



**WETLANDS BOARD
VIRTUAL MEETING MINUTES**

CITY OF VIRGINIA BEACH

DUE TO COVID 19 THE MEETING NORMALLY HELD
IN CITY COUNCIL CHAMBER WAS MOVED TO THE
VIRGINIA BEACH CONVENTION CENTER

APRIL 19, 2021
10:00 AM

MEMBERS PRESENT:
CHAIRMAN, JOASHUA SCHULMAN, PRESIDING
VICE CHAIR, JASON BARNEY

STEPHEN BALLARD
KATIE CRUM
EMILY STEINHILBER
JAMES T. VAIL
CINDY HAWKS WHITE

MEMBERS ABSENT:

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

The April 2021 Virtual Public Hearing Meeting for the Virginia Beach Wetlands Board was called to order by the Chair, Joashua Schulman, in the Virginia Beach Convention Center located at 1000 19th Street, Suite 5, Virginia Beach, Virginia at 10:00 AM, April 19, 2021, while all other members participated virtually.

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 one (1) year 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.

The Chair administered the oath of truth and honor to staff.

The Chair stated that as required by law four (4) affirmative votes are required for an approval of a permit application. The Clerk called on the seven (7) Board members and announced that quorum was present and that the Wetlands Minutes of March 15, 2021, was approved, as distributed.

Chair Schulman administered the oath truth and honor to staff.

Ms. Whitney McNamara, Staff Liaison, thanked everyone for their participation and stated that this meeting is being conducted electronically in accordance with Virginia Code § 2.2-3708.2, Virginia Code § 15.2-1413 and the City's Continuity of Government Ordinance adopted on March 2, 2021, and Chapter 1289 of the 2020 Acts of Assembly, as amended.

Ms. McNamara administered the oath of truth and honor to each applicant and/or agent for the applicant during the meeting.

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

MINUTES OF MARCH 15, 2021

Upon Motion by Mr. Barney, seconded by Mr. Vail, the March 15, 2021, Minutes was **APPROVED, AS DISTRIBUTED.**

VOTE: 7-0 (VERBAL VOTE)

MEMBERS VOTING AYE:

Stephen Ballard, Jason Barney, Katie Crum, Joashua Schulman,
Emily Steinhilber, James T. Vail and Cindy Hawks White

MEMBERS VOTING NAY:

None

MEMBERS ABSENT:

None

MEMBERS ABSTAINING:

None

LORNA C. DONATONE, QPRT (ITEM 3)
APPLICATION No.: 2021-WTRA-00038
(This Item was Deferred from March 15, 2021)

PROJECT: To relocate rip rap and install a bulkhead involving wetlands
PROJECT LOCATION: 1421 Blue Heron Road, contiguous to Eastern Branch Lynnhaven River

AND

ROBERT T. COLLINS (ITEM 9)
APPLICATION No.: 2021-WTRA-00086

PROJECT: To construct bulkhead involving wetlands
PROJECT LOCATION: 2873 Bluebill Drive, contiguous to Bass Inlet

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

Upon Motion by Mr. Barney, seconded by Ms. White, the applications of **Lorna C. Donatone, QPRT, (Item 3)** and **Robert T. Collins (Item 9)** were **WITHDRAWN**.

VOTE: 7-0 (VERBAL VOTE)

MEMBERS VOTING AYE:

Stephen Ballard, Jason Barney, Katie Crum, Joashua Schulman,
Emily Steinhilber, James T. Vail and Cindy Hawks White

MEMBERS VOTING NAY:

None

MEMBERS ABSENT:

None

MEMBERS ABSTAINING:

None

**GEORGE CLARK / PATRICIA CLARK
APPLICATION No.: 2019-WTRA-00058**

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

PROJECT LOCATION: 128 Pinewood Road, contiguous to Little Neck Creek

REQUEST: Extension of Time

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

Upon Motion by Mr. Barney, seconded by Ms. White, the request of **George Clark** for a **one (1) year extension of time** was **GRANTED**.

VOTE: 7-0 (VERBAL VOTE)

MEMBERS VOTING AYE:

Stephen Ballard, Jason Barney, Katie Crum, Joashua Schulman,
Emily Steinhilber, James T. Vail and Cindy Hawks White

MEMBERS VOTING NAY:

None

MEMBERS ABSENT:

None

MEMBERS ABSTAINING:

None

VICTORIA OLDANI
APPLICATION No.: 2020-WTRA-00022

PROJECT: To construct bulkhead involving wetlands

PROJECT LOCATION: 1325 Pleasant Ridge Road, contiguous to Canal to Shipps Bay

REQUEST: Extension of Time

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

Upon Motion by Mr. Barney, seconded by Ms. White, the request of **Victoria Oldani** for a **one (1) year extension of time** was **GRANTED**.

