



**Development Services**

Planning  
305 Chestnut Street  
PO Box 1810  
Wilmington, NC 28402-1810

910 254-0900  
910 341-3264 fax  
wilmingtonnc.gov  
Dial 711 TTY/Voice

January 11, 2017

Joe Boyd, PE  
Withers & Ravenel  
1410 Commonwealth Drive  
Wilmington, NC 28403

RE: Arbor Commons, located at 4301 S. 17<sup>th</sup> Street

I have attached a copy of the **early clearing and grading release**. **Please make note of the conditions for the release as they appear on the attached release letter.** These conditions must be followed and met in order for the construction to be approved. ***Prior to beginning grading on the site, you must have a pre-construction meeting between City staff and the project's representatives. Any violation of this condition will result in an immediate stop work order and other civil penalties.***

All grading on the site must be in accordance with New Hanover County erosion control standards and the erosion control plan approved by New Hanover County and the City of Wilmington. Any trees and areas designated to be saved or protected must be properly barricaded and/or marked throughout construction. In addition please be aware that no construction of buildings, structures, walls, etc. may begin until the City of Wilmington's Technical Review Committee has approved the final plans and final construction release is granted.

Please contact our office at 254-0900 if you have any questions or concerns regarding this information and to schedule a pre-construction meeting with City staff. The City thanks you for your investment in our community and looks forward to working with you towards construction of a quality development project.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Chambers", written over a horizontal line.

Brian Chambers  
Associate Planner



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## TRANSMITTAL LETTER

TO: John Barham, Zoning Inspector  
 DATE: January 11, 2017  
 SUBJECT: Arbor Commons  
**RELEASE FOR CLEARING AND GRADING PURPOSES ONLY**  
 Plans Sealed as of 1/10/17

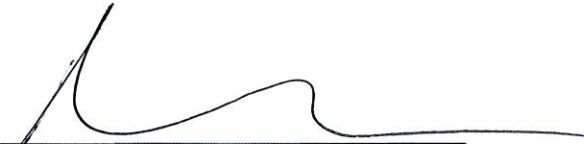
The following items are being sent to you via this package.

QUAN.	DWG./NO.	DESCRIPTION
1	Dated 1/10/17	Arbor Commons Plans
1	Dated 12/12/16	City Tree Removal Permit TPP-17-127
1	Dated 12/19/16	NHC Erosion Control #GP 44-16
1	Dated 11/19/02	Policy on the Release of Projects for the Purpose of Clearing and Grading

REMARKS: Arbor Commons, located at 4301 S. 17<sup>th</sup> Street, is hereby conditionally released for clearing and grading purposes only. The following conditions must be satisfied as part of this release:

- 1. A PRE-CONSTRUCTION MEETING MUST BE HELD BETWEEN THE SITE CONTRACTOR AND CITY STAFF PRIOR TO ANY GRADING BEGINNING ON THE SITE. FAILURE TO COMPLY WILL RESULT IN IMMEDIATE CIVIL PENALTIES.**
- 2. NO CONSTRUCTION OF ANY BUILDING, STRUCTURE, WALL, UTILITIES, INFRASTRUCTURE, ETC. OF ANY KIND, INCLUDING FOOTINGS AND BUILDING SLABS, WILL BE PERMITTED UNTIL THE TECHNICAL REVIEW COMMITTEE HAS APPROVED THE FINAL CONSTRUCTION RELEASE.**
- 3. ANY TREES AND/OR AREA DESIGNATED TO BE SAVED MUST BE PROPERLY BARRICADED OR MARKED WITH FENCING AND PROTECTED THROUGHOUT CONSTRUCTION TO INSURE THAT NO CLEARING AND GRADING WILL OCCUR IN THOSE AREAS.**
- 4. THIS GRADING RELEASE IS GIVEN IN ACCORDANCE WITH THE EROSION CONTROL PLAN APPROVED BY NEW HANOVER COUNTY.**
- 5. IF THE CONDITIONS LISTED ABOVE ARE VIOLATED; A STOP WORK ORDER WILL BE ISSUED.**
- 6. THE DEVELOPER ASSUMES ALL RISKS AND PENALTIES WITH ANY DELAY OR STOP WORK ORDER ASSOCIATED WITH THE VIOLATION OF THIS RELEASE. BY SIGNING THIS, THE DEVELOPER ACKNOWLEDGES THE CONDITIONS OF THIS RELEASE AND ASSUMES ALL RESPONSIBILITIES AND RISKS ASSOCIATED WITH IT.**

