



**WETLANDS BOARD  
MEETING MINUTES**

CITY OF VIRGINIA BEACH.

CITY COUNCIL CHAMBER  
BUILDING 3  
2403 COURTHOUSE DRIVE  
VIRGINIA BEACH, VIRGINIA 23456

JUNE 22, 2022  
10:00 AM

**MEMBERS PRESENT:**

CHAIRMAN, JOASHUA SCHULMAN, PRESIDING  
VICE CHAIR, JASON BARNEY  
STEPHEN BALLARD  
SUNTEMPLE HELGREN  
BENJAMIN MCFARLANE  
EMILY STEINHILBER

**MEMBERS ABSENT:**

KATIE CRUM  
CINDY HAWKS WHITE  
JAMES T. VAIL

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

The June 2022, Public Hearing Meeting for the Virginia Beach Wetlands Board was called to order by the Chair, Joashua Schulman, in the Council Chamber, 2403 Courthouse Drive, Virginia Beach, Virginia 23456 at 10:08 AM, June 22, 2022.

Chair Schulman welcomed all, stated the responsible charge of the Wetlands Board, as delineated in the Virginia State Code and announced appeals are available through the Virginia Marine Resources Commission (VMRC) within ten (10) days of this Board's decision.

Approval expires two (2) years from the date it is granted. A permit is normally extended, but not an approval. Applicants are advised to obtain their permit within no more than thirty (30) days of their Hearing. Extensions must be requested before the expiration date.

Chair Schulman acknowledged each applicant and/or agent for the applicant and administered the oath truth and honor.

The Chair stated that as required by law four (4) affirmative votes are required for an approval of a permit application. The Clerk announced that quorum was present and that the Wetlands Minutes of May 16, 2022, was approved, as distributed.

The slide presentation for each application site was rendered by Ms. Whitney McNamara.

## **MINUTES OF MAY 16, 2022**

Upon Motion by Mr. Barney, seconded by Ms. Steinhilber, the May 16, 2022, Minutes was **APPROVED, AS DISTRIBUTED.**

**VOTE: 5-0**

**MEMBERS VOTING AYE:**

Stephen Ballard, Jason Barney, SunTemple Helgren, Joashua Schulman and Emily Steinhilber

**MEMBERS VOTING NAY:**

**MEMBERS ABSENT:**

Katie Crum, James T. Vail and Cindy Hawks White

**MEMBERS ABSTAINING:**

Benjamin McFarlane

**HARBOR GATE OWNERS ASSOCIATES, INC  
APPLICATION No.: 2022-WTRA-00014**

**PROJECT:** To construct a bulkhead involving Coastal Primary Sand Dune/Beach

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

**SPEAKERS:** **FOR** –Richard Calvert, Calvert Marine, Agent for Applicant  
James W. Lucas, Homeowner at Harbor Gate

**(This Item was deferred from the May 16, 2022)**

*Chairman noted the supplemental package that was previously emailed to the Board and distributed today. Ms. McNamara informed the Board that the Supplement distributed on June 21<sup>st</sup> that was also distributed at the hearing would be the plans that the Board would be approving.*

Upon motion by Mr. Barney, seconded by Mr. Ballard, the application of **Harbor Gate Owners Associates, Inc**, was **APPROVED, AS MODIFIED, WITH THE FOLLOWING CONDITIONS:**

- ~~1. The new bulkhead (seawall) alignment, as shown on the submitted Joint Permit Application (JPA) shall be realigned approximately 47 feet landward of the proposed layout. The realignment shall be at the landward edge of the existing 12 foot by 12 foot timber platform~~
2. The existing timber walk and stairs seaward of the twelve (12) foot by twelve (12) foot timber platform shall be relocated and terminate with the realignment of the new bulkhead (seawall) alignment.
3. Revised plans shall be submitted to the Virginia Marine Resources Commission (VMRC) and ultimately approved by the Department of Planning and Community Development with the information required in condition 2 above prior to the issuance of a building permit.

**VOTE:** 5-1

**MEMBERS VOTING AYE:**

Stephen Ballard, Jason Barney, Benjamin McFarlane  
Joashua Schulman and Emily Steinhilber

**MEMBERS VOTING NAY:**

SunTemple Helgren

**MEMBERS ABSENT:**

Katie Crum, James T. Vail and Cindy Hawks White

**MEMBERS ABSTAINING:**

**DON MYERS**  
**APPLICATION No.: 2021-WTRA-00128**

**PROJECT:** To construct a bulkhead and rip rap involving wetlands

**PROJECT LOCATION:** 2004 Compass Circle contiguous to Canal to Broad Bay

**REQUEST:** One (1) Year Extension of Time

**SPEAKER:** **FOR** –Robert E. Simon, Waterfront Consulting, Inc., Agent for Applicant

Upon motion by Mr. Barney, seconded by Mr. Ballard, the request of **Don Myers** for a one (1) year extension of time was **GRANTED**.

