



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

January 20, 2021

Mr. Daniel J. Fisk, PE
Paramounte Engineering, Inc.
122 Cinema Drive
Wilmington, NC 28403

RE: **East & Mason** project, located at 7420 & 7500 Masonboro Sound Road

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,

A handwritten signature in blue ink that reads "Patrick O'Mahony".

Patrick O'Mahony
Associate Planner



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Dial 711 TTY/Voice

TRANSMITTAL LETTER

TO: Chris Hatcher, Zoning Enforcement Inspector
DATE: January 20, 2021
SUBJECT: **East & Mason** Project # 2020021
LOCATION: 7420 & 7500 Masonboro Sound Road

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

QUAN.	DWG./NO.	DESCRIPTION
1	Dated 1/14/21	East & Mason Approved Plans
1	Dated 12/1/20	Approved Tree Preservation Permit
1	Under Separate Cover	City Comprehensive Stormwater Management Permit No. 2021001
1	Dated 12/6/20	NHC Grading Permit #18-20
1	Dated 8/18/20	US Army Corps 404 Wetland Permit SAW-2019-02086
1	Dated 3/19/20	Approved Traffic Impact Analysis with conditions
1	Dated 2/10/20	SRB Approval Order (SRB-2-1219)

REMARKS: The **East & Mason** project, located at 7420 & 7500 Masonboro Sound Road, 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. ALL IMPROVEMENTS, AS RECOMMENDED BY THE SUBMITTED AND APPROVED TRAFFIC IMPACT ANALYSIS (TIA) SHALL BE INSTALLED AND INSPECTED PRIOR TO THE ISSUANCE OF THE FINAL ZONING APPROVAL.
 - E. ALL TRUCKING TO AND FROM THE SITE SHALL ADHERE TO NCDOT AND COW TRUCK ROUTES AND RESTRICTIONS (I.E. S. 3RD ST, MARKET STREET). SEE CITY GIS GALLERY FOR ROUTES, WEIGHT RESTRICTIONS, ETC.
 - F. A MAP SHOWING ALL REQUIRED EASEMENTS AND RIGHT(S)-OF-WAY MUST BE REVIEWED BY CITY STAFF AND RECORDED AT THE REGISTER OF DEEDS PRIOR TO ISSUANCE OF A FINAL ZONING APPROVAL.
 - G. THIS PROJECT WILL REQUIRE THE DEDICATION OF PUBLIC DRAINAGE EASEMENT(S).
 - H. THIS PROJECT WILL REQUIRE THE DEDICATION OF PUBLIC ACCESS EASEMENT(S).
 - I. PROPER DEDICATION OF PUBLIC EASEMENTS REQUIRES AN EASEMENT MAP (OR LEGAL DESCRIPTION) AND A DEED OF EASEMENT. THE EASEMENT MAP OR LEGAL DESCRIPTION IS PREPARED BY A LICENSED SURVEYOR. THE DEED OF EASEMENT IS PREPARED BY THE CITY ATTORNEY'S OFFICE (CAO). A TITLE POLICY FOR THE PROPERTY IS NECESSARY IN ORDER TO PREPARE THE DOCUMENT. RECORDATION OF BOTH THE EASEMENT MAP AND THE DEED OF EASEMENT WILL BE REQUIRED PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY.
 - J. THIS PROJECT WILL REQUIRE THE DEDICATION OF PUBLIC OR PRIVATE RIGHTS-OF-WAY.

NAME: MASON PORT DRIVE, PAINTED TURTLE LOOP, SUNSET BEND COURT, LAUREL POINT DRIVE, SHELTERSOUND COURT, NETTLE CROSS ALLEY, WATERSAIL DRIVE, ARALIA ALLEY, LAURELWOOD ALLEY, SOUNDMARSH ALLEY, BOATWATCH ALLEY.

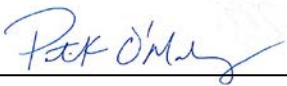
- K. THIS PROJECT WILL REQUIRE SUBMITTAL OF A REQUEST FOR RECYCLING AND TRASH SERVICES FORM. SUBMITTAL OF THIS FORM WILL ENSURE ALL RESIDENTS RECEIVE CITY RECYCLING AND TRASH SERVICES AS REQUIRED BY SECTION 10-4 OF CITY CODE. IT IS REQUIRED FOR PUBLIC STREET DEDICATIONS SERVING SINGLE FAMILY OR DUPLEX LOTS AND OPTIONAL FOR PRIVATE STREETS. N/A FOR COMMERCIAL OR MULTI-FAMILY ROADS (PUBLIC OR PRIVATE).
- L. THIS PROJECT WILL REQUIRE THE CREATION/RECORDATION OF RESTRICTIVE COVENANTS TO ENSURE COMPLIANCE WITH THE APPROVED STORMWATER PERMIT. RESTRICTIVE COVENANTS AND HOA/POA DOCUMENTS MUST BE REVIEWED AND APPROVED BY THE CAO, PLANNING AND CITY ENGINEERING PRIOR TO RECORDING A FINAL PLAT.

- M. THIS DEVELOPMENT SHALL COMPLY WITH ALL LOCAL, CITY TECHNICAL STANDARDS, REGIONAL, STATE AND FEDERAL DEVELOPMENT REGULATIONS. ALL APPLICABLE TRC REQUIREMENTS SHALL BE COMPLETED PRIOR TO ISSUANCE OF THE FINAL ZONING APPROVAL.**
- N. 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.**
- O. 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.**
- P. 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.**
- Q. CONTRACTOR SHALL SUBMIT A RADIO SIGNAL STRENGTH STUDY FOR ALL COMMERCIAL BUILDINGS THAT DEMONSTRATES THAT EXISTING EMERGENCY RESPONDER RADIO SIGNAL LEVELS MEET THE REQUIREMENTS OF SECTION 510 OF THE 2018 NC FIRE CODE.**
- R. THIS PROJECT IS PROPOSING GREATER THAN 500 LINEAR FEET OF RIGHT-OF-WAY OR PUBLIC IMPROVEMENTS. PER CHAPTER V OF THE CITY FEE SCHEDULE, THE PROJECT WILL REQUIRE ENGINEERING INSPECTION FEES IN THE AMOUNT OF \$500. THIS FEE MUST BE PAID PRIOR TO ISSUANCE OF PLAT RECORDATION OF CERTIFICATE OF OCCUPANCY. PLEASE CONTACT CITY ENGINEERING AT 910.341.0094 FOR PAYMENT OPTIONS.**
- S. PROPERTIES WITHIN THE SPECIAL FLOOD HAZARD AREA SHALL BE SUBJECT TO COMPLIANCE WITH ARTICLE 13 OF THE LAND DEVELOPMENT CODE. PLEASE CONTACT KATHRYN THURSTON, ZONING ADMINISTRATOR/FLOODPLAIN MANAGER (910.341.3249) FOR CLARIFICATION ON REQUIREMENTS FOR DEVELOPMENT IN THE FLOOD PLAIN.**
- T. 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.**

U. 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.

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

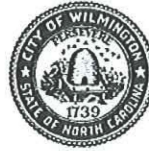
Please notify New Hanover County Building Inspections of this release.

Signature: 
Patrick O'Mahony, Associate Planner

Copy: Daniel Fisk	Applicant (e-mail only)
Bret Russell	Construction Manager
Rob Gordon	engineering (email only)
Jim Quinn	Stormwater Specialist (email only)
Aaron Reese	Urban Forestry (email only)
Rich Christensen	Engineering (email only)
Eric Seidel	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)
Denys Vielkanowitz	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)
Catherine Meyer	City Zoning (email only)
Debra Hornbuckle	City Zoning (email only)
Shawn Evans	City Attorney's Office (email only)
Courtney Salgado	City Attorney's Office (email only)
Joseph Wurzel	NC DOT (email only)
Nick Drees	NC DOT (email only)
Jon Roan	NC DOT (email only)
Ben Hughes	NC DOT (email only)

File: **East & Mason**

Project File # 2020021



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and Transportation
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910 254-0900
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Dial 711 TTY/Voice

APPROVED: DENIED:

PERMIT #: TPP-20-193

Application for Tree Removal Permit

Name of Applicant: Raleigh Wilmington Investors, LLC Phone: (919) 876-9200 Date: _____

Name of Property Owner: MacDonald, Elizabeth ETAL Phone: _____

Property Owner Address: 11312 US 15-501 N Suite 107-169, Chapel Hill, NC 27517

Email address for permit to be sent: sbishop@robuckhomes.com | dfisk@paramounte-eng.com

Address of Proposed Tree Removal: 7424 & 7500 Masonboro Sound Road

Description and location of tree(s) to be removed & reason for removal: (provide attachment if necessary and tag tree(s) on site)

1. See attached plans
2. _____
3. _____

Description of replacement trees: _____

I, Raleigh Wilmington Investors, LLC, certify that the property owner has given me permission to apply for this permit on his/her behalf.

Applicant Signature: *Sam R Bishop* Date: 5/8/20

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

Reviewed by: *Pat O'Leary* Date: 12/1/20

Remarks: Tree mitigation payment of \$102,900 required based on significant tree removal
Paid 11/19/20

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

NEW CONSTRUCTION: EXPANSION: OTHER: PAID: \$150.00 6/4/20

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

****IF MITIGATION IS REQUIRED, CONTACT THE ZONING DEPARTMENT AT (910)254-0900 TO DISCUSS A PLANTING SCHEDULE****

Application can be mailed, emailed to: zoning@wilmingtonnc.gov or dropped off at our office.



NEW HANOVER COUNTY

ENGINEERING

230 Government Center Drive, Suite 160, Wilmington, NC 28403

P: (910) 798-7139 | F: (910) 798-7051 | NHCgov.com

Jim Iannucci, PE, CFM, County Engineer

December 6, 2020

Raleigh-Wilmington Investors, LLC
6131 Falls of Neuse Road,
Raleigh, North Carolina 27609

RE: Grading Permit #18-20, East & Mason Subdivision

Dear Mr. Shelly Bishop:

This office has reviewed the erosion and sedimentation control plan. We find the plan to be acceptable with modifications and hereby issue this land-disturbing permit. **Please read the permit conditions carefully, return the signed blue original to our office and keep the copy for your records.** A copy of the enclosed land-disturbing permit must be posted at the job site. This letter gives the notice required by GS 113A-61.1(a) and Chapter 23 Article VI Section 23-250 (a) and Article VIII Section 8.21 of our right of periodic inspection to insure 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 (eNOI) form requesting a Certificate of Coverage (COC) under the NCG010000 Construction General Permit. The COC **must** be obtained **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@ncddenr.gov. After you submit a complete and correct NOI Form, you will receive a link with payment instructions for the \$100 annual permit fee. After the fee is received, you will receive the COC via email. The \$100 fee will be charged annually until the project receives a final land-disturbance inspection. Once the project is stabilized and receives the final land-disturbance inspection, you should file a Notice of Termination (NOT) with the State to final out the project.

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 12 months and a rain gauge must be posted at the job site as required by 15A NCAC 4B .0118(a), the NCG01 permit, Chapter 23 Article VI Section 23-248(o) and Article VIII Section 8.19(o).

The Land disturbing fee of \$14,730 is due to be paid to New Hanover County Engineering, to my attention, prior to Plat Recordation.

