



Currituck County

Development Services Department
153 Courthouse Road, Suite 110
Currituck, North Carolina 27929
252-232-3055
FAX 252-232-3026

MEMORANDUM

TO: Mark Bissell, Bissell Professional Group
Justin Old, Allied Properties, LLC

FROM: Planning Staff

DATE: May 11, 2023 (*UPDATED June 15, 2023*)

SUBJECT: Windswept Pines, Phase 3 Preliminary Plat/Special Use TRC Comments – *Second Review*

The following comments were received for the May 10, 2023, TRC meeting. Please provide the requested document updates and responses on or before noon on May 25, 2023, for further review by the TRC. TRC comments are valid for six months from the date of the TRC meeting.

Second TRC Review: The Windswept Pines, Phase 3 resubmittal was received and has been reviewed by the TRC. The updated comments are included in the May 11, 2023, TRC comments. Comments that have been addressed are indicated as strikethrough text and the updated comments are indicated in italics. The June 15, 2023 TRC comments will need to be addressed, including a response to the stormwater review by the county's stormwater consultant, McAdams.

Planning, (Donna Voliva, 252-232-6032)

Reviewed

1. A finding must be made by the BOC that adequate public facilities are available to serve this proposed development.
2. The proposed development is in the Moyock Elementary School district. Moyock Elementary is currently over capacity. The BOC may attach additional conditions of approval, including timing limits on residential building lots available for occupancy to assure adequate public facilities remain sufficient to serve the development.
3. Provide all pages of the US Army Corps of Engineers Notice of Jurisdictional Determination. The submittal includes every other page.
June 15, 2023, Updated TRC Comment: The US Army Corps of Engineers PDJ indicates there are wetlands in the 13.8-acre site and the project area is 6.2 acres. The preliminary plat indicates there are no wetlands or waters of the US in Phase 3. Can you provide a narrative for this difference and the project area shown on the PJD.
The PJD for phase 3 has been updated, with new documentation included with this response.
4. Provide an update on Zoning Condition 7.
7. Drainage improvements identified by the applicant. (See Attachment C below).
June 15, 2023, Updated TRC Comment: Planning staff would like to further discuss the Zoning Condition #7 drainage improvement provided to the county as Attachment C to determine consistency with the conditional zoning for the subject property. It is our understanding that zoning condition 7 refers to zoning condition 4, which has been satisfied.
5. ~~Provide an update to Zoning Condition 4.~~
4. ~~The applicant will work with Soil and Water Conservation Department to explore improving the drainage outlet to the east of the development.~~
6. ~~Zoning Condition 3 indicates the subdivision stormwater will be modeled and managed by the 100-year storm event. The Stormwater narrative and basis for design methodology indicates the~~

subdivision will implement stormwater practices to reduce the post-development peak discharge from the 24-hour storm event with a 10-year recurrence. Provide an updated summary that indicates the proposed development will meet Zoning Condition 3.

7. The minimum front setback specified on sheet 1 of 7 is 25'. Since the minimum required front setback for the MXR district is 20 feet will the increased setback become a restrictive covenant condition and enforced by the association and architectural review committee?
8. Community meeting minutes indicate Justin Old attended the meeting. The meeting comments and sign-in sheet indicate he was not present. Several property owners in Windswept Pines, Phases 1 and 2 were concerned about the current condition of the existing drainage system (tall grass). A site visit will occur in the next few days.
June 15, 2023 Updated TRC Comment: The county received the final engineering report for Phase 1 and 2 which is under review.
9. The development table provides the information for Phase 3, please add development information for the existing phases 1 and 2 (total site acreage, total number of lots, total lot area, total open space).
10. Please include the following items on the preliminary plat:
 - a. Sidewalk crosswalks
 - b. It was mentioned during the pre-application meeting that street maintenance of the streets in Windswept Pines was accepted by NCDOT; please include state route numbers on the existing subdivision streets.
11. A payment in lieu of recreation and park area dedication will be required at final plat.
12. Does the site contain drainage conveyance systems that are not part of a state-permitted system?
13. Provide the farmland buffer along the eastern property line.
14. Will the existing CBU be used for the proposed 14 lots?

