



North Carolina Department of Environment and Natural Resources

Pat McCrory
Governor

Donald van der Vaart
Secretary

August 13, 2015

Kathryn Smith, President
Brookside Gardens Homeowners Association, Inc.
2108 Capital Drive, Suite 102
Wilmington, NC 28405

**Subject: State Stormwater Management Permit No. SW8 990906
Inspection and Permit Transfer under SL 2011-256
Brookside Gardens
Low Density Subdivision
New Hanover County**

Dear Ms. Smith:

Effective August 1, 2013 the State Stormwater program has been transferred from the Division of Water Quality (DWQ) to the Division of Energy, Mineral and Land Resources (DEMLR). All previous references to DWQ will remain in older stormwater permits issued prior to August 1, 2013 until they are modified. Please note that any updated pages or addendums to the permit will now reference DEMLR as the Division responsible for issuance of the permit.

On July 10, 2015, the Division of Energy, Mineral and Land Resources (DEMLR) received a request to transfer the permit from Terra Holding Company, Inc. to an owners association, identified in the condominium or planned community's declaration pursuant to NCGS 143-214.7(c2) and Session Law 2011-256. A file review and site inspection was performed on August 12, 2015 by DEMLR staff and as noted in the enclosed inspection report, the site is currently in compliance with the terms and conditions of the current state stormwater permit. The current permittee has attested that the requirements of Session Law 2011-256 have been met, including:

1. The common areas of the subdivision have been conveyed to the Association.
2. That copies of this inspection report, the permit, the recorded deed restrictions, the operation and maintenance plan, and the approved site and grading plan, have been provided to the Association.
3. Verification that the permitted maximum built-upon area per lot has not been exceeded.
4. Verification that more than 50% of the lots have been conveyed to individuals.

The Division is hereby notifying you that the requirements of SL 2011-256 have been met and that permit SW8 990906 has been transferred on August 13, 2015 and to remind you that this permit shall be effective until rescinded. For your records, please find enclosed a copy of the updated permit, a copy of the inspection report, and a copy of the Permit Transfer Request Form. Please keep this cover letter and updated permit on file at all times.

The project is subject to the conditions and limitations as specified in the updated and transferred permit. Please pay special attention to the conditions listed in this permit regarding the Operation and Maintenance of the BMP(s), recordation of deed restrictions, procedures for changing ownership, transferring the permit, and renewing the permit. Failure to establish an adequate system for operation

Ms. Kathryn Smith
August 13, 2015

and maintenance of the stormwater management system, to record deed restrictions, to transfer the permit, or to renew the permit, will result in future compliance problems.

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. Unless such demands are made this permit shall be final and binding.

If you have any questions, need additional copies of the permit or approved plans, please contact Steve Pusey with DEMLR in the Wilmington Regional Office at (910) 796-7215.

Sincerely,

A handwritten signature in black ink, appearing to read "Tracy Davis", is written over a horizontal line.

For Tracy Davis, P.E., Director
Division of Energy, Mineral and Land Resources

GDS/sgp: \\Stormwater\Permits & Projects\1999\ 990906 LD\ 2015 08 permit 990906

cc: Wilmington Regional Office Stormwater File

STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
DIVISION OF ENERGY, MINERAL AND LAND RESOURCES
STATE STORMWATER MANAGEMENT PERMIT

LOW DENSITY DEVELOPMENT

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

Brookside Gardens Homeowners Association, Inc.

Brookside Gardens Subdivision

New Hanover County

FOR THE

construction, operation and maintenance of a 30% low density subdivision with a curb outlet system in compliance with the provisions of 15A NCAC 2H .1000 (hereafter referred to as the "*stormwater rules*") and the approved stormwater management plans and specifications, and other supporting data as attached and on file with and approved by the Division of Energy, Mineral and Land Resources and considered a part of this permit for Brookside Gardens Subdivision.

