

JOSH STEIN  
*Governor*

D. REID WILSON  
*Secretary*

WILLIAM E. TOBY VINSON, JR.  
*Director*



NORTH CAROLINA  
*Environmental Quality*

April 17, 2025

Windward Oaks HOA  
Attn: Joseph DuFresne, President  
6808 Hardscrabble Court  
Wilmington, NC 28409

**Subject: Permit Correction and Permit Renewal  
Post-Construction Stormwater Management Permit No. SW8930818  
Windward Oaks Subdivision  
New Hanover County**

Dear Mr. DuFresne:

**Permit Correction:**

The Wilmington Regional Office previously issued the subject permit on August 14, 2017. This permit correction is necessary to include a condition confirming how Section 16(a) of Session Law 2018-114 that came into effect on June 27, 2018 impacts this site. Please refer to Condition I.2 now included in this permit.

**Permit Renewal:**

The Division of Energy, Mineral and Land Resources received a complete 8-year Permit Renewal Application for the subject permit on March 28, 2025. The Division is hereby notifying you that permit SW8930818 has been renewed, updated, and re-issued on April 17, 2025, as attached. Please be aware that the renewal and re-issuance of this stormwater permit does not imply that the site is currently in compliance.

This permit shall be effective until **September 17, 2033** and does not supersede any other agency permit that may be required. The project shall be subject to the conditions and limitations as specified therein. This permit does not impose new or increased stormwater control requirements; it clarifies the rules and requirements of this program to provide you with a better understanding of your obligations under this permit. Failure to comply with these requirements will result in future compliance problems. Please note that this permit is not transferable except after notice to and approval by the Division.

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

If you have any questions concerning this permit, please contact Isabel Wright in the Wilmington Regional Office, at (910) 796-7215 or [isabel.wright@deq.nc.gov](mailto:isabel.wright@deq.nc.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "William E. Toby Vinson, Jr." followed by "HJ".

For William E. Toby Vinson, Jr., PE, CPM, Director  
Division of Energy, Mineral and Land Resources



Date Received	Fee Paid	Permit Number
3/28/2025	#2575 \$750	SW8930818

## NC DEQ Division of Energy, Mineral and Land Resources

POST CONSTRUCTION (STATE) STORMWATER:  
PERMIT RENEWAL APPLICATION FORM

In accordance with 15A NCAC 2H.1045(3), the current permit holder shall renew their high density permit 180 days prior to its expiration. Renewed permits are valid for a period of 8 years per Session Law 2011-398 (SB 781) Section 60.(c). This application form is for permit renewals only.

## A. PROJECT INFORMATION

1. Stormwater Permit Number: SW8 930818
2. Project name: Windward Oaks HOA-Windward Oaks Subdivision  
Is this an updated project name from the current permit?  Yes  No
3. Project street address: Masonboro Sound Road & Masonboro Loop Road

City: Wilmington County: New Hanover  
ZIP : 28409

4. What, if any, changes have been made to the project as permitted? None

If the project has changed from the approved plans, a complete modification package is needed to document the changes. The modification forms are available at:  
<https://www.deq.nc.gov/about/divisions/energy-mineral-and-land-resources/stormwater/stormwater-program/post-construction-program/new-permits-permit-modifications>.

## B. PERMITTEE NAME AND CONTACT INFORMATION

If changes to the permittee or project name have been made, please complete either the Permit Update form or the Permit Transfer form available at: <https://www.deq.nc.gov/about/divisions/energy-mineral-and-land-resources/stormwater/stormwater-program/post-construction-program/permit-transfers-renewals>. Stormwater Permits do not automatically transfer with the sale of the property.

1. Current Permit Holder's Company Name/Organization: Windward Oaks HOA - Windward Oaks Subdivision

2. Signing Official's Name: Joseph DuFresne

3. Signing Official's Title: President

4. Mailing Address: 6808 Hardscrabble Court

City: Wilmington State: NC ZIP : 28409

5. Street Address: 6808 Hardscrabble Court

City: Wilmington State: NC ZIP : 28409

6. Phone: (240) 581-4343 Email: joesdufresne@gmail.com

**C. If Permittee is a Lessee, Purchaser, or Developer per 15A NCAC 02H.1040(4)(c), PROPERTY OWNER NAME AND CONTACT INFORMATION**

1. Current Permit Holder's Company Name/Organization: \_\_\_\_\_
2. Signing Official's Name: \_\_\_\_\_
3. Signing Official's Title: \_\_\_\_\_
4. Mailing Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_
5. Street Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_
6. Phone: (\_\_\_\_\_) \_\_\_\_\_ Email: \_\_\_\_\_

**D. CHECKLIST OF SUBMITTAL REQUIREMENTS for an administratively complete application package per 15A NCAC 02H.1045(3).**

Submit the application package to the appropriate DEMLR Regional Office (Coastal, SA Waters) or DEMLR Central Office (Urbanizing Areas Ph 2, USMP, Non-Coastal HQW/ORW). Only applications packages that include all required items listed below will be accepted and reviewed.

