

AGENDA
JAMES CITY COUNTY WETLANDS BOARD
REGULAR MEETING
COUNTY GOVERNMENT CENTER BOARD ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185
November 14, 2024
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

1. Minutes from the October 9, 2024, Regular Meeting

D. PUBLIC COMMENT

E. PUBLIC HEARING(S)

1. WJPA-24-0023 : 5034 River Drive

F. BOARD CONSIDERATION(S)

1. Election of Officers for 2025
2. Adoption of 2025 Calendar

G. MATTERS OF SPECIAL PRIVILEGE

H. ADJOURNMENT

MINUTES
JAMES CITY COUNTY WETLANDS BOARD
REGULAR MEETING
COUNTY GOVERNMENT CENTER BOARD ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185
October 9, 2024
5:00 PM

A. CALL TO ORDER

The Wetlands Board meeting for October 9, 2024, was called to order.

The responsibility of this Board is to carry out locally the Commonwealth policy to preserve the wetlands and to accommodate economic activity so as to prevent its despoliation.

B. ROLL CALL

Board Members Present:

Charles Roadley
Larry Waltrip
Scott Maye, Chair
Leslie Bowie

Board Members Absent:

Michael O'Brien, Vice Chair

Other Staff Present:

Toni Small, Director, Stormwater and Resource Protection
Michael Woolson, Resource Protection Section Chief, Stormwater and Resource Protection
Emily Grojean, Watershed Planner, Stormwater and Resource Protection
Amanda Frazier, Watershed Planner, Stormwater and Resource Protection
Andrew Dean, Assistant County Attorney, County Attorney's Office

C. MINUTES

1. Minutes from the August 14, 2024, Regular Meeting

A motion to Approve the minutes was made by Mr. Roadley.

The minutes were approved on a voice vote.

D. PUBLIC COMMENT

None.

E. PUBLIC HEARING(S)

1. WJPA-24-0017 : 1635 Harbor Road

A motion to Approve w/ Conditions was made by Mr. Roadley, the motion result was Passed.
AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 1
Ayes: Waltrip, Maye, Bowie, Roadley
Absent: O'Brien

Ms. Emily Grojean, Watershed Planner, presented the permit request submitted by Mr. Randolph Carnell, Living Shorelines, LLC, on behalf of Governor's Land Foundation, for the installation of a living shoreline. The property is further identified as James City County Real Estate Tax Map Parcel No. 4320700001B. The presentation described the current and proposed site conditions. If the Board approved the request, staff asked that the suggested conditions be incorporated into the approval.

Mr. Maye opened the Public Hearing.

A. Mr. Danny Winall, Water's Edge Construction, 7782 Richmond Road, Toano, VA stated the basic concepts of the plan.

The Board discussed the pros and cons of the plan.

Mr. Maye closed the Public Hearing.

F. BOARD CONSIDERATION(S)

None.

G. MATTERS OF SPECIAL PRIVILEGE

None.

H. ADJOURNMENT

A motion to Adjourn was made by Mr. Roadley and approved on a voice vote.

The meeting adjourned at 5:10 p.m.

Scott Maye
Chair, Wetlands Board

Michael Woolson
Secretary to the Board

**WETLANDS BOARD PERMIT No. WJPA-24-0023. 5034 River Drive
Staff Report for the November 14, 2024, Wetlands Board Public Hearing**

This staff report is prepared by the James City County Stormwater and Resource Protection to provide information to the Wetlands Board to assist them in making a recommendation on this assessment. It may be useful to members of the general public interested in this assessment.

EXISTING SITE DATA AND INFORMATION

Applicants: Mr. Richard C. and Ms. Jaime L. Labianco

Agent: Mr. Rich Calvert, Calvert Marine

Location: 5034 River Drive

Parcel Identification No.: 0930300008

Parcel: Lot 8, Section 3, Cypress Point

Watershed: Diascund Creek (JL27)

Floodplain: Zone AE - Base flood elevation of 7 feet mean sea level

Proposed Activity: Construction of a bulkhead

Wetland Impacts: 200 square feet, vegetated tidal wetland impacts

Staff Contact: Emily Grojean, Watershed Planner Phone: 253-6789

PROJECT DISCUSSION

Mr. Rich Calvert, Calvert Marine, has applied for a Wetlands permit on behalf of Mr. Richard C. and Ms. Jaime L. Labianco for the construction of a bulkhead on property located at 5034 River Drive within the Diascund Creek watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 0930300008.

In June of 2021, the bulkhead located at 5032 River Drive failed due to unauthorized filling of the slopes and resulted in a blowout of approximately 110 linear feet of bulkhead into the Diascund Creek. This damaged a portion of the existing bulkhead located at 5030 River Drive, damaged the entire bulkhead and slope at 5032 River Drive, and had some impacts on 5034 River Drive. This failure also caused a significant amount of sediment to erode into the Diascund Creek and the existing house at 5032 River Drive was subsequently condemned. During that time, staff met with various agencies and owners of the properties to discuss the remedy of the situation.

Existing conditions for 5034 River Drive include a failed bulkhead and significant erosion due to the blowout of the bulkhead at 5032 River Drive. Approval under WJPA-23-0013 was given for the installation of a bulkhead along the adjacent properties located at 5030 River Drive and 5032 River Drive, which the proposed bulkhead for 5034 River Drive will be tying into.

MITIGATION DISCUSSION

As published in *The Virginia Register* on July 11, 2005, the revised Wetland Mitigation Compensation Policy and Supplemental Guidelines, Regulation 4VAC 20-390-10 et seq., Virginia, as a Chesapeake Bay Program partner, is committed to “achieve a no-net loss of existing wetlands acreage and function in the signatories’ regulatory programs.” In order for a proposed project to be authorized to impact wetlands and compensate for the wetland loss in some prescribed manner, the following three criteria must be met:

1. All reasonable mitigative efforts, including alternative siting, which would eliminate or minimize wetland loss or disturbance must be incorporated in the proposal; and
2. The proposal must clearly be water dependent in nature; and
3. The proposal must demonstrate clearly its need to be in the wetlands and its overwhelming public and private benefits.

If the proposed project cannot meet one or more of the above criteria, the project must be denied or must occur in areas outside of wetlands. Should it satisfy all three criteria, however, compensation for the wetland loss is required. The sequence of acceptable mitigation options should be as follows: on-site, off-site within the same watershed, mitigation bank(s) in the same watershed or a payment of an in-lieu fee. If compensation is required, it should be a condition of the permit.

Staff has reviewed this application and finds that this project meets the three criteria outlined above. There are 200 square feet of vegetated wetland impacts associated with this project. Staff will require the purchase of 200 square feet of tidal wetland mitigation from a qualified tidal wetlands mitigation bank and proof of purchase prior to the start of the project.

STAFF RECOMMENDATIONS

Staff has reviewed the above application and recommends approval of the application as presented. Should the Board wish to approve the application, staff suggests the following conditions be incorporated into the approval:

1. The Applicants must obtain all other necessary federal, state, and local permits as required for the project; and
2. All development activities located in the specified flood hazard area shall comply with Article VI, Division 3, Floodplain Area Regulations of the James City County Zoning Ordinances and receive all required approval and permits prior to commencement of such activities; and
3. The Applicants must submit proof of purchase of 200 square feet of vegetated tidal wetlands mitigation from a qualified tidal wetlands mitigation bank prior to the issuance of a building permit; and
4. The Wetlands Permit for this project shall expire on November 14, 2027, if construction has not already begun; and
5. If an extension of the permit is needed, a written request must be submitted to the Stormwater and Resource Protection Division no later than October 3, 2027, six weeks prior to the expiration date.

