



PROJECT NAME: Ashbrook Estates
PROJECT ADDRESS: Maple Road, Crawford Township
APPLICANT: Ashbrook Estates, LLC
REVIEW NUMBER: 3

February 18, 2026

PROJECT NAME:	Ashbrook Estates
PROJECT LOCATION:	☒ Mainland ☐ Outer Banks Stormwater Management Zone
PROJECT CYCLE:	☒ Rolling ☐ TRC
PROJECT TYPE:	☐ Minor / Major Site Plan ☐ Minor Subdivision ☐ Major Subdivision – Prelim Plat Type I / II ☐ Special Use Permit ☒ Construction Drawings ☐ Final Plat
DATE SUBMITTED:	2/10/2026
DATE REVIEWED:	2/17/2026
PROJECT ID #:	202502739

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; and
- | The Currituck County Stormwater Manual.

☒ APPROVAL
☐ CONDITIONAL APPROVAL (see below conditions)
☐ UPDATES REQUESTED (see attached comment letter)

Technical Reviewer Kathleen Balaze
Signature
Date 2/18/2026

For questions regarding these comments please contact the Stormwater Reviewer or the County Representative:

McAdams
621 Hillsborough Street, Suite 500
Raleigh, North Carolina 27603
919. 361. 5000

Currituck County, NC
Currituck Historic Courthouse
153 Courthouse Road, Suite 110
Currituck, North Carolina 27929
Mainland Office: 252. 232. 3055 / Corolla Office: 252. 453. 8555

JOSH STEIN
Governor

D. REID WILSON
Secretary

RICHARD E. ROGERS, JR.
Director



NORTH CAROLINA
Environmental Quality

December 11, 2025

Currituck County
Attention: Rebecca Gay, County Manager
153 Courthouse Rd., Suite 204
Currituck, NC 27929

Re: Engineering Plans Approval
Distribution Extension
Ashbrook Estates
CURRITUCK COUNTY WATER SYSTEM
Water System No.: NC0427010
CURRITUCK County
Serial No.: 25-01143

Dear Applicant:

Enclosed please find one copy of the "Application for Approval..." together with one copy of the referenced engineering plans bearing the Division of Water Resources stamp of approval for the referenced project. These engineering plans are approved under Division of Water Resources Serial Number, 25-01143 dated December 11, 2025.

Engineering plans prepared by Kimberly D. Hamby, P.E. call for the installation of approximately 3680 linear feet of 8-inch water main, 680 linear feet of 4-inch water main, fire hydrants, valves, and associated appurtenances along Tunstall Loop and Bowbray Court in Crawford Township, Currituck County. The proposed 8-inch watermain along Tunstall Loop Road will connect to the existing 12-inch water main along Maple Road. Construction of this project must be in accordance with Currituck County Water System's standard specifications.

Please note that in accordance with 15A NCAC 18C .0309(a), no construction, alteration, or expansion of a water system shall be placed into service or made available for human consumption until the Public Water Supply Section has issued Final Approval. Final Approval will be issued and mailed to the applicant upon receipt of both an Engineer's Certification and an Applicant's Certification submitted in accordance with 15A NCAC 18C .0303 (a) and (c).

These plans in the foregoing application are approved insofar as the protection of public health is concerned as provided in the rules, standards and criteria adopted under the authority of Chapter 130A-317 of the General Statutes. This approval does not constitute a warranty of the design, construction or future operation of the water system.



North Carolina Department of Environmental Quality | Division of Water Resources
512 North Salisbury Street | 1634 Mail Service Center | Raleigh, North Carolina 27699-1634
919.707.9100

Currituck County
Attention: Rebecca Gay, County Manager
Page 2 of 2
December 11, 2025

One copy of the "Application for Approval..." and a copy of the plans with a seal of approval from the department are enclosed. One copy of the approved documents in a digital format is being forwarded to our Washington Regional Office. Another copy is being retained in our records.

If the Public Water Supply Section can be of further service, please call (919) 707-9100.

Sincerely,



Rebecca Sadosky, Ph.D., Chief
Public Water Supply Section
Division of Water Resources

RS/JCC

Enclosures: Approval Documents

cc: Jamie Midgette, P.E., Washington Regional Office
Currituck County Health Department
Timmons Group



North Carolina Department of Environmental Quality | Division of Water Resources
512 North Salisbury Street | 1634 Mail Service Center | Raleigh, North Carolina 27699-1634
919.707.9100

JOSH STEIN
Governor

D. REID WILSON
Secretary

RICHARD E. ROGERS, JR.
Director



NORTH CAROLINA
Environmental Quality

December 11, 2025

CURRITUCK COUNTY
ATTN: REBECCA GAY
153 COURTHOUSE RD, SUITE 204
CURRITUCK COUNTY, NC 27929

Re: **Authorization to Construct (This is not a Final Approval)**

Issue Date: December 11, 2025

ASHBROOK ESTATES

Serial No.: 25-01143

Water System No.: NC0427010

Currituck County

Dear Applicant:

This letter is to confirm that a complete Engineer's Report and a Water System Management Plan have been received, and that engineering plans and specifications have been approved by the Department for **ASHBROOK ESTATES, Serial No.: 25-01143**.

The "Authorization to Construct" is valid for 36 months from the issue date. Authorization to construct may be extended if the Rules Governing Public Water Systems [15A NCAC 18C] and site conditions have not changed (see Rule .0305). The "Authorization to Construct" and the engineering plans and specifications approval letter shall be posted at the primary entrance of the job site before and during construction.

Upon completion of the construction or modification, **and prior to placing the new construction or modification into service**, the applicant must submit an Engineer's Certification and Applicant's Certification to the Public Water Supply Section.

- **Engineer's Certification:** in accordance with Rule .0303(a), the applicant shall submit a certification statement signed and sealed by a registered professional engineer stating that construction was completed in accordance with approved engineering plans and specifications, including any provisions stipulated in the Department's engineering plan and specification approval letter.
- **Applicant's Certification:** in accordance with Rule .0303(c), the applicant shall submit a signed certification statement indicating that the requirements for an Operation and Maintenance Plan and Emergency Management Plan have been satisfied in accordance with Rule .0307(d) and (e) and that the system has a certified operator in accordance with Rule .1300. The "Applicant's Certification" form is available at <http://www.ncwater.org/> (click on Public Water Supply Section, Plan Review, Plan Review Forms).

Certifications can be sent by mail or attachment to an e-mail message to **PWSSection.PlanReview@deq.nc.gov**.

If this "Authorization to Construct" is for a new public water system, the owner must submit a completed **application for an Operating Permit** and the appropriate fee. For a copy of the application for an Operating Permit please call (919) 707-9076.

Once the certifications and permit application and fee (if applicable) are received and determined adequate, the Department will issue a Final Approval letter to the applicant. In accordance with Rule .0309(a), **no portion of this project shall be placed into service until the Department has issued Final Approval**.

Please contact us at (919) 707-9100 if you have any questions or need additional information.

Sincerely,

A handwritten signature in black ink that reads "Rebecca Sadosky".

Rebecca Sadosky, Ph.D., Chief
Public Water Supply Section
Division of Water Resources, NCDEQ

cc: JAMIE MIDGETTE, P.E., Regional Engineer
TIMMONS GROUP



North Carolina Department of Environmental Quality | Division of Water Resources
512 North Salisbury Street | 1634 Mail Service Center | Raleigh, North Carolina 27699-1634
919.707.9100

North Carolina Department of Environmental Quality
Division of Water Resources

Authorization to Construct

Project Applicant:	CURRITUCK COUNTY
Public Water System Name:	CURRITUCK COUNTY WATER SYSTEM
Water System No.:	NC0427010
Project Name:	ASHBROOK ESTATES
Serial No.:	25-01143
Issue Date:	December 11, 2025
Expiration Date:	36 Months after Issue Date

In accordance with 15A NCAC 18C .0305, this Authorization to Construct must be posted
at the primary entrance to the job site during construction.

Major Subdivision Submittal Checklist – Construction Drawings

Staff will use the following checklist to determine the completeness of your application for construction drawings within ten business days of submittal. Please make sure all of the listed items are included. The Director shall not process an application for further review until it is determined to be complete.

Major Subdivision Submittal Checklist – Construction Drawings

Date Received: _____

TRC Date: _____

Project Name: Ashbrook Estates

Applicant/Property Owner: Ashbrook Estates, LLC

Construction Drawings Submittal Checklist		
1	Complete Major Subdivision application (For amended drawings include \$250 fee)	✓
2	Construction drawing with engineer's seal	✓
3	Proposed landscape plan, including common areas, open space set-aside configuration and schedule, required buffers, fences and walls, and tree protection plan	✓
4	Stormwater form(s), final stormwater management narrative and grading plan, if changed since preliminary plat N/A - previously approved and unchanged	
5	Proposed construction drawings (road, stormwater management infrastructure, utilities)	✓
6	NCDEQ wastewater line extension permit, if applicable	N/A
7	NCDEQ wastewater plant construction permit, if applicable	N/A
8	NCDEQ waterline extension permit, if applicable	✓
9	NCDEQ stormwater permit including application, plan, and narrative with calculations	✓
10	NCDEQ soil erosion and sedimentation control permit	✓
11	NCDEQ CAMA major permit, if applicable	N/A
12	NCDOT driveway permit and encroachment agreement, if applicable	✓
13	Wetland fill permit(s), if applicable	N/A

For Staff Only

Pre-application Conference (Optional)

Pre-application Conference was held on _____ and the following people were present:

Comments

JOSH STEIN
Governor

D. REID WILSON
Secretary

WILLIAM E. TOBY VINSON, JR.
Director



December 1, 2025

LETTER OF APPROVAL WITH MODIFICATIONS

Ashbrook Estates, LLC
301 E Main St.
Elizabeth City, North Carolina 27909

RE: Project Name: Ashbrook Estates
Permit Number: CURRI-2026-0148
Acres Approved: 64.9
County: Currituck
City: Maple
Address: Maple Rd
River Basin: Pasquotank
Stream Classification: C: Aquatic Life, Secondary Contact Recreation, Fresh water; SW: Swamp Waters
Plan Type: New Plan – Residential Subdivision (Roadway/Ditch Construction with Sidewalks, Watermain Extension, On-Site Drainage Network and Lot Grading)

Dear Ashbrook Estates, LLC,

This office has received and reviewed the subject erosion and sedimentation control plan. We find the plan to be acceptable and hereby issue this Letter of Approval. The enclosed Certificate of Approval must be posted at the job site. This plan shall expire three (3) years following the date of approval, if no land disturbing activity has been undertaken, as is required by Title 15A NCAC 4B .0129.

As of April 1, 2019, all new construction activities are required to complete and submit an electronic Notice of Intent (eNOI) form requesting a COC under the NCG010000 Construction Stormwater General Permit. You must apply for coverage by submitting a "Construction Stormwater – NCG01 (Subject to the SPCA) in the [AccessDEQ Portal](#). Once your application is complete, you will receive an invoice for the \$127 annual permit fee and can submit payment through the AccessDEQ Portal. Once the fee is processed and the application approved, you will receive the COC via email. As the Financially Responsible Party shown on the FRO form submitted for this project, you MUST obtain the COC prior to commencement of any land disturbing activity. Please direct questions about the eNOI form to the [Stormwater Program staff](#) in the Raleigh central office. If the owner/operator of this project changes in the future, the new responsible party must obtain a new COC.



North Carolina Department of Environmental Quality
Division of Energy, Mineral and Land Resources | Washington Regional Office
943 Washington Square Mall | Washington, North Carolina 27889
252.948.3800

Title 15A NCAC 4B .0118(a) and the NCG01 permit require that the following documentation be kept on file at the job site:

1. The approved E&SC plan as well as any approved deviation.
2. The NCG01 permit and the COC, once it is received.
3. Records of inspections made during the previous 12 months.

Also, this letter gives the notice required by G.S. 113A-61.1(a) of our right of periodic inspection to ensure compliance with the approved plan.

North Carolina's Sedimentation Pollution Control Act is performance-oriented, requiring protection of existing natural resources and adjoining properties. If, following the commencement of this project, the erosion and sedimentation control plan is inadequate to meet the requirements of the Sedimentation Pollution Control Act of 1973 (North Carolina General Statute 113A-51 through 66), this office may require revisions to the plan and implementation of the revisions to ensure compliance with the Act.

Acceptance and approval of this plan is conditioned upon your compliance with Federal and State water quality laws, regulations, and rules. In addition, local city or county ordinances or rules may also apply to this land-disturbing activity. This approval does not supersede any other permit or approval.

Please note that this approval is based in part on the accuracy of the information provided in the Financial Responsibility Form and on the plan which you provided. You are requested to file an amended form if there is any change in the information included on the form.

Your cooperation is appreciated.

Sincerely,

Ginger Turner

Ginger Y. Turner, PE for
Samir Dumpor, PE
Regional Engineer
Land Quality Section

Modifications

1. The perimeter ditches shall be constructed along with measures found in Item 2 of the Construction Sequencing and prior to mass grading the site, directing construction stormwater to the proposed skimmer basin.

General Comments

1. This permit allows for a land disturbance, as called for on the application plan, not to exceed **64.9** acres. Exceeding that acreage will be a violation of this permit and would require a revised plan and additional application fee. Land disturbance should be conducted in a manner to minimize land exposure, preferably limited exposure to approximately 20 acres at a time. Any addition in impervious surface, over that already noted on the approved plan, would also require a revised plan to verify the appropriateness of the erosion control measures and stormwater retention measures (NCGS 113A-54.1(b)).
2. Additional measures may be required - the applicant is responsible for the control of sediment on-site. If the approved erosion and sedimentation control measures prove insufficient, the applicant must take those additional steps necessary to stop sediment from leaving this site (NCGS 113A-57(3); 15A NCAC 4B .0115). Each sediment storage device must be inspected after each storm event (NCGS 113A-54.1(e)). Maintenance and/or clean out is necessary anytime the device is at 50% capacity. All sediment storage measures will remain on site and functional until all grading and final landscaping of the project is complete (15A NCAC 04B .0113).
3. The applicant is responsible for obtaining any and all permits and approvals necessary for the development of this project prior to the commencement of this land disturbing activity. This could include our agency's Stormwater regulations and the Division of Water Resources' enforcement requirements within Section 401 of the Clean Water Act, the U.S. Army Corps of Engineers' jurisdiction of Section 404 of the Clean Water Act, the Division of Coastal Management's CAMA requirements, the Division of Solid Waste Management's landfill regulations, the Environmental Protection Agency and/or The U.S. Army Corps of Engineers jurisdiction of the Clean Water Act, local County or Municipalities' ordinances, or others that may be required. This approval cannot supersede any other permit or approval; however, in the case of a Cease-and-Desist Order from the Corps of Engineers, that Order would only apply to wetland areas. All highlands would still have to be in compliance with the N.C. Sedimentation Pollution Control Act.
4. If any area on site falls within the jurisdiction of Section 401 or 404 of the Clean Water Act, the applicant is responsible for compliance with the requirements of the Division of Water Resources (DWR), the Corps of Engineers and the Environmental Protection Agency (EPA) respectively. Any erosion control measures that fall within jurisdictional wetland areas must be approved by the aforementioned agencies prior to installation. The Land Quality Section must be notified of a relocation of the measures in question to the transition point between the wetlands and the uplands to assure that the migration of sediment will not occur. If that relocation presents a problem or contradicts any requirements of either DWR, the Corps, or the EPA, it is the responsibility of the applicant to inform the Land Quality Section regional office so that an adequate contingency plan can be made to ensure sufficient erosion control remains on site. Failure to do so will be considered a violation of this approval (NCGS 113A-54.1(b)).
5. Any off-site borrow and waste required for this project must come from a site with an approved erosion control plan, a site regulated under the Mining Act of 1971, or a landfill regulated by the Division of Solid

