



CITY OF
**VIRGINIA
BEACH**

**CITY OF VIRGINIA BEACH
WETLANDS BOARD MINUTES**

September 18, 2023

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

**SEPTEMBER 18, 2023
10:08 AM**

CINDY HAWKS WHITE, ACTING CHAIR, PRESIDING

Attendee Name	Title	Status
Stephen Ballard	Board Member	Present
Jason Barney	Chairman	Absent
David Bradley	Board Member	Present
SunTemple Helgren	Board Member (Alternate)	Absent
Jarrold Katzer	Board Member	Present
Ben McFarlane	Board Member (Alternate)	Present
Emily Steinhilber	Board Member	Present
James Vail	Board Member acting as Vice Chair	Present
Cindy Hawks White	Vice Chair acting as Chair	Present

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

The September 2023, Public Hearing Meeting for the Virginia Beach Wetlands Board was called to order by the Acting Chair, Cindy Hawks White, in the Council Chamber, 2401 Courthouse Drive, Virginia Beach, Virginia 23456 at 10:08 AM, September 18, 2023.

Acting Chair White 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 three (3) years from the date it is granted. Applicants are advised to obtain their permit within no more than thirty (30) days of their Hearing.

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

The Acting 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 21, 2023 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. Vail, seconded by Mr. McFarlane, the August 21, 2023, Minutes was **APPROVED, AS DISTRIBUTED.**

RESULT:	5-0 APPROVED, AS DISTRIBUTED
MOVER:	James Vail, Board Member
SECONDER:	Ben McFarlane, Board Member (Alternate)
AYES:	Ballard, Katzer, McFarlane, Vail and White
ABSTAIN:	Bradley and Steinhilber

**3548 SANDFIDDLER LLC
2023-WTRA-00137**

PROJECT: To construct a bulkhead, return walls, and excavate sand involving a Coastal Primary Sand Dune/Beach

LOCATION: 3548 Sandfiddler Road contiguous to Atlantic Ocean

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

(Deferred from the July 17, 2023, Wetlands Meeting)

Mr. Harmeyer stated that the applicant requested a one (1) month deferral to obtain the license Agency Agreements from the neighbors.

Upon motion by Mr. Vail, seconded by Ms. Steinhilber, the application of **3548 Sandfiddler, LLC**, was **DEFERRED FOR ONE (1) MONTH TO THE OCTOBER 2023 WETLANDS BOARD MEETING.**

RESULT: 7-0 DEFERRED [UNANIMOUS]

MOVER: James Vail, Board Member

SECONDER: Emily Steinhilber, Board Member

AYES: Ballard, Bradley, Katzer, McFarlane, Steinhilber, Vail and White

**ALLEN M. & BARBARA J. LARAR
2023-WTRA-00157**

PROJECT: To construct a rip rap revetment involving wetlands.
LOCATION: 2389 Haversham Close contiguous to Broad Bay
SPEAKER: **FOR** – David Harmeyer, Waterfront Consulting, Inc., on behalf of
Robert E. Simon, Waterfront Consulting, Inc., Agent for Applicant

(Deferred from the August 21, 2023, Wetlands Meeting)

Upon motion by Mr. Vail, seconded by Ms. Steinhilber, the application of **Allen M. and Barbara J. Larar** was **DEFERRED INDEFINITELY**.

<p>RESULT: 7-0 DEFERRED [UNANIMOUS] MOVER: James Vail, Board Member SECONDER: Emily Steinhilber, Board Member AYES: Ballard, Bradley, Katzer, McFarlane, Steinhilber, Vail and White</p>
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**JHS GST TRUST
2022-WTRA-00233**

PROJECT: To dredge involving wetlands

LOCATION: 781 and 809 Princess Anne Road contiguous to Canal to North Landing River

SPEAKER: **FOR** – Jim Salmons, Salmons, Inc., (One of the Applicants) on behalf of Rebecca Francese Waterway Surveys & Engineering, Ltd.

(Deferred from the July 17 and August 21, 2023, Wetlands Meetings)

Mr. Salmon requested that the Board consider waiving a fee. The Board recommended moving this item to the end of the Agenda to allow the applicant to review the conditions.

Upon Motion by Mr. Vail, seconded by Ms. Steinhilber, the application of **JHS GST Trust** was moved to the end of the agenda.

RESULT:	6-0 APPROVED [UNANIMOUS] – VERBAL VOTE
MOVER:	James Vail, Board Member
SECONDER:	Emily Steinhilber, Board Member
AYES:	Ballard, Bradley, Katzer, McFarlane, Steinhilber, and Vail

(For disclosure, during the vote, Deputy City Clerk inadvertently omitted calling on Acting Chair White, and called out the vote as 7-0 when it was 6-0)

**WESTMINSTER-CANTERBURY ON CHESAPEAKE BAY
2023-WTRA-00115**

PROJECT: To construct new public beach access walkway with handicap ramp to beach involving Coastal Primary Sand Dune/Beach.

LOCATION: GPIN 1590-10-0956 contiguous to Chesapeake Bay

SPEAKER: **FOR** – RJ Nutter, Attorney, RJN Law, LLC, represents Westminster-Canterbury on Chesapeake Bay

Laurence Benson, Kimley-Horn

AGAINST – Tom Forrest, representing the Lynnhaven Colony Civic League
Karen Hill, Resident Neighbor

Upon motion by Mr. Vail, seconded by Ms. Steinhilber, the application of **Westminster-Canterbury on Chesapeake Bay** was **APPROVED, AS SUBMITTED.**

RESULT: 6- 0 **APPROVED**

MOVER: James Vail, Board Member

SECONDER: Emily Steinhilber, Board Member

AYES: Ballard, Bradley, McFarlane, Steinhilber, Vail and White

ABSTAIN: Katzer

(Mr. Katzer abstained due to his employer's involved in this project.)

September 18, 2023

Kathy Warren
Planning and Community Development Department
2875 Sabre Street
Suite 500
Virginia Beach, VA 23452

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

Dear Ms. Warren:

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 September 18, 2023 – 2023-WTRA-00115 Westminster-Canterbury on Chesapeake Bay [Applicant & Owners] GPIN 1590-10-0956 City Council District: District 8, Waterway-Chesapeake Bay, Subdivision-Westminster Canterbury on Chesapeake Bay, Request: To construct new public beach access walkway with handicap ramp to beach involving Coastal Primary Sand Dune/Beach.
2. My employer, WPLarge, Inc., LOCATED AT 242 Mustang Trail, Suite 8, Virginia Beach Virginia, 23451 is consulting on this project.
3. For this reason, I will abstain from this vote.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Jarrod Katzer', enclosed within a large, loopy oval flourish.

Jarrod Katzer
Wetlands Board Member

CHESAPEAKE HOUSE ON THE BAY 2023-WTRA-00187

- PROJECT:** To excavate sand involving Coastal Primary Sand Dune/Beach.
- LOCATION:** 3558 Shore Drive contiguous to Chesapeake Bay
- SPEAKER:** **FOR** – Myles Pocta, MAP Environmental, Inc., Agent for Applicant

Upon motion by Mr. Vail, seconded by Ms. Steinhilber, the application of **Chesapeake House on the Bay** was **APPROVED, AS MODIFIED, WITH THE FOLLOWING CONDITIONS:**

1. Please add the following notes to the Dune Maintenance, Access Plan Sheet.
 - Due to the project accessing the property from public right-of-way and public on-street parking present at the location of the construction accessway, the access to the site as proposed shall be limited to between October 1st through April 30th.
 - The property owner is responsible for the replacement of any and all public roadway infrastructure damaged or removed as part of the construction entrance.
 - No excavation, construction material stockpiling, or staging for the proposed improvements may occur within the city right-of-way.
2. The property owner is responsible for notifying the surrounding property owners (Chesapeake House on the Bay and Bayvista Condo) that some/all the parking spaces at the end of Dupont Circle will not be accessible during construction. Said notification shall provide a timeframe start, duration, and anticipated completion date of the project.
3. Orange dune fencing shall be installed along the limits of disturbance prior to any land disturbance activities.
4. A preconstruction meeting with Waterfront Operations staff, Project Site Contractor, and the Engineer of Record for the Wetlands Board permit collectively is required prior to any land disturbance. The following items shall be staked in the field to be reviewed during the preconstruction meeting.
 - Construction accessway through the city right-of-way.
 - Alignment of proposed excavation area with approximate sidewalk slopes flagged in the field.
 - Area for placement of clean sand excavated from the project area.

**CHESAPEAKE HOUSE ON THE BAY
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5. Excavated sand that contains debris or rubble shall not be placed on the beach/adjacent to the coastal primary sand dune. Sand containing debris must be sifted to remove the debris prior to placement of sand on the beach, OR the sand shall be disposed offsite in a lawful manner.
6. Excavated clean beach quality sand, may be placed within the "Proposed Sand Placement Zone" in accordance with the following criteria.
 - A single access-way used to transport the sand to the "Proposed Sand Placement Zone".
 - No sand is to be placed upon existing dune vegetation.
7. Any existing dune vegetation removed shall be re-installed on the dune crest and face to the greatest extent practicable. The sprigging with American Beach-grass shall occur as soon as possible, however, NOT during the months of June, July, or August to afford the new plants the greatest chance of survival.
8. 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.

RESULT:	6-0 APPROVED
MOVER:	James Vail, Board Member
SECONDER:	Emily Steinhilber, Board Member
AYES:	Ballard, Bradley, McFarlane, Steinhilber, Vail and White
ABSTAIN:	Katzer

(Mr. Katzer abstained due to his employer his employer's involved in this project.)