**Initial each item below to indicate that the required information is provided in the application package:**

- 1. A permit application processing fee of \$750.00 payable to NCDEQ per G.S. 143-215.3D(e)(2).
- 2. One original signed hard copy and one electronic copy of this completed form.
- 3. For corporations or limited liability corporations (LLC):
  - Provide documentation from the NC Secretary of State or other official documentation, which supports the titles and positions held by the persons listed in Permittee Information or Property Owner Information, Item B and C per 15A NCAC 2H. 1040(1).
    - The corporation must also be listed as an active corporation in good standing with the NC Secretary of State.
  - If the project has been built, documentation that the maximum BUA per lot or maximum total BUA has not been exceeded.
  - If the project has been built, a signed, sealed, and dated letter from a licensed professional or other qualified person in accordance with 15A NCAC 02H.1050 stating that the SCMs have been inspected, and that they have been built and maintained in accordance with the approved plans.
- 6. O&M Agreements, *Please select one:*
  - If approved under the rules effective January 1, 2017 and required by the permit conditions, the O&M agreement has been recorded in Deed Book: 6088 Page No: 630-641
  - If approved under an earlier set of Rules, I have a copy of the current O&M Agreement for all SCMs, and I will continue to keep this on file with the permit.
  - I do not have a copy of the current O&M Agreement for all SCMs and am requesting a copy be sent to me. I agree to keep this on file with the permit.
- 7. If the project has been built, a copy of recorded documents required by the original permit that have not yet been received by DEMLR, including deed restrictions, protective covenants, condominium/planned community declaration and easements.
- 8. Designer Certifications confirming that the project was initially built in accordance with the approved plans as required by 15A NCAC 02H.1042(4) or previous versions of the rules. *Please select one:*
  - A copy of the required certification(s) have been previously provided to the Division; or
  - A copy of the required certification(s) are enclosed; or
  - The required certification(s) are in process. They will be provided as soon as they are complete, which is expected to be by \_\_\_\_\_; or

The project has not yet been built.

9. If the project is out of compliance with the permit conditions, a written schedule of actions to bring the project into compliance.

#### E. (OPTIONAL) OTHER CONTACT INFORMATION

1. The Design Professional who is authorized to provide information on the Applicant's behalf:

Design Professional's Name: \_\_\_\_\_

Consulting Firm: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: (\_\_\_\_\_) \_\_\_\_\_ Fax: (\_\_\_\_\_) \_\_\_\_\_

Email: : \_\_\_\_\_

2. If you would like to designate another person to answer questions about the project:

Name & Title: \_\_\_\_\_

Organization: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

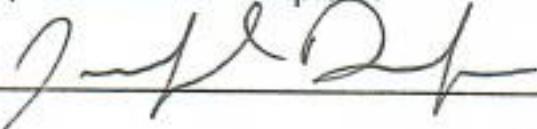
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: (\_\_\_\_\_) \_\_\_\_\_ Fax: (\_\_\_\_\_) \_\_\_\_\_

Email: : \_\_\_\_\_

#### F. PERMITTEE'S CERTIFICATION

I, Joseph DuFresne, the person legally responsible for the permit, certify that I have a copy of the Permit and O&M Agreement on site (or I will obtain a copy and it will be kept on site), that I am responsible for the performance of the maintenance procedures, and the site has been and will be maintained according to the O&M Agreement and approved plans. I agree to notify DEMLR of any problems with the SCMs or built-upon area and to submit the proper forms to modify or transfer the permit prior to any changes to the project, SCMs, or ownership. All information provided on this permit renewal application is, to the best of my knowledge, correct and complete.

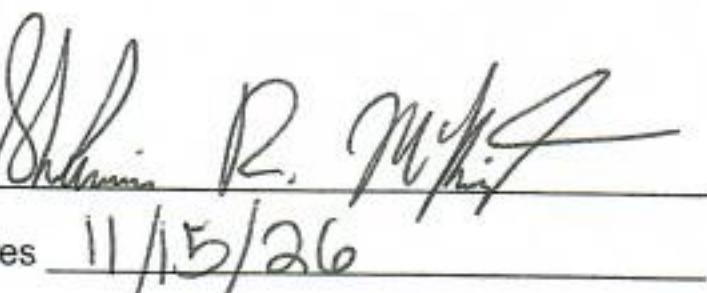
Signature: 

Date: 3/12/25

#### NOTARIZATION:

I, Shadavia R. McKnight, a Notary Public for the State of North Carolina, County of New Hanover, do hereby certify that Joseph DuFresne personally appeared before me this the 12<sup>th</sup> day of March, 2025, and acknowledge the due execution of the forgoing instrument. Witness my hand and official seal,

(Notary Seal)

Notary Signature: 

My commission expires 11/15/26

SHADAVIA R MCKNIGHT  
NOTARY PUBLIC  
New Hanover County  
North Carolina  
My Commission Expires 11/15/2026

Enclosures: Attachment C – Permitting History  
copy of the Renewal Application Documents  
Impervious area summary report from January 1, 2017 and provided by the HOA