Waste Management. Trash/debris from demolition activities or generated by any activities on site must be disposed of at a facility regulated by the Division of Solid Waste Management or per Division of Solid Waste Management or Division of Water Resources rules and regulations. [15A NCAC 4B .0110]

6. A graveled construction entrance must be located at each point of access and egress available to construction vehicles during the grading and construction phases of this project. Access and egress from the project site at a point without a graveled entrance will be considered a violation of this approval. Routine maintenance of the entrances is critical (113A-54.1(b)).
7. If sediment traps and basins are shown on the plan as the primary sedimentation and erosion control devices on this project, it is necessary that the traps and basins and their collection systems be installed before any other grading takes place on site, and that every structure that receives more than one acre of drainage is built so that each dewater only from the surface (NCG010000). If that proves to be impractical, a revised plan must be submitted and approved that addresses erosion and sediment control needs during the interim period until the traps and basins are fully functioning (113A-54.1(b)).
8. Any and all existing ditches on this project site are assumed to be left undisturbed by the proposed development unless otherwise noted. The removal of vegetation within any existing ditch or channel is prohibited unless the ditch or channel is to be regraded with side slopes of 2 horizontal to 1 vertical or less steep (15A NCAC 04B .0124 (d)). Bank slopes may be mowed but stripping of vegetation is considered new earth work and is subject to the same erosion control requirements as new ditches (NCGS 113A52(6)).
9. As a condition of the NPDES General Stormwater Permit (NCG010000), the financially responsible party shall comply with the NCG01 Ground Stabilization and Materials Handling requirements that became effective April 1, 2019. The NCG01 Ground Stabilization and Materials Handling standard detail can be printed from the deq.nc.gov/NCG01 website.
10. As a condition of the NPDES General Stormwater Permit (NCG010000), the financially responsible party shall comply with the NCG01 Self-Inspection, Recordkeeping and Reporting requirements that became effective April 1, 2019. The NCG01 Self-Inspection, Recordkeeping and Reporting standard details can be printed from the deq.nc.gov/NCG01 website.
11. As a part of routine monitoring of the approved land-disturbing activity, the financially responsible party shall ensure inspections of the area covered by the approved plan after each phase of the plan has been completed and after establishment of temporary ground cover in accordance with North Carolina General Statute 113A-54.1(e).
12. The NCG01 has a yearly fee and our office often receives closure inspection requests days prior to yearly NCG01 fee payment due dates. Be advised the project requires a closure inspection report by DEMLR prior to filing the Notice of Termination (NOT) to terminate NCG01 coverage. The closure inspection should not be requested until after the site has achieved full vegetative stabilization and measures have been removed. The removal of temporary ESC measures, including basins, requires prior approval. Often, a full growing season is necessary between initial seeding/mulching and removal of measures. Please plan your construction accordingly to avoid contacting our office prematurely for a closure inspection. Also be advised you may be asked for representative site pictures prior to a closure inspection.



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

JOSH STEIN
GOVERNOR

DANIEL H. JOHNSON
SECRETARY

December 22, 2025

Driveway Permit ID:
D011-027-25-00074

Subject: Driveway Permit – Ashbrook Estates
County: Currituck

Ashbrook Estates, LLC, Stuart Innes
PO Box 85
Moyock NC, 27958

Dear Applicant,

Attached for your files is a copy of a Residential Driveway Permit, which has been properly executed. Please note any comments, which may appear on the permit form.

Please feel free to contact the District Office at (252) 621-6400 if you have any questions.

Sincerely,

DocuSigned by:

930880FAC40F45A...

Caitlin A. Spear, PE
District Engineer

Attachments

Cc: Division Engineer
County Maintenance Engineer



Street and Driveway Access Permit General Provisions

Our mission is to safely and efficiently manage and facilitate, as much as practicable, the accommodation of street and driveway accesses along NCDOT Highways, while protecting our public infrastructure.

Pre-Construction Notices

- PCN 1** Approval may be rescinded upon failure to follow any of the provisions in this permit and may be considered a violation of the Street and Driveway Access Permit.
- PCN 2** Prior to beginning work, the Applicant shall contact the Road Maintenance Supervisor for the corresponding county, to provide or verify the proposed pipe diameter. Please see the last page of the General Provisions for Contact Information
- PCN 3** Prior to beginning work, it is the requirement of the Applicant to contact the appropriate Utility Companies involved and make arrangements to adjust or relocate any utilities that conflict with the proposed work.
- PCN 4** It shall be the responsibility of the Applicant to determine the location of utilities within the permitted area. NCGS § 87-115 through § 87-130 of the Underground Utility Safety and Damage Prevention Act requires underground utilities to be located by calling 811 prior to construction. The Applicant shall be responsible for notifying other utility owners and providing protection and safeguards to prevent damage or interruption to existing facilities and maintain access to them.
- PCN 7** Trenching, bore pits and/or other excavations shall not be left open or unsafe overnight.

Legal & Right-of-Way

- RW 1** This approval and associated plans and supporting documents shall not be interpreted to allow any design change or change in the intent of the design by the Owner, Design Engineer, or any of their representatives. Any revisions or changes to these approved plans or intent for construction must be obtained in writing from the District Engineer's office or their representative prior to construction or during construction, if an issue arises during construction to warrant changes.
- RW 2** NCDOT does not guarantee the right of way on this road, nor will it be responsible for any claim for damages brought about by any property owner by reason of this installation. It is the responsibility of the Applicant to verify the right of way.
- RW 3** Prior to the approval of any privately maintained facility within NCDOT right of way which the State of North Carolina is not the fee simple owner, written permission that each and every property owner affected by the installation shall be provided to NCDOT by the Applicant. (See corresponding attachment.)
- RW 4** Applicant shall be responsible for obtaining all necessary permanent and/or temporary construction, drainage, utility and/or sight distance easements.
- RW 6** No commercial advertising shall be allowed within NCDOT Right of Way.



Street and Driveway Access Permit

General Provisions

Our mission is to safely and efficiently manage and facilitate, as much as practicable, the accommodation of street and driveway accesses along NCDOT Highways, while protecting our public infrastructure.

Work Zone Traffic Control

TC 2 WORK ZONE TRAFFIC CONTROL QUALIFICATIONS AND TRAINING PROGRAM

All personnel performing any activity inside the highway right of way are required to be familiar with the NCDOT Maintenance / Utility Traffic Control Guidelines (MUTCG). No specific training course or test is required for qualification in the Maintenance /Utility Traffic Control Guidelines (MUTCG).

All flagging, spotting, or operating Automated Flagger Assist Devices (AFAD) inside the highway right of way requires qualified and trained Work Zone Flaggers. Training for this certification is provided by NCDOT approved training resources and by private entities that have been pre-approved to train themselves.

All personnel involved with the installation of Work Zone Traffic Control devices inside the highway right of way are required to be qualified and trained Work Zone Installers. Training for this certification is provided by NCDOT approved training resources and by private entities that have been pre-approved to train themselves.

All personnel in charge of overseeing work zone Temporary Traffic Control operations and installations inside the highway right of way are required to be qualified and trained Work Zone Supervisors. Training for this certification is provided by NCDOT approved training resources and by private entities that have been pre-approved to train themselves.

For questions and/or additional information regarding this training program please refer to <https://connect.ncdot.gov/projects/WZTC/Pages/Training.aspx> or call the NCDOT Work Zone Traffic Control Section (919) 814-5000.

TC 3 The party of the second part shall employ traffic control measures that are in accordance with the prevailing federal, state, local, and NCDOT policies, standards, and procedures. These policies, standards, and procedures include, but are not limited to the following:

A) Manual on Uniform Traffic Control Devices (MUTCD) – North Carolina has adopted the MUTCD to provide basic principles and guidelines for traffic control device design, application, installation, and maintenance. North Carolina uses the MUTCD as a minimum requirement where higher supplemental standards specific to North Carolina are not established. Use fundamental principles and best practices of MUTCD (Part 6, Temporary Traffic Control).

B) NCDOT Maintenance / Utility Traffic Control Guidelines – This document enhances the fundamental principles and best practices established in MUTCD Part 6, Temporary Traffic Control, incorporating NCDOT-specific standards and details. It also covers important safety knowledge for a wide range of work zone job responsibilities.

TC 4 If the Traffic Control Supervisor determines that portable concrete barrier (PCB) is required to shield a hazard within the clear zone, then PCB shall be designed and sealed by a licensed North Carolina Professional Engineer. PCB plans and design calculations shall be submitted to the District Engineer for review and approval prior to installation.

TC 5 Ingress and egress shall be maintained to all businesses and dwellings affected by the project. Special attention shall be paid to police, EMS and fire stations, fire hydrants, secondary schools, and hospitals.

TC 6 Traffic shall be maintained at all times. All lanes of traffic are to be open during the hours of 7:00 A.M. to 9:00 A.M. and from 4:00 P.M. to 6:00 P.M. Monday through Friday, during any time of inclement weather, or as directed by the District Engineer. Any violation of these hours will result in ceasing any further construction by the Encroaching Party or their contractor.

TC A) The Contractor shall not perform any work on US158 and/or NC12 that would require a lane closure or alter the traffic flow during the following day and time restrictions: May14th from thirty (30) minutes before sunset to thirty (30) minutes after sunrise October 4th or any other time when traffic is unusually heavy.



Street and Driveway Access Permit General Provisions

Our mission is to safely and efficiently manage and facilitate, as much as practicable, the accommodation of street and driveway accesses along NCDOT Highways, while protecting our public infrastructure.

- TC 9** Work requiring lane or shoulder closures shall not be performed on both sides of the road simultaneously within the same area.
- TC 10** Any work requiring equipment or personnel within 5 feet of the edge of any travel lane of an undivided facility and within 10 feet of the edge of any travel lane of a divided facility shall require a lane closure with appropriate tapers per current NCDOT Roadway Standard Drawings or MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.
- TC 13** Any pavement markings that are damaged or obliterated shall be restored by the Applicant at no expense to NCDOT.
- TC 14** Sidewalk closures shall be installed as necessary. Pedestrian traffic shall be detoured around these closures and shall be signed appropriately and in accordance with The American with Disabilities Act Accessibility Guidelines. The Applicant must adhere to the guidelines for accommodating pedestrians in encroachment work zones as described in the NCDOT Pedestrian Work Zone Accommodations Training found at <https://www.youtube.com/watch?v=AOuYa5IW3dg&feature=youtu.be>
- TC 15** Parking and material storage shall not be allowed along the shoulders of any NCDOT roadways, any NCDOT roadways along the route and adjacent to the route.
- TC 16** During periods of construction inactivity, place approved traffic control drums 3' minimum from the existing travel way.
- TC 17** Any violation of the Traffic Control provisions will result in the termination of the permit application and liquidated damages in the amount of \$2,000 per hour or any portion thereof and will be assessed by the District Engineer's office.

Environmental Regulations

- EC 1** The Applicant shall comply with all applicable Federal, State and local environmental regulations and shall obtain all necessary Federal, State and local environmental permits, including but not limited to, those related to sediment control, stormwater, wetland, streams, endangered species and historical sites. Additional information can be obtained by contacting the NCDOT Roadside Environmental Engineer regarding the North Carolina Natural Heritage Program or the United States Fish and Wildlife Services. Contact the Division Roadside Environmental Engineer's Office at (252) 621-6310
- EC 2** When surface area in excess of one acre will be disturbed, the Applicant shall submit a Sediment and Erosion Control Plan which has been approved by the appropriate regulatory agency or authority prior to beginning any work on the Right of Way. Failure to provide this information shall be grounds for suspension of operations. Proper temporary and permanent measures shall be used to control erosion and sedimentation in accordance with the approved sediment and erosion control plan.
- EC 3** The Verification of Compliance with Environmental Regulations (VCER-1) form is required for all non-utility permits or any utility permits when land disturbance within NCDOT right of way exceeds 1 acre. The VCER-1 form must be PE sealed by a NC registered professional engineer who has verified that all appropriate environmental permits (if applicable) have been obtained and all applicable environmental regulations have been followed.
- EC 4** All erosion control devices and measures shall be constructed, installed, maintained, and removed by the Applicant in accordance with all applicable Federal, State, and Local laws, regulations, ordinances, and policies. Permanent vegetation shall be established on all disturbed areas in accordance with the recommendations of the Division Roadside Environmental Engineer. All areas disturbed (shoulders, ditches, removed accesses, etc.) shall be graded and seeded in accordance with the latest NCDOT Standards Specifications for Roads and Structures and within 15 calendar days with an approved NCDOT seed mixture (all lawn type areas shall be maintained and reseeded as such). Seeding rates per acre shall be applied according to the Division Roadside Environmental Engineer. Any plant or vegetation in the NCDOT planted sites that is destroyed or damaged as a result of this permit shall be replaced with plants of like kind or similar shape.
- EC 5** No trees within NCDOT shall be cut without authorization from the Division Roadside Environmental Engineer. An inventory of trees measuring greater than 4 caliper inches (measured 6" above the ground) is required when trees within C/A right of way will be impacted by the encroachment installation. Mitigation is required and will be determined by the Division Roadside Environmental Engineer's Office.



Street and Driveway Access Permit

General Provisions

Our mission is to safely and efficiently manage and facilitate, as much as practicable, the accommodation of street and driveway accesses along NCDOT Highways, while protecting our public infrastructure.

- EC 6** Prior to installation, the Applicant shall contact the District Engineer to discuss any environmental issues associated with the installation to address concerns related to the root system of trees impacted by boring or non-utility construction of sidewalk, roadway widening, etc.
- EC 7** The applicant is responsible for identifying project impacts to waters of the United States (wetlands, intermittent streams, perennial streams and ponds) located within the NCDOT right-of-way. The discharge of dredged or fill material into waters of the United States requires authorization from the United States Army Corps of Engineers (USACE) and certification from the North Carolina Division of Water Quality (NCDWQ). The applicant is required to obtain pertinent permits or certification from these regulatory agencies if construction of the project impacts waters of the United States within the NCDOT right-of-way. The applicant is responsible for complying with any river or stream Riparian Buffer Rule as regulated by the NCDWQ. The Rule regulates activity within a 50-foot buffer along perennial streams, intermittent streams and ponds. Additional information can be obtained by contacting the NCDWQ or the USACE.
- EC 8** The contractor shall not begin the construction until after the traffic control and erosion control devices have been installed to the satisfaction of the District Engineer or their agent.
- EC 9** The contractor shall perform all monitoring and record keeping and any required maintenance of erosion and sediment control measures to maintain compliance with stormwater regulations.
- EC 10** Vegetative cover shall be established on all disturbed areas in accordance with the recommendations of the Division Roadside Environmental Engineer.

General

- G 1** An executed copy of the Street and Driveway Access Permit, provisions and approved plans shall be present at the construction site at all times. If safety or traffic conditions warrant such an action, NCDOT reserves the right to further limit, restrict or suspend operations within the right of way.
- G 2** The Applicant and/or their Contractor shall comply with all OSHA requirements. If OSHA visits the work area associated with this permit, the District Office shall be notified by the encroaching party immediately if any violations are cited.
- G 3** Any REVISIONS marked in RED on the attached non-PE sealed plans shall be incorporated into and made part of the approved permit.
- G 4** All disturbed areas are to be fully restored to current NCDOT minimum roadway standards or as directed by the District Engineer or their representative. Disturbed areas within NCDOT Right-of-Way include, but not limited to, any excavation areas, pavement removal, drainage or other features.
- G 5** The Applicant shall notify the District Engineer or their representative immediately in the event any drainage structure is blocked, disturbed or damaged. All drainage structures disturbed, damaged or blocked shall be restored to its original condition as directed by the District Engineer or their representative.
- G 8** Unless specified otherwise, during non-working hours, equipment shall be located away from the job site or parked as close to the right of way line as possible and be properly barricaded in order not to have any equipment obstruction within the Clear Recovery Area. Also, during non-working hours, no parking or material storage shall be allowed along the shoulders of any state-maintained roadway.
- G 9** No access to the job site, parking or material storage shall be allowed along or from the Control of Access Roadway.
- G 10** Guardrail removed or damaged during construction shall be replaced or repaired to its original condition, meeting current NCDOT standards or as directed by the District Engineer or their representative.
- G 12** Right of Way monuments disturbed during construction shall be referenced by a registered Land Surveyor and reset after construction.
- G 13** All Traffic signs moved during construction shall be reinstalled as soon as possible to the satisfaction of the District Engineer or their representative.