Attachment C



Currituck County Building and Fire Inspections (Bill News, 252-232-6023)

Approved

Currituck County GIS (Harry Lee, 252-232-4039)

Reviewed

Currituck County Parks and Recreation (Jason Weeks, 252-232-3007)

Reviewed

Currituck Soil and Stormwater (Dylan Lloyd, 252-232-3360)

Reviewed

1. Approval is still contingent on drainage improvements to perimeter ditches of site - specifically along southside of phase 2 and phase 3 and a potential outfall to the northeast of or east of the property. If secondary outfall cannot be accommodated, measures shall be taken to improve perimeter ditches and swales such that they direct excess runoff into pond expansions shown in phase 3.

June 15, 2023, Updated TRC Comment: I feel confident my comments from May 10th TRC meeting was addressed since the applicant indicates the perimeter ditches will be dug out / restored and that this will be in compliance with our ordinance and practices as these were pre-existing features and are wholly contained on the applicants' parcel. After referencing the SSWP I acknowledge and accept that the existing ponds cannot take additional runoff. The downstream improvements are not being pursued at this time due to lack of cooperation and permission from downstream property owners.

Stormwater Review, (McAdams, Stormwater Consultant)

Reviewed

1. See attached.

June 15, 2023, Revised Comments: Please respond to the attached comments.

Response is provided with this submittal.

Currituck County Public Utilities, Water Backflow (Chas Sawyer 252-202-1692)

No comment

Currituck County Public Utilities, Water (Dave Spence 252-232-4152)

Reviewed

Currituck County Public Utilities, Wastewater (Will Rumsey, 252-232-6065)

Reviewed

US Army Corps of Engineers, (Anthony Scarbraugh, 910-251-4619)

No comment

Mediacom (252-482-5583)

See attached letter.

US Post Office

Contact the local post office for mail delivery requirements.

Comments were not received from:

Currituck County Public Utilities (Eric Weatherly, 252-232-6035)

Currituck Fire and Emergency Medical Services (Chief Ralph Melton, 252-232-7746)

NCDOT (Caitlin Spear, 252-331-4737)

NC Division of Coastal Management (Ron Renaldi, 252-264-3901)

Albemarle Regional Health Services (Kevin Carver, 252-232-6603)

The following items are necessary for resubmittal:

- 3 - full size copies of revised plans.
- 1- 8.5"x11" copy of all revised plans.
- 1- PDF digital copy of all revised documents and plans.

A special use permit hearing is an evidentiary hearing where the Board of Commissioners must make a Quasi-Judicial Decision.

- An evidentiary hearing will be held for the Board of Commissioners to gather competent, material, and substantial evidence to establish the facts of the case.
- All testimony is made under oath.
- The applicant or opposing parties shall establish written findings of fact and conclusions of law.
- Parties with standing may participate fully in the evidentiary hearing, including presenting evidence, cross-examining witnesses, objecting to evidence, and making legal arguments.
- Non-parties may present competent, material, and substantial evidence that is not repetitive.

Typical Use Permit (Quasi-Judicial) Hearing at BOC

- Swearing in of witnesses/speakers
- Presentation by County Staff on Application
- Required Presentation by Applicant or Authorized Agent (20-25 minutes)
 - Applicant to Present Findings of Fact
- Public Comment Period (typically 3 minutes each)
- Applicant Rebuttal (typically 5 minutes)
- BOC Deliberation & Decision



Kim Mason, NC Area Director
kmason@mediacomcc.com
 216 B Shannonhouse Road
 Edenton NC, 27932
 Edenton: 252-482-5583
 Plymouth: 252-793-2491
 Mobile: 252-497-0328

RE: New Build & Development

Dear Development manager;

As you know the key need for all homes in this 21st Century is a solid internet connection, be it for business, education or entertainment, the public demand is here.

With this in mind, as you plan for your development and build out, we would like to encourage you to reach out to us, as you do for other essential utilities. It is most economical and reasonable for you to work with us and have this valuable infrastructure in advance of selling and building the homes. Any build out costs can easily be recouped as the lots are developed and make your neighborhoods more appealing to families and professionals.