September 18, 2023

Kathy Warren
Planning and Community Development Department
2875 Sabre Street
Suite 500
Virginia Beach, VA 23452

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

Dear Ms. Warren:

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 September 18, 2023 – 2023-WTRA-00187 Chesapeake House on the Bay [Applicant & Owners] 3558 Shore Drive GPIN 1486-59-3185 City Council District: District 9, Waterway-Chesapeake Bay, Subdivision-Chesapeake House on the Bay, Request: To excavate sand involving Primary Sand Dune/Beach.
2. My employer, WPLarge, Inc., LOCATED AT 242 Mustang Trail, Suite 8, Virginia Beach Virginia, 23451 is consulting on this project.
3. For this reason, I will abstain from this vote.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Jarrod Katzer', enclosed within a large, loopy oval flourish.

Jarrod Katzer
Wetlands Board Member

**ROBERT S. & GRACE Y. WALL
2023-WTRA-00178**

PROJECT: To construct a rip rap sill, breakwater, and rip rap revetments involving wetlands.

LOCATION: 6508 Knotts Island Road contiguous to Back Bay

SPEAKER: **FOR** – David Harmeyer, Waterfront Consulting, Inc., on behalf of Robert Simon Waterfront Consulting, Inc., Agent for Applicant

Upon motion by Mr. Vail, seconded by Ms. Steinhilber, the application of **Robert S. and Grace Y. Wall** was **APPROVED, AS MODIFIED, WITH THE FOLLOWING CONDITIONS:**

1. To allow for tidal fluctuations and flushing of the existing vegetated wetlands, the rip rap sill along the tidal shoreline of the property shall be designed and constructed with three (3) saddles or windows along the entirety of the rip rap sill. Each saddle shall be a minimum length of five (5) feet along the rip rap sill and constructed at an elevation not to exceed the elevation of mean high water (MHW). Said saddles shall be equally spaced along the length of the rip rap sill.
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 and by payment of an in-lieu fee.

RESULT:	7-0 APPROVED [UNANIMOUS]
MOVER:	James Vail, Board Member
SECONDER:	Emily Steinhilber, Board Member
AYES:	Ballard, Bradley, Katzer, McFarlane, Steinhilber, Vail and White

**JHS GST TRUST
2022-WTRA-00233**

PROJECT: To dredge involving wetlands

LOCATION: 781 and 809 Princess Anne Road contiguous to Canal to North Landing River

SPEAKER: **FOR** –Jim Salmons, Salmons, Inc. on behalf of
Rebecca Francese Waterway Surveys & Engineering, Ltd.

(Deferred from the July 17 and August 21, 2023, Wetlands Meetings)

At approximately 10:19 AM, the Board discussed moving this item to the end of the Agenda.

Upon motion by Mr. Vail, seconded by Mr. Ballard, the application of **JHS GST Trust** was **APPROVED, AS MODIFIED, WITH THE FOLLOWING CONDITIONS:**

1. A pre-dredge meeting with Waterfront Operations, Dredge Contractor, and the Engineer of Record for the Wetlands Board permit collectively is required prior to commencement of dredging which shall include inspection of dredge material containment area and inspection of staked dredge area.
2. The proposed dredge channel from station 29+50 to 26+00 shall be shifted south or reduced in width so that the 4X Buffer does not encroach onto adjacent properties.
3. Compensation for non-vegetated wetland impacts within the 2X Buffer shall be waived. Compensation for the vegetated wetlands shall be at \$25.00 per square foot as determined by the annual monitoring report.
4. A post dredge bathometric survey shall be completed within ninety (90) days of completion of dredging and submitted with the Final Engineers Report to the Department of Planning & Community Development, Waterfront Operations.
5. Following the completion of the dredge, an annual vegetation monitoring report for the areas of the 4X Buffer shall be submitted to the Department of Planning & Community Development, Waterfront Operations in mid-August for three (3) years. The annual report shall include photographs and a re-vegetation plan for any areas where the vegetation has been impacted or failed due to the dredging operations.

**JHS GST TRUST
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6. 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 payment of an in-lieu fee to be waived for non-vegetated wetlands and impacts for vegetated shall be compensated based on the annual monitoring plan.

RESULT:	7-0 APPROVED [UNANIMOUS]
MOVER:	James Vail, Board Member
SECONDER:	Stephen Ballard, Board Member
AYES:	Ballard, Bradley, Katzer, McFarlane, Steinhilber, Vail and White

At 11:22 AM the September 18, 2023, Public Hearing of the Virginia Beach Wetlands Board was adjourned by the Acting Chair White.

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

Jennifer A. Grundler
Deputy City Clerk II

Cindy Hawks White, Acting Chair
Wetlands Board