Street and Driveway Access Permit

General Provisions

Our mission is to safely and efficiently manage and facilitate, as much as practicable, the accommodation of street and driveway accesses along NCDOT Highways, while protecting our public infrastructure.

- G 16** All driveways disturbed during construction shall be returned to a state comparable with the condition of the driveways prior to construction.
- G 17** Conformance with driveway permit review should be required in conjunction with this encroachment agreement. In the event there is a conflict between the driveway permit and the encroachment agreement, the District Engineer should resolve the conflict and notify the parties involved.
- G 18** If the approved method of construction is unsuccessful and other means are required, prior approval must be obtained through the District Engineer before construction may continue.
- G 22** Strict compliance with the Policy on Street and Driveway Access to North Carolina Highways manual shall be required.
- G 23** The Applicant may delegate the performance of certain provisions of this agreement to contractors or other parties. However, this shall not in any way release the Applicant from its obligations to the terms and provisions of the permit.

Engineering

- E 1** All traffic control, asphalt mixes, structures, construction, workmanship and construction methods, and materials shall be in compliance with the most-recent versions of the following resources: ASTM Standards, Manual on Uniform Traffic Control Devices, NCDOT Utilities Accommodations Manual, NCDOT Standard Specifications for Roads and Structures, NCDOT Roadway Standard Drawings, NCDOT Asphalt Quality Management System manual, and the approved plans.

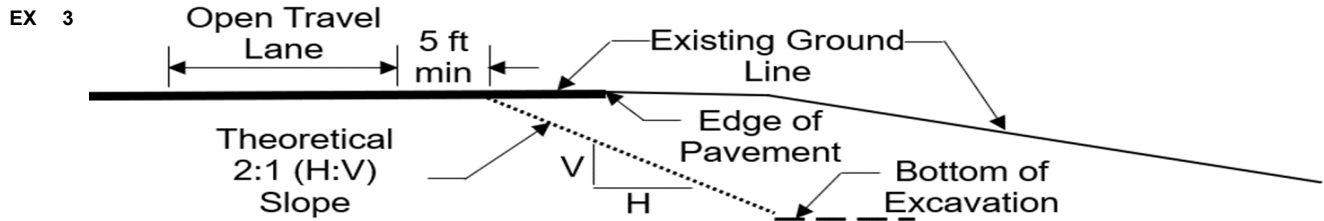
Excavation

- EX 1** Excavation material shall not be placed on pavement.
- EX 2** It is the responsibility of the applicant and their contractor to prevent any mud/dirt from tracking onto the roadway. Any dirt which may collect on the roadway pavement from equipment and/or truck traffic on site shall be immediately removed to avoid any unsafe traffic conditions.
- EX 3** The utility shall be installed within 5 feet of the right of way line and outside the 5-foot minimum from travel lane plus theoretical 2:1 slope from the edge of pavement to the bottom of the nearest excavation wall for temporary shoring. If the 2:1 slope plus 5 feet requirement above is met for traffic, then temporary shoring is typically only necessary to protect roadways from damage when a theoretical 1:1 slope from the edge of pavement intersects the nearest excavation wall. This rule of thumb should be used with caution and does not apply to all subsurface conditions, surcharge loadings and excavation geometries. Situations where this 1:1 slope is not recommended include groundwater depth is above bottom of excavation or excavation is deeper than 10 feet or in Type B or C soils as defined by OSHA Technical Manual. Temporary shoring may be avoided by locating trenches, bore pits, and other excavations far enough away from the open travel lane, edge of pavement and any existing structure, support, utility, property, etc. to be protected. Temporary shoring is required when a theoretical 2:1 slope from the bottom of excavation will intersect the existing ground line less than 5 feet from the outside edge of an open travel lane as shown in the figure below or when a theoretical 2:1 slope from the bottom of excavation will intersect any existing structure, support, utility, property, etc. to be protected.



Street and Driveway Access Permit General Provisions

Our mission is to safely and efficiently manage and facilitate, as much as practicable, the accommodation of street and driveway accesses along NCDOT Highways, while protecting our public infrastructure.



EX 4 Temporary shoring shall be designed and constructed in accordance with current NCDOT Standard Temporary Shoring provisions (refer to <https://connect.ncdot.gov/resources/Specifications/Pages/2018-Specifications-and-Special-Provisions.aspx> and see SP11 R002).

A) Temporary excavation shoring, such as sheet piling, shall be installed. The design of the shoring shall include the effects of traffic loads. The shoring system shall be designed and sealed by a licensed North Carolina Professional Engineer. Shoring plans and design calculations shall be submitted to the Division Engineer for review and approval prior to construction. (See NCDOT Utilities Accommodations Manual for more information on requirements for shoring plans and design calculations.) Trench boxes shall not be accepted as temporary shoring and will not be approved for use in instances where shoring is required to protect the highway, drainage structure, and/or supporting pavement or structure foundation.

B) All trench excavation inside the limits of the theoretical one-to-one slope, as defined by the policy, shall be completely backfilled and compacted at the end of each construction day. No portion of the trench shall be left open overnight. Any excavation that is not backfilled by the end of the workday must address any safety and traveling public concerns including accommodations for bicycles, pedestrians and persons with disabilities.

C) At the discretion of the District Engineer, a qualified NCDOT inspector shall be on the site at all times during construction. The applicant shall reimburse NCDOT for the cost of providing the inspector. If NCDOT cannot supply an inspector, the applicant (not the utility contractor) should make arrangements to have a qualified inspector, under the supervision of a licensed North Carolina Professional Engineer, on the site at all times. The Professional Registered Engineer shall certify that the utility was installed in accordance with the permit and that the backfill material meets the Statewide Borrow Criteria.



Street and Driveway Access Permit General Provisions

Our mission is to safely and efficiently manage and facilitate, as much as practicable, the accommodation of street and driveway accesses along NCDOT Highways, while protecting our public infrastructure.

- D) The length of parallel excavation shall be limited to the length necessary to install and backfill one joint of pipe at a time, not to exceed twenty-five (25) feet.
- EX 5** The trench backfill material shall meet the Statewide Borrow Criteria. The trench shall be backfilled in accordance with Section 300-7 of the latest NCDOT Standard Specifications for Roads and Structures, which basically requires the backfill material to be placed in layers not to exceed 6 inches loose and compacted to at least 95% of the density obtained by compacting a sample in accordance with AASHTO T99 as modified by DOT.
- EX 6** All material to a depth of 8 inches below the finished surface of the subgrade shall be compacted to a density equal to at least 100% of that obtained by compacting a sample of the material in accordance with AASHTO T99 as modified by the Department. The subgrade shall be compacted at a moisture content which is approximately that required to produce the maximum density indicated by the above test method. The contractor shall dry or add moisture to the subgrade when required to provide a uniformly compacted and acceptable subgrade. The option to backfill any trenches with dirt or either #57 stone or #78 stone with consolidation with a plate tamp and without a conventional density test may be pursued with the written consent of the District Engineer. If this option is exercised, then roadway ABC stone and asphalt repair as required will also be specified by the District Engineer.
- EX 7** All roadway sections, ditch lines and slopes, and shoulders affected by the operations under this encroachment shall be restored to the satisfaction of the District Engineer.

Pavement Repair

- PR 7** Any pavement damaged because of settlement of the pavement or damaged by equipment used to perform the permitted work, shall be re-surfaced to the satisfaction of the District Engineer. This may include the removal of pavement and a 50' mechanical overlay. All pavement work and pavement markings (temporary and final) are the responsibility of the Applicant.

Post-Construction

- I 1** The Applicant shall notify the Roadway Maintenance Supervisor's office within 2 business days after construction is complete. The Roadway Maintenance Supervisor may perform a construction inspection. Any deficiencies may be noted and reported to the Applicant to make immediate repairs or resolve any issues to restore the right-of-way to a similar condition prior to construction, including pavement, signage, traffic signals, pavement markings, drainage, structures/pipes, or other highway design features.

Roadway Maintenance Contact Information by County:

Camden
(252) 621-6420

Currituck
(252) 421-7200

Currituck OBX / Dare
(252) 473-2990

Gates
(252) 401-6050

Pasquotank
(252) 621-6420

Perquimans
(252) 426-4170

APPLICATION IDENTIFICATION		N.C. DEPARTMENT OF TRANSPORTATION	
Driveway Permit No. D011-027-25-00074	Date of Application December 22, 2025	STREET AND DRIVEWAY ACCESS PERMIT APPLICATION	
County: Currituck			
Development Name: Ashbrook Estates			
LOCATION OF PROPERTY:			
Route/Road: Maple Road			
Exact Distance 1.0	☒ Miles ☐ Feet	N ☒ S ☐ E ☒ W ☐	
From the Intersection of Route No. <u>US Hwy 158</u> and Route No. <u>SR 1246</u> Toward <u>NC Hwy 168</u>			
Property Will Be Used For: ☒ Residential /Subdivision ☐ Commercial ☐ Educational Facilities ☐ TND ☐ Emergency Services ☐ Other			
Property: ☒ is ☐ is not within <u>Currituck County</u> -City Zoning Area.			
AGREEMENT			
- I, the undersigned property owner, request access and permission to construct driveway(s) or street(s) on public right-of-way at the above location. - I agree to construct and maintain driveway(s) or street entrance(s) in absolute conformance with the current "Policy on Street and Driveway Access to North Carolina Highways" as adopted by the North Carolina Department of Transportation. - I agree that no signs or objects will be placed on or over the public right-of-way other than those approved by NCDOT. - I agree that the driveway(s) or street(s) will be constructed as shown on the attached plans. - I agree that that driveway(s) or street(s) as used in this agreement include any approach tapers, storage lanes or speed change lanes as deemed necessary. - I agree that if any future improvements to the roadway become necessary, the portion of driveway(s) or street(s) located on public right-of-way will be considered the property of the North Carolina Department of Transportation, and I will not be entitled to reimbursement or have any claim for present expenditures for driveway or street construction. - I agree that this permit becomes void if construction of driveway(s) or street(s) is not completed within the time specified by the "Policy on Street and Driveway Access to North Carolina Highways". - I agree to pay a \$50 construction inspection fee. Make checks payable to NCDOT. This fee will be reimbursed if application is denied. - I agree to construct and maintain the driveway(s) or street(s) in a safe manner so as not to interfere with or endanger the public travel. - I agree to provide during and following construction proper signs, signal lights, flaggers and other warning devices for the protection of traffic in conformance with the current "Manual on Uniform Traffic Control Devices for Streets and Highways" and Amendments or Supplements thereto. Information as to the above rules and regulations may be obtained from the District Engineer. - I agree to indemnify and save harmless the North Carolina Department of Transportation from all damages and claims for damage that may arise by reason of this construction. - I agree that the North Carolina Department of Transportation will assume no responsibility for any damages that may be caused to such facilities, within the highway right-of-way limits, in carrying out its construction. - I agree to provide a Performance and Indemnity Bond in the amount specified by the Division of Highways for any construction proposed on the State Highway system. - The granting of this permit is subject to the regulatory powers of the NC Department of Transportation as provided by law and as set forth in the N.C. Policy on Driveways and shall not be construed as a contract access point. - I agree that the entire cost of constructing and maintaining an approved private street or driveway access connection and conditions of this permit will be borne by the property owner, the applicant, and their grantees, successors, and assignees. I AGREE TO NOTIFY THE DISTRICT ENGINEER WHEN THE PROPOSED WORK BEGINS AND WHEN IT IS COMPLETED.			
2004-07 NOTE: Submit Four Copies of Application to Local District Engineer, N.C. Department of Transportation TEB 65-04rev. 61-03419			



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

JOSH STEIN
GOVERNOR

DANIEL H. JOHNSON
SECRETARY

February 4, 2026

Ashbrook Estates, LLC
PO Box 85
Moyock, NC 27958

-AND-

Currituck County
153 Courthouse Rd, Suite 204
Currituck, NC 27929

County: Currituck

Subject: Encroachment to allow the installation of a fire hydrant, waterline, and appurtenances along SR-1246

Dear Applicant,

Attached for your records is a copy of the approved encroachment package to allow the installation a waterline, and appurtenances along and under SR-1246, to serve Ashbrook Estates. **Any and all damages done to State Routes must be properly repaired.** This approval will expire on February 4, 2027, unless construction has started or been completed prior to that date.

Please feel free to contact the District Office at (252) 621-6400 if you have any questions.

Sincerely yours,

DocuSigned by:

A handwritten signature in cursive script that reads "Caitlin A. Spear".

930880FAC40F45A...

Caitlin A. Spear, PE
District Engineer

Attachments

Cc: Division Engineer (W/Attachments)
County Maintenance Engineer (W/Attachments)

Mailing Address:
NC DEPARTMENT OF TRANSPORTATION
DIVISION ONE – DISTRICT ONE
1929 NORTH ROAD STREET
ELIZABETH CITY, NC 27909

Telephone: (252) 621-6400
Fax: (252) 621-6410
Customer Service: 1-877-368-4968

Website: www.ncdot.gov

Location:
1929 NORTH ROAD STREET
ELIZABETH CITY, NC 27909

Pre-Construction

Contact Offices & Outside Agency issues / Contacts / Info.

1. Approval may be rescinded upon failure to follow any of the provisions in this permit and may be considered a violation of the encroachment agreement.
2. The Encroaching party or their contractor shall provide the following notices prior to construction activity within the NCDOT Right of Way:
 - a. Three (3) business days advance phone call at telephone (252) 621-6400 or email to caspear@ncdot.gov to the District Engineer's office
 - b. If the construction falls within the limits of an NCDOT managed construction project, five (5) business days advance phone call to the Resident Engineer, Mr. Brandon Tatum at (252) 621-6400 or email to bjtatum@ncdot.gov.

Failure to provide these notifications prior to beginning construction is subject to the Division Engineer's discretion to cease construction activity for this encroachment. NCDOT reserves the right to cease any construction or maintenance work associated with this installation by the encroaching party until the construction or maintenance meets the satisfaction of the Division Engineer or their representative.

3. Prior to beginning work, it is the requirement of the Encroaching Party to contact the appropriate Utility Companies involved and make arrangements to adjust or relocate any utilities that conflict with the proposed work.
4. It shall be the responsibility of the encroaching party to determine the location of utilities within the encroachment area. NCGS § 87-115 through § 87-130 of the Underground Utility Safety and Damage Prevention Act requires underground utilities to be located by calling 811 prior to construction. The encroaching party shall be responsible for notifying other utility owners and providing protection and safeguards to prevent damage or interruption to existing facilities and maintain access to them.
5. The encroaching party shall notify the appropriate municipal office prior to beginning any work within the municipality's limits of jurisdiction.
6. Excavation within 1000 feet of a signalized intersection will require notification by the encroaching party to the Division Traffic Engineer at telephone number (252) 482-1857 no less than one week prior to beginning work. All traffic signal or detection cables must be located prior to excavation. Cost to replace or repair NCDOT signs, signals, pavement markings or associated equipment and facilities shall be the responsibility of the encroaching party.
7. At the option of the District Engineer, a preconstruction meeting including representatives of NCDOT, the encroaching party, contractors and municipality, if applicable, shall be required. A pre-construction conference held between a municipality (or other facility owner) and a contractor without the presence of NCDOT personnel with subsequent construction commencing may be subject to NCDOT personnel ceasing any work on NCDOT right-of-way related to this encroachment until such meeting is held. Contact the District office to schedule.
8. At the discretion of the District Engineer, a NOTIFICATION FOR UTILITY / NON-UTILITY ENCROACHMENT WITHIN NCDOT R/W form (See corresponding attachment) with the scheduled pre-construction meeting and associated construction schedule details must be completed and submitted to the District Engineer's office a minimum of one week prior to construction.

