: 2023.04.18
07:10:13 -05'00'

EXISTING CONDITIONS

APO #1
NOW OR FORMERLY
KEVIN OROURKE
2009 BAY ROAD
GPIN: 1499-68-2215



SCALE: 1" = 40'

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PURPOSE: EROSION PREVENTION / DRY WATERCRAFT STORAGE
DATUM: MLW = 0.00'
APOS:
1. KEVIN OROURKE
2. MICHAEL MEGEE

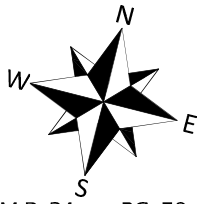


WATERFRONT CONSULTING, INC.

2589 QUALITY COURT, SUITE 323
VIRGINIA BEACH, VA 23454
PHONE: (757) 425-8244, MOBILE: (757) 619-7302

ENGINEERING SERVICES PROVIDED BY:
STONE GREEN CONSULTING, LLC
4014 MEDINA ROAD #1015, AKRON, OH 44333
(330) 883-2117

PROPOSED: PIER, LIFT, FLOATING PIER, RIP RAP REVETMENT
IN: LONG CREEK
AT: 2017 BAY ROAD
VIRGINIA BEACH, VA 23451
APPLICATION BY: BLAIR & RENEE FACKLER
SHEET: 1 OF 10
DATE: FEBRUARY 14, 2022



M.B. 24 PG. 78

LONG CREEK

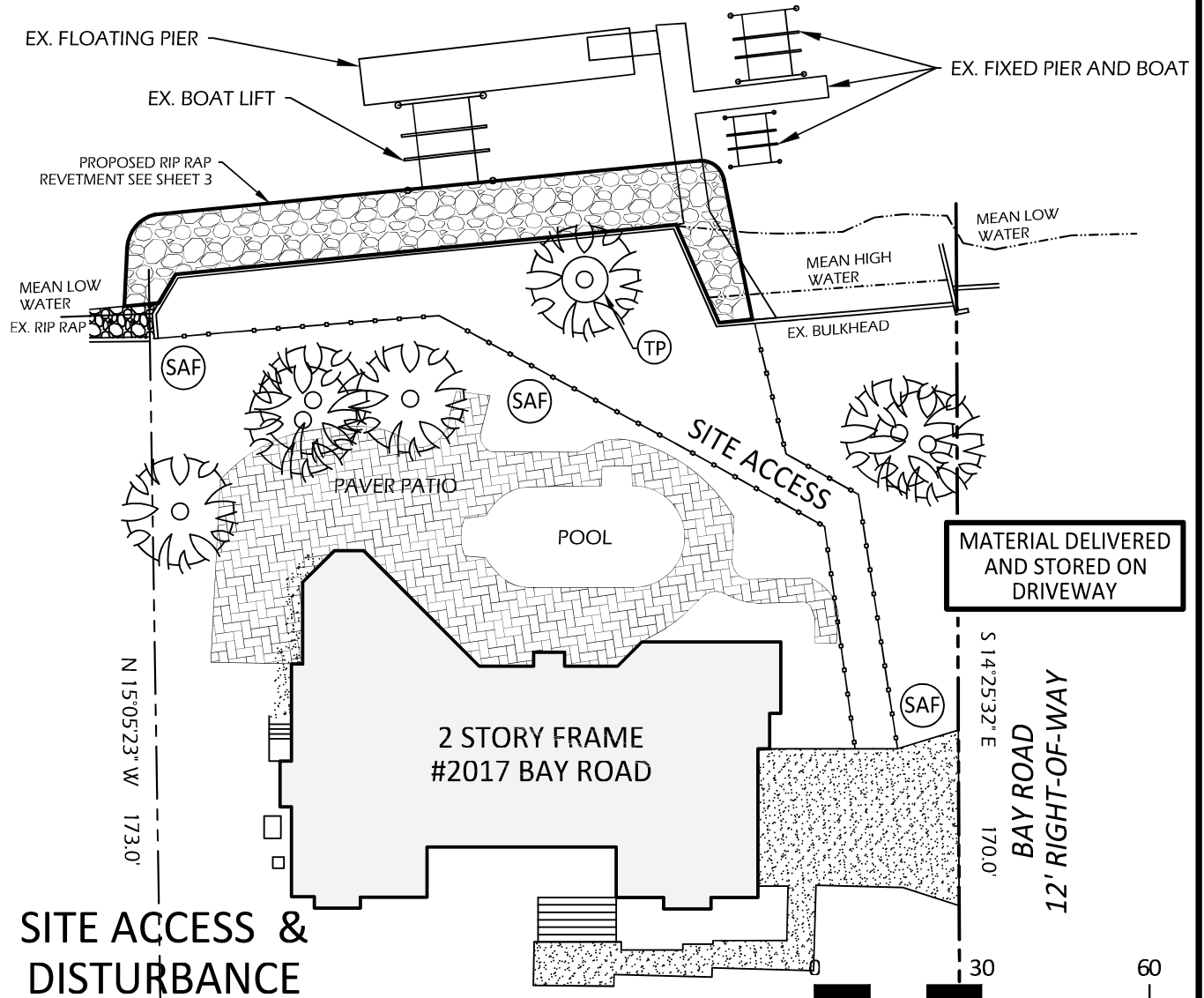


ACCESSWAY = 2,450 SF
 TOTAL AREA OF DISTURBANCE = 2,450 SF
 AREA IS APPROXIMATE

EROSION & SEDIMENT CONTROL LEGEND

- (TP) TEMPORARY TREE PROTECTION STANDARD & SPEC. 3.38
- (SAF) TEMPORARY PLASTIC SAFETY FENCE STANDARD & SPEC. 3.01

REFER TO VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK, THIRD EDITION, 1992.



SITE ACCESS & DISTURBANCE

MATERIAL DELIVERED AND STORED ON DRIVEWAY

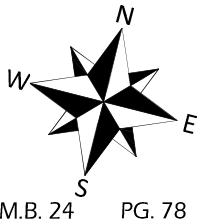
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SCALE: 1" = 30'

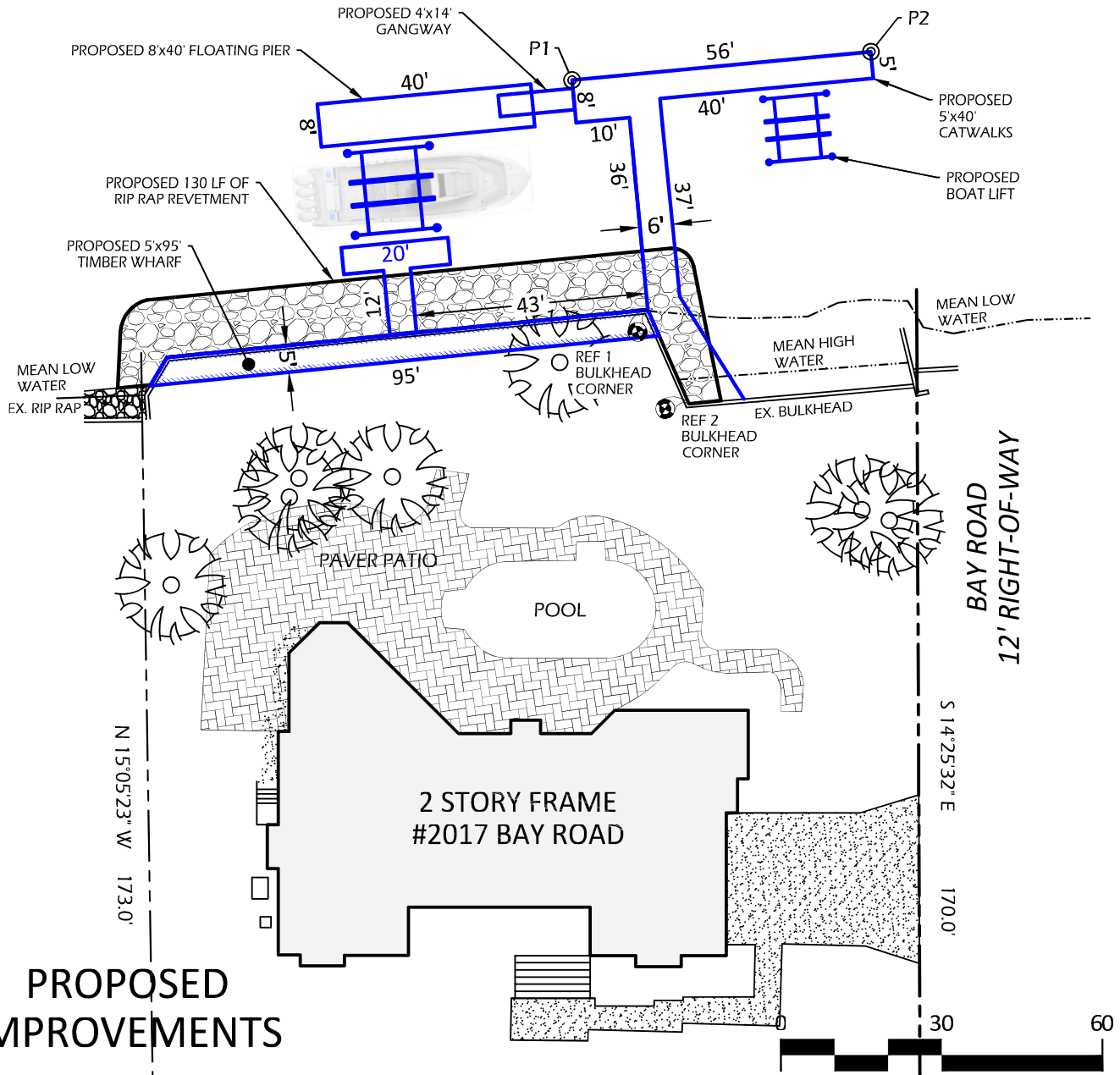
PURPOSE: EROSION PREVENTION / DRY WATERCRAFT STORAGE
 DATUM: MLW = 0.00'
 APOS:
 1. KEVIN OROURKE
 2. MICHAEL MEGEE

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 VIRGINIA BEACH, VA 23451
 APPLICATION BY: BLAIR & RENEE FACKLER
 SHEET: 2 OF 10
 DATE: FEBRUARY 14, 2022



WETLANDS IMPACTS	
NON-VEGETATED =	100 SF
TOTAL =	100 SF



PROPOSED IMPROVEMENTS

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SCALE: 1" = 30'

PURPOSE: EROSION PREVENTION / DRY WATERCRAFT STORAGE
 DATUM: MLW = 0.00'
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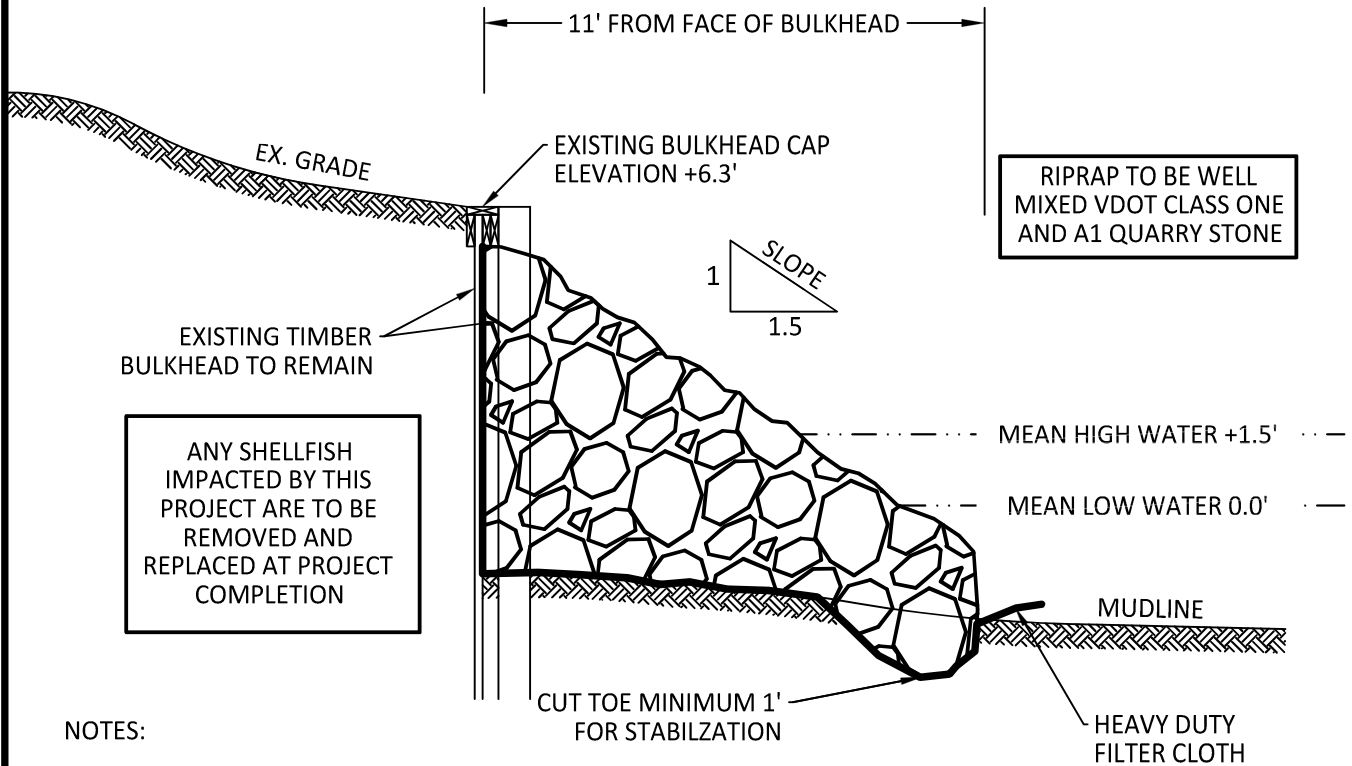
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 IN: LONG CREEK
 AT: 2017 BAY ROAD
 VIRGINIA BEACH, VA 23451
 APPLICATION BY: BLAIR & RENEE FACKLER
 SHEET: 3 OF 10
 DATE: FEBRUARY 14, 2022

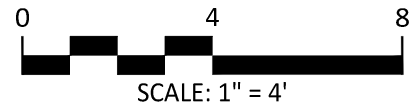
PROPOSED RIPRAP CROSS SECTION



NOTES:

1. RIPRAP LAYOUT IS BASED ON VISUAL ON SITE INSPECTION.
2. ADDITIONAL STONE MAY BE REQUIRED THAN SHOWN DUE TO SETTLEMENT DURING CONSTRUCTION.
3. DIMENSIONS SHOWN ARE DIMENSIONS UPON COMPLETION OF THE PROJECT AFTER INITIAL CONSTRUCTION SETTLEMENT.
4. ANY EXISTING SHELLFISH TO BE IMPACTED SHALL BE REMOVED FROM STRUCTURE KEPT IN WATER COLUMN AND PLACED ON COMPLETED RIP RAP AT PROJECT COMPLETION.

