Windswept Pines at Currituck Property

Friday, August 17, 2018

Scheduled Time/Place: 4:00 pm, Moyock Library, Moyock, NC

We waited for late arrivals until about 4:05 pm

Attendees:

Nearby Property Owners (See attached sign-in sheet) Donna Voliva, Currituck County Justin Old, Developer Mark Bissell, Engineer

It was explained that the request was to amend the existing approved development plan to add stormwater ponds in the area that was originally set aside for Phase 3 to the east of the approved Phase 2 development. The stormwater ponds are needed to improve stormwater management for the project. The following comments and concerns were made and attempts to address them as follows:

Comments from the Community	How Addressed
There was a deed restriction recorded against further development of the McCrary land	The restriction was changed by amendment to the Covenants.
There was no problem with drainage until the Truran ditch was closed when that house was built	That was done many years ago and we are attempting to deal with what we have to work with to the best of our ability.
Why is the County allowing development without fixing existing drainage problems	Donna Voliva indicated that Currituck County does not have the right to enter and maintain ditches on private land. The County has greatly increased requirements for developers, but older developments have no such stormwater management requirements
The property line ditch is never dry	A site visit will be made to review the situation
3 culverts backflow to the north	The reason the plug was proposed in the ditch was to keep water that is flowing under 168 from the northwest from backing up that ditch, but the property owner refused to allow the plug to be installed.
There is a collapsed pipe on Baxter Extended that is causing stormwater to back up along Baxter Lane and backflow to the north side of Baxter which is flooding yards to the east of Truran's property	In a subsequent conversation with NCDOT it was reported that the drainage pipe has been replaced.

The Jarvis property downstream of Baxter should be cleaned and snagged	It may be true but it is beyond the scope of this development.
There is dirt in the property line ditch	We will get the contractor to remove if it is an issue.
How much water flows to the northeast	Some water flows but not a great deal due to the limited capacity of the existing property line ditch. Existing conditions have been modeled.
Will there be road connectivity to the north	Yes, that will be required by Currituck County.
Does NCDOT have an easement to maintain the Baxter ditch along the south side of Baxter	In a subsequent conversation with Maple Maintenance, the answer is no they have no easement and cannot go on private property without permission.
There is a dip in the road where culverts were placed	There is a warranty and the dip will need to be repaired to NCDOT's satisfaction.
When will the request go to the County Commissioners	Probably in October. The County will mail a notice.

Summary:

There being no further discussion, the meeting was adjourned at approximately 5:10 pm.



August 7, 2018

RE: Community Meeting for Amended Conditional Rezoning & Amended Preliminary Plat Application for Windswept Pines

Dear Property Owner:

We would like to invite you and nearby property owners to another community meeting regarding a proposed amendment to the Conditional Rezoning and an amendment to the Preliminary Plat/Use Permit that have already been approved for Windswept Pines. The purpose of the amendment is to provide additional stormwater management facilities in the area east of the approved development, previously labeled "Possible Future Development." Allied Properties, LLC is in the process of developing approximately 64.3 acres into a residential subdivision. The property is described as Windswept Pines subdivision located off Baxter Lane in Moyock, NC.

The purpose of the community meeting is to inform you and nearby property owners about this application that will be reviewed under Currituck County's Unified Development Ordinance, and to provide you an opportunity to give comments and express any concerns about the development.

Since the last community meeting, comments regarding drainage have been considered, and additional design work has been completed to improve the existing drainage system. We look forward to the opportunity to share the latest plan with the community.

The community meeting will be held on Friday, August 17, 2018 at 4:00 pm sharp, at the Moyock Library located on Campus Drive off Tulls Creek Road.

Sincerely,

Bissell Professional Group (Agent for the Applicant)

By: Mark S. Bissell

cc: Currituck County Planning and Community Development

P.O. Box 1068 • 3512 N. Croatan Hwy. • Kitty Hawk, NC 27949 . 252-261-3266 • Fax: 252-261-1760 • E-mail:bpg@bissellprofessionalgroup.com .