DES/iw: \\Stormwater\Permits & Projects\1993\930818 LD\2025 04 permit 930818

cc: Wilmington Regional Office Stormwater File



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

**POST-CONSTRUCTION STORMWATER MANAGEMENT PERMIT**

**OVERALL LOW DENSITY SUBDIVISION DEVELOPMENT  
with  
INDIVIDUAL LOT STORMWATER CONTROL MEASURES (SCMs)**

In accordance with the provisions of Article 21 of Chapter 143, General Statutes of North Carolina as amended, and other applicable Laws, Rules, and Regulations

PERMISSION IS HEREBY GRANTED TO

*Windward Oaks HOA*

*Windward Oaks Subdivision*

*Masonboro Sound Road / Masonboro Loop Road, Wilmington, New Hanover County*

FOR THE

Construction, Operation and Maintenance of a 25% overall low density project and curb outlet swale system with individual on-lot remedial SCMs in compliance with the provisions of 15A NCAC 2H .1000 (1988 rules for density) as amended by Session Law (SL) 2008-211, and subsequently amended on January 1, 2017 (2017 Rules for SCMs), as applicable (collectively, the "stormwater rules"), and as outlined in the application, approved stormwater management plans, supplement, calculations, operation and maintenance agreement, recorded documents, specifications, and other supporting data (the "approved plans and specifications") as attached and/or on file with and approved by the Division of Energy, Mineral and Land Resources (the "Division" or "DEM&LR"). The project shall be constructed, operated and maintained in accordance with these approved plans and specifications. The approved plans and specifications are incorporated by reference and are enforceable part of this permit.

This permit shall be effective from the date of issuance until September 17, 2033 and shall be subject to the following specified conditions and limitations. The permit issued shall continue in force and effect until the permittee files a request with the Division for a permit modification, transfer, renewal, or rescission; however, these actions do not stay any condition. The issuance of this permit does not prohibit the Director from reopening and modifying the permit, revoking and reissuing the permit, or terminating the permit for cause as allowed by the laws, rules, and regulations contained in Title 15A NCAC 2H.1000 and NCGS 143-215.1 et.al.

**I. DESIGN STANDARDS**

1. At any time the site is demonstrated to no longer require individual on-lot remedial SCMs to remain in compliance with the stormwater rules, a modification may be submitted to the Division to determine if the permit expiration date will be removed.
2. In accordance with Section 16(a) of Session Law 2018-114, impervious surfaces built before January 1, 2017 and as outlined in the attached report from January 1, 2017 provided by the HOA are deemed to be in compliance with the impervious surface limitations of the Post Construction Stormwater Program and its rules and regulations. Any impervious surface built on or after January 1, 2017 are subject to Session Law 2008-211 and its implementing rules.

3. This permit is effective only with respect to the nature and volume of stormwater described in the application and other supporting data. This permit has two parts. The overall low density for this subdivision was designed and approved under the 1988 Stormwater rules. The design criteria for the on-lot SCMs to address the BUA overages of the original permitted BUA allocation is based on the 2017 stormwater rules.
4. This overall low density project was approved with a curb outlet swale system. Each designated curb outlet swale shown on the approved subdivision plan must be maintained at a minimum of 100' long, with 5:1 (H:V) side slopes or flatter, have a longitudinal slope no steeper than 5%, carry the flow from a 10 year storm in a non- erosive manner, and maintain a dense vegetated cover.
5. A 30' wide vegetative buffer must be provided and maintained adjacent to all surface waters, measured horizontally from and perpendicular to the normal pool of impounded structures, the top of bank of both sides of streams and rivers and the mean high water line of tidal waters.
6. The subdivision was permitted for 146 lots in 1993, each lot was limited to a maximum amount of built-upon area (BUA) as indicated in Condition II.16 (f) of this permit. Each lot identified in the 2015 BUA Inventory Report that has exceeded its maximum allowed BUA limit shall construct an approved remedial SCM to facilitate infiltration and thereby, reduce the runoff for that lot to what would have run off the lot under maximum permitted BUA conditions.
7. Each on-lot remedial SCM shall be designed using a 1.5" design storm. At a minimum, the runoff from the BUA overage on each lot shall be treated by an approved SCM. Lot owners will receive BUA reduction if they choose to reduce the amount of BUA overage by removing impermeable surfaces, or removing and replacing impermeable surfaces with permeable pavement. A treatment credit may be applied for all properly designed, constructed and maintained SCM's as outlined in the table in Condition I.8 of this permit to offset existing BUA overages. The treatment credits cannot be used to gain additional BUA on the lot. Only those lots that have reduced their BUA overage by removing impervious surface or replacing impermeable pavement with permeable pavement such that the net amount of BUA is below the maximum permitted BUA limit for that lot, may propose additional BUA up to their maximum permitted BUA limit.
8. Proposals shall be submitted by each lot owner to the HOA utilizing the Division- approved standardized design spreadsheets for the SCM's. The following remedial SCM's (top line) are available for use by the lot owners in this subdivision under certain restrictions and limitations, along with their treatment credit (lower line):

