



**WETLANDS BOARD  
MEETING MINUTES  
City Council Chamber  
Building 1  
2401 Courthouse Drive  
Virginia Beach, Virginia 23456**

**February 22, 2024**

**10:00 am**

**Jason Barney, Chair, Presiding**

<b>MEMBERS</b>	<b>TITLE</b>	<b>STATUS</b>
<i>Jason Barney</i>	<i>Chair, Board Member</i>	<i>Present</i>
<i>David Bradley</i>	<i>Board Member</i>	<i>Present</i>
<i>Barton Dexter</i>	<i>Board Member (Alternate)</i>	<i>Excused</i>
<i>Paul Holley</i>	<i>Board Member (Alternate)</i>	<i>Excused</i>
<i>Jarrold Katzer</i>	<i>Board Member</i>	<i>Present</i>
<i>Ben McFarlane</i>	<i>Board Member</i>	<i>Present</i>
<i>Emily Steinhilber</i>	<i>Board Member</i>	<i>Present</i>
<i>James Vail</i>	<i>Board Member</i>	<i>Present</i>
<i>Cindy Hawks White</i>	<i>Vice Chair, Board Member</i>	<i>Present</i>

**INDEX**

**MINUTES**

*January 17, 2024 Minutes* ----- 4

**NEW BUSINESS – COASTAL PRIMARY SAND/DUNE BEACH**

*Westminster-Canterbury  
on Chesapeake Bay* 2023-WTRA-00263 5

*Department of the Navy* 2023-WTRA-00266 6

**NEW BUSINESS –WETLANDS**

*LRNow / Jeffrey B. Grimshaw* 2022-WTRA-00164 7

*Richard J. Puleo* 2024-WTRA-00003 8

*James H. & Karen M. Sparks* 2023-WTRA-00258 9

*Meixing & Songjian Chen* 2024-WTRA-00006 10

*John K. & Sarah S. Hall* 2024-WTRA-00010 11

*Todd M. & Christine M. Ehrenzeller /  
Todd M. Ehrenzeller Trust &  
Christine M. Ehrenzeller Trust* 2023-WTRA-00264 12

*Matthew A. & Marie A. Ellmer* 2024-WTRA-00009 13

**Wetlands Board  
Virginia Beach, Virginia  
Public Hearing Meeting Minutes**

*The February 2024, Public Hearing Meeting for the Virginia Beach Wetlands Board was called to order by Chair Jason Barney in the Council Chamber, 2401 Courthouse Drive, Virginia Beach, Virginia 23456 at 10:35 AM, February 22, 2024.*

*Chair Barney 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.*

*Chair Barney 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 January 17, 2024 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 Ms. White, seconded by Mr. Vail, the January 17, 2024, Minutes was APPROVED, AS DISTRIBUTED.***

***RESULT: 7-0, APPROVED, AS DISTRIBUTED [Unanimous]***

***MOVER: Cindy Hawks White, Vice Chair, Board Member***

***SECONDER: James Vail, Board Member***

***AYES: Barney, Bradley, Katzer, McFarlane, Steinhilber, Vail and White***

**Westminster-Canterbury on Chesapeake Bay  
[Applicant & Owner]  
2023-WTRA-00263**

**Project:** *To construct a pavilion involving coastal primary sand dune/beach*

**Location:** *Near the intersection of Ocean Shore Ave and Starfish Road to Chesapeake Bay*

**Speaker:** *FOR – Laurence Benson, Civil Engineer of record, Kimley-Horn & Associates  
AGAINST – Tom Forrest represents self and Lynnhaven Colony Civic League*

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

**RESULT:** *7-0, APPROVED [UNANIMOUS]*

**MOVER:** *Cindy Hawks White, Vice Chair, Board Member*

**SECONDER:** *James Vail, Board Member*

**AYES:** *Barney, Bradley, Katzer, McFarlane, Steinhilber, Vail and White*

**Department of the Navy [Applicants & Owners]  
2023-WTRA-00266**

**Project:** *Temporary excavation of the beach for fixed and or floating piers at the Anzio, Omaha, & Utah Beach Training Areas involving coastal primary sand dune/beach*

**Location:** *JEB Little Creek-Fort Story contiguous to Chesapeake Bay*

**Speaker:** *FOR – Dylan Freeman represents Joint Expeditionary Base Little Creek-Fort Story*

*Upon motion by Ms. White, seconded by Mr. Vail, the application of Department of the Navy was APPROVED, AS SUBMITTED.*