EG/ap
WJPA24-23_5034RivDr

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. WJPA-24-0023. 5034 RIVER DRIVE

JAMES CITY COUNTY WETLANDS PERMIT

WHEREAS, Mr. Rich Calvert, Calvert Marine, on behalf of Mr. Richard C. and Ms. Jaime L. Labianco, (the “Applicants”), has applied to the Wetlands Board of James City County (the “Board”) on November 14, 2024, to request a permit to use and develop in areas designated as wetlands on a parcel of property located at 5034 River Drive (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 0930300008, as set forth in the application WJPA-24-0023 for the purpose of the construction of a bulkhead; and

WHEREAS, the Board heard the arguments presented and carefully considered all evidence entered into the record.

NOW, THEREFORE, BE IT RESOLVED that the Wetlands Board of James City County, Virginia, following a public hearing, finds that the application meets all the requirements for a wetlands permit under Chapter 22 of the James City County Code and therefore **APPROVES** the request for a wetlands permit in Wetlands Board Case No. WJPA-24-0023, subject to the following conditions:

1. The Applicants must obtain all other necessary federal, state, and local permits as required for the project; and
2. All development activities located in the specified flood hazard area shall comply with Article VI, Division 3, Floodplain Area Regulations of the James City County Zoning Ordinances and receive all required approval and permits prior to commencement of such activities; and
3. The Applicants must submit proof of purchase of 200 square feet of vegetated tidal wetlands mitigation from a qualified tidal wetlands mitigation bank prior to the issuance of a building permit; and
4. The Wetlands Permit for this project shall expire on November 14, 2027, if construction has not already begun; and
5. If an extension of the permit is needed, a written request must be submitted to the Stormwater and Resource Protection Division no later than October 3, 2027, six weeks prior to the expiration date.

Scott Maye
Chair, Wetlands Board

Michael Woolson
Secretary to the Board

Adopted by the Wetlands Board of James City County, Virginia, this 14th day of November, 2024.

WJPA24-23_5034RivDrApp-res

RESOLUTION

CASE NO. WJPA-24-0023. 5034 RIVER DRIVE

JAMES CITY COUNTY WETLANDS PERMIT

WHEREAS, Mr. Rich Calvert, Calvert Marine, on behalf of Mr. Richard C. and Ms. Jaime L. Labianco, (the “Applicants”), has applied to the Wetlands Board of James City County (the “Board”) on November 14, 2024, to request a permit to use and develop in areas designated as wetlands on a parcel of property located at 5034 River Drive (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 0930300008, as set forth in the application WJPA-24-0023 for the purpose of the construction of a bulkhead; and

WHEREAS, the Board heard the arguments presented and carefully considered all evidence entered into the record.

NOW, THEREFORE, BE IT RESOLVED that the Wetlands Board of James City County, Virginia, following a public hearing, finds that the application does not meet all the requirements for a wetlands permit under Chapter 22 of the James City County Code and therefore **DENIES** the exception request for Wetlands Board Case No. WJPA-24-0023.

Scott Maye
Chair, Wetlands Board

Michael Woolson
Secretary to the Board

Adopted by the Wetlands Board of James City County, Virginia, this 14th day of November, 2024.

WJPA24-23_5034RivDrDny-res

From: [Richard Calvert](#)
To: [MRC - jpa Permits](#)
Subject: NEW JPA
Date: Thursday, September 5, 2024 8:03:19 AM
Attachments: [Labidne 2024.pdf](#)

Enclosed is a new JPA in James City County.

Thank you,

Rich Calvert

Agent

CALVERT MARINE

757-777-6960

Rich@CalvertMarine.net



CALVERT MARINE

3132 Riveredge Drive
Portsmouth, VA 23703
757.777.6960
Rich@CalvertMarine.net

TO: **VMRC**

Habitat Management

380 Fenwick Road

Bldg 96

Fort Monroe, VA 23651

DATE:	<i>02 SEPT 2024</i>
APPLICANT NAME:	<i>Richard Labinaco</i>
PROJECT LOCATION	<i>5034 River Drive</i> <i>Lanexa, VA 23089</i>
VMRC No.	

We are sending you herewith:

COPIES	DATE	NO.	DESCRIPTION
<i>1</i>			<i>JPA</i>

These are transmitted as checked below:

☒ FOR APPROVAL	☐ REVISED JPA	☐ FOR REVIEW & COMMENT
☐ FOR YOUR USE	☐ APPROVED AS NOTED	☐ FOR BIDS DUE ON:
☐ APPROVED	☐ AS REQUESTED	

Remarks:

Copy to:

By:

CALVERT MARINE

Richard Calvert
Agent

- ❖ DEQ: Permit application fees required for Virginia Water Protection permits – while detailed in 9VAC25-20 – are conveyed to the applicant by the applicable DEQ office (<http://www.deq.virginia.gov/Locations.aspx>). Complete the Permit Application Fee Form and submit it per the instructions to the address listed on the form. Instructions for submitting any other fees will be provided to the applicant by DEQ staff.
- ❖ VMRC: An application fee of \$300 may be required for projects impacting tidal wetlands, beaches and/or dunes when VMRC acts as the LWB. VMRC will notify the applicant in writing if the fee is required. Permit fees involving subaqueous lands are \$25.00 for projects costing \$10,000 or less and \$100 for projects costing more than \$10,000. Royalties may also be required for some projects. The proper permit fee and any required royalty is paid at the time of permit issuance by VMRC. VMRC staff will send the permittee a letter notifying him/her of the proper permit fees and submittal requirements.
- ❖ LWB: Permit fees vary by locality. Contact the LWB for your project area or their website for fee information and submittal requirements. Contact information for LWBs may be found at http://ccrm.vims.edu/permits_web/guidance/local_wetlands_boards.html.

FOR AGENCY USE ONLY	
	Notes:
	JPA # 24-2136

APPLICANTS

Part 1 – General Information

PLEASE PRINT OR TYPE ALL ANSWERS: If a question does not apply to your project, please print N/A (not applicable) in the space provided. If additional space is needed, attach 8-1/2 x 11 inch sheets of paper.

<u>Check all that apply</u>				
Pre-Construction Notification (PCN) ☐ NWP # _____ (For Nationwide Permits ONLY - No DEQ-VWP permit writer will be assigned)	Regional Permit 17 (RP-17) ☐			
County or City in which the project is located: _____				
Waterway at project site: _____				
PREVIOUS ACTIONS RELATED TO THE PROPOSED WORK (Include all federal, state, and local pre application coordination, site visits, previous permits, or applications whether issued, withdrawn, or denied)				
Historical information for past permit submittals can be found online with VMRC - https://webapps.mrc.virginia.gov/public/habitat/ - or VIMS - http://ccrm.vims.edu/perms/newpermits.html				
Agency	Action / Activity	Permit/Project number, including any non-reporting Nationwide permits previously used (e.g., NWP 13)	Date of Action	If denied, give reason for denial

Part 1 - General Information (continued)

1. Applicant's legal name* and complete mailing address: Contact Information:
Home (____)_____
Work (____)_____
Fax (____)_____
Cell (____)_____
e-mail _____
State Corporation Commission Name and ID Number (if applicable) _____
2. Property owner(s) legal name* and complete address, if different from applicant: Contact Information:
Home (____)_____
Work (____)_____
Fax (____)_____
Cell (____)_____
e-mail _____
State Corporation Commission Name and ID Number (if applicable) _____
3. Authorized agent name* and complete mailing address (if applicable): Contact Information:
Home (____)_____
Work (____)_____
Fax (____)_____
Cell (____)_____
e-mail _____
State Corporation Commission Name and ID Number (if applicable) _____
- * If multiple applicants, property owners, and/or agents, each must be listed and each must sign the applicant signature page.**
4. Provide a detailed description of the project in the space below, including the type of project, its dimensions, materials, and method of construction. Be sure to include how the construction site will be accessed and whether tree clearing and/or grading will be required, including the total acreage. If the project requires pilings, please be sure to include the total number, type (e.g. wood, steel, etc), diameter, and method of installation (e.g. hammer, vibratory, jetted, etc). If additional space is needed, provide a separate sheet of paper with the project description.

