



**CITY OF VIRGINIA BEACH
WETLANDS BOARD MINUTES**

September 19, 2022

**CITY COUNCIL CHAMBER
BUILDING 1
2401 COURTHOUSE DRIVE
VIRGINIA BEACH, VIRGINIA 23456**

**SEPTEMBER 19, 2022
10:00 AM**

| Attendee Name | Title | Status | Arrived |
|----------------------|--------------------------|---------------|----------------|
| Stephen Ballard | Board Member | Present | 9:46 AM |
| Jason Barney | Vice Chairman | Present | 9:46 AM |
| Cindy Hawks-White | Board Member | Absent | |
| Joashua Schulman | Chairman | Present | 9:47 AM |
| James Vail | Board Member | Present | 9:47 AM |
| Katie Crum | Board Member | Present | 9:47 AM |
| Emily Steinhilber | Board Member | Present | 9:46 AM |
| Ben McFarlane | Board Member (Alternate) | Excused | |
| SunTemple Helgren | Board Member (Alternate) | Present | 9:46 AM |

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OLD BUSINESS – WETLANDS (RECONSIDERATION OF WETLANDS MITIGATION)

HAVERSHAM CLOSE, LLC; ROBERT & RENEE BROERMANN; BARBARA J. & ALLEN M. LARAR; JEANNE P. WEST TRUST & MAYNARD D. WEST 2022-WTRA-00062 5

HAVERSHAM CLOSE, LLC 2022-WTRA-00078 6

NEW BUSINESS – WETLANDS

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

The September 2022, 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 10:01AM, September 19, 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 August 15, 2022, was approved, as distributed.

The slide presentation for each application site was rendered by Ms. Heaven L. Manning

APPROVAL OF THE MINUTES

Upon Motion by Mr. Barney seconded by Ms. Crum, the August 15, 2022, Minutes was **APPROVED, AS DISTRIBUTED.**

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|------------------|---------------------------------------|
| RESULT: | APPROVED [5 TO 0] |
| MOVER: | Jason Barney, Vice Chairman |
| SECONDER: | Katie Crum, Board Member |
| AYES: | Ballard, Barney, Schulman, Vail, Crum |
| ABSTAIN: | Steinhilber, Helgren |
| ABSENT: | Hawks-White, McFarlane |

(For disclosure, during the vote, the Deputy City Clerk inadvertently called out the vote as 6-0, with Steinhilber abstaining, when in fact the vote was 5-0, with Ms. Steinhilber and Mr. Helgren abstaining due to not being present at the last meeting)

**HAVERSHAM CLOSE, LLC; ROBERT & RENEE BROERMANN; BARBARA J. & ALLEN M. LARAR; JEANNE P. WEST TRUST & MAYNARD D. WEST TRUST
2022-WTRA-00062**

- PROJECT:** To dredge involving wetlands
- LOCATION:** 2385, 2389, 2393, and 2397 Haversham Close contiguous to Dey Cove
- REQUEST:** Reconsideration of Wetlands Mitigation
- SPEAKER:** **FOR** – David Harmeyer, Waterfront Consulting, Inc., Agent for Applicant

Upon motion by Mr. Barney, seconded by Ms. Crum, the Reconsideration of Wetlands Mitigation for **Haversham Close, LLC; Robert & Renee Broermann; Barbara J. & Allen M. Larar; Jeanne P. West Trust & Maynard D. West Trust** was **DEFERRED INDEFINITELY**.