**RESULT:** *7-0, APPROVED [Unanimous]*

**MOVER:** *Cindy Hawks White, Vice Chair, Board Member*

**SECONDER:** *James Vail, Board Member*

**AYES:** *Barney, Bradley, Katzer, McFarlane, Steinhilber, Vail and White*

**Lynnhaven River Now [Applicant]  
Jeffrey B. Grimshaw [Owner]  
2022-WTRA-00164**

**Project:** *To install coir logs, mussels, place sand, and plant vegetation involving wetlands.*

**Location:** *3018 Lynndale Road contiguous to Eastern Branch Lynnhaven River*

**Speaker:** *FOR –Vince Bowhers, Lynnhaven River Now*

*Ms. Heaven Manning, Staff Liaison, read into the record an email in support that was received on February 16, 2024, from Jason Manning, adjacent property owner. This email is part of the permanent record of this public hearing and can be viewed at the Office of the City Clerk.*

*Upon motion by Ms. White, seconded by Mr. Vail, the application of Lynnhaven River Now was APPROVED, AS MODIFIED, with the following Conditions:*

- 1. Following the installation, 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. Should areas need to be re-vegetated, plant spacing may be arranged in rows or random clusters at eighteen (18)-inches on center for average cover conditions.*
- 2. Goose and/or racoon protection shall be provided as needed until the mussels and vegetation have enough time to establish.*

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

**RESULT:** *6-0, APPROVED*

**MOVER:** *Cindy Hawks White, Vice Chair, Board Member*

**SECONDER:** *James Vail, Board Member*

**AYES:** *Barney, Bradley, Katzer, McFarlane, Vail and White*

**ABSTAINED:** *Steinhilber*

*(Ms. Steinhilber abstained due to her involvement as a Board Member of the Applicant, Lynnhaven River Now)*

**Richard J. Puleo [Applicant & Owner]  
2024-WTRA-00003**

**Project:** *To construct a bulkhead, rip rap revetment, and modify the boat ramp involving wetlands.*

**Location:** *2805 Bluebill Drive contiguous to Bass Inlet*

**Speaker:** *FOR – Billy Garrington, Governmental Permitting Consultants, Agent for Applicant*

*Upon motion by Ms. White, seconded by Mr. Vail, the application of Richard J. Puleo was APPROVED, AS MODIFIED, with the following Condition:*

- 1. The proposed project requires an encroachment agreement with the City of Virginia Beach. Such an agreement shall be obtained prior to the release of a Wetlands Board Permit or issuance of a building permit.*

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

**RESULT:** *7-0, APPROVED [Unanimous]*

**MOVER:** *Cindy Hawks White, Vice Chair, Board Member*

**SECONDER:** *James Vail, Board Member*

**AYES:** *Barney, Bradley, Katzer, McFarlane, Steinhilber, Vail and White*



**James H. and Karen M. Sparks [Applicants & Owners]  
2023-WTRA-00258**

**Project:** *To construct a bulkhead, rip rap, and return walls involving wetlands.*

**Location:** *4001 North Witchduck Road contiguous to Western Branch Lynnhaven River*

**Speaker:** *FOR – Billy Garrington, Governmental Permitting Consultants, Agent for Applicant*

*Upon motion by Ms. White, seconded by Mr. Vail, the application of James H. and Karen M. Sparks was APPROVED, AS MODIFIED, with the following Conditions:*

- 1. Grass swales shall be installed along both sides of the property where existing grade elevations are modified by the installation of the bulkhead and associated backfill material so that runoff is contained and does not flow onto the adjacent properties.*
- 2. Permanent and / or temporary soil stabilization measures shall be applied to all disturbed and denuded areas landward of the bulkhead 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.*
- 3. A Land Disturbing Activity Plan shall be submitted to the Development Service Center (DSC) for review and approval prior to the issuance of a building permit for activities associated with the Joint Permit Application (JPA).*
- 4. Revised plans shall be submitted to the Virginia Marine Resources Commission (VMRC) and shall ultimately be 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.*

**RESULT:** *7-0, APPROVED [Unanimous]*

**MOVER:** *Cindy Hawks White, Vice Chair, Board Member*

**SECONDER:** *James Vail, Board Member*

**AYES:** *Barney, Bradley, Katzer, McFarlane, Steinhilber, Vail and White*

***Meixing and Songjian Chen [Applicants & Owners]  
2024-WTRA-00006***

***Project:***        ***To construct a rip rap revetment and a return wall involving wetlands and a boathouse.***

***Location:***      ***2109 Windward Shore Drive contiguous to Broad Bay***

***Speaker:***      ***FOR – Billy Garrington, Governmental Permitting Consultants, Agent for Applicant***

***Upon motion by Ms. White, seconded by Mr. Vail, the application of Meixing and Songjian Chen was APPROVED, AS SUBMITTED.***