DRAWINGS ARE FOR PERMIT PURPOSES ONLY, AND DO NOT CONSTITUTE FULL DESIGN DRAWINGS. NO SOIL BORINGS HAVE BEEN TAKEN TO CONFIRM SUBSURFACE SOIL CONDITIONS. LAYOUT IS BASED ON VISUAL ON-SITE INSPECTION. ABNORMAL SITE CONDITIONS NOT READILY APPARENT HAVE NOT BEEN TAKEN INTO ACCOUNT, AND MAY REQUIRE MODIFICATIONS TO THE DESIGN. CONTRACTOR SHALL FIELD VERIFY BOTTOM CONDITIONS TO ASSURE THAT FIRM MATERIAL IS IN PLACE. THE ENGINEER IS TO BE NOTIFIED OF ANY ABNORMAL SOIL CONDITIONS.



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PURPOSE: EROSION PREVENTION / DRY WATERCRAFT STORAGE
 DATUM: MLW = 0.00'
 APOS:
 1. KEVIN OROURKE
 2. MICHAEL MEGEE



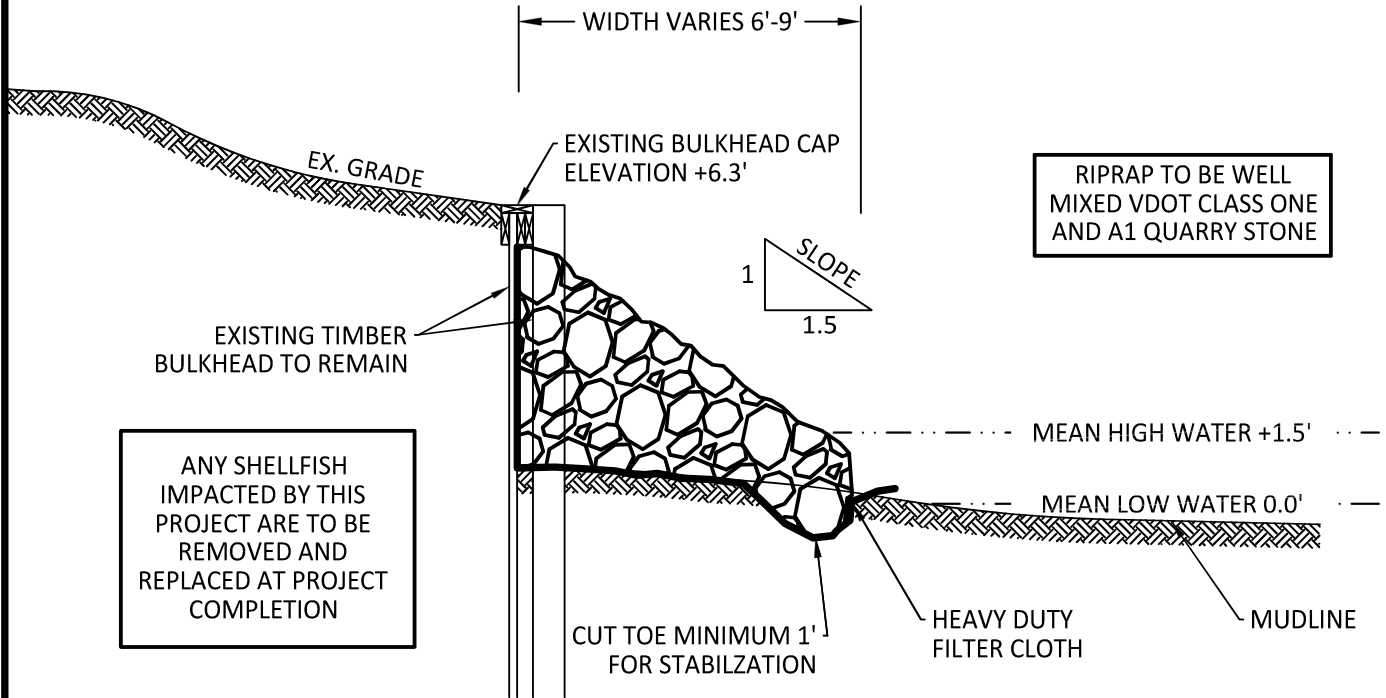
**WATERFRONT
CONSULTING, INC.**

2589 QUALITY COURT, SUITE 323
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 (330) 883-2117

PROPOSED: PIER, LIFT, FLOATING PIER,
 RIP RAP REVETMENT
 IN: LONG CREEK
 AT: 2017 BAY ROAD
 VIRGINIA BEACH, VA 23451
 APPLICATION BY: BLAIR & RENEE
 FACKLER
 SHEET: 4 OF 10
 DATE: FEBRUARY 14, 2022

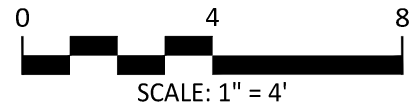
PROPOSED RIPRAP CROSS SECTION - WETLANDS IMPACTS



NOTES:

1. RIPRAP LAYOUT IS BASED ON VISUAL ON SITE INSPECTION.
2. ADDITIONAL STONE MAY BE REQUIRED THAN SHOWN DUE TO SETTLEMENT DURING CONSTRUCTION.
3. DIMENSIONS SHOWN ARE DIMENSIONS UPON COMPLETION OF THE PROJECT AFTER INITIAL CONSTRUCTION SETTLEMENT.
4. ANY EXISTING SHELLFISH TO BE IMPACTED SHALL BE REMOVED FROM STRUCTURE KEPT IN WATER COLUMN AND PLACED ON COMPLETED RIP RAP AT PROJECT COMPLETION.

DRAWINGS ARE FOR PERMIT PURPOSES ONLY, AND DO NOT CONSTITUTE FULL DESIGN DRAWINGS. NO SOIL BORINGS HAVE BEEN TAKEN TO CONFIRM SUBSURFACE SOIL CONDITIONS. LAYOUT IS BASED ON VISUAL ON-SITE INSPECTION. ABNORMAL SITE CONDITIONS NOT READILY APPARENT HAVE NOT BEEN TAKEN INTO ACCOUNT, AND MAY REQUIRE MODIFICATIONS TO THE DESIGN. CONTRACTOR SHALL FIELD VERIFY BOTTOM CONDITIONS TO ASSURE THAT FIRM MATERIAL IS IN PLACE. THE ENGINEER IS TO BE NOTIFIED OF ANY ABNORMAL SOIL CONDITIONS.



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PURPOSE: EROSION PREVENTION / DRY WATERCRAFT STORAGE
 DATUM: MLW = 0.00'
 APOS:
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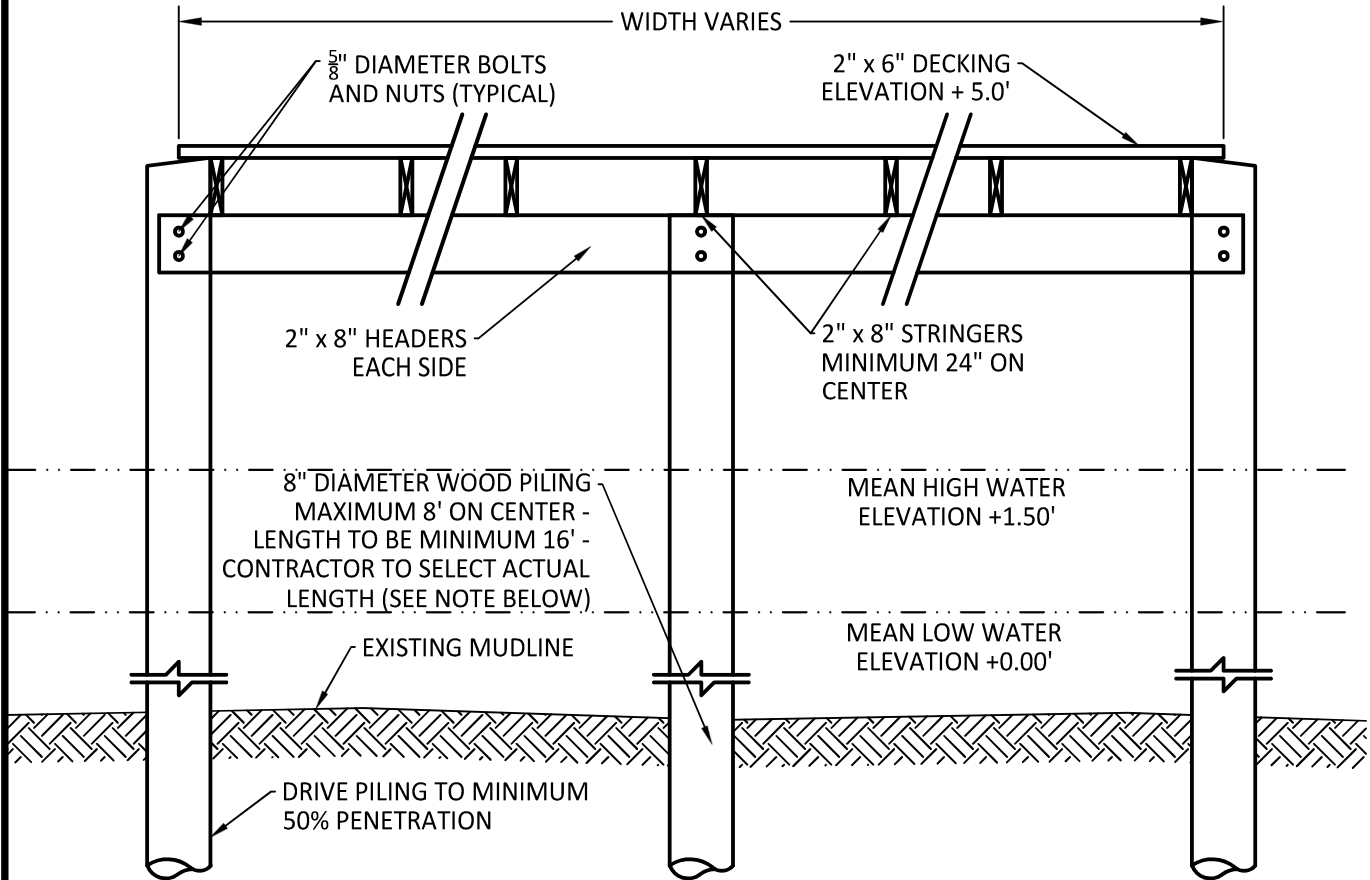
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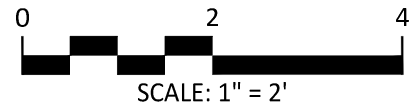
PROPOSED: PIER, LIFT, FLOATING PIER,
 RIP RAP REVETMENT
 IN: LONG CREEK
 AT: 2017 BAY ROAD
 VIRGINIA BEACH, VA 23451
 APPLICATION BY: BLAIR & RENEE
 FACKLER
 SHEET: 5 OF 10
 DATE: FEBRUARY 14, 2022

PROPOSED PIER CROSS SECTION



NOTE

1. ALL TIMBER MATERIAL FOR USE IN THIS MARINE ENVIRONMENT SHALL BE PRESERVATIVE TREATED IN ACCORDANCE WITH THE AWPA
2. ALL HARDWARE SHALL BE GALVANIZED IN ACCORDANCE WITH ASTM A-153.
3. DRAWINGS ARE FOR PERMIT PURPOSES ONLY, AND DO NOT CONSTITUTE FULL DESIGN DRAWINGS.
4. NO HYDROGRAPHIC SURVEYS OR SOIL BORINGS HAVE BEEN TAKEN TO CONFIRM SUBSURFACE SOIL CONDITIONS (FOR PILE LENGTH DETERMINATION).
5. PIER LAYOUT IS BASED ON VISUAL ON-SITE INSPECTION.
6. ABNORMAL SITE CONDITIONS NOT READILY APPARENT HAVE NOT BEEN TAKEN INTO ACCOUNT, AND MAY REQUIRE MODIFICATIONS TO THE MINIMUM PILE LENGTHS SHOWN.
7. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY DEPTH OF WATER AND SUBSURFACE CONDITIONS AND TO SELECT PILE LENGTHS ADEQUATE FOR THE STRUCTURE.



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PURPOSE: EROSION PREVENTION / DRY WATERCRAFT STORAGE
 DATUM: MLW = 0.00'
 APOS:
 1. KEVIN OROURKE
 2. MICHAEL MEGEE

WATERFRONT CONSULTING, INC.