Table 1: Options for Treatment of BUA Overages

BUA Removal and site restoration	①Permeable pavement with no adjacent BUA	①Permeable pavement with adjacent BUA	Rain Garden installation	③Cistern or rain barrel installation with year-round use	Infiltration Trench or Basin	③Disconnected Impervious Surface (DIS)
④100% of the removed BUA	100% of the permeable pavement area	②④100% of perm. pave. area + adjacent BUA that drains to it	④100% of the BUA directed to it	④100% of the roof area	④100% of the BUA directed to the Trench or Basin	65% of the roof area, walkway, or driveway area directed to the vegetated receiving area

9. The permittee will update the SCM Design Spreadsheet to the new design criteria noted in the table above. The permittee will use the new updated spreadsheet for checking the design of the remedial SCM's and shall ensure that the following noted design restrictions are applied to the remedial SCM's:
  - ① In order to receive the BUA reduction and treatment credit for BUA overage, the permeable pavement must be designed to infiltrate. The footprint of permeable pavement will be considered 100% pervious. Any adjacent BUA that is directed onto the permeable pavement will receive treatment credit only.
  - ② The site plans for the lot must delineate the adjacent BUA that drains to the permeable pavement. The permittee shall not approve any plan that allows runoff from an adjacent vegetated area to enter the permeable pavement. Although the pavement is considered 100% pervious, the adjacent BUA that drains onto the pavement is still considered as BUA but shall receive treatment credit.
  - ③ The treatment credit for disconnected impervious surface (DIS) is given under the stipulation that the vegetated areas are designed to meet the Minimum Design Criteria (MDC) found under NCAC 02H.1060. No more than 500 square feet of impervious surface may drain to a single appropriately designed receiving area. The impervious areas that drain to the vegetated receiving areas shall be considered as BUA, but shall receive treatment credit.
  - ④ The location, extent and drainage area for each remedial SCM must be clearly delineated on the site plans approved by the permittee for each lot. The BUA that drains to rain gardens, cisterns and infiltration systems shall be considered as BUA.
  - ⑤ The cistern or rain barrel must meet the MDC in 15A NCAC 02H.1057.
10. The soil type, infiltration rate and seasonal high water table elevation to be utilized for the SCM design will be as follows. The applicable soil parameters for each lot will be identified by use of the map submitted with the Soils Report.

	HSG	Infiltration rate	SHWT elevation
Murville	A/B	2.5 in/hr	33" b.e.g.
Lakeland	A/B	4 in/hr	37" b.e.g.
Leon	A/B	4 in/hr	24" b.e.g.

## II. SCHEDULE OF COMPLIANCE

1. All permitted curb outlet swales and their associated runoff collection systems must be located in public rights-of-way, dedicated common areas or recorded easements. The final plats for the project will be recorded showing all such required rights-of-way, common areas and easements, in accordance with the approved plans. Access to the curb outlet swales and to the collection system, for inspection and maintenance, shall be maintained via appropriate recorded easements.
2. The permittee is responsible for the routine monitoring of the project for compliance with the BUA limits, grading, and the curb outlet swale storm drainage system established by this permit, the permit documents, the approved plans, and the recorded deed restrictions. The permittee shall notify any lot owner that is found to be in noncompliance with the conditions of this permit in writing, and shall require timely resolution.

3. The permittee shall review all individual proposed and modified lot plans for compliance with the conditions of this permit as follows:
  - a. All plans submitted to the HOA for approval shall delineate all the existing BUA on the lot, the existing and proposed grading, location of the proposed remedial SCM(s), the drainage area of the BMP(s), and the construction details of the SCM(s).
  - b. Per the August 14, 2015, BUA Inventory Report, there are 36 lots in the subdivision that are currently under their permitted BUA maximum. The HOA shall not approve the use of any remedial SCM on those 36 lots to exceed the maximum BUA limit.
  - c. To achieve BUA reduction, any lot may remove impervious pavement and replace it with a properly designed, approved, constructed and maintained permeable pavement to stay below their maximum BUA limit and to achieve compliance. In addition, the drainage from any other BUA on the lot that is directed to the permeable pavement will receive treatment credit.
  - d. The HOA shall utilize the SCM Design Spreadsheet to check each SCM for compliance with the minimum SCM Manual design requirements.
  - e. Once a non-compliant lot has been brought into compliance by means of the approved SCM's, no additional impervious surface will be allowed on that lot unless a plan shows that an equal or greater amount of impervious surface is being removed.
  - f. The HOA shall routinely spot-check the SCM Design Spreadsheet formulas for errors, and shall correct such errors upon discovery.
4. The Director may notify the permittee when the permitted site does not meet one or more of the minimum requirements of the permit. Within the time frame specified in the notice, the permittee shall submit a written time schedule to the Director for modifying the site to meet minimum requirements. The permittee shall provide copies of revised plans and certification in writing to the Director that the changes have been made.
5. During the Compliance Period specified in the HOA's Plan of Action, the permittee shall update and maintain the BUA Inventory Report upon verification by the lot owner's engineer or design professional that the SCM has been constructed in accordance with the 2017 MDC and the plans approved by the HOA. The report will be updated with each approved lot application and shall include the type of remedial SCM's that were approved for that lot and how much impervious area reduction and/or BUA treatment credit was assigned. After permit issuance, the HOA shall submit a copy of the updated BUA Inventory Report to the Division's Wilmington Regional Office on a quarterly basis, within 30 days of January 1, April 1, July 1, and October 1 of each year which falls within the Compliance Period set forth in the Plan of Action and annually thereafter. The HOA may request that the actual due dates for submission of the report be adjusted.
6. The lot owner must provide and maintain access to the remedial SCM's for inspection by HOA and/or DEMLR staff.
7. During construction of the remedial SCM's, each lot owner shall restrain the sediment on site and shall repair any eroded areas immediately.
8. Upon completion of construction of any approved remedial SCM, the permittee shall require the lot owner to provide written certification from the lot owner's design professional to the HOA that the SCM has been installed in accordance with the approved remedial SCM plans, specifications, and supporting documentation. Any deviations from the approved plans or specifications must be noted on the Certification. A modification may be required for those deviations. The permittee shall keep all certifications on file for each lot as a condition of this permit. This requirement applies to all remediation plans submitted for approval after August 2, 2017.

9. No person or entity, including the permittee, shall alter any component shown in the approved plans and specifications. Prior to the construction of any modification to the approved plans, the permittee shall submit to the Director, and shall have received approval for modified plans, specifications, and calculations including, but not limited to, those listed below. For changes to the project or SCM that impact the certifications, a new or updated certification(s), as applicable, will be required and a copy must be submitted to the appropriate DEQ regional office upon completion of the modification.
  - a. Any modification to the approved plans and specifications, regardless of size including the SCM(s), BUA, details, etc.
  - b. Redesign or addition to the approved amount of BUA or to the drainage area.
  - c. Further development, subdivision, acquisition, lease or sale of any, all or part of the project and/or property area as reported in the approved plans and specifications.
  - d. Altering, modifying, removing, relocating, redirecting, regrading, or resizing of any component of the approved SCM(s), the stormwater collection system and/or vegetative conveyance shown on the approved plan.
  - e. The construction of any allocated future BUA.
  - f. Adding the option to use permeable pavement or #57 stone within the lots as a permeable surface. The request may require a proposed amendment to the deed restrictions and protective covenants for the subdivision to be submitted and recorded.
  - g. The construction of any permeable pavement, #57 stone area, public trails, or landscaping material to be considered a permeable surface that were not included in the approved plans and specifications.
  - h. Other modifications as determined by the Director.
10. The permittee shall provide the operation and maintenance (O & M) necessary to assure that the permitted curb outlet swales function at the design condition. The approved O& M Agreement is incorporated by reference into this permit and must be followed in its entirety and maintenance must occur at the scheduled intervals.
11. Records of maintenance activities for the curb outlet swale system and associated runoff collection system, must be kept and made available upon request to authorized personnel of DEMLR. The records will indicate the date, activity, name of person performing the work and what actions were taken.
12. The HOA shall send letters to all lot owners with approved SCMs on an annual basis to remind them to check that their SCMs are functional and that the SCMs cannot be altered or removed, and that their lots must be compliant with their approved plans or they could be subject to HOA and/or DEQ enforcement.
13. The facilities shall be constructed, operated and maintained in accordance with the provisions of this permit, the approved plans and specifications, and the supporting documents attached to this permit and on file with the Division.
14. The following deed restrictions and protective covenants related to stormwater management recorded with the New Hanover County Register of Deeds are incorporated by reference and must be maintained in perpetuity: October 11, 1993 in Deed Book 1708 at Page 0462; as amended on October 21, 1993 in Deed Book 1711 at Page 906; as amended on March 17, 1994 in Deed Book 1756 at Page 108; as amended on July 31, 1995 in Deed Book 1909 at Page 782; and as amended on March 6, 1997 in Deed Book 2149 at Page 190. In addition, the following requirements apply:
  - a. The above covenants are intended to ensure ongoing compliance with modified State Stormwater Management Permit Number SW8 930818, as issued by DEMLR under NCAC 2H.1000.
  - b. The State of North Carolina is made a beneficiary of these covenants to the extent necessary to maintain compliance with the Stormwater Management Permit.
  - c. These covenants are to run with the land and be binding on all persons and parties claiming under them.
  - d. The covenants pertaining to stormwater may not be altered or rescinded without the express written consent of the State of North Carolina, Division of Energy, Mineral and Land Resources (DEMLR).

e. Alteration of the drainage as shown on the approved plans may not take place without the concurrence of DEMLR. The maximum BUA per lot is as follows, in square feet.