The Permit shall be effective from the date of issuance until rescinded and shall be subject to the following specific conditions and limitations:

I. DESIGN STANDARDS

1. The project is permitted for 89 lots, each limited to a maximum amount of built-upon area as follows: Lots 1-61 @4,000 ft²; Lots 62-89 @3,480 ft², as defined by the stormwater rules, and as indicated in the approved plans.
2. The overall tract built-upon area percentage for the project must be maintained at 30%, per the requirements of Section .1005 of the stormwater rules.
3. This project proposes a curb outlet system. 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%, 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.
4. No piping shall be allowed except those minimum amounts necessary to direct runoff beneath an impervious surface such as a road or under driveways to provide access to lots.
5. Runoff conveyances other than the curb outlet system swales, such as perimeter ditches, must be vegetated with side slopes no steeper than 3:1 (H:V).

II. SCHEDULE OF COMPLIANCE

1. Curb outlet swales, vegetated areas and other vegetated conveyances shall be constructed in their entirety, vegetated, and be operational for their intended use prior to the construction of any built-upon surface, per the approved plans
2. During construction, erosion shall be kept to a minimum and any eroded areas of the swales or other vegetated conveyances will be repaired immediately.
3. The permittee shall at all times provide the operation and maintenance necessary to operate the permitted stormwater management systems at optimum efficiency to include:
 - a. Inspections
 - b. Sediment removal.
 - c. Mowing, and revegetating of the side slopes.
 - d. Immediate repair of eroded areas.
 - e. Maintenance of side slopes in accordance with approved plans and specifications.
 - f. Cleaning and repair of catch basin grates, flumes, piping, and the flow spreader mechanism..
4. The permittee shall submit to the Director and shall have received approval for revised plans, specifications, and calculations prior to construction, for any modification to the approved plans , including, but not limited to, those listed below:
 - a. Any revision to the approved plans, regardless of size.
 - b. Project name change.
 - c. Transfer of ownership.
 - d. Redesign or addition to the approved amount of built-upon area or to the drainage area.
 - e. Further subdivision, acquisition or sale of the project area. The project area is defined as all property owned by the permittee, for which Sedimentation and Erosion Control Plan approval was sought.
 - f. Filling in, piping, or altering any vegetative conveyance shown on the approved plan.
5. The Director may determine that other revisions to the project should require a modification to the permit.
6. The permittee is responsible for verifying that the proposed built-upon area does not exceed the allowable built-upon area. Once the lot transfer is complete, the built-upon area may not be revised without approval from the Division of Energy, Mineral and Land Resources, and responsibility for meeting the built-upon area limit is transferred to the individual property owner.
7. The permittee must certify in writing that the project's stormwater controls, and impervious surfaces have been constructed within substantial intent of the approved plans and specifications. Any deviation from the approved plans must be noted on the Certification. The permittee shall submit the Certification to the Division within 30 days of completion of the project.
8. The permittee shall submit all information requested by the Director or his representative within the time frame specified in the written information request.
9. Each lot in the subdivision covered by this permit will maintain a minimum 30 foot wide vegetative buffer between all impervious areas and surface waters.

10. 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.
11. Deed restrictions are incorporated into this permit by reference and must be recorded with the Office of the Register of Deeds prior to the sale of any lot.
12. The permittee shall submit a copy of the recorded deed restrictions within 30 days of the date of recording.
13. Recorded deed restrictions must include, at a minimum, the following statements related to stormwater management:
 - a. The following covenants are intended to ensure ongoing compliance with State Stormwater Management Permit Number SW8 990906, as issued by the Division of Energy, Mineral and Land Resources 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.
 - e. Alteration of the drainage as shown on the approved plans may not take place without the concurrence of the Division of Energy, Mineral and Land Resources.
 - f. The maximum built-upon area per lot is as follows: Lots 1-61 @4,000 ft²; Lots 62-89 @3,480 ft². This allotted amount includes any built-upon area 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. Built upon area includes, but is not limited to, structures, asphalt, concrete, gravel, brick, stone, slