



Planning, Development, &
Transportation Department
Planning Division
305 Chestnut Street
PO Box 1810
Wilmington, NC 28402-1810

910 254-0900
910 341-3264 fax
wilmingtonnc.gov

May 15, 2019

Mr. Mark Hargrove
Port City Consulting Engineers, PLLC
6216 Stonebridge Rd
Wilmington, NC 28409

RE: **Birchwood Drive Access Plan** project, located at 4505 Market Street

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 any construction or 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. Please contact our zoning office at 254-0900 to schedule the preconstruction meeting.***

All construction on the site must be in accordance with the City of Wilmington standards and the approved construction plans stamped by the City. All trees and areas designated to be saved or protected must be properly barricaded and/or marked throughout construction. In addition please be aware that to obtain a final zoning inspection for this construction project, the appropriate departments within the City of Wilmington must perform and approve final inspections.

To arrange for inspections please contact the assigned Zoning Enforcement Officer, at 254-0900. Staff will coordinate the inspections and provide a punch-list to the Developer within 5 working days. Upon correction of the punch-list items, a final inspection will be performed. ***NOTE: Zoning will not issue final approval until all requirements of the City of Wilmington are fulfilled.***

Please also be advised that any party aggrieved by the issuance of this approval may file a notice of appeal to the City Clerk within 30 days of receipt of active or constructive notice of this decision. It shall be presumed that all persons with standing to appeal have constructive notice of the decision from the date a sign containing the words "Zoning Decision" or "Subdivision Decision" in letters at least six inches high and identifying the means to contact an official for information about the decision is prominently posted on the property that is the subject of the decision, provided the sign remains on the property for at least 10 days. Posting of signs is not the only form of constructive notice. Any such posting shall be the responsibility of the landowner or applicant. Verification of the posting shall be provided to the official who made the decision. Absent an ordinance provision to the contrary, posting of signs shall not be required.

The City thanks you for your investment in our community and we look forward to working with you towards the construction of a quality development project.

Sincerely,


Nicole D. Smith, AICP, CZO, CFM
Associate Planner



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 Dial 711 TTY/Voice

TRANSMITTAL LETTER

TO: Traci Lunceford, Zoning Enforcement Inspector
 DATE: May 15, 2019
 SUBJECT: **Birchwood Drive Access Plan** Project # 2019021
 LOCATION: 4505 Market Street

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

QUAN.	DWG./NO.	DESCRIPTION
1	Dated 5/9/19	Birchwood Drive Access Plan Approved Plans
1	Dated 3/27/19	Approved Tree Preservation Permit
1	Under Separate Cover	City Comprehensive Stormwater Management Permit No. 2019026
1	Dated 5/3/19	NHC Grading Permit #1-10 Revision #4

REMARKS: The **Birchwood Drive Access Plan** project, located at 4505 Market Street, is hereby conditionally released for construction. The following conditions must be satisfied as part of this release:

- A. **A PRE-CONSTRUCTION MEETING MUST BE HELD BETWEEN THE SITE CONTRACTOR AND CITY STAFF PRIOR TO ANY SITE WORK, TREE REMOVAL, CLEARING, OR GRADING BEGINNING ON THE SITE. FAILURE TO COMPLY WILL RESULT IN IMMEDIATE CIVIL PENALTIES. CONTACT 910-254-0900.**
- B. **ANY TREES, INCLUDING THE CRITICAL ROOT ZONE AREA, 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.**
- C. **NO EQUIPMENT IS ALLOWED ON THE SITE AND NO CONSTRUCTION OF ANY BUILDING, STRUCTURE, WALL, UTILITIES, INFRASTRUCTURE, ETC., OF ANY KIND, INCLUDING FOOTINGS AND BUILDING SLABS, WILL BE PERMITTED UNTIL:**
 - 1. **ALL TREE PROTECTION FENCING AND SILT FENCING HAS BEEN INSTALLED**
 - 2. **BETH WETHERILL HAS FORMALLY ISSUED THE GRADING PERMIT AND AUTHORIZED THE ACTIVITY**
 - 3. **THE CFPUA HAS AUTHORIZED THE WATER AND SEWER ACTIVITIES. THE CONTRACTOR MUST HAVE A PRECON WITH CFPUA 332-6560.**
 - 4. **THE CITY ZONING INSPECTOR AUTHORIZES THE ACTIVITY.**

- D. THIS DEVELOPMENT SHALL COMPLY WITH ALL LOCAL, CITY TECHNICAL STANDARDS, REGIONAL, STATE AND FEDERAL DEVELOPMENT REGULATIONS.**
- E. ALL APPLICABLE TRC REQUIREMENTS SHALL BE COMPLETED PRIOR TO ISSUANCE OF THE FINAL ZONING APPROVAL.**
- F. PER THE REQUIREMENTS OF THE STORMWATER PERMIT, THE FOLLOWING SHALL OCCUR PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY OR OPERATION OF THE PERMITTED FACILITY:**
- AS-BUILT DRAWINGS FOR ALL STORMWATER MANAGEMENT FACILITIES SHALL BE SUBMITTED TO THE CITY OF WILMINGTON ENGINEERING DIVISION.**
 - AN ENGINEER'S CERTIFICATION SHALL ALSO BE SUBMITTED, ALONG WITH ALL SUPPORTING DOCUMENTATION THAT SPECIFIES, UNDER SEAL THAT THE AS-BUILT STORMWATER MEASURES, CONTROLS AND DEVICES ARE IN COMPLIANCE WITH THE APPROVED STORMWATER MANAGEMENT PLANS.**
 - A FINAL INSPECTION IS REQUIRED BY CITY OF WILMINGTON ENGINEERING PERSONNEL (910) 341-5856.**
- G. PRIOR TO A FINAL INSPECTION, A WALKTHROUGH WITH CITY INSPECTIONS SHALL TAKE PLACE TO VERIFY COMPLETENESS OF SITE WORK IN ROW. ANY MATERIAL TEST REPORTS AND STORMWATER VIDEOS AS REQUIRED SHALL BE SUBMITTED PRIOR TO AND APPROVED BY CITY ENGINEERING. PLEASE CONTACT THE CITY ENGINEERING DIVISION AT 910.341.0094.**
- H. NO CONSTRUCTION ACTIVITY SHALL OCCUR WITHIN THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT) RIGHT-OF-WAY UNTIL ALL NCDOT PERMITS HAVE BEEN ISSUED AND RECEIVED BY THE CITY. ALL IMPROVEMENTS REQUIRED SHALL BE INSTALLED AND APPROVED BY NCDOT PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY.**
- I. THE DEVELOPER ASSUMES ALL RISKS AND PENALTIES WITH ANY DELAY OR STOP WORK ORDER ASSOCIATED WITH THE VIOLATION OF THIS RELEASE. 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 CONSTRUCTION RELEASE.**
- J. APPROVAL OF A MAJOR OR MINOR SITE PLAN SHALL EXPIRE AFTER EIGHTEEN (18) MONTHS FROM THE DATE OF SUCH APPROVAL IF THE APPLICANT HAS FAILED TO MAKE SUBSTANTIAL PROGRESS ON THE SITE. THE TECHNICAL REVIEW COMMITTEE MAY GRANT A SINGLE, SIX-MONTH EXTENSION OF THIS TIME LIMIT FOR MAJOR AND MINOR SITE PLANS, FOR GOOD CAUSE SHOWN, UPON RECEIVING A REQUEST FROM THE APPLICANT BEFORE THE EXPIRATION OF THE APPROVED PLAN. IN THE EVENT APPROVAL OF A SITE PLAN HAS EXPIRED, FOR WHATEVER REASONS, THE OWNER AND/OR APPLICANT WILL BE REQUIRED TO RESUBMIT FOR APPROVAL OF A**

SITE PLAN THAT MEETS CURRENT DEVELOPMENT STANDARDS UNLESS OTHERWISE NOTED IN THIS CHAPTER.

K. IF THE CONDITIONS LISTED ABOVE ARE VIOLATED, A STOP WORK ORDER WILL BE ISSUED.

Please notify New Hanover County Building Inspections of this release.