Lot #	1	2	38 & 39	65-145	3-37, 40-64 & 146
BUA allowed	6,000	12,850	4,560	4,850	4,911

This allotted amount includes any BUA constructed within the lot property boundaries, and that portion of the right-of-way between the front lot line and the edge of the pavement. BUA includes, but is not limited to, structures, asphalt, concrete, gravel, brick, stone, slate, coquina and parking areas, but does not include a slatted deck; the water area of a swimming pool; a surface of number 57 stone, as designated by the American Society for Testing and Materials, laid at least four inches thick over a geotextile fabric; a trail as defined in G.S. 113A- 85 that is either unpaved or paved as long as the pavement is porous with a hydraulic conductivity greater than 0.001 centimeters per second (1.41 inches per hour).hour); or landscaping material, including, but not limited to, gravel, mulch, sand, and vegetation, placed on areas that receive pedestrian or bicycle traffic or on portions of driveways and parking areas that will not be compacted by the weight of a vehicle, such as the area between sections of pavement that support the weight of a vehicle. In addition, BUA does not include the footprint of permeable pavement that is designed to infiltrate.

f. Each designated curb outlet swale or 100' vegetated area shown on the approved plan must be maintained at a minimum of 100' long, maintain 5:1 (H:V) side slopes or flatter, have a longitudinal slope no steeper than 5'/o, Carry the flow from a 10 year storm in a non-erosive manner, maintain a dense vegetated cover, and be located in either a dedicated common area or a recorded drainage easement.

15. The permittee shall amend the Architectural Guidelines to reflect the necessary changes based on this modified permit. Upon the issuance of this permit, the permittee shall cause a notice to be filed with the New Hanover County Register of Deeds which puts all prospective purchasers of a lot in Windward Oaks on notice that the BUA on the lot must conform to and be maintained in accordance with the requirements of the most recently modified stormwater permit SW8 930818 and 2017 Architectural Guidelines. The modified permit may be recorded with that document. The permittee shall submit a copy of the recorded document to the Division within 30 days of recording.

16. After the permittee has achieved compliance with the terms of this permit, the permittee shall have the opportunity to propose additional BUA provided that the need for the BUA is justified and that stormwater control measures for the BUA are designed in accordance with Table 1 and the MDC in 15A NCAC 02H .1050 through .1062. It shall be the responsibility of the permittee to provide all needed justification, plans, calculations and other supporting information to DEMLR for review and approval prior to constructing any additional BUA.

17. If there are any lots that have not remediated their BUA as outlined in the 2017 HOA Plan of Action, then the HOA shall attempt to achieve compliance on any non-compliant lots by any means deemed appropriate and pursuant to the Bylaws of the HOA, Article XI of the Declaration, and in accordance with the Planned Community Act (as stated in the November 21, 2014 letter to DEMLR) and as defined in the Architectural Guidelines (as amended). If the HOA is unable to bring about compliance, then the HOA shall notify the Division and the Division will seek enforcement action and civil fines and penalties against those individual lot owners as a third-party beneficiary of the Windward Oaks Declaration of Covenants, Conditions, and Restrictions, as amended.

### III. GENERAL CONDITIONS

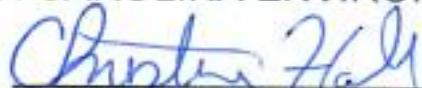
1. CORRECTIVE ACTIONS REQUIRED. If the facilities fail to perform satisfactorily, the permittee shall take immediate corrective actions. This includes actions required by this Division and the stormwater rules such as the construction of additional or replacement on-site stormwater systems. These additional or replacement measures shall receive a permit from the Division prior to construction.

2. PERMIT RENEWAL. A permit renewal request must be submitted at least 180 days prior to the expiration date of this permit. The renewal request must include the appropriate application, documentation and the processing fee as outlined in Title 15A NCAC 02H.1045(3).
3. CHANGES TO THE PROJECT NAME, PERMITTEE NAME OR CONTACT INFORMATION. The permittee shall submit a completed Permit Information Update Application Form to the Division within 30 days to making any one of these changes.
4. TRANSFER. This permit is not transferable to any person or entity except after notice to and approval by the Director. Neither the sale of the project and/or property, in whole or in part, nor the conveyance of common area to a third party constitutes an approved transfer of the permit.
  - a. TRANSFER REQUEST. The transfer request must include the appropriate application, documentation and the processing fee as outlined in 15A NCAC 02H.1045(2). This request must be submitted within 90 days of the permit holder meeting one or more of the following:
    - i. A natural person who is deceased;
    - ii. A partnership, limited liability corporation, corporation, or any other business association that has been dissolved;
    - iii. A person or entity who has been lawfully and finally divested of title to the property on which the permitted activity is occurring or will occur through foreclosure, bankruptcy, or other legal proceeding;
    - iv. A person or entity who has sold the property, in whole or in part, on which the permitted activity is occurring or will occur, except in the case of an individual residential lot sale that is made subject to the recorded deed restrictions and protective covenants;
    - v. The assignment of declarant rights to another individual or entity;
    - vi. The sale or conveyance of the common areas to a Homeowner's or Property Owner's Association, subject to the requirements of NCGS 143-214.7(c2);
  - b. TRANSFER INSPECTION. Prior to transfer of the permit, a file review and site inspection will be conducted by Division personnel to ensure the permit conditions have been met and that the project and the on-site stormwater system complies with the permit conditions. Records of maintenance activities performed to date may be requested. Projects not in compliance with the permit will not be transferred until all permit and/or general statute conditions are met.
5. COMPLIANCE. The permittee is responsible for compliance with the terms and conditions of this permit until the Division approves the transfer request.
  - a. APPROVED PLANS AND SPECIFICATIONS. A copy of this permit, approved plans, application, supplement, operation and maintenance agreement, all applicable recorded documents, and specifications shall be maintained on file by the permittee at all times.
  - b. DIVISION ACCESS. The permittee grants Division Staff permission to enter the property during normal business hours to inspect all components of the permitted project.
  - c. ENFORCEMENT. Any individual or entity found to be in noncompliance with the provisions of a stormwater management permit or the requirements of the stormwater rules is subject to enforcement procedures as set forth in NCGS 143 Article 21.
  - d. ANNUAL CERTIFICATION. The permittee shall electronically submit to the Division an annual certification completed by either the permittee or their designee confirming the projects conformance with permit conditions
  - e. OBTAINING COMPLIANCE. The Director may notify the permittee when the permitted site does not meet one or more of the minimum requirements of the permit. Within the time frame specified in the notice, the permittee shall submit a written time schedule to the Director for modifying the site to meet minimum requirements. The permittee shall provide copies of modified plans and certification in writing to the Director that the changes have been made.

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

Permit corrected, renewed, updated and reissued this the 17<sup>th</sup> day of April 2025.

NORTH CAROLINA ENVIRONMENTAL MANAGEMENT COMMISSION



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

Permit Number SW8 930818

Attachment C - Permitting History  
 Windward Oaks Subdivision  
 Permit No. SW8 930818

Approval Date	Permit Action	BIMS Version	Description of the Changes
9/21/1993	Original Approval	1.0	Certificate of Compliance issued to Old South Inc. for 25% LD in SA/ORW with 143 lots at 4911sf each and 2 lots at 7367sf each
2/22/1994	Modification		Lot 1 is restricted to 6000sf of BUA. Lot 2 is restricted to 12850sf of BUA. Lots 65-145 will be restricted to 4850sf of BUA.
9/12/1994	Modification		The 82 lots of section II are restricted to 4560sf BUA. Section I remains as approved per 2/22/1994 revised certification.
3/1/2001	Transfer		Transfer from Old South, Inc. to Windward Oaks HOA.
9/17/2015	Modification	1.1	MOU signed by HOA and new permit with MOU issued to HOA by DEMRL. Expires 9/17/2017
5/10/2017	Modification	1.2	MOU deadline extended 6 months. New deadline is 3/17/2018
8/14/2017	Modification	1.3	A 25% overall low density project and curb outlet swale system with individual on-lot remedial SCMs in compliance with the 1988 rules for density. Permit expires 9/17/2025.
4/17/2025	Renewal / Correction	2.0	Expires 9/17/2033 Note this site is subject to Section 16(a) of Session Law 2018-114. The cover letter and permit have been updated to clarify the impact.

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HOA EXISTING BUILT-UPON AREA ESTIMATES								BUA Credits				Approvals	
Address	Lot #	Built Upon Area (BUA) (sf)	Allowable BUA (sf)	BUA Delta (sf)	BUA Coverage (sf)	BUA Surveyed (sf)	BUA Removal (sf)	Permeable Pavement (sf)	BUA Credits (sf)	Adjusted BUA (sf)	BUA Coverage	Plan Approved	Final Approval
Main Drive (cont'd)													
6915	25	5,780	4,911	869	869								
6918	27	6,240	4,911	1,329	1,329								
6919	24	4,770	4,911	-141	0								
6922	28	5,170	4,911	259	259								
6923	23	4,190	4,911	-721	0								
6925	29	6,290	4,911	1,379	1,379								
6927	22	6,100	4,911	1,189	1,189								
6929	21	5,600	4,911	689	689								
6931	20	4,310	4,911	-601	0								
7000	54	5,220	4,911	309	309								
7001	19	4,900	4,911	-11	0								
7004	55	7,004	4,911	2,093	2,093								
7005	18	5,570	4,911	659	659								
7008	56	4,090	4,911	-821	0								
7009	17	5,360	4,911	449	449								
7012	57	5,590	4,911	679	679								
7016	58	5,480	4,911	569	569								
7020	59	5,060	4,911	149	149								
7022	60	6,620	4,911	1,709	1,709								
7024	61	6,540	4,911	1,629	1,629								
7028	62	5,400	4,911	489	489								
Masonboro Sound Road													
7510	6	0	4,911	-4,911	0								
7514	5	6,240	4,911	1,329	1,329								
7518	4	4,970	4,911	59	59								
7522	3	6,380	4,911	1,469	1,469								
7526	2	11,190	12,850	-1,660	0								
7530	1	5,210	6,000	-790	0								
7600	63	6,110	4,911	1,199	1,199								
7604	64	10,720	4,911	5,809	5,809								
Owencroft Way													
3600	93	7,550	4,850	2,700	2,700								
3601	92	9,870	4,850	5,020	5,020								
3602	94	6,970	4,850	2,120	2,120								
3605	91	4,110	4,850	-740	0								
3606	95	5,250	4,850	400	400								
Cazaux Court													
7600	44	4,900	4,911	-11	0								
7601	45	3,710	4,911	-1,201	0								
7602	43	5,740	4,911	829	829								
7605	46	4,610	4,911	-301	0								
7606	42	4,030	4,911	-881	0								

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HOA EXISTING BUILT-UPON AREA ESTIMATES							BUA Credits				Approvals		
Address	Lot #	Built Upon Area (BUA) (sf)	Allowable BUA (sf)	BUA Delta (sf)	BUA Overage (sf)	BUA Surveyed (sf)	BUA Removal (sf)	Permeable Pavement (sf)	BUA Credits (sf)	Adjusted BUA (sf)	BUA Overage	Plan Approved	Final Approval
<b>Hardscrabble Court</b>													
6700	103	4,630	4,850	-220	0								
6701	102	6,630	4,850	1,780	1,780								
6702	104	6,750	4,850	1,910	1,910								
6703	101	5,550	4,850	700	700								
6704	105	4,050	4,850	-800	0								
6705	100	6,270	4,850	1,420	1,420								
6707	99	5,970	4,850	1,120	1,120								
6708	106	4,430	4,850	-420	0								
6709	98	7,000	4,850	2,150	2,150								
6710	107	6,500	4,850	1,750	1,750								
6711	97	5,660	4,850	810	810								
6712	108	5,340	4,850	490	490								
6713	96	9,170	4,850	4,320	8,498	0	0	3,650	4,850	0	5/24/16		
6714	109	5,000	4,850	150	150	5,000		195	4,850	0	6/22/16	6/22/16	
6716	110	5,530	4,850	680	680	5,350		970	4,850	0	6/22/16	6/22/16	
6800	79	7,060	4,850	2,210	2,210								
6802	80	3,840	4,850	-1,010	0								
6803	90	4,930	4,850	80	80	4,930		98	4,850	0	6/15/16	6/16/16	
6804	81	3,510	4,850	-1,340	0								
6805	89	7,720	4,850	2,870	2,870	7,376		2577	4,850	0	11/1/16		
6806	82	5,810	4,850	950	950								
6807	98	6,970	4,850	2,120	2,120								
6808	83	8,520	4,850	3,670	3,670	6,490		1,567	4,850	0	3/25/17		
6809	87	5,340	4,850	490	490	5340		500	4,850	0	7/23/16	7/23/16	
6810	84	5,050	4,850	200	200								
6811	86	7,460	4,850	2,610	2,610								
6812	85	6,100	4,850	1,250	1,250								
<b>Jonquil Court</b>													
7500	12	7,900	4,911	2,989	2,989								
7501	11	7,120	4,911	2,209	2,209								
7502	13	7,050	4,911	2,139	2,139								
7503	10	5,400	4,911	489	489	5400		600	4,911	0	10/5/16	10/19/16	
7504	14	0	4,911	-4,911	0								
7506	9	5,900	4,911	989	989								
7507	15	5,560	4,911	649	649								
7509	8	4,620	4,911	-291	0								
7513	7	5,130	4,911	219	219								
7514	16	6,380	4,911	1,469	1,469								

HOA EXISTING BUILT-UPON AREA ESTIMATES							BUA Credits				Approvals		
Address	Lot #	Built Upon Area (BUA) (sf)	Allowable BUA (sf)	BUA Delta (sf)	BUA Overage (sf)	BUA Surveyed (sf)	BUA Removal (sf)	Permeable Pavement (sf)	BUA Credits (sf)	Adjusted BUA (sf)	BUA Overage	Plan Approved	Final Approval
<b>Eschol Court</b>													
6900	37	5,410	4,911		499		499						
6901	36	5,760	4,911		849		849						
6902	38	4,500	4,911		-411		0						
6904	39	4,720	4,911		-191		0						
6905	35	5,900	4,911		989		989						
6908	40	5,640	4,911		729		729						
6909	34	4,030	4,911		-881		0						
6913	33	6,840	4,911		1,929		1,929						
6914	41	5,870	4,911		959		959						
6917	32	4,110	4,911		-801		0						
6921	31	0	4,911		-4,911		0						
6929	30	4,390	4,911		-521		0						
7001	53	6,080	4,911		1,169		1,169						
7004	47	7,680	4,911		2,769		2,769						
7005	52	5,630	4,911		719		719						
7007	51	4,270	4,911		-641		0						
7008	48	4,840	4,911		-71		0						
7010	49	4,420	4,911		-491		0						
7011	50	3,400	4,911		-1,511		0						
<b>Masonboro Loop Road</b>													
3521	123	6,090	4,850		1,240		1,240						
3525	122	5,070	4,850		220		220						
3529	121	4,590	4,850		-260		0						
3533	120	5,490	4,850		640		640						
3537	119	4,970	4,850		120		120						
3541	118	5,400	4,850		550		550						
3601	126	4,980	4,850		130		130						
3605	125	6,420	4,850		1,570		1,570						
3609	124	5,480	4,850		630		630						

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