



Wetlands Board Staff Report

April 19, 2021

Wetlands Board Hearing Procedures

Due to the ongoing COVID-19 pandemic, the Virginia Beach Wetlands Board meeting will be held virtually on April 19, 2021 at 10:00 a.m. with Wetlands Board Members, Staff and citizens participating via video/audio conference. Prior to the public hearing, a virtual Staff briefing will be held at 9:00 a.m.

For those citizens who desire to attend this meeting virtually, registration is required. Please visit www.vbgov.com/wetlands or enter the following URL into your web browser to register: <https://vbgov.webex.com/vbgov/onstage/g.php?MTID=ef264b0b408ae2b054af429c97c8e52f0>

If you desire to speak at the virtual public hearing you must notify Staff prior to 5:00 pm, Friday, April 16, 2021 at (757) 385-4621. Citizens are encouraged to 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.

Staff will attempt to facilitate real-time citizen participation/comments in the public hearing for those citizens who registered, which includes speaker's name, physical address, email address, and phone number. For more information on this process, please review the Wetlands Board website at www.vbgov.com/wetlands or contact Staff at (757) 385-4621. If you are **physically disabled** or **visually impaired** and need assistance at this meeting, please call **The Department of Planning and Community Development at (757) 385-4621**

Copies of plans, ordinances and amendments are on file and may be examined by appointment in the Department of Planning at 2875 Sabre St, Suite 500 or online at www.vbgov.com/wetlands. For additional information call the Planning Department at 757-385-4621. Staff reports will be available on the webpage 5 days prior to the meeting.

PLEASE TURN YOUR CELL PHONE OFF OR TO VIBRATE WHILE IN THE COUNCIL CHAMBER.

THE ADMINISTRATIVE COMMENTS CONTAINED IN THE ATTACHED AGENDA CONSTITUTE 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

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's 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

* Deferral

** Withdrawal

**Wetlands Board Staff Report
April 19, 2021**

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.
 - h. 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.

The Staff reviews of some or all of the items on this agenda suggest that certain conditions be attached to approval 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.

* Deferral
** Withdrawal

9:00 A.M. – STAFF BRIEFING AND DISCUSSION

- NEW PROCEDURE FOR ABSTAINING – Victoria Eisenberg, Assistant City Attorney
- REVIEW OF PUBLIC HEARING AGENDA ITEMS

10:00 A.M. – PUBLIC HEARING

OLD BUSINESS – WETLANDS

1. 2019-WTRA-00058

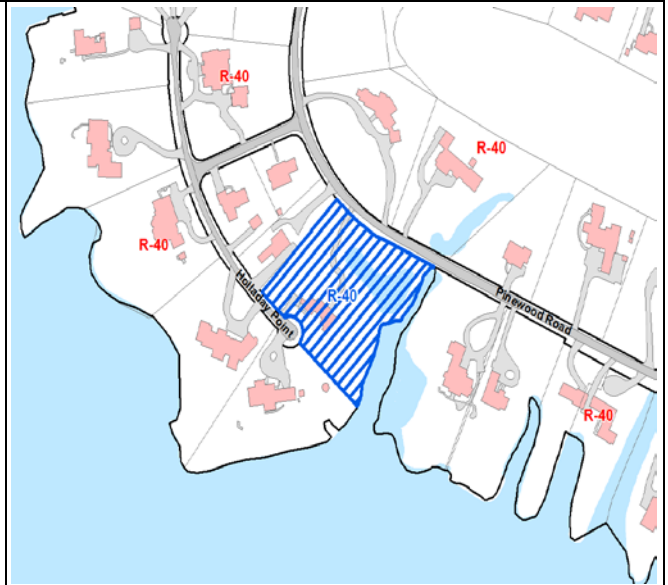
George Clarke [Applicant],
Patricia Clarke [Owner]

REQUEST FOR 1 YEAR EXTENSION

To remove bulkhead, construct rip rap, excavate uplands, dredge, and create a living shoreline involving wetlands

128 Pinewood Road
(GPIN 2418-53-9402)

Waterway – Little Neck Creek
Subdivision – Bay Colony Waterfront
Council District – Beach



02. 2020-WTRA-00022

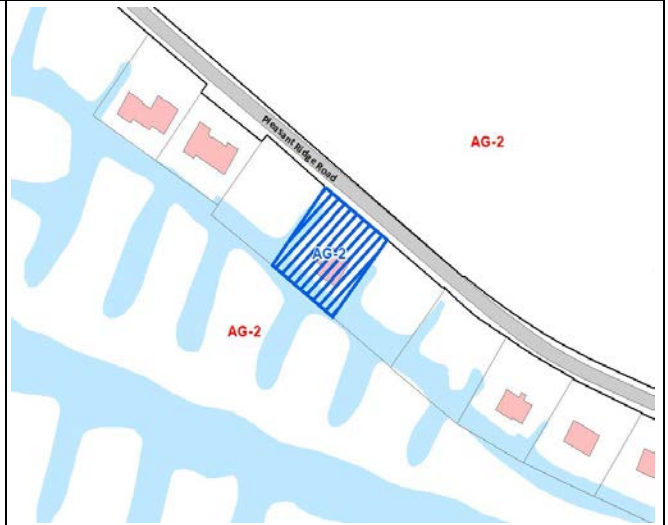
Victoria Oldani [Applicant/Owner]

REQUEST FOR 1 YEAR EXTENSION

To construct a bulkhead involving wetlands

1325 Pleasant Ridge Road
(GPIN 2411-97-5590)

Waterway – Canal to Shipp's Bay
Subdivision – Pungo
Council District – Princess Anne



* Deferral

** Withdrawal

OLD BUSINESS - WETLANDS

3. 2021-WTRA-00038
Lorna C. Donatone, QPRT
[Applicant/Owner]

Deferred from March 15, 2021

To relocate rip rap and install a bulkhead involving wetlands

1421 Blue Heron Road
(GPIN 1498-58-4496)

Waterway – Eastern Branch of Lynnhaven River
Subdivision – Shorehaven
Council District – Lynnhaven



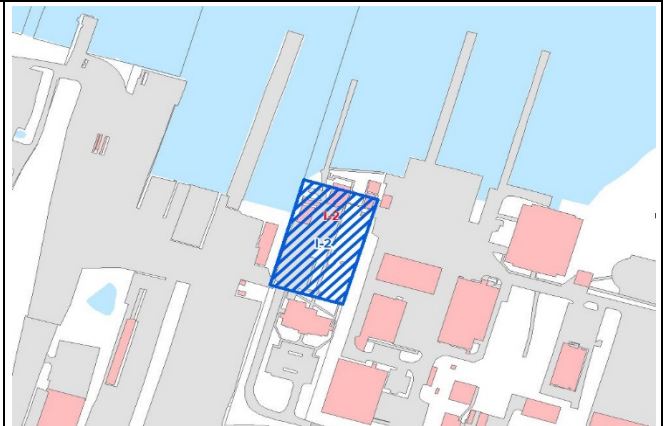
NEW BUSINESS - WETLANDS

4. 2021-WTRA-00010
U.S. Coast Guard [Applicant/Owner]

To construct a bulkhead involving wetlands

1100 Abbott Road
(GPIN 1469-29-1708)

Waterway – Little Creek Cove
Subdivision – Shore Dr
Council District – Bayside

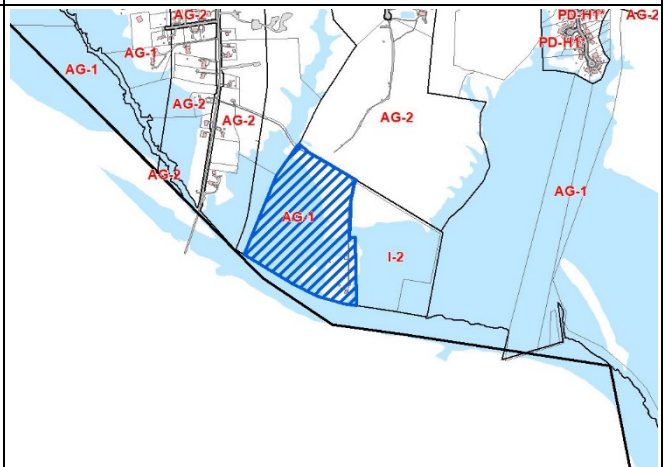


5. 2021-WTRA-00041
NuStar Terminals Operations Partnership, LP [Applicant/Owner]

To construct rip rap and a boat ramp involving wetlands

3924 North Landing Road
(GPIN 1482-79-7939)

Waterway – North Landing River
Subdivision – N/A
Council District – Princess Anne



* Deferral
** Withdrawal

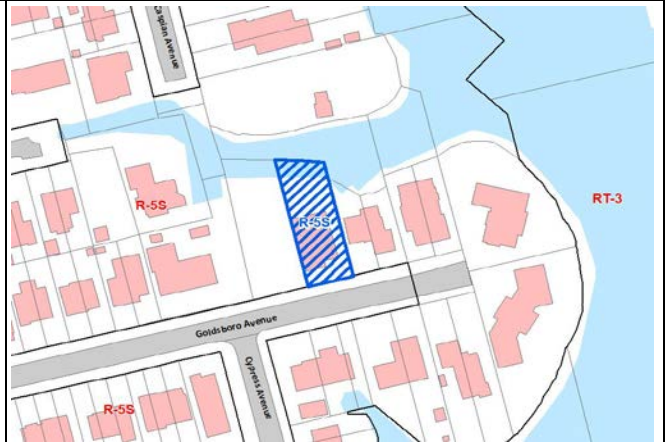
NEW BUSINESS - WETLANDS

6. 2021-WTRA-00056
Luke Kinser [Applicant/Owner]

To construct a bulkhead involving wetlands

617 Goldsboro Ave
(GPIN 2427-01-6768)

Waterway – Lake Rudee
Subdivision – Shadowlawn Heights
Council District – Beach



7. 2021-WTRA-00073
John & Tama Profilet
[Applicant/Owner]

To construct a bulkhead and rip rap involving wetlands

1336 Holly Point Road
(GPIN 1498-67-3201)

Waterway – Eastern Branch Lynnhaven River
Subdivision – Trant Berkshire Area
Council District – Lynnhaven



8. 2021-WTRA-00082
Chelsea Waterway
Associates, Inc. [Applicant]
Marlyn Fabrizio Trust [Owner]

To maintenance dredge involving wetlands

1825 Green Hill Road
(GPIN 1499-86-9178)

Waterway – Broad Bay
Subdivision – Green Hill Farm
Council District – Lynnhaven



* Deferral
** Withdrawal

NEW BUSINESS - WETLANDS

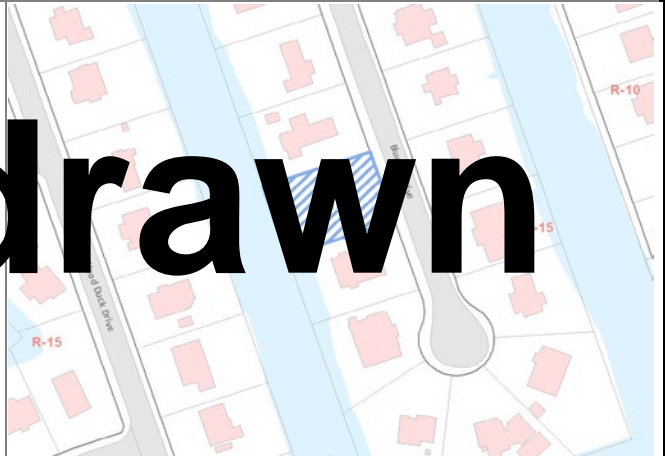
9. 2021-WTRA-00086

Robert T. Collins [Applicant/Owner]

To construct a bulkhead involving wetlands

2873 Blue Duck Drive
(GPIN 2433-34-0646)

Waterway – Bass Inlet
Subdivision – Sandbridge Shores
Council District – Princess Anne



10. 2021-WTRA-00093

James J. Jamison
[Applicant/Owner]

To rework rip rap revetment, create oyster reef, and plant vegetation involving wetlands

1508 Duke of Windsor
(GPIN 2418-07-3353)

Waterway – Linkhorn Bay
Subdivision – Linkhorn Shores
Council District – Lynnhaven



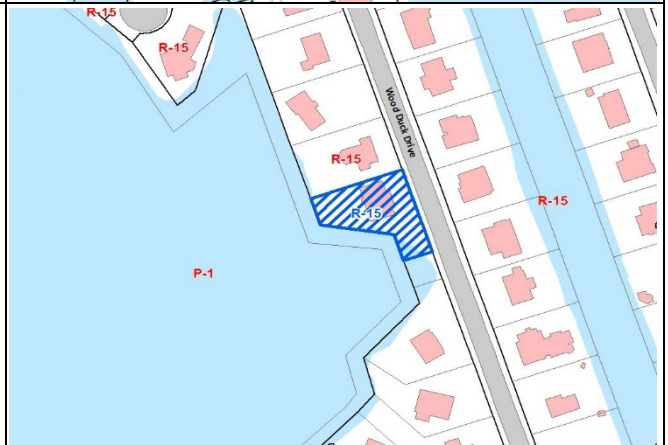
11. 2021-WTRA-00067

Neil C. Thompson [Applicant/Owner]

To construct a bulkhead involving wetlands

2821 Wood Duck Drive
(GPIN 2433-25-2680)

Waterway – Sand Broad Inlet
Subdivision – Sandbridge Shores
Council District – Princess Anne



* Deferral

** Withdrawal

Agent

Robert Simon, Waterfront Consulting, Inc.