**VOTE:** 6-0

**MEMBERS VOTING AYE:**

Stephen Ballard, Jason Barney, SunTemple Helgren, Benjamin McFarlane  
Joashua Schulman and Emily Steinhilber

**MEMBERS VOTING NAY:**

**MEMBERS ABSENT:**

Katie Crum, James T. Vail and Cindy Hawks White

**MEMBERS ABSTAINING:**

**JASON AND WENDY LEWIS**  
**APPLICATION NO.: 2022-WTRA-00045**

**PROJECT:** To construct a rip rap revetment involving wetlands

**PROJECT LOCATION:** 333 Princess Anne Road contiguous to North Landing River

**SPEAKER:** **FOR** –Robert E. Simon, Waterfront Consulting, Inc., Agent for Applicant

Upon motion by Mr. Barney, seconded by Mr. Ballard, the application of **Jason and Wendy Lewis** was **APPROVED, AS MODIFIED, WITH THE FOLLOWING CONDITIONS:**

1. A *Phragmites* eradication plan shall be submitted to the Virginia Marine Resources Commission (VMRC) and approved by the Department of Planning and Community Development prior to the issuance of a building permit.
2. Any trees removed in association with the construction of the rip rap revetment shall be replaced at a one to one (1:1) ratio.
3. All rock and debris removed from the site shall be disposed of in a lawful manner.

**No Net Loss of wetlands on this project was achieved by the use of on-site compensation and payment of an in-lieu fee.**

**VOTE:** 6-0

**MEMBERS VOTING AYE:**

Stephen Ballard, Jason Barney, SunTemple Helgren, Benjamin McFarlane  
Joashua Schulman and Emily Steinhilber

**MEMBERS VOTING NAY:**

**MEMBERS ABSENT:**

Katie Crum, James T. Vail and Cindy Hawks White

**MEMBERS ABSTAINING:**

**KENNETH G. & VALERIE H. REGISTER  
APPLICATION No.: 2022-WTRA-00079**

**PROJECT:** To construct a bulkhead involving wetlands

**PROJECT LOCATION:** 3157 Lynnhaven Drive contiguous to Man-made canal to Long Creek

**SPEAKER:** **FOR** –Robert E. Simon, Waterfront Consulting, Inc., Agent for Applicant

Upon motion by Mr. Barney, seconded by Mr. Ballard, the application of **Kenneth G. and Valerie H. Register** was **APPROVED, AS SUBMITTED.**

**No Net Loss of wetlands on this project was achieved by payment of an in-lieu fee at a reduced rate of \$5.50 per square foot.**

**VOTE:** 6-0

**MEMBERS VOTING AYE:**

Stephen Ballard, Jason Barney, SunTemple Helgren, Benjamin McFarlane  
Joashua Schulman and Emily Steinhilber

**MEMBERS VOTING NAY:**

**MEMBERS ABSENT:**

Katie Crum, James T. Vail and Cindy Hawks White

**MEMBERS ABSTAINING:**



**HEATHER M. HAM**  
**APPLICATION No.: 2022-WTRA-00071**

**PROJECT:** To construct a rip rap revetment involving wetlands

**PROJECT LOCATION:** 2613 Sandy Valley Road contiguous to Eastern Branch of Lynnhaven

**SPEAKER:** **FOR** –Heather Ham, Applicant

Upon motion by Mr. Barney, seconded by Mr. Ballard, the application of **Heather M. Ham** was **APPROVED, AS MODIFIED, WITH THE FOLLOWING CONDITIONS:**

1. Rip rap shall be toed one (1) foot below bottom into firm soil and filter cloth installed continuous under the proposed rip rap.
2. Rip rap shall be installed landward of all wetland vegetation at a slope no greater than one point five (1.5) to one (1).
3. Revised plans shall be submitted to the Virginia Marine Resources Commission (VMRC) and ultimately approved by the Department of Planning and Community Development prior to the issuance of a building permit.

**No Net Loss of wetlands on this project was achieved by the use of on-site compensation.**

**VOTE: 6-0**

**MEMBERS VOTING AYE:**

Stephen Ballard, Jason Barney, SunTemple Helgren, Benjamin McFarlane  
Joashua Schulman and Emily Steinhilber

**MEMBERS VOTING NAY:**

**MEMBERS ABSENT:**

Katie Crum, James T. Vail and Cindy Hawks White

**MEMBERS ABSTAINING:**

**VINCENT A. NAPOLITANO REVOCABLE TRUST  
APPLICATION No.: 2022-WTRA-00088**

**PROJECT:** To construct a rip rap revetment involving wetlands

**PROJECT LOCATION:** 1056 Bobolink Drive contiguous to Linkhorn Bay

**SPEAKER:** **FOR** –Billy Garrington, Governmental Permitting Services, Agent for Applicant

Upon motion by Mr. Barney, seconded by Mr. Ballard, the application of **Vincent A. Napolitano Revocable Trust** was **APPROVED, AS SUBMITTED.**