Page 2 of 2

A preconstruction meeting is optional prior to 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 a preconstruction meeting, **you must contact us with the date the 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 this project, it is determined that the erosion and sedimentation control plan is inadequate to meet the requirements of the Sedimentation Pollution Control Act of 1973 (North Carolina General Statutes 113A-51 through 66), and the New Hanover County Erosion and Sedimentation Control Ordinance, Chapter 23 Article VI Section 23-248 (f) and Article VIII Section 8.19 (f), this office may require revisions to the plan and its implementation of the revisions to ensure compliance with the Act and ordinance.

This land-disturbing permit will expire within 1 year following the date of approval, if no land-disturbing activity has been undertaken, as required by Chapter 23 Article VI Section 23-247(d) and Article VIII Section 8.18 (d). 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 upon your compliance with Federal and State water quality laws, regulations and rules and local city or county ordinances or rules. This land-disturbing permit approval does not supersede any other permits or approvals. It is the owner's responsibility to have all the permits and approvals 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
NHC Soil Erosion Specialist

Enclosures: Land-Disturbing Permit
NPDES NCG01 Fact Sheet and Monitoring Form

cc: Branch Smith PE, Paramounte Engineering, Inc.
Patrick O'Mahony, City of Wilmington Planning
Elizabeth MacDonald



Permit **GP #18-20**
LNDP 20-00045

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 **Raleigh-Wilmington Investors, LLC** authorizes the development of **49.1 acres** of land at **7420 & 7500 Masonboro Sound Road for East & Mason** in New Hanover County with modifications. This permit issued on **December 6, 2020** 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 as well as any approved deviations, this permit, a rain gauge, a copy of the NCG01 permit, a copy of the Certificate of Coverage (COC) from the State 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, 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. 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.

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. This project will be built in 2 Phases. Phase I erosion control includes 2 construction entrances, silt fences, silt fence outlets, inlet and outlet protection, 12 inch wattles across all the lined pond outlet swales, 5 lined diversion ditches with check dams, immediate construction and stabilization of 7 sediment basins their slopes and outlet structures with Faircloth skimmers and 2 sediment basins will have coir baffles, concrete washouts and all NCG01 regulations. All culvert crossings will be installed using pump around systems. Flocculants will be required if turbidity occurs in excess of 25 NTU's. ALL pond outlet swales will be immediately seeded and lined and 12 inch wattles installed across the end of the swales. Silt fences will be installed over the fill on top of all pond outlet pipes to stop sediment from washing into the swales. **NOTE: ALL LOTS WILL REQUIRE INDIVIDUAL LOT EROSION CONTROL PER THE LOT DETAIL ON THE PLANS.**

*Tree Removal Permits and/or Approvals are required from the City of Wilmington and/or New Hanover County prior to issuance of the land disturbing-permit and clearing of 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, NCDEMLR, C.A.M.A., and/or the US Army Corps. of Engineers, DEM Solid Waste or any other agencies.

*No sediment shall leave the site in suspension of water.

*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 90 calendar 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.

*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. These are mentioned below with specific requirements for each program. These reports are the responsibility of the property owner. They require a rain gauge onsite, inspections and reporting every 7 calendar days and within 24 hours of every 1.0-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 NCDEMLR Regional office at (910) 796-7215.

*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 also requires ground cover within 15 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. It requires inspections of all erosion control measures and reporting every 7 days and within 24 hours of every 1.0-inch rain event in a 24-hour period. This permit also includes other new requirements which are listed in the text of the NPDES Stormwater Discharge Permit for Construction Activities, which is included with the original copy of each land-disturbing permit.

***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.**

***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.**

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

**U.S. ARMY CORPS OF ENGINEERS
WILMINGTON DISTRICT**

Action Id. SAW-2019-02086 County: New Hanover U.S.G.S. Quad: NC-Wrightsville Beach

GENERAL PERMIT (REGIONAL AND NATIONWIDE) VERIFICATION

Permittee:	<u>Raleigh Wilmington Investors, LLC</u> <u>Jessica Head</u> <u>6131 Falls of Neuse Road</u> <u>Suite 200</u> <u>Raleigh, NC 27609</u>	Agent:	<u>Land Management Group</u> <u>3805 Wrightsville Ave</u> <u>Suite 15</u> <u>Wrightsville, NC 28403</u>
Size (acres)	<u>64.2</u>	Nearest Town	<u>Wilmington</u>
Nearest Waterway	<u>Masonboro Inlet</u>	River Basin	<u>Onslow Bay</u>
USGS HUC	<u>03020302</u>	Coordinates	Latitude: <u>34.178858</u> Longitude: <u>-77.855172</u>

Location description: Property is located between Masonboro Loop Road and Masonboro Sound Road north of the Windward Oaks Subdivision approximately 0.10 miles southwest of the intersection Orchard Trace and Masonboro Sound Road in Wilmington, New Hanover County, North Carolina.

Description of projects area and activity: This verification authorizes the discharge of fill material into 0.445 acre of wetlands, 165 linear feet of stream impact and 0.01 acre open water impacts for the construction of a residential subdivision and associated infrastructure. An additional 0.137 acre of wetlands and 60 linear feet of streams will be temporarily impacted during construction.

Applicable Law(s): Section 404 (Clean Water Act, 33 USC 1344)
 Section 10 (Rivers and Harbors Act, 33 USC 403)

Authorization: **NWP 29. Residential Developments**

SEE ATTACHED NWP GENERAL, REGIONAL, AND/OR SPECIAL CONDITIONS

Your work is authorized by the above referenced permit provided it is accomplished in strict accordance with the enclosed Conditions, your application signed and dated 11/20/2019, and the enclosed plans Overall Impact Map dated 11/18/2019. Any violation of the attached conditions or deviation from your submitted plans may subject the permittee to a stop work order, a restoration order, a Class I administrative penalty, and/or appropriate legal action.

This verification will remain valid until the expiration date identified below unless the nationwide authorization is modified, suspended or revoked. If, prior to the expiration date identified below, the nationwide permit authorization is reissued and/or modified, this verification will remain valid until the expiration date identified below, provided it complies with all requirements of the modified nationwide permit. If the nationwide permit authorization expires or is suspended, revoked, or is modified, such that the activity would no longer comply with the terms and conditions of the nationwide permit, activities which have commenced (i.e., are under construction) or are under contract to commence in reliance upon the nationwide permit, will remain authorized provided the activity is completed within twelve months of the date of the nationwide permit's expiration, modification or revocation, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend or revoke the authorization.

Activities subject to Section 404 (as indicated above) may also require an individual Section 401 Water Quality Certification. You should contact the NC Division of Water Resources (telephone 919-807-6300) to determine Section 401 requirements.

For activities occurring within the twenty coastal counties subject to regulation under the Coastal Area Management Act (CAMA), prior to beginning work you must contact the N.C. Division of Coastal Management in **Wilmington, NC, at (910) 796-7215.**

This Department of the Army verification does not relieve the permittee of the responsibility to obtain any other required Federal, State or local approvals/permits.

If there are any questions regarding this verification, any of the conditions of the Permit, or the Corps of Engineers regulatory program, please contact **Rachel Capito at (910)-251-4487 or Rachel.A.Capito@usace.army.mil.**

Corps Regulatory Official: 276790 CAPITO.RACHEL.ANN.1536 Digitally signed by CAPITO.RACHEL.ANN.1536276790 Date: 2020.08.18 11:20:46 -04'00' Date: **8/18/2020**
Expiration Date of Verification: **03/18/2022**

SPECIAL CONDITIONS
SAW-2019-02086

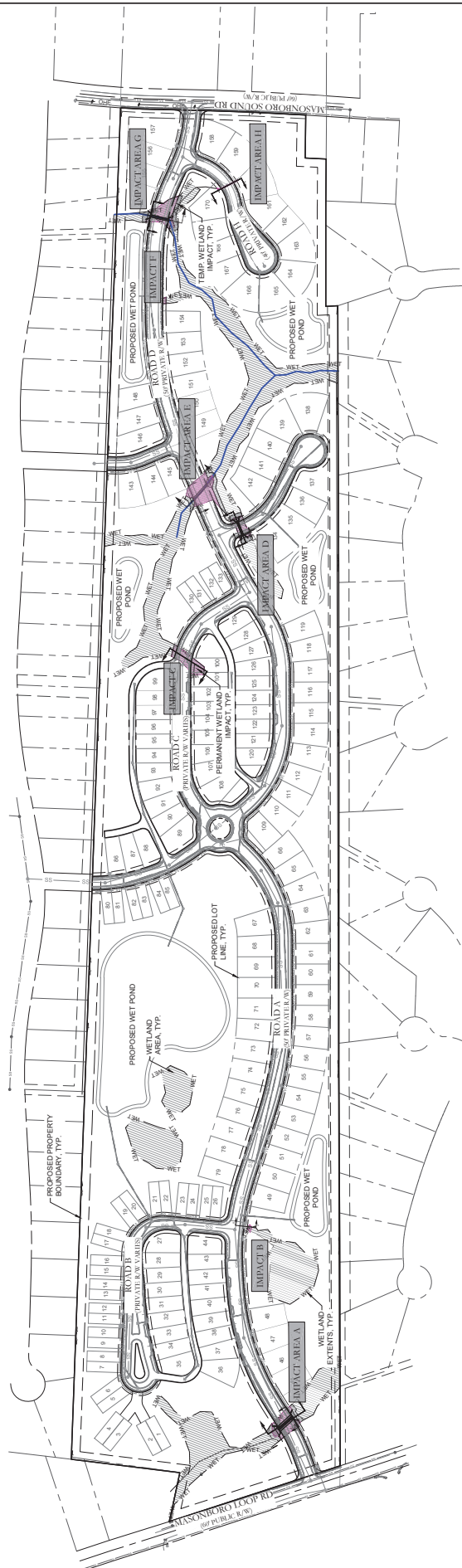
1. In order to compensate for impacts associated with this permit, mitigation shall be provided in accordance with the provisions outlined on the most recent version of the attached Compensatory Mitigation Responsibility Transfer Form. The requirements of this form, including any special conditions listed on this form, are hereby incorporated as special conditions of this permit authorization.

2. In order to comply with Section 106 of the National Historic Preservation Act regarding the Historic Doll House property and the Masonboro Sound Historic District located on a portion of this property, the applicant has agreed to special conditions and covenants provided by the State Historic Preservation Office and the Wilmington Historic Foundation (drafts attached). These special conditions and covenants must be recorded in the New Hanover County Register of deeds within 15 days of issuance of this permit and adhered to in perpetuity.

3. In order for this permit to be valid, you must obtain 401 Water Quality Certification from the North Carolina Division of Water Resources. The permittee shall provide the Corps with a copy of the required certification or waiver of certification from the state prior to proceeding with the work in waters of the U.S. The permittee shall comply with all conditions of the state certification.

4. Temporary discharge of excavated or fill material into wetlands and waters of the United States will be for the absolute minimum period of time necessary to accomplish the work. All authorized temporary wetland impacts will be returned to pre-disturbance grade and contour, and re-vegetated.

5. The permittee shall employ all sedimentation and erosion control measures necessary to prevent an increase in sedimentation or turbidity within waters and wetlands outside the permit area. This shall include, but is not limited to, the immediate installation of silt fencing or similar appropriate devices around all areas subject to soil disturbance or the movement of earthen fill, and the immediate stabilization of all disturbed areas. Additionally, the project must remain in full compliance with all aspects of the Sedimentation Pollution Control Act of 1973 (North Carolina General Statutes Chapter 113A Article 4).



LEGEND

- JURISDICTIONAL WETLAND IMPACTS
- TEMPORARY WETLAND IMPACT
- STREAM
- R/W
- STREAM IMPACT

SITE DATA

SITE ACREAGE	=	64.28 AC +/-
PERMANENT STREAM IMPACT	=	165 LF (TOTAL)
TEMPORARY STREAM IMPACT	=	60 LF (TOTAL)

WETLAND IMPACTS

IMPACT AREA	PERMANENT IMPACT	TEMPORARY IMPACT
	SF	SF
A	4,042	1,338
B	147	0
C	3,558	0
D	1,903	894
E	5,257	2,063
F	366	0
G	4,224	1,687
H: Open Water	137	0
TOTAL IMPACTS =	19,433	5,972

NOTE: SEE FIGURE 2 THROUGH 4 FOR FURTHER BREAKDOWN OF WETLAND IMPACT AREAS

STREAM IMPACTS

E1: 20 LF (Permanent)
E2: 20 LF (Temporary)
G: 80 LF (Permanent)
G1: 20 LF (Temporary)
G2: 10 LF (Temporary)
TOTAL: 165 LF Permanent
60 LF Temporary

Figure-1 Overall Impact Map
East & Mason
 Wilmington, North Carolina
 Date: 11.18.2019

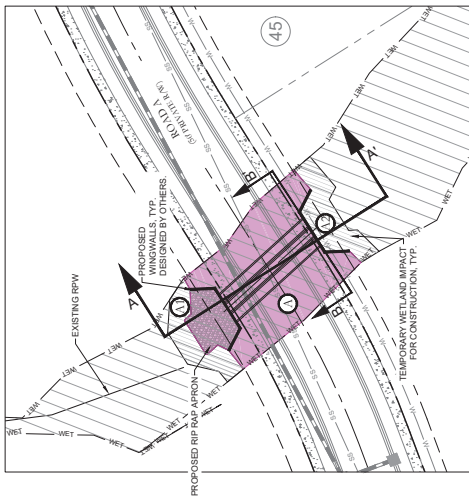
PARAMOUNT ENGINEERING, INC.
 1000 S. College Road, Suite 200
 Wilmington, North Carolina 28403
 NC License #: C-2845
 Date: 2/25/2019

Scale: 1" = 150' at 22" x 34" | 1" = 300' at 11" x 17"

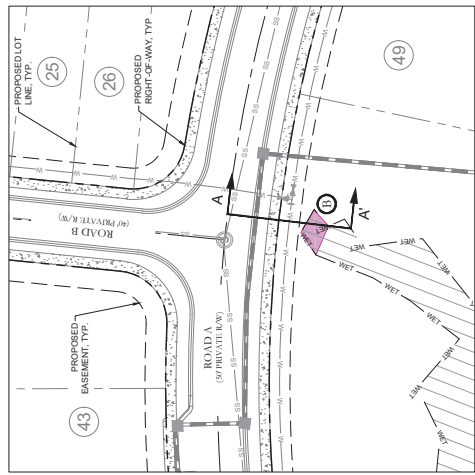
North

0 75 150 300

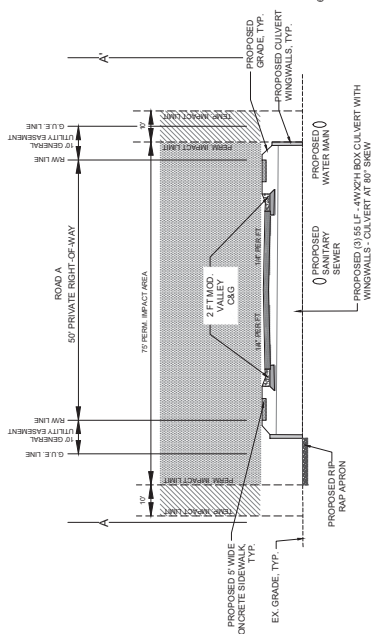
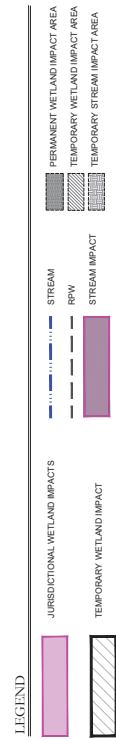
Digitally signed by CAPITO RACHELANNI 153679790
 Date: 2020.08.18 12:23:44-07'
 627.6790



IMPACT AREA A
 SCALE: 1"=60' @ 11"X17"
 A = 0.048 SF (0.003 AC.) - PERMANENT
 B = 0.000 SF (0.000 AC.) - PERMANENT
 A2 = 7.798 SF (0.017 AC.) - TEMPORARY

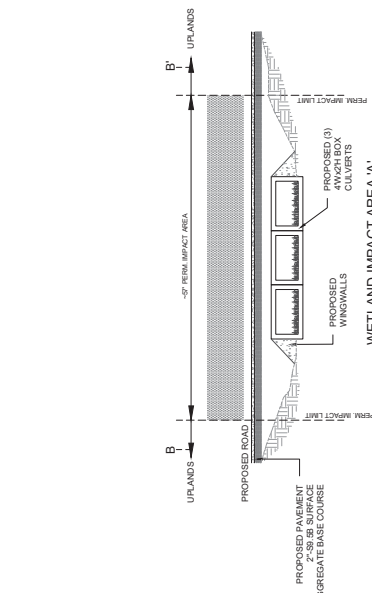


IMPACT AREA B
 SCALE: 1"=60' @ 11"X17"
 B = 147 SF (0.003 AC.) - PERMANENT



WETLAND IMPACT AREA A'
 TYP. ROAD A
 ROAD CROSS SECTION
 NOT TO SCALE

NOTES
 - CROSS SECTION FACING DOWNSTREAM (BE TO NW)
 - PROPOSED BOXED CULVERTS (S) 35' LF W/2H AT 80' SKEW



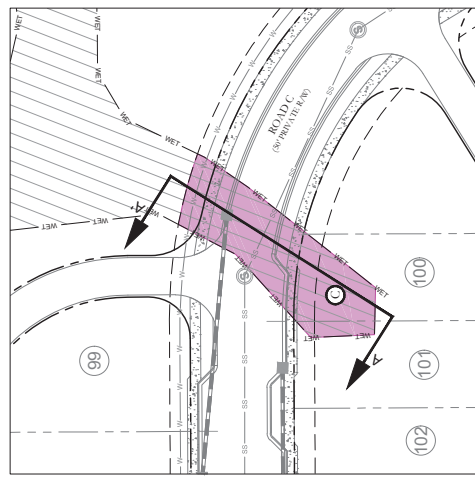
WETLAND IMPACT AREA A'
 ROAD A
 ROAD CROSS SECTION
 NOT TO SCALE

Figure-2 Wetland Impacts
East & Mason
 Wilmington, North Carolina

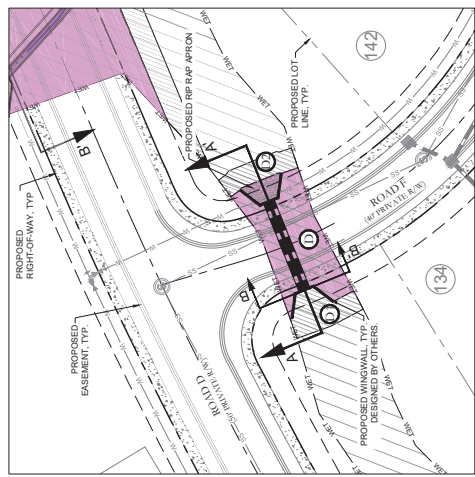
PARAMOUNTE
 ENGINEERING, INC.
 Wilmington, North Carolina 28403
 (910) 791-6207 | (910) 791-6266 (F)
 NC License # C-2845
 DUSTIN S. HARRIS



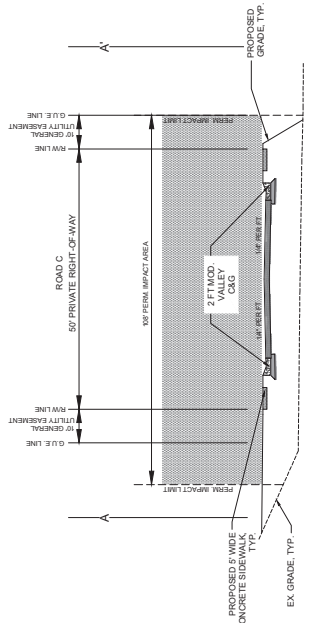
Scale: 1" = 30' @ 22" X 34" | 1" = 60' @ 11" X 17"



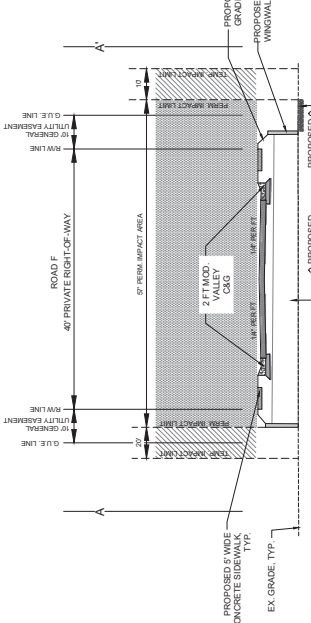
IMPACT C
SCALE: 1"=60' @ 11"x17"
C = 3,658 SF (0.082 AC) - PERMANENT



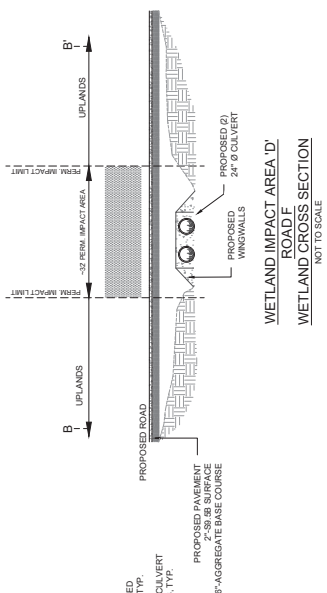
IMPACT D
SCALE: 1"=60' @ 11"x17"
D = 142 SF (0.003 AC) - PERMANENT
E = 1,000 SF (0.023 AC) - PERMANENT
D2 = 375 SF (0.009 AC) - TEMPORARY



WETLAND IMPACT AREA C'
TYP. ROAD C
ROAD CROSS SECTION
NOT TO SCALE



WETLAND IMPACT AREA D'
TYP. ROAD F
ROAD CROSS SECTION
NOT TO SCALE

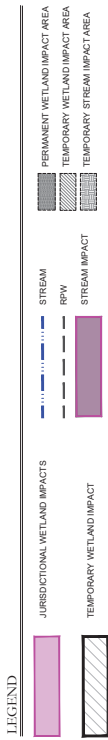


WETLAND IMPACT AREA D'
ROAD F
WETLAND CROSS SECTION
NOT TO SCALE

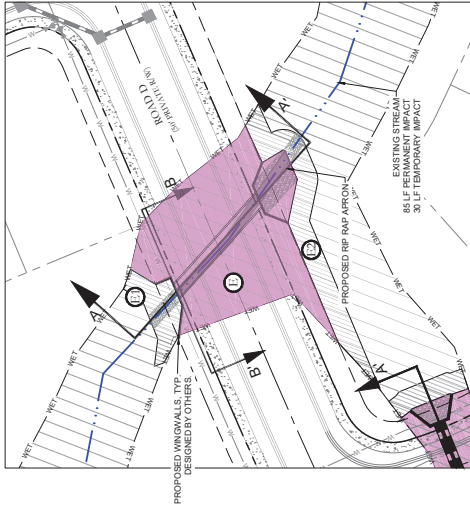
NOTES
- CROSS SECTION FACING DOWNSTREAM (NE TO SW)
- PROPOSED 24\"/>

Figure-3 Wetland Impacts
East & Mason
Wilmington, North Carolina

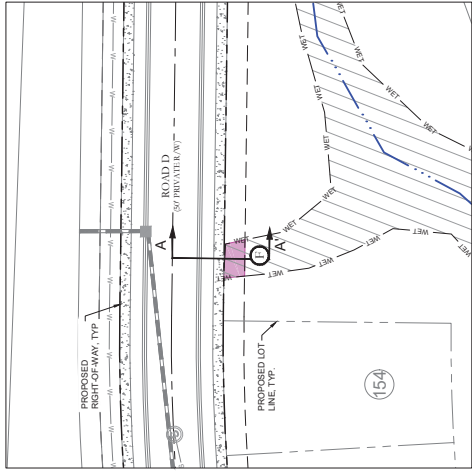
Date: 11.18.2019



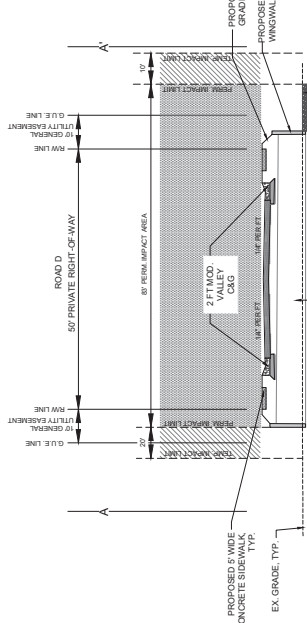
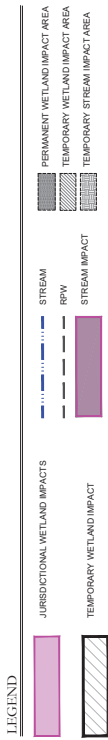
PARAMOUNTE
ENGINEERING, INC.
Wilmington, North Carolina 28403
(910) 791-6207 (F) (910) 791-6266 (T)
NC License # C-2845
Dated: 25.10.2019



IMPACT AREA E
 E = 4,257 SF (0.04 AC.) - PERMANENT
 E1 = 604 SF (0.014 AC.) - TEMPORARY
 E2 = 1,462 SF (0.034 AC.) - TEMPORARY

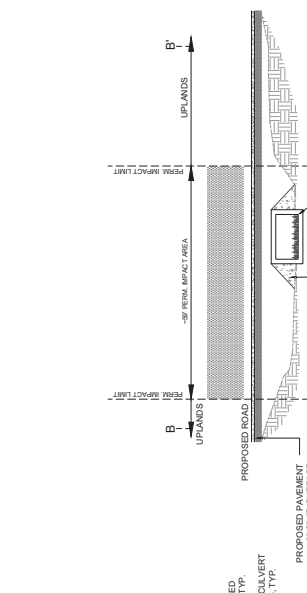


IMPACT F
 SCALE: 1"=50' @ 1"=30'
 F = 166 SF (0.004 AC.) - PERMANENT
 F1 = 30 LF (0.001 AC.) - TEMPORARY



WETLAND IMPACT AREA E
 ROAD D
 TYP. ROAD D
 NOT TO SCALE

NOTES
 - CROSS SECTION FACING DOWNSTREAM (NW TO SE)
 - PROPOSED BOXED CULVERT (1) 10 LF @ 6' WIDTH AT 65° SKEW



WETLAND IMPACT AREA F
 ROAD D
 TYP. ROAD D
 NOT TO SCALE

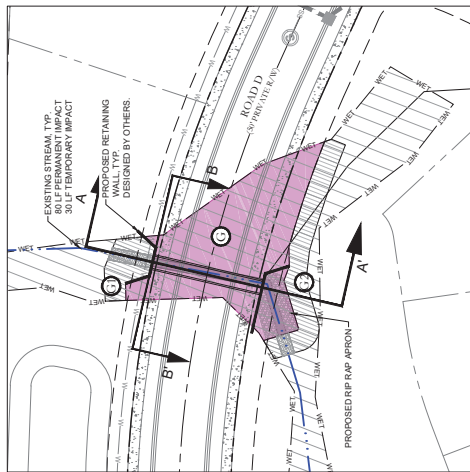
Figure-4 Wetland Impacts
East & Mason
 Wilmington, North Carolina

Date: 11.18.2019

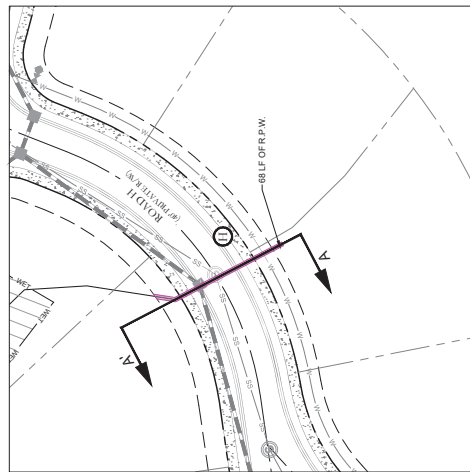
PARAMOUNTE
 ENGINEERING, INC.
 Wilmington, North Carolina 28403
 (910) 791-6707 | (910) 791-6760 (F)
 NC License # C-2845
 Design # 20190211



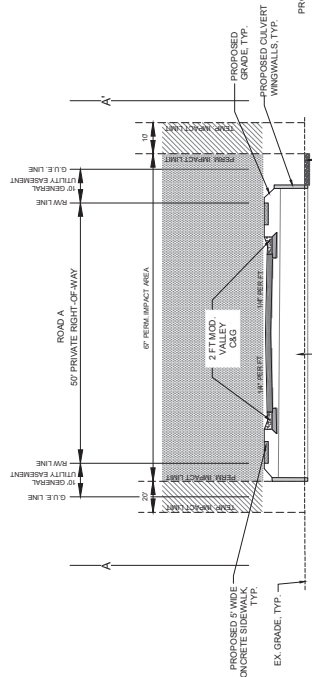
Scale: 1" = 30' @ 22' x 34" | 1" = 60' @ 11" x 17"



IMPACT AREA G
 SCALE: 1"=60' @ 11"X17"
 G1 = 452 SF (0.022 AC.) - PERMANENT
 G2 = 1,166 SF (0.027 AC.) - TEMPORARY



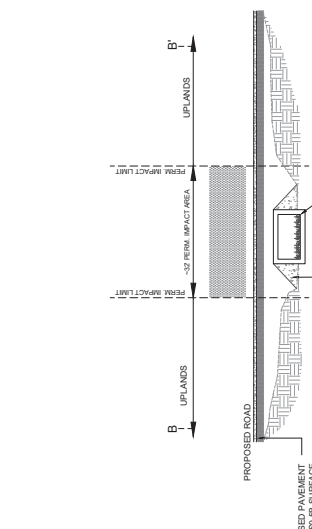
IMPACT AREA H
 SCALE: 1"=60' @ 11"X17"
 H1 = 137 SF (0.003 AC.) - PERMANENT



TYP. ROAD A
 ROAD CROSS SECTION
 NOT TO SCALE

WETLAND IMPACT AREA 'G'
 ROAD A
 NOT TO SCALE

NOTES
 - CROSS SECTION FACING DOWNSTREAM (LINE TO SW)
 - PROPOSED BOXED CULVERT (1) 55 LF @ 6' W/TH AT 90° SKEW



TYP. ROAD H
 ROAD CROSS SECTION
 NOT TO SCALE

WETLAND IMPACT AREA 'H'
 ROAD H
 NOT TO SCALE

Figure-5 Wetland Impacts
East & Mason
 Wilmington, North Carolina



Compensatory Mitigation Responsibility Transfer Form

Permittee: Raleigh Wilmington Investors, LLC, Jessica Head
Project Name: East & Mason

Action ID: SAW-2019-02086
County: New Hanover

Instructions to Permittee: The Permittee must provide a copy of this form to the Mitigation Sponsor, either an approved Mitigation Bank or the North Carolina Division of Mitigation Services (NCDMS), who will then sign the form to verify the transfer of the mitigation responsibility. Once the Sponsor has signed this form, it is the Permittee's responsibility to ensure that to the U.S. Army Corps of Engineers (USACE) Project Manager identified on page two is in receipt of a signed copy of this form before conducting authorized impacts, unless otherwise specified below. If more than one mitigation Sponsor will be used to provide the mitigation associated with the permit, or if the impacts and/or the mitigation will occur in more than one 8-digit Hydrologic Unit Code (HUC), multiple forms will be attached to the permit, and the separate forms for each Sponsor and/or HUC must be provided to the appropriate mitigation Sponsors.

Instructions to Sponsor: The Sponsor must verify that the mitigation requirements (credits) shown below are available at the identified site. By signing below, the Sponsor is accepting full responsibility for the identified mitigation, regardless of whether or not they have received payment from the Permittee. Once the form is signed, the Sponsor must update the bank ledger and provide a copy of the signed form and the updated bank ledger to the Permittee, the USACE Project Manager, and the Wilmington District Mitigation Office (see contact information on page 2). The Sponsor must also comply with all reporting requirements established in their authorizing instrument.

Permitted Impacts and Compensatory Mitigation Requirements:

Permitted Impacts Requiring Mitigation*			8-digit HUC and Basin: 03030001, White Oak River Basin			
Stream Impacts (linear feet)			Wetland Impacts (acres)			
Warm	Cool	Cold	Riparian Riverine	Riparian Non-Riverine	Non-Riparian	Coastal
				0.2	0.2	

*If more than one mitigation sponsor will be used for the permit, only include impacts to be mitigated by this sponsor.

Compensatory Mitigation Requirements:

8-digit HUC and Basin: 03030001, White Oak River Basin

Stream Mitigation (credits)			Wetland Mitigation (credits)			
Warm	Cool	Cold	Riparian Riverine	Riparian Non-Riverine	Non-Riparian	Coastal
				0.4	0.4	

Mitigation Site Debited: Lower Cape Fear Umbrella Mitigation Bank

(List the name of the bank to be debited. For umbrella banks, also list the specific site. For NCDMS, list NCDMS. If the NCDMS acceptance letter identifies a specific site, also list the specific site to be debited).

Section to be completed by the Mitigation Sponsor

Statement of Mitigation Liability Acceptance: I, the undersigned, verify that I am authorized to approve mitigation transactions for the Mitigation Sponsor shown below, and I certify that the Sponsor agrees to accept full responsibility for providing the mitigation identified in this document (see the table above), associated with the USACE Permittee and Action ID number shown. I also verify that released credits (and/or advance credits for NCDMS), as approved by the USACE, are currently available at the mitigation site identified above. Further, I understand that if the Sponsor fails to provide the required compensatory mitigation, the USACE Wilmington District Engineer may pursue measures against the Sponsor to ensure compliance associated with the mitigation requirements.

Mitigation Sponsor Name: _____

Name of Sponsor's Authorized Representative: _____

Signature of Sponsor's Authorized Representative

Date of Signature

Conditions for Transfer of Compensatory Mitigation Credit:

- Once this document has been signed by the Mitigation Sponsor and the USACE is in receipt of the signed form, the Permittee is no longer responsible for providing the mitigation identified in this form, though the Permittee remains responsible for any other mitigation requirements stated in the permit conditions.
- Construction within jurisdictional areas authorized by the permit identified on page one of this form can begin only after the USACE is in receipt of a copy of this document signed by the Sponsor, confirming that the Sponsor has accepted responsibility for providing the mitigation requirements listed herein. For authorized impacts conducted by the North Carolina Department of Transportation (NCDOT), construction within jurisdictional areas may proceed upon permit issuance; however, a copy of this form signed by the Sponsor must be provided to the USACE within 30 days of permit issuance. NCDOT remains fully responsible for the mitigation until the USACE has received this form, confirming that the Sponsor has accepted responsibility for providing the mitigation requirements listed herein.
- Signed copies of this document must be retained by the Permittee, Mitigation Sponsor, and in the USACE administrative records for both the permit and the Bank/ILF Instrument. It is the Permittee's responsibility to ensure that the USACE Project Manager (address below) is provided with a signed copy of this form.
- If changes are proposed to the type, amount, or location of mitigation after this form has been signed and returned to the USACE, the Sponsor must obtain case-by-case approval from the USACE Project Manager and/or North Carolina Interagency Review Team (NCIRT). If approved, higher mitigation ratios may be applied, as per current District guidance and a new version of this form must be completed and included in the USACE administrative records for both the permit and the Bank/ILF Instrument.

Comments/Additional Conditions: A letter from **Mitigation Sponsor**, confirming they are willing and able to accept the applicant's compensatory mitigation responsibility, dated **Acceptance Letter Date** was included with the preconstruction notification.

This form is not valid unless signed below by the USACE Project Manager and by the Mitigation Sponsor on Page 1. **Once signed, the Sponsor should provide copies of this form along with an updated bank ledger to: 1) the Permittee, 2) the USACE Project Manager at the address below, and 3) the Wilmington District Mitigation Office, Attn: Todd Tugwell, 11405 Falls of Neuse Road, Wake Forest, NC 27587 (email: todd.tugwell@usace.army.mil).** Questions regarding this form or any of the permit conditions may be directed to the USACE Project Manager below.

USACE Project Manager: Rachel Capito
USACE Field Office: Wilmington Regulatory Office
US Army Corps of Engineers
69 Darlington Avenue
Wilmington, North Carolina 28403
Email: Rachel.A.Capito@usace.army.mil

CAPITO.RACHEL.  Digitally signed by
ANN.1536276790 CAPITO.RACHEL.ANN.1536276790
Date: 2020.08.18 11:25:29 -04'00'

8/18/2020

USACE Project Manager Signature

Date of Signature

Current Wilmington District mitigation guidance, including information on mitigation ratios, functional assessments, and mitigation bank location and availability, and credit classifications (including stream temperature and wetland groupings) is available at <http://ribits.usace.army.mil>

Action ID Number: SAW-2019-02086 County: New Hanover

Permittee: Raleigh Wilmington Investors, LLC, Jessica Head

Project Name: East & Mason

Date Verification Issued: 8/18/2020

Project Manager: Rachel Capito

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:

US ARMY CORPS OF ENGINEERS
WILMINGTON DISTRICT
Attn: Rachel Capito
Wilmington Regulatory Office
U.S Army Corps of Engineers
69 Darlington Avenue
Wilmington, North Carolina 28403
or
Rachel.A.Capito@usace.army.mil

Please note that your permitted activity is subject to a compliance inspection by a U. S. Army Corps of Engineers representative. Failure to comply with any terms or conditions of this authorization may result in the Corps suspending, modifying or revoking the authorization and/or issuing a Class I administrative penalty, or initiating other appropriate legal action.

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and condition of the said permit, and required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

Date

Prepared by and return to:
Weatherspoon & Voltz LLP
3700 Glenwood Avenue, Suite 250
Raleigh, NC 27612

STATE OF NORTH CAROLINA
COUNTY OF NEW HANOVER

**HISTORIC PRESERVATION AGREEMENT,
DECLARATION OF RESTRICTIONS, COVENANTS
AND GRANT OF EASEMENT**

THIS AGREEMENT, DECLARATION OF RESTRICTIONS, COVENANTS AND GRANT OF EASEMENT, made this the ____ day of _____, 2020 by and between ELIZABETH HARRISS MACDONALD and spouse, _____, THOMAS M. HARRISS and spouse, _____, ROBERT C. HARRISS, JR. and spouse _____, and MARY HARRISS and spouse, _____, hereinafter referred to collectively as the "Grantor", whether one or more, corporate or individual, and "Grantor" including for all purposes herein the Grantor and the Grantor's heirs, successors, and assigns, including but not limited to all grantees, personal representatives, donees, and devisees of the Grantor), and HISTORIC WILMINGTON FOUNDATION, INC., a non-profit corporation organized and existing under the laws of the State of North Carolina with its principal office in Wilmington, North Carolina, and its successors and assigns (hereinafter referred to as the "Foundation");

W I T N E S S E T H:

WHEREAS, the Grantor owns certain real property (hereinafter referred to as the "Subject Property") a description of which is attached hereto as **Exhibit A** and incorporated herein by reference; and

WHEREAS, the Subject Property currently has certain permanent improvements consisting of houses/buildings (hereinafter referred to, whether one or more, as "the Historic Structures"); and

WHEREAS, the Historic Structures are buildings of recognized historical and architectural significance; and

WHEREAS, the Foundation and Grantor both desire that the Historic Structures be preserved and protected for the benefit of present and future generations, retaining their historically and architecturally significant features; and

WHEREAS, the Grantor desires to donate a preservation easement and restrictions on the Historic Structures and Subject Property to a charitable organization qualified to receive easement donations pursuant to Section 170 of the Internal Revenue Code of 1954;

and

WHEREAS, the Foundation is a charitable organization which accepts preservation easements and restrictions on buildings and property having historical or architectural importance; to ensure that such buildings and property are preserved and maintained for the benefit of future generations; and

WHEREAS, the North Carolina General Assembly has enacted the Conservation and Historic Preservation Agreements Act (North Carolina General Statutes § 121-34 et. seq.) validating preservation agreements, in the form of restrictions, easements, covenants, conditions, and otherwise, appropriate to preservation of a structure or site historically significant for its architecture, archaeology or historical associations.

NOW, THEREFORE, for and in consideration of the Grantor's interest in historic preservation and its support for the Foundation and its purposes, and for and in consideration of the sum of Ten Dollars, and other valuable consideration, the receipt and sufficiency of which are hereby confessed by the Grantor, the Grantor, for itself, its heirs, successors and assigns, hereby covenants and agrees to abide by the following restrictions (hereinafter referred to as "covenants"), and hereby subjects the Subject Property described in **Exhibit A** to the restrictions, and covenants expressed herein, said covenants to be restrictions of record to attach to the Subject Property described in **Exhibit A**, and hereby gives, grants, bargains, sells, and conveys unto the Foundation an indefeasible easement in and to the Subject Property described in **Exhibit A**, for the preservation and conservation of the Historic Structures described above in accordance with said covenants.

1. These covenants and this easement shall be administered solely by Historic Wilmington Foundation, Inc., its successors in interest or assigns; and in all subsequent conveyances of the Subject Property, the Foundation, its successor in interest or assigns shall be the sole party entitled to administer these covenants and this easement. In the event that the Foundation, or its successors in interest cease to exist, then in such event the Foundation shall assign all of its right and interest in these easements, covenants, and conditions and in this easement, subject to such duties and obligations which it assumes hereby, to a responsible nonprofit corporation which exists for substantially the same reasons as the Foundation itself (as described hereinabove); if no such corporation is available for such assignment, then under such circumstances such assignment shall be made to the State of North Carolina, which shall be the sole party entitled to administer these covenants.

2. No alteration and no physical or structural change shall be made to the exterior of the Historic Structures without the prior written approval of the President or Executive Director of the Foundation. In assessing the suitability of any proposed changes, the Foundation shall be guided by the Secretary Of The Interior's Standards For Rehabilitation, a copy of which is attached as **Exhibit B** and incorporated herein.

3. The Subject Property shall not be subdivided without the prior written approval of the President or Executive Director of the Foundation.

4. No addition shall be constructed to the Historic Structures nor additional structure built upon the Subject Property unless the plans and exterior designs for such structure or addition have been approved in advance in writing by the President or Executive Director of the Foundation. In reviewing the plans and designs for any addition or additional structure the Foundation shall consider the following criteria: Exterior building materials; height; fenestration; roof shapes, forms, and materials; surface textures; expression of architectural detailing; scale; relationship of any additions to the main structure; general form and proportion of structure; orientation to street; setback; spacing of buildings, defined as the distance between adjacent buildings; lot coverage; use of local or regional architectural traditions; and effect on archeological resources. Contemporary designs for additions or additional structures shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural materials, and such design is compatible with the size, color, material and character of the property and its environment.

5. Neither the Historic Structures nor any part thereof may be removed or demolished without the prior written approval of the President or Executive Director of the Foundation.

6. Representatives of the Foundation shall have the right to enter the premises at reasonable times, after giving reasonable notice, for the purpose of inspecting the building and grounds to determine if there is compliance by the Grantor with the terms of these covenants.

7. The Grantor covenants to carry out the duties specified herein, and these restrictions and covenants and this easement shall run with the land, and be binding upon Grantor's heirs, successors and assigns who in the future may own the Subject Property. The Grantor, its heirs, successors and assigns, covenant and agree, that in the event the Subject Property is sold and otherwise disposed of, these restrictions and covenants and this easement will be incorporated into the deed or other instrument conveying or disposing of the Subject Property, but shall remain effective notwithstanding any failure to do so. Grantor and Grantor's heirs, successors and assigns agree that these restrictions, covenants and this easement shall be made a condition of any contract of sale of the Subject Property to which they may be a party.

8. In the event of a violation of these easements, covenants, and restrictions, all legal and equitable remedies, including injunctive relief, specific performance, and damages, shall be available to the Foundation, and the Foundation shall recover of the Grantor its reasonable attorneys' fees incurred in the enforcement of same. No failure on the part of the Foundation to enforce any covenant or restriction herein nor the waiver of any right hereunder by the Foundation shall discharge or invalidate such covenant or restriction or any other covenant, condition or restriction hereof, or affect the right of the Foundation to enforce the same in the event of a subsequent breach or default.

9. Unless otherwise provided, the covenants and restrictions and easement set forth herein shall run with the land and shall be binding on the Grantor, and its heirs, successors, assigns and personal representatives, donees and devisees in perpetuity, provided

however that same shall terminate and be of no further force or effect only in the event that the Historic Structures are damaged beyond restoration as a result of fire or other catastrophe not intentionally caused by the Grantor. Damage beyond restoration is defined as damage to an extent exceeding seventy-five percent (75%) of the insurable value of the Historic Structures.

10. In the event that any one or more of the conditions, restrictions, limitations or other provision set out herein (or any part thereof), are held to be invalid by a court of proper jurisdiction, such judicial determination shall not invalidate the remaining conditions, restrictions and limitations set out herein.

11. Notwithstanding anything to the contrary set out herein, the conditions, restrictions and limitations hereinabove set forth may be altered, modified, changed, or rescinded, in whole or in part, by written instrument duly executed between Historic Wilmington Foundation, Inc., its successors or assigns, and the then record title owner, or owners, of the lands and premises herein described and conveyed, provided, however, such instrument shall be first duly recorded in the office of the Register of Deeds of New Hanover County.

TO HAVE TO HOLD said easement unto the Foundation, its successors and assigns, forever.

Grantor acknowledges that it has been advised by the Foundation to obtain independent advice of a qualified accountant or tax attorney regarding the tax advantages, if any, of the donation made herein, and Grantor has not relied upon any representations, oral or written, made by the Foundation regarding the tax consequences of this conveyance and agreement.

[Signature page follows]

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and seal, the day and year first above written, and Historic Wilmington Foundation, Inc., has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by the authority of its Board of Directors.

GRANTOR:

Elizabeth Harriss MacDonald

MacDonald

Thomas M. Harriss

Harriss

Robert C. Harriss, Jr.

Harriss

Mary Harriss

Harriss

FOUNDATION:

HISTORIC WILMINGTON FOUNDATION, INC.,
a North Carolina non-profit corporation

By: _____
_____ President

ATTEST:

_____ Secretary

(Corporate Seal)

State of North Carolina
County of _____

I certify that the following person personally appeared before me this day, acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Elizabeth Harriss MacDonald and spouse,_____.

Date: _____

Notary Public

Printed Name

[official seal]

My commission expires: _____

State of North Carolina
County of _____

I certify that the following person personally appeared before me this day, acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Thomas M. Harriss and spouse,_____.

Date: _____

Notary Public

Printed Name

[official seal]

My commission expires: _____

State of North Carolina
County of _____

I certify that the following person personally appeared before me this day, acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Robert C. Harriss, Jr. and spouse,_____.

Date: _____

Notary Public

Printed Name

[official seal]

My commission expires: _____

State of North Carolina
County of _____

I certify that the following person personally appeared before me this day, acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Mary Harriss and spouse,_____.

Date: _____

Notary Public

Printed Name

[official seal]

My commission expires: _____

State of North Carolina
County of New Hanover

I, _____, a Notary Public in and for the State and County aforesaid, do certify that _____ personally came before me this day and acknowledged that he/she is _____ Secretary of Historic Wilmington Foundation, Inc., a North Carolina non-profit corporation, the foregoing instrument was signed in its name by its _____ President, sealed with its corporate seal, and attested by himself/herself as its _____ Secretary.

WITNESS my hand and notarial stamp or seal, this the ____ day of _____, 2020.

Notary Public

Printed Name

[official seal]

My commission expires: _____

EXHIBIT A

That certain parcel or tract of land, lying and being in the City of Wilmington, County of New Hanover and State of North Carolina and described as follows:

BEING that certain structure known as the "Doll House" located on Masonboro Sound Road and described as future Lot 168, East & Mason Subdivision, as shown below and on the approved site plan for East & Mason Subdivision, SRB-2-1219:

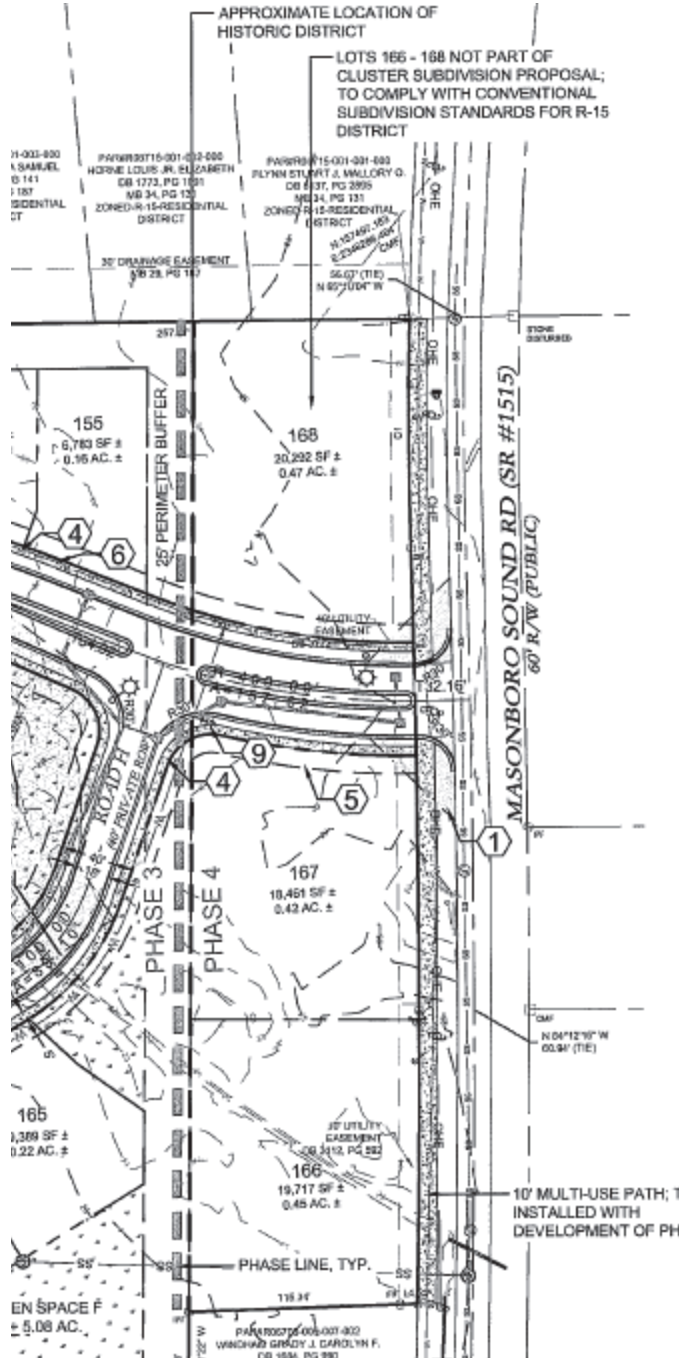


EXHIBIT B

The Secretary of the Interior's Standards for Rehabilitation

The Secretary of the Interior is responsible for establishing standards for all national preservation programs under Departmental authority and for advising Federal agencies on the preservation of historic properties listed or eligible for listing in the National Register of Historic Places.

The Standards for Rehabilitation, a section of the Secretary's Standards for Historic Preservation Projects, address the most prevalent preservation treatment today: rehabilitation. Rehabilitation is defined as the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values.

The Secretary of the Interior's Standards for Rehabilitation

The Standards that follow were originally published in 1977 and revised in 1990 as part of Department of the Interior regulations (36 CFR Part 67, Historic Preservation Certifications), and subsequently further revised and are current as of July 1, 2012. They pertain to historic buildings of all materials, construction types, sizes, and occupancy and encompass the exterior and the interior of historic buildings. The Standards also encompass related landscape features and the building's site and environment as well as attached, adjacent or related new construction.

The Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Note: To be eligible for Federal tax incentives, a rehabilitation project must meet all ten Standards. The application of these Standards to rehabilitation projects is to be the same as under the previous version so that a project previously acceptable would continue to be acceptable under these Standards.

The quality of materials and craftsmanship used in a rehabilitation project must be commensurate with the quality of materials and craftsmanship of the historic building in question. Certain treatments, if improperly applied, or certain materials by their physical properties, may cause or accelerate physical deterioration of historic buildings. Inappropriate physical treatments include, but are not limited to: improper repainting techniques; improper exterior masonry cleaning methods; or improper introduction of insulation where damage to historic fabric would result. In almost all situations, use of these materials and treatments will result in denial of certification. Similarly, exterior additions that duplicate the form, material, and detailing of the structure to the extent that they compromise the historic character of the structure will result in denial of certification. For further information on appropriate and inappropriate rehabilitation treatments, owners are to consult the Guidelines for Rehabilitating Historic Buildings published by the NPS (National Park Service). "Preservation Briefs" and additional technical information to help property owners formulate plans for the rehabilitation, preservation, and continued use of historic properties consistent with the intent of the Secretary's Standards for Rehabilitation are available from the SHPOs and NPS WASO. Owners are responsible for procuring this material as part of property planning for a certified rehabilitation.

Guidelines to help property owners, developers, and Federal managers apply the Secretary of the Interior's Standards for Rehabilitation are available from the National Park Service, State Historic Preservation Offices, or from the Government Printing Office. For more information write: National Park Service, Preservation Assistance Division-424, P.O. Box 37127, Washington, D.C. 20013-7127.



North Carolina Department of Natural and Cultural Resources
State Historic Preservation Office

Ramona M. Bartos, Administrator

Governor Roy Cooper
Secretary Susi H. Hamilton

Office of Archives and History
Deputy Secretary Kevin Cherry

July 7, 2020

Rachel Capito
U.S. Army Corps of Engineers
Wilmington District
Wilmington Regulatory Field Office
69 Darlington Ave.
Wilmington, NC 28403

Rachel.A.Capito@usace.army.mil

Re: Develop East and Mason Subdivision, 7200 & 7500 Masonboro Sound Road, Wilmington, New Hanover County, ER 19-5333

Dear Ms. Capito:

We appreciate your continued consultation with our staff and Joe Cebina regarding affects to the Doll House and Masonboro Historic District. Upon review of the exhibit provided to us by Mr. Cebina on June 17, 2020, we have determined that the proposed project will have no adverse effect on the historic district based on the following conditions being implemented.

- For preservation purposes and prior to any work performed within the Doll House parcel boundary, the Doll House property will be placed under a preservation easement with restrictions and covenants, to be held by the Historic Wilmington Foundation. The easement agreement should be executed within 30 days of the issuance of permitting. A copy of the executed agreement should be provided to us for our records.
- The development's entry signage should reflect a similar style, massing, height, and material to that of existing drives/entrances within the district. Placement of the signage should avoid the Doll House property. An exhibit dated March 31, 2020 (enclosed) and provided to us and the City's planner for review and comment on April 2, 2020, meets these requirements and has been approved. Any changes to this design or location should to be submitted to us for review and comment prior to installation.
- Vegetative buffers, at least ten (10) feet in width and consisting of native and/or existing species, should remain along the south boundary between the development and the Anderson Cottage, a contributing resource to the district, as well as along the north boundary between existing modern development and the Doll House parcel. Buffers are shown on the enclosed exhibit.
- Landscaping should be compatible in species, character, and placement density, to that of existing vegetation within the district. To lessen the visual impact of new construction and ensure that a compatible streetscape plan is considered, the developer should contact us for consultation prior to removal of existing vegetation situated along Masonboro Sound Road (see enclosed exhibit of June 17th).

- Photographs should be submitted to us for filing once initial construction along Masonboro Sound Road has been completed and at the time of the permit's termination or expiration, whichever comes first.

The above comments are made pursuant to Section 106 of the National Historic Preservation Act and the Advisory Council on Historic Preservation's Regulations for Compliance with Section 106 codified at 36 CFR Part 800.

Thank you for your cooperation and consideration. If you have questions concerning the above comment, contact Renee Gledhill-Earley, environmental review coordinator, at 919-814-6579 or environmental.review@ncdcr.gov. In all future communication concerning this project, please cite the above referenced tracking number.