2589 QUALITY COURT, SUITE 323
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 PHONE: (757) 425-8244, MOBILE: (757) 619-7302

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 (330) 883-2117

PROPOSED: PIER, LIFT, FLOATING PIER, RIP RAP REVETMENT
 IN: LONG CREEK
 AT: 2017 BAY ROAD
 VIRGINIA BEACH, VA 23451
 APPLICATION BY: BLAIR & RENEE FACKLER
 SHEET: 6 OF 10
 DATE: FEBRUARY 14, 2022

NLAA COMPLIANCE

ITEM	8"PILE	10" PILE	12" PILE		
PIER	37				
FLOATING PIER		3			
BOAT LIFTS		8			

ALL PILES TO BE TIMBER, DRIVEN WITH EXCAVATOR MOUNTED VIBRATORY HAMMER

TABLE OF CONTROLS

REFERENCE POINT	P1	P2									
R1	45	64									
R2	64	74									

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PURPOSE: EROSION PREVENTION / DRY WATERCRAFT STORAGE
 DATUM: MLW = 0.00'
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 2. MICHAEL MEGEE



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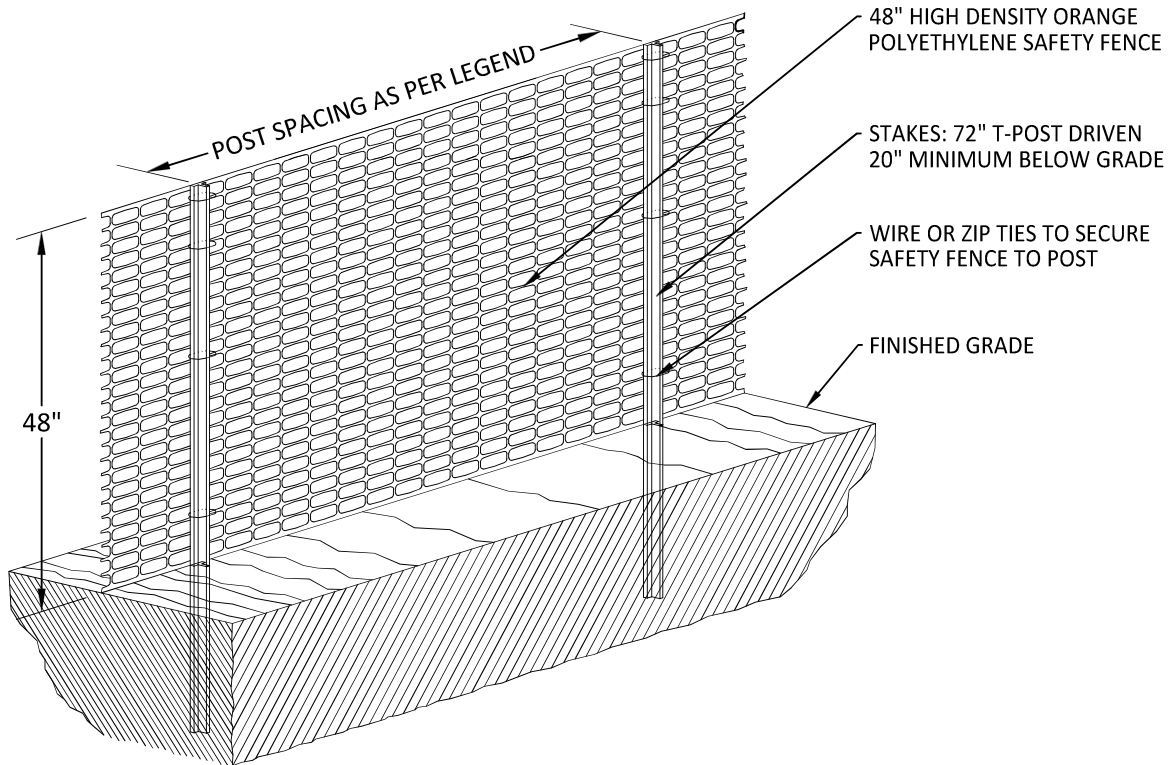
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 IN: LONG CREEK
 AT: 2017 BAY ROAD
 VIRGINIA BEACH, VA 23451
 APPLICATION BY: BLAIR & RENEE FACKLER
 SHEET: 7 OF 10
 DATE: FEBRUARY 14, 2022

48" ORANGE SAFETY FENCE, 72" T-POSTS SENSITIVE AREA / TREE PROTECTION

LEGEND	
SAF12	48" ORANGE FENCE, 12 FEET ON CENTER
SAF11	48" ORANGE FENCE, 11 FEET ON CENTER
SAF10	48" ORANGE FENCE, 10 FEET ON CENTER
SAF9	48" ORANGE FENCE, 9 FEET ON CENTER
SAF8	48" ORANGE FENCE, 8 FEET ON CENTER
SAF7	48" ORANGE FENCE, 7 FEET ON CENTER
SAF6	48" ORANGE FENCE, 6 FEET ON CENTER



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PURPOSE: EROSION PREVENTION / DRY WATERCRAFT STORAGE
 DATUM: MLW = 0.00'
 APOS:
 1. KEVIN OROURKE
 2. MICHAEL MEGEE



WATERFRONT CONSULTING, INC.

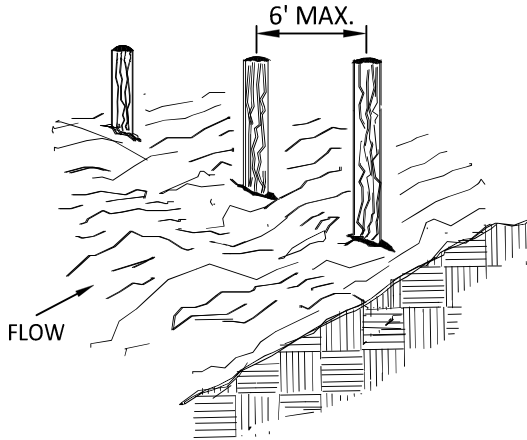
2589 QUALITY COURT, SUITE 323
 VIRGINIA BEACH, VA 23454
 PHONE: (757) 425-8244, MOBILE: (757) 619-7302

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 (330) 883-2117

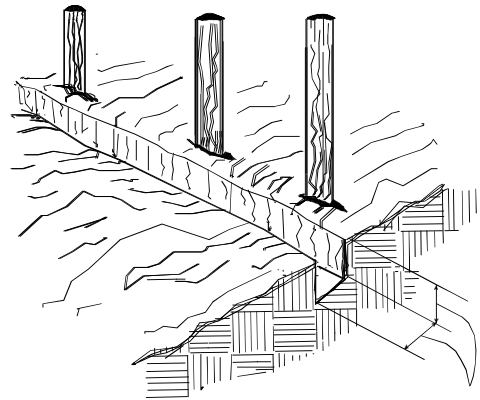
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 IN: LONG CREEK
 AT: 2017 BAY ROAD
 VIRGINIA BEACH, VA 23451
 APPLICATION BY: BLAIR & RENEE FACKLER
 SHEET: 8 OF 10
 DATE: FEBRUARY 14, 2022

CONSTRUCTION OF A SILT FENCE (WITHOUT WIRE SUPPORT)

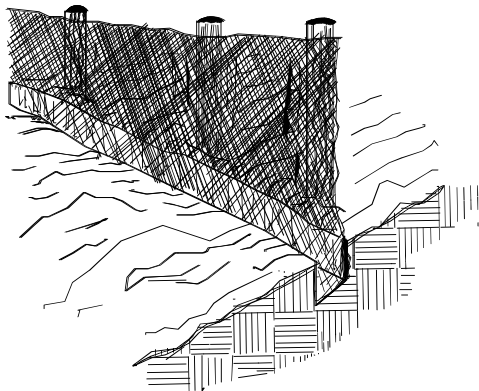
1. SET THE STAKES



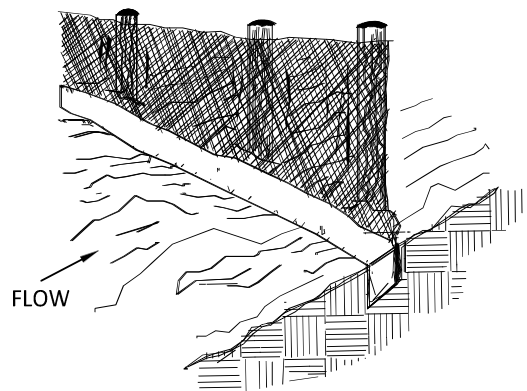
2. EXCAVATE A 4" x 4" TRENCH UPSLOPE ALONG THE LINE OF STAKES



3. STAPLE FILTER MATERIAL TO STAKES AND EXTEND IT INTO THE TRENCH



4. BACKFILL AND COMPACT THE EXCAVATED SOIL



SHEET FLOW INSTALLATION (PERSPECTIVE VIEW)

SOURCE: Adapted from Installation of Straw and Fabric Filter Barriers for Sediment Control, VA. DSWC Sherwood and Wyant PLATE 3.05-2

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PURPOSE: EROSION PREVENTION / DRY WATERCRAFT STORAGE
 DATUM: MLW = 0.00'
 APOS:
 1. KEVIN OROURKE
 2. MICHAEL MEGEE



**WATERFRONT
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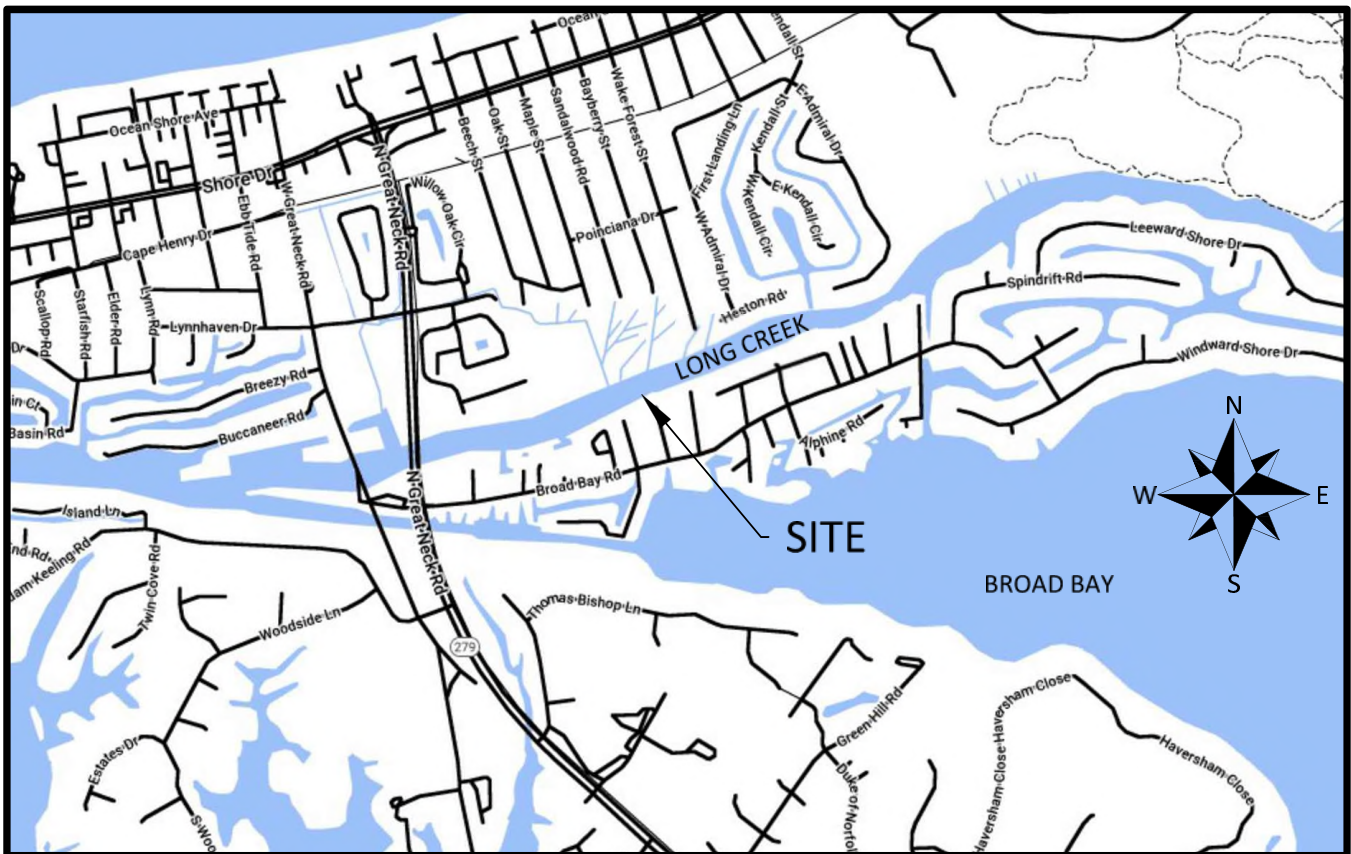
PROPOSED: PIER, LIFT, FLOATING PIER,
 RIP RAP REVETMENT
 IN: LONG CREEK
 AT: 2017 BAY ROAD
 VIRGINIA BEACH, VA 23451
 APPLICATION BY: BLAIR & RENEE
 FACKLER
 SHEET: 9 OF 10
 DATE: FEBRUARY 14, 2022

SITE INFORMATION

LEGAL DESCRIPTION: BROAD BAY POINT LOT 11
 REFERENCE: MAP BOOK 24, PAGE(S) 78, ON FILE AT THE CLERK'S OFFICE, VIRGINIA BEACH, VA
 GPIN: 1499-68-1460
 ZONING: R10

SEQUENCE OF EVENTS

1. OBTAIN ALL NECESSARY PERMITS.
2. SCHEDULE ON-SITE PRE-CONSTRUCTION MEETING WITH COASTAL ZONE INSPECTOR.
3. MOBILIZE EQUIPMENT TO SITE, MARK ACCESS WAY WITH SAFETY FENCE.
4. CONSTRUCT IMPROVEMENTS.
5. DEMOBILIZE EQUIPMENT FROM SITE WHILE ADDING TOP SOIL AND SEED TO ALL AREAS DENUDED / DAMAGED BY CONSTRUCTION OPERATIONS.