Part 1 - General Information (continued)

5. Have you obtained a contractor for the project? ____ Yes* ____ No. *If your answer is "Yes" complete the remainder of this question and submit the Applicant's and Contractor's Acknowledgment Form (enclosed)

Contractor's name* and complete mailing address:

Contact Information:

Home (____) _____

Work (____) _____

Fax (____) _____

Cell (____) _____

email _____

State Corporation Commission Name and ID Number (if applicable) _____

*** If multiple contractors, each must be listed and each must sign the applicant signature page.**

6. List the name, address and telephone number of the newspaper having general circulation in the area of the project. Failure to complete this question may delay local and State processing.

Name and complete mailing address:

Telephone number

(____) _____

7. Give the following project location information:

Street Address (911 address if available) _____

Lot/Block/Parcel# _____

Subdivision _____

City / County _____ ZIP Code _____

Latitude and Longitude at Center Point of Project Site (Decimal Degrees):

_____ / - _____ (Example: 36.41600/-76.30733)

If the project is located in a rural area, please provide driving directions giving distances from the best and nearest visible landmarks or major intersections. *Note: if the project is in an undeveloped subdivision or property, clearly stake and identify property lines and location of the proposed project. A supplemental map showing how the property is to be subdivided should also be provided.*

8. What are the *primary and secondary purposes of and the need for* the project? For example, the primary purpose may be "to protect property from erosion due to boat wakes" and the secondary purpose may be "to provide safer access to a pier."

Part 1 - General Information (continued)

9. Proposed use (check one):
 ___ Single user (private, non-commercial, residential)
 ___ Multi-user (community, commercial, industrial, government)
10. Describe alternatives considered and the measures that will be taken to avoid and minimize impacts, to the maximum extent practicable, to wetlands, surface waters, submerged lands, and buffer areas associated with any disturbance (clearing, grading, excavating) during and after project construction. *Please be advised that unavoidable losses of tidal wetlands and/or aquatic resources may require compensatory mitigation.*
11. Is this application being submitted for after-the-fact authorization for work which has already begun or been completed? ___Yes ___No. If yes, be sure to clearly depict the portions of the project which are already complete in the project drawings.
12. Approximate cost of the entire project (materials, labor, etc.): \$_____
Approximate cost of that portion of the project that is channelward of mean low water:
\$_____
13. Completion date of the proposed work: _____ - _____
14. Adjacent Property Owner Information: List the name and complete **mailing address**, including zip code, of each adjacent property owner to the project. (NOTE: If you own the adjacent lot, provide the requested information for the first adjacent parcel beyond your property line.) Failure to provide this information may result in a delay in the processing of your application by VMRC.

Part 2 - Signatures

1. Applicants and property owners (if different from applicant).

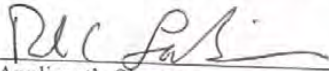
NOTE: REQUIRED FOR ALL PROJECTS

PRIVACY ACT STATEMENT: The Department of the Army permit program is authorized by Section 10 of the Rivers and Harbors Act of 1899, Section 404 of the Clean Water Act, and Section 103 of the Marine Protection Research and Sanctuaries Act of 1972. These laws require that individuals obtain permits that authorize structures and work in or affecting navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters prior to undertaking the activity. Information provided in the Joint Permit Application will be used in the permit review process and is a matter of public record once the application is filed. Disclosure of the requested information is voluntary, but it may not be possible to evaluate the permit application or to issue a permit if the information requested is not provided.
CERTIFICATION: I am hereby applying for all permits typically issued by the DEQ, VMRC, USACE, and/or Local Wetlands Boards for the activities I have described herein. I agree to allow the duly authorized representatives of any regulatory or advisory agency to enter upon the premises of the project site at reasonable times to inspect and photograph site conditions, both in reviewing a proposal to issue a permit and after permit issuance to determine compliance with the permit. In addition, I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Richard Labianco

Applicant's Legal Name (printed/typed)

(Use if more than one applicant)



Applicant's Signature

(Use if more than one applicant)

8/15/2024

Date

Property Owner's Legal Name (printed/typed)
(If different from Applicant)

(Use if more than one owner)

Property Owner's Signature

(Use if more than one owner)

Date

Part 2 – Signatures (continued)

2. Applicants having agents (if applicable)

CERTIFICATION OF AUTHORIZATION

I (we), Richard Labianco, hereby certify that I (we) have authorized Calvert Marine
(Applicant's legal name(s)) (Agent's name(s))

to act on my behalf and take all actions necessary to the processing, issuance and acceptance of this permit and any and all standard and special conditions attached.

We hereby certify that the information submitted in this application is true and accurate to the best of our knowledge.



(Agent's Signature)

(Use if more than one agent)

14 AUG 24

(Date)



(Applicant's Signature)

(Use if more than one applicant)

8/15/2024

(Date)

3. Applicant's having contractors (if applicable)

CONTRACTOR ACKNOWLEDGEMENT

I (we), _____, have contracted _____
(Applicant's legal name(s)) (Contractor's name(s))
to perform the work described in this Joint Permit Application, signed and dated _____.

We will read and abide by all conditions set forth in all Federal, State and Local permits as required for this project. We understand that failure to follow the conditions of the permits may constitute a violation of applicable Federal, state and local statutes and that we will be liable for any civil and/or criminal penalties imposed by these statutes. In addition, we agree to make available a copy of any permit to any regulatory representative visiting the project to ensure permit compliance. If we fail to provide the applicable permit upon request, we understand that the representative will have the option of stopping our operation until it has been determined that we have a properly signed and executed permit and are in full compliance with all terms and conditions.

Contractor's name or name of firm

Contractor's or firms address

Contractor's signature and title

Contractor's License Number

Applicant's signature

(use if more than one applicant)

Date

Part 2 – Signatures (continued)

ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

I (we), _____, own land next to (across the water
(Print adjacent/nearby property owner's name)

from/on the same cove as) the land of _____.
(Print applicant's name(s))

I have reviewed the applicant's project drawings dated _____
(Date)

to be submitted for all necessary federal, state and local permits.

I HAVE NO COMMENT _____ ABOUT THE PROJECT.

I DO NOT OBJECT _____ TO THE PROJECT.

I OBJECT _____ TO THE PROJECT.

The applicant has agreed to contact me for additional comments if the proposal changes prior to construction of the project.

(Before signing this form be sure you have checked the appropriate option above).

Adjacent/nearby property owner's signature(s)

Date

Note: If you object to the proposal, the reason(s) you oppose the project must be submitted in writing to VMRC. An objection will not necessarily result in denial of the project; however, valid complaints will be given full consideration during the permit review process.

Part 2 – Signatures (continued)

ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

I (we), _____, own land next to (across the water
(Print adjacent/nearby property owner's name)

from/on the same cove as) the land of _____.
(Print applicant's name(s))

I have reviewed the applicant's project drawings dated _____.
(Date)

to be submitted for all necessary federal, state and local permits.

I HAVE NO COMMENT _____ ABOUT THE PROJECT.

I DO NOT OBJECT _____ TO THE PROJECT.

I OBJECT _____ TO THE PROJECT.

The applicant has agreed to contact me for additional comments if the proposal changes prior to construction of the project.

(Before signing this form, be sure you have checked the appropriate option above).