9. At the discretion of the District Engineer, the encroaching party (not the utility contractor) shall make arrangements to have a qualified inspector, under the supervision of a Professional Engineer registered in North Carolina, on site at all times during construction. The registered Professional Engineer shall be required to submit a signed and PE sealed certification that the utility was installed in accordance with the encroachment agreement.

Legal & Right-of-Way Issues

10. This approval and associated plans and supporting documents shall not be interpreted to allow any design change or change in the intent of the design by the Owner, Design Engineer, or any of their representatives. Any revisions or changes to these approved plans or intent for construction must be obtained in writing from the Division Engineer's office or their representative prior to construction or during construction if an issue arises during construction to warrant changes.
11. NCDOT does not guarantee the right of way on this road, nor will it be responsible for any claim for damages brought about by any property owner by reason of this installation. It is the responsibility of the encroaching party to verify the right of way.
12. Encroaching party shall be responsible for obtaining all necessary permanent and/or temporary construction, drainage, utility and/or sight distance easements.
13. All Right of Way and easements necessary for construction and maintenance shall be dedicated to NCDOT with proof of dedication furnished to the District Engineer prior to beginning work.
14. No commercial advertising shall be allowed within NCDOT Right of Way.
15. The encroaching party shall obtain proper approval from all affected pole owners prior to attachment to any pole.
16. This agreement does not authorize installations within nor encroachment onto railroad rights of way. Permits for installations within railroad right of way must be obtained from the railroad and are the responsibility of the encroaching party.

Work Zone Traffic

17. Traffic control shall be coordinated with the District Engineer and the Division Traffic Engineer at telephone (252) 621-6400, prior to construction.
18. WORK ZONE TRAFFIC CONTROL QUALIFICATIONS AND TRAINING PROGRAM

All personnel performing any activity inside the highway right of way are required to be familiar with the NCDOT Maintenance / Utility Traffic Control Guidelines (MUTCG). No specific training course or test is required for qualification in the Maintenance /Utility Traffic Control Guidelines (MUTCG).

All flagging, spotting, or operating Automated Flagger Assist Devices (AFAD) inside the highway right of way requires qualified and trained Work Zone Flaggers. Training for this certification is provided by NCDOT approved training resources and by private entities that have been pre-approved to train themselves.

All personnel involved with the installation of Work Zone Traffic Control devices inside the highway right of way are required to be qualified and trained Work Zone Installers. Training for this

certification is provided by NCDOT approved training resources and by private entities that have been pre-approved to train themselves.

All personnel in charge of overseeing work zone Temporary Traffic Control operations and installations inside the highway right of way are required to be qualified and trained Work Zone Supervisors. Training for this certification is provided by NCDOT approved training resources and by private entities that have been pre-approved to train themselves.

For questions and/or additional information regarding this training program please refer to <https://connect.ncdot.gov/projects/WZTC/Pages/Training.aspx> or call the NCDOT Work Zone Traffic Control Section (919) 814-5000.

19. The party of the second part shall employ traffic control measures that are in accordance with the prevailing federal, state, local, and NCDOT policies, standards, and procedures. These policies, standards, and procedures include, but are not limited to the following:
 - a. Manual on Uniform Traffic Control Devices (MUTCD) – North Carolina has adopted the MUTCD to provide basic principles and guidelines for traffic control device design, application, installation, and maintenance. North Carolina uses the MUTCD as a minimum requirement where higher supplemental standards specific to North Carolina are not established. Use fundamental principles and best practices of MUTCD (Part 6, Temporary Traffic Control).
 - b. NCDOT Maintenance / Utility Traffic Control Guidelines – This document enhances the fundamental principles and best practices established in MUTCD Part 6, Temporary Traffic Control, incorporating NCDOT-specific standards and details. It also covers important safety knowledge for a wide range of work zone job responsibilities.
20. If the Traffic Control Supervisor determines that portable concrete barrier (PCB) is required to shield a hazard within the clear zone, then PCB shall be designed and sealed by a licensed North Carolina Professional Engineer. PCB plans and design calculations shall be submitted to the District Engineer for review and approval prior to installation.
21. Ingress and egress shall be maintained to all businesses and dwellings affected by the project. Special attention shall be paid to police, EMS and fire stations, fire hydrants, secondary schools, and hospitals.
22. Traffic shall be maintained at all times. All lanes of traffic are to be open during the hours of 7:00 A.M. to 9:00 A.M. and from 4:00 P.M. to 6:00 P.M. Monday through Friday, during any time of inclement weather, **or as directed by the District Engineer**. If the location of work calls for a rolling roadblock on a divided highway for US routes, the restriction is to work only on Sunday from 1:00 A.M. to 10:00 A.M, **or as Directed by the District Engineer**. Any violation of these hours will result in ceasing any further construction by the Encroaching Party or their contractor.
23. Nighttime and weekend operations will NOT be allowed unless written approval is received from the District Engineer. If nighttime or weekend work is allowed or required, all signs must be retro-reflective, and a work zone lighting plan must be submitted for approval prior to construction.
24. Two-way traffic shall be maintained at all times unless designated by the District Engineer. Traffic shall not be rerouted or detoured without the prior written approval from the District Engineer. No utility work will be allowed on state holidays from 7:00 PM the night before through 9:00 AM the day prior to, following or during local events without prior approval from the District Engineer. If the construction is within 1000 feet of a school location or on a designated bus route, the construction shall be coordinated with the school start and end times to avoid traffic delays.

25. Work requiring lane or shoulder closures shall not be performed on both sides of the road simultaneously within the same area.
26. Any work requiring equipment or personnel within 5 feet of the edge of any travel lane of an undivided facility and within 10 feet of the edge of any travel lane of a divided facility shall require a lane closure with appropriate tapers per current *NCDOT Roadway Standard Drawings or MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES*.
27. At the discretion of the District Engineer, a traffic control plan shall be developed and submitted under the seal and signature of a Licensed North Carolina Professional Engineer prior to construction. The plan shall be specific to the site and adequately detailed. Issues such as the close proximity to intersections shall be addressed.
28. Temporary and final pavement markings are the responsibility of the encroaching party. Final pavement markings and sign plans shall be submitted with the encroachment request to the Division Traffic Engineer prior to construction. Final pavement markings shall be thermoplastic unless otherwise directed by the Division Traffic Engineer or District Engineer.
29. Any pavement markings that are damaged or obliterated shall be restored by the encroaching party at no expense to NCDOT.
30. Sidewalk closures shall be installed as necessary. Pedestrian traffic shall be detoured around these closures and shall be signed appropriately and in accordance with The American with Disabilities Act Accessibility Guidelines. The encroaching party must adhere to the guidelines for accommodating pedestrians in encroachment work zones as described in the NCDOT Pedestrian Work Zone Accommodations Training found at <https://www.youtube.com/watch?v=AOuYa5IW3dg&feature=youtu.be>

Roadside Environmental

31. The encroaching party shall comply with all applicable Federal, State and local environmental regulations and shall obtain all necessary Federal, State and local environmental permits, including but not limited to, those related to sediment control, stormwater, wetland, streams, endangered species and historical sites. Additional information can be obtained by contacting the NCDOT Roadside Environmental Engineer regarding the North Carolina Natural Heritage Program or the United States Fish and Wildlife Services. Contact the Division Roadside Environmental Engineer's Office at (252) 621-6310.
32. When surface area in excess of one acre will be disturbed, the Encroacher shall submit a Sediment and Erosion Control Plan which has been approved by the appropriate regulatory agency or authority prior to beginning any work on the Right of Way. Failure to provide this information shall be grounds for suspension of operations. Proper temporary and permanent measures shall be used to control erosion and sedimentation in accordance with the approved sediment and erosion control plan.
33. The Verification of Compliance with Environmental Regulations (VCER-1) form is required for all non-utility encroachment agreements or any utility encroachments when land disturbance within NCDOT right of way exceeds 1 acre. When required, the VCER-1 form must be PE sealed by a NC registered professional engineer who has verified that all appropriate environmental permits (if applicable) have been obtained and all applicable environmental regulations have been followed.

34. All erosion control devices and measures shall be constructed, installed, maintained, and removed by the Encroacher in accordance with all applicable Federal, State, and Local laws, regulations, ordinances, and policies. Permanent vegetation shall be established on all disturbed areas in accordance with the recommendations of the Division Roadside Environmental Engineer. All areas disturbed (shoulders, ditches, removed accesses, etc.) shall be graded and seeded in accordance with the latest *NCDOT Standards Specifications for Roads and Structures* and within 15 calendar days with an approved NCDOT seed mixture (all lawn type areas shall be maintained and reseeded as such). Seeding rates per acre shall be applied according to the Division Roadside Environmental Engineer. Any plant or vegetation in the NCDOT planted sites that is destroyed or damaged as a result of this encroachment shall be replaced with plants of like kind or similar shape.
35. No trees within NCDOT right of way shall be cut without authorization from the Division Roadside Environmental Engineer. An inventory of trees measuring greater than 4 caliper inches (measured 6" above the ground) is required when trees within C/A right of way will be impacted by the encroachment installation. Mitigation is required and will be determined by the Division Roadside Environmental Engineer's Office.
36. Prior to installation, the Encroaching Party shall contact the District Engineer to discuss any environmental issues associated with the installation to address concerns related to the root system of trees impacted by boring or non-utility construction of sidewalk, roadway widening, etc.
37. The applicant is responsible for identifying project impacts to waters of the United States (wetlands, intermittent streams, perennial streams and ponds) located within the NCDOT right-of-way. The discharge of dredged or fill material into waters of the United States requires authorization from the United States Army Corps of Engineers (USACE) and certification from the North Carolina Division of Water Quality (NCDWQ). The applicant is required to obtain pertinent permits or certification from these regulatory agencies if construction of the project impacts waters of the United States within the NCDOT right-of-way. The applicant is responsible for complying with any river or stream Riparian Buffer Rule as regulated by the NCDWQ. The Rule regulates activity within a 50-foot buffer along perennial streams, intermittent streams and ponds. Additional information can be obtained by contacting the NCDWQ or the USACE.
38. The contractor shall not begin the construction until after the traffic control and erosion control devices have been installed to the satisfaction of the Division Engineer or their agent.
39. The contractor shall perform all monitoring and record keeping and any required maintenance of erosion and sediment control measures to maintain compliance with stormwater regulations.

Bonds

40. A Performance and Indemnity Bond in the amount of \$0 shall be posted with the District Engineer's Office by the Party of the Second Part prior to beginning any work within the NCDOT Right of Way. The bond shall be held for a minimum of one year after a satisfactory final inspection of the installation by NCDOT. The bond may be held for a period longer than one year after completion if, in the opinion of NCDOT, the size or complexity of the installation warrants a longer period.
41. The release of the bond is subject to a final inspection by NCDOT. Contact the District office to schedule a Final Inspection and to request release of the bond.
42. When a Continuing Indemnity bond is on file with the central Raleigh office, the cashing of that bond may be used to fund any necessary repairs by NCDOT forces for unaddressed defects in workmanship by the encroaching party and/or by their contractor.

Control of Access

- 43. No access to the job site, parking or material storage shall be allowed along or from the **Control of Access Roadway**.
- 44. The installation within the Control of Access fence shall not adversely affect the design, construction, maintenance, stability, traffic safety or operation of the controlled access highway, and the utility must be serviced without access from the through-traffic roadways or ramps.
- 45. The resetting of the Control of Access fence shall be in accordance with the applicable NCDOT standard and as directed by the Division Engineer or their representative.

STIP (or Division Managed) Projects

- 46. State Transportation Improvement Project (STIP) X-XXXX is scheduled for future construction. Any encroachment determined to be in conflict with the construction of this NCDOT project shall be removed and/or relocated at the encroaching party's expense.

Construction

General

- 47. An executed copy of the encroachment agreement, provisions and approved plans shall be present at the construction site at all times. If safety or traffic conditions warrant such an action, NCDOT reserves the right to further limit, restrict or suspend operations within the right of way.
- 48. If the approved method of construction is unsuccessful and other means are required, prior approval must be obtained through the District Engineer before construction may continue.
- 49. Any REVISIONS marked in RED on the attached non-PE sealed plans shall be incorporated into and made part of the approved encroachment agreement.
- 50. All disturbed areas are to be fully restored to current NCDOT minimum roadway standards or as directed by the Division Engineer or their representative. Disturbed areas within NCDOT Right-of-Way include, but not limited to, any excavation areas, pavement removal, drainage or other features.
- 51. The encroaching party shall notify the Division Engineer or their representative immediately in the event any drainage structure is blocked, disturbed or damaged. All drainage structures disturbed, damaged or blocked shall be restored to its original condition as directed by the Division Engineer or their representative.
- 52. A minimum of five-foot clearance is required for utility installations beneath or near drainage pipes, headwalls, and a minimum of two-foot clearance below the flowline of streams. If directional drilling, a minimum of ten-foot clearance distance is required from drainage structures and a minimum of five feet below flowline of streams.
- 53. At points where the utility is placed under existing storm drainage, the trench will be backfilled with excavatable flowable fill up to the outside diameter of the existing pipe.

54. Unless specified otherwise, during non-working hours, equipment shall be located away from the job site or parked as close to the right of way line as possible and be properly barricaded in order not to have any equipment obstruction within the Clear Zone. Also, during non-working hours, no parking or material storage shall be allowed along the shoulders of any state-maintained roadway.
55. The Encroaching Party and/or their Contractor shall comply with all OSHA requirements. If OSHA visits the work area associated with this encroachment, the District Office shall be notified by the encroaching party immediately if any violations are cited.
56. Any guardrail removed or damaged during construction shall be replaced or repaired to its original condition, meeting current NCDOT standards or as directed by the Division Engineer or their representative.
57. Right of Way monuments disturbed during construction shall be referenced by a registered Land Surveyor and reset after construction.
58. All Traffic signs moved during construction shall be reinstalled as soon as possible to the satisfaction of the Division Engineer or their representative.
59. Detection tape, where required by NCGS § 87-115 through § 87-130 of the Underground Utility Safety and Damage Prevention Act, shall be buried in the trench approximately 1 foot above the installed facility. Where conduit is installed in the right of way and is not of ferrous material, locating tape or detection wire shall be installed with the conduit.
60. All driveways disturbed during construction shall be returned to a state comparable with the condition of the driveways prior to construction.
61. Conformance with driveway permit review should be required in conjunction with this encroachment agreement. In the event there is a conflict between the driveway permit and the encroachment agreement, the District Engineer should resolve the conflict and notify the parties involved.

Engineering

62. All traffic control, asphalt mixes, structures, construction, workmanship and construction methods, and materials shall be in compliance with the most-recent versions of the following resources: *ASTM Standards*, *Manual on Uniform Traffic Control Devices*, *NCDOT Utilities Accommodations Manual*, *NCDOT Standard Specifications for Roads and Structures*, *NCDOT Roadway Standard Drawings*, *NCDOT Asphalt Quality Management System manual*, **and the approved plans.**
63. Regulator stations, metering stations, cathodic test stations, and anode beds are not permitted within NCDOT right of way. Header wires are permitted.
64. Non-Utility Communication and Data Transmission installations (ground mounted type or Small Cell pole-mounted type) must adhere to guidelines in the Utilities Accommodations Manual and, when located within municipal jurisdictions, are subject to review and approval by municipal ordinances and any additional municipal approval for proximity to historic districts and landmarks. All wiring and related telecommunications work shall conform to the latest regulations by the Federal Communications Commission.
65. All wiring and related electrical work shall conform to the latest edition of the National Electrical Safety Code.

66. Prior approval for any blasting must be obtained from the Division Engineer or their representative.

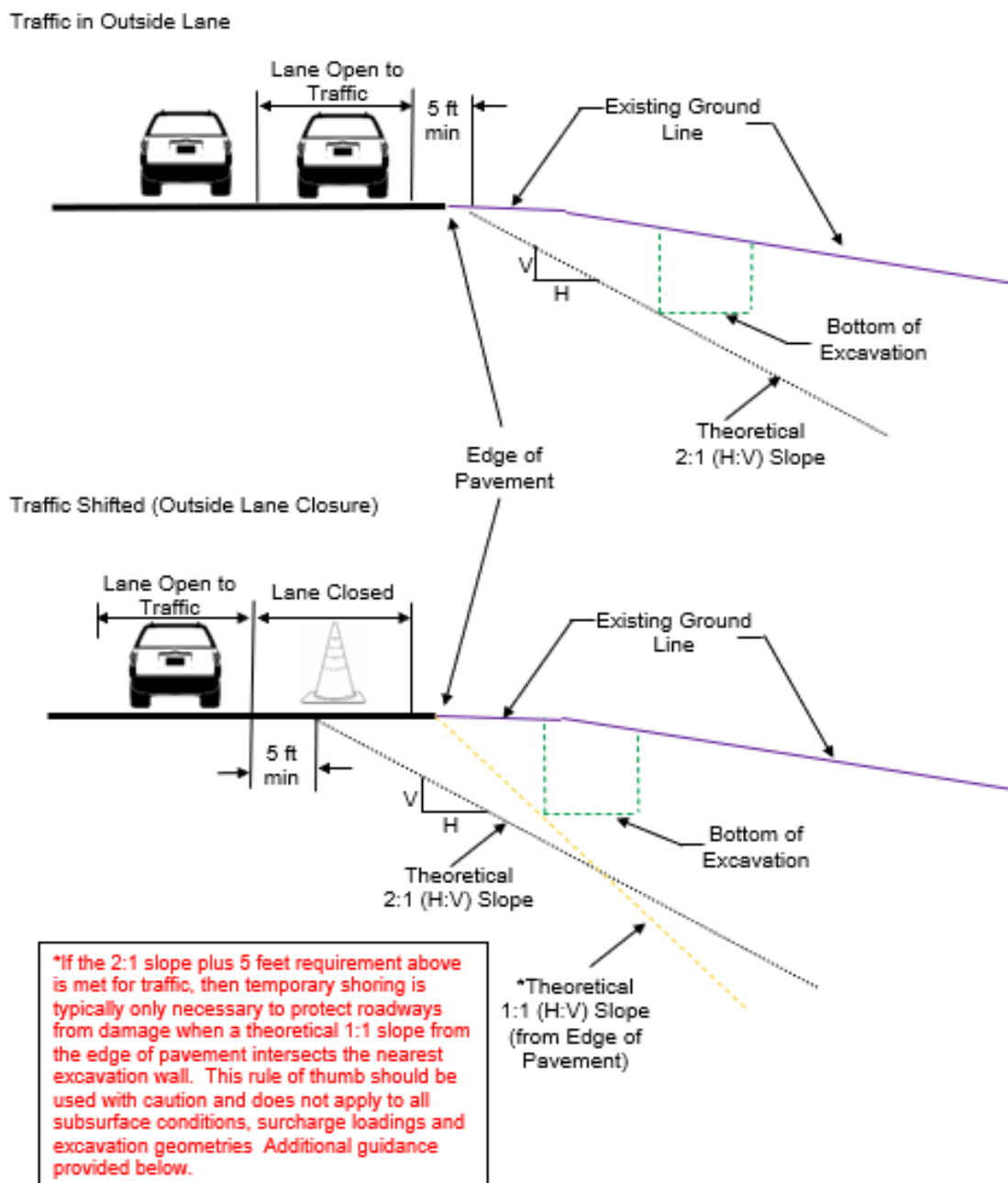
Location within R/W

67. All utility access points, such as manholes, vaults, handholes, splice boxes and junction boxes shall be located as close to the right of way line as possible and shall not be placed in the ditch line, side slopes of the ditches or in the pavement. All manholes, handholes, splice boxes, junction boxes and vaults and covers shall be flush with the ground when located within the vehicle clear zone. Slack loops for telecommunications in industry standard housing units shall be buried a minimum of 18 inches when buried or meet minimum NCDOT vertical and horizontal clearances when installed aerially.
68. Any utility markers, cabinets, pedestals, meter bases and services for meter reading required shall be as close to the Right of Way line as possible. If it is not feasible to install at or near Right of Way line, then written approval shall be obtained from NCDOT prior to installation.
69. Fire Hydrants shall be of the breakaway type. Hydrants shall be placed near the right of way line. In curb and gutter sections with written approval from the District, the hydrants may be placed at 6' behind the back of the curb or minimum 2' back of sidewalk.
70. Hot box (aka ASSE 1060) or Safe-T-Cover type enclosures covering utility main pipe joints, backflow preventers, valves, vent pipes, cross connections, pumps, grinders, irrigation assemblies, transformers, generators, and other similar large appurtenances shall be located outside sight distance triangles and off of the NCDOT Right-of-Way.
71. Sprinkler heads shall be located a minimum of 10 feet from the edge of pavement, edge of shoulder, or back of curb whichever is greater and shall be directed so that water does not spray or drain on the roadway surface, sidewalk, or passing vehicles at any time. Upon completion of the installation and prior to activation of the system, the Encroacher shall contact the District Engineer to schedule a test of the system to verify the spray pattern. Sprinkler systems shall not be operated during periods of high wind or freezing weather, or to the extent that the subgrade adjacent to the pavement structure becomes saturated. NCDOT reserves the right to require immediate termination and removal of any sprinkler system which in its judgement and opinion adversely affects safety, maintenance, or operation of the roadway.
72. Luminaire and/or utility poles and guy wires shall be set as close to the Right of Way line as practical and outside the Clear Zone in accordance with the latest version of the AASHTO Roadside Design Guide (See corresponding attachment) or made breakaway in accordance with the requirements of NCHRP Report 350. Any relocation of the utility poles from the original design due to Clear Zone requirements shall require a re-submittal for the utility design.
73. Luminaire and/or utility poles shall be set a minimum of 5'-6" behind face of any guardrail or otherwise sufficiently protected. However, standard placement may be reduced to 3'-6" behind face of guardrail when posts are spaced 3'-1 1/2", or where speed limit is less than 55 MPH.

Excavation

74. Excavation material shall not be placed on pavement.
75. It is the responsibility of the encroaching party or their contractor to prevent any mud/dirt from tracking onto the roadway. Any dirt which may collect on the roadway pavement from equipment and/or truck traffic on site shall be immediately removed to avoid any unsafe traffic conditions.

76. The utility shall be installed within 5 feet of the right of way line and outside the 5-foot minimum from travel lane plus theoretical 2:1 slope from the edge of pavement to the bottom of the nearest excavation wall for temporary shoring. Temporary shoring is required when a theoretical 2:1 slope from the bottom of excavation will intersect the existing ground line less than 5 feet from the outside edge of an open travel lane as shown in the figure below or when a theoretical 2:1 slope from the bottom of excavation will intersect any existing structure, support, utility, property, etc. to be protected.



If the 2:1 slope plus 5 feet requirement above is met for traffic, then temporary shoring is typically only necessary to protect roadways from damage when a theoretical 1:1 slope from the edge of pavement intersects the nearest excavation wall. This rule of thumb should be used with caution and does not apply to all subsurface conditions, surcharge loadings and excavation geometries.

Situations where this 1:1 slope is not recommended include groundwater depth is above bottom of excavation or excavation is deeper than 10 feet or in [Type B or C soils as defined by OSHA Technical Manual](#). Temporary shoring may be avoided by locating trenches, bore pits, and other excavations far enough away from the open travel lane, edge of pavement and any existing structure, support, utility, property, etc. to be protected.

Temporary shoring shall be designed and constructed in accordance with current NCDOT Standard Temporary Shoring provisions (refer to <https://connect.ncdot.gov/resources/Specifications/Pages/2018-Specifications-and-Special-Provisions.aspx> and see SP11 R002

- a. Temporary excavation shoring, such as sheet piling, shall be installed. The design of the shoring shall include the effects of traffic loads. The shoring system shall be designed and sealed by a licensed North Carolina Professional Engineer. Shoring plans and design calculations shall be submitted to the Division Engineer for review and approval prior to construction. (See NCDOT *Utilities Accommodations Manual* for more information on requirements for shoring plans, design calculations, and subsurface investigation report.) **Trench boxes shall not be accepted as temporary shoring and will not be approved for use in instances where shoring is required to protect the highway, drainage structure, and/or supporting pavement or structure foundation.**
 - b. All trench excavation inside the limits of the theoretical two-to-one slope plus 5 feet requirement, as defined by the policy, shall be completely backfilled and compacted at the end of each construction day. No portion of the trench shall be left open overnight. Any excavation that is not backfilled by the end of the workday must address any safety and traveling public concerns including accommodations for bicycles, pedestrians and persons with disabilities.
 - c. The trench backfill material shall meet the Statewide Borrow Criteria. The trench shall be backfilled in accordance with Section 300-7 of the latest *NCDOT Standard Specifications for Roads and Structures*, which basically requires the backfill material to be placed in layers not to exceed 6 inches loose and compacted to at least 95% of the density obtained by compacting a sample in accordance with AASHTO T99 as modified by DOT.
 - d. At the discretion of the Division Engineer, a qualified NCDOT inspector shall be on the site at all times during construction. The encroaching party shall reimburse NCDOT for the cost of providing the inspector. If NCDOT cannot supply an inspector, the encroaching party (not the utility contractor) should make arrangements to have a qualified inspector, under the supervision of a licensed North Carolina Professional Engineer, on the site at all times. The Professional Registered Engineer shall certify that the utility was installed in accordance with the encroachment agreement and that the backfill material meets the Statewide Borrow Criteria.
 - e. The length of parallel excavation shall be limited to the length necessary to install and backfill one joint of pipe at a time, not to exceed twenty-five (25) feet.
77. All material to a depth of 8 inches below the finished surface of the subgrade shall be compacted to a density equal to at least 100% of that obtained by compacting a sample of the material in accordance with AASHTO T99 as modified by the Department. The subgrade shall be compacted at a moisture content which is approximately that required to produce the maximum density indicated by the above test method. The contractor shall dry or add moisture to the subgrade when required to provide a uniformly compacted and acceptable subgrade. The option to backfill any trenches with dirt or either #57 stone or #78 stone with consolidation with a plate tamp and without a conventional density test may be pursued with the written consent of the District Engineer. If this option is exercised, then roadway ABC stone and asphalt repair as required will also be specified by the District Engineer.

Boring

78. Boring equipment will be provided of a type and size to facilitate boring in the local geologic conditions and shall be able to facilitate the encroachment work.

79. When Horizontal Directional Drilling (HDD) is used, the following stipulations apply:

- a. Use drilling fluids as appropriate for the type soils but use of water alone is prohibited. Pump drilling fluids only while drilling or reaming. Directional boring using jetting with a Bentonite (or equivalent material) slurry is recommended. Monitor flow rates to match the amount leaving the bore hole and do not increase pressure or flow to free stuck drill heads, reamers or piping. Open cutting to retrieve stuck drill heads is not allowed without prior permission from the District Engineer.
- b. The minimum depth shall adhere to the table below for transverse (under non-controlled access, partial controlled access, or limited controlled access roadway) installations and refers to maximum diameter of hole drilled and not the dimension of the carrier or encasement pipe.

<u>Diameter of Drilled Hole (Backream)</u>	<u>Minimum Depth of Cover</u>
2" to 6"	5 feet
>6" to 15"	12 times hole diameter (e.g. 6-inch hole means 6 feet minimum depth)
>15" to 36"	15 feet or greater

- c. Under fully controlled access roadway installations, the minimum depth for transverse crossings shall be 15 feet under any pavement (ramps or thru lanes)
- d. An overbore (backream diameter) shall not be more than 1.5 times the outside diameter of the pipe or encasement under any highway for pipes 12 inches in diameter or less. For pipes with outer diameter larger than 12 inches, the overbore may be no larger than outer diameter of pipe plus 6 inches. An overbore exceeding 1.5 times greater than the outside diameter of the pipe or encasement may be considered if the encroachment agreement includes a statement signed and sealed by a licensed North Carolina Professional Engineer indicating that an overbore in excess of 1.5 times the outside diameter of the pipe or encasement will appropriately arch and no damage will be done to the pavement or sub-grade.
- e. Directional boring is allowed beneath embankment material in naturally occurring soil.
- f. Any parallel installation utilizing the directional boring method shall be made at a minimum depth of three (3') feet (cover) below the ground surface and outside the theoretical 1:1 slope from the existing edge of pavement except where the parallel installation crosses a paved roadway.
- g. All directional bores shall maintain ten (10) feet minimum (clear) distance from the nearest part of any structure, including but not limited to bridges, footings, pipe culverts or box culverts. Directional bores are not allowed beneath bridge footings, culvert wingwall footings, slope protection or retaining walls.
- h. The tip of the drill string shall have a cutter head.
- i. Detection wire shall be installed with non-ferrous material.
- j. HDPE pipe installed by directional boring shall not be connected to existing pipe or fittings for one (1) week from the time of installation to allow tensional stresses to relax.

Aerial clearances

80. Vertical clearance of overhead power and communication lines shall meet the National Electrical Safety Code requirements except the minimum vertical clearance shall be 18' for crossings over NCDOT roadways (24' over Fully Controlled Access roadways) and 16' for parallel installations.
81. When applicable for aerial installations, in relation to the bridge, the utility line shall be located with minimum clearances as indicated in Figure 3-3 in the Utilities Accommodations Manual for NCDOT **Required Clearances for Aerial Installations by Encroachment Near Bridge Structures**.

Pavement Detail and Repair

82. The paving of this roadway shall be in accordance with the latest version of NCDOT Standard Specifications, Sections 610, 1012 and 1020. The Contractor shall follow all procedures of the latest Quality Management System (QMS) Asphalt Manual for asphalt pavement - Maintenance Version (see <https://connect.ncdot.gov/resources/Materials/MaterialsResources/Forms/Default.aspx>) to find the most recent version. The Contractor must adhere to all testing requirements and quality control requirements specified. The Contractor shall contact the NCDOT Division QA Supervisor prior to producing plant mix and make the Supervisor aware that the mix is being produced for a future NCDOT road. Contact the District Engineer to determine the NCDOT Division QA Supervisor. Only NCDOT approved mix designs will be acceptable. A Quality Control Plan shall be submitted (as Directed by the District Engineer) to the District Engineer's Office prior to asphalt production utilizing form QMS-MV1. Failing mixes and/or densities are subject to penalties including monetary payments or removal and replacement. To minimize traffic queuing in construction areas, the possibility of traffic detours may be considered when working on high traffic routes even if traffic control is used. The District Engineer may require traffic detours.
83. When paving beyond utility installation is involved, a Roadway certification report sealed by a Professional Engineer shall be submitted to the District Engineer's office indicating the following:
 - Pavement thickness by type
 - Pavement density, core and/or test locations
 - Base thickness
 - Base density
 - Subgrade densityTest frequency and method shall be in conformance with the NCDOT *Materials and Tests Manual*. Test must be performed by a Certified Technician including name and Certification number on report.
84. "Potholing" (or "daylighting") pavement cores to expose existing utilities shall be made with a circular minimum 6" to maximum 18" diameter "test" hole to a maximum depth of 12 inches. Pavement core locations shall not be placed in the wheel path whenever possible. Vacuum excavation shall be utilized to expose underground utilities below pavement subgrade. Displaced dirt and rock debris must be suctioned away from the excavation area through a large hose to a vacuum truck and disposed by the encroaching party. Avoid using mechanized equipment in the proximity of all exposed underground utility lines. Pavement cores shall be repaired within the same working day. The pavement core shall be retained and evaluated for reuse to fill the core hole.