We invite, you to partner with us and contact us locally. We will process a ROI for your location to determine partnership feasibility and estimated cost to ensure your development has access to the best internet services available.

Our key contacts are, Kim Mason, Director for North Carolina – information above and our construction coordinator Nathaniel Harris at 252- 793-5256 or 252-339-9375.

Mediacom launched 1-Gig broadband speeds in the following areas of North Carolina and operates customer service offices in Edenton and Plymouth.

Bertie County	Martin County	Chowan County	Perquimans County
Colerain	Jamesville	Arrowhead / Chowan Beach	Hertford
Kelford	Northampton County	Edenton	Winfall
Lewiston	Conway	Currituck County	Tyrrell County
Powellsville	Galatia	Barco	Columbia
Roxobel	Jackson	Currituck	Washington County
Windsor	Rich Square	Grandy	Creswell
Camden County	Seaboard	Moyock	Plymouth
Camden	Severn	Point Harbor	Roper
Shiloh	Woodland	Poplar Branch	
South Mills		Tulls Bay	

About Mediacom Communications

Mediacom Communications Corporation is the 5th largest cable operator in the U.S. serving over 1.3 million customers in smaller markets primarily in the Midwest and Southeast. Mediacom offers a wide array of information, communications and entertainment services to households and businesses, including video, high-speed data, phone, and home security and automation. Through Mediacom Business, the company provides innovative broadband solutions to commercial and public sector customers of all sizes and sells advertising and production services under the OnMedia brand. More information about Mediacom is available at www.mediacomcable.com.

We look forward to partnering with you to ensure your projects are successful and your development has the best services available for your buyers.

Best regards,

Kim Mason

Kim Mason
 Operations Director, North Carolina

U.S. ARMY CORPS OF ENGINEERS
WILMINGTON DISTRICT

Action Id. SAW-2017-01621 County: Currituck U.S.G.S. Quad: Moyock SE

NOTIFICATION OF JURISDICTIONAL DETERMINATION

Property Owner/Applicant: **Windswept Pines**
C/O Allied Properties, LLC
Address: **417 Caratoke HWY, Unit D**
Moyock, North Carolina 27958
Telephone Number: **252-435-2718**

Size (acres) 14.07-acres
Nearest Waterway Northwest River
USGS HUC 03010205

Nearest Town Moyock
River Basin Pasquotank
Coordinates Latitude: 36.544121 N
 Longitude: -76.178776 W

Location description: Property is an approximate 14.07-acre tract located off US HWY 168, at the terminus of Alden Run, in the Windswept Pines Subdivision, adjacent to Shingle Landing Creek, in the Town of Moyock, Currituck County, North Carolina. Parcel PIN: 8022-88-8748. Deed Book 1391. Page 856.

Indicate Which of the Following Apply:

A. Preliminary Determination

- There are waters of the U.S., including wetlands, on the above described property that may be subject to Section 404 of the Clean Water Act (CWA)(33 USC § 1344) and/or Section 10 of the Rivers and Harbors Act (RHA) (33 USC § 403). The waters have been delineated, and the delineation has been verified by the Corps to be sufficiently accurate and reliable. Therefore this preliminary jurisdiction determination may be used in the permit evaluation process, including determining compensatory mitigation. For purposes of computation of impacts, compensatory mitigation requirements, and other resource protection measures, a permit decision made on the basis of a preliminary JD will treat all waters and wetlands that would be affected in any way by the permitted activity on the site as if they are jurisdictional waters of the U.S. This preliminary determination is not an appealable action under the Regulatory Program Administrative Appeal Process (Reference 33 CFR Part 331). However, you may request an approved JD, which is an appealable action, by contacting the Corps district for further instruction.
- There are wetlands on the above described property, that may be subject to Section 404 of the Clean Water Act (CWA)(33 USC § 1344) and/or Section 10 of the Rivers and Harbors Act (RHA) (33 USC § 403). However, since the waters, including wetlands, have not been properly delineated, this preliminary jurisdiction determination may not be used in the permit evaluation process. Without a verified wetland delineation, this preliminary determination is merely an effective presumption of CWA/RHA jurisdiction over all of the waters, including wetlands, at the project area, which is not sufficiently accurate and reliable to support an enforceable permit decision. We recommend that you have the waters of the U.S. on your property delineated. As the Corps may not be able to accomplish this wetland delineation in a timely manner, you may wish to obtain a consultant to conduct a delineation that can be verified by the Corps.

