



**WETLANDS BOARD
MEETING MINUTES**

CITY OF VIRGINIA BEACH

CITY COUNCIL CHAMBER
2401 COURTHOUSE DRIVE
VIRGINIA BEACH, VIRGINIA 23456

JULY 19, 2021
10:00 AM

MEMBERS PRESENT:

CHAIRMAN, JOASHUA SCHULMAN, PRESIDING
VICE CHAIR, JASON BARNEY

STEPHEN BALLARD
SUNTEMPLE HELGREN
JAMES T. VAIL
CINDY HAWKS WHITE

MEMBERS ABSENT:

KATIE CRUM
EMILY STEINHILBER

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

The July 2021 Public Hearing Meeting for the Virginia Beach Wetlands Board was called to order by the Chair, Joashua Schulman, in the Council Chamber, 2401 Courthouse Drive, Virginia Beach, Virginia 23456 at 10:00 AM, July 19, 2021.

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.

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 June 21, 2021, was approved, as distributed.

The slide presentation for each application site was rendered by Mr. Charles Payne.

MINUTES OF JUNE 21, 2021

Upon Motion by Mr. Barney, seconded by Ms. White, the June 21, 2021, Minutes was **APPROVED, AS DISTRIBUTED.**

VOTE: 5-0

MEMBERS VOTING AYE:

Stephen Ballard, Jason Barney, Joashua Schulman,
James T. Vail and Cindy Hawks White

MEMBERS VOTING NAY:

None

MEMBERS ABSENT:

Katie Crum
Emily Steinhilber

MEMBERS ABSTAINING:

SunTemple Helgren

**THERESA L. BATAK TRUST
APPLICATION NO.: 2021-WTRA-00182**

PROJECT: To construct a bulkhead involving wetlands
PROJECT LOCATION: 2233 Haversham Close, contiguous to Broad Bay
SPEAKERS: Richard Calvert, Calvert Marine, Agent for Applicant

Upon Motion by Mr. Vail, seconded by Ms. White, the application of **Theresa L. Batak Trust** was approved to be heard first.

VOTE: 6-0

MEMBERS VOTING AYE:

Stephen Ballard, Jason Barney, SunTemple Helgren,
Joashua Schulman, James T. Vail and Cindy Hawks White

MEMBERS VOTING NAY:

None

MEMBERS ABSENT:

Katie Crum
Emily Steinhilber

MEMBERS ABSTAINING:

None

Upon Motion by Mr. Barney, seconded by Ms. White, the application of **Theresa L. Batak Trust** was **APPROVED, AS SUBMITTED.**

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

VOTE: 6-0

MEMBERS VOTING AYE:

Stephen Ballard, Jason Barney, SunTemple Helgren,
Joashua Schulman, James T. Vail and Cindy Hawks White

MEMBERS VOTING NAY:

None

MEMBERS ABSENT:

Katie Crum
Emily Steinhilber

MEMBERS ABSTAINING:

None

**THE TERRY COMPANIES FIVE, LLC
APPLICATION No.: 2021-WTRA-00161**

PROJECT: To construct access stairs involving Coastal Primary Sand Dune/Beach

PROJECT LOCATION: 2301 Point Chesapeake Quay, contiguous to Chesapeake Bay

SPEAKER: **FOR** –Tuck Bowie with Terry Companies Five, LLC

Upon Motion by Mr. Barney, seconded by Ms. White, the application of **The Terry Companies Five, LLC**, was **APPROVED, AS SUBMITTED.**

VOTE: 6-0

MEMBERS VOTING AYE:

Stephen Ballard, Jason Barney, SunTemple Helgren,
Joashua Schulman, James T. Vail and Cindy Hawks White

MEMBERS VOTING NAY:

None

MEMBERS ABSENT:

Katie Crum
Emily Steinhilber

MEMBERS ABSTAINING:

None

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 at Broad Bay

SPEAKER: **FOR** – Billy Garrington on behalf of Robert E. Simon, Waterfront Consulting, Inc.