Signature: Nicole D. Smith
Nicole D. Smith, Associate Planner

Copy: Mark Hargrove	Applicant (e-mail only)
Bret Russell	Construction Manager
Rob Gordon	Engineering
Jim Quinn	Stormwater Specialist
Aaron Reese	Urban Forestry
Rich Christensen	Engineering (email only)
Trent Butler	Engineering (email only)
Chris Elrod	Wilmington Fire Department (e-mail only)
Chris Walker	Wilmington Fire Department (e-mail only)
Brian Blackmon	Surveyor (e-mail only)
Jim Sahlie	GIS Addressing (e-mail only)
Bill McDow	Traffic Engineering (e-mail only)
Mitesh Baxi	Traffic Engineering (e-mail only)
Don Bennett	Traffic Engineering (e-mail only)
Bernice Johnson	CFPUA (e-mail letter only)
Beth Easley Wetherill	NHC Erosion Control (e-mail only)
Michelle Hutchinson	GIS Engineer (e-mail only)
Amy Beatty	Community Services (e-mail only)
Ryan O'Reilly	Community Services (e-mail only)
Joan Mancuso	City Zoning (email only)
Amy Schaefer	City Attorney's Office (email only)
Amy Dukes	City Attorney's Office (email only)

File: **Birchwood Drive Access Plan**

Project File # 2019021



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Development and Transportation
Planning Division
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910 254-0900
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APPROVED: DENIED:

PERMIT #: TPP-19-164

Application for Tree Removal Permit

Name of Applicant: Market Street Ventures, LLC Phone: 910-520-4482 Date: _____

Name of Property Owner: Prevatte Properties, LLC Phone: 910-520-4482

Property Owner Address: 3013 - Hall Waters Drive, Wilmington, NC 28405

Address of Proposed Tree Removal: 4615 Market Street

Description of tree(s) to be removed/reason for removal: (provide attachment if necessary)

- 1. 1 - 15" Pine - in way of pond construction 6. _____
- 2. 1 - 15" Pine - in way of pond construction 7. _____
- 3. 1 - 16" Pine - in way of pond construction 8. _____
- 4. _____ 9. _____
- 5. _____ 10. _____

Description of Replacement Tree(s): None required

I, H. Brian Prevatte, certify that the property owner has given me permission to apply for this permit on his/her behalf.

Applicant Signature: H. Brian Prevatte Date: 3-19-19

*****FOR OFFICIAL USE ONLY*****

Reviewed By: Nicole D Smith Date: 3/27/19

Remarks: Tree removal exempt from mitigation because essential site improvement per Sec 18-461.

ALL WORK MUST BE IN COMPLIANCE WITH THE CITY LAND DEVELOPMENT CODE, ARTICLE 8, LANDSCAPING AND TREE PRESERVATION.

NEW CONSTRUCTION: EXPANSION: OTHER: PAID: \$50.00 pd 3/22/19

Tree Preservation Permit Fees	
Less than 1 acre	\$25.00
1-5 acres	\$50.00
5-10 acres	\$100.00
Greater than 10 acres	\$150.00

RECEIVED

MAR 22 2019

PLANNING DIVISION



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

May 3, 2019

Market Street Ventures, LLC
3013 Hall Waters Drive, Suite A,
Wilmington, North Carolina 28405

RE: **Grading Permit #1-10 Revision #4, Birchwood Access**

Dear Mr. Brian Prevatte,

This office has reviewed the subject erosion and sedimentation control plan. We find the plan to be acceptable with performance reservations and modifications. **Please read the permit conditions carefully and return the signed blue original to our office and keep the copy for your records.** Approval of this land disturbing permit hereby give notice of our right of periodic inspection to ensure compliance with the approved plan.

As of April 1, 2019, all new construction activities are required to complete and submit an electronic Notice of Intent (NOI) form requesting a Certificate of Coverage (COC) under the NCG010000 Construction Stormwater General Permit. This form MUST be submitted prior to the commencement of and land disturbing activity on the above named project, according to State Stormwater requirements. The NOI form may be accessed at deq.nc.gov/NCG01. Please direct questions about the NOI form to Annette Lucas at Annette.lucas@ncdenr.gov or Paul Clark at Paul.clark@ncddenr.gov. After you submit a complete and correct NOI Form, a COC will be emailed to you within three business days. Initially, DEMLR will not charge a fee for coverage under the NCG01 permit. However, on or after May 1, 2019, a \$100 fee will be charged annually. This fee is to be sent to the DEMLR Stormwater Central Office staff in Raleigh.

A copy of the enclosed land disturbing permit, a copy of the approved erosion and sedimentation control plan as well as any approved deviations, the NCG01 permit, a copy of the Certificate of Compliance (COC), records of inspections made during the previous 30 days and a rain gauge must be posted at the job site.

A refund of a portion of the land disturbing fee in the amount of **\$180** has been requested to be returned to you.

A **preconstruction meeting is optional** prior to any land disturbing activity on this project. Please contact me at (910) 798-7139 if you would like to schedule this meeting in our office. If you choose not to have the preconstruction meeting, you need to contact us with the date land disturbing activity will take place onsite and again once the initial erosion control measures are installed.

New Hanover County's Erosion and Sedimentation Control Program is performance- oriented, requiring protection of existing 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 to the plan and its implementation of the revisions to insure compliance with the ordinance.

This land disturbing permit will expire within 1 year following the date of approval, if no land disturbing activity has been undertaken. If no activity takes place within one year after work has begun onsite, the permit will expire. Please contact this office to reactivate a permit that has expired.

Acceptance and approval of this erosion control plan is conditioned on your compliance with Federal and State water quality laws, regulations and rules. 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 and permits that are required prior to beginning construction.

Please note this approval is based in part on the accuracy of the information provided in the Financially Responsibility Form, 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,

Beth Easley Wetherill

Beth Easley Wetherill
NHC Soil Erosion Specialist

cc: Mark Hargrove PE, Port City Consulting Engineer, PLLC
Nicole Smith Associate Planner, City of Wilmington



Permit# GP #1-10 Revision #4
LNDP # 19-00078

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 Market Street Ventures, LLC authorizes the development of 2.4 acres of land at 4505, 4615, 4621 & 4615 Market Street for Birchwood Access Road in New Hanover County with performance reservations and modifications. This permit issued on May 3, 2019 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 this permit, the approved Soil Erosion and Sedimentation Control Plan as well as any approved deviations, a copy of DEMLR's NCG01 Certificate of Compliance, records of inspections made during the previous 30 days and a rain gauge must be posted at the job site at all times.

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, may 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. Additional plan submittals and approvals may be required. Acceptance and approval of this erosion control plan is conditioned on the applicant's compliance with Federal and State laws, regulations and rules. This Permit does not preclude any other permits or approvals necessary for beginning or completing this development. It is the Permittee's responsibility to obtain all necessary permits and approvals that are required prior to beginning construction.

This approval is based in part on the accuracy of the information provided on the Financially Responsibility Form, which you provided. You are required to file an amended form if there is any change in the information that was provided.

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 a construction entrance, silt fences, inlet and outlet protection. A 2:1 sloped stabilized stockpile with silt fence and immediate construction and stabilization of the skimmer sediment basin its slopes and outlet structure with a 2.5 inch Faircloth skimmer and a 2.1-inch orifice. NOTE: The existing ditch will be filled in prior to accessing the pond area.
- *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.
- *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.
- *No sediment shall leave the site.
- *If these measures fail to adequately control erosion, more restrictive measures will be required.
- *If plan revisions are necessary you must submit a copy to this office for approval prior to any field changes.
- *Any borrow material brought onto this site must be from a legally operated mine or other approved source including a separate construction site with an active land disturbing permit. Borrow from any other location would require this permit to be revised to include the area where the borrow was generated as part of this site. Any soil waste that leaves this site can be transported to a permitted mine or separate construction site with an active land disturbing permit without additional

permits. Disposal at any other location would require the disposal site to be included in this permit and would require submittal and approval of revised plans.

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

*Pre-construction meetings are optional. Contact Beth E. Wetherill at (910) 798-7139 to set up a meeting prior to land disturbing activity onsite. If you do not choose to have a preconstruction meeting prior to starting work on site, you should contact us when activity begins and again when the initial measures have been installed.

*Tree Removal Permits and/or Approvals are required from the City of Wilmington and/or New Hanover County.

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

*This permit does not preclude any permits or approvals which may be necessary. These include but are not limited to, City of Wilmington or New Hanover County Stormwater, Planning or Zoning, State or County C.A.M.A., DEMLR Water Quality, Water Resources or Solid Waste, the US Army Corps. of Engineers or any other agencies.

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

* This land disturbing permit requires inspections and record keeping to be performed by the landowner, the financially responsible party or their agent, during and after each phase of the plan has been completed and after establishment of temporary ground cover. Records shall be maintained onsite until permanent ground cover has been established to provide sufficient root structure to restrain erosion. These phases include: installation of perimeter erosion and sediment control measures; clearing and grubbing of existing ground cover; completion of any phase of grading on slopes or fills that requires provision of temporary or permanent ground cover; completion of storm drainage facilities; completion of construction or development; and quarterly until the establishment of permanent ground cover sufficient to restrain erosion. Or, until the financially responsible party has conveyed ownership or control of the tract of land for which the erosion and sedimentation control plan has been approved and the agency that approved the plan has been notified. If the financially responsible party has conveyed ownership or control of the tract of land for which the erosion and sedimentation control plan has been approved, the new owner's or person in control shall conduct and document inspections quarterly until the establishment of permanent ground cover sufficient to restrain erosion. The person who performs the inspections shall maintain and make available a record of the inspection at the site of the land disturbing activity until permanent ground cover has been established. The records will document: the installation of the erosion and sedimentation control measures, practices and devices as set forth by the approved plan or if the measures, practices and devices are modified after initial installation; the completion of any phase of grading for all graded slopes and fills shown on the approved plan, specifically noting the location and condition of the graded slopes and fills; the location of temporary or permanent ground cover, and that the installation of the ground cover does not significantly deviate from the approved plan; that maintenance and repair requirements for all temporary and permanent erosion and sedimentation control measures, practices and devices have been performed and that they don't significantly deviate from the approved plan; any significant deviation from the approved erosion control plans and identify measures that may be required to correct the deviation and document the completion of the corrective actions; it includes contact information for the person conducting the inspection and the date of the inspection. These requirements are in addition to inspections required by GS 113A 61.1.

* As of April 1, 2019, all new construction activities are required to complete and submit an electronic Notice of Intent (NOI) form requesting a Certificate of Coverage (COC) under the NCG010000 Construction Stormwater General Permit unless this project has applied for an Individual Construction Stormwater Permit. The NOI form must be submitted prior to the commencement of any land disturbing activity on the above named project, according to State Stormwater requirements. The NOI form may be accessed at deq.nc.gov/NCG01. Please direct questions about the NOI form to Annette Lucas at Annette.lucas@ncdenr.gov or Paul Clark at Paul.clark@ncdenr.gov. After you submit a complete and correct NOI Form, a COC will be emailed to you within three business days. Initially, DEMLR will not charge a fee for coverage under the NCG01 permit. However, on or after May 1, 2019, a \$100 fee will be charged annually. This fee is to be sent to the DEMLR Stormwater Central Office staff in Raleigh.

*Additional self-inspections, record keeping and reporting is required by the Construction Stormwater General Permit - NCG01 per State Stormwater. It requires inspections and record keeping at least once per 7 calendar days and within 24 hours of a rain event of 1.0 inch or more, in 24 hours. Rain inspections reset the required 7 calendar day inspection

requirement. Records of inspection made during the previous 30 days must be kept onsite. Other reports are to be made available for 3 years. Reporting is required to the States Stormwater Divisions Regional Office for sediment deposits in streams or wetlands, oil spills, release of hazardous substances, anticipated bypasses, unanticipated bypasses and noncompliance with conditions of the permit that may endanger health or the environment. There are specific time frames for reporting and submittal of reports to the Divisions Regional Office. NCG01 includes 7 and 14 calendar day ground stabilization and materials handling requirements. Materials are to be kept in leak proof containers, under storm resistant cover or have secondary control structures. They are to be stored 50 feet away from storm drains, surface waters and wetlands. They include flocculants, equipment and vehicle maintenance, litter, building materials and land clearing waste, paint and other liquids, portable toilets, earthen stockpile management, concrete washouts, herbicides, pesticides and rodenticides, and hazardous and toxic waste. Contact the Department of Energy, Mineral and Land Resources Stormwater Division at deq.nc.gov/NCG01 or the Wilmington Regional Office at 910) 798-7215 for additional information.

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