Location

128 Pinewood Road

GPIN

2418-53-9402

Proposal

To remove bulkhead, construct rip rap, excavate uplands, dredge, and create a living shoreline involving wetlands

Staff Recommendation

Approval as Modified

Waterway

Little Neck Creek

Subdivision

Bay Colony Waterfront

Impacts

Non-vegetated Wetlands: 1,152 square feet

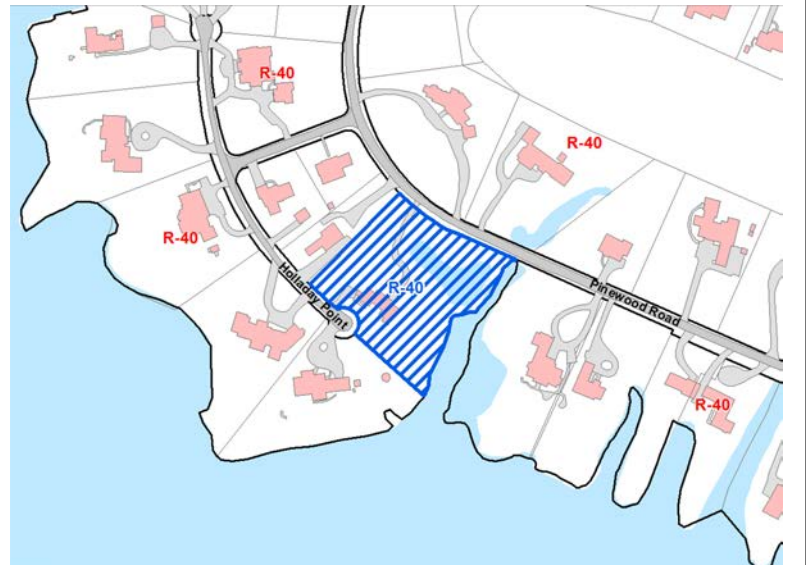
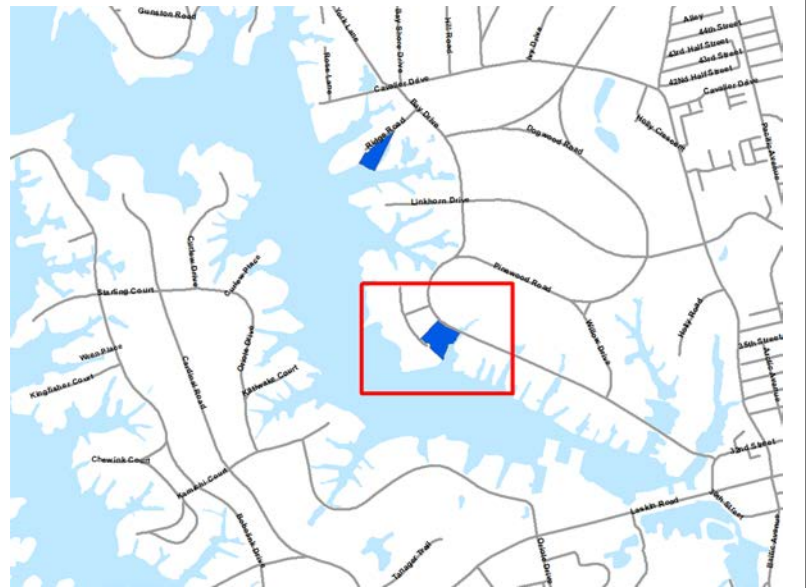
Subaqueous Bottom: 1,135 square feet

Overall length of proposed structure: 565 linear feet

Volume of Backfill: 55 cubic yards

Proposed Mitigation and/or Compensation

Onsite compensation



Site Aerial



Agent

Robert Simon, Waterfront Consulting, Inc.

Location

1325 Pleasant Ridge Road

GPIN

2411-97-5590

Proposal

To install a bulkhead involving wetlands

Staff Recommendation

Approval as Submitted

Waterway

Canal to Shipp's Bay

Subdivision

Pungo

Impacts

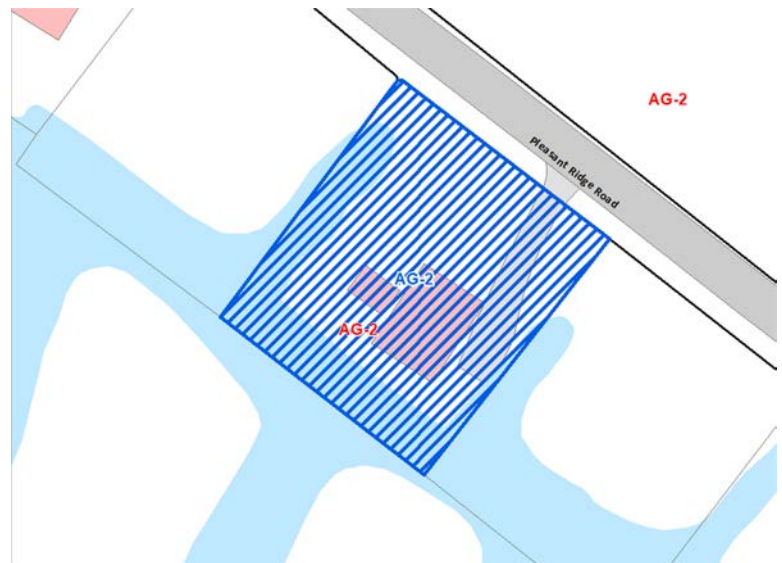
Non-Vegetated Impacts: 276 square feet

Overall Length of Proposed Structure(s): 265 linear feet of bulkhead with two 8 linear foot returns

Volume of Backfill: 10 cubic yards

Proposed Mitigation and/or Compensation

Payment of an in-lieu fee



Site Aerial Map



Agent

Robert Simon, Waterfront Consulting, Inc.

Location

1421 Blue Heron Road

GPIN

1498-58-4496

Staff Planner

Whitney McNamara

Proposal

To relocate rip rap and install a bulkhead involving wetlands

Staff Recommendation

Approval as Submitted

Waterway

Eastern Branch of Lynnhaven River

Subdivision

Shorehaven

Impacts

Vegetated: 150 square feet

Non-Vegetated: 222 square feet

Overall length of proposed structure: 186 linear feet of bulkhead

Volume of Backfill: 30 cubic yards

Proposed Mitigation and/or Compensation

Payment of an in-lieu fee



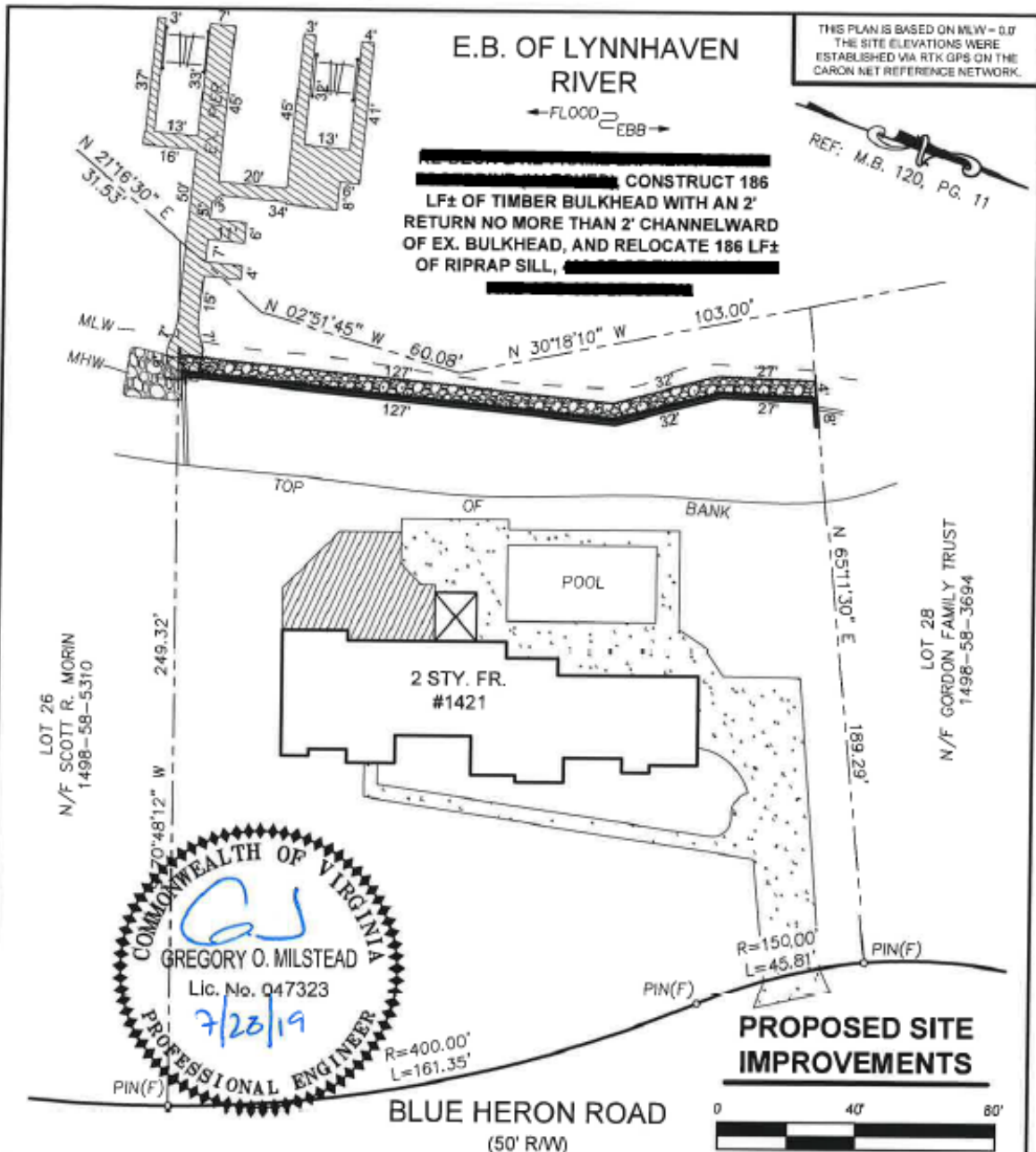
Site Aerial Map



CBPA Variances & Wetlands Board Permit History

This property is in the Chesapeake Bay Watershed; however, no recent CBPA Board Variances were found for this property. A Wetlands Board permit was approved in September 2019 to relocate rip rap and install a bulkhead, however, the permit expired prior to construction.

Proposed Site Plan



THIS PLAN IS BASED ON MLW = 0.0
THE SITE ELEVATIONS WERE ESTABLISHED VIA RTK GPS ON THE CARON NET REFERENCE NETWORK.

REF: M.B. 120, PG. 11

COMMONWEALTH OF VIRGINIA
GREGORY O. MILSTEAD
Lic. No. 047323
7/23/19
PROFESSIONAL ENGINEER

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PURPOSE: MAINTENANCE
DATUM: MLW 0.0
A.P.O.
1. SCOTT F. MORIN
2. GORDON FAMILY TRUST

WCI WATERFRONT CONSULTING, INC.
2589 QUALITY COURT, STE. 323
VIRGINIA BEACH, VA 23454
CELL: (757) 619-7302, OFF: (757) 425-8244

ENGINEERING SERVICES PROVIDED BY:
CHESAPEAKE BAY SITE SOLUTIONS, INC.
P.O. BOX 6663 VIRGINIA BEACH, VA 23466
PHONE: (757) 675-3715

PROPOSED: PIER, BULKHEAD, RIPRAP SILL, & MARSH PLANTINGS IN: E.B. OF LYNNHAVEN RIVER AT: 1421 BLUE HERON ROAD VIRGINIA BEACH, VA 23454

APPLICATION BY: LORNA C. DONATONE QPRT SHEET 2 OF 11 DATE: JULY 4, 2019

REV:

Site Photos



Site Photos



Summary of Proposal

This project involves relocating existing rip rap on the channelward side of a new proposed 186 linear foot bulkhead, which will be constructed 2-feet channelward of an existing, failing bulkhead. This is a resubmittal of an application approved at the September 2019 Wetlands Board hearing. The approved Wetlands Permit expired prior to beginning work. There are 150 square feet of vegetated wetlands losses from *Spartina alterniflora* currently growing within the rip rap that will be moved channelward, as well as a loss of 222 square feet of non-vegetated wetlands. These losses have already been compensated for by payment of an in-lieu fee under the previous Wetlands Permit.

Evaluation & Staff Recommendations

The existing timber bulkhead is approximately 7.5-feet in exposed height and the upland bank has a significant slope. A living shoreline in front of the existing bulkhead may help disperse wave action but would not necessarily address the existing bulkhead's eventual loss of backfill. Excavation landward of the existing bulkhead for a revetment would be extensive and adversely impact the existing pool and decking, making a rip rap revetment behind the existing bulkhead impractical. Constructing a revetment channelward of the existing bulkhead would convert 2,790 square feet of vegetated rock habitat and mudflat to 2,790 square feet of rip rap. According to the applicant's agent, the rip rap cost will far exceed the cost of the timber bulkhead.