Windswept Pines Community Meeting- Outline of Presentation

August 17, 2018

A. Housekeeping -

- Please sign-in
- A record of the Community meeting will be provided to Currituck County.
 (concerns raised/ attempts to address concerns)

B. What is the Request?

- Amendments to Conditional Zoning and Preliminary Plat
- Next step in the approval process –before construction plans

C. The Process:

- Pre-application meeting with County
- Community meeting (now)
- TRC review
- PB review
- BOC hearing/action

Then:

- Construction drawing application
- Construction
- Final plat application

D. The Plan:

- The street and lot layout is unchanged (Still proposing 20,000 sq ft minimum lots)
- Increasing open space to provide more stormwater ponds
- Woodlands behind future phase

E. Questions & Comments

Community Meeting Sign-In Sheet For Windswept Pines 08/17/18

E-MAIL	maekablsselprofessionelgrays.com realders @ Rushomes.com	Madhan CMoralts OGMail. Com	Khemplooutlook.com	Donna. Voluis Ceunifuctionaby ne - 3 n	
TELEPHONE	(25)261-3266 757-8979294 252-771-5785	252-435-7148 157 555 1529 253 435 6706	252-619-7148 804-888.0010	252232-6032	
ADDRESS	Pobox 1068 Kirry Hawk nu (252) 261-3266 540 Fuddin Ridge Rd 757-8979294 114 Codyk L. N. 252-771-57	15184KTZK-12WC 173 Bally UN 187 CARTHAR	W	CC Manning + CD	
NAME	MARK Brisier Richard Calderon Roy CHATERING		9	Donna Volivia	

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Proposed Street Name Review and Addition to Master Street List Form

Plat Approval Date: Plat Approved By:
Location.
ZIP:
Community:
F&R #:
Address Range:
Add the following data to the Master Street List: Street Name:
Reviewed By:
Proposed street names with a check mark have been approved. Proposed street names with an V mark have
Alternate Street Name(s):
Parrish Pointe
Proposed Street Name(s):
Phone:
Address:
Applicant:
Subdivision Type:
Subdivision Name:
ame:

U.S. ARMY CORPS OF ENGINEERS

WILMINGTON DISTRICT

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

NOTIFICATION OF JURISDICTIONAL DETERMINATION

Property Owner/Applicant: Windswept Pines / Allied Properties, LLC

Address: 417 Caratoke Hwy, Unit D
Moyock, North Carolina 27958

Telephone Number: 252-435-2718

Nearest Waterway
USGS HUC

Northwest River 03010205

Nearest Town Moyocl
River Basin Pasquo

Coordinates Latitude: 36.543968 N Longitude: -76.181195 W

Pines Subdivision, adjacent to Shingle Landing Creek, in the Town of Moyock, Currituck County, North Carolina. Currituck County Deed Book 1391. Pages 856 & 861. The Project Area includes drainage of 200 linear feet from each existing drainage Location description: Property is an approximate 13.8-acre parcel located at the terminus of Alden Run, in the Windswept

Indicate Which of the Following Apply:

4. Preliminary Determination

There are waters, including wetlands, appealable action, by contacting the Corps district for further instruction. waters of the U.S. This preliminary determination is not an appealable action under the Regulatory Program Administrative Appeal Process (Reference 33 CFR Part 331). However, you may request an approved JD, which is an waters and wetlands that would be affected in any way by the permitted activity on the site as if they are jurisdictional requirements, and other resource protection measures, a permit decision made on the basis of a preliminary JD will treat all accurate and reliable. Therefore this preliminary jurisdiction determination may be used in the permit evaluation process, including determining compensatory mitigation. For purposes of computation of impacts, compensatory mitigation Water Act (CWA)(33 USC § 1344) and/or Section 10 of the Rivers and Harbors Act (RHA) (33 USC § 403). The waters, including wetlands, have been delineated, and the delineation has been verified by the Corps to be sufficiently on the above described property that may be subject to Section 404 of the Clean

used in the permit evaluation process. Without a verified wetland delineation, this preliminary determination is merely an timely manner, you may wish to obtain a consultant to conduct a delineation that can be verified by the Corps not sufficiently accurate and reliable to support an enforceable permit decision. We recommend that you have the waters of the U.S. on your property delineated. As the Corps may not be able to accomplish this wetland delineation in a effective presumption of CWA/RHA jurisdiction over all of the waters, including wetlands, at the project area, w not sufficiently accurate and reliable to support an enforceable permit decision. We recommend that you have the There are wetlands on the above described property, that may be subject to Section 404 of the Clean Water Act (CWA)(33 USC § 1344) and/or Section 10 of the Rivers and Harbors Act (RHA) (33 USC § 403). However, since the waters, including wetlands, have not been properly delineated, this preliminary jurisdiction determination may not be at the project area, which is

B. Approved Determination

Section 10 of the Rivers and Harbors Act (RHA) (33 USC § 403) and Section 404 of the Clean Water Act (CWA)(33 USC not to exceed five years from the date of this notification. § 1344). Unless there is a change in law or our published regulations, this determination may be relied upon for a period There are Navigable Waters of the United States within the above described property subject to the permit requirements of

There are waters of the U.S., including wetlands, on the above described property subject to the permit requirement section 404 of the Clean Water Act (CWA) (33 USC § 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification. on the above described property subject to the permit requirements of

accomplish this wetland delineation in a timely manner, you may wish to obtain a consultant to conduct a delineation that can be verified by the Corps We recommend you have the waters of the U.S. on your property delineated. As the Corps may not be able to

SAW-2017-01621 Windswept Pines Ditches
The waters of the U.S., including wetlands, upon for a period not to exceed five years. jurisdiction on your property which, provided there is no change in the law or our published regulations, may be relied completion. Once verified, this survey will provide an accurate depiction of all areas subject to CWA and/or RHA verified by the Corps. If you wish to have the delineation surveyed, the Corps can review and verify the survey upon on your project area have been delineated and the delineation has been

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

There are no waters of the U.S., to include wetlands, present on the above described property which are subject to the permit requirements of Section 404 of the Clean Water Act (33 USC 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this



The property is located in one of the 20 Coastal Counties subject to regulation under the Coastal Area Management Act (CAMA). You should contact the Division of Coastal Management in Elizabeth City, NC at 252-264-3901 to determine their requirements

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

- O Basis For Determination: The delineated wetlands on this site meets the wetland criteria as described in the Wetland Delineation Manual. The wetlands are a part of a broad continium of wetlands connected to Shingle Landing Creek and the Northwest River. 1987 Corps Wetland Delineation Manual and the Atlantic and Gulf Coastal Plain Regional Supplement to the 1987
- drainage ditches in this wooded parcel in this area and or wetlands on the property. There is a 200 linear foot drainage setback off of each of the existing Remarks: Department of the Army authorization is required to work within any jurisdictional waters

Attention USDA Program Participants

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

Appeals Information (This information applies only to approved jurisdictional determinations as indicated in

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

Atlanta, Georgia 30303-8801 60 Forsyth Street SW, Room 10M15 Attn: Jason Steele, Review Officer South Atlantic Division US Army Corps of Engineers

SAW-2017-01621 Windswept Pines Ditches In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by March 30, 2017.

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

correspondence.**

Corps Regulatory Official:

Expiration Date: N/A for PJD

July 9, 2018

continue to do so, please complete our Customer Satisfaction Survey, located online at The Wilmington District is committed to providing the highest level of support to the public. To help us ensure we

http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0.

Copy Furnished: CESAW/RG-W/Bland

Applicant: Windswept Pines Attached is: PRELIMINARY JURISDICTIONAL DETERMINATION PROFFERED PERMIT (Standard Permit or Letter of permission) INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission) APPROVED JURISDICTIONAL DETERMINATION PERMIT DENIAL NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND File Number:SAW 2017-01621 REQUEST FOR APPEAL July 9, 2018 See Section below

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision.

Additional information may be found at http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits.aspx or Corps regulations at 33 CFR Part 331.

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

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

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

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

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

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

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

SAW-2017-01621 Windswept Pines Ditches

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

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

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

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

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

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

District Engineer, Wilmington Regulatory Division,
Attn: Raleigh W. Bland, PWS
2407 West 5th Street
Washington, North Carolina 27889

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

Ar loop Steels Administrative Appeal Paview Officer

Mr. Jason Steele, Administrative Appeal Review Officer CESAD-PDO

U.S. Army Corps of Engineers, South Atlantic Division 60 Forsyth Street, Room 10M15

Atlanta, Georgia 30303-8801 Phone: (404) 562-5137

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

For appeals on Initial Proffered Permits send this form to:

Signature of appellant or agent

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

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

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