Adjacent/nearby property owner's signature(s)

Date

Note: If you object to the proposal, the reason(s) you oppose the project must be submitted in writing to VMRC. An objection will not necessarily result in denial of the project; however, valid complaints will be given full consideration during the permit review process.

Mailing Address:
645 SCHOOL HOUSE ROAD
CHESAPEAKE, VA 233221759

Part 3 – Appendices

Please complete and submit the appendix questions applicable to your project, and attach the required vicinity map(s) and drawings to your application. If an item does not apply to your project, please write “N/A” in the space provided.

Appendix A: (TWO PAGES) Projects for Access to the water such as private and community piers, boathouses, marinas, moorings, and boat ramps. Answer all questions that apply.

1. Briefly describe your proposed project.

2. For private, noncommercial piers:

Do you have an existing pier on your property? ____ Yes ____ No

If yes, will it be removed? ____ Yes ____ No

Is your lot platted to the mean low water shoreline? ____ Yes ____ No

What is the overall length of the proposed structure? _____ feet.

Channelward of Mean High Water? _____ feet.

Channelward of Mean Low Water? _____ feet.

What is the area of the piers and platforms that will be constructed over

Tidal non-vegetated wetlands _____ square feet.

Tidal vegetated wetlands _____ square feet.

Submerged lands _____ square feet.

What is the total size of any and all L- or T-head platforms? _____ sq. ft.

For boathouses, what is the overall size of the roof structure? _____ sq. ft.

Will your boathouse have sides? ____ Yes ____ No.

NOTE: All proposals for piers, boathouses and shelter roofs must be reviewed by the Virginia Marine Resources Commission (Commission or VMRC), however, pursuant to § [28.2-1203](#) A 5 of the Code of Virginia a VMRC permit may not be required for such structures (except as required by subsection D of § [28.2-1205](#) for piers greater than 100 feet in length involving commercially productive leased oyster or clam grounds), provided that (i) the piers do not extend beyond the navigation line or private pier lines established by the Commission or the United States Army Corps of Engineers (USACE), (ii) the piers do not exceed six feet in width and finger piers do not exceed five feet in width, (iii) any L or T head platforms and appurtenant floating docking platforms do not exceed, in the aggregate, 400 square feet, (iv) if prohibited by local ordinance open-sided shelter roofs or gazebo-type structures shall not be placed on platforms as described in clause (iii), but may be placed on such platforms if not prohibited by local ordinance, and (v) the piers are determined not to be a navigational hazard by the Commission. Subject to any applicable local ordinances, such piers may include an attached boat lift and an open-sided roof designed to shelter a single boat slip or boat lift. In cases in which open-sided roofs designed to shelter a single boat, boat slip or boat lift will exceed 700 square feet in coverage or the open-sided shelter roofs or gazebo structures exceed 400 square feet, and in cases in which an adjoining property owner objects to a proposed roof structure, permits shall be required as provided in § [28.2-1204](#).

Part 3 – Appendices (continued)

3. For **USACE permits**, in cases where the proposed pier will encroach beyond one fourth the waterway width (as determined by measuring mean high water to mean high water or ordinary high water mark to ordinary high water mark), the following information must be included before the application will be considered complete. For an application to be considered complete:
- a. The USACE MAY require depth soundings across the waterway at increments designated by the USACE project manager. Typically 10-foot increments for waterways less than 200 feet wide and 20-foot increments for waterways greater than 200 feet wide with the date and time the measurements were taken and how they were taken (e.g., tape, range finder, etc.).
 - b. The applicant MUST provide a justification as to purpose if the proposed work would extend a pier greater than one-fourth of the distance across the open water measured from mean high water or the channelward edge of the wetlands.
 - c. The applicant MUST provide justification if the proposed work would involve the construction of a pier greater than five feet wide or less than four feet above any wetland substrate.
4. Provide the type, size, and registration number of the vessel(s) to be moored at the pier or mooring buoy.

Type	Length	Width	Draft	Registration #

5. For **Marinas, Commercial Piers, Governmental Piers, Community Piers and other non-private piers**, provide the following information:
- A) Have you obtained approval for sanitary facilities from the Virginia Department of Health? _____ (required pursuant to Section 28.2-1205 C of the Code of Virginia).
 - B) Will petroleum products or other hazardous materials be stored or handled at your facility? _____.
 - C) Will the facility be equipped to off-load sewage from boats? _____.
 - D) How many wet slips are proposed? _____. How many are existing? _____.
 - E) What is the area of the piers and platforms that will be constructed over
 - Tidal non-vegetated wetlands _____ square feet
 - Tidal vegetated wetlands _____ square feet
 - Submerged lands _____ square feet
6. For **boat ramps**, what is the overall length of the structure? _____ feet.
From Mean High Water? _____ feet.
From Mean Low Water? _____ feet.

Note: drawings must include the construction materials, method of installation, and all dimensions. If tending piers are proposed, complete the pier portion.

Note: If dredging or excavation is required, you must complete the Standard Joint Point Permit application.

Part 3 – Appendices (continued)

Appendix B: Projects for Shoreline Stabilization in tidal wetlands, tidal waters and dunes/beaches including riprap revetments and associated backfill, marsh toe stabilization, bulkheads and associated backfill, breakwaters, beach nourishment, groins, jetties, and living shoreline projects. Answer all questions that apply. Please provide any reports provided from the Shoreline Erosion Advisory Service or VIMS.

NOTE: It is the policy of the Commonwealth that living shorelines are the preferred alternative for stabilizing tidal shorelines (Va. Code § 28.2-104.1). **Information on non-structural, vegetative alternatives (i.e., Living Shoreline) for shoreline stabilization is available at http://ccrm.vims.edu/coastal_zone/living_shorelines/index.html.**

1. Describe each **revetment, bulkhead, marsh toe, breakwater, groin, jetty, other structure, or living shoreline project** separately in the space below. Include the overall length in linear feet, the amount of impacts in acres, and volume of associated backfill below mean high water and/or ordinary high water in cubic yards, as applicable:
2. What is the maximum encroachment channelward of mean high water? _____feet.
Channelward of mean low water? _____feet.
Channelward of the back edge of the dune or beach? _____feet.
3. Please calculate the square footage of encroachment over:
 - Vegetated wetlands _____square feet
 - Non-vegetated wetlands _____square feet
 - Subaqueous bottom _____square feet
 - Dune and/or beach _____square feet
4. For bulkheads, is any part of the project maintenance or replacement of a previously authorized, currently serviceable, existing structure? ____ Yes____ No.

If yes, will the construction of the new bulkhead be no further than two (2) feet channelward of the existing bulkhead? ____Yes ____No.

If no, please provide an explanation for the purpose and need for the additional encroachment.

Part 3 – Appendices (continued)

5. Describe the type of construction and **all** materials to be used, including source of backfill material, if applicable (e.g., vinyl sheet-pile bulkhead, timber stringers and butt piles, 100% sand backfill from upland source; broken concrete core material with Class II quarry stone armor over filter cloth).

NOTE: Drawings must include construction details, including dimensions, design and all materials, including fittings if used.