RESULT: **APPROVED [6 TO 0]**
MOVER: Jason Barney, Vice Chairman
SECONDER: Katie Crum, Board Member
AYES: Barney, Schulman, Vail, Crum, Steinhilber, Helgren
ABSTAIN: Ballard
ABSENT: Hawks-White, McFarlane

(Ms. Victoria R. Eisenberg, Counsel for the Wetlands Board, informed the Board that Mr. Ballard has an abstention letter on file due to being a managing member of the applicant, Haversham Close, LLC)

**HAVERSHAM CLOSE, LLC
2022-WTRA-00078**

- PROJECT:** To construct a bulkhead and groin wall involving wetlands
- LOCATION:** 2393 Haversham Close contiguous to Dey Cove
- REQUEST:** Reconsideration of Wetlands Mitigation
- SPEAKER:** **FOR** – David Harmeyer, Waterfront Consulting, Inc., Agent for Applicant

Upon motion by Barney, seconded by Ms. Crum, the Reconsideration of Wetlands Mitigation for **Haversham Close, LLC**, was **DEFERRED INDEFINITELY**.

RESULT: **APPROVED [6 TO 0]**
MOVER: Jason Barney, Vice Chairman
SECONDER: Katie Crum, Board Member
AYES: Barney, Schulman, Vail, Crum, Steinhilber, Helgren
ABSTAIN: Ballard
ABSENT: Hawks-White, McFarlane

(Ms. Victoria R. Eisenberg, Counsel for the Wetlands Board, informed the Board that Mr. Ballard has an abstention letter on file due to being a managing member of the applicant, Haversham Close, LLC)

**CHRISTOPHER R. MADDEN AND RAYA L. THOMAS
2022-WTRA-00176**

PROJECT: To construct a bulkhead and return wall involving wetlands
LOCATION: 2308 Windward Shore Drive contiguous to Canal to Broad Bay
SPEAKERS: **FOR** – David Harmeyer, Waterfront Consulting, Inc., Agent for Applicant

Upon motion by Mr. Barney, seconded by Ms. Crum, the application of **Christopher R. Madden and Raya L. Thomas** was **APPROVED, AS MODIFIED, WITH THE FOLLOWING CONDITION:**

1. The pier, boat lift, and floating pier aspects of this project require an encroachment agreement with the City of Virginia Beach. Such an agreement shall be obtained prior to issuance of a building permit.

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

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| RESULT: | APPROVED [7-0, UNANIMOUS] |
| MOVER: | Jason Barney, Vice Chairman |
| SECONDER: | Katie Crum, Board Member |
| AYES: | Ballard, Barney, Schulman, Vail, Crum, Steinhilber, Helgren |
| ABSENT: | Hawks-White, McFarlane |

**TIAN FEI AND DEQING LI
2022-WTRA-00179**

PROJECT: To construct rip rap revetment involving wetlands
LOCATION: 1052 Ducking Point Trail contiguous to Western Branch Lynnhaven River
SPEAKER: **FOR** – Billy Garrington, Governmental Permitting Services, Agent for Applicant

Upon motion by Mr. Barney, seconded by Ms. Crum, the application of **Tian Fei and Deqing Li** was **APPROVED, AS MODIFIED, WITH THE FOLLOWING CONDITIONS:**

1. The wingwalls at both ends of the rip rap revetment shall be removed and rip rap tapered from the property line inward in a manner that is consistent with the rip rap section provided in the Joint Permit Application (JPA).
2. 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.

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| RESULT: | APPROVED [7-0, UNANIMOUS] |
| MOVER: | Jason Barney, Vice Chairman |
| SECONDER: | Katie Crum, Board Member |
| AYES: | Ballard, Barney, Schulman, Vail, Crum, Steinhilber, Helgren |
| ABSENT: | Hawks-White, McFarlane |

**KYLE AND HEIDI SALWAY JOINT REVOCABLE TRUST
2022-WTRA-00186**

- PROJECT:** To construct rip rap revetment and return walls involving wetlands
- LOCATION:** 356 South Newtown Road 1609 contiguous to Canal to Eastern Branch of Elizabeth River
- SPEAKER:** **FOR** – David Harmeyer, Waterfront Consulting, Inc., Agent for Applicant

Upon motion by Mr. Barney, seconded by Ms. Crum, the application of **Kyle and Heidi Salway Joint Revocable Trust** was **APPROVED, AS MODIFIED, WITH THE FOLLOWING CONDITIONS:**

1. The rip rap revetment shall be relocated 4.5 feet landward while maintaining the same design.
2. Canopy trees removed for the construction of the improvements shall be replaced at a 1 to 1 canopy tree replacement ratio.
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.