The applicant's agent previously proposed relocating the existing vegetated wetlands seaward of the new bulkhead, and adding vegetation to areas devoid of wetlands plants, to create a net increase of vegetated wetlands; however, there would still be wetlands losses 2-feet channelward of the existing bulkhead for the entire bulkhead's length of 186-feet. In addition, the Virginia Institute of Marine Science provided a report in September 2019 indicating that attempting to relocate the existing vegetation was not considered an "effective compensation strategy". The Wetlands Board ultimately approved the application as submitted with compensation for the wetlands losses paid via an in-lieu fee. The applicant has already paid this fee; however, the permit expired prior to beginning work. A construction quote has been included in this application to provide information about the additional cost of installing a sill and vegetated wetlands plantings.

Accordingly, the Department of Planning and Community Development recommends that the application be **approved as submitted** as shown on the plans sealed on July 28, 2019.

Next Steps

Wetlands Board decisions can be reviewed by or appealed to the Marine Resource Commission. The Marine Resource Commission must receive the appeal request within 10 days of the hearing. Accordingly, no approvals can be issued until at least 10 days after the hearing.

Following the Wetlands Board meeting, applicants and their agents can expect to receive a Board Actions Summary via email.

Within 14 days of the Wetlands Board hearing, applicants and their agents can expect to receive a letter detailing any fees owed, any revisions required, and next steps to obtain their permit.

All questions related to Board decisions or information required to obtain a permit can be directed toward the City of Virginia Beach Planning Department – Waterfront Operations Division at 757-385-8246.

East Bay Construction Corporation

2309 Wake Forest Street
Virginia Beach, VA 23451
(757) 463-1735 Fax (757) 463-1736
www.eastbaymarine.com

PROPOSAL

PROPOSAL SUBMITTED TO:

Mrs. Lorna Donatone
1421 Blue Heron Road
Virginia Beach, VA. 23454

CUSTOMER: Mrs. Lorna Donatone

DATE: March 26, 2021

PROJECT LOCATED AT: 1421 Blue Heron Road Virginia Beach, VA. 23454

Cell: (757) 641-2667

WE HEREBY SUBMIT THIS PROPOSAL FOR THE FOLLOWING WORK, AS SPECIFIED BELOW: Proposal dated March 26, 2021 for removal of approximately 186 ft of existing timber bulkhead for construction of the new timber bulkhead approximately 186 ft with 1-2 ft return in the same alignment. Install approximately 70 cubic yards of fill sand and sprig with Spartina Grass.

- **Demo:**
Labor cost to remove approximately 186 ft of timber bulkhead than disposed of in a lawful manner. **7,800.00**
- **Rip-Rap Sea Wall:**
Labor and material cost to install approximately 140 tons of Rip-Rap for wetlands planting. **8,817.00**
- **Wetlands Planting:**
Labor and material cost to install approximately 1,860 Spartina plugs with Osmocote slow release fertilizer. **5,580.00**
Labor and material cost for approximately 70 cubic yards of fill sand. **2,590.00**
- **Shipping Cost:**
Naturescapes. **250.00**
- **Standard Operational Cost:**
Disposal fee approximately. **650.00**
Spivey Rentals (Portable Toilet). **120.00**
Building Permit fee. **200.00**
Operating cost (equipment, fuel, Ins.). **2,494.00**

• **Job Cost:** **28,501.00**

- Electrical hook up has not been included in this quote. This cost is to be paid to Russ Johnson Cell: (757) 434-0458 if needed.
 - Water hook up has not been included in this quote. This cost will be @ **\$4.00** per ft labor and materials to be paid to East Bay Const. Corp (Add on cost) if needed.
-

QUOTE INCLUDES: Estimated material cost (subject to change with fluctuation of prices for lumber and other materials), labor and equipment cost and sales tax.

HARDWARE SPECIFICATIONS:

LUMBER SPECIFICATIONS:

WARRANTIES: East Bay Const. Corp. warranties that all work specified herein shall be completed in a timely, professional and workmanlike manner and in accordance with the material manufacturer's specifications. This warranty shall be in force for a period of two (2) years from the date of completion of the work specified herein, during which time East Bay Const. Corp. shall, at its own expense, furnish labor and materials to repair any defects caused by its breach of this workmanship warranty, specifically excluding damage due to acts of God, natural disasters, or acts of war or terrorism.

Additionally, manufacturer warranties on materials, if applicable, shall be delivered to Customer upon full payment of the contract amount specified herein for work performed, unless otherwise agreed to in writing. Customer's rights to enforce such manufacturer warranties shall only inure against the manufacturer according to the warranty terms, and such warranties shall not be enforceable against East Bay Const. Corp.

IN THE EVENT THAT ANY PORTION OF THE WORK SPECIFIED HEREIN IS PERFORMED BY ANY PERSON OR ENTITY OTHER THAN EAST BAY CONST. CORP. EMPLOYEES, THE ABOVE WARRANTY SHALL BE VOID IN ITS ENTIRETY, EVEN AS TO WORK PERFORMED BUT NOT COMPLETED BY EAST BAY CONST. CORP.

NO OTHER REPRESENTATIONS OR WARRANTIES; NON-RELIANCE:
EXCEPT FOR THE EXPRESS REPRESENTATIONS AND WARRANTIES CONTAINED IN THIS PROPOSAL, IT IS UNDERSTOOD THAT EAST BAY CONST. CORP. IS NOT MAKING, AND HAS NOT AT ANY TIME MADE, ANY WARRANTIES OR REPRESENTATIONS OF ANY KIND OR CHARACTER, EXPRESS OR IMPLIED, ORAL OR WRITTEN, WHETHER ARISING BY LAW OR OTHERWISE. CUSTOMER ACKNOWLEDGES THAT IT HAS NOT RELIED UPON ANY REPRESENTATION OR WARRANTY MADE BY EAST

Agent

N/A

Location

1100 Abbott Road

GPIN

1469-29-1708

Staff Planner

Whitney McNamara

Proposal

To construct a bulkhead involving wetlands

Staff Recommendation

Approval as Submitted

Waterway

Little Creek Cove

Subdivision

Shore Drive

Impacts

Non-Vegetated: 150 square feet

Subaqueous: 370 square feet

Overall length of proposed structure: 355
linear feet of bulkhead

Proposed Mitigation and/or Compensation

Payment of an in-lieu fee



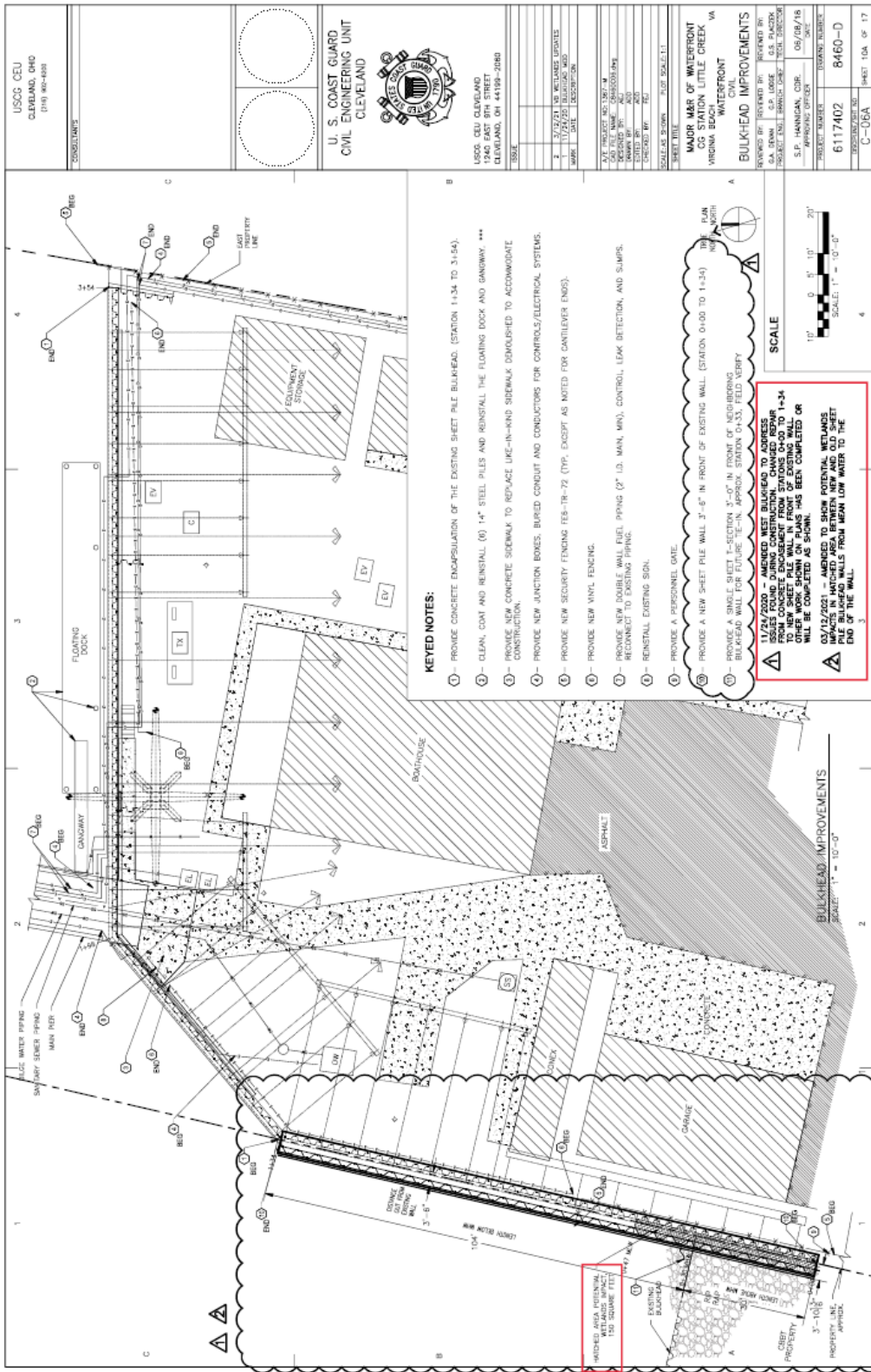
Site Aerial Map



CBPA Variances & Wetlands Board Permit History

This property is located in the Chesapeake Bay watershed; however, no recent CBPA Board permits or Wetlands permits were found for this property. A Waterfront permit was approved in September 2018; however, the repairs were not constructed, and the bulkhead has deteriorated further, allowing for the formation on non-vegetated wetlands on site.

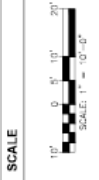
Proposed Site Plan



- KEYED NOTES:**
- 1- PROVIDE CONCRETE ENCASUREMENT OF THE EXISTING SHEET PILE BULKHEAD. (STATION 1+34 TO 3+44).
 - 2- CLEAN, COAT AND REINSTALL (Ø) 1 1/2" STEEL PILES AND REINSTALL THE FLOATING DOCK AND GANGWAY. ***
 - 3- PROVIDE NEW CONCRETE SIDEWALK TO REPLACE LIKE-IN-KIND SIDEWALK DEMOLISHED TO ACCOMMODATE CONSTRUCTION.
 - 4- PROVIDE NEW CONCRETE SIDEWALK TO REPLACE LIKE-IN-KIND SIDEWALK DEMOLISHED TO ACCOMMODATE CONSTRUCTION.
 - 5- PROVIDE NEW JUNCTION BOXES, BURIED CONDUIT AND CONDUCTORS FOR CONTROLS/ELECTRICAL SYSTEMS.
 - 6- PROVIDE NEW SECURITY FENCING: FEB-TR-72 (TYP. EXCEPT AS NOTED FOR GANTLEVER ENDS).
 - 7- PROVIDE NEW WIND FENCING.
 - 8- PROVIDE NEW DOUBLE WALL FUEL PIPING (Ø" I.D. MAIN, MIN). CONTROL, LEAK DETECTION, AND SLUMPS.
 - 9- RECONNECT TO EXISTING PIPING.
 - 10- REINSTALL EXISTING SIGN.
 - 11- PROVIDE A PERSONNEL GATE.
 - 12- PROVIDE A NEW SHEET PILE WALL 3'-6" IN FRONT OF EXISTING WALL (STATION 0+00 TO 1+34) (SEE PLAN FOR NORTH).
 - 13- PROVIDE A SINGLE SHEET PILE SECTION 3'-0" IN FRONT OF NEIGHBORING BULKHEAD WALL FOR LURE-IN AND ANCHORING (SEE PLAN FOR FIELD VERIFY).

1 1/2" DIA. PIPING - MATCHED MEET BULKHEAD TO ADDRESS ISSUES FOUND DURING CONSTRUCTION. CHANGED REPAIR TO NEW SHEET PILE WALL IN FRONT OF EXISTING WALL. OTHER WORK SHOWN ON PLANS HAS BEEN COMPLETED OR WILL BE COMPLETED AS SHOWN.

Ø" DIA. FUEL PIPING - MATCHED MEET BULKHEAD TO ADDRESS PILE BULKHEAD WALLS FROM MEAN LOW WATER TO THE END OF THE WALL.