B. Approved Determination

- There are Navigable Waters of the United States within the above described property subject to the permit requirements of Section 10 of the Rivers and Harbors Act (RHA) (33 USC § 403) and Section 404 of the Clean Water Act (CWA)(33 USC § 1344). Unless there is a change in law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
- There are waters of the U.S., including wetlands, on the above described property subject to the permit requirements of Section 404 of the Clean Water Act (CWA) (33 USC § 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
- We recommend you have the waters of the U.S. on your property delineated. As the Corps may not be able to accomplish this wetland delineation in a timely manner, you may wish to obtain a consultant to conduct a delineation that can be verified by the Corps.

SAW-2017-01621 Allied Properties, LLC Windswept Pines

— The waters of the U.S., including wetlands, on your project area have been delineated and the delineation has been verified by the Corps. If you wish to have the delineation surveyed, the Corps can review and verify the survey upon completion. Once verified, this survey will provide an accurate depiction of all areas subject to CWA and/or RHA jurisdiction on your property which, provided there is no change in the law or our published regulations, may be relied upon for a period not to exceed five years.

The waters of the U.S., including wetlands, have been delineated and surveyed and are accurately depicted on the plat signed by the Corps Regulatory Official identified below on Date. Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.

- There are no waters of the U.S., to include wetlands, present on the above described property which are subject to the permit requirements of Section 404 of the Clean Water Act (33 USC 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
- X** The property is located in one of the 20 Coastal Counties subject to regulation under the Coastal Area Management Act (CAMA). You should contact the Division of Coastal Management in Elizabeth City, NC at 252-264-3901 to determine their requirements.

Placement of dredged or fill material within waters of the US, including wetlands, without a Department of the Army permit may constitute a violation of Section 301 of the Clean Water Act (33 USC § 1311). Placement of dredged or fill material, construction or placement of structures, or work within navigable waters of the United States without a Department of the Army permit may constitute a violation of Sections 9 and/or 10 of the Rivers and Harbors Act (33 USC § 401 and/or 403). If you have any questions regarding this determination and/or the Corps regulatory program, please contact **Raleigh W. Bland, SPWS at (910) 251-4564 or Raleigh.w.bland@usace.army.mil.**

C. Basis For Determination: Preliminary Jurisdictional Determination. The identified waters on the site exhibit an ordinary high water mark and are connected to Shingle Landing Creek, a designated TNW.

D. Remarks: A Department of the Army permit is required to work within any jurisdictional waters or wetlands on the property. This PJD was previously approved but this Final Phase was separated from the original plat for clarity purposes and to depict the remaining tract owned by Allied Properties, LLC.

E. Attention USDA Program Participants

This delineation/determination has been conducted to identify the limits of Corps' Clean Water Act jurisdiction for the particular site identified in this request. The delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are USDA Program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service, prior to starting work.

F. Appeals Information (This information applies only to approved jurisdictional determinations as indicated in B. above)

This correspondence constitutes an approved jurisdictional determination for the above described site. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and request for appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the following address:

US Army Corps of Engineers
South Atlantic Division
60 Forsyth Street SW, Room 10M15
Atlanta, Georgia 30303-8801

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by NA for PJD.

It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this correspondence.

SAW-2017-01621 Allied Properties, LLC Windswept Pines

Corps Regulatory Official: Robin W. Bland, SPWS

Date: July 27, 2023 Expiration Date: No Expiration for PJD

The Wilmington District is committed to providing the highest level of support to the public. To help us ensure we continue to do so, please complete our Customer Satisfaction Survey, located online at http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0.

Copy Furnished: CESA/RG-W/Bland

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND
REQUEST FOR APPEAL**

Applicant: Allied Properties, LLC	File Number: SAW 2017-01621	July 27, 2023
Attached is:		See Section below
<input type="checkbox"/>	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
<input type="checkbox"/>	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
<input type="checkbox"/>	PERMIT DENIAL	C
<input type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	D
<input checked="" type="checkbox"/>	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits.aspx> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the district engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

**District Engineer, Wilmington Regulatory Division,
Attn: Raleigh W. Bland, SPWS
2407 West 5th Street
Washington, North Carolina 27889
910-252-4558**

If you only have questions regarding the appeal process you may also contact:

Mr. Philip A, Shannin, Administrative Appeal Review Officer
CESAD-PDS-O
U.S. Army Corps of Engineers, South Atlantic Division
60 Forsyth Street Southwest, Floor M9
Atlanta, Georgia 30303-8803
Phone: (404) 562-5136

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

_____ Signature of appellant or agent.	Date:	Telephone number:
---	-------	-------------------

For appeals on Initial Proffered Permits send this form to:

**District Engineer, Wilmington Regulatory Division, Raleigh W. Bland, SPWS, 2407 West 5th Street
Washington, North Carolina 27889**

For Permit denials, Proffered Permits and approved Jurisdictional Determinations send this form to:

**Division Engineer, Commander, U.S. Army Engineer Division, South Atlantic, Administrative Appeal Officer,
CESAD-PDO, 60 Forsyth Street, Room 10M15, Atlanta, Georgia 30303-8801
Phone: (404) 562-5137**



Jurisdictional Ditch



Uplands

Uplands

Uplands

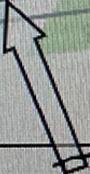
Allied Properties, LLC
14.07 AC

Uplands

Uplands

Uplands

Jurisdictional Ditch



Alden Run

Spooky Manor Lane



June 7, 2023

Kevin Kemp
Currituck Historic Courthouse
153 Courthouse Road
Suite 110
Currituck, North Carolina 27929

**RE: Currituck County Stormwater Development Review - OSPEC23074.00
Windswept Pines Phase 3
Mainland Stormwater Management Zone
Major Subdivision – Preliminary Plat Type II
Second Submittal
Case Number PB 16-06**

Dear Mr. Kemp,

McAdams has reviewed the above-referenced project that was received on May 31, 2023 and reviewed on June 7, 2023. The project has been reviewed for conformance with:

- > The Currituck County Code of Ordinances
- > Chapter 7.3 – Stormwater Management, Chapter 7.4 – Flood Damage Prevention, Chapter 7.6 – Riparian Buffers, and Chapter 7.7 – Protection of Significant Dunes of the Unified Development Ordinance
- > The Currituck County Stormwater Manual

Attached are the Stormwater Development Review comments as well as markups of the submitted Construction Drawings package.

Sincerely,
MCADAMS



Daniel Wiebke PE, CFM
Project Manager, Water Resources

STORMWATER DEVELOPMENT REVIEW COMMENTS

GENERAL

1. Please consider providing direct responses to these comments for easier review.
2. Advisory comment: Please provide copies of the Major Stormwater Plan Form SW-002 and all required submittal documents listed therein at the next phase of review. **These will be provided at the CD review stage.**

MAJOR SUBDIVISION APPLICATION

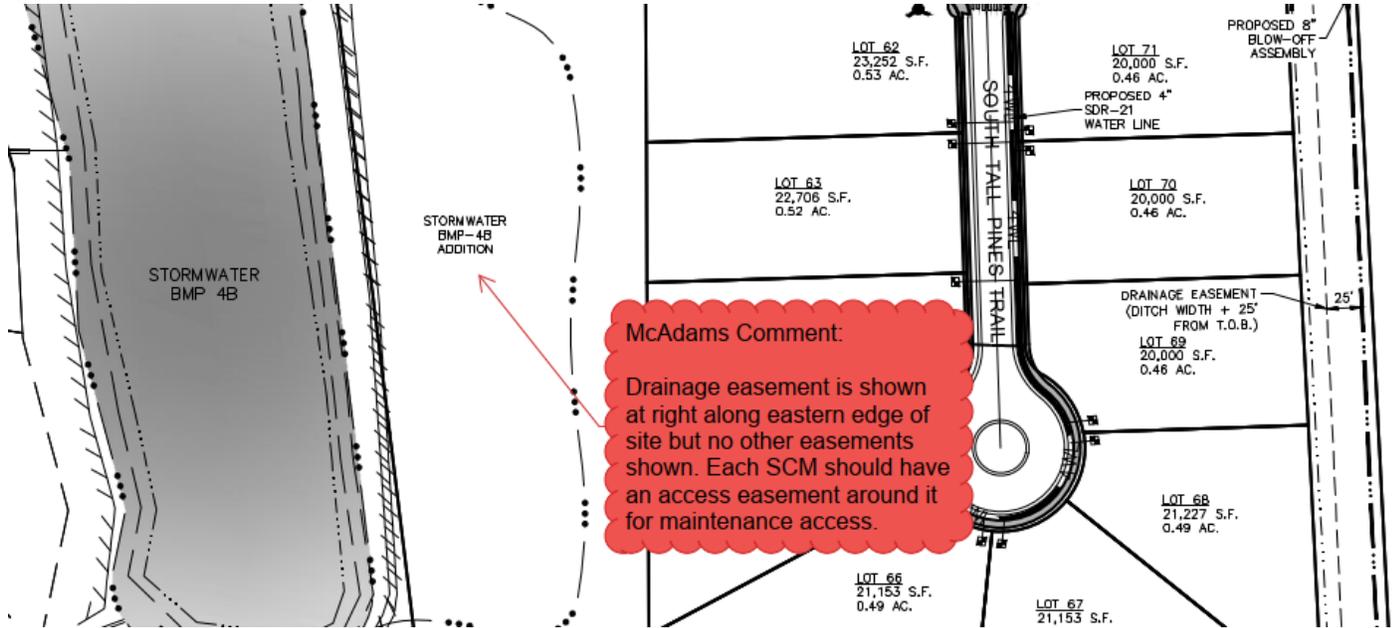
3. Amended Comment: The “Use Permit Review Standards” section has been left blank, and previously the responses to these questions were found in the appendix of the Preliminary Stormwater Management Plan Report. These responses were not found in the resubmittal package. Please add a note under “Use Permit Review Standards” that identifies where the responses to the questions left blank may be found and ensure that they are included. **These were provided to Currituck County with the initial submittal, and we understand have been accepted.**

PRELIMINARY STORMWATER MANAGEMENT PLAN REPORT

4. Sheet 2/7 of the preliminary plat has a note that “no wetlands or waters of the US present in phase 3”, however the US Army Corps of Engineers Notification of Jurisdictional Determination says that “There are waters, including wetlands, on the above described property that may be subject to Section 404 of the Clean Water Act ... and/or Section 10 of the Rivers and Harbors Act.” Please clarify this conflicting information. **The PJD for phase 3 has been updated, with new documentation provided.**
5. Advisory comment for next phase of review: Per zoning condition of development, calculations should be provided at CDs to ensure redirection of flow from the west is conveyed through or around the site without overwhelming existing infrastructure or exacerbating existing drainage issues. Specifically pertaining to the drainage along Baxter Lane. **These will be provided at the CD review stage.**
6. Advisory comment for next phase of review: Please ensure that outflow velocities at discharge points are non-erosive or that means for velocity dissipation is provided. **Documentation will be provided at the CD review stage.**
7. Advisory comment for next phase of review: Please ensure that existing or proposed drainage ditches at discharge points have capacity to receive discharge from the site and/or stormwater ponds. **Documentation will be provided at the CD review stage.**
8. Advisory comment for next phase of review: If expansion is used, how will the currently active wet ponds be expanded without being taken offline during construction? **This question will be considered at the CD review stage.**

PRELIMINARY PLAT

9. SCM Access easements (see comment on Preliminary Plat)



An easement will be dedicated across the entire open space area.