**THE CITY OF WILMINGTON WILL NOT BE HELD LIABLE FOR ANY COSTS ASSOCIATED WITH THE CLEARING AND GRADING RELEASE.**

Signature:   
Brian Chambers, Associate Planner

Signature:   
Owner / Applicant

Copy: Joe Boyd  
Bret Russell  
Rob Gordon, PE  
Aaron Reese  
Chris Elrod  
Rich Christensen, PE  
Trent Butler  
Bill McDow  
Matthew Tribbett  
Bernice Johnson  
Amy Beatty  
Ryan O'Reilly

Withers & Ravenel  
Construction Manager  
Engineering Plan Review  
Urban Forestry  
Fire Prevention  
Engineering Plan Review (e-mail only)  
Engineering Plan Review (e-mail only)  
Traffic Engineering (e-mail only)  
CFPUA (e-mail only)  
CFPUA (e-mail only)  
Community Services (e-mail only)  
Community Services (e-mail only)

File: **Arbor Commons**

**Project File # 2016058**





# NEW HANOVER COUNTY

Engineering Department  
230 Government Center Drive • Suite 160  
Wilmington, North Carolina 28403  
TELEPHONE (910)-798-7139  
Fax (910) 798-7051

Beth E. Wetherill, C.P.E.S.C.  
Soil Erosion Specialist

December 19, 2016

Leon Capital Group  
Mr. Todd Harrelson  
5970 Fairview Road, Suite 450,  
Charlotte, North Carolina 28210

**RE: Grading Permit #44-16, Arbor Commons**

Dear Mr. Todd Harrelson:

This office has reviewed the revised subject sedimentation and erosion control plan. We find the plan to be acceptable.

**Please read the permit conditions carefully and return the signed blue original to our office and keep the copy for your records.**

**A preconstruction meeting is required** prior to any land disturbing activity on this project. Please contact us at (910) 798-7139 to set this up with us.

The land disturbing fee of **\$4048** is due to be paid to New Hanover County Engineering to my attention, prior to issuance of any Certificate of Occupancy or Certificate of Completion.

Please be advised that a copy of the approved soil erosion plan, a copy of the grading permit, a rain gauge and the Combined Inspection Reports must be available at all times at the site.

New Hanover County's Erosion and Sedimentation Control Program is performance oriented requiring protection of the natural resources and adjoining properties. If following the commencement of the project, it is determined that the plan is inadequate to meet the requirements of the New Hanover County's Erosion and Sedimentation Control Ordinance, this office may require revisions in the plan and its implementation to insure compliance with the ordinance.

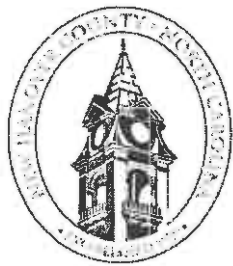
This permit will not preclude any other permits or approvals necessary for beginning or completing this development. It is the owner's responsibility to have all the approvals or permits that are required prior to beginning construction. Approval of an erosion control plan is conditioned on the applicant's compliance with Federal and State Water Quality laws, regulations and rules.

Respectfully yours,

*Beth Easley Wetherill*

Beth Easley Wetherill  
NHC Soil Erosion Specialist

cc: LG John Barry Drive, LLC  
Joseph Boyd PE, Withers Ravenel  
Brian Chambers, Associate Planner City of Wilmington



## Permit for a Land Disturbing Activity

New Hanover County  
Department of Engineering  
230 Government Center Drive - Suite 160  
Wilmington, North Carolina 28403  
(910) 798-7139

### **As authorized by the New Hanover County Erosion and Sedimentation Control Ordinance**

This permit issued to Leon Capital Group authorizes the development of 10.12 acres of land at 4301 South 17th Street for Arbor Commons in New Hanover County. This permit issued on December 19, 2016 is subject to compliance with the application and site drawings, all applicable regulations and special conditions and notes set forth below. **Any plan modifications must be approved by this office prior to field changes.**

It is understood by the applicant that a representative of New Hanover County's Engineering Department may inspect the site at any time following the issuance of this Permit. A copy of the approved Soil Erosion Control Plan, this permit, a rain gauge and copies of the Combined Self-Monitoring and Self Inspection Reports must be available at all times at the site.

Failure to execute the provisions of this permit and the approved Soil Erosion Plan, or any other provisions of the New Hanover County Soil Erosion and Sedimentation Control Ordinance, shall result in immediate legal action by the County to the limits prescribed by the Ordinance. If the measures outlined on the approved Soil Erosion Control Plan and this Permit prove insufficient, additional Erosion Control measures can and will be required which in turn will be considered provisions of this Permit. This Permit does not preclude any other permits or approvals necessary for beginning or completing this development. Approval of an erosion control plan is conditioned on the applicant's compliance with Federal and State laws, regulations and rules. It is the Permittee's responsibility to obtain all necessary permits and approvals.

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### **SPECIAL CONDITIONS**

#### **(THESE CONDITIONS MUST BE FOLLOWED IN ADDITION TO THE PLANS AND SPECIFICATIONS)**

\*All the soil erosion control measures will be installed as the site is cleared and maintained throughout construction. These include 2 construction entrances, a barricade, immediate installation of 3 ditch plugs with immediate ditch filling prior to any rain event, silt fences, silt fence outlets, inlet and outlet protection, four 2:1 sloped diversion ditches 1.5 feet deep with six 18 inch wattles in 2 diversion ditches that have polyacrylamide on the first two wattles, two 3 foot high rock pipe inlet protector and immediate installation of liners prior to any rain event for all land disturbing activity on the slopes of the adjacent existing stormwater pond.

\*Tree Removal Permits are required from the City of Wilmington and/or New Hanover County prior to issuance of this permit and clearing the site.

\*Silt fence stakes must be steel and will be placed **six feet apart without wire reinforcement** or **eight feet apart with wire reinforcement**. Silt fence is not allowed as inlet protection.

\*This permit does not preclude any permits or approvals which may be necessary such as City of Wilmington or New Hanover County Stormwater, NCDENR Water Quality, C.A.M.A., and the US Army Corps. of Engineers, DEM Solid Waste or any other agencies.

\*No sediment shall leave the site.

\*If plan revisions are necessary you must submit a copy to this office for approval **prior** to any field changes.

\*If soil is brought onto this site or removed from this site, it must come from or be taken to an approved or permitted site to be identified to this office **prior** to being brought onsite or removal from the site.

\*All City and/or County and State drainage and stormwater requirements will be adhered to.

\*If these measures fail to adequately control erosion, more restrictive measures will be required.

\*If any phase of grading ceases for more than 15 working days, the site will be temporarily stabilized.

\*All slopes must be stabilized within 21 calendar days of any phase of activity.

The approval of an erosion control plan is conditioned on the applicant's compliance with Federal and State Water Quality laws, regulations and rules.

**\*Note the required rates for seed, lime, fertilizer and mulch in your seeding specifications.**

**\*Note the NPDES information from the State for sites disturbing 1 acre or more and the reporting requirements.** All **NEW** projects permitted after August 3, 2011 **must include** the following surface water withdrawal locations and stabilization requirement designations on the plan in order to qualify for coverage under the most recent NPDES Construction General Permit. All settling basins must have outlet structures that withdraw water from the surface, with the exception of basins or traps that have a drainage area of less than 1 acre. The NPDES permit requires ground cover within 14 calendar days on disturbed flat areas and ground cover within 7 calendar days on all areas within HQW Zones, perimeter dikes, swales, ditches, perimeter slopes and all slopes steeper than 3:1. Exceptions include slopes that are 10 feet or less in length and not steeper than 2:1 which must be stabilized within 14 calendar days and slopes greater than 50 feet which must be stabilized within 7 calendar days. This permit also includes other new requirements which are listed in the text of the NPDES Stormwater Discharge Permit for Construction Activities. Inspections of all erosion control measures and reports are required every 7 days and within 24 hours of every 1/2 inch rain event in a 24 hour period.

**\*Note the Land Resources Self Inspection Program Requirements.** This program is separate from the NPDES reporting and requires inspection and documentation after each phase of construction. These phases include: Installation of perimeter erosion control measures, Clearing and Grubbing of existing ground cover, Completion of any phase of grading of slopes or fills, Installation of storm drainage facilities, Completion of construction or development, Establishment of permanent ground cover sufficient to restrain erosion and any Deviation from the approved plan.

Enclosed is a Combined Self-Monitoring and Self-Inspection Form that meets the requirements of both the NPDES Stormwater Permit for Construction Activities, NCG 010000 reporting and the Land Resources Self Inspection Program that satisfies the requirements of the Sedimentation Pollution Control Act.

This report is the responsibility of the property owner. It requires a rain gauge onsite and inspections and reporting every 7 calendar days and within 24 hours of every 1/2 inch rain per 24 hour period and at specific phases of construction. Additional copies of this Combined Construction Inspection Report can be found at <http://portal.ncdenr.org/web/lr/erosion> . Reports must be available onsite at all times. If you have questions please contact New Hanover County Engineering (910) 798-7139 or the Land Quality Section at the NCDENR Regional office at (910) 796-7215.

\*A pre-construction meeting is required prior to any activity on site. Please contact Beth E. Wetherill at (910) 798-7139 to set up this meeting.



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This Permit will expire one year from date of issue if no construction activity begins on site. This permit may not be amended or transferred to another party without approval of this office.

Acknowledgment of receipt of Permit

\_\_\_\_\_  
Owner

\_\_\_\_\_  
By (please print)

\_\_\_\_\_  
Signature

*Beth Easley Wetherill*

\_\_\_\_\_  
Beth E. Wetherill, C.P.E.S.C..  
Soil Erosion Specialist/New Hanover County



**WILMINGTON**

City of  
Wilmington  
North Carolina

**Development  
Services**

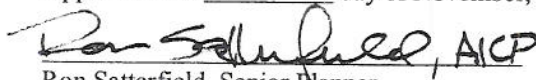
305 Chestnut Street  
PO Box 1810  
Wilmington, NC 28402-1810  
(910) 341-7873 tdd

**POLICY ON THE RELEASE OF PROJECTS FOR THE PURPOSE  
OF CLEARING AND GRADING**

No release of projects for the purpose of clearing and grading will be approved except under the following circumstances:

1. Any applications for State permits, including those for driveways, stormwater, water extensions and sewer extensions, CAMA, etc. must have been applied for and received by the applicable State agency. The application must have been submitted to the applicable State agency for a time period exceeding the minimum review time of such applicable agency, indicating a delay by the State agency in the review of the application. Evidence that the applicable State agencies will issue the permit as submitted shall be provided by the applicant or the clearing and grading release will not be issued.
2. If wetlands exist on the site, no clearing and grading release of the project will occur until all reviewing agencies have completed their review, approved the plan and issued the wetland permit. Any and all wetland permits shall be submitted to and received by the City of Wilmington prior to the clearing and grading release of a project.
3. If a project is released for clearing and grading, then the release shall be for clearing and grading only and subject to the limits as authorized by the approved erosion control plan. However, no walls, utilities, infrastructure, structure (including footings), etc. shall be constructed.
4. If the conditions listed above are violated, a stop work order shall be issued.
5. Pre-construction meetings shall be held with the applicant and city staff to discuss the limits of the conditional approval, construction entrance driveways, tree preservation/removal, and any other issue of concern that staff and/or the developer may have. The Technical Review Committee meeting is not a pre-construction meeting.
6. The developer assumes all risks and penalties with any delay or stop work order associated with the violation of this policy. An indemnification statement shall be placed on each release to guarantee that the City of Wilmington will not be held liable for any costs associated with the clearing and grading release.
7. The applicant will sign the clearing and grading release to acknowledge that he/she understands the conditions and risks associated with the release.
8. No partial release for clearing and grading release will be granted for any applicant that has violated these conditions during a twelve month time period from the date of request for clearing and grading release.

Approved this 19<sup>th</sup> day of November, 2002:

  
Ron Satterfield, Senior Planner

**Community Development**  
(910) 341-7836 telephone  
(910) 341-7802 facsimile

**Planning**  
(910) 341-3258 telephone  
(910) 341-7801 facsimile

**Engineering**  
(910) 341-7807 telephone  
(910) 341-5881 facsimile

**Development Management**  
(910) 254-0900 telephone  
(910) 341-3264 facsimile