VICINITY MAP

SCALE: 1" = 2,000'

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PURPOSE: EROSION PREVENTION / DRY WATERCRAFT STORAGE
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 APOS:
 1. KEVIN OROURKE
 2. MICHAEL MEGEE



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 VIRGINIA BEACH, VA 23451
 APPLICATION BY: BLAIR & RENEE FACKLER
 SHEET: 10 OF 10
 DATE: FEBRUARY 14, 2022



WATERFRONT CONSULTING, INC.
“Specializing in Permit Processing”

Kevin Orourke
2009 Bay Road
Virginia Beach, VA 23451

**RE: Proposed Rip Rap, Pier, Floating Pier, Gangway, Boat Lifts
Located at 2017 Bay Road, VB**

Dear Kevin Orourke

This letter is to notify you that your neighbor(s), Blair C. and Michelle R. Fackler have submitted a Joint Permit Application for waterfront improvements as shown on the enclosed drawings. Please review the drawings and should you have any questions or concerns, please do not hesitate to call.

If you do not object to the project or have no comment, we would ask that you return the enclosed Adjacent Property Owners Acknowledgement form via email to bob@waterfrontconsulting.net or the USPS to Waterfront Consulting, Inc.

If you object to the project, you may still return the Adjacent Property Owners Acknowledgement form to Waterfront Consulting, Inc. or by USPS to:

Virginia Marine Resources Commission
Habitat Management Division
380 Fenwick Road, Bldg. 96
Fort Monroe, VA 23651

We thank you in advance for your timely response and please feel free to call me with any questions. If we do not receive a response within 15 days from the date of this letter, it will be assumed that you have no objection to the project.

Kind Regards,

Robert E. Simon

Robert E. Simon, Vice President

CC: Blair C. and Michelle R. Fackler , Applicant

Office: (757) 425-8244 Mobile: (757) 619-7302 bob@waterfrontconsulting.net
2589 Quality Court, Ste. 323 Virginia Beach, VA 23454

ADDITIONAL INFORMATION/REVISIONS Received by VMRC April 18, 2023 /blh

Part 2 – Signatures (continued)

ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

I (we), Kevin Orouke, own land next to (across the water
(Print adjacent/nearby property owner's name)

from/on the same cove as) the land of Blair C. and Michelle R. Fackler.
(Print applicant's name(s))

I have reviewed the applicant's project drawings dated _____
(Date)

to be submitted for all necessary federal, state and local permits.

I HAVE NO COMMENT ABOUT THE PROJECT.

I DO NOT OBJECT TO THE PROJECT.

I OBJECT TO THE PROJECT.

The applicant has agreed to contact me for additional comments if the proposal changes prior to construction of the project.

(Before signing this form be sure you have checked the appropriate option above).

Adjacent/nearby property owner's signature(s)

Date

Note: If you object to the proposal, the reason(s) you oppose the project must be submitted in writing to VMRC. An objection will not necessarily result in denial of the project; however, valid complaints will be given full consideration during the permit review process.



WATERFRONT CONSULTING, INC.
“Specializing in Permit Processing”

Michael Megee
2036 Hackberry Road
Virginia Beach, VA 23451

**RE: Proposed Rip Rap, Pier, Floating Pier, Gangway, Boat Lifts
Located at 2017 Bay Road, VB**

Dear Michael Megee

This letter is to notify you that your neighbor(s), Blair C. and Michelle R. Fackler have submitted a Joint Permit Application for waterfront improvements as shown on the enclosed drawings. Please review the drawings and should you have any questions or concerns, please do not hesitate to call.

If you do not object to the project or have no comment, we would ask that you return the enclosed Adjacent Property Owners Acknowledgement form via email to bob@waterfrontconsulting.net or the USPS to Waterfront Consulting, Inc.

If you object to the project, you may still return the Adjacent Property Owners Acknowledgement form to Waterfront Consulting, Inc. or by USPS to:

Virginia Marine Resources Commission
Habitat Management Division
380 Fenwick Road, Bldg. 96
Fort Monroe, VA 23651

We thank you in advance for your timely response and please feel free to call me with any questions. If we do not receive a response within 15 days from the date of this letter, it will be assumed that you have no objection to the project.

Kind Regards,

Robert E. Simon

Robert E. Simon, Vice President

CC: Blair C. and Michelle R. Fackler , Applicant

Office: (757) 425-8244 Mobile: (757) 619-7302 bob@waterfrontconsulting.net
2589 Quality Court, Ste. 323 Virginia Beach, VA 23454

ADDITIONAL INFORMATION/REVISIONS Received by VMRC April 18, 2023 /blh

Part 2 – Signatures (continued)

ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

I (we), Michael Megee _____, own land next to (across the water
(Print adjacent/nearby property owner's name)

from/on the same cove as) the land of Blair C. and Michelle R. Fackler _____.
(Print applicant's name(s))

I have reviewed the applicant's project drawings dated _____
(Date)

to be submitted for all necessary federal, state and local permits.

I HAVE NO COMMENT ABOUT THE PROJECT.

I DO NOT OBJECT TO THE PROJECT.

I OBJECT TO THE PROJECT.

The applicant has agreed to contact me for additional comments if the proposal changes prior to construction of the project.

(Before signing this form, be sure you have checked the appropriate option above).

Adjacent/nearby property owner's signature(s)

Date

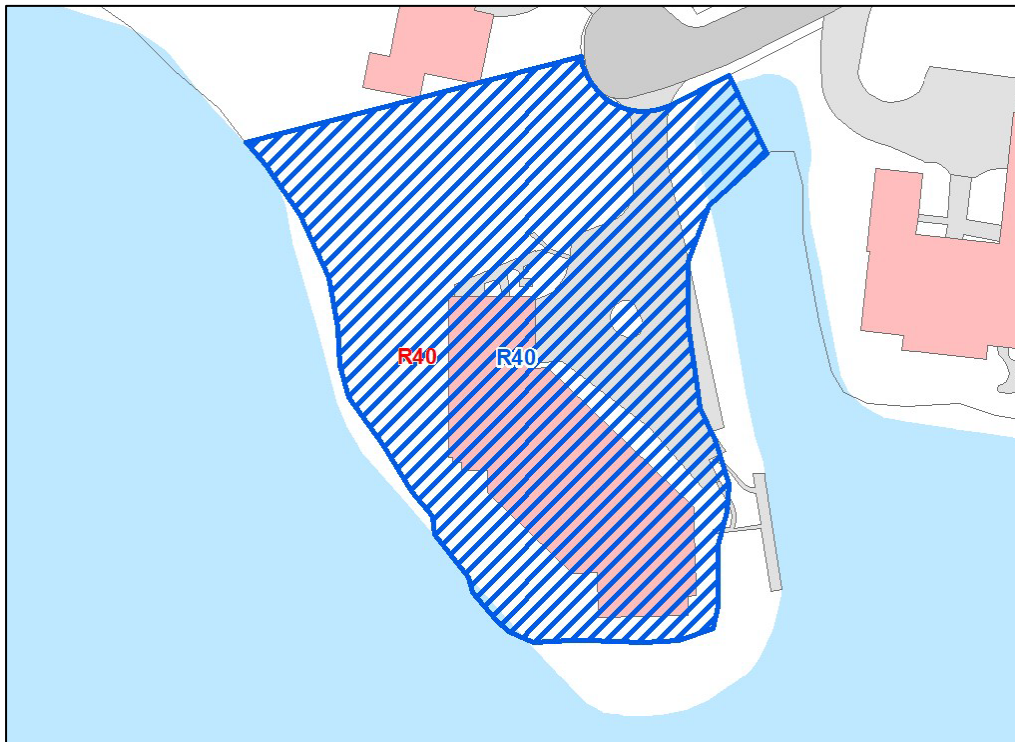
Note: If you object to the proposal, the reason(s) you oppose the project must be submitted in writing to VMRC. An objection will not necessarily result in denial of the project; however, valid complaints will be given full consideration during the permit review process.

2. 2023-WTRA-00108
Frederick Napolitano
[Applicant & Owner]

1065 Bobolink Drive
GPIN 2418-15-0186
City Council District: District 6, formerly Lynnhaven

Waterway – Linkhorn Bay
Subdivision – Birdneck Point

Request: To construct a rip rap revetment involving wetlands.



Disclosure Statement



The disclosures contained in this form are necessary to inform public officials who may vote on the application as to whether they have a conflict of interest under Virginia law. The completion and submission of this form is required for all applications that pertain to City real estate matters or to the development and/or use of property in the City of Virginia Beach requiring action by the City Council or a City board, commission or other body.

Applicant Disclosure

Applicant Name Frederick Napolitano

Does the applicant have a representative? **Yes** **No**

- If **yes**, list the name of the representative.

Robert Simon - Waterfront Consulting, Inc.

Is the applicant a corporation, partnership, firm, business, trust or an unincorporated business? **Yes** **No**

- If **yes**, list the names of all officers, directors, members, trustees, etc. below. (Attach a list if necessary)

- If **yes**, list the businesses that have a parent-subsiary¹ or affiliated business entity² relationship with the applicant. (Attach a list if necessary)

¹ "Parent-subsiary relationship" means "a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation." See State and Local Government Conflict of Interests Act, VA. Code § 2.2-3101.

² "Affiliated business entity relationship" means "a relationship, other than parent-subsiary relationship, that exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. Factors that should be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person own or manage the two entities; there are common or commingled funds or assets; the business entities share the use of the same offices or employees or otherwise share activities, resources or personnel on a regular basis; or there is otherwise a close working relationship between the entities." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

Disclosure Statement



Known Interest by Public Official or Employee

Does an **official or employee of the City of Virginia Beach** have an interest in the subject land or any proposed development contingent on the subject public action? Yes No

- If **yes**, what is the name of the official or employee and what is the nature of the interest?

Applicant Services Disclosure

1. Does the applicant have **any existing financing (mortgage, deeds of trust, cross-collateralization, etc) or are they considering any financing** in connection with the subject of the application or any business operating or to be operated on the property?

Yes No

- If **yes**, identify the financial institutions.
none

2. Does the applicant have a **real estate broker/agent/realtor** for current and anticipated future sales of the subject property?

Yes No

- If **yes**, identify the real estate broker/realtor.

3. Does the applicant have services for **accounting and/or preparation of tax returns** provided in connection with the subject of the application or any business operating or to be operated on the property? Yes No

- If **yes**, identify the firm or individual providing the service.
spero and company

4. Does the applicant have services from an **architect/landscape architect/land planner** provided in connection with the subject of the application or any business operating or to be operated on the property? Yes No

- If **yes**, identify the firm or individual providing the service.

5. Is there any other **pending or proposed purchaser** of the subject property? Yes No

- If **yes**, identify the purchaser and purchaser's service providers.

Disclosure Statement



6. Does the applicant have a **construction contractor** in connection with the subject of the application or any business operating or to be operated on the property? Yes No

- If **yes**, identify the construction contractor.

7. Does the applicant have an **engineer/surveyor/agent** in connection with the subject of the application or any business operating or to be operated on the property? Yes No

- If **yes**, identify the engineer/surveyor/agent.

Agent - Robert Simon, Waterfront Consulting, Inc. Engineer - Stone Green Consulting, LLC

8. Is the applicant receiving **legal services** in connection with the subject of the application or any business operating or to be operated on the property? Yes No

- If **yes**, identify the name of the attorney or firm providing legal services.

Applicant Signature

I certify that all of the information contained in this Disclosure Statement Form is complete, true, and accurate. I understand that, upon receipt of notification that the application has been scheduled for public hearing, I am responsible for updating the information provided herein two weeks prior to the meeting of Planning Commission, City Council, VBDA, CBPA, Wetlands Board or any public body or committee in connection with this application.

DocuSigned by:

Frederick Napolitano

Applicant Signature

Frederick Napolitano

Print Name and Title

4/28/2023

Date

Is the applicant also the owner of the subject property? Yes No

- If **yes**, you do not need to fill out the owner disclosure statement.

FOR CITY USE ONLY/ All disclosures must be updated two (2) weeks prior to any Planning Commission and City Council meeting that pertains to the applications

<input type="checkbox"/>	No changes as of	Date	Signature	
			Print Name	

- ❖ DEQ: Permit application fees required for Virginia Water Protection permits – while detailed in 9VAC25-20 – are conveyed to the applicant by the applicable DEQ office (<http://www.deq.virginia.gov/Locations.aspx>). Complete the Permit Application Fee Form and submit it per the instructions to the address listed on the form. Instructions for submitting any other fees will be provided to the applicant by DEQ staff.
- ❖ VMRC: An application fee of \$300 may be required for projects impacting tidal wetlands, beaches and/or dunes when VMRC acts as the LWB. VMRC will notify the applicant in writing if the fee is required. Permit fees involving subaqueous lands are \$25.00 for projects costing \$10,000 or less and \$100 for projects costing more than \$10,000. Royalties may also be required for some projects. The proper permit fee and any required royalty is paid at the time of permit issuance by VMRC. VMRC staff will send the permittee a letter notifying him/her of the proper permit fees and submittal requirements.
- ❖ LWB: Permit fees vary by locality. Contact the LWB for your project area or their website for fee information and submittal requirements. Contact information for LWBs may be found at http://ccrm.vims.edu/permits_web/guidance/local_wetlands_boards.html.

FOR AGENCY USE ONLY	
	Notes:
	JPA #

APPLICANTS

Part 1 – General Information

PLEASE PRINT OR TYPE ALL ANSWERS: If a question does not apply to your project, please print N/A (not applicable) in the space provided. If additional space is needed, attach 8-1/2 x 11 inch sheets of paper.