RESULT: **APPROVED [7-0, UNANIMOUS]**
MOVER: Jason Barney, Vice Chairman
SECONDER: Katie Crum, Board Member
AYES: Ballard, Barney, Schulman, Vail, Crum, Steinhilber, Helgren
ABSENT: Hawks-White, McFarlane

**AAM, LLC / PAMELA A. MORGAN TRUST
2022-WTRA-00187**

- PROJECT:** To construct rip rap revetment, coir logs, and plant vegetation involving wetlands
- LOCATION:** 837 Coverdale Lane contiguous to Western Branch Lynnhaven River
- SPEAKER:** **FOR** – Billy Garrington, Governmental Permitting Services, Agent for Applicant

Vice Chair Barney requested that *Spartina alterniflora* be planted below MLW elevation and *Spartina patens* be planted above mean high water (MHW) elevation. Mr. Garrington informed Vice Chair Barney that they could take a look at that and note that on the revisions.

Upon motion by Mr. Barney, seconded by Ms. Crum, the application of **AAM, LLC / Pamela A. Morgan Trust** was **APPROVED, AS MODIFIED, WITH THE FOLLOWING CONDITIONS:**

1. Following the installation of the wetland vegetation, an annual vegetation monitoring report shall be submitted to the Department of Planning & Community Development in mid-August for three (3) years. The annual report shall include photographs and a re-vegetation plan for any areas of where the vegetation has failed to establish.
2. The proposed coir log, as specified on the Joint Permit Application (JPA) shall be extended to the north under the existing wood pier at a suitable elevation terminating at the edge of the existing vegetated wetlands along the north side of the lot.
3. The proposed coir log shall be relocated seaward of the existing wetland vegetation at or above mean low water (MLW) elevation.
4. Specify the proposed rip rap revetment toe width and depth on the JPA.
5. Permanent and / or temporary soil stabilization measures shall be applied to all disturbed and denuded areas along the graded bank and landward of the rip rap revetment once the specified grade elevation is achieved. All disturbed or denuded areas shall be stabilized in accordance with the Virginia Erosion and Sediment Control Law and Regulations.
6. Mature trees exist adjacent to tidal waters, the select removal of lower tree limbs shall be performed thereby permitting sunlight to interface with tidal fringe marsh.

**AAM, LLC / PAMELA A. MORGAN TRUST
2022-WTRA-00187**

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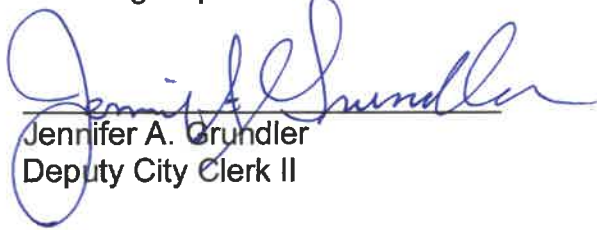
7. Revised plans shall be submitted to the Virginia Marine Resources Commission (VMRC) and ultimately approved by the Department of Planning and Community Development prior to the issuance of a building permit.

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

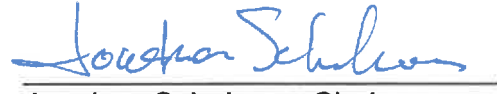
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|------------------|---|
| RESULT: | APPROVED [7-0, UNANIMOUS] |
| MOVER: | Jason Barney, Vice Chairman |
| SECONDER: | Katie Crum, Board Member |
| AYES: | Ballard, Barney, Schulman, Vail, Crum, Steinhilber, Helgren |
| ABSENT: | Hawks-White, McFarlane |

At 10:34 AM the September 19, 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