The excavation shall be backfilled and compacted with select material to the bottom of the existing pavement structure or as indicated by the District Engineer. If in good condition, the retained core shall be placed in the hole and secured with a waterproof, mechanical joint. If the pavement core is damaged and cannot be re-used, the core may be replaced with the surface mix, S9.5B. The asphalt patch shall match the thickness of the existing asphalt or four inches, whichever is greater and the use

of NCDOT approved sealant applied to the cracks to fill the voids. All materials must be listed on the NCDOT Approved Products List (APL) found at: <https://apps.ncdot.gov/vendor/approvedproducts/>.

85. The minimum pavement design for pavement repair shall be according to the most recent version of NCDOT Standard Drawing 654.01 (<https://connect.ncdot.gov/resources/Specifications/Pages/default.aspx>). The version valid in 2024 through 2030 is located at <https://connect.ncdot.gov/resources/Specifications/2024StandardRdwyDrawings/Div%206%20Combi ned.pdf>. The pavement design shall include a mechanical overlay extent to be a minimum of 25 feet each side of the pavement repair area OR as directed by the District Engineer.
86. Pavement cuts shall be repaired the same day the cuts are made unless an asphalt patch cannot be accomplished the same day due to material availability or time restrictions. When the asphalt patch is not feasible, the following apply:
- a. The pavement cut shall be filled to the surface with ABC stone or Flowable Fill per NCDOT's Standards and Specifications.
 - b. Once the cut is filled, a minimum ¾-inch steel plate shall be placed and pinned to prevent moving. Plates shall be designed large enough to span a minimum of 1-foot on all sides on the pavement cut.
 - c. When flowable fill is used, it shall cure for 24 hours prior to any asphalt material placement. Flowable fill bleed water shall not be present during paving operations. Paving shall not cause damage (shoving, distortion, pumping, etc.) to the flowable fill.
 - d. Install and leave "BUMP" signs according to MUTCD until the steel plate has been removed. Once the flowable fill has cured, remove the steel plate, and mill/fill according to the directions of the District Engineer.
 - e. All pavement cuts must be sealed with NCDOT approved sealant to prevent future pavement separation or cracking.
87. Any pavement damaged because of settlement of the pavement or damaged by equipment used to perform encroachment work, shall be re-surfaced to the satisfaction of the District Engineer. This may include the removal of pavement and a 50' mechanical overlay. All pavement work and pavement markings (temporary and final) are the responsibility of the Encroaching Party.

Post Construction

Close out/ Inspection

88. The Encroaching party shall notify the District Engineer's office within 2 business days after construction is complete. The District Engineer may perform a construction inspection. Any deficiencies may be noted and reported to the encroaching party to make immediate repairs or resolve any issues to restore the right-of-way to a similar condition prior to construction, including pavement, signage, traffic signals, pavement markings, drainage, structures/pipes, or other highway design features.
89. At the discretion of the District Engineer, a final inspection report may be provided to the encroaching party upon satisfactory completion of the work.
90. When a performance bond is required, a written acknowledgement of the completed work by the District Engineer's office begins the one-year warranty period associated with the performance bond.

91. If the actual construction differs from the approved plans associated with this encroachment, a copy of “as-built” plans shall be submitted to the District Engineer’s office in a PDF format and in a current ESRI GIS format within 4 weeks of construction.
92. The encroaching party shall provide the North Carolina Turnpike Authority (NCTA) with an electronic copy of coordinate correct as-built plans within two weeks of installation completion. Failure to provide the as-built plans may jeopardize future approvals within NCTA right of way.
93. A copy (in PDF format) of the completed ground water analysis shall be given to the District Engineer, including detailed drawings of the “as-built” wells showing location, depth and water level in well.

ATTACHMENT FORM

NOTIFICATION FOR UTILITY / NON-UTILITY ENCROACHMENT WITHIN NCDOT R/W

Instructions for use:

This form must be completed in its entirety and submitted directly to the designated personnel in the District Engineer's office via email, fax or hand delivery a minimum of one week prior to construction for the encroachment. If the designated NCDOT personnel names are unknown by the person completing this form, please contact the District Engineer's office to determine that contact info.

Date: _____ Submitted by Name: _____

To: District Personnel Name: Caitlin Spear
District Personnel Email: caspear@ncdot.gov
District Fax No.: (252) 621-6410

This notification is to inform you that we (encroaching party or their contractor) will begin construction work on the following project in a minimum of one week.

Encroachment number

(assigned by NCDOT) for the project: _____

Construction start date: _____

Approximate ending date: _____

Contact NCDOT inspector a minimum of 72 hrs. in advance to set-up Preconstruction meeting in the District Engineer's office or other location as directed by the District Engineer

Preconstruction meeting date & time: _____

Preconstruction meeting address: _____

Type of project: _____
[Examples: power, telecommunication, water, sewer, gas, petroleum, other (describe)]

Contact Info for this project:

Contractor Company Name: _____

Contractor Contact Name: _____

Contractor Phone Number: _____

Contractor Email: _____

NCDOT Utility Inspector Name: _____

NCDOT Utility Inspector Phone: _____

NCDOT Utility Inspector Email: _____

NCDOT Utility Project Manager Name: _____

NCDOT Utility Project Manager Phone: _____

NCDOT Utility Project Manager Email: _____

NCDOT Hold Harmless Declaration for Private Facility FORM

**Private Facility Encroachment
Hold Harmless Declaration**

Encroachment Agreement Second Party:

Encroachment Number:

County:

The party of the second part of the above-referenced encroachment agreement agrees to indemnify and save harmless the North Carolina Department of Transportation from all claims of liability for the overburdening of right of way easements caused by the installation of private facilities owned by the party of the second part and installed under the approval of the above-referenced encroachment agreement.

Second Party:

Attest or Witness:

Date: _____

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Separate Form to be signed by each property owner affected by the installation.

Clear - Zone Table

TABLE 3.1 (Cont'd)

[U.S. Customary Units]

DESIGN SPEED	DESIGN ADT	FORESLOPES			BACKSLOPES		
		1V:6H or flatter	1V:5H TO 1V:4H	1V:3H	1V:3H	1V:5H TO 1V:4H	1V:6H or flatter
40 mph or less	UNDER 750	7 - 10	7 - 10	**	7 - 10	7 - 10	7 - 10
	750 - 1500	10 - 12	12 - 14	**	10 - 12	10 - 12	10 - 12
	1500 - 6000	12 - 14	14 - 16	**	12 - 14	12 - 14	12 - 14
	OVER 6000	14 - 16	16 - 18	**	14 - 16	14 - 16	14 - 16
45-50 mph	UNDER 750	10 - 12	12 - 14	**	8 - 10	8 - 10	10 - 12
	750 - 1500	14 - 16	16 - 20	**	10 - 12	12 - 14	14 - 16
	1500 - 6000	16 - 18	20 - 26	**	12 - 14	14 - 16	16 - 18
	OVER 6000	20 - 22	24 - 28	**	14 - 16	18 - 20	20 - 22
55 mph	UNDER 750	12 - 14	14 - 18	**	8 - 10	10 - 12	10 - 12
	750 - 1500	16 - 18	20 - 24	**	10 - 12	14 - 16	16 - 18
	1500 - 6000	20 - 22	24 - 30	**	14 - 16	16 - 18	20 - 22
	OVER 6000	22 - 24	26 - 32 *	**	16 - 18	20 - 22	22 - 24
60 mph	UNDER 750	16 - 18	20 - 24	**	10 - 12	12 - 14	14 - 16
	750 - 1500	20 - 24	26 - 32 *	**	12 - 14	16 - 18	20 - 22
	1500 - 6000	26 - 30	32 - 40 *	**	14 - 18	18 - 22	24 - 26
	OVER 6000	30 - 32 *	36 - 44 *	**	20 - 22	24 - 26	26 - 28
65-70 mph	UNDER 750	18 - 20	20 - 26	**	10 - 12	14 - 16	14 - 16
	750 - 1500	24 - 26	28 - 36 *	**	12 - 16	18 - 20	20 - 22
	1500 - 6000	28 - 32 *	34 - 42 *	**	16 - 20	22 - 24	26 - 28
	OVER 6000	30 - 34 *	38 - 46 *	**	22 - 24	26 - 30	28 - 30

* Where a site specific investigation indicates a high probability of continuing crashes, or such occurrences are indicated by crash history, the designer may provide clear-zone distances greater than the clear-zone shown in Table 3.1. Clear zones may be limited to 30 ft for practicality and to provide a consistent roadway template if previous experience with similar projects or designs indicates satisfactory performance.

** Since recovery is less likely on the unshielded, traversable 1V:3H slopes, fixed objects should not be present in the vicinity of the toe of these slopes. Recovery of high-speed vehicles that encroach beyond the edge of the shoulder may be expected to occur beyond the toe of slope. Determination of the width of the recovery area at the toe of slope should take into consideration right-of-way availability, environmental concerns, economic factors, safety needs, and crash histories. Also, the distance between the edge of the through traveled lane and the beginning of the 1V:3H slope should influence the recovery area provided at the toe of slope. While the application may be limited by several factors, the foreslope parameters which may enter into determining a maximum desirable recovery area are illustrated in Figure 3.2.

NCDOT Required Clearances for Aerial Installations Near Bridge Structures

NOT
TO
SCALE

Any variation to this detail must be approved by the Division Engineer and/or State Utilities Manager.

Published by NCDOT Utilities Unit
June 2020

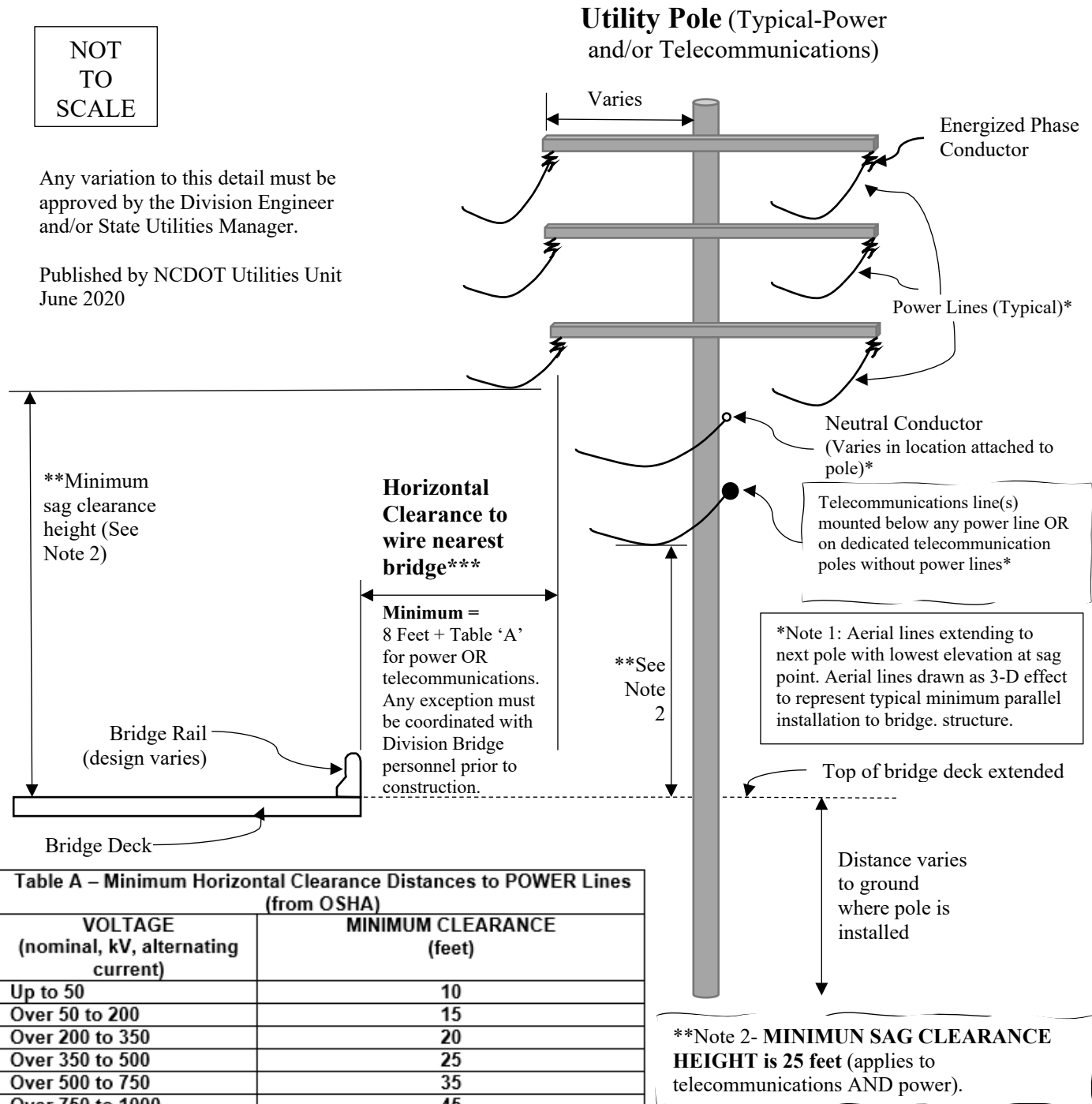


Table A – Minimum Horizontal Clearance Distances to POWER Lines (from OSHA)

VOLTAGE (nominal, kV, alternating current)	MINIMUM CLEARANCE (feet)
Up to 50	10
Over 50 to 200	15
Over 200 to 350	20
Over 350 to 500	25
Over 500 to 750	35
Over 750 to 1000	45
Over 1000	As established by the utility owner/operator or registered professional engineer who is a qualified person with respect to electrical power transmission and distribution

ROUTE SR 1246 (Maple Road) PROJECT Ashbrook Estates COUNTY OF STATE OF NORTH CAROLINA
Cumtuck

DEPARTMENT OF TRANSPORTATION

THREE PARTY RIGHT OF WAY
ENCROACHMENT AGREEMENT ON
PRIMARY AND SECONDARY SYSTEM

-AND-

Asbrook Estates, LLC

PO Box 85, Moyock, NC 27958

-AND-

Cumtuck County

153 Courthouse Road, Suite 204, Cumtuck, NC 27929

E011-027-25-00475

THIS AGREEMENT, made and entered into this the 4th day of Feb., 20 26, by and between the Department of Transportation, party of the first part; and Ashbrook Estates LLC

party of the second part; and

Cumtuck County

party of the third part,

WITNESSETH

THAT WHEREAS, the party of the second part desires to encroach on the right of way of the public road designated as

Route(s) SR 1246 (Maple Road), located one mile north of US Hwy 158

with the construction and/or erection of: connection to an existing watermain on the east side of the road by means of jack and bore.

WHEREAS, it is to the material advantage of the party of the second part to effect this encroachment, and the party of the first part in the exercise of authority conferred upon it by statute, is willing to permit the encroachment within the limits of the right of way as indicated, subject to the conditions of this agreement;

NOW, THEREFORE, IT IS AGREED that the party of the first part hereby grants to the party of the second part the right and privilege to make this encroachment as shown on attached plan sheet(s), specifications and special provisions which are made a part hereof upon the following conditions, to wit:

That the installation, operation, and maintenance of the above described facility will be accomplished in accordance with the party of the first part's latest UTILITIES ACCOMMODATIONS MANUAL, and such revisions and amendments thereto as may be in effect at the date of this agreement. Information as to these policies and procedures may be obtained from the Division Engineer or State Utilities Manager of the party of the first part.

That the said party of the second part binds and obligates himself to install and maintain the encroaching facility in such safe and proper condition that it will not interfere with or endanger travel upon said highway, nor obstruct nor interfere with the proper maintenance thereof, to reimburse the party of the first part for the cost incurred for any repairs or maintenance to its roadways and structures necessary due to installation and existence of the facilities of the party of the second part, and if at any time the party of the first part shall require the removal of or changes in the location of the said facilities, that the said party of the second part binds himself, his successors and assigns, to promptly remove or alter the said facilities, in order to conform to the said requirement, without any cost to the party of the first part.

That the party of the second part agrees to provide during construction and any subsequent maintenance proper signs, signal lights, flagmen and other warning devices for the protection of traffic in conformance with the latest Manual on Uniform Traffic Control Devices for Streets and Highways and Amendments or Supplements thereto. Information as to the above rules and regulations may be obtained from the Division Engineer of the party of the first part.

That the party of the second part hereby agrees to indemnify and save harmless the party of the first part from all damages and claims for damage that may arise by reason of the installation and maintenance of this encroachment.

That the party of the second part agrees to restore all areas disturbed during installation and maintenance to the satisfaction of the Division Engineer of the party of the first part. The party of the second part agrees to exercise every reasonable precaution during construction and maintenance to prevent eroding of soil; silting or pollution of rivers, streams, lakes, reservoirs, other water impoundments, ground surfaces or other property; or pollution of the air. There shall be compliance with applicable rules and regulations of the North Carolina Division of Environmental Management, North Carolina Sedimentation Control Commission, and with ordinances and regulations of various counties, municipalities and other official agencies relating to pollution prevention and control. When any installation or maintenance operation disturbs the ground surface and existing ground cover, the party of the second part agrees to remove and replace the sod or otherwise reestablish the grass cover to meet the satisfaction of the Division Engineer of the party of the first part.

That the party of the second part agrees to assume the actual cost of any inspection of the work considered to be necessary by the Division Engineer of the party of the first part.

That the party of the second part agrees to have available at the construction site, at all times during construction, a copy of this agreement showing evidence of approval by the party of the first part. The party of the first part reserves the right to stop all work unless evidence of approval can be shown.

Provided the work contained in this agreement is being performed on a completed highway open to traffic; the party of the second part agrees to give written notice to the Division Engineer of the party of the first part when all work contained herein has been completed. Unless specifically requested by the party of the first part, written notice of completion of work on highway projects under construction will not be required.

That in the case of noncompliance with the terms of this agreement by the party of the second part, the party of the first part reserves the right to stop all work until the facility has been brought into compliance or removed from the right of way at no cost to the party of the first part.

That it is agreed by both parties that this agreement shall become void if actual construction of the work contemplated herein is not begun within one (1) year from the date of authorization by the party of the first part unless written waiver is secured by the party of the second part from the party of the first part.

During the performance of this contract, the second party, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor"), agrees as follows:

- a. Compliance with Regulations: The contractor shall comply with the Regulations relative to nondiscrimination in Federally-assisted programs of the U. S. Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
- b. Nondiscrimination: The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- c. Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
- d. Information and Reports: The contractor shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Department of Transportation or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the Department of Transportation, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.
- e. Sanctions for Noncompliance: In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to,
 - (1) withholding of payments to the contractor under the contract until the contractor complies, and/or
 - (2) cancellation, termination or suspension of the contract, in whole or in part.
- f. Incorporation of Provisions: The contractor shall include the provisions of paragraphs "a" through "f" in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the Department of Transportation or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Department of Transportation to enter into such litigation to protect the interests of the State, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

That when title to the subject that constitutes the aforesaid encroachment passes from the party of the second part and vests in the party of the third part, the party of the third part agrees to assume all responsibilities and rights and to perform all obligations as agreed to herein by the party of the second part.

R/W (166) : Party of the Second Part certifies that this agreement is true and accurate copy of the form R/W (166) incorporating all revisions to date.

IN WITNESS WHEREOF, each of the parties to this agreement has caused the same to be executed the day and year first above written.

DEPARTMENT OF TRANSPORTATION

BY: Caitlin A. Spear
DISTRICT ENGINEER

WITNESS:

Megan E. Morningstar
Megan C. Morningstar

Stuart Innes
Managing Member, Ashbrook Estates, LLC

Second Party

WITNESS:

Currituck County
Jessica Timmons, Clerk to the Board

Currituck County
Rebecca Gay, County Manager

Third Party



JOSH STEIN

Governor

D. REID WILSON

Secretary

WILLIAM E. TOBY VINSON, JR

Director



NORTH CAROLINA
Environmental Quality

November 17, 2025

Ashbrook Estates, LLC
Attn: Stuart Innes – Managing Member
P.O. Box 85
Moyock, NC 27958

Subject: State Stormwater Management Permit No. SW7251103
Ashbrook Estates
Low Density Subdivision Project
Currituck County

Dear Stuart Innes:

The Washington Regional Office received a complete State Stormwater Management Permit Application for the subject project on November 4, 2025. Staff review of the plans and specifications has determined that the project, as proposed, complies with the Stormwater Regulations set forth in 15A NCAC 2H.1000 amended on January 1, 2017 (2017 Rules). We are hereby forwarding Permit No. SW7251103 dated November 17, 2025, for the construction of the built-upon areas (BUA) and vegetated conveyances associated with the subject project.

This permit shall be effective from the date of issuance until rescinded and the project shall be subject to the conditions and limitations as specified therein and does not supersede any other agency permit that may be required. Failure to comply with these requirements will result in future compliance problems. Please note that this permit is not transferable except after notice to and approval by the Division.

This cover letter, attachments, and all documents on file with DEMLR shall be considered part of this permit and is herein incorporated by reference.

If any parts, requirements, or limitations contained in this permit are unacceptable, you have the right to request an adjudicatory hearing by filing a written petition with the Office of Administrative Hearings (OAH). The written petition must conform to Chapter 150B of the North Carolina General Statutes and must be filed with the OAH within thirty (30) days of receipt of this permit. You should contact the OAH with all questions regarding the filing fee (if a filing fee is required) and/or the details of the filing process at 6714 Mail Service Center, Raleigh, NC 27699-6714, or via telephone at 919-431-3000, or visit their website at www.NCOAH.com. Unless such demands are made this permit shall be final and binding.

If you have any questions concerning this permit, please contact Denis Hyska in the Washington Regional Office, at (252) 948-3973 or denis.hyska@deq.nc.gov.

Sincerely,

Denis Hyska, CAPM
Division of Energy, Mineral and Land Resources

Enclosures: Attachment A – Max Allowable BUA per Lot
Attachment B – Designer's Certification Form
Application Documents

cc: Kim Hamby, PE – Timmons Group. (kim.hamby@timmons.com)
Currituck County – Bill News (bill.news@currituckcountync.gov)
Washington Regional Office



North Carolina Department of Environmental Quality | Division of Energy, Mineral and Land Resources
Washington Regional Office | 943 Washington Square Mall | Washington, North Carolina 27889
252.946.6481

STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF ENERGY, MINERAL AND LAND RESOURCES

STATE STORMWATER MANAGEMENT PERMIT

LOW DENSITY SUBDIVISION DEVELOPMENT

In compliance with the provisions of Article 21 of Chapter 143, General Statutes of North Carolina as amended, and other applicable Laws, Rules, and Regulations promulgated and adopted by the North Carolina Environmental Management Commission, including 15A NCAC 02H.1000 amended on January 1, 2017 (2017 Rules), the "stormwater rules"),

PERMISSION IS HEREBY GRANTED TO

Ashbrook Estates, LLC

Ashbrook Estates

Maple Road, 1.0 mile from its intersection with NC Hwy 158

Maple, Currituck County

FOR THE

construction, management, operation and maintenance of built-upon area (BUA) for a 24% low density subdivision project (the "low density area") discharging to Class C, Sw waters as outlined in the application, approved stormwater management plans, supplements, calculations, operation and maintenance agreement, recorded documents, specifications, and other supporting data (the "approved plans and specifications") as attached and/or on file with and approved by the Division of Energy, Mineral and Land Resources (the "Division" or "DEMLR"). The project shall be constructed, operated and maintained in accordance with these approved plans and specifications. The approved plans and specifications are incorporated by reference and are enforceable parts of this permit.

This permit shall be effective from the date of issuance until rescinded and shall be subject to the following specified conditions and limitations. The permit issued shall continue in force and effect until the permittee files a request with the Division for a permit modification, transfer, or rescission; however, these actions do not stay any condition. The issuance of this permit does not prohibit the Director from reopening and modifying the permit, revoking and reissuing the permit, or terminating the permit for cause as allowed by the laws, rules, and regulations contained in 15A NCAC 2H.1000 and NCGS 143-215.1 et.al.

1. BUA REQUIREMENTS. The maximum amount of BUA allowed for the entire project is 550,219 square feet. The BUA requirements and allocations for this project are as follows:
 - a. LOW DENSITY AREA BUA LIMITS. The low-density area, in the approved plans and specifications, must not exceed 24% per the requirements of the stormwater rules. Within this low-density area, this permit approves a percent BUA of 9.66% and the construction of a total of 550,219 square feet of BUA. This permit does provide an allocation of 5,000 square feet of BUA for future development within this low-density area.
 - b. BUA FOR INDIVIDUAL LOTS. Each of the fifty-two (52) lots are limited to a maximum of BUA of 8,000 square feet, as indicated in the approved plans and specifications. **The maximum BUA assigned to each lot via this permit and the recorded deed restrictions and protective covenants may not be increased or decreased by either the individual lot owner or the permittee unless and until the permittee notifies the Division and obtains written approval from the Division.**
2. PERVIOUS AREA IMPROVEMENTS. At this time, none of the pervious area improvements listed in G.S. 143-214.7(b2) or the Stormwater Design Manual have been proposed for this project. Pervious area improvements will be allowed in this project if documentation is provided demonstrating those improvements meet the requirements of the stormwater rule.
3. LOW DENSITY AREA REQUIREMENTS. The low-density area requirements for this project are as follows:
 - a. LOW DENSITY AND CONVEYANCE DESIGN. The low-density area is permitted based on the design criteria presented in the sealed, signed and dated supplement and as shown in the approved plans and specifications. This low-density area and conveyances must be provided and maintained at the design condition.
 - b. PIPING. Other than the piping shown on the approved plans, only minimal amounts of piping under driveways and roads is allowed within the low-density area when it cannot be avoided. No additional piping is allowed.
 - c. DISPERSED FLOW. The low-density area has maximized dispersed flow of stormwater runoff through vegetated areas and minimized the channelization of flow.
 - d. VEGETATED CONVEYANCES. Stormwater runoff that could not be released as dispersed flow may be transported by vegetated conveyances with minimum side slopes of 3:1 (H:V) designed to not erode during the peak flow from the 10-year storm event as defined in the stormwater rules and approved by the Division
4. NON-ENFORCEABLE SCMS. The two wet ponds shown on the plans are **not** required by the Division and have not been demonstrated to meet the Minimum Design Criteria and therefore are not considered a part of the approved stormwater treatment system. These additional measures are incorporated only by reference and are not enforceable parts of the permit.

5. **VEGETATED SETBACKS.** A 50-foot wide vegetative setback must be provided and maintained in grass or other vegetation adjacent to all surface waters as shown on the approved plans. The setback is measured horizontally from the normal pool elevation of impounded structures, from the top of bank of each side of streams or rivers, and from the mean high waterline of tidal waters, perpendicular to the shoreline.
 - a. **RELEASE OF STORMWATER NOT TREATED IN A STORMWATER CONTROL MEASURE (SCM).** Stormwater that is not treated in an SCM, such as in the low-density area (including roof drains), must be released at the edge of the vegetated setback and allowed to flow through the setback as dispersed flow.
6. **RECORDED DOCUMENT REQUIREMENTS.** The stormwater rules require the following documents to be recorded with the Office of the Register of Deeds prior to the sale of individual lots or groups of lots:
 - a. **ACCESS AND/OR EASEMENTS.** The entire stormwater conveyance system and maintenance accesses must be located in public rights-of-way, dedicated common areas that extend to the nearest public right-of-way, and/or permanent recorded easements that extend to the nearest public right-of-way for the purpose of inspection, operation, maintenance, and repair.
 - b. **OPERATION AND MAINTENANCE AGREEMENT.** The operation and maintenance agreement must be recorded with the Office of the Register of Deeds.
 - c. **FINAL PLATS.** The final recorded plats must reference the operation and maintenance agreement and must also show all public rights-of-way, dedicated common areas, and/or permanent drainage easements, in accordance with the approved plans.
 - d. **DEED RESTRICTIONS AND PROTECTIVE COVENANTS.** Recorded deed restrictions and protective covenants must include, at a minimum, the following statements related to stormwater management:
 - i. The following covenants are intended to ensure ongoing compliance with State Stormwater Management Permit Number SW7251103, as issued by the Division of Energy, Mineral and Land Resources (the "Division") under 15A NCAC 02H.1000, effective January 1, 2017.
 - ii. The State of North Carolina is made a beneficiary of these covenants to the extent necessary to maintain compliance with the Stormwater Management Permit.
 - iii. These covenants are to run with the land and be binding on all persons and parties claiming under them.
 - iv. The covenants pertaining to stormwater may not be altered or rescinded without the express written consent of the Division.
 - v. Alteration of the drainage as shown on the approved plans may not take place without the concurrence of the Division.
 - vi. The maximum built-upon area (BUA) per lot is **8,000** square feet. This allotted amount includes any BUA constructed within the lot property boundaries, and that portion of the right-of-way between the front lot line and the edge of the pavement not shown on the approved plans. BUA has the same meaning as G.S. 143-214.7, as amended.
 - vii. The maximum allowable BUA shall not be exceeded on any lot until the permit is modified to ensure compliance with the stormwater rules, permit, and the approved plans and specifications.
 - viii. Filling in, piping or altering any vegetated conveyances (ditches, swales, etc.) associated with the development, except for average driveway crossings, is prohibited by any persons.

- ix. A 50-foot wide vegetative setback must be provided and maintained adjacent to all surface waters in accordance with 15A NCAC 02H.1003(4) and the approved plans.
 - x. All roof drains shall be released no closer than at the edge of the 50-foot wide vegetated setback and allowed to flow through the setback as dispersed flow. At no time shall stormwater runoff be piped into or through the setback.
 - xi. Any individual or entity found to be in noncompliance with the provisions of a stormwater management permit or the requirements of the stormwater rules is subject to enforcement procedures as set forth in NCGS 143, Article 21.
 - e. DEEDS FOR INDIVIDUAL LOTS. The permittee shall record deed restrictions and protective covenants prior to the issuance of a certificate of occupancy to ensure the permit conditions and the approved plans and specifications are maintained in perpetuity.
7. CONSTRUCTION. During construction, erosion shall be kept to a minimum and any eroded areas of the on-site stormwater system will be repaired immediately.
- a. PROJECT CONSTRUCTION, OPERATION AND MAINTNEANCE. During construction, all operation and maintenance for the project and stormwater system shall follow the Erosion Control Plan requirements until the Sediment-Erosion Control devices are no longer needed.
 - b. FINAL GRADING. The vegetated areas and vegetated conveyances shall be entirely constructed and vegetated. Once the final grading is completed and the site is stabilized, the permittee shall provide and perform the operation and maintenance as outlined in the applicable section below.
8. MODIFICATIONS. No person or entity, including the permittee, shall alter any component shown in the approved plans and specifications, except for minimum driveway crossings. Prior to the construction of any modification to the approved plans, the permittee shall submit to the Director, and shall have received approval for modified plans, specifications, and calculations including, but not limited to, those listed below. For changes to the project that impact the certifications, a new or updated certification(s), as applicable, will be required and a copy must be submitted to the appropriate DEQ regional office upon completion of the modification.
- a. Any modification to the approved plans and specifications, regardless of size including the BUA, details, etc.
 - b. Redesign or addition to the approved amount of BUA.

- c. Further development, subdivision, acquisition, lease or sale of any, all or part of the project and/or property area as reported in the approved plans and specifications.
 - d. The construction of any permeable pavement, #57 stone area, public trails, or landscaping material within the common areas to be considered a permeable surface that were not included in the approved plans and specifications.
 - e. Altering, modifying, removing, relocating, redirecting, regarding, or resizing of any component of the approved stormwater collection system and/or vegetative conveyance shown on the approved plan, except for minimum driveway crossings within the low density area.
 - f. The construction of any allocated future BUA.
 - g. Adding the option to use permeable pavement or #57 stone within the lots as a permeable surface. The request may require a proposed amendment to the deed restrictions and protective covenants for the subdivision to be submitted and recorded.
 - h. Other modifications as determined by the Director.
9. DESIGNER'S CERTIFICATION. Upon completion of the project, the permittee shall determine if the project is in compliance with the approved plans and take the necessary following actions:
- a. If the permittee determines that the project is in compliance with the approved plans, then within 45 days of completion, the permittee shall submit to the Division one hard copy and one electronic copy of the following:
 - i. The completed and signed Designer's Certification provided in Attachment A noting any deviations from the approved plans and specifications. Deviations may require approval from the Division.
 - ii. A copy of the recorded operation and maintenance agreement.
 - iii. Unless already provided, a copy of the recorded deed restrictions and protective covenants; and
 - iv. A copy of the recorded plat delineating the public rights-of-way, dedicated common areas and/or permanent recorded easements, when applicable.
 - b. If the permittee determines that the project is not in compliance with the approved plans, the permittee shall submit an application to modify the permit within 30 days of completion of the project or provide a plan of action, with a timeline, to bring the site into compliance.

10. **OPERATION AND MAINTENANCE.** The permittee shall provide and perform the operation and maintenance necessary, as listed in the signed operation and maintenance agreement to assure that all components of the permitted on-site stormwater system are maintained at the approved design condition. The approved operation and maintenance agreement must be followed in its entirety and maintenance must occur at the scheduled intervals.
 - a. **CORRECTIVE ACTIONS REQUIRED.** In the event that the low-density area fails to meet the requirements of low density, the permittee shall take immediate corrective actions. This includes actions required by the Division and the stormwater rules such as the construction of additional or replacement on-site stormwater systems. These additional or replacement measures shall receive a permit from the Division prior to construction.
 - b. **MAINTENANCE RECORDS.** Records of maintenance activities must be kept and made available upon request to authorized personnel of the Division. The records will indicate the date, activity, name of person performing the work and what actions were taken.
11. **CURRENT PERMITTEE NAME OR ADDRESS CHANGES.** The permittee shall submit a completed Permit Information Update Application Form to the Division within 30 days to making any one or more of the following changes:
 - a. A name change of the current permittee;
 - b. A name change of the project;
 - c. A mailing address change of the permittee.
12. **TRANSFER.** This permit is not transferable to any person or entity except after notice to and approval by the Director. Neither the sale of the project and/or property, in whole or in part, nor the conveyance of common area to a third party constitutes an approved transfer of the permit.
 - a. **TRANSFER REQUEST.** The transfer request must include the appropriate application, documentation and the processing fee as outlined in 15A NCAC 02H.1045(2) and must be submitted upon occurrence of any one or more of the following events:
 - i. The sale or conveyance of the project and/or property area in whole or in part, except in the case of an individual residential lot sale that is made subject to the recorded deed restrictions and protective covenants;
 - ii. The assignment of declarant rights to another individual or entity;
 - iii. The sale or conveyance of the common areas to a Homeowner's or Property Owner's Association, subject to the requirements of NCGS 143-214.7(c2);
 - iv. Dissolution of the partnership, corporate, or LLC entity, subject to NCGS 55-14-05 or NCGS 57D-6-07 and 08;
 - v. Bankruptcy.
 - vi. Foreclosure, subject to the requirements of Session Law 2013-121;
 - b. **TRANSFER INSPECTION.** Prior to transfer of the permit, a file review and site inspection will be conducted by Division personnel to ensure the permit conditions have been met and that the project and the on-site stormwater system complies with the permit conditions. Records of maintenance activities performed to date may be requested. Projects not in compliance with the permit will not be transferred until all permit and/or general statute conditions are met.

13. **COMPLIANCE.** The permittee is responsible for complying with the terms and conditions of this permit and the approved plans and specifications until the Division approves the transfer request.
- a. **REVIEWING AND MONITORING EACH LOT FOR COMPLIANCE.** The permittee is responsible for verifying that the proposed BUA on each individual lot, within each drainage area and for the entire project does not exceed the maximum amount allowed by this permit. The permittee shall review all individual lot plans for new construction and all subsequent modifications and additions for compliance. The plans reviewed must include all proposed BUA, grading, and driveway pipe placement. The permittee shall not approve any lot plans where the maximum allowed BUA limit has been exceeded or where modifications are proposed to the grading and/or to the stormwater collection system and/or to the vegetated conveyance unless and until a permit modification has been approved by the Division. The permittee shall review and routinely monitor the project and each lot to ensure continued compliance with the conditions of the permit, the approved plans and specifications, and the recorded deed restrictions and protective covenants. The permittee shall notify any lot owner that is found to be in noncompliance with the conditions of this permit in writing and shall require timely resolution.
 - b. **ARCHITECTURAL REVIEW BOARD (ARB) OR COMMITTEE (ARC).** The permittee may establish an ARB or ARC to conduct individual lot reviews. However, any approval given by the ARB or ARC on behalf of the permittee does not relieve the permittee of the responsibility to maintain compliance with the conditions of the permit and the approved plans and specifications.
 - c. **APPROVED PLANS AND SPECIFICATIONS.** A copy of this permit, approved plans, application, supplements, operation and maintenance agreement, all applicable recorded documents, and specifications shall be maintained on file by the permittee at all times.
 - d. **MAINTENANCE ACCESS.** SCMs, stormwater collection systems, and vegetated conveyances must be accessible for inspection, operation, maintenance and repair as shown on the approved plans.
 - e. **DIVISION ACCESS.** The permittee grants Division Staff permission to enter the property during normal business hours to inspect all components of the permitted project.
 - f. **ENFORCEMENT.** Any individual or entity found to be in noncompliance with the provisions of a stormwater management permit or the requirements of the stormwater rules is subject to enforcement procedures as set forth in NCGS 143 Article 21.
 - g. **ANNUAL CERTIFICATION.** The permittee shall electronically submit to the Division an annual certification completed by either the permittee or their designee confirming the projects conformance with permit conditions.
 - h. **OBTAINING COMPLIANCE.** The Director may notify the permittee when the permitted site does not meet one or more of the minimum requirements of the permit. Within the time frame specified in the notice, the permittee shall submit a written time schedule to the Director for modifying the site to meet minimum requirements. The permittee shall provide copies of modified plans and certification in writing to the Director that the changes have been made.

- i. OTHER PERMITS. The issuance of this permit does not preclude the permittee from obtaining and complying with any and all other permits or approvals that are required for this development to take place, as required by any statutes, rules, regulations, or ordinances, which are imposed by any other Local, State or Federal government agency having jurisdiction. Any activities undertaken at this site that cause a water quality violation or undertaken prior to receipt of the necessary permits or approvals to do so are considered violations of NCGS 143-215.1, and subject to enforcement procedures pursuant to NCGS 143-215.6.

The permit was issued this the 17th day of November 2025.

NORTH CAROLINA ENVIRONMENTAL MANAGEMENT COMMISSION



For William E. Toby Vinson, Director
Division of Energy, Mineral and Land Resources
By Authority of the Environmental Management Commission

Permit Number SW7251103

Attachment A

Certification Forms

The following blank Designer Certification forms are included and specific for this project:

- As-Built Permittee Certification
- As-Built Designer's Certification for Low Density Projects

A separate certification is required for each SCM. These blank certification forms may be copied and used, as needed, for each SCM and/or as a partial certification to address a section or phase of the project.

AS-BUILT PERMITTEE CERTIFICATION

I hereby state that I am the current permittee for the project named above, and I certify by my signature below, that the project meets the below listed Final Submittal Requirements found in NCAC 02H.1042(4) and the terms, conditions and provisions listed in the permit documents, plans and specifications on file with or provided to the Division.

- ☐ Check here if this is a partial certification. Section/phase/SCM #? _____
- ☐ Check here if this is part of a Fast Track As-built Package Submittal.

Printed Name _____ Signature _____

I, _____, a Notary Public in the State of _____

County of _____, do hereby certify that _____

personally appeared before me this _____ day of _____, 20_____

and acknowledge the due execution of this as-built certification. (SEAL)

Witness my hand and official seal

My commission expires _____

Permittee's Certification NCAC .1042(4)	Completed / Provided	N/A
A. DEED RESTRICTIONS / BUA RECORDS		
1. The deed restrictions and protective covenants have been recorded and contain the necessary language to ensure that the project is maintained consistent with the stormwater regulations and with the permit conditions.	Y or N	
2. A copy of the recorded deed restrictions and protective covenants has been provided to the Division.	Y or N	
3. Records which track the BUA on each lot are being kept. (See Note 1)	Y or N	
B. MAINTENANCE ACCESS		
1. The SCMs are accessible for inspection, maintenance and repair.	Y or N	
2. The access is a minimum of 10 feet wide.	Y or N	
3. The access extends to the nearest public right-of-way.	Y or N	
C. EASEMENTS		
1. The SCMs and the components of the runoff collection / conveyance system are located in recorded drainage easements.	Y or N	
2. A copy of the recorded plat(s) is provided.	Y or N	
D. SINGLE FAMILY RESIDENTIAL LOTS - Plats for residential lots that have an SCM include the following:	Y or N	
1. The specific location of the SCM on the lot.	Y or N	
2. A typical detail for the SCM.	Y or N	

3. A note that the SCM is required to meet stormwater regulations and that the lot owner is subject to enforcement action as set forth in NCGS 143 Article 21 if the SCM is removed, relocated or altered without prior approval.	Y or N	
E. OPERATION AND MAINTENANCE AGREEMENT	Y or N	
1. The O&M Agreement is referenced on the final recorded plat.	Y or N	
2. The O&M Agreement is recorded with the Register of Deeds and appears in the chain of title.	Y or N	
F. OPERATION AND MAINTENANCE PLAN - maintenance records are being kept in a known set location for each SCM and are available for review.	Y or N	
G. DESIGNER'S CERTIFICATION FORM - has been provided to the Division.	Y or N	

Note 1- Acceptable records include ARC approvals, as-built surveys, and county tax records.

Provide an explanation for every requirement that was not met, and for every "N/A" below. Attach additional sheets as needed.

AS-BUILT DESIGNER'S CERTIFICATION FOR LOW DENSITY PROJECTS

I hereby state that I am a licensed professional and I certify by my signature and seal below, that I have observed the construction of the project named above to the best of my abilities with all due care and diligence, and that the project meets all of the MDC found in 15A NCAC 02H.1003, in accordance with the permit documents, plans and specifications on file with or provided to the Division, except as noted on the "AS-BUILT" drawings, such that the intent of the stormwater rules and the general statutes has been preserved.

- ☐ Check here if this is a partial certification. Section or phase _____
- ☐ Check here if this is part of a Fast-Track As-Built Package Submittal per 15A NCAC 02H .1044(3).
- ☐ Check here if the Designer did not observe the construction but is certifying the project.
- ☐ Check here if pictures of the project are provided.

Printed Name _____ Signature _____

NC Registration Number _____ Date _____

SEAL:

Consultant's Mailing Address:

City: _____ State: _____ Zip: _____

Phone: (____) _____

Consultant's Email address:

- ① Circle N if the as-built value differs from the Plan/permit. If N is circled, provide an explanation on page 3.
- ② N/E = Not Evaluated (provide explanation on page 2). ③ N/A = Not Applicable to this project/plan.

Consultant's Certification (MDC 15A NCAC 02H .1003)			
Project Density and Built-Upon Area	① As-built	② N/E	③ N/A
1. The project has areas of high density based on natural drainage area boundaries, variations in land use or construction phasing.	Y or N		
2. The project's built-upon area does not exceed the maximum limit specified in the permit.	Y or N		
Dispersed Flow	① As-built	② N/E	③ N/A
1. The project maximizes dispersed flow through vegetated areas and minimizes channelized flow.	Y or N		

Vegetated Conveyances	①As-built	②N/E	③N/A
1. Stormwater that is not released as dispersed flow is transported by vegetated conveyances.	Y or N		
2. The project has a minimal amount of non-vegetated conveyances to reduce erosion.	Y or N		
3. Other than minimal piping under driveways and roads, no piping has been added beyond what is shown on the approved plans.	Y or N		
4. Side slopes are no steeper than 3H:1V.	Y or N		
5. The conveyance does not erode in response to the peak flow from the 10-year storm.	Y or N		
Curb outlet systems (if applicable)	①As-built	②N/E	③N/A
1. The swale or vegetated area can carry the peak flow from the 10-year storm at a non-erosive velocity.	Y or N		
2. The longitudinal slope of the swale or vegetated areas does not exceed 5%.	Y or N		
3. The swale has a trapezoidal cross-section and a minimum bottom width of two feet.	Y or N		
4. The minimum length of the swale or vegetated area is 100 feet.	Y or N		
5. Side slopes are no steeper than 3H:1V.	Y or N		
6. The project utilizes treatment swales designed per Section .1061 in lieu of the curb outlet system requirements.	Y or N		
Vegetated Setbacks (if applicable)	①As-built	②N/E	③N/A
1. The width of the vegetated setback is at least 50'.	Y or N		
2. The width of the vegetated setback has been measured from the normal pool of impounded waters, the MHW line of tidal waters, or the top of bank of each side of rivers or streams.	Y or N		
3. The vegetated setback is maintained in grass or other vegetation.	Y or N		
4. BUA that meets the requirements of NCGS 143-214.7(b2)(2) is located in the setback.	Y or N		
5. BUA that does NOT meet the requirements of NCGS 143-214.7(b2)(2) located within the setback and is limited to: - Publicly-funded linear projects (road, greenway, or sidewalk) - Water dependent structures - Minimal footprint uses such as poles, signs, utility appurtenances, and security lights.	Y or N		
6. The amount of BUA within the setback is minimized, and channeling of the runoff from the BUA has been avoided.	Y or N		

7. Stormwater is not discharged (via swale or pipe) through a vegetated setback. Stormwater is released at the edge of the setback and allowed to flow through the setback as dispersed flow.	Y or N		
Outlets	①As-built	②N/E	③N/A
1. Stormwater outlets do not cause erosion downslope of the discharge point during the peak flow from the 10-year storm.	Y or N		
Variations	①As-built	②N/E	③N/A
1. The project has variations from the MDC that were not previously approved. (Modification may be required.)	Y or N		
Deed restrictions (if applicable)	①As-built	②N/E	③N/A
1. Deed restrictions are recorded and ensure that the project and the BUA will be maintained in perpetuity consistent with the permit, approved plans, and specifications.	Y or N		
For Subdivisions Only (Residential or Commercial)	①As-built	②N/E	③N/A
1. The number of platted lots is consistent with the approved plans.	Y or N		
2. The project area is consistent with the approved plans.	Y or N		
3. The layout of the lots and streets is consistent with the approved plan.	Y or N		
4. The width / radius of streets, paved accesses, cul-de-sacs and sidewalk is consistent with the approved plan.	Y or N		
5. No piping, other than those minimum amounts needed under a driveway or under a road, has been added.	Y or N		
6. The lot grading, road grading, vegetated conveyances, piping, inverts, and elevations are consistent with the approved plans.	Y or N		

Provide an explanation for every requirement that was not met, and for every "N/A" below. Attach additional sheets as needed.