VOTE: **7-0 (VERBAL VOTE)**

MEMBERS VOTING AYE:

Stephen Ballard, Jason Barney, Katie Crum, Joashua Schulman,
Emily Steinhilber, James T. Vail and Cindy Hawks White

MEMBERS VOTING NAY:

None

MEMBERS ABSENT:

None

MEMBERS ABSTAINING:

None

**U.S. COAST GUARD
APPLICATION No.: 2021-WTRA-00010**

PROJECT: To construct a bulkhead involving wetlands

PROJECT LOCATION: 1100 Abbott Road, contiguous to Little Creek Cove

SPEAKER: **FOR** – Matthew Blackburn, U.S. Coast Guard

Upon Motion by Mr. Barney, seconded by Ms. White, the application of **U.S. Coast Guard** was **APPROVED, AS SUBMITTED.**

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

VOTE: 7-0 (VERBAL VOTE)

MEMBERS VOTING AYE:

Stephen Ballard, Jason Barney, Katie Crum, Joashua Schulman,
Emily Steinhilber, James T. Vail and Cindy Hawks White

MEMBERS VOTING NAY:

None

MEMBERS ABSENT:

None

MEMBERS ABSTAINING:

None

NUSTAR TERMINALS OPERATIONS PARTNERSHIP, LP
APPLICATION NO.: 2021-WTRA-00041

PROJECT: To construct rip rap and a boat ramp involving wetlands

LOCATION: 3924 North Landing Road, contiguous to North Landing River

SPEAKER: **FOR** – Lyle Trumbull, Ramboll Americas Engineering Solutions, Agent for NuStar
Ahmad Nadeem, Anchor Consultants.

Mr. Barney made a motion, seconded by Ms. White, to approve as modified, with the following conditions: (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; and (4) Fill material shall not be placed landward of the proposed rip rap revetment.

After the motion was made, Mr. Vail requested clarification concerning the Criteria three (3) and condition one (1) that appear to be conflict with one another.

Mr. Nadeem announced that he would like to speak in order to clarify.

Chair Schulman then stated he would entertain a motion to table the motion.

Upon Motion by Mr. Barney, second by Ms. White, **the motion before the Board was tabled for further discussion.**

VOTE: 7-0 (VERBAL VOTE)

MEMBERS VOTING AYE:

Stephen Ballard, Jason Barney, Katie Crum, Joashua Schulman,
Emily Steinhilber, James T. Vail and Cindy Hawks White

MEMBERS VOTING NAY:

None

MEMBERS ABSENT:

None

MEMBERS ABSTAINING:

None

Mr. Nadeem clarified that the area shown in blue at the back is rip rap proposed to fill in an area behind the existing bulkhead that has eroded.

After further discussion, the main motion was restated.

Upon motion by Mr. Barney, seconded by Ms. White, the application of **NuStar Terminals Operations Partnership, LP**, was **APPROVED, AS MODIFIED, WITH THE FOLLOWING CONDITIONS:**

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

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

VOTE: 7-0 (VERBAL VOTE)

MEMBERS VOTING AYE:

Stephen Ballard, Jason Barney, Katie Crum, Joashua Schulman,
Emily Steinhilber, James T. Vail and Cindy Hawks White

MEMBERS VOTING NAY:

None

MEMBERS ABSENT:

None

MEMBERS ABSTAINING:

None

(For disclosure, during discussion it was inadvertently stated that there was no second to the original motion, when, in fact, there was a second to the motion. Chair Schulman announced before the Motion to Table, Ms. White seconded the motion.)

LUKE KINSER
APPLICATION No.: 2021-WTRA-00056

PROJECT: To construct bulkhead involving wetlands

PROJECT LOCATION: 617 Goldsboro Avenue, contiguous to Lake Rudee

SPEAKER: Richard Calvert, Calvert Marine, Agent for Applicant
Duane Richard Bushey, adjacent property owner, 621 Goldsboro Avenue

Ms. Whitney McNamara, Staff Liaison, read into the record an email from Duane Richard Bushey dated Friday, April 16, 2021. This email is a part of the permanent record of this public hearing and may be viewed at the Office of the City Clerk.

Mr. Bushey informed that Board that conditioned upon of the Board's Approval of the third revision of the applicant's plans submitted on Friday, April 16, 2021, and incorporating staff's recommendations, he requested withdrawal of his objection.

Upon Motion by Mr. Barney, seconded by Ms. White, the application of **Luke Kinser** was **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 (2) feet channel ward of the existing bulkhead.
2. The existing pier shall not be replaced or expanded to extend further channel ward.