6. If using stone, broken concrete, etc. for your structure(s), what is the average weight of the:

Core (inner layer) material _____ pounds per stone Class size _____

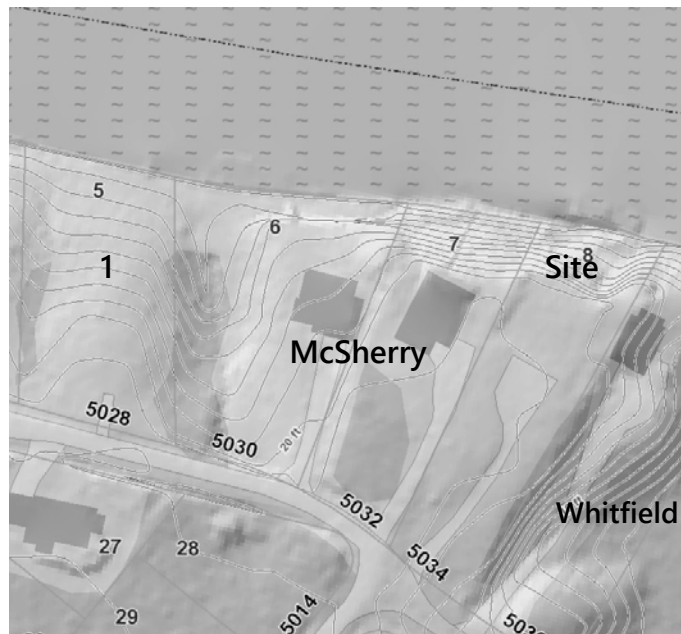
Armor (outer layer) material _____ pounds per stone Class size _____

7. For **beach nourishment**, including that associated with breakwaters, groins or other structures, provide the following:

- Volume of material _____ cubic yards channelward of mean low water
 _____ cubic yards landward of mean low water
 _____ cubic yards channelward of mean high water
 _____ cubic yards landward of mean high water
- Area to be covered _____ square feet channelward of mean low water
 _____ square feet landward of mean low water
 _____ cubic yards channelward of mean high water
 _____ cubic yards landward of mean high water
- Source of material, composition (e.g. 90% sand, 10% clay): _____
- Method of transportation and placement: _____
- Describe any proposed vegetative stabilization measures to be used, including planting schedule, spacing, monitoring, etc. Additional guidance is available at
<http://www.vims.edu/about/search/index.php?q=planting+guidelines>:

NEW BULKHEAD & ASSOCIATED FILL

5034 RIVER DRIVE
LANEXA, VA 23089



PROPERTY MAP



STREET MAP

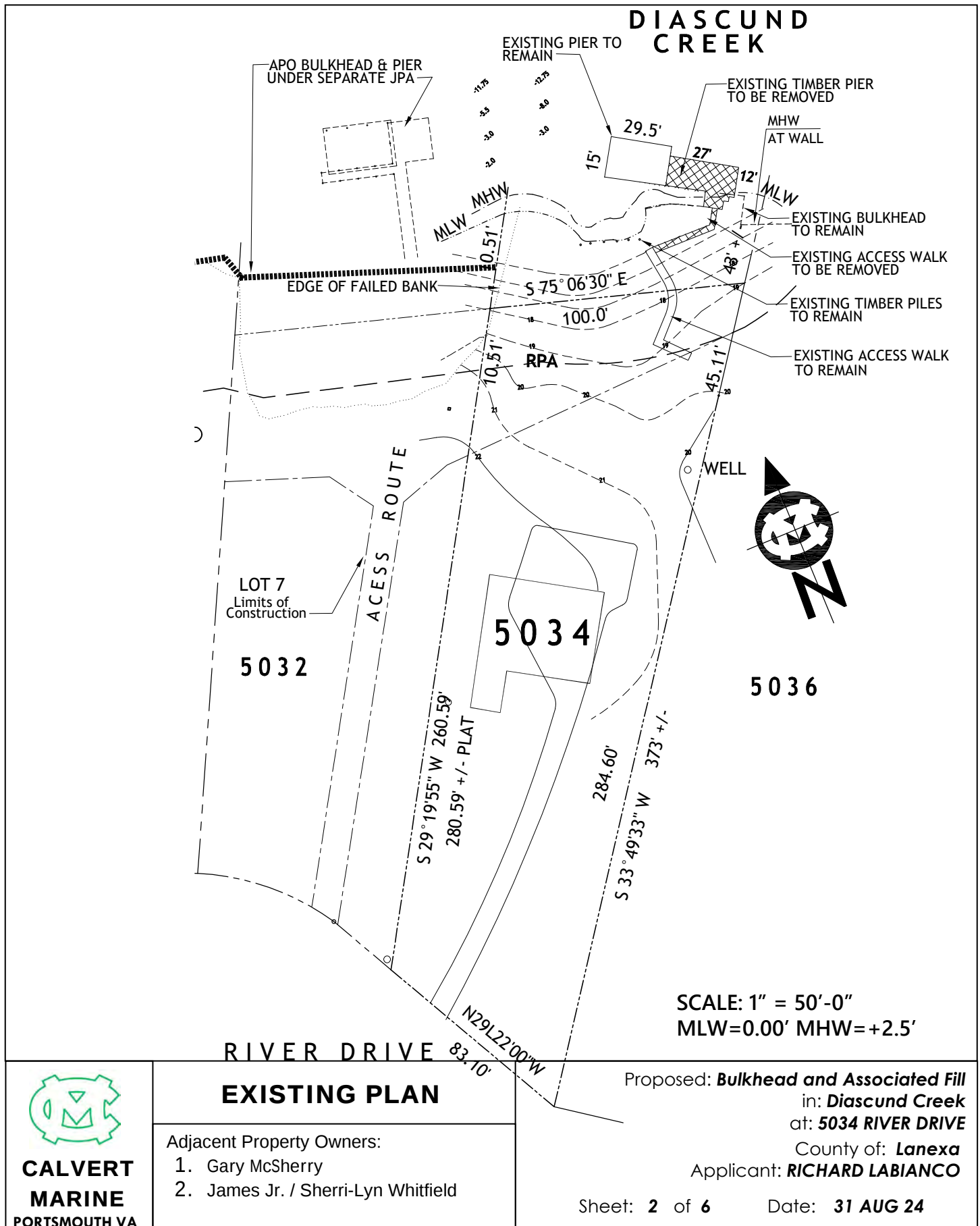
- All construction shall use methods that minimize flood damage and which are in accordance with the Virginia Uniform Statewide Building Code.
- Structures shall be constructed with materials and equipment resistant to flood damage and shall be anchored to prevent flotation, collapse, or lateral movement.
- The proposed shoreline rehabilitation will not result in any increase in flood levels during the occurrence of the base flood discharge.

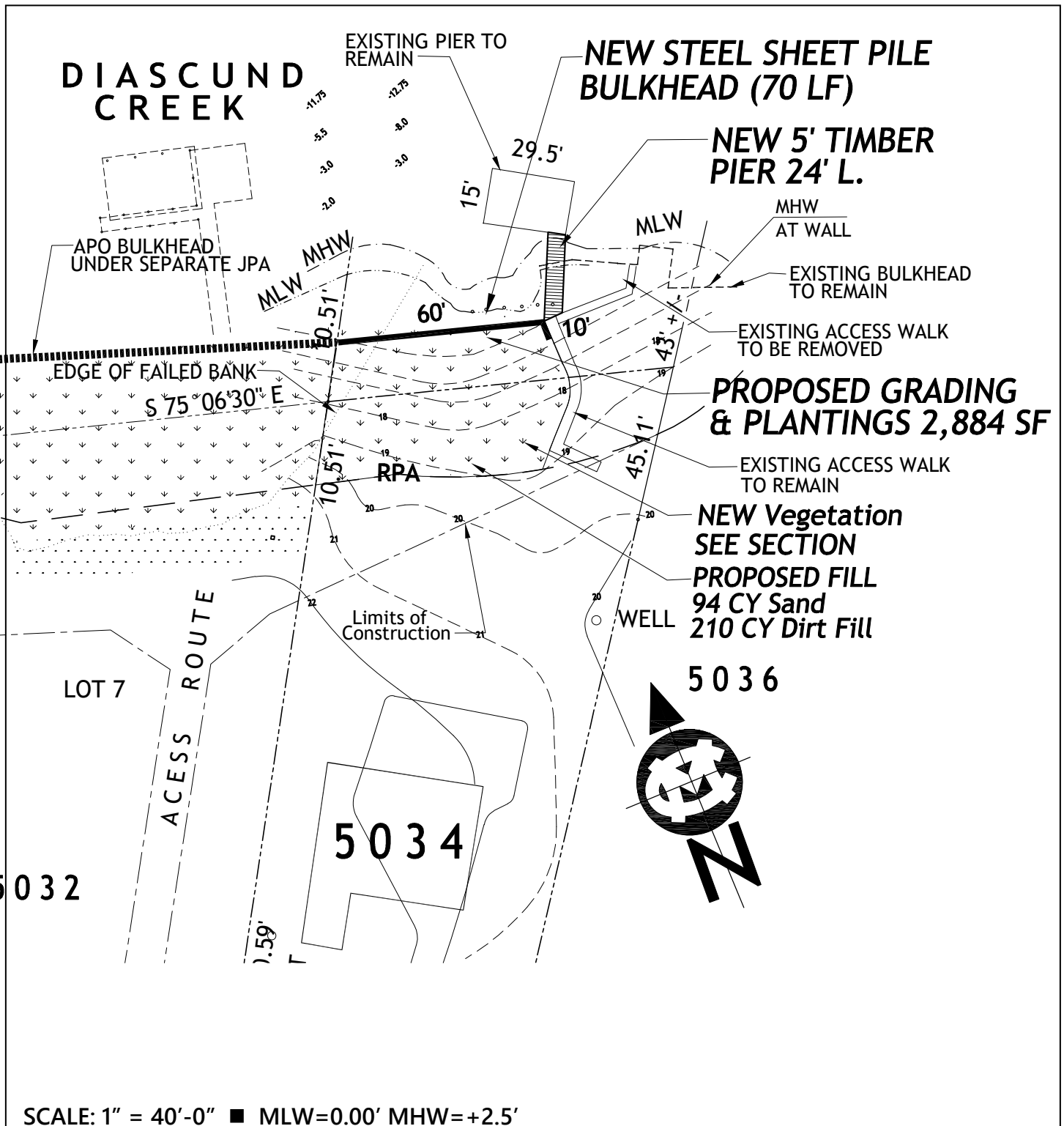
RPA Buffer Exception:

Exceptions may be granted for creating reasonable site lines, building access paths, removing dead or diseased trees and noxious weeds, and to control shoreline erosion. Where vegetation must be removed, it must be replaced with new vegetation that is equally effective at achieving reductions in sediment and nutrients.

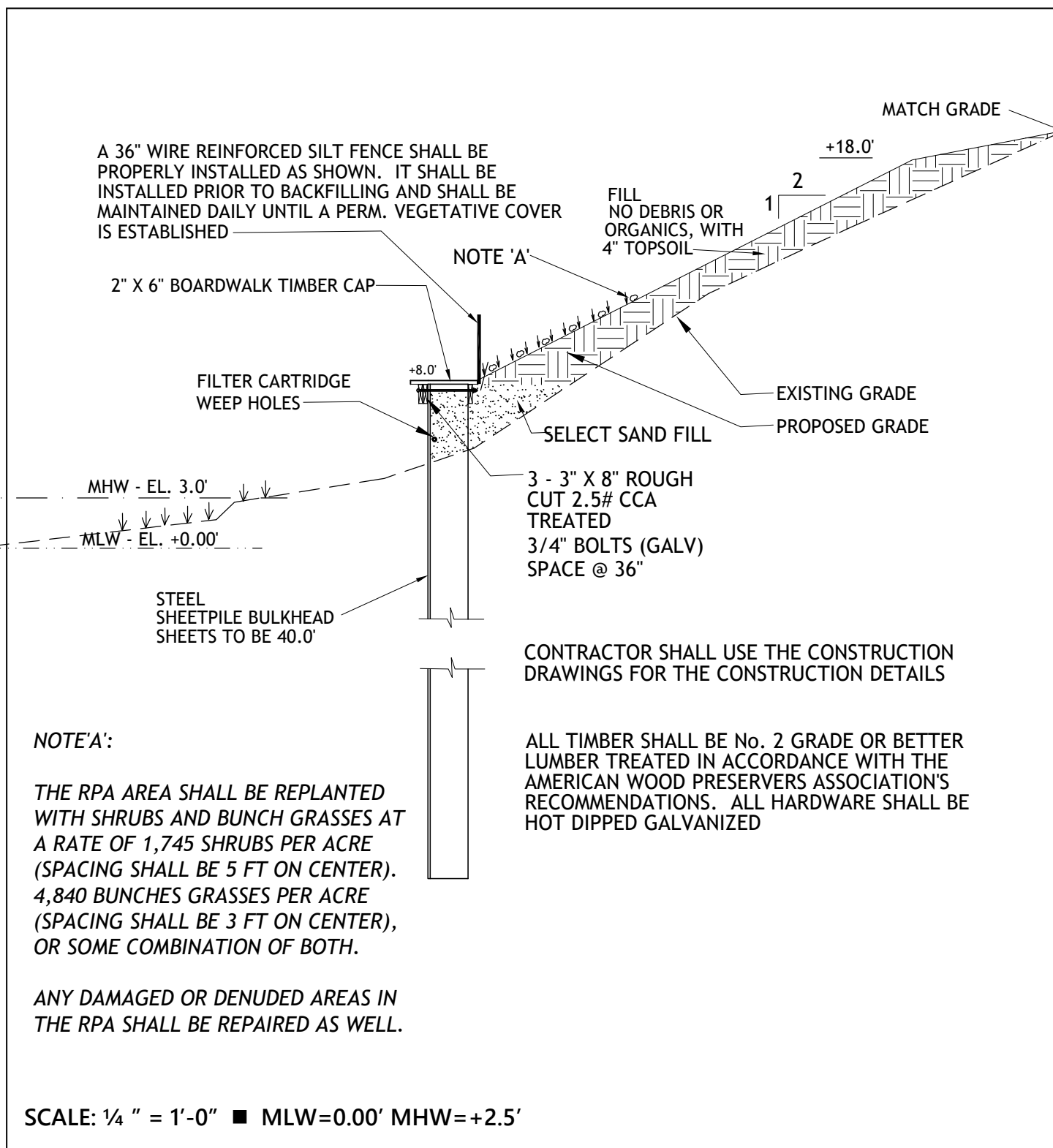
NO SCALE ■ MLW=0.00' MHW=+2.5'

 CALVERT MARINE PORTSMOUTH VA	VICINITY MAP	Proposed: Bulkhead and Associated Fill in: Diascund Creek at: 5034 RIVER DRIVE County of: Lanexa Applicant: RICHARD LABIANCO Sheet: 1 of 6 Date: 31 AUG 24
	Adjacent Property Owners: 1. Gary McSherry 2. James Jr. / Sherri-Lyn Whitfield	





 CALVERT MARINE PORTSMOUTH VA	NEW WORK PLAN	Proposed: <i>Bulkhead and Associated Fill</i> in: <i>Diascund Creek</i> at: 5034 RIVER DRIVE County of: Lanexa Applicant: RICHARD LABIANCO Sheet: 3 of 6 Date: 31 AUG 24
	Adjacent Property Owners: 1. Gary McSherry 2. James Jr. / Sherri-Lyn Whitfield	



**CALVERT
MARINE**
PORTSMOUTH VA

CROSS SECTION

Adjacent Property Owners:

1. Gary McSherry
2. James Jr. / Sherri-Lyn Whitfield

Proposed: **Bulkhead and Associated Fill**
in: **Diascund Creek**

at: **5034 RIVER DRIVE**

County of: **Lanexa**

Applicant: **RICHARD LABIANCO**

Sheet: **4** of **6**

Date: **31 AUG 24**

NOTES:

1. THE PROPERTY OWNERS ARE IDENTIFIED ON THE PROPERTY MAP, SHEET 1.
 2. CONTRACTOR SHALL LOCATE ALL PROPERTY LINES PRIOR TO THE START OF CONSTRUCTION. NO WORK SHOWN ON THIS PERMIT SHALL ENCROACH UPON ANY OTHER PROPERTY OWNERS.
 3. CONTRACTOR AND OWNER TO VERIFY ALL UTILITY LINES LOCATED IN THE WORK AREA. MISS UTILITY SHALL MARK ALL LINES PRIOR TO THE START OF WORK.
 4. CONTRACTOR SHALL PROTECT THE EXISTING STRUCTURES TO REMAIN FROM DAMAGE DURING THE CONSTRUCTION PROCESS.
 5. THE WORK SHALL BE COMPLETED BY LAND
 6. ALL DENUDED AND OR DAMAGED VEGETATION SHALL BE REPLACED IN KIND. ALL STREETS AND ADJACENT PROPERTIES SHALL BE MAINTAINED DURING THE PROJECT AS WELL.
 7. ALL LUMBER SHALL BE SOUTHERN YELLOW PINE.
 8. ALL TIMBER SHALL BE 2.5# CCA TREATED.
 9. ALL DECKING SHALL BE 2" X 6", No. 1 GRADE.
 10. ALL TREATMENT SHALL BE IN ACCORDANCE WITH THE RECOMMENDATIONS AND PROCEDURES OF THE AMERICAN WOOD PRESERVERS ASSOCIATION.
 11. ALL BOLTS SHALL BE HDG, 3/4" DIAMETER GALVANIZED BOLT (ASTM A307) U.O.N.
 12. DECKING SHALL BE ATTACHED WITH STAINLESS STEEL SCREWS.
 13. ALL HARDWARE AND MISC. METALS SHALL BE HOT DIPPED GALVANIZED IN ACCORDANCE WITH ASTM, A153.
 14. ALL DEMOLISHED MATERIAL SHALL BE HAULED OFFSITE AND LEGALLY DISPOSED.
 15. THE DRAWINGS ARE FOR THE PURPOSE OF DEFINING THE SCOPE OF WORK FOR THE JOINT PERMIT APPLICATION.
DESIGN DRAWINGS AND SPECIFICATIONS SHALL BE PROVIDED FOR THE CONSTRUCTION OF THE PROJECT.
CONTRACTOR AND OWNER TO VERIFY THE DESIGN COMPLIES WITH THE CONDITIONS OF THE PERMITS ISSUED BY THE CITY, VMRC AND THE ARMY CORPS OF ENGINEERS.
- All construction shall use methods that minimize flood damage and which are in accordance with the Virginia Uniform Statewide Building Code.
 - Structures shall be constructed with materials and equipment resistant to flood damage and shall be anchored to prevent flotation, collapse, or lateral movement.
 - The proposed shoreline rehabilitation will not result in any increase in flood levels during the occurrence of the base flood discharge.

SCALE: 1/4" = 1'-0" ■ MLW=0.00' MHW=+2.5'



**CALVERT
MARINE**
PORTSMOUTH VA

DETAILS

Adjacent Property Owners:

1. Gary McSherry
2. James Jr. / Sherri-Lyn Whitfield

Proposed: **Bulkhead and Associated Fill**
in: **Diascund Creek**

at: **5034 RIVER DRIVE**

County of: **Lanexa**

Applicant: **RICHARD LABIANCO**

Sheet: **5** of **6**

Date: **31 AUG 24**

BULKHEAD NOTES:

- 1. Drive sheeting with a variation of 1/4 inch or less per foot from the vertical. Ensure that the sheet piles are within 2 inches of the plan position after driving. Do not damage sheet piles attempting to correct for misalignment.
- 2. The new wall shall be secured / anchored with a steel sheet pile dead-man continuous wall as shown.
- 3. Drive sheet piles to or beyond the required tip elevation the plans show.
- 4. Furnish a sheet pile driving system capable of driving the sheet piles to the required minimum tip elevation the plans shown.
- 5. Drive sheet piles with diesel, air, steam, gravity, hydraulic, or vibratory hammers.
- 6. Brace the steel sheet piling with wales as the plans show. Provide continuous wales as shown for connection of the tie rods assembly.
- 7. Steel wale assembly shall comply with ASTM A36.
- 8. Provide weep hole cartridges in the new wall as shown and noted.
- 9. Steel sheet piles shall be ASTM A572. The sheets shall be sand blasted and coated with cold tar epoxy in accordance with the manufacturers' recommendations.
- 10. The drawings have been prepared for the Joint Permit Application only. Complete Engineered drawings and Specifications, will be prepared for the new Construction.

NO SCALE ■ MLW=0.00' MHW=+2.5'

 CALVERT MARINE PORTSMOUTH VA	NOTES	Proposed: Bulkhead and Associated Fill in: Diascund Creek at: 5034 RIVER DRIVE County of: Lanexa Applicant: RICHARD LABIANCO Sheet: 6 of 6 Date: 31 AUG 24
	Adjacent Property Owners: 1. Gary McSherry 2. James Jr. / Sherri-Lyn Whitfield	



General Services
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Capital Projects
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**Stormwater and
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101-E Mounts Bay Road
Williamsburg, VA 23185
757-259-6670

Facilities & Grounds
113 Tewning Road
Williamsburg, VA 23188
757-259-4080

Solid Waste
1204 Jolly Pond Road
Williamsburg, VA 23188
757-565-0971

Brad Reams
Virginia Marine Resources Commission
380 Fenwick Rd
Fort Monroe, VA 23651

RE: WJPA-24-0023
5034 River Drive
Construction of bulkhead, pier

October 24, 2024

Dear Adjacent Property Owner:

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The Wetlands Board will hold an advertised public hearing on **Thursday, November 14, 2024, at 5:00 p.m.**, in the Board Room of Building F, 101 Mounts Bay Road, James City County, Virginia, at which time you may request to speak on the above referenced project.

Sincerely,

Michael Woolson

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Michael.Woolson@jamescitycountyva.gov



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Center for Coastal Resources Management
PO Box 1346
Gloucester Point, VA 23062

RE: WJPA-24-0023
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Department of Wildlife Resources
PO Box 11104
Richmond, VA 23230

RE: WJPA-24-0023
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DEQ TRO VWP
5636 Southern Boulevard
Virginia Beach, VA 23462

RE: WJPA-24-0023
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LABIANCO, RICHARD C & JAIME L
5034 RIVER DR
LANEXA, VA 23089-9309

RE: WJPA-24-0023
5034 River Drive
Construction of bulkhead, pier

October 24, 2024

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MCSHERRY, GARY S
5030 RIVER DR
LANEXA, VA 23089-9309

RE: WJPA-24-0023
5034 River Drive
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October 24, 2024

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Mr. Rich Calvert
Calvert Marine
3132 Riveredge Drive
Portsmouth, VA 23703

RE: WJPA-24-0023
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Construction of bulkhead, pier

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PATTERSON, DANNY E
406 MERSHON WAY
WILLIAMSBURG, VA 23185-4566

RE: WJPA-24-0023
5034 River Drive
Construction of bulkhead, pier

October 24, 2024

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Regulatory Branch US Army Corps of Engineers
803 Front Street
Norfolk, VA 23508

RE: WJPA-24-0023
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Solid Waste
1204 Jolly Pond Road
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Virginia Department of Transportation
4451 Ironbound Road
Williamsburg, VA 23188