USCG CEU
CLEVELAND, OHIO
(216) 464-1000

U.S. COAST GUARD
CIVIL ENGINEERING UNIT
CLEVELAND

USCG CEU CLEVELAND
CLEVELAND, OH 44199-2080

DATE: 11/27/2018
DRAWN BY: JAC
CHECKED BY: JAC

PROJECT NO: 1807
DESIGNED BY: JAC
DATE: 11/27/2018
SCALE: AS SHOWN
PLATE SCALE: 1:1

SHEET TITLE:
MAJOR MAR OF WATERFRONT
CG STATION LITTLE CREEK
VIRGINIA BOATWRIGHT
WATERFRONT
VA
BULKHEAD IMPROVEMENTS
CIVIL

APPROVED BY: JAC
DATE: 06/08/18
S.P. HANNAHAN, CORP.
U.S. DRAWN
U.S. PLACED
PROJECT NO: 1807
PROJECT TITLE: BULKHEAD IMPROVEMENTS

PROJECT NO: 6117402
PROJECT TITLE: BULKHEAD IMPROVEMENTS
SHEET NO: C-00A
SHEET TOTAL OF 17

Site Photos



Site Photos



Summary of Proposal

The US Coast Guard Station Little Creek is currently doing work to repair their waterfront. During construction, it was found that the existing steel sheet pile bulkhead had deteriorated more than anticipated and the repairs authorized by a Virginia Beach Waterfront permit were no longer feasible. The applicant is proposing to modify the original plans to install a new steel sheet pile bulkhead outboard of the existing bulkhead. The new bulkhead will be installed as close to the existing bulkhead as possible. Due to the location of the bottom whaler on the existing bulkhead, this will be approximately 42 inches in front of the existing bulkhead. Due to existing development on the property and proximity of the shoreline to adjacent properties, a living shoreline or rip rap are not feasible alternatives. The proposed bulkhead will impact 150 square feet of non-vegetated wetlands. The primary purpose of the project is to repair the existing bulkhead, allowing continued operations of the US Coast Guard.

Evaluation & Staff Recommendations

The applicant has been working to repair their bulkhead since 2018. The original proposal consisted of a repair to the existing bulkhead, and did not impact wetlands. However, when the applicant began construction, the extent of damage to the original bulkhead was found to be more extensive, making the proposed repair no longer feasible. Staff agrees with the applicant that due to the configuration of the property and proximity of structures on site, as well as extensive military boat activity on this portion of the waterway, a replacement bulkhead is the best alternative. While the replacement bulkhead is proposed to be 42 inches in front of the existing bulkhead, instead of the typical 24 inches, this is due to construction of the existing bulkhead, making the proposed alignment the closest alignment possible to the existing bulkhead. Staff supports payment of an in-lieu fee for the 150 square feet of non-vegetated wetlands that will be lost.

Accordingly, the Department of Planning and Community Development Staff recommends that the application be **approved as submitted** as shown on the plans updated on March 12, 2021 and received by the Virginia Marine Resource Commission on March 15, 2021.

Next Steps

Wetlands Board decisions can be reviewed by or appealed to the Marine Resource Commission. The Marine Resource Commission must receive the appeal request within 10 day of the hearing. Accordingly, no approvals can be issued until at least 10 days after the hearing.

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Agent

Ramboll Americas Engineering Solutions

Location

3924 North Landing Road

GPIN

1482-79-7939

Staff Planner

Whitney McNamara

Proposal

To construct rip rap and a boat ramp involving wetlands

Staff Recommendation

Approval as Modified

Waterway

North Landing River

Subdivision

N/A

Impacts

Vegetated: 45 square feet

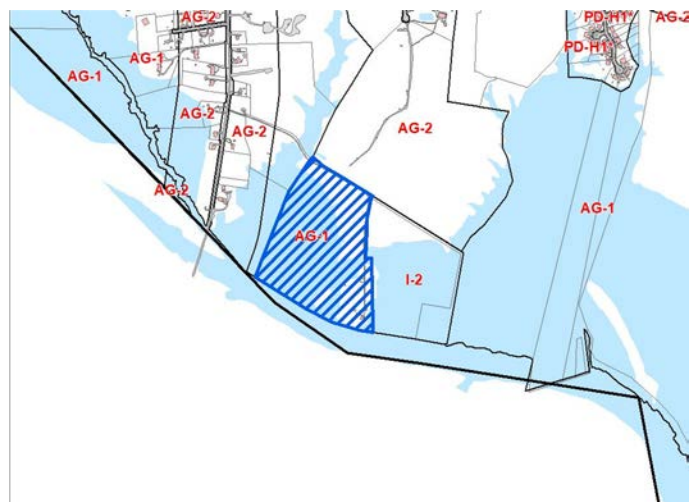
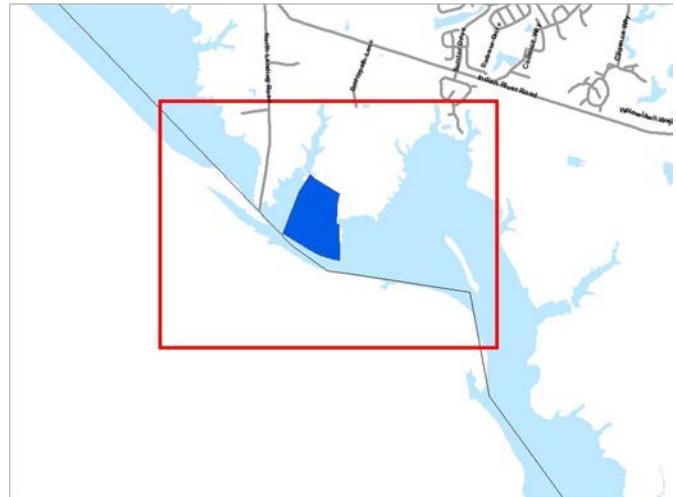
Non-Vegetated: 983 square feet

Subaqueous: 3,884 square feet

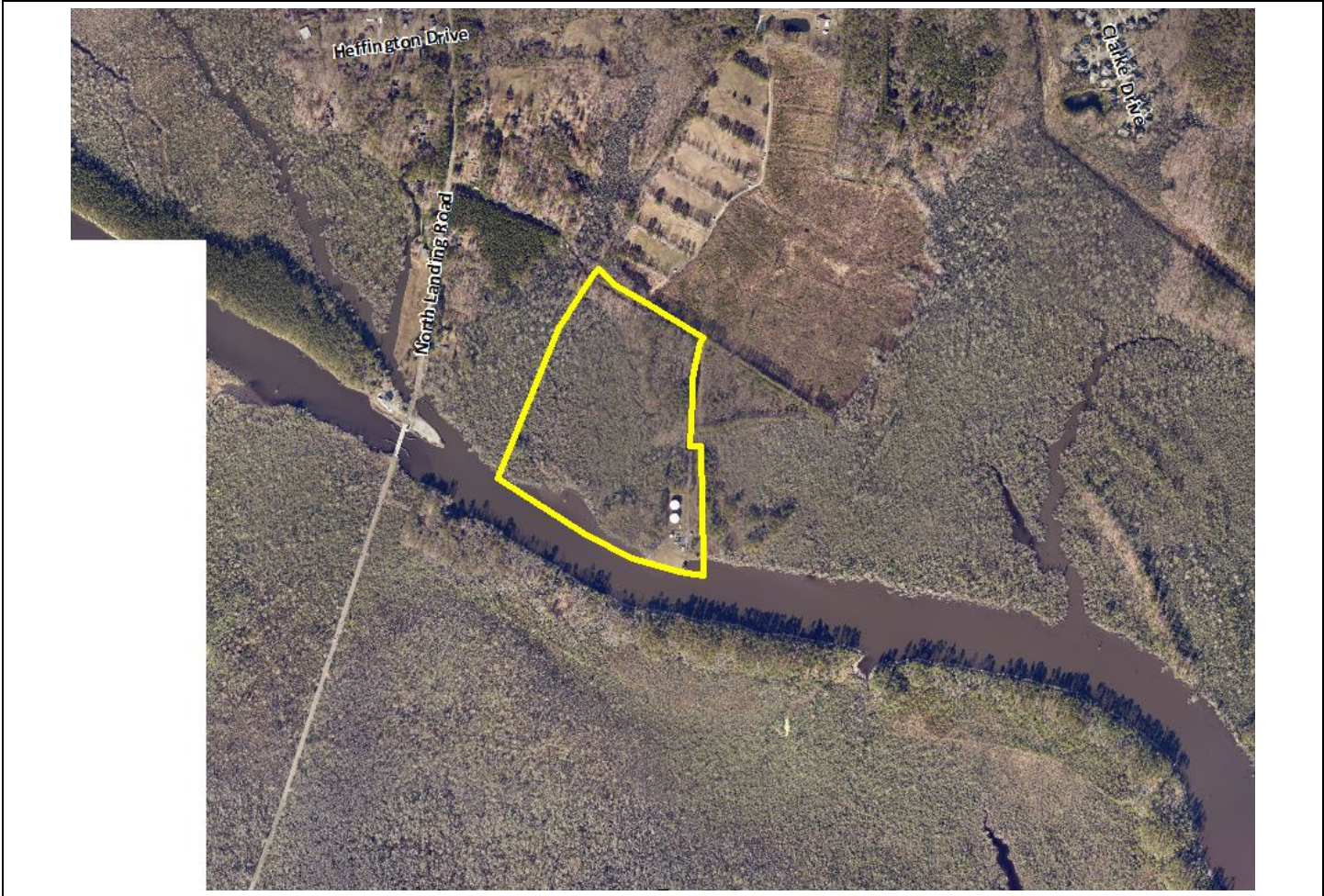
Overall length of proposed structure: 300 linear feet of rip rap

Proposed Mitigation and/or Compensation

Payment of an in-lieu fee



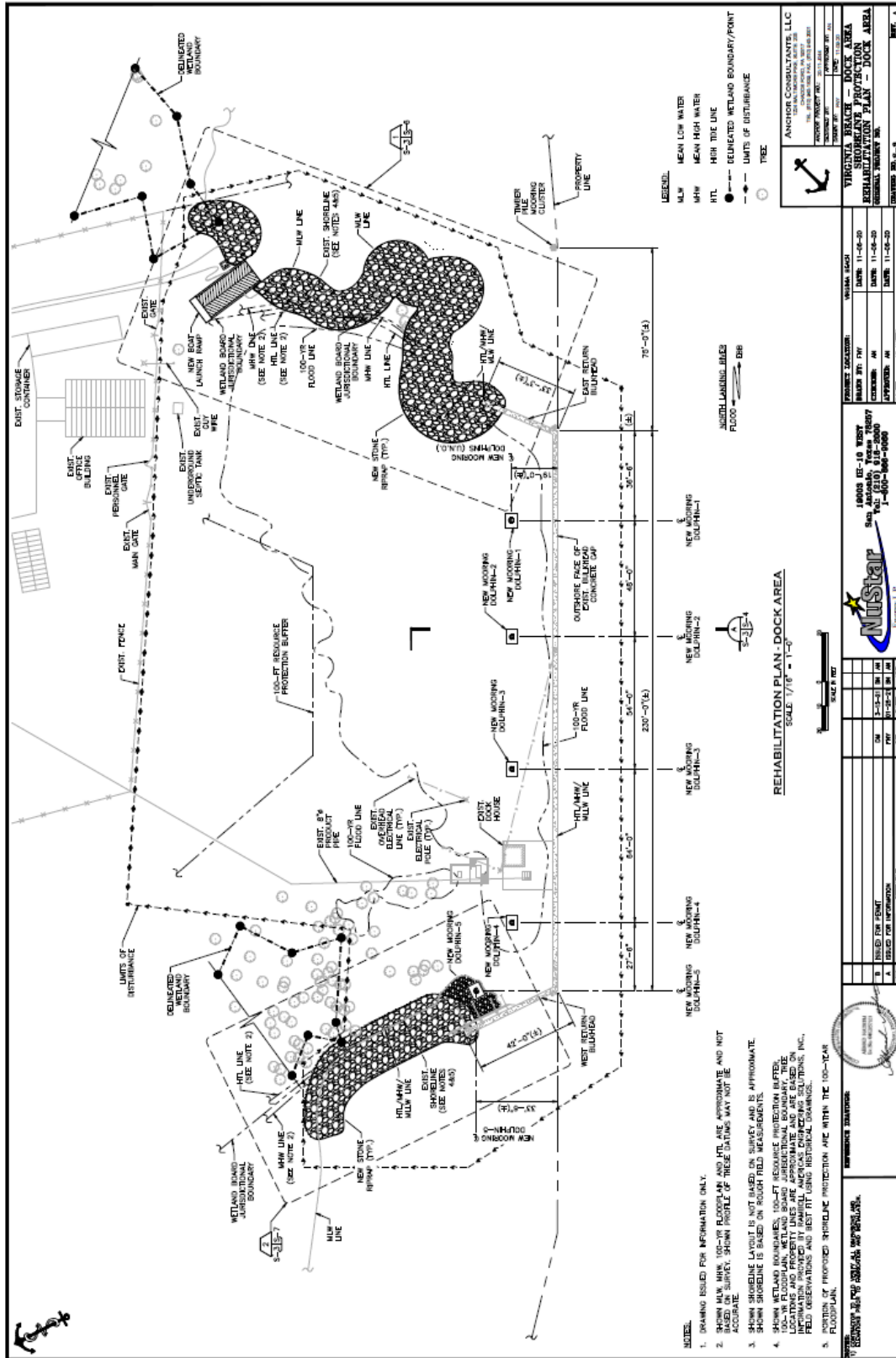
Site Aerial Map



CBPA Variances & Wetlands Board Permit History

This property is located in the Southern Rivers Watershed. There were no recent Wetlands permits found for this property. The existing bulkhead on the property was approved in 2002.