Upon motion by Mr. Barney, seconded by Ms. White, the application of **Don Myers**, was **APPROVED, AS SUBMITTED.**

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

VOTE: 5-0

MEMBERS VOTING AYE:

Jason Barney, SunTemple Helgren, Joashua Schulman,
James T. Vail and Cindy Hawks White

MEMBERS VOTING NAY:

None

MEMBERS ABSENT:

Katie Crum
Emily Steinhilber

MEMBERS ABSTAINING:

Stephen Ballard

Mr. Ballard abstained stating that the applicant is a subcontractor for his business, SB Ballard Construction Company.

July 19, 2021

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 July 19, 2021, agenda item 1. 2021-WTRA-00128 for property located at 2004 Compass Circle, Virginia Beach, Virginia 23451.
2. The applicant, Don Myers is a subcontractor for my business, SB Ballard Construction Company. SB Ballard Construction Co. is located at 2828 Shipps Corner Road, Virginia Beach, VA 23453.
3. For this reason, I abstain from this vote.

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

Sincerely,



Stephan Ballard
Wetlands Board Member

**ALEX AND JACQUELINE JONES
APPLICATION No.: 2021-WTRA-00174**

PROJECT: To construct rip rap involving wetlands

PROJECT LOCATION: 1833 Green Hill Road, contiguous to Broad Bay

SPEAKER: FOR – Billy Garrington on behalf of the Applicant

Upon motion by Mr. Barney, seconded by Ms. White, the application of **Alex and Jacqueline Jones** was **APPROVED, AS SUBMITTED.**

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

VOTE: 6-0

MEMBERS VOTING AYE:

Stephen Ballard, Jason Barney, SunTemple Helgren,
Joashua Schulman, James T. Vail and Cindy Hawks White

MEMBERS VOTING NAY:

None

MEMBERS ABSENT:

Katie Crum
Emily Steinhilber

MEMBERS ABSTAINING:

None

SHAILESHKUMAR PATEL
APPLICATION No.: 2021-WTRA-00181

PROJECT: To construct rip rap involving wetlands

PROJECT LOCATION: 4044 North Witchduck Road, contiguous to Western Branch Lynnhaven River

SPEAKER: FOR – Billy Garrington on behalf of Robert E. Simon, Waterfront Consulting, Inc.

Upon motion by Mr. Barney, seconded by Ms. White, the application of **Shaileshkumar Patel** was **APPROVED, AS MODIFIED, WITH THE FOLLOWING CONDITIONS:**

1. A rip rap sill shall be used instead of a rip rap revetment between points B and D, as depicted on the plan entitled "Proposed rip rap, pier, boatlift, and float at 4044 North Witchduck Road", prepared by Waterfront Consulting, Inc., dated May 17, 2021.
2. To allow for tidal fluctuations, a portion of the sill at point C shall be lowered to below Mean High Water.
3. Rock rubble located channel ward of the existing wetlands vegetation shall either be used as core material for the sill or lawfully disposed of off-site.
4. Any oysters currently growing on site shall be preserved to the greatest extent possible during construction and relocated along the sill after construction is complete.
5. Revised plans and wetlands impacts shall be submitted to address the conditions above 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 by achieved by on-site compensation and payment of an in-lieu fee.

VOTE: 6-0

MEMBERS VOTING AYE:

Stephen Ballard, Jason Barney, SunTemple Helgren,
Joashua Schulman, James T. Vail and Cindy Hawks White

MEMBERS VOTING NAY:

None

MEMBERS ABSENT:

Katie Crum
Emily Steinhilber

MEMBERS ABSTAINING:

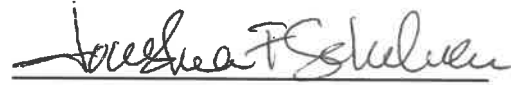
None

At 11:02 AM the July 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