<i>Check all that apply</i>				
Pre-Construction Notification (PCN) <input type="checkbox"/> NWP # _____ <i>(For Nationwide Permits ONLY - No DEQ- VWP permit writer will be assigned)</i>	Regional Permit 17 (RP-17) <input type="checkbox"/>			
County or City in which the project is located: <u>Virginia Beach</u>				
Waterway at project site: <u>Linkhorn Bay</u>				
PREVIOUS ACTIONS RELATED TO THE PROPOSED WORK (Include all federal, state, and local pre application coordination, site visits, previous permits, or applications whether issued, withdrawn, or denied)				
Historical information for past permit submittals can be found online with VMRC - https://webapps.mrc.virginia.gov/public/habitat/ - or VIMS - http://ccrm.vims.edu/perms/newpermits.html				
Agency	Action / Activity	Permit/Project number, including any non-reporting Nationwide permits previously used (e.g., NWP 13)	Date of Action	If denied, give reason for denial
All	Approved/Pier	1992-1280	09/04/92	
All	Approved/Riprap & Groin	1990-0648	09/30/90	

Part 1 - General Information (continued)

1. Applicant's legal name* and complete mailing address: Contact Information:
 Frederick Napolitano Home () _____
 1065 Bobolink Drive Work () _____
 Virginia Beach, VA 23451 Fax () _____
 Cell (757) 490-3141
 e-mail jnapolitano@napolitanohomes.com
 State Corporation Commission Name and ID Number (if applicable) _____

2. Property owner(s) legal name* and complete address, if different from applicant: Contact Information:
 Home () _____
 Work () _____
 Fax () _____
 Cell () _____
 e-mail _____
 State Corporation Commission Name and ID Number (if applicable) _____

3. Authorized agent name* and complete mailing address (if applicable): Contact Information:
 Waterfront Consulting, Inc. Home () _____
 2589 Quality Court, Ste. 323 Work (757) 425-8244
 Virginia Beach, VA 23454 Fax (757) 425-8244
 Cell (757) 619-7302
 e-mail bob@waterfrontconsulting.net
 State Corporation Commission Name and ID Number (if applicable) 047-4381-1

*** If multiple applicants, property owners, and/or agents, each must be listed and each must sign the applicant signature page.**

4. Provide a detailed description of the project in the space below, including the type of project, its dimensions, materials, and method of construction. Be sure to include how the construction site will be accessed and whether tree clearing and/or grading will be required, including the total acreage. If the project requires pilings, please be sure to include the total number, type (e.g. wood, steel, etc), diameter, and method of installation (e.g. hammer, vibratory, jetted, etc). If additional space is needed, provide a separate sheet of paper with the project description.

The project is to construct 10 LF of riprap revetment in the mouth of the old boat ramp and backfill to match grades on both sides of the boat ramp.

There will be no piles associated with this project.

Part 1 - General Information (continued)

5. Have you obtained a contractor for the project? ___ Yes* No. *If your answer is "Yes" complete the remainder of this question and submit the Applicant's and Contractor's Acknowledgment Form (enclosed)

Contractor's name* and complete mailing address:

Contact Information:

Home () _____

Work () _____

Fax () _____

Cell () _____

email _____

State Corporation Commission Name and ID Number (if applicable) _____

*** If multiple contractors, each must be listed and each must sign the applicant signature page.**

6. List the name, address and telephone number of the newspaper having general circulation in the area of the project. Failure to complete this question may delay local and State processing.

Name and complete mailing address:

Telephone number

Virginian Pilot

(757) 622-1455 _____

150 W. Brambleton Avenue

Norfolk, VA 23510

7. Give the following project location information:

Street Address (911 address if available) 1065 Bobolink Drive _____

Lot/Block/Parcel# Lot 230A, Birdneck Point _____

Subdivision Birdneck Point _____

City / County Virginia Beach _____

ZIP Code 23451 _____

Latitude and Longitude at Center Point of Project Site (Decimal Degrees):

36.86805 / -76.01054 _____

(Example: 36.41600/-76.30733)

If the project is located in a rural area, please provide driving directions giving distances from the best and nearest visible landmarks or major intersections. *Note: if the project is in an undeveloped subdivision or property, clearly stake and identify property lines and location of the proposed project. A supplemental map showing how the property is to be subdivided should also be provided.*

The project is located on public roads.

8. What are the *primary and secondary purposes of and the need for* the project? For example, the primary purpose may be "to protect property from erosion due to boat wakes" and the secondary purpose may be "to provide safer access to a pier."

Primary Purpose: Shoreline Stabilization

Secondary Purpose: Erosion Control

Part 1 - General Information (continued)

9. Proposed use (check one):

- Single user (private, non-commercial, residential)
- Multi-user (community, commercial, industrial, government)

10. Describe alternatives considered and the measures that will be taken to avoid and minimize impacts, to the maximum extent practicable, to wetlands, surface waters, submerged lands, and buffer areas associated with any disturbance (clearing, grading, excavating) during and after project construction. *Please be advised that unavoidable losses of tidal wetlands and/or aquatic resources may require compensatory mitigation.*

A living shoreline was not considered at this site due to the wake activity of Linkhorn Bay from heavy boat traffic and the surrounding shoreline improvements (riprap and bulkhead). There will be 80 SF of NVW impacts that will be self mitigating.

11. Is this application being submitted for after-the-fact authorization for work which has already begun or been completed? Yes No. If yes, be sure to clearly depict the portions of the project which are already complete in the project drawings.

12. Approximate cost of the entire project (materials, labor, etc.): \$ 10,000.00
Approximate cost of that portion of the project that is channelward of mean low water: \$ 0

13. Completion date of the proposed work: Approximately 1 year from permit date - _____

14. Adjacent Property Owner Information: List the name and complete **mailing address**, including zip code, of each adjacent property owner to the project. (NOTE: If you own the adjacent lot, provide the requested information for the first adjacent parcel beyond your property line.) Failure to provide this information may result in a delay in the processing of your application by VMRC.

Robert A. Dardenne Trust	1068 Bobolink Drive	Virginia Beach, VA 23451
Robin Snyder Brickell RT	1061 Bobolink Drive	Virginia Beach, VA 23451

Part 2 - Signatures

1. Applicants and property owners (if different from applicant).

NOTE: REQUIRED FOR ALL PROJECTS

PRIVACY ACT STATEMENT: The Department of the Army permit program is authorized by Section 10 of the Rivers and Harbors Act of 1899, Section 404 of the Clean Water Act, and Section 103 of the Marine Protection Research and Sanctuaries Act of 1972. These laws require that individuals obtain permits that authorize structures and work in or affecting navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters prior to undertaking the activity. Information provided in the Joint Permit Application will be used in the permit review process and is a matter of public record once the application is filed. Disclosure of the requested information is voluntary, but it may not be possible to evaluate the permit application or to issue a permit if the information requested is not provided.

CERTIFICATION: I am hereby applying for all permits typically issued by the DEQ, VMRC, USACE, and/or Local Wetlands Boards for the activities I have described herein. I agree to allow the duly authorized representatives of any regulatory or advisory agency to enter upon the premises of the project site at reasonable times to inspect and photograph site conditions, both in reviewing a proposal to issue a permit and after permit issuance to determine compliance with the permit.

In addition, I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Frederick Napolitano

Applicant's Legal Name (printed/typed)

(Use if more than one applicant)

DocuSigned by:

Frederick Napolitano

A43D816BF0E45D...

Applicant's Signature

(Use if more than one applicant)

4/28/2023

Date

Property Owner's Legal Name (printed/typed)
(If different from Applicant)

(Use if more than one owner)

Property Owner's Signature

(Use if more than one owner)

Date

Part 2 – Signatures (continued)

2. Applicants having agents (if applicable)

CERTIFICATION OF AUTHORIZATION

I (we), Frederick Napolitano, hereby certify that I (we) have authorized Waterfront Consulting, Inc.
(Applicant's legal name(s)) (Agent's name(s))

to act on my behalf and take all actions necessary to the processing, issuance and acceptance of this permit and any and all standard and special conditions attached.

We hereby certify that the information submitted in this application is true and accurate to the best of our knowledge.

Robert E. Simon, V.P.

(Agent's Signature)

(Use if more than one agent)

4/28/2023

(Date)

DocuSigned by:

Frederick Napolitano

(Applicant's Signature)

(Use if more than one applicant)

4/28/2023

(Date)

3. Applicant's having contractors (if applicable)

CONTRACTOR ACKNOWLEDGEMENT

I (we), Frederick Napolitano, have contracted _____
(Applicant's legal name(s)) (Contractor's name(s))

to perform the work described in this Joint Permit Application, signed and dated _____.

We will read and abide by all conditions set forth in all Federal, State and Local permits as required for this project. We understand that failure to follow the conditions of the permits may constitute a violation of applicable Federal, state and local statutes and that we will be liable for any civil and/or criminal penalties imposed by these statutes. In addition, we agree to make available a copy of any permit to any regulatory representative visiting the project to ensure permit compliance. If we fail to provide the applicable permit upon request, we understand that the representative will have the option of stopping our operation until it has been determined that we have a properly signed and executed permit and are in full compliance with all terms and conditions.

Contractor's name or name of firm

Contractor's or firms address

Contractor's signature and title

Contractor's License Number

Applicant's signature

(use if more than one applicant)

Date

Part 3 – Appendices (continued)

Appendix B: Projects for Shoreline Stabilization in tidal wetlands, tidal waters and dunes/beaches including riprap revetments and associated backfill, marsh toe stabilization, bulkheads and associated backfill, breakwaters, beach nourishment, groins, jetties, and living shoreline projects. Answer all questions that apply. Please provide any reports provided from the Shoreline Erosion Advisory Service or VIMS.

NOTE: It is the policy of the Commonwealth that living shorelines are the preferred alternative for stabilizing tidal shorelines (Va. Code § 28.2-104.1). **Information on non-structural, vegetative alternatives (i.e., Living Shoreline) for shoreline stabilization is available at http://ccrm.vims.edu/coastal_zone/living_shorelines/index.html.**

1. Describe each **revetment, bulkhead, marsh toe, breakwater, groin, jetty, other structure, or living shoreline project** separately in the space below. Include the overall length in linear feet, the amount of impacts in acres, and volume of associated backfill below mean high water and/or ordinary high water in cubic yards, as applicable:

The project is to construct 10 LF of riprap revetment in the mouth of the old boat ramp and backfill to match grades on both sides of the boat ramp.

There will be 0.002 acres of aquatic impacts and 5 CYs of fill placed below the plane of MHW.

2. What is the maximum encroachment channelward of mean high water? 8 feet.
Channelward of mean low water? 0 feet.
Channelward of the back edge of the dune or beach? N/A feet.
3. Please calculate the square footage of encroachment over:

• Vegetated wetlands	<u>0</u>	square feet
• Non-vegetated wetlands	<u>80</u>	square feet
• Subaqueous bottom	<u>0</u>	square feet
• Dune and/or beach	<u>N/A</u>	square feet
4. For bulkheads, is any part of the project maintenance or replacement of a previously authorized, currently serviceable, existing structure? Yes No.

If yes, will the construction of the new bulkhead be no further than two (2) feet channelward of the existing bulkhead? Yes No.

If no, please provide an explanation for the purpose and need for the additional encroachment.

ENGINEER/SURVEYOR'S INSPECTION STATEMENT FOR WATERFRONT CONSTRUCTION/COASTAL PRIMARY SAND DUNE PROJECTS

REVISED 10-09-03

PROJECT LOCATION: 1065 Bobolink Drive

APPLICANT'S NAME: Frederick Napolitano

APPLICANT'S ADDRESS: 1065 Bobolink Drive

Virginia Beach, VA 23451

ENGINEER OF RECORD: Sean E. Green, P.E.

PROFESSIONAL ENGINEER/ SURVEYOR
CERTIFYING PROJECT

CONSTRUCTION: Riprap

AT THE COMPLETION OF A WATERFRONT CONSTRUCTION/COASTAL PRIMARY SAND DUNE PROJECT IT IS REQUIRED THAT A CERTIFICATION BY THE APPROVING ENGINEER/SURVEYOR BE SUBMITTED, STATING THAT THEY HAVE INSPECTED THE REFERENCED PROJECT SITE AND TO THE BEST OF THEIR KNOWLEDGE, THE WATERFRONT/COASTAL PRIMARY SAND DUNE PROJECT HAS BEEN CONSTRUCTED IN ACCORDANCE WITH THE APPROVED PLANS AND SPECIFICATIONS. SUCH CERTIFICATION SHALL BE SEALED BY THE ENGINEER OR SURVEYOR CERTIFYING THE CONSTRUCTION.

THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT OF PLANNING, WATERFRONT OPERATIONS OFFICE WITH ALL APPLICATIONS FOR WATERFRONT CONSTRUCTION/COASTAL PRIMARY SAND DUNE PROJECTS AT THE TIME OF SUBMITTAL.


SIGNATURE OF ENGINEER/SURVEYOR CERTIFYING CONSTRUCTION

5-3-2023
DATE

Sean E. Green, P.E.
TYPE OR PRINT NAME OF ENGINEER/SURVEYOR CERTIFYING CONSTRUCTION

DocuSigned by:

SIGNATURE OF APPLICANT

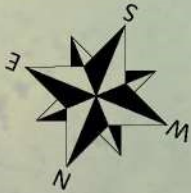
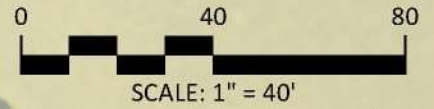
DATE

SIGNATURE OF COASTAL ZONE ADMINISTRATOR

DATE

ANY ALTERATION OF THIS FORM OR ITS ENDORSEMENTS WITHOUT THE EXPRESS CONSENT FROM THE ORIGINATOR SHALL INVALIDATE THIS INSTRUMENT.