Proposed Site Plan



- LEGEND:**
- MLW MEAN LOW WATER
 - MHW MEAN HIGH WATER
 - HTL HIGH TIDE LINE
 - DELINEATED WETLAND BOUNDARY/POINT
 - LIMITS OF DISTURBANCE
 - TREE

ANCHOR CONSULTANTS, LLC
 12000 W. 10th Street, Suite 100
 Denver, CO 80202
 PHONE: 303.733.1100
 FAX: 303.733.1101

PROJECT: NUSTAR TERMINALS OPERATIONS PARTNERSHIP, LP, LLC
DATE: 11-06-20
SCALE: 1/8" = 1'-0"

REHABILITATION PLAN - DOCK AREA
 SHEET NO. 8-3

NOTES:

- DRAWING ISSUED FOR INFORMATION ONLY.
- SHOWN MLW, MHW, 100-YR FLOODPLAIN AND HTL ARE APPROXIMATE AND NOT ACCURATE. SHOWN PROFILE OF REEFS DATUMS MAY NOT BE ACCURATE.
- SHOWN SHORELINE LAYOUT IS NOT BASED ON SURVEY AND IS APPROXIMATE.
- SHOWN WETLAND BOUNDARIES, 100-YR FLOODLINE PROTECTION BUFFER, 100-YR FLOODPLAIN, WETLAND BOARD JURISDICTIONAL BOUNDARY, TREE RELOCATION AND 100-YR FLOODPLAIN PROTECTION BUFFER ARE APPROXIMATE. RECOMMENDATION PROVIDED BY PARALLEL AMERICAN ENGINEERING SOLUTIONS, INC. FIELD OBSERVATIONS AND BEST FIT USING HISTORICAL DRAWINGS.
- POSITION OF PROPOSED SHORELINE PROTECTION APE WITHIN THE 100-YEAR FLOODPLAIN.

NO.	REVISION	DATE	BY	CHK
1	ISSUED FOR PERMIT	11-06-20	AM	AM
2	ISSUED FOR INFORMATION	11-06-20	AM	AM

REHABILITATION PLAN - DOCK AREA
 SCALE: 1/8" = 1'-0"

NO.	REVISION	DATE	BY	CHK
1	ISSUED FOR PERMIT	11-06-20	AM	AM
2	ISSUED FOR INFORMATION	11-06-20	AM	AM

REVISIONS:

NO.	REVISION	DATE	BY	CHK
1	ISSUED FOR PERMIT	11-06-20	AM	AM
2	ISSUED FOR INFORMATION	11-06-20	AM	AM

APPROVED:

 PROJECT MANAGER

APPROVED:

 PROJECT MANAGER

APPROVED:

 PROJECT MANAGER

Site Photos



Site Photos



Summary of Proposal

A portion of the property is currently stabilized with a bulkhead. Due to ongoing erosion, the applicant is proposing to stabilize most of the remaining shoreline with a rip rap revetment. Additionally, a boat ramp is proposed to facilitate placement of a floating spill containment boom during fuel barge offloading and or emergency response activities. The property experiences substantial boat wake due to location along the North Landing River, which has caused erosion of the property and compromised the existing bulkhead. In addition, the erosion has caused multiple trees to fall, damaging the dock and transfer piping. Due to the heavy boat wake and the need to moor large barges at this facility, a living shoreline is not feasible. In addition, steps have been taken to minimize the projects footprint and impact by reducing the proposed rip rap slope from 2 to 1 to a more commonly used 1.5 to 1.

Evaluation & Staff Recommendations

The property is located along the North Landing River and regularly receives shipments of petroleum via a tug-driven barge. Staff agrees with the applicant that the shoreline is experiencing substantial erosion and, due to the need to moor large vessels on the site, a living shoreline is not feasible. The applicant worked with Staff to reduce the project's footprint and wetlands impact, and Staff is of the opinion that the proposed rip rap design is the minimum needed due to the use of this particular property. In addition, Staff supports the installation and placement of the boat ramp due to the use of the property. Staff recommends payment of an in-lieu fee to mitigate the vegetated wetlands losses and the non-vegetated wetlands losses associated with the boat ramp, and recommends on-site compensation be accepted for the conversion of non-vegetated mudflat to non-vegetated rock habitat.

This property is located in the Floodplain Subject to Special Restrictions (City of Virginia Beach Floodplain Ordinance, Appendix K, Section 4.10). Filling in the Floodplain Subject to Special Restrictions may be allowed, provided that the fill is for a shoreline stabilization project and the following three criteria are met:

1. A Joint Permit Application is submitted.
2. The alignment of the stabilization structure is along the escarpment or in line with adjacent stabilization structures.
3. Fill must be the minimum necessary to support the stabilization project.

While the top of the rip rap is proposed at elevation 5.75' NAVD 88, Staff is of the opinion that the proposed project meets the criteria of Appendix K, Section 4.10 because the project has been aligned along the escarpment and no fill is proposed landward of the rip rap, instead intending the rip rap to act as a berm to minimize wave impacts on the property.

Accordingly, the Department of Planning and Community Development Staff recommends that the application be **approved as modified** by the following condition:

1. Fill material shall not be placed landward of the proposed rip rap revetment.

Next Steps

Wetlands Board decisions can be reviewed by or appealed to the Marine Resource Commission. The Marine Resource Commission must receive the appeal request within 10 day of the hearing. Accordingly, no approvals can be issued until at least 10 days after the hearing.

Following the Wetlands Board meeting, applicants and their agents can expect to receive a Board Actions Summary via email.

Within 14 days of the Wetlands Board hearing, applicants and their agents can expect to receive a letter detailing any fees owed, any revisions required, and next steps to obtain their permit.

All questions related to Board decisions or information required to obtain a permit can be directed toward the City of Virginia Beach Planning Department – Waterfront Operations Division at 757-385-8246.

Agent

Rich Calvert, Calvert Marine

Location

617 Goldsboro Avenue

GPIN

2427-01-6768

Staff Planner

Cole Fisher

Proposal

To install a bulkhead involving wetlands

Staff Recommendation

Approved as modified

Waterway

Lake Rudee

Subdivision

Shadowlawn

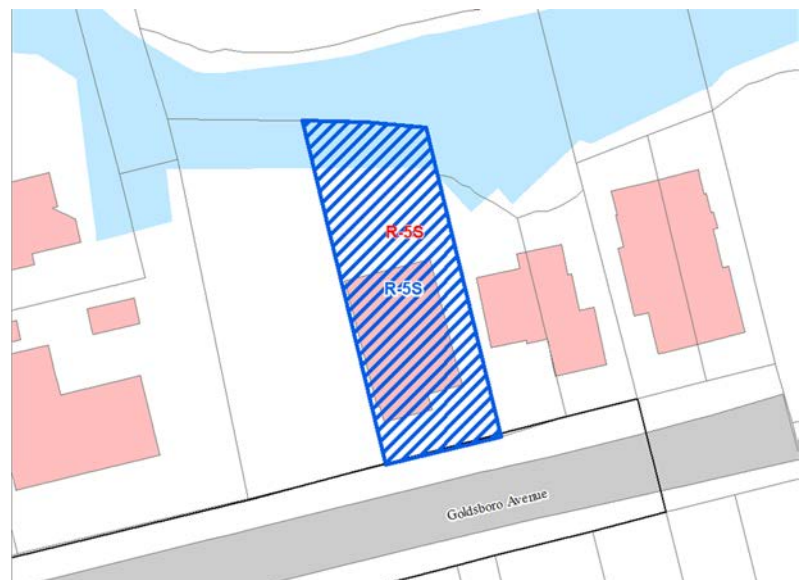
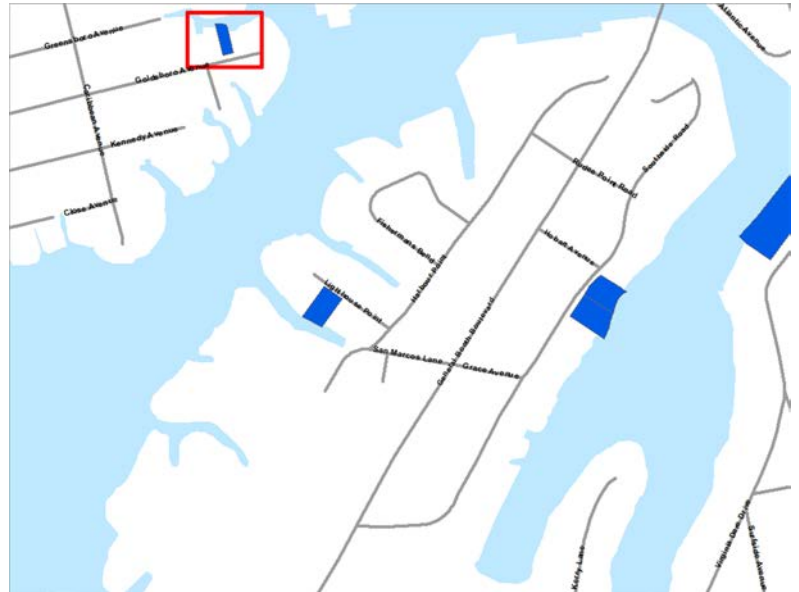
Impacts

Non-Vegetated: 62 square feet

Overall length of proposed structure: 68.5
linear feet of bulkhead

Proposed Mitigation and/or Compensation

Payment of an in-lieu fee



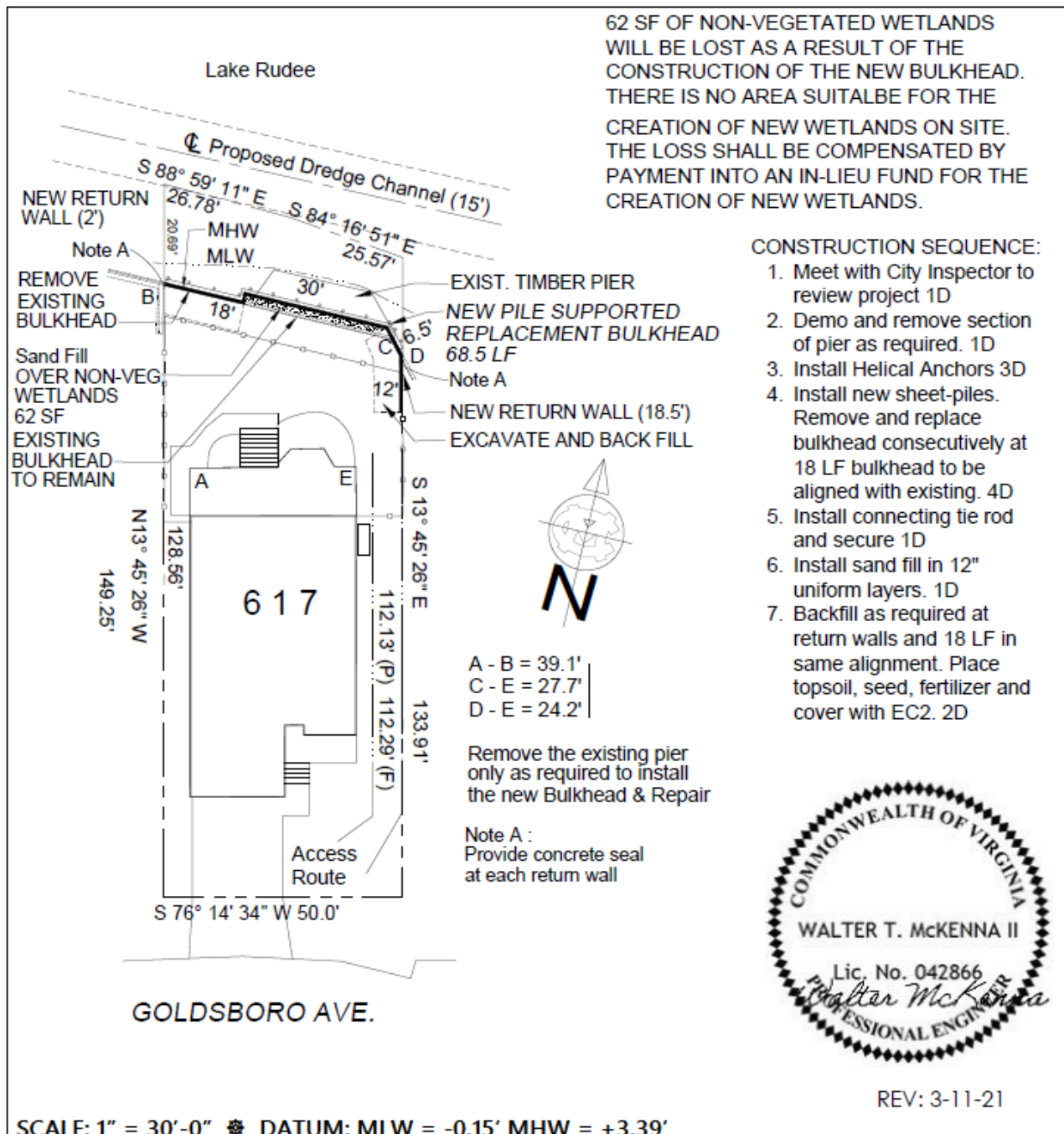
Site Aerial Map



CBPA Variances & Wetlands Board Permit History

This property is in the Atlantic Ocean Watershed. A Wetlands Board permit was approved in May 2020 for the proposed dredging of the canal.