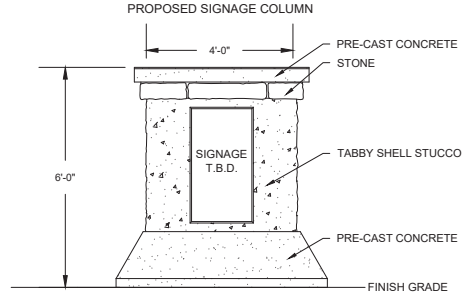
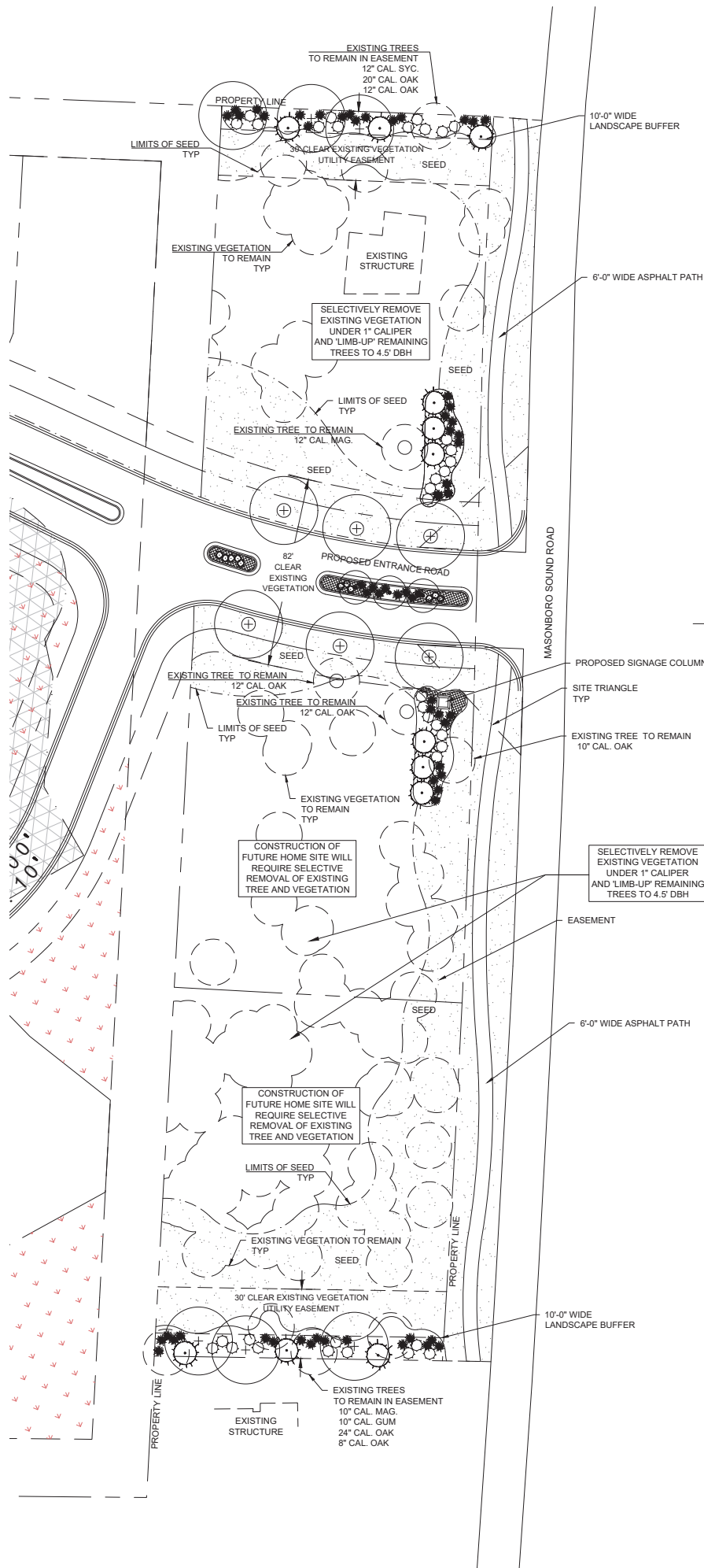
Sincerely,



 Ramona Bartos, Deputy
State Historic Preservation Officer

Enclosed Exhibit 1 – March 31, 2020 Approved signage, buffers, and entry landscaping.
 Exhibit 2 – June 17, 2020 Future consultation area marked in red.

Cc Joe Cebina, Robuck Homes jcebina@robuckhomes.com
 Dawn Snotherly, Historic Preservation Planner dawn.snotherly@wilmingtonnc.gov
 Beth Rutledge, Historic Wilmington Foundation rutledge@historicwilmington.org



- PROPOSED NATIVE PLANT PALETTE**
- LIVE OAK
 - RED MAPLE
 - SHUMARD OAK
 - RIVER BIRCH
 - REDBUD
 - FLOWERING DOGWOOD
 - WAX MYRTLE
 - INKBERRY
 - YAUPON HOLLY
 - AZALEA
 - SWITCHGRASS
 - PINK MUHLY GRASS
 - RIVER OATS
 - PARTRIDGEBERRY
 - CINNAMON FERN
 - SUMMER PHLOX
- NATIVE PLANTS PER NCSU EXTENSION

EXISTING TREES/VEGETATION LOCATIONS
 PER TREE SURVEY, PARAMOUNT
 ENGINEERING DRAWING DATED 10-22-19



March 31, 2020

This plan is a graphic representation and should be utilized for discussion purposes only. The lot plan approximates existing conditions relating to property boundaries. Plan components may change based upon regulatory and municipal regulations and requirements at time of approvals and/or development activity. Not for construction.

EAST 2' MASON EAST ENTRANCE

NCSHPO 07/07/2020
ER 19-5333 Letter
Enclosed Exhibit 2

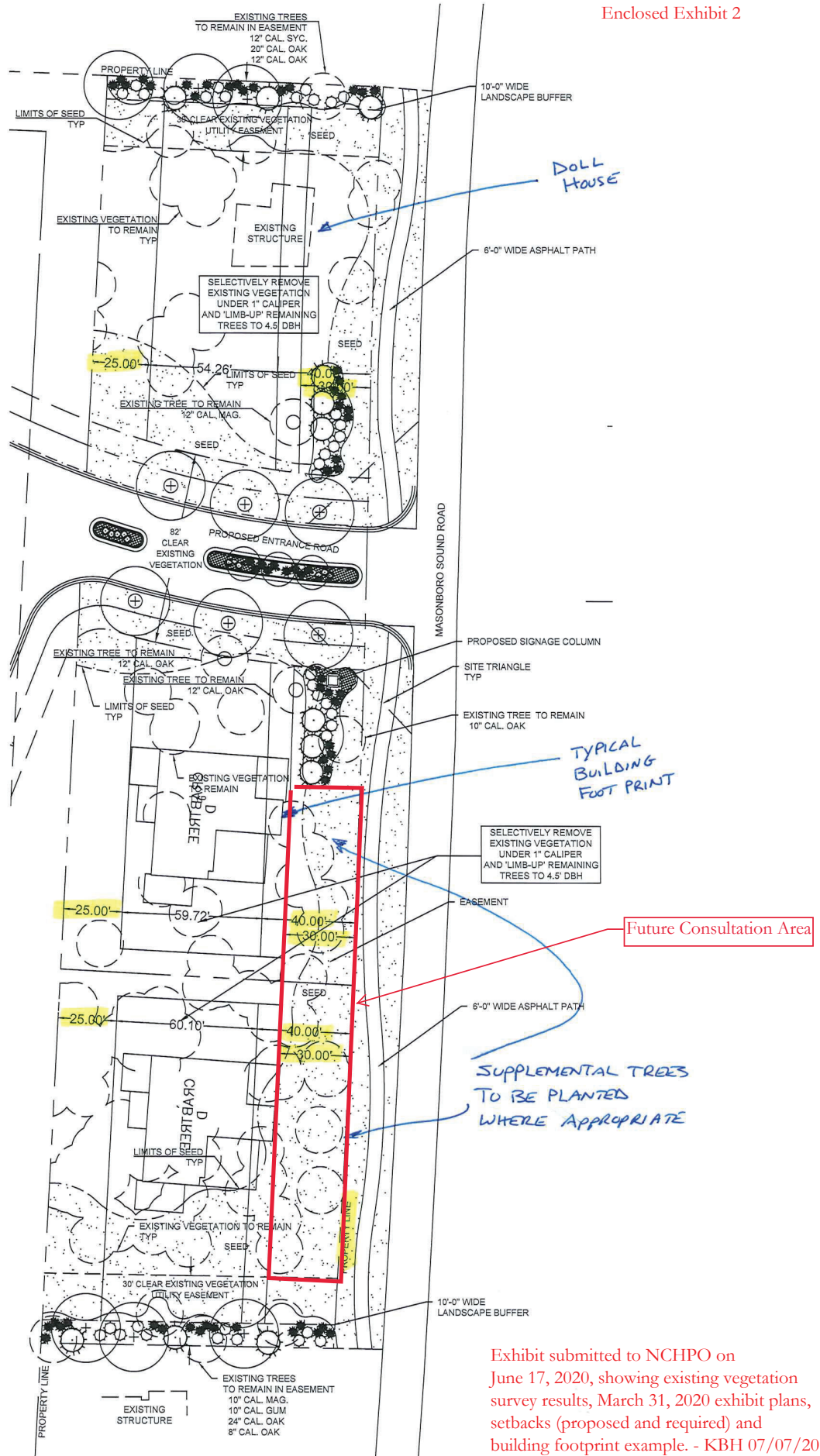


Exhibit submitted to NCHPO on June 17, 2020, showing existing vegetation survey results, March 31, 2020 exhibit plans, setbacks (proposed and required) and building footprint example. - KBH 07/07/20



305 Chestnut Street
PO Box 1810
Wilmington, NC 28402
Ph: (910) 341-3258
Fax: (910) 341-7801
www.wmpo.org

March 19, 2020

Mr. Tim Lowe
Davenport Transportation Consultants
3722 Shipyard Blvd, Suite E
Wilmington, NC 28403

RE: Approved Scope for the Traffic Impact Analysis (TIA) associated with the proposed
MacDonald Tract Development
Wilmington, NC

Dear Mr. Lowe,

The WMPO and City staffs have reviewed the MacDonald Tract Development TIA sealed January 30, 2020. This approval is based on the following land uses as proposed in the TIA:

- 133 Single Family Detached Housing (LUC 210)
- 40 Multifamily Housing Low-Rise (LUC 220)

Based on review of the analysis provided in the TIA report, the following improvements are required by the developer:

Northern Intersection of Masonboro Loop and Masonboro Sound

- No improvements required

Southern Intersection of Masonboro Loop and Masonboro Sound

- No improvements required

Masonboro Loop at SD1

- It is required that the SB LT be 75' full storage + appropriate **DECEL** and taper per NCDOT guidance for turn lanes. We will need to see the relationship of this transition to the NB left turn developing for the Masonboro Commons area to the north. The City of Wilmington recommends installation of a northbound right turn bay at Masonboro/SD1 due to the volume of thru traffic on Masonboro Loop (800 AM/ 606 PM).

Masonboro Loop at SD2

- No improvements required

Wilmington Urban Area Metropolitan Planning Organization

City of Wilmington • Town of Carolina Beach • Town of Kure Beach • Town of Wrightsville Beach
County of New Hanover • Town of Belville • Town of Leland • Town of Navassa • County of Brunswick
County of Pender • Cape Fear Public Transportation Authority • North Carolina Department of Transportation

Orchard Trace

- In the time since the scoping, the SRB has reviewed the plan and required full (non-emergency) interconnections to Orchard Trace. While some volume is anticipated to use these connections, the improvements here should be based on the developer's traffic not additional from the adjacent existing development.

If changes are made to the proposed site driveways and/or land use, the current trip distribution may need to be modified and would require a revised Traffic Impact Analysis to be submitted for review by the WMPO. This approval will become null and void.

The applicant is required to obtain all applicable Wilmington permits for access to the road network. All applicable City technical standards and policies shall apply.

Please contact me at 910-772-4170 with any questions regarding this scope.

Sincerely,

Kayla Grubb, EI
Project Engineer
Wilmington Metropolitan Planning Organization

Ec: Don Bennett, PE, City Traffic Engineer, City of Wilmington
Denys Vielkanowitz, PE, Signal Systems Management Engineer, City of Wilmington
Brian Chambers, AICP, Senior Planner, City of Wilmington
Bill McDow, Transportation Planner, WMPO
Mike Kozlosky, Executive Director, WMPO

ORDER APPROVING A PRELIMINARY PLAN

This matter came before the Wilmington Subdivision Review Board (SRB) for a public hearing on December 18, 2019, to consider case number SRB-2-1219 submitted by Paramounte Engineering on behalf of Elizabeth H MacDonald et al for preliminary plan approval for a 168-lot cluster subdivision to include construction of private streets, utility extensions, storm management facilities, and open space dedication. The property is located at 7424 & 7500 Masonboro Sound Road, contains approximately 64.28 acres, and is zoned R-15, Residential District.

The SRB having heard the evidence and arguments presented at the hearing makes the following findings of fact:

1. The site includes 64.28 acres and is currently zoned R-15, Residential.
2. The applicant proposes to create 168 single-family dwelling units with the construction of public streets, utility extensions, storm water management facilities, and open space dedication.
3. The applicant is developing the site as a cluster subdivision, with the exception of three lots located along Masonboro Sound Road.
4. A portion of the site located along Masonboro Sound Road is located within the Nation Register Historic District. According to Sec. 18-431 of the City's Land Development Code, cluster subdivisions are not permitted in the National Register Historic District.
5. The applicant proposes one road connection to Masonboro Loop Road, one connection to Masonboro Sound Road, and two unnamed connections to the north connecting to the Magnolia Plantation subdivision.
6. The applicant proposes to extend water and sewer infrastructure into the subject properties.
7. The applicant proposes to create new private street infrastructure that will access the lots proposed within the subdivision.
8. The applicant proposes to construct stormwater management infrastructure to serve the proposed development.
9. The applicant proposes a density of 2.89 dwelling units per acre. An exceptional design narrative is required with a proposed density over 2.5 units per acre since the site is located within the Watershed Resource Protection CAMA Land Use Area.
10. The *Technical Standards and Specifications Manual* stipulates that when subdivisions interconnect via collector streets, the first approved subdivision will provide the collector street standard which must be maintained until a logical terminus (e.g. intersection). The applicant proposes a residential collector street right-of-way less than 60 feet and a waiver is required.
11. The *Technical Standards and Specifications Manual* stipulates that Type "D" valley curbing is not permitted within a residential collector street. The applicant proposes valley curbing on a residential collector street and a waiver is required.

12. The *Technical Standards and Specifications Manual* stipulates that width of asphalt on a residential street is 29 feet with Type “A” curb. The applicant proposes a Type “D” valley curb and 26 feet of paving from gutter to gutter and a waiver is required.
13. The *Technical Standards and Specifications Manual* stipulates that local residential street with Type “D” curb accessing more than 15 units must provide a minimum 50 feet right-of-way, 23 feet of asphalt, 6 feet plaza, and 5 feet sidewalk. The applicant proposes accessing more than 15 units with a minimum 40 feet right-of-way, 18 feet of asphalt, 20 feet of paving gutter to gutter, 4 feet plaza, and 5 feet sidewalk and a waiver is required.
14. The *Technical Standards and Specifications Manual* stipulates that the radius of roadway edge at corners be 35 feet, the tangent length between horizontal curves be 100 feet, the horizontal centerline of local streets be 100 feet, the horizontal centerline radius on collector streets be 200 feet. The applicant proposes a 30 feet radii for roadway edges at corners and 20 feet radii for alley roadway edges, a tangent length less than 100 feet, and a horizontal centerline radii of 90 feet and a waiver is required.
15. The *Technical Standards and Specifications Manual* stipulates that minimum median widths on local streets be 10 feet face-to-face and that minimum median widths on collector streets be 13 feet face-to-face. The applicant proposes non-standard road cross sections with medians under the required width and a waiver is required.
16. The *Technical Standards and Specifications Manual* stipulates that the length of cul-de-sacs shall not exceed 500 feet. The applicant is proposing a road (Road C) that may be considered a cul-de-sac that is longer than 500 feet in length (730 feet) and a waiver is required.
17. The *Technical Standards and Specifications Manual* stipulates that there must be a offset of 400 feet between centerlines of intersections and a 200 feet minimum offset between centerlines of intersections on opposite sides of the street. The applicant is proposing two roads connections only 188 feet between centerlines and alley connections to the local road less than 200 feet and a waiver is required.
18. The *Technical Standards and Specifications Manual* provides a standard alley detail with header curb that requires 14 feet of asphalt, 1 foot of header curb on each side of the alley, and 2 feet of plaza. The applicant is proposing a detail that proposes 18 feet of asphalt with no header curb and a 1 foot plaza to the right-of-way edge and a waiver is required.
19. The *Technical Standards and Specifications Manual* provides a standard valley curb detail in a 40 foot right-of-way that requires 16 feet of asphalt and 2 feet of curb. The applicant is proposing a detail that proposes 18 feet of asphalt with 2 feet of curb and a waiver is required.
20. The *Technical Standards and Specifications Manual* stipulates that all driveways along major thoroughfares shall have a property line offset of 75 feet. The applicant is proposing a driveway along Masonboro Loop Road that is 73 feet from the property line and the termination of curb radius is 46 feet from the property line and a waiver is required.
21. The *Technical Standards and Specifications Manual* provides a standard cul-de-sac detail which requires a 40 feet radius to the curb. The applicant proposes non-standard cul-de-sac dimensions and a waiver is required.

THEREFORE, IT IS ORDERED approval of a preliminary plan for an 168-lot cluster subdivision to include construction of public streets, utility extensions, storm management facilities, and open space dedication located at 7424 & 7500 Masonboro Sound Road subject to the following:

1. The use and development of the subject property shall comply with all regulations and requirements imposed by the Land Development Code, the City of Wilmington Technical Standards and Specifications Manual and any other applicable federal, state or local law, ordinance or regulation, as well as any condition stated below. In the event of a conflict, the more stringent requirement or higher standard shall apply.
2. Approval of this preliminary plan does not constitute technical approval of a site plan. Final approval by the Technical Review Committee and the issuance of all required permits must occur prior to release of the project for construction.
3. If, for any reason, any condition for approval is found to be illegal or invalid or if the applicant should fail to accept any condition following approval, the approval of the preliminary plan shall be null and void.
4. The use and development of the subject property shall be in accordance with the approved preliminary plan as submitted and approved.
5. Utilities shall be located to avoid landscaping conflicts, such as street trees, as approved by the Technical Review Committee.
6. A tree preservation plan and tree removal permit shall be required for this project and city staff shall issue these based on acceptable limits of clearing and tree preservation.
7. Trees designated to be preserved shall be properly protected during construction and tree protection fencing shall be noted on the construction plans. Tree clearing will be limited to essential site improvements within the project limits as shown on the approved site plan.
8. If necessary, resource areas, buffers and setbacks per requirements of the LDC shall be shown and labeled on the Preliminary Plan.
9. All existing and proposed public and non-municipal easements shall be added as necessary to the Preliminary Plan.
10. An acceptable Preliminary Plan which adequately addresses all TRC/SRB comments shall be submitted for signature.
11. The use of pine straw as ground cover shall be prohibited within ten (10) feet of any combustible exterior construction.
12. Requirements of the approved Traffic Impact Analysis (TIA) must be completed prior to issuance of a certificate of occupancy.
13. All city, state and federal regulations shall be followed.
14. All lots containing alley access shall not have direct driveway access on the primary street frontage. All lots containing alley access shall utilize the alley for driveway access.
15. All private streets within the neighborhood shall provide open access to adjoining properties and right-of-ways, and shall not be gated.
16. Construction of Phase I shall include a connection to the adjacent neighborhood to the north (Magnolia Plantation).
17. A 10 foot wide multi-use path along Masonboro Sound Road shall be installed with the construction of Phase IV, or when the phase nearest to Masonboro Sound Road begins construction.
18. Lots 167 and 168 shall have driveways located no closer than 100 feet from the right-of-way of 'Road D' along the Masonboro Sound Road frontage.

It is further ordered that the following allowances and waivers from the city's technical standards (TSSM) and Land Development Code (LDC) requirements are granted:

1. Approval of a waiver from the minimum residential collector street right-of-way width based on the need to facilitate the cluster development, conservation, and provide traffic calming.
2. Conditional approval of a waiver from the minimum residential collector street asphalt width based on the desire to limit impervious surfaces. Restrictive covenants shall prohibit on-street parking on 'Road A' and 'Road D' as shown on the approved preliminary plan. This restriction does not apply to the on-street parking shown in the plazas between the roundabout and the intersection of 'Road A' and 'Road D.'
3. Approval of a waiver from the typical curbing allowed within a local residential street right-of-way due to the alignment with existing streets and to allow greater conservation of natural areas.
4. Conditional approval of a waiver from the residential collector and local residential street edge radii, horizontal curve tangents, and horizontal centerline radii for the benefit of reduced travel speeds. Road must be shown to allow trash and fire access that does not impinge upon the median.
5. Conditional approval of a waiver from the minimum median widths based on the reduced impact on natural areas. Where median is exiting to public roads, sight distance triangles must include the median islands.
6. Approval of a waiver from the minimum and maximum street design standards for a cul-de-sac longer than 500 feet due to existing wetland at end of 'Road C,' no connection is possible, and there are other points of connectivity.
7. Approval of a waiver from the minimum and maximum street design standards for the minimum offset between centerlines of intersections. There is adequate spacing for queuing and a low number of lots.
8. Conditional approval of a waiver from the standard detail for alleys with header curb to increase the asphalt width, reduce the plaza, and remove header curb with the exception of 'Alley B,' which is to include header curb. Due to fewer units and little turning movements on a private alley.
9. Approval of a waiver from the standard detail for valley curbs to provide increased asphalt width to allow for greater emergency access.
10. Approval of a waiver from the minimum offset between centerlines of intersections due to site constraints and consistency with existing roadway connections.
11. Approval of a waiver from the standard detail for cul-de-sacs to provide a non-standard cul-de-sac dimension based on a reasonable method of emergency access being provided.

It is further ordered that the following allowances and waivers from the city's technical standards (TSSM) and Land Development Code (LDC) requirements are denied:

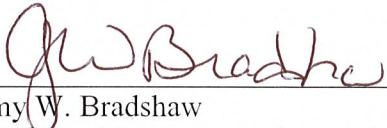
1. Denial of a waiver from the allowable curb type within a residential collector street right-of-way based on safety and restricting vehicles from plaza.

SIGNED this 10th day of FEBRUARY, 2020.



David Cowell, Chairman
Subdivision Review Board

ATTEST:



Amy W. Bradshaw
Designated Secretary to the Subdivision Review Board

Date Order Filed with Planning Office: 2/10/2020