APPLICATION NO. _____



M.B. 40 PG. 42

LINKHORN BAY

EXISTING PIER AND LIFT

APO #1
NOW OR FORMERLY
ROBIN SYNDER BRICKELL RT
1061 BOBOLINK DRIVE
GPIN: 2418-15-2284-0000

N 01° 47' W 160'

EXISTING ALUMINUM BULKHEAD

N 25° 17' W 40'

EXISTING RIPRAP

S 64° 13' W 30'

BOBOLINK DRIVE
30' RIGHT-OF-WAY

EXISTING
CONDITIONS

TWO STORY FRAME & STONE
#1065 BOBOLINK

CONCRETE DRIVEWAY

S 69° 13' W 143.8'

APO #2
NOW OR FORMERLY
ROBERT A. DARDENNE TRUST
1068 BOBOLINK DRIVE
GPIN: 2418-05-9345-0000

R = 30'
L = 49.74'

TENNIS COURT

Sean E. Green
Digitally signed by: Sean E. Green
Date: 2023.05.03
20:44:55 -05'00'

MEAN HIGH WATER

MEAN LOW WATER

EXISTING TIMBER BULKHEAD

MEAN HIGH WATER



© 2023 WATERFRONT CONSULTING, INC. ALL RIGHTS RESERVED

PURPOSE: SHORELINE STABILIZATION
DATUM: MLW = 0.00'

- APOS:
1. ROBIN SNYDER BRICKELL RT
 2. ROBERT A DARDENNE TRUST



WATERFRONT
CONSULTING, INC.

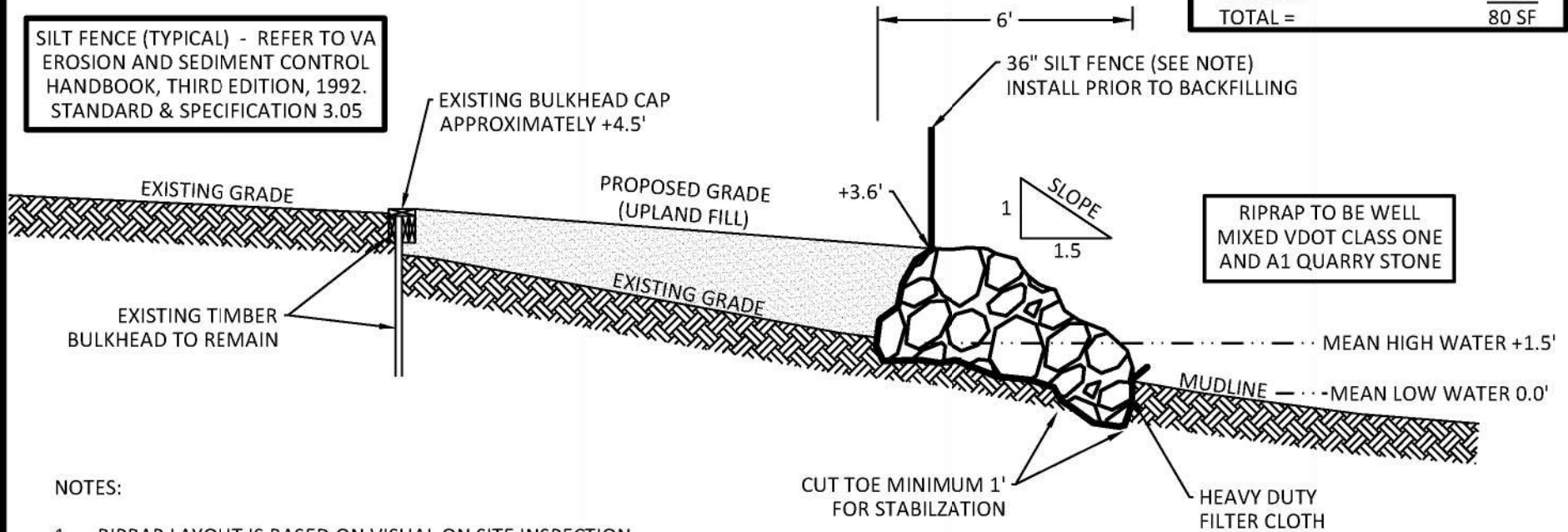
2589 QUALITY COURT, SUITE 323
VIRGINIA BEACH, VA 23454
PHONE: (757) 425-8244, MOBILE: (757) 619-7302

ENGINEERING SERVICES PROVIDED BY:
STONE GREEN CONSULTING, LLC
4014 MEDINA ROAD #1015, AKRON, OH 44333
(330) 883-2117

PROPOSED: RIPRAP
IN: LINKHORN BAY
AT: 1065 BOBOLINK DRIVE
VIRGINIA BEACH, VA 23451-4947
APPLICATION BY:
FREDERICK NAPOLITANO

SHEET: 1 OF 5
DATE: APRIL 25, 2023

PROPOSED RIPRAP CROSS SECTION



NON-VEGETATED WETLANDS IMPACTS	
RIPRAP =	60 SF
BACKFILL =	20 SF
TOTAL =	80 SF

RIPRAP TO BE WELL MIXED VDOT CLASS ONE AND A1 QUARRY STONE

NOTES:

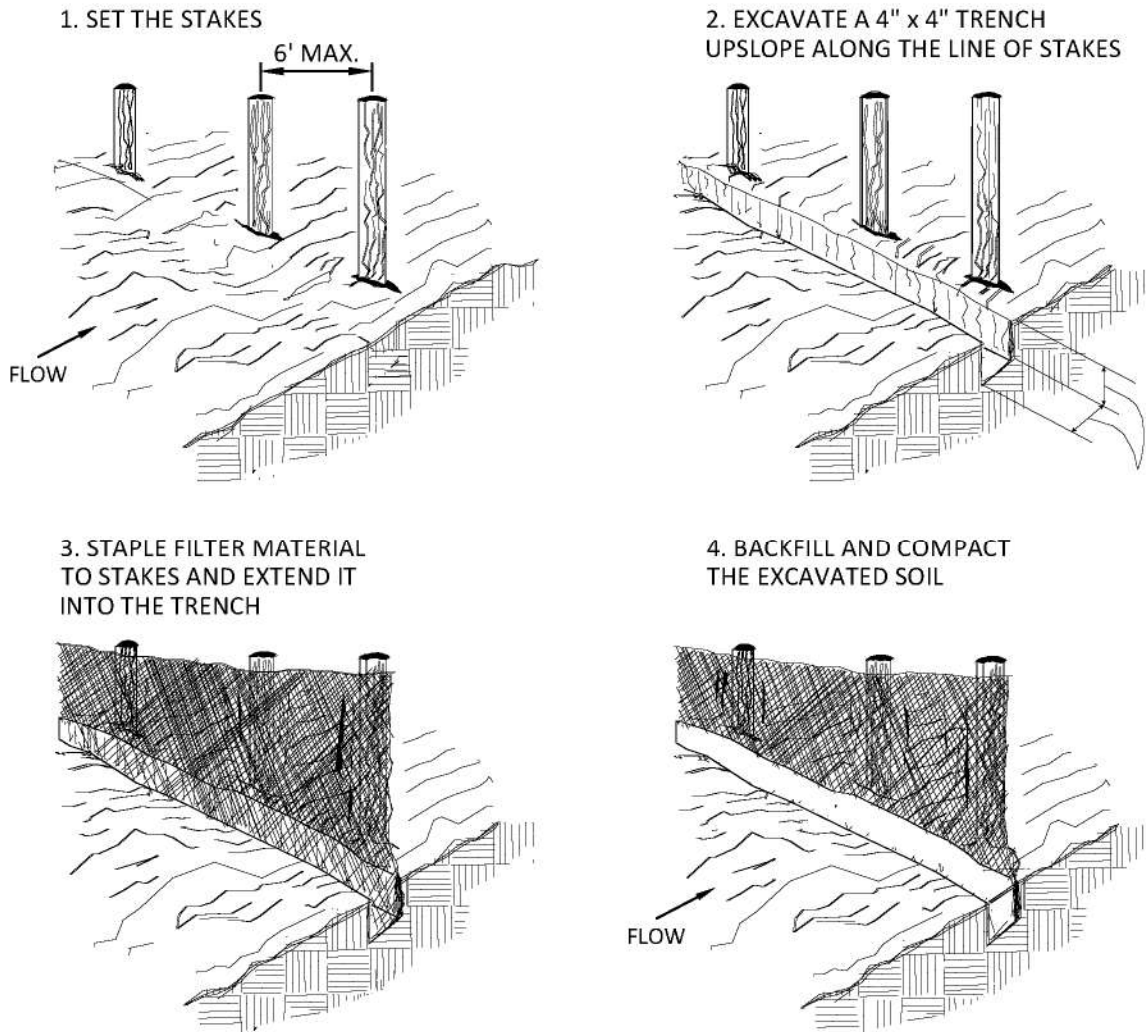
1. RIPRAP LAYOUT IS BASED ON VISUAL ON SITE INSPECTION.
2. ADDITIONAL STONE MAY BE REQUIRED THAN SHOWN DUE TO SETTLEMENT DURING CONSTRUCTION.
3. DIMENSIONS SHOWN ARE DIMENSIONS UPON COMPLETION OF THE PROJECT AFTER INITIAL CONSTRUCTION SETTLEMENT.

DRAWINGS ARE FOR PERMIT PURPOSES ONLY, AND DO NOT CONSTITUTE FULL DESIGN DRAWINGS. NO SOIL BORINGS HAVE BEEN TAKEN TO CONFIRM SUBSURFACE SOIL CONDITIONS. LAYOUT IS BASED ON VISUAL ON-SITE INSPECTION. ABNORMAL SITE CONDITIONS NOT READILY APPARENT HAVE NOT BEEN TAKEN INTO ACCOUNT, AND MAY REQUIRE MODIFICATIONS TO THE DESIGN. CONTRACTOR SHALL FIELD VERIFY BOTTOM CONDITIONS TO ASSURE THAT FIRM MATERIAL IS IN PLACE. THE ENGINEER IS TO BE NOTIFIED OF ANY ABNORMAL SOIL CONDITIONS.

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PURPOSE: SHORELINE STABILIZATION DATUM: MLW = 0.00' APOS: 1. ROBIN SNYDER BRICKELL RT 2. ROBERT A DARDENNE TRUST	<p>WATERFRONT CONSULTING, INC.</p> <p>2589 QUALITY COURT, SUITE 323 VIRGINIA BEACH, VA 23454 PHONE: (757) 425-8244, MOBILE: (757) 619-7302</p> <p>ENGINEERING SERVICES PROVIDED BY: STONE GREEN CONSULTING, LLC 4014 MEDINA ROAD #1015, AKRON, OH 44333 (330) 883-2117</p>	PROPOSED: RIPRAP IN: LINKHORN BAY AT: 1065 BOBOLINK DRIVE VIRGINIA BEACH, VA 23451-4947 APPLICATION BY: FREDERICK NAPOLITANO SHEET: 3 OF 5 DATE: APRIL 25, 2023
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CONSTRUCTION OF A SILT FENCE (WITHOUT WIRE SUPPORT)



SHEET FLOW INSTALLATION (PERSPECTIVE VIEW)

SOURCE: Adapted from Installation of Straw and Fabric Filter Barriers for Sediment Control, VA. DSWC Sherwood and Wyant PLATE 3.05-2

© 2023 WATERFRONT CONSULTING, INC. ALL RIGHTS RESERVED

PURPOSE: SHORELINE STABILIZATION
DATUM: MLW = 0.00'

APOS:
1. ROBIN SNYDER BRICKELL RT
2. ROBERT A DARDENNE TRUST



**WATERFRONT
CONSULTING, INC.**

2589 QUALITY COURT, SUITE 323
VIRGINIA BEACH, VA 23454
PHONE: (757) 425-8244, MOBILE: (757) 619-7302

ENGINEERING SERVICES PROVIDED BY:
STONE GREEN CONSULTING, LLC
4014 MEDINA ROAD #1015, AKRON, OH 44333
(330) 883-2117

PROPOSED: RIPRAP
IN: LINKHORN BAY
AT: 1065 BOBOLINK DRIVE
VIRGINIA BEACH, VA 23451-4947
APPLICATION BY:
FREDERICK NAPOLITANO

SHEET: 4 OF 5
DATE: APRIL 25, 2023

SITE INFORMATION

LEGAL DESCRIPTION: BIRDNECK POINT LOT 230 A
 REFERENCE: MAP BOOK 40, PAGE(S) 42, ON FILE AT THE CLERK'S OFFICE, VIRGINIA BEACH, VA
 GPIN: 2418-15-0186-0000
 ZONING: R-40

SEQUENCE OF EVENTS

1. OBTAIN ALL NECESSARY PERMITS.
2. SCHEDULE ON-SITE PRE-CONSTRUCTION MEETING WITH COASTAL ZONE INSPECTOR.
3. MOBILIZE EQUIPMENT TO SITE, MARK ACCESS WAY WITH SAFETY FENCE.
4. CONSTRUCT IMPROVEMENTS.
5. DEMOBILIZE EQUIPMENT FROM SITE WHILE ADDING TOP SOIL AND SEED TO ALL AREAS DENUDED / DAMAGED BY CONSTRUCTION OPERATIONS.



VICINITY MAP

SCALE: 1" = 2,000'

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PURPOSE: SHORELINE STABILIZATION
 DATUM: MLW = 0.00'

- APOS:
1. ROBIN SNYDER BRICKELL RT
 2. ROBERT A DARDENNE TRUST



**WATERFRONT
 CONSULTING, INC.**

2589 QUALITY COURT, SUITE 323
 VIRGINIA BEACH, VA 23454
 PHONE: (757) 425-8244, MOBILE: (757) 619-7302

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WATERFRONT CONSULTING, INC.
"Specializing in Permit Processing"

Robert A. Dardenne Trust
1068 Bobolink Drive
Virginia Beach, VA 23451

RE: Proposed Riprap
Located at: 1065 Bobolink Drive, Virginia Beach, VA 23451

Dear Robert A. Dardenne Trust

This letter is to notify you that your neighbor(s), Frederick Napolitano have submitted a Joint Permit Application for waterfront improvements as shown on the enclosed drawings. Please review the drawings and should you have any questions or concerns, please do not hesitate to call.