Proposed Site Plan



REV: 3-11-21

<p>CALVERT MARINE Marine and Environmental Permits</p>	<p>PLAN</p>	<p>Proposed: <i>Replacement Bulkhead</i></p> <p>in: <i>Lake Rudee</i> at: <i>617 GOLDSBORO AVE</i> County of: <i>Virginia Beach</i> Applicant: <i>LUKE KINSER</i> Sheet: <i>2 of 6</i> Date: <i>11 JAN 21</i></p>
	<p>W.T.M. MARINE LLC Engineering 1 GORDON DRIVE POQUOSON, VA</p>	

Site Photos



Site Photos



Summary of Proposal

The applicant is proposing to install a 32 linear foot vinyl bulkhead two feet in-front of the existing bulkhead with an 18.5 linear foot return wall. Approximately 12 cubic yards of backfill are proposed in between the two walls. 18 linear feet of replacement bulkhead is also proposed in the same alignment as the existing bulkhead and will tie into the neighbors bulkhead to the west. The bulkhead will impact 62 square feet of non-vegetated wetlands and the applicant is proposing to pay an in-lieu fee to compensate for these impacts. The applicant indicated that removing the bulkhead to replace in-line would negatively impact the property and canal. The applicant also stated that a living shoreline in this location would be difficult due to the surrounding property owner's bulkheads and the requirement of return walls at each property line to avoid impacts to the adjacent properties. Extending rip rap into the canal would create hazardous conditions with recreational boating and undercutting may be an issue due to the location of the edge of the new channel to the existing bulkhead. Staff is of the opinion that a living shoreline or rip rap would not be suitable for this property due to the width of the canal and the amount of boat traffic that passes through this area.

Evaluation & Staff Recommendations

A portion of the bulkhead is failing and needs repair. Due to concerns from the adjacent property owner regarding boating access to the channel, the applicant is proposing to replace the bulkhead in-line for 18 feet and tie into the adjacent neighbor's bulkhead to the west. A new bulkhead is proposed two feet channel ward of the existing bulkhead in the area under an existing wharf. During site visits, staff did see the non-vegetated mudflat that would be filled with this proposal and the areas of bulkhead failure; totaling 62 square feet of non-vegetated wetlands impacts. Staff did discuss the possibility of replacing the entire bulkhead in-line with the applicant's agent to eliminate the non-vegetated wetlands impacts; however, the applicant's agent indicated that this would substantially increase the cost of the project.

The water depth here is very shallow in this canal leading out to Lake Rudee. In May 2020, the Board approved an application for the dredging of this small canal to restore navigable depths in the canal at low tides. The applicant states that improving the shoreline with this project is necessary to prepare for when the dredging begins in this canal. Staff recommends that the Board accept the payment of an in-lieu fee for the 62 square feet of non-vegetated wetlands impacts.

Accordingly, the Department of Planning & Community Development Staff recommends that the application be **approved as modified** with the following conditions:

1. The bulkhead shall be replaced in line with the exception of the portion of the bulkhead within the footprint of the existing pier where it shall be replaced no more than two feet channel ward of the existing bulkhead.
2. The existing pier shall not be replaced or expanded to extend further channel ward.

Next Steps

Wetlands Board decisions can be reviewed by or appealed to the Marine Resource Commission. The Marine Resource Commission must receive the appeal request within 10 day of the hearing. Accordingly, no approvals can be issued until at least 10 days after the hearing.

Following the Wetlands Board meeting, applicants and their agents can expect to receive a Board Actions Summary via email.

Within 14 days of the Wetlands Board hearing, applicants and their agents can expect to receive a letter detailing any fees owed, any revisions required, and next steps to obtain their permit.

All questions related to Board decisions or information required to obtain a permit can be directed toward the City of Virginia Beach Planning Department – Waterfront Operations Division at 757-385-8246.

Agent

Rich Calvert, Calvert Marine

Location

1336 Holly Point Road

GPIN

1498-67-3201

Staff Planner

Whitney McNamara

Proposal

To construct a bulkhead and rip rap involving wetlands

Staff Recommendation

Approval as Submitted

Waterway

Eastern Branch Lynnhaven River

Subdivision

Trant Berkshire Area

Impacts

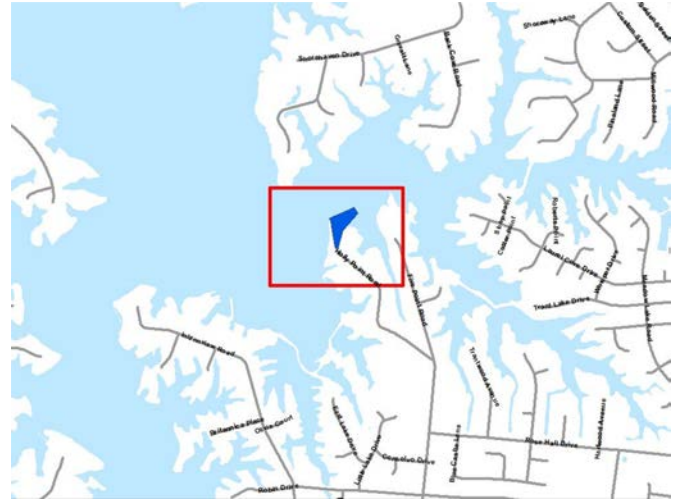
Non-Vegetated: 590 square feet

Subaqueous: 588 square feet

Overall length of proposed structure: 139 linear feet of bulkhead and 198 linear feet of rip rap

Proposed Mitigation and/or Compensation

On-site



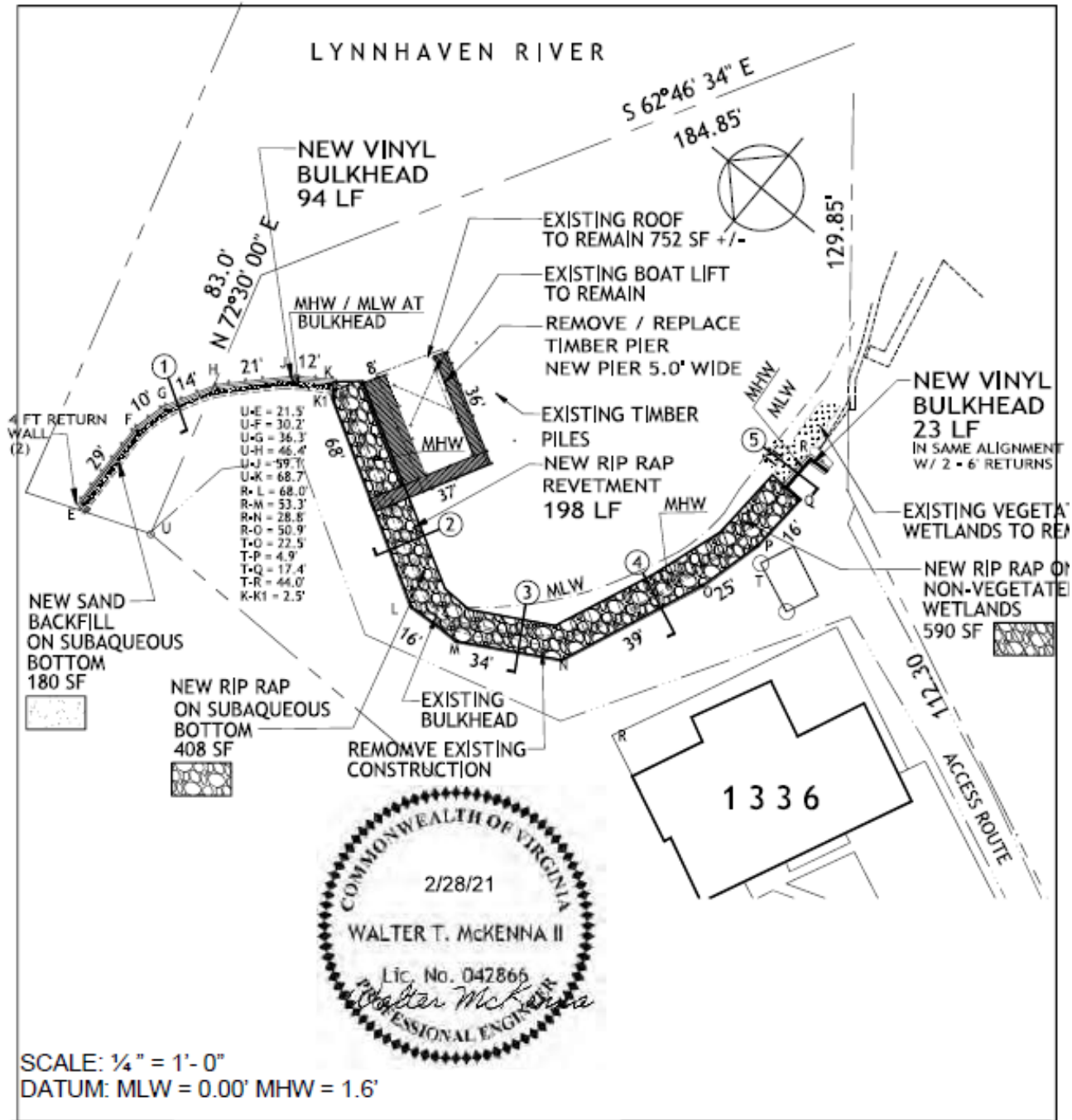
Site Aerial Map



CBPA Variances & Wetlands Board Permit History

This property is located in the Chesapeake Bay Watershed. There were no recent CBPA Board permits or Wetlands permits found for this property.

Proposed Site Plan



CALVERT MARINE
Marine and Environmental Permits

NEW WORK PLAN

WTM
MARINE LLC
Engineering
1 GORDON DRIVE
PO BOX 504, VA.

Adjacent Property Owners:
1. Jason Byrum
2. Joanne McClellan RT

Proposed: *Replacement Pier, Rip Rap and Replacement Bulkhead*
in: *Lynnhaven River*
at: *1336 Holly Point Road*
County of: *Virginia Beach*
Applicant: *John / Tama Profilet*
Sheet: **3** of **8** Date: **02 FEB 2021**

Site Photos



Site Photos



Summary of Proposal

The existing bulkhead is failing and needs to be replaced. To minimize wetlands impacts, the applicant is proposing to install rip rap along a portion of the shoreline due to the presence of non-vegetated wetlands in front of the existing bulkhead. There is a section along the eastern property line where the bulkhead is proposed to be replaced in-line with the existing bulkhead due to the presence of vegetated wetlands. The applicant's agent is of the opinion that the proposed combination of rip rap and a bulkhead is the best option for this property due to the presence of bulkheads on the surrounding properties, making a transition to a living shoreline difficult, as well as significant fetch and the steep bank and proximity of existing structures on the property to the shoreline. The proposed project will convert 590 square feet of non-vegetated mudflat to non-vegetated rock habitat. The primary purpose of the project is to prevent settling and erosion.

Evaluation & Staff Recommendations

The existing bulkhead is in need of repair and Staff thoroughly talked through all options to best stabilize this shoreline with the applicant's agent. The property is characterized by a steep slope and narrow yard in the area where the non-vegetated wetlands impacts are proposed, making alternatives to rip rap costly. The steep slope makes replacing the bulkhead in line difficult due to the potential of destabilizing the existing bank during construction and would require a large amount of upland fill to match the height of the bulkhead. In addition, the property experiences extensive fetch and heavy wave action during strong winds and storm events. While no trees are shading the shoreline, wetlands vegetation is not growing in this area, but is growing further down the shoreline. Staff is of the opinion that the proposed rip rap is appropriate for this shoreline.

Accordingly, the Department of Planning and Community Development Staff recommends the applicant be **approved as submitted** as shown on the plans sealed on February 28, 2021 and received by the Virginia Marine Resources Commission on March 1, 2021.

Next Steps

Wetlands Board decisions can be reviewed by or appealed to the Marine Resource Commission. The Marine Resource Commission must receive the appeal request within 10 day of the hearing. Accordingly, no approvals can be issued until at least 10 days after the hearing.

Following the Wetlands Board meeting, applicants and their agents can expect to receive a Board Actions Summary via email.

Within 14 days of the Wetlands Board hearing, applicants and their agents can expect to receive a letter detailing any fees owed, any revisions required, and next steps to obtain their permit.

All questions related to Board decisions or information required to obtain a permit can be directed toward the City of Virginia Beach Planning Department – Waterfront Operations Division at 757-385-8246.