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

***RESULT:***        ***7-0, APPROVED [Unanimous]***

***MOVER:***        ***Cindy Hawks White, Vice Chair, Board Member***

***SECONDER:***   ***James Vail, Board Member***

***AYES:***         ***Barney, Bradley, Katzer, McFarlane, Steinhilber, Vail and White***

***John K. & Sarah S. Hall [Applicants & Owners]  
2024-WTRA-00010***

***Project: To construct a bulkhead involving wetlands.***

***Location: 602 55<sup>th</sup> Street contiguous to Crystal Lake***

***Speaker: FOR – Jonathan Simon, Waterfront Consulting, Inc., Agent for Applicant***

***Upon motion by Ms. White, seconded by Mr. Vail, the application of John K. and Sarah S. Hall was APPROVED, AS SUBMITTED.***

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

***RESULT: 7-0, APPROVED [Unanimous]***

***MOVER: Cindy Hawks White, Vice Chair, Board Member***

***SECONDER: James Vail, Board Member***

***AYES: Barney, Bradley, Katzer, McFarlane, Steinhilber, Vail and White***

**Todd M. & Christine M. Ehrenzeller [Applicants]  
Todd M. Ehrenzeller Trust & Christine M. Ehrenzeller Trust [Owners]  
2023-WTRA-00264**

**Project:** *To install piles involving wetlands.*

**Location:** *2365 Haversham Close contiguous to Broad Bay*

**Speaker:** *FOR – Billy Garrington, Governmental Permitting Consultants, Agent for Applicant*

*Upon motion by Ms. White, seconded by Mr. Katzer, the application of Todd M. and Christine M. Ehrenzeller was APPROVED, AS SUBMITTED.*

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

**RESULT:** *7-0, APPROVED [Unanimous]*

**MOVER:** *Cindy Hawks White, Vice Chair, Board Member*

**SECONDER:** *Jerrold Katzer, Board Member*

**AYES:** *Barney, Bradley, Katzer, McFarlane, Steinhilber, Vail and White*

**Matthew A. & Marie A. Ellmer [Applicants & Owners  
2024-WTRA-00009**

**Project:** To construct a bulkhead and return walls involving wetlands.

**Location:** 1829 Green Hill Road contiguous to Broad Bay

**Speaker:** FOR – David Kledzik Marine Engineering, LLC

*Ms. Heaven Manning, Staff Liaison, read into the record an email of opposition that was received on February 19, 2024, from Michael and Marlyn Fabrizio, adjacent property owner. This letter is part of the permanent record of this public hearing and can be viewed at the Office of the City Clerk.*

*Upon motion by Mr. Vail, seconded by Mr. Katzer, the application of Matthew A. and Marie A. Ellmer was APPROVED, AS MODIFIED, with the following Conditions:*

- 1. The twenty-one (21) piles from sections C-D shall be removed and the alignment of the remaining portions of the proposed bulkhead be constructed two (2) feet outboard of the existing bulkhead. To ensure that the transition occurs fluidly, a two-pile span shall be allowed to transition from the 2.8 feet to 2 feet distance from the existing bulkhead to the section to be removed.*
- 2. Mitigation for the four (4) canopy trees to be removed is required at a 3:1 ratio (twelve (12) new canopy trees to be planted).*
- 3. Land Disturbing Activity Plan shall be submitted to the Development Service Center (DSC) for review and approval prior to the issuance of a building permit for activities associated with the Joint Permit Application (JPA).*
- 4. 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 payment of an In-lieu fee.*

**RESULT:** 6-0 APPROVED

**MOVER:** James Vail, Board Member

**SECONDER:** Jarrod Katzer, Board Member

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

**ABSTAINED:** Barney

*(Mr. Barney abstained due to working with the applicants on a prior application at this property)*

***At 12:24 PM the February 22, 2024, Public Hearing of the Virginia Beach Wetlands Board was adjourned by the Chair, Jason Barney.***

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

***Jennifer A. Grundler  
Deputy City Clerk II***

***Jason Barney, Chair  
Wetlands Board***

February 21, 2024

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)

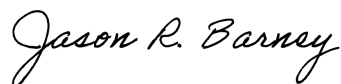
Dear Ms. Warren:

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 February 22, 2024 – Agenda Item 9, located at GPIN 1499868339.
2. Myself and my company, Barney Environmental, Inc. located at 216A 57th Street; PO Box 1595; Virginia Beach, VA 23451 previously conducted work for the applicants, Matthew and Marie Ellmer, on a prior permit application at the project site.
3. As we previously conducted work for the applicants on a prior permit application at this project site, 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 cursive script that reads "Jason R. Barney".

Jason Barney  
Wetlands Board Chair