If you do not object to the project or have no comment, we would ask that you return the enclosed Adjacent Property Owners Acknowledgement form via email to bob@waterfrontconsulting.net or the USPS to Waterfront Consulting, Inc.

If you object to the project, you may still return the Adjacent Property Owners Acknowledgement form to Waterfront Consulting, Inc. or by USPS to:

Virginia Marine Resources Commission
Habitat Management Division
380 Fenwick Road, Bldg. 96
Fort Monroe, VA 23651

We thank you in advance for your timely response and please feel free to call me with any questions. If we do not receive a response within 15 days from receiving this letter, it will be assumed that you have no objection to the project.

Kind Regards,

Robert E. Simon

Robert E. Simon, Vice President

CC: Frederick Napolitano , Applicant

Part 2 – Signatures (continued)

ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

I (we), Robert A. Dardenne Trust, own land next to (across the water
(Print adjacent/nearby property owner's name)

from/on the same cove as) the land of Frederick Napolitano.
(Print applicant's name(s))

I have reviewed the applicant's project drawings dated April 24, 2023
(Date)

to be submitted for all necessary federal, state and local permits.

I HAVE NO COMMENT ABOUT THE PROJECT.

I DO NOT OBJECT TO THE PROJECT.

I OBJECT TO THE PROJECT.

The applicant has agreed to contact me for additional comments if the proposal changes prior to construction of the project.

(Before signing this form be sure you have checked the appropriate option above).

Adjacent/nearby property owner's signature(s)

Date

Note: If you object to the proposal, the reason(s) you oppose the project must be submitted in writing to VMRC. An objection will not necessarily result in denial of the project; however, valid complaints will be given full consideration during the permit review process.



WATERFRONT CONSULTING, INC.
"Specializing in Permit Processing"

Robin Snyder Brickell RT
1061 Bobolink Drive
Virginia Beach, VA 23451

RE: Proposed Riprap
Located at: 1065 Bobolink Drive, Virginia Beach, VA 23451

Dear Robin Snyder Brickell RT

This letter is to notify you that your neighbor(s), Frederick Napolitano have submitted a Joint Permit Application for waterfront improvements as shown on the enclosed drawings. Please review the drawings and should you have any questions or concerns, please do not hesitate to call.

If you do not object to the project or have no comment, we would ask that you return the enclosed Adjacent Property Owners Acknowledgement form via email to bob@waterfrontconsulting.net or the USPS to Waterfront Consulting, Inc.

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Robert E. Simon

Robert E. Simon, Vice President

CC: Frederick Napolitano , Applicant

Part 2 – Signatures (continued)

ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

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3. 2022-WTRA-00051

Peter E. and Catherine B. Jeydel

[Applicants & Owners]

3000 Lynndale Road

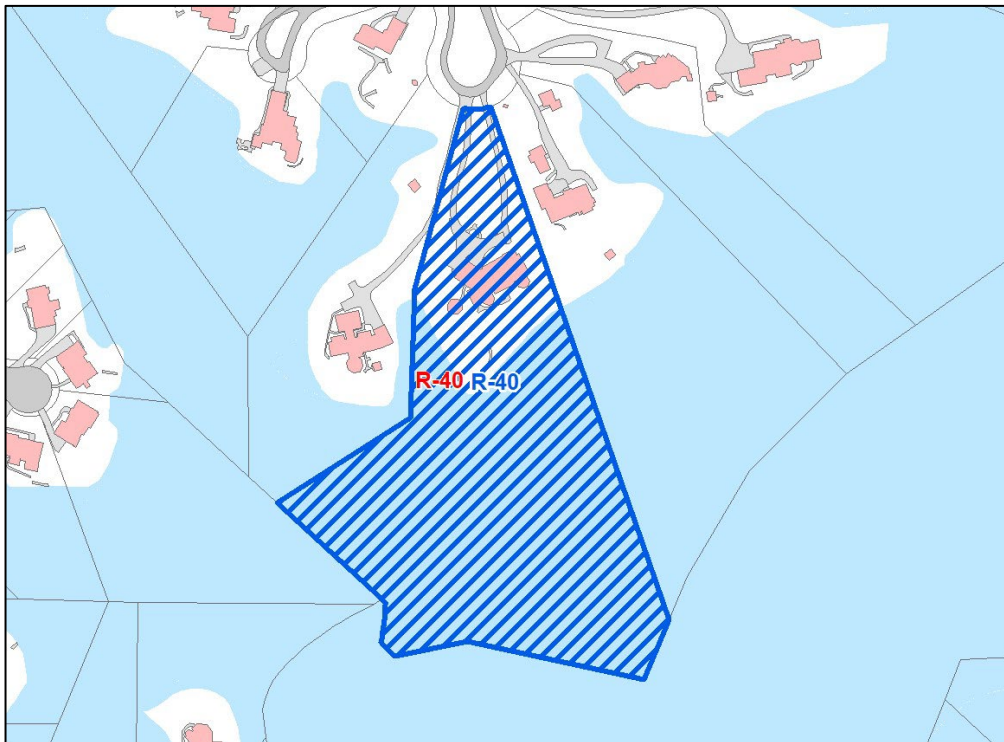
GPIN 1498-27-6301

City Council District: District 8, formerly Lynnhaven

Waterway – Eastern Branch Lynnhaven River

Subdivision – Lynndale Estates

Request: To install oyster castles involving wetlands.



Disclosure Statement



The disclosures contained in this form are necessary to inform public officials who may vote on the application as to whether they have a conflict of interest under Virginia law. The completion and submission of this form is required for all applications that pertain to City real estate matters or to the development and/or use of property in the City of Virginia Beach requiring action by the City Council or a City board, commission or other body.

Applicant Disclosure

Applicant Name Peter Jeydel

Does the applicant have a representative? Yes No

- If yes, list the name of the representative.

Brent James (Lynnhaven River Now)

Is the applicant a corporation, partnership, firm, business, trust or an unincorporated business? Yes No

- If yes, list the names of all officers, directors, members, trustees, etc. below. (Attach a list if necessary)

- If yes, list the businesses that have a parent-subsiary¹ or affiliated business entity² relationship with the applicant. (Attach a list if necessary)

¹ "Parent-subsiary relationship" means "a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation." See State and Local Government Conflict of Interests Act, VA. Code § 2.2-3101.

² "Affiliated business entity relationship" means "a relationship, other than parent-subsiary relationship, that exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. Factors that should be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person own or manage the two entities; there are common or commingled funds or assets; the business entities share the use of the same offices or employees or otherwise share activities, resources or personnel on a regular basis; or there is otherwise a close working relationship between the entities." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

Disclosure Statement



Known Interest by Public Official or Employee

Does an **official or employee of the City of Virginia Beach** have an interest in the subject land or any proposed development contingent on the subject public action? Yes No

- If **yes**, what is the name of the official or employee and what is the nature of the interest?
-

Applicant Services Disclosure

1. Does the applicant have **any existing financing (mortgage, deeds of trust, cross-collateralization, etc) or are they considering any financing** in connection with the subject of the application or any business operating or to be operated on the property?

Yes No

- If **yes**, identify the financial institutions providing the service.
-

2. Does the applicant have a **real estate broker/agent/realtor** for current and anticipated future sales of the subject property?

Yes No

- If **yes**, identify the company and individual providing the service.
-

3. Does the applicant have services for **accounting and/or preparation of tax returns** provided in connection with the subject of the application or any business operating or to be operated on the property? Yes No

- If **yes**, identify the firm and individual providing the service.
-

4. Does the applicant have services from an **architect/landscape architect/land planner** provided in connection with the subject of the application or any business operating or to be operated on the property? Yes No

- If **yes**, identify the firm and individual providing the service.
-

5. Is there any other **pending or proposed purchaser** of the subject property? Yes No

- If **yes**, identify the purchaser and purchaser's service providers.
-

Disclosure Statement



6. Does the applicant have a **construction contractor** in connection with the subject of the application or any business operating or to be operated on the property? Yes No

- If **yes**, identify the company and individual providing the service.

(Lynnhaven River Now helping to coordinate and install.)

7. Does the applicant have an **engineer/surveyor/agent** in connection with the subject of the application or any business operating or to be operated on the property? Yes No

- If **yes**, identify the firm and individual providing the service.

(Other than Lynnhaven River Now as above.)

8. Is the applicant receiving **legal services** in connection with the subject of the application or any business operating or to be operated on the property? Yes No

- If **yes**, identify the firm and individual providing the service.

Applicant Signature

I certify that all of the information contained in this Disclosure Statement Form is complete, true, and accurate. I understand that, upon receipt of notification that the application has been scheduled for public hearing, I am responsible for updating the information provided herein two weeks prior to the meeting of Planning Commission, City Council, VBDA, CBPA, Wetlands Board or any public body or committee in connection with this application.

Applicant Signature

Peter Seydel

Print Name and Title

9/31/2023

Date

Is the applicant also the owner of the subject property? Yes No

- If **yes**, you do not need to fill out the owner disclosure statement.

FOR CITY USE ONLY/ All disclosures must be updated two (2) weeks prior to any Planning Commission and City Council meeting that pertains to the applications

<input type="checkbox"/>	No changes as of	Date	Signature	
			Print Name	

- ❖ DEQ: Permit application fees required for Virginia Water Protection permits – while detailed in 9VAC25-20 – are conveyed to the applicant by the applicable DEQ office (<http://www.deq.virginia.gov/Locations.aspx>). Complete the Permit Application Fee Form and submit it per the instructions to the address listed on the form. Instructions for submitting any other fees will be provided to the applicant by DEQ staff.
- ❖ VMRC: An application fee of \$300 may be required for projects impacting tidal wetlands, beaches and/or dunes when VMRC acts as the LWB. VMRC will notify the applicant in writing if the fee is required. Permit fees involving subaqueous lands are \$25.00 for projects costing \$10,000 or less and \$100 for projects costing more than \$10,000. Royalties may also be required for some projects. The proper permit fee and any required royalty is paid at the time of permit issuance by VMRC. VMRC staff will send the permittee a letter notifying him/her of the proper permit fees and submittal requirements.
- ❖ LWB: Permit fees vary by locality. Contact the LWB for your project area or their website for fee information and submittal requirements. Contact information for LWBs may be found at http://ccrm.vims.edu/permits_web/guidance/local_wetlands_boards.html.

FOR AGENCY USE ONLY	
	Notes:
	JPA #

APPLICANTS

Part 1 – General Information

PLEASE PRINT OR TYPE ALL ANSWERS: If a question does not apply to your project, please print N/A (not applicable) in the space provided. If additional space is needed, attach 8-1/2 x 11 inch sheets of paper.

<i>Check all that apply</i>				
Pre-Construction Notification (PCN) <input type="checkbox"/>	Regional Permit 17 (RP-17) <input type="checkbox"/>			
NWP # _____ (For Nationwide Permits ONLY - No DEQ-VWP permit writer will be assigned)				
County or City in which the project is located: <u>Virginia Beach</u>				
Waterway at project site: <u>Lynnhaven River</u>				
PREVIOUS ACTIONS RELATED TO THE PROPOSED WORK (Include all federal, state, and local pre application coordination, site visits, previous permits, or applications whether issued, withdrawn, or denied)				
Historical information for past permit submittals can be found online with VMRC - https://webapps.mrc.virginia.gov/public/habitat/ - or VIMS - http://ccrm.vims.edu/perms/newpermits.html				
Agency	Action / Activity	Permit/Project number, including any non-reporting Nationwide permits previously used (e.g., NWP 13)	Date of Action	If denied, give reason for denial
Virginia Beach	Planning Dept water court instructions permit approved	2022-WTRA-00051	Apr 29 2022	
USACE	reviewed	NA0-1983-00023-765(83-VO	9/5/22- (0923)	
			Mar 28 2022	

Part 1 - General Information (continued)

1. Applicant's legal name* and complete mailing address: Contact Information:
 Home () _____
 Work () _____
 Fax () _____
 Cell (408) 377-4486
 e-mail pseyde1@gmail.com
 State Corporation Commission Name and ID Number (if applicable) n/a

2. Property owner(s) legal name* and complete address, if different from applicant: Contact Information:
 n/a
 Home () _____
 Work () _____
 Fax () _____
 Cell () _____
 e-mail _____
 State Corporation Commission Name and ID Number (if applicable) _____

3. Authorized agent name* and complete mailing address (if applicable): Contact Information:
 n/a
 Home () _____
 Work () _____
 Fax () _____
 Cell () _____
 e-mail _____
 State Corporation Commission Name and ID Number (if applicable) _____

*** If multiple applicants, property owners, and/or agents, each must be listed and each must sign the applicant signature page.**

4. Provide a detailed description of the project in the space below, including the type of project, its dimensions, materials, and method of construction. Be sure to include how the construction site will be accessed and whether tree clearing and/or grading will be required, including the total acreage. If the project requires pilings, please be sure to include the total number, type (e.g. wood, steel, etc), diameter, and method of installation (e.g. hammer, vibratory, jetted, etc). If additional space is needed, provide a separate sheet of paper with the project description.

Oyster Castles - Allied Concrete blocks
 total length of project approx. 400', total acreage approx. 0.013
 distances from MLW to shore grass (by area - see plan view drawing)
 A = 17'
 B = 0'
 C = 11'
 D = 11'
 all in intertidal zone
 no pilings
 blocks to be brought down to water by hand and/or tractor and/or wheel barrow
 no clearing or grading
 castle dimensions (by area - see plan view drawing)
 section I: 24" x 24" x 24"
 sections II+III: 48" L x 24" D x 24" H

Part 1 - General Information (continued)

5. Have you obtained a contractor for the project? Yes* No. *If your answer is "Yes" complete the remainder of this question and submit the Applicant's and Contractor's Acknowledgment Form (enclosed)

Contractor's name* and complete mailing address:

Lynnhaven River Now
3712 Holland Rd
Virginia Beach, VA 23492

Contact Information:

Home ()
Work (757) 962-9398
Fax ()
Cell ()
email brent@lnow.org

State Corporation Commission Name and ID Number (if applicable) 16-1647860

*** If multiple contractors, each must be listed and each must sign the applicant signature page.**

6. List the name, address and telephone number of the newspaper having general circulation in the area of the project. Failure to complete this question may delay local and State processing.