Agent

David Kledzik, Marine Engineering, LLC

Location

1825 Green Hill Road

GPIN

1499-86-9178

Staff Planner

Whitney McNamara

Proposal

To maintenance dredge involving wetlands

Staff Recommendation

Approval as Submitted

Waterway

Broad Bay

Subdivision

Green Hill Farm

Impacts

Non-vegetated Wetlands: 552 square feet

Subaqueous bottom: 16,327 square feet

Proposed Mitigation and/or Compensation

Payment of an in-lieu fee



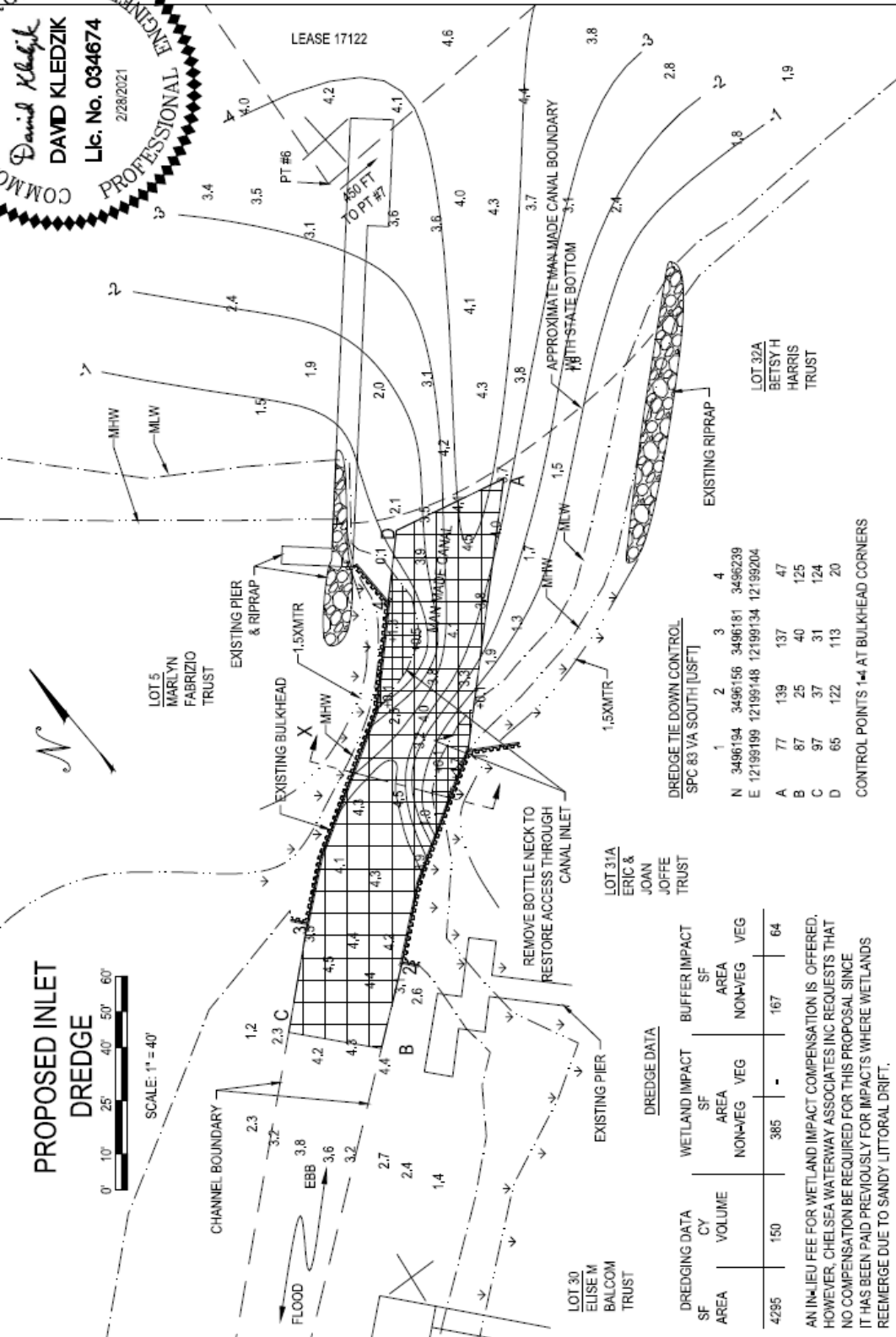
Site Aerial Map



CBPA Variances & Wetlands Board Permit History

The canal is located in the Chesapeake Bay Watershed. A Wetlands Permit was previously issued for dredging in 2008, 2016, and 2018. The permit issued in 2018 was extended twice, which is the maximum amount allowed by the Board.

Proposed Site Plan



PROPOSED INLET DREDGE
 SCALE: 1" = 40'



DREDGE TIE DOWN CONTROL
 SPC 63 VA SOUTH [USFT]

N	3496134	3496156	3496181	3496239
E	12199199	12199148	12199134	12199204
A	77	139	137	47
B	87	25	40	125
C	97	37	31	124
D	65	122	113	20

CONTROL POINTS 1-4 AT BULKHEAD CORNERS

DREDGE DATA

DREDGING DATA	CY VOLUME	WETLAND IMPACT		BUFFER IMPACT	
		AREA NON-VEG	AREA VEG	AREA NON-VEG	AREA VEG
4295	150	385	-	167	64

AN INQUIRY FEE FOR WETLAND IMPACT COMPENSATION IS OFFERED. HOWEVER, CHELSEA WATERWAY ASSOCIATES INC REQUESTS THAT NO COMPENSATION BE REQUIRED FOR THIS PROPOSAL SINCE IT HAS BEEN PAID PREVIOUSLY FOR IMPACTS WHERE WETLANDS REEMERGE DUE TO SANDY LITTORAL DRIFT.

MARINE ENGINEERING LLC
 4212 DOUGHERTY CT
 VIRGINIA BEACH, VA 23455
 (757) 477-4787

APPLICATION BY
 CHELSEA WATERWAY ASSOCIATION INC
 1825 QUEENS ELM PLACE
 VIRGINIA BEACH, VA 23454

Received by VMRC March 2, 2021 /blh

PROPOSED PROJECT TO IMPROVE WATERCRAFT ACCESS

DATUM: MLW = 0.00'
 SHEET 19 OF 22
 DATE: DECEMBER 18, 2020
 REV-

Site Photos



Site Photos



Summary of Proposal

This is a request to maintenance dredge approximately 150 cubic yards of intertidal material and approximately 961 cubic yards of subaqueous material to -4.5 feet MLW. The applicant's agent has indicated that approximately 552 square feet of non-vegetated wetlands will be impacted, including 167 square feet of which are dredge impacts associated with the anticipated forty-five degree angle of repose resulting from the dredge box cut. Spoils will be barged and off-loaded with eventual disposal at Isle of Wight Materials Company, Inc. located in Suffolk, Virginia or other approved location. The applicant's agent has indicated that the subject maintenance operations are within the same footprint as previously approved. While the applicant is offering payment of an in-lieu fee for the wetlands impacts, they are requesting that the Board consider waiving the in-lieu fee. This fee has been paid twice in association with the two previous approvals to dredge the channel in 2008 and 2016, as non-vegetated wetlands reemerge after dredging the intertidal area due to littoral drift. The Board agreed to waive the in-lieu fee for the 2018 application.

Evaluation & Staff Recommendations

This navigation channel is susceptible to accumulation of sediment. While the most recent Wetlands Permit was issued in 2018, the applicant is trying to be proactive to maintain navigation for residents along the channel and to avoid the vegetated wetlands impacts that were incurred in the previous dredge application. The proposed dredge footprint is consistent with the three previously approved applications.

After evaluating the request to waive the payment of the in-lieu fee for the non-vegetated wetlands impacts, Staff recommends that the Board support the waiver as the area where the non-vegetated wetlands will be impacted by the proposed dredging was previously compensated for with the previous dredge applications, the most recent of which occurred in 2016.

As such, the Department of Planning and Community Development Staff recommends that the application be **approved as submitted** based on the drawings for Chelsea Waterway Associates sealed on February 28, 2021 and stamped received by the VMRC on March 2, 2021.

Next Steps

Wetlands Board decisions can be reviewed by or appealed to the Marine Resource Commission. The Marine Resource Commission must receive the appeal request within 10 day of the hearing. Accordingly, no approvals can be issued until at least 10 days after the hearing.

Following the Wetlands Board meeting, applicants and their agents can expect to receive a Board Actions Summary via email.

Within 14 days of the Wetlands Board hearing, applicants and their agents can expect to receive a letter detailing any fees owed, any revisions required, and next steps to obtain their permit.

All questions related to Board decisions or information required to obtain a permit can be directed toward the City of Virginia Beach Planning Department – Waterfront Operations Division at 757-385-8246.



Application Number **2021-WTRA-00086**
Applicant **Robert T. Collins**
Public Hearing **April 19, 2021**
City Council Election District **Princess Anne**
Withdrawn

Agenda Item

9

Agent

Robert Simon, Waterfront Consulting, Inc.

Location

2873 Bluebill Drive

GPIN

2433-34-0646

Staff Planner

Whitney McNamara

Proposal

To construct a bulkhead involving wetlands

Staff Recommendation

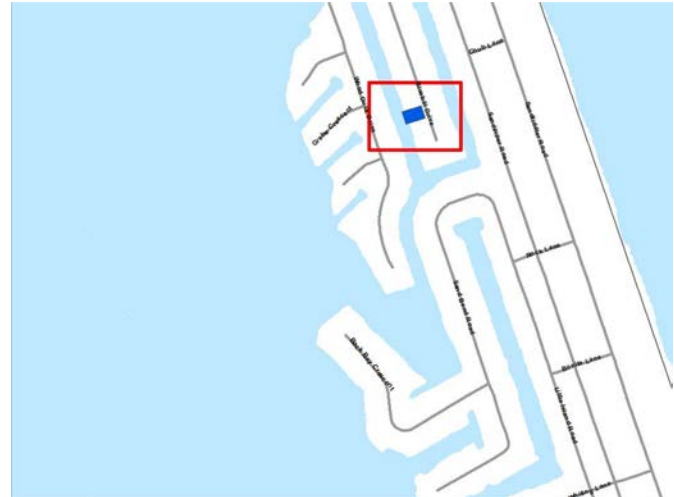
Select

Waterway

Bass Inlet

Subdivision

Sandbridge Shores



Agent

Robert Simon, Waterfront Consulting, Inc.

Location

1508 Duke of Windsor Road

GPIN

2418-07-3353

Staff Planner

Whitney McNamara

Proposal

To rework rip rap revetment, create oyster reef, and plant vegetation involving wetlands

Staff Recommendation

Approval as Submitted

Waterway

Linkhorn Bay

Subdivision

Linkhorn Shores

Impacts

Non-vegetated Wetlands: 2,528 square feet

Subaqueous Bottom: 1,011 square feet

Overall length of proposed structure:

276linear rip rap, 170 linear feet of marsh sill

Volume of backfill: 20 cubic yards

Proposed Mitigation and/or Compensation

On-site



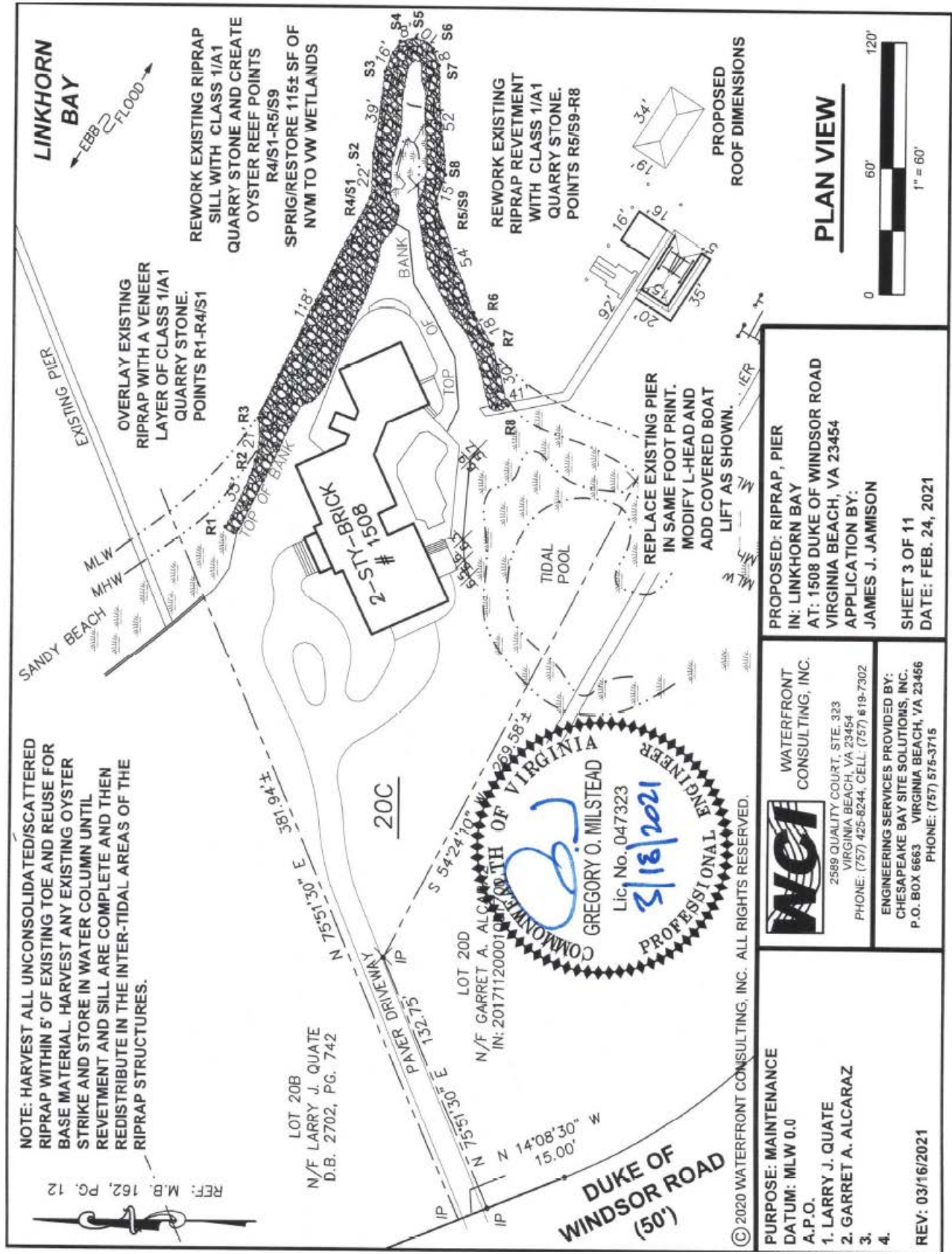
Site Aerial Map



CBPA Variances & Wetlands Board Permit History

This property is in the Chesapeake Bay Watershed; however, no recent CBPA Board variances were found for this property. A Wetlands permit was approved at the January 2021 hearing, however, upon further site visits, oysters were found growing on some of the rock. The applicant has revised and re-submitted their application to address the oysters.

Proposed Site Plan



Site Photos



Site Photos



Summary of Proposal

The applicant is proposing to place 174 linear feet of rip rap over top the existing rip rap revetment on the north side of the property, rework the 170 linear foot marsh sill and re-grade the area behind the sill to sprig with wetlands vegetation, and rework the 102 linear foot rip rap revetment on the south side of the property. The proposed project will impact 2,528 square feet of non-vegetated wetlands and 1,011 square feet of subaqueous bottom. The applicant proposes on-site compensation by converting non-vegetated rock habitat to non-vegetated rock habitat where rip rap is being placed on top of existing rip rap or existing rip rap is being reworked, and convert non-vegetated wetlands to vegetated wetlands in the area behind the rip rap sill where the vegetated wetlands are being restored. During a site visit, oysters were found to be growing on the existing rocks. The applicant is proposing to harvest and store the oysters in the water column during construction, and then place the oysters in the intertidal area on the landward side of the sill. The primary purpose of the project is maintenance of the existing shoreline.

Evaluation & Staff Recommendations

The shoreline is characterized by steep banks, with the top of bank located adjacent to portions of the house. The rip rap on the north side of the property includes stones smaller than what is typically used. Staff supports the applicant's request to overtop this area with Class 1 stone, which is a typical rip rap top layer. The rip rap on the south side of the property has settled, and there are numerous areas where the filter fabric is exposed. Staff supports reworking the rip rap in this area to provide the appropriate slope and stone size.

The area around the point of the property is currently protected by a rip rap sill with wetlands vegetation. The existing sill is low and much of the wetlands vegetation has died. In addition, this property experiences significant wake action from boat traffic, especially from boats heading to and from the Cavalier Golf and Yacht Club, and wave action due to its eastern facing shoreline and wide channel. The applicant is proposing to create an oyster reef landward of the sill to preserve oysters currently growing on site. Landward of the oyster reef, the applicant is proposing to plant wetlands vegetation in an effort to repair and re-establish this portion of the property. The proposed sill will be above Mean High Water and will not have any openings to allow daily tidal fluctuation, which are typical for sills longer than 100 feet. Despite this design, Staff supports the sill as proposed due to the eastern orientation of the shoreline and boat traffic in the channel. The applicant's agent did include a note that a monitoring plan would be provided, as is required by the City for all projects featuring wetlands vegetation planting.

Accordingly, the Department of Planning and Community Development Staff recommend that the application be **approved as submitted** as shown on the plans sealed on March 13, 2021 and received by the Virginia Marine Resource Commission on March 16, 2021.

Next Steps

Wetlands Board decisions can be reviewed by or appealed to the Marine Resource Commission. The Marine Resource Commission must receive the appeal request within 10 day of the hearing. Accordingly, no approvals can be issued until at least 10 days after the hearing.

Following the Wetlands Board meeting, applicants and their agents can expect to receive a Board Actions Summary via email.

Within 14 days of the Wetlands Board hearing, applicants and their agents can expect to receive a letter detailing any fees owed, any revisions required, and next steps to obtain their permit.

All questions related to Board decisions or information required to obtain a permit can be directed toward the City of Virginia Beach Planning Department – Waterfront Operations Division at 757-385-8246.

Agent

Robert E. Simon, Waterfront Consulting, Inc.

Location

2821 Wood Duck Drive

GPIN

2433-25-2680

Staff Planner

Whitney McNamara

Proposal

To construct a bulkhead involving wetlands

Staff Recommendation

Approval as Modified

Waterway

Sand Broad Inlet

Subdivision

Sandbridge Shores

Impacts

Non-Vegetated: 806 square feet

Subaqueous: 170 square feet

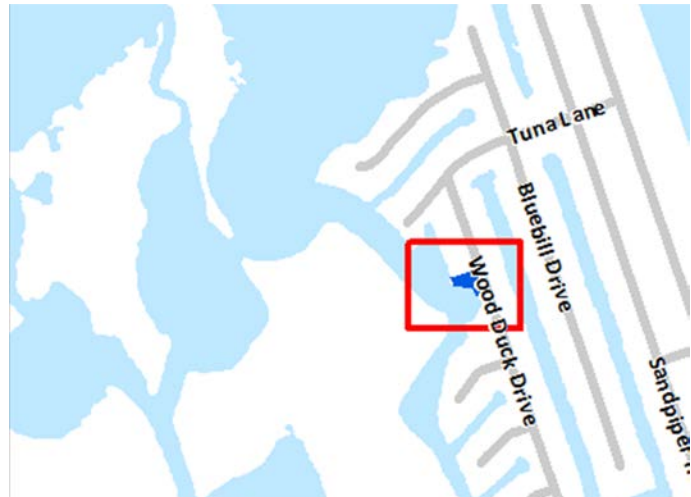
Overall length of proposed structure: 261

linear feet of bulkhead

Volume of Backfill: 40 cubic yards

Proposed Mitigation and/or Compensation

Payment of an in-lieu fee



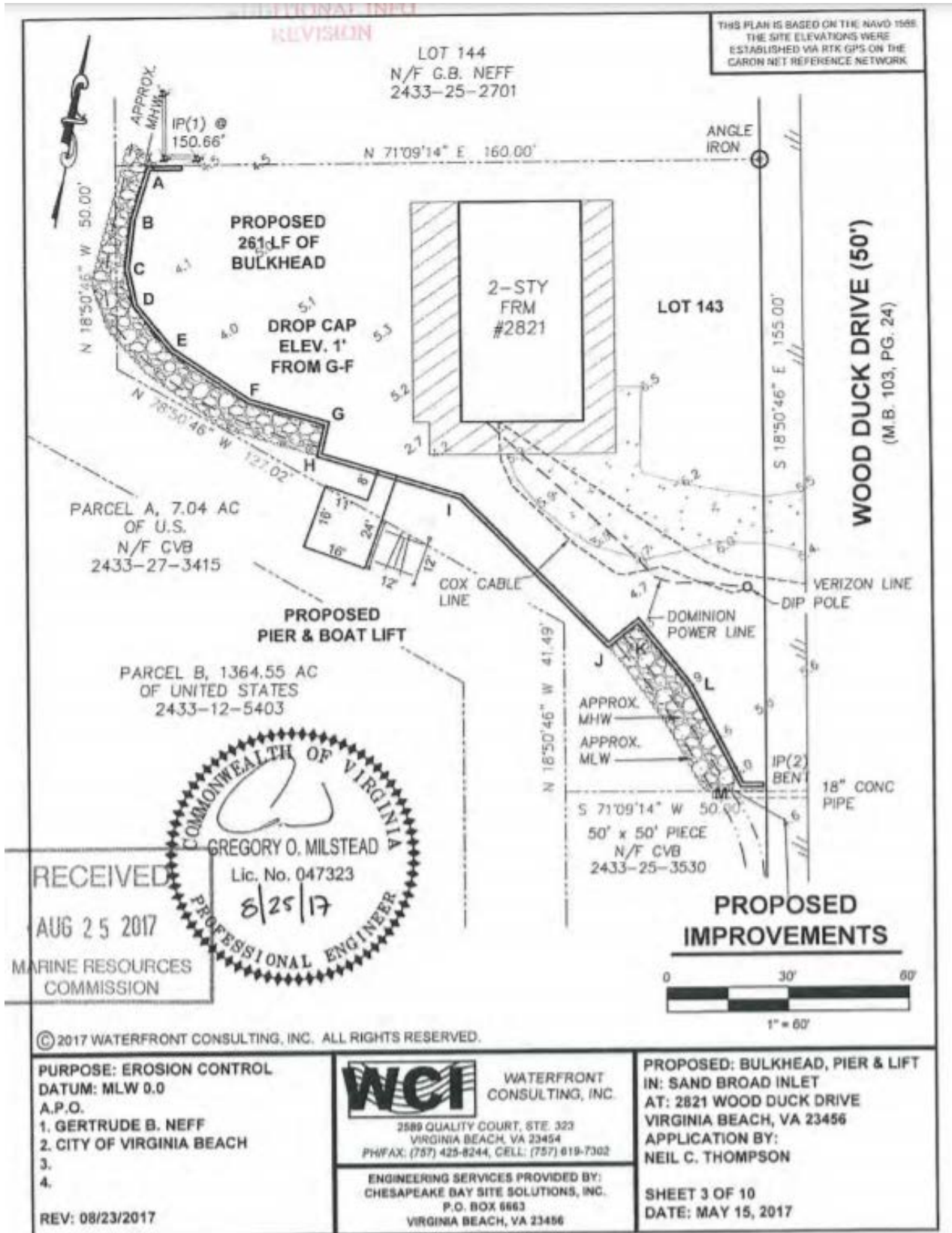
Site Aerial Map



CBPA Variances & Wetlands Board Permit History

This property is located in the Southern Rivers Watershed. A Wetlands permit was approved in September 2017 to construct a bulkhead. It was extended the maximum amount of times; however, the bulkhead was not constructed.

Proposed Site Plan



Site Photos



Site Photos



Summary of Proposal

The applicant proposes to install 261 linear feet of bulkhead behind the existing rip rap, apart from the area adjacent to the house and driveway where the proposed bulkhead will be placed in front of the existing rip rap. The existing rip rap will be removed as necessary for the installation of the bulkhead. The remaining rip rap will be topped with approximately 40 cubic yards of clean sand fill to match the upland grade. The primary purpose of this project is to stop settling of the property in the vicinity of the house and driveway.

The loss of the rip rap will impact 324 square feet of non-vegetated wetlands and 270 square feet of subaqueous bottom. Due to the proximity of the house and driveway to the existing rip rap, a living shoreline was not considered as a feasible alternative. In addition, the property is settling, and the applicant's agent is of the opinion that the existing rip rap is not preventing the property from settling; therefore, adding rip rap to the existing revetment is not a viable alternative. The applicant proposes to pay an in-lieu fee to compensate for the wetlands loss.

Evaluation & Staff Recommendations

The ground elevation of the property is low with elevations less than five feet above sea level. A portion of the existing rip rap is immediately adjacent to the driveway and house. Staff was on-site in 2017 following a wind-driven high tide event, and a rack line was still visible on the property because portions of the existing rip rap had been overtopped by the tide. There are six trees along the shoreline that will be impacted by the proposed fill. Staff recommends that the applicant and their agent mitigate the loss of the six trees by replacing the trees in-kind and landward of the fill area.

While a living shoreline is the preferred alternative to a hardened structure, the house and driveway are located directly adjacent to the existing rip rap, leaving no room for a living shoreline. The applicant's agent has worked with the applicant to reduce the original impacts by locating the proposed bulkhead on the remainder of the property behind the existing rip rap. This will minimize the non-vegetated wetlands impacts while still allowing the applicant to stabilize their property and address the subsidence.

During review, it appears that the application that was re-submitted and received by the Virginia Marine Resources Commission (VMRC) on February 25, 2021 does not match the wetlands impacts in Appendix B of the application approved by the Board in September 2017, for which the in-lieu fee has already been paid. Looking at the plans, it appears that an old version of the application was submitted with updated plans.

Accordingly, the Department of Planning and Community Development Staff recommend that the application be **approved as modified** by the following condition:

1. A revised application reflecting the most up to date wetlands impacts shall be submitted to the VMRC and ultimately approved by the Department of Planning and Community Development prior to the issuance of a building permit.

Next Steps

Wetlands Board decisions can be reviewed by or appealed to the Marine Resource Commission. The Marine Resource Commission must receive the appeal request within 10 day of the hearing. Accordingly, no approvals can be issued until at least 10 days after the hearing.

Following the Wetlands Board meeting, applicants and their agents can expect to receive a Board Actions Summary via email.

Within 14 days of the Wetlands Board hearing, applicants and their agents can expect to receive a letter detailing any fees owed, any revisions required, and next steps to obtain their permit.

All questions related to Board decisions or information required to obtain a permit can be directed toward the City of Virginia Beach Planning Department – Waterfront Operations Division at 757-385-8246.