**No Net Loss of wetlands on this project was achieved by the use of on-site compensation.**

**VOTE:** 6-0

**MEMBERS VOTING AYE:**

Stephen Ballard, Jason Barney, SunTemple Helgren, Benjamin McFarlane  
Joashua Schulman and Emily Steinhilber

**MEMBERS VOTING NAY:**

**MEMBERS ABSENT:**

Katie Crum, James T. Vail and Cindy Hawks White

**MEMBERS ABSTAINING:**

***(Ms. Steinhilber disclosed that her husband used to work for the Applicant and at one point had him as a client. She stated that the relationship ended in and around approximately 2018, and she stated that she is impartial.)***

July 14, 2022

Bobby Tajan, Planning Director  
Planning and Community Development  
2875 Sabre Street, Suite 500  
Virginia Beach, Virginia 23452

Re: Abstention Pursuant to the Conflicts of Interests Act, Va. Code Section 2.2-3115(F)

Dear Mr. Tajan:

Pursuant to the State and Local Government Conflict of Interests Act, I make the following declaration:

1. I am executing this written disclosure regarding the Wetlands Board's discussion and vote on June 22, 2022, agenda item 2022-WTRA-00088 for property located at 1056 Bobolink Drive, Virginia Beach, Virginia 23451.
2. My husband, Dylan Hawkins, was employed by and later had as a client the company owned by Vince Napolitano, the applicant, from approximately 2012 - 2018.
3. I am able to participate in the transaction fairly, objectively and in the public interest.

Please record this declaration in the official records of the Wetlands Board. Thank you for your assistance.

Sincerely,



Emily Steinhilber  
Wetlands Board Member

**HOLLOMAN BROWN FUNERAL HOME BAYSIDE CHAPEL, INC.  
APPLICATION No.: 2022-WTRA-00122**

**PROJECT:** To construct a rip rap revetment involving wetlands

**PROJECT LOCATION:** 3901 Richardson Road contiguous to Western Branch Lynnhaven

**SPEAKERS:** Robert E. Simon, Waterfront Consulting, Inc., Agent for Applicant  
Susan Dillon, Neighbor

Upon motion by Mr. Barney, seconded by Mr. Ballard, the application of **Holloman Brown Funeral Home Bayside Chapel, Inc.**, was **DEFERRED TO THE JULY 18, 2022 WETLANDS MEETING.**

**VOTE:** 6-0

**MEMBERS VOTING AYE:**

Stephen Ballard, Jason Barney, SunTemple Helgren, Benjamin McFarlane  
Joashua Schulman and Emily Steinhilber

**MEMBERS VOTING NAY:**

**MEMBERS ABSENT:**

Katie Crum, James T. Vail and Cindy Hawks White

**MEMBERS ABSTAINING:**

**THOMAS & BARBARA JOYNT  
APPLICATION No.: 2022-WTRA-00123**

**PROJECT:** To install a bulkhead involving wetlands

**PROJECT LOCATION:** 1332 Kingfisher Court contiguous to Linkhorn Bay

**SPEAKER:** FOR – Robert E. Simon, Waterfront Consulting, Inc., Agent for Applicant.

Upon motion by Mr. Barney, seconded by Mr. Ballard, the application of **Thomas and Barbara Joynt** was **APPROVED, AS MODIFIED**, WITH THE FOLLOWING CONDITIONS:

1. A buffer restoration plan shall be submitted to the Development Services Center (DSC) for review and approval. Once the buffer restoration plan is approved, a Civil Permit for CBPA Buffer Restoration shall be obtained concurrent with the building permit to construct the proposed bulkhead. All required restoration must be installed within ninety (90) days after construction is complete.
2. Wetlands impacts shall be recalculated to reflect the additional impacts from the new pocket of erosion behind the existing bulkhead.

**No Net Loss of wetlands on this project was achieved by payment of an in-lieu fee.**

**VOTE:** 6-0

**MEMBERS VOTING AYE:**

Stephen Ballard, Jason Barney, SunTemple Helgren, Benjamin McFarlane  
Joashua Schulman and Emily Steinhilber

**MEMBERS VOTING NAY:**

**MEMBERS ABSENT:**

Katie Crum, James T. Vail and Cindy Hawks White

**MEMBERS ABSTAINING:**

At 11:43 AM the June 22, 2022, Public Hearing of the Virginia Beach Wetlands Board was adjourned by the Chair, Joashua Schulman.

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



Jennifer A. Grundler  
Deputy City Clerk II



Joashua Schulman, Chair  
Wetlands Board