Name and complete mailing address:

Virginian Pilot
1801 E Broad St #301
Richmond, VA 23219

Telephone number

(757) 339-6665

7. Give the following project location information:

Street Address (911 address if available) 3000 Lyndale Rd

Lot/Block/Parcel#

Subdivision

City / County Virginia Beach

ZIP Code 23492

Latitude and Longitude at Center Point of Project Site (Decimal Degrees):

36.874672 1 - 76.073413 (Example: 36.41600/-76.30733)

If the project is located in a rural area, please provide driving directions giving distances from the best and nearest visible landmarks or major intersections. *Note: if the project is in an undeveloped subdivision or property, clearly stake and identify property lines and location of the proposed project. A supplemental map showing how the property is to be subdivided should also be provided.*

8. What are the *primary and secondary purposes of and the need for* the project? For example, the primary purpose may be "to protect property from erosion due to boat wakes" and the secondary purpose may be "to provide safer access to a pier."

Environmental protection is the only purpose (clean water)

Part 1 - General Information (continued)

9. Proposed use (check one):
 Single user (private, non-commercial, residential)
 Multi-user (community, commercial, industrial, government)
10. Describe alternatives considered and the measures that will be taken to avoid and minimize impacts, to the maximum extent practicable, to wetlands, surface waters, submerged lands, and buffer areas associated with any disturbance (clearing, grading, excavating) during and after project construction. *Please be advised that unavoidable losses of tidal wetlands and/or aquatic resources may require compensatory mitigation.* *no negative impacts*
no alternatives
11. Is this application being submitted for after-the-fact authorization for work which has already begun or been completed? Yes No. If yes, be sure to clearly depict the portions of the project which are already complete in the project drawings.
12. Approximate cost of the entire project (materials, labor, etc.): \$ ~~5,100.00~~ 5,100.00
Approximate cost of that portion of the project that is channelward of mean low water:
\$ 0
13. Completion date of the proposed work: depends entirely on permit timing. ideally March/April 2023
14. Adjacent Property Owner Information: List the name and complete **mailing address**, including zip code, of each adjacent property owner to the project. (NOTE: If you own the adjacent lot, provide the requested information for the first adjacent parcel beyond your property line.) Failure to provide this information may result in a delay in the processing of your application by VMRC.
- Rick Craven*
3004 Lynndale Rd
- Jimmy Bradshaw*
3001 Lynndale Rd

Part 2 - Signatures

1. Applicants and property owners (if different from applicant).

NOTE: REQUIRED FOR ALL PROJECTS

PRIVACY ACT STATEMENT: The Department of the Army permit program is authorized by Section 10 of the Rivers and Harbors Act of 1899, Section 404 of the Clean Water Act, and Section 103 of the Marine Protection Research and Sanctuaries Act of 1972. These laws require that individuals obtain permits that authorize structures and work in or affecting navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters prior to undertaking the activity. Information provided in the Joint Permit Application will be used in the permit review process and is a matter of public record once the application is filed. Disclosure of the requested information is voluntary, but it may not be possible to evaluate the permit application or to issue a permit if the information requested is not provided.

CERTIFICATION: I am hereby applying for all permits typically issued by the DEQ, VMRC, USACE, and/or Local Wetlands Boards for the activities I have described herein. I agree to allow the duly authorized representatives of any regulatory or advisory agency to enter upon the premises of the project site at reasonable times to inspect and photograph site conditions, both in reviewing a proposal to issue a permit and after permit issuance to determine compliance with the permit.

In addition, I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Peter Jaydel

Applicant's Legal Name (printed/typed)

Catherine Jaydel

(Use if more than one applicant)

[Signature]

Applicant's Signature

[Signature]

(Use if more than one applicant)

2/6/2023

Date

same as applicants

Property Owner's Legal Name (printed/typed)
(If different from Applicant)

(Use if more than one owner)

Property Owner's Signature

(Use if more than one owner)

Date

Part 3 – Appendices (continued)

Appendix B: Projects for Shoreline Stabilization in tidal wetlands, tidal waters and dunes/beaches including riprap revetments and associated backfill, marsh toe stabilization, bulkheads and associated backfill, breakwaters, beach nourishment, groins, jetties, and living shoreline projects. Answer all questions that apply. Please provide any reports provided from the Shoreline Erosion Advisory Service or VIMS.

NOTE: It is the policy of the Commonwealth that living shorelines are the preferred alternative for stabilizing tidal shorelines (Va. Code § 28.2-104.1). **Information on non-structural, vegetative alternatives (i.e., Living Shoreline) for shoreline stabilization is available at http://ccrm.vims.edu/coastal_zone/living_shorelines/index.html.**

1. Describe each **revetment, bulkhead, marsh toe, breakwater, groin, jetty, other structure, or living shoreline project** separately in the space below. Include the overall length in linear feet, the amount of impacts in acres, and volume of associated backfill below mean high water and/or ordinary high water in cubic yards, as applicable:

Oyster castles approx. 400' ft total length
each castle 24" deep
total area impacted approx. 800' ft² = 0.018 acres
no backfill

2. What is the maximum encroachment channelward of mean high water? 2 feet.
Channelward of mean low water? 0 feet.
Channelward of the back edge of the dune or beach? feet.

→ each castle 24" deep in intertidal zone

3. Please calculate the square footage of encroachment over:

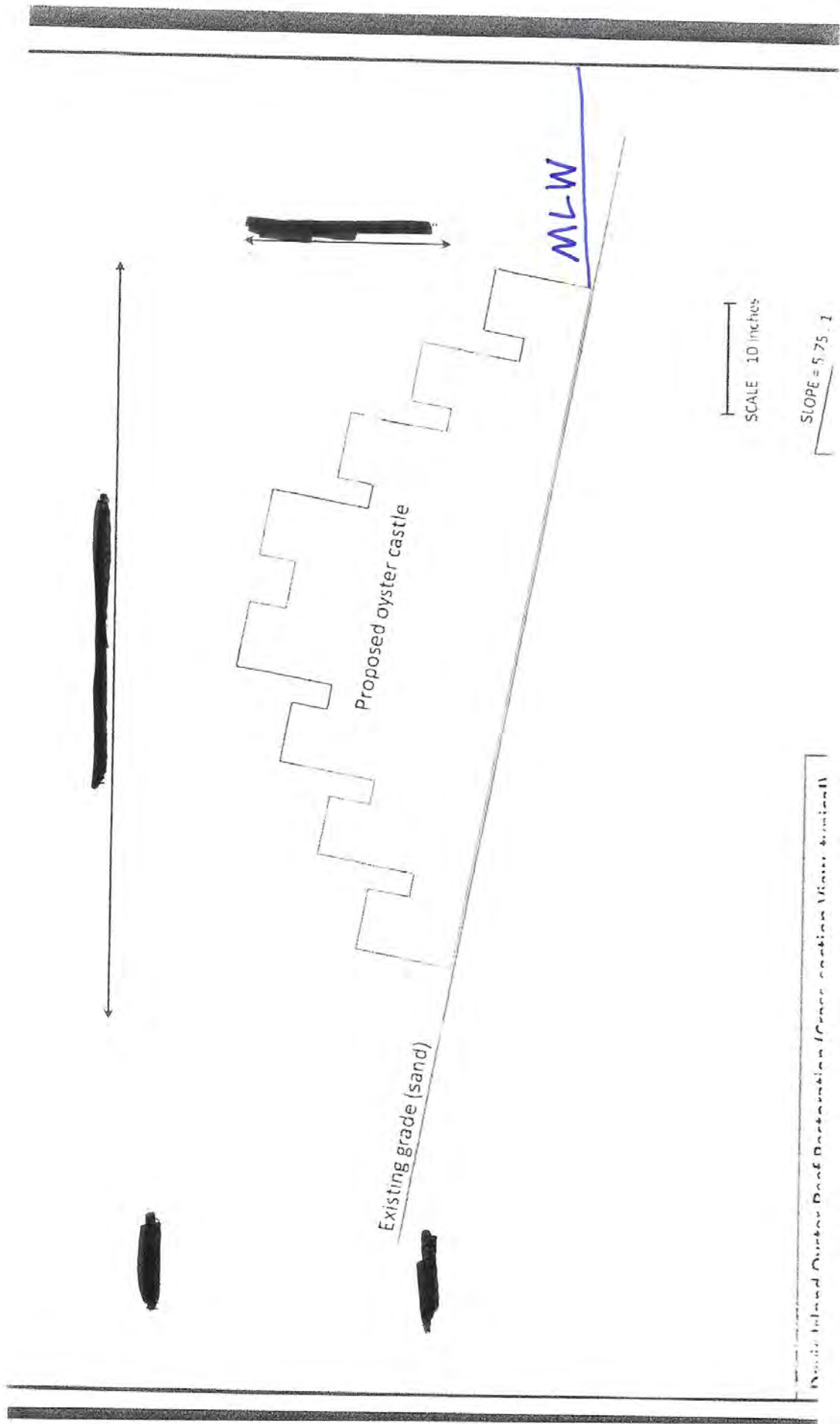
- Vegetated wetlands 0 square feet
- Non-vegetated wetlands 800 square feet
- Subaqueous bottom 0 square feet
- Dune and/or beach n/a square feet

4. For bulkheads, is any part of the project maintenance or replacement of a previously authorized, currently serviceable, existing structure? Yes No.

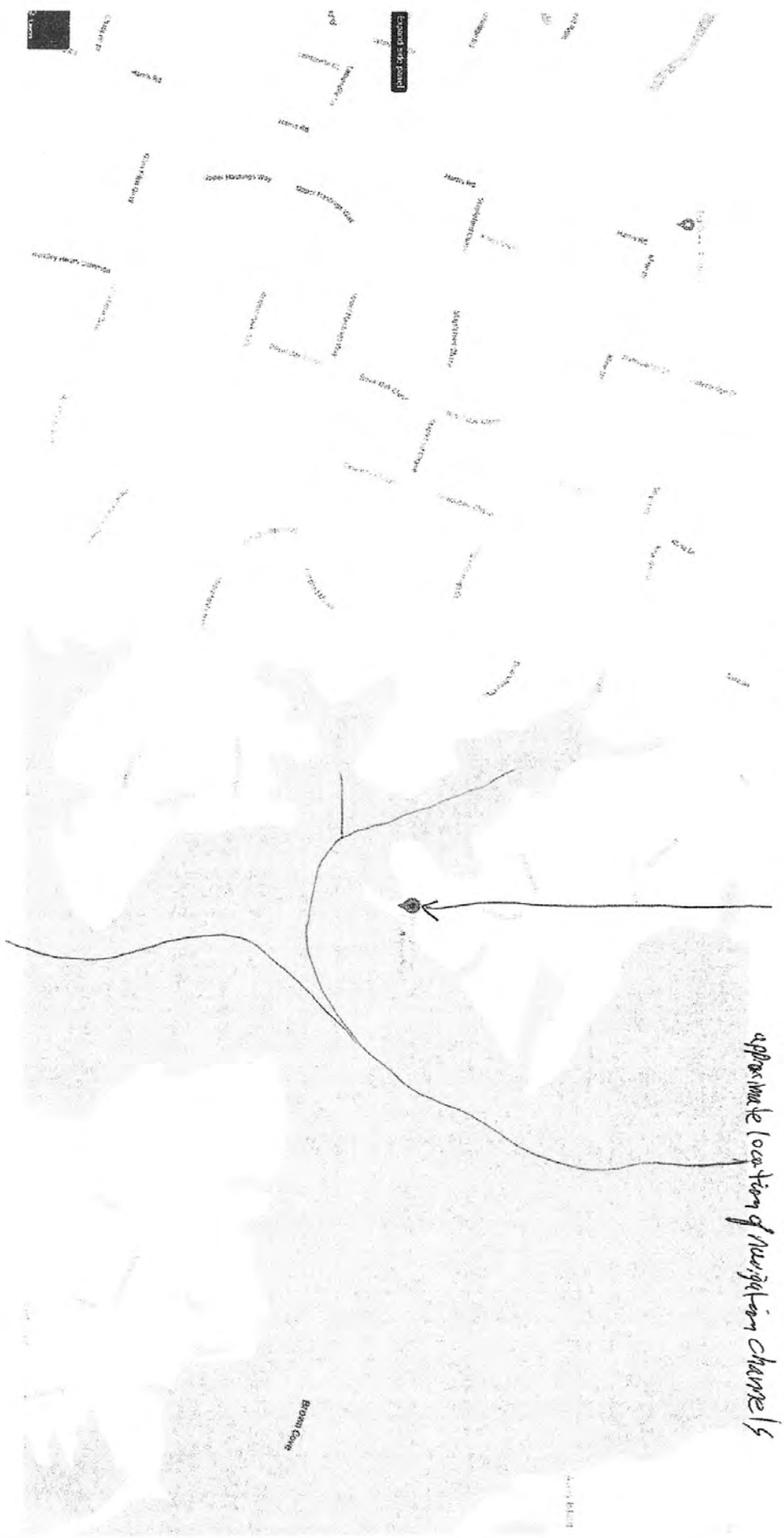
If yes, will the construction of the new bulkhead be no further than two (2) feet channelward of the existing bulkhead? Yes No.

If no, please provide an explanation for the purpose and need for the additional encroachment.

Cross Sectional Drawing



North Island Oyster Reef Demonstration (Cross-section View - final)



UCCRC maps vicinity map
Project site at 3000 Saddle Rd

approximate location of navigation channels