RE: WJPA-24-0023
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Construction of bulkhead, pier

October 24, 2024

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Sincerely,

Michael Woolson

Michael Woolson
Wetlands Board Secretary
757-253-6823
Michael.Woolson@jamescitycountyva.gov



General Services
107 Tewning Road
Williamsburg, VA 23188
P: 757-259-4080
General.Services@jamescitycountyva.gov
jamescitycountyva.gov

Capital Projects
107 Tewning Road
Williamsburg, VA 23188
757-259-4080

Fleet
103 Tewning Road
Williamsburg, VA 23188
757-259-4122

**Stormwater and
Resource Protection**
101-E Mounts Bay Road
Williamsburg, VA 23185
757-259-6670

Facilities & Grounds
113 Tewning Road
Williamsburg, VA 23188
757-259-4080

Solid Waste
1204 Jolly Pond Road
Williamsburg, VA 23188
757-565-0971

WHITFIELD, JAMES A JR & SHERRI-LYN
645 SCHOOL HOUSE ROAD
CHESAPEAKE, VA 23322-1759

RE: WJPA-24-0023
5034 River Drive
Construction of bulkhead, pier

October 24, 2024

Dear Adjacent Property Owner:

In accordance with State and County Codes, this letter is to notify you that a request has been filed with the James City County Wetlands Board by Mr. Rich Calvert, Calvert Marine, on behalf of Mr. Richard and Ms. Jaime Labinaco, for encroachments into the tidal wetlands associated with the construction of a bulkhead and pier. The project is located at 5034 River Drive, JCC Tax Map Parcel No. 930300008.

A complete description, plan and other information are on file in the Stormwater and Resource Protection Division and are available for inspection during normal business hours, should anyone desire to review them.

The Wetlands Board will hold an advertised public hearing on **Thursday, November 14, 2024, at 5:00 p.m.**, in the Board Room of Building F, 101 Mounts Bay Road, James City County, Virginia, at which time you may request to speak on the above referenced project.

Sincerely,

Michael Woolson

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Wetlands Board Secretary
757-253-6823
Michael.Woolson@jamescitycountyva.gov

Adjacent Property Owner Mailing List for Case Number: WJPA-24-0023

PIN	Last Name	Address Line 1	City	State	Zip Code
	Brad Reams Virginia Marine Resources Commission	380 Fenwick Rd	Fort Monroe	VA	23651
	Center for Coastal Resources Management	PO Box 1346	Gloucester Point	VA	23062
	Department of Wildlife Resources	PO Box 11104	Richmond	VA	23230
	DEQ TRO VWP	5636 Southern Boulevard	Virginia Beach	VA	23462
930300008	LABIANCO, RICHARD C & JAIME L	5034 RIVER DR	LANEXA	VA	23089-9309
930300006	MCSHERRY, GARY S	5030 RIVER DR	LANEXA	VA	23089-9309
	Mr. Rich Calvert Calvert Marine	3132 riveredge Drive	Portsmouth	VA	23703
930300007	PATTERSON, DANNY E	406 MERSHON WAY	WILLIAMSBURG	VA	23185-4566
	Regulatory Branch US Army Corps of Engineers	803 Front Street	Norfolk	VA	23508
	Virginia Department of Transportation	4451 Ironbound Road	Williamsburg	VA	23188
930300009	WHITFIELD, JAMES A JR & SHERRI-LYN	645 SCHOOL HOUSE ROAD	CHESAPEAKE	VA	23322-1759



PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON THURSDAY, NOVEMBER 14, 2024, AT 5:00 P.M. IN THE COUNTY GOVERNMENT CONFERENCE ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE WETLANDS BOARD WILL CONSIDER THE FOLLOWING CASES:

WJPA-24-0023: Mr. Rich Calvert, Calvert Marine, on behalf of Mr. Richard and Ms. Jaime Labinaco, has applied for a Wetlands Permit for the construction of a bulkhead and pier on property located at 5034 River Drive, JCC Real Estate Tax Map Parcel No. 0930300008.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-24-0139: Mr. Barrett Terrell, AES Consulting Engineers, Inc., on behalf of Ford's Village, LLC., has applied for a Chesapeake Bay Exception for the installation of a sanitary sewer bridge on property located at 3889 News Road, JCC Tax Map Parcel No. 3730100004.

CBPA-24-0086: Mr. Gerald L. Simmons Jr., has applied for a Chesapeake Bay Exception for the installation of a shed on property located at 112 Meadow Rue Court, JCC Tax Map Parcel No. 4910230009.

CBPA-24-0116: Mr. Nate Reams, Williams Landscape & Design, on behalf of Mr. Richard D. and Ms. Sara Ann Blarr, has applied for a Chesapeake Bay Exception for the construction of a patio, fire pit, and retaining wall on property located at 124 W Links, JCC Tax Map Parcel No. 3710200216.

CBPA-24-0147: Mr. David Soto, The Structures Group, Inc., on behalf of Mr. Henry A. and Ms. Suzanne E. Franklin, has applied for a Chesapeake Bay Exception for the construction of a retaining wall on property located at 4048 Powhatan Secondary, JCC Tax Map Parcel No. 3741600024.

CBPA-24-0148: Mr. Chase Grogg, Landtech Resources, Inc., on behalf of Mr. Arthur J. and Ms. Nancy M. Schmeiser Jr., has applied for a Chesapeake Bay Exception for the construction of a single family residence and pool on property located at 1540 Harbor Road, JCC Tax Map Parcel No. 4310200009.

CBPA-24-0082: Mr. Chase Grogg, Landtech Resources, Inc., on behalf of Mr. John D. Konstantinou, has applied for a Chesapeake Bay Exception for the construction of a single family residence on property located at 105 Stone Bridge, JCC Tax Map Parcel No. 3710200231.

CBPA-24-0141: Mr. James Mullins, has applied for a Chesapeake Bay Exception for the appeal of a Notice of Violation on property located at 205 St. Cuthbert, JCC Tax Map Parcel No. 3721000053.

Appeals from decisions under the Chesapeake Bay Preservation Ordinance may also be heard.

The applications and plans are on file and may be viewed during normal office hours in the Stormwater and Resource Protection Division, 101 Mounts Bay Road, Building E, James City County, Virginia.

James City County Wetlands & Chesapeake Bay Boards

2025 Meeting Dates

Quarter 1							Quarter 2							Quarter 3							Quarter 4						
January							April							July							October						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
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5	6	7	8	9	10	11	6	7	8	9	10	11	12	6	7	8	9	10	11	12	5	6	7	8	9	10	11
12	13	14	15	16	17	18	13	14	15	16	17	18	19	13	14	15	16	17	18	19	12	13	14	15	16	17	18
19	20	21	22	23	24	25	20	21	22	23	24	25	26	20	21	22	23	24	25	26	19	20	21	22	23	24	25
26	27	28	29	30	31		27	28	29	30				27	28	29	30	31			26	27	28	29	30	31	
February							May							August							November						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
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2	3	4	5	6	7	8	4	5	6	7	8	9	10	3	4	5	6	7	8	9	2	3	4	5	6	7	8
9	10	11	12	13	14	15	11	12	13	14	15	16	17	10	11	12	13	14	15	16	9	10	11	12	13	14	15
16	17	18	19	20	21	22	18	19	20	21	22	23	24	17	18	19	20	21	22	23	16	17	18	19	20	21	22
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March							June							September							December						
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23	24	25	26	27	28	29	29	30						28	29	30					28	29	30	31			
30	31																										

*The January 2025 meeting date has been adjusted to accommodate a conflict with the JCC Planning Commission's meeting that month.