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

VOTE: 7-0 (VERBAL VOTE)

MEMBERS VOTING AYE:

Stephen Ballard, Jason Barney, Katie Crum, Joashua Schulman,
Emily Steinhilber, James T. Vail and Cindy Hawks White

MEMBERS VOTING NAY:

None

MEMBERS ABSENT:

None

MEMBERS ABSTAINING:

None

(Chair Schulman disclosed that he is the owner/manager of Town Center Office Suites and Dr. Bushey, who is the neighboring property owner, was a tenant at 283 Constitution Drive, One Columbus Center, Suite 600, in Virginia Beach. Chair Schulman advised that he is not abstaining and he feels he is able to participate in the discussion and will be able to vote fairly, objectively and in the public interest)

**JOHN & TAMA PROFILET
APPLICATION No.: 2020-WTRA-00073**

PROJECT: To construct bulkhead and rip rap involving wetlands

PROJECT LOCATION: 1336 Holly Point Road, contiguous to Eastern Branch Lynnhaven River

SPEAKER: Richard Calvert, Calvert Marine, Agent for Applicant

Upon Motion by Mr. Barney, seconded by Ms. White, the application of **John and Tama Profilet** was **APPROVED, AS SUBMITTED.**

No Net Loss of wetlands on this project was achieved by on-site compensation

VOTE: 7-0 (VERBAL VOTE)

MEMBERS VOTING AYE:

Stephen Ballard, Jason Barney, Katie Crum, Joashua Schulman,
Emily Steinhilber, James T. Vail and Cindy Hawks White

MEMBERS VOTING NAY:

None

MEMBERS ABSENT:

None

MEMBERS ABSTAINING:

None

**CHELSEA WATERWAY ASSOCIATES, INC./MARLYN FABRIZIO TRUST
APPLICATION No.: 2021-WTRA-00082**

PROJECT: To maintenance dredge involving wetlands

PROJECT LOCATION: 1825 Green Hill Road, contiguous to Broad Bay

SPEAKER: **FOR** –David Kledzik, Marine Engineering, LLC, Agent for Applicant

Upon Motion by Mr. Barney, seconded by Ms. White, the application of **Chelsea Waterway Associates, Inc.** was **APPROVED, AS SUBMITTED, WITH THE AGREEMENT TO WAIVE THE WETLANDS MITIGATION FEE; THE FEE WAS PAID PREVIOUSLY AND SATISFIED THE NO NET LOSS.**

VOTE: **7-0 (VERBAL VOTE)**

MEMBERS VOTING AYE:

Stephen Ballard, Jason Barney, Katie Crum, Joashua Schulman,
Emily Steinhilber, James T. Vail and Cindy Hawks White

MEMBERS VOTING NAY:

None

MEMBERS ABSENT:

None

MEMBERS ABSTAINING:

None

JAMES J. JAMISON
APPLICATION No.: 2021-WTRA-00093

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

PROJECT LOCATION: 1508 Duke of Windsor, contiguous to Linhorn Bay

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

Upon Motion by Mr. Barney, seconded by Ms. White, the application of **James J. Jamison** was **APPROVED, AS SUBMITTED.**

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

VOTE: 7-0 (VERBAL VOTE)

MEMBERS VOTING AYE:

Stephen Ballard, Jason Barney, Katie Crum, Joashua Schulman,
Emily Steinhilber, James T. Vail and Cindy Hawks White

MEMBERS VOTING NAY:

None

MEMBERS ABSENT:

None

MEMBERS ABSTAINING:

None

NEIL C. THOMPSON
APPLICATION No.: 2021-WTRA-00067

PROJECT: To construct bulkhead involving wetlands

PROJECT LOCATION: 2821 Wood Duck Drive, contiguous to Sand Broad Inlet

SPEAKER: **FOR** – Robert E. Simon, Waterfront Consulting, Inc. Agent for Applicant
Neil C. Thompson, Property Owner/Applicant

Upon Motion by Mr. Barney, seconded by Ms. White, the application of **Neil C. Thompson AS MODIFIED, WITH THE FOLLOWING CONDITIONS:**

1. The six (6) trees requiring removal be replaced at a one to one (1:1) ratio.
2. A revised application reflecting the most up to date wetlands impacts 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 payment of an in-lieu fee.

VOTE: 7-0 (VERBAL VOTE)

MEMBERS VOTING AYE:

Stephen Ballard, Jason Barney, Katie Crum, Joashua Schulman,
Emily Steinhilber, James T. Vail and Cindy Hawks White

MEMBERS VOTING NAY:

None

MEMBERS ABSENT:

None

MEMBERS ABSTAINING:


None

At 11:42 AM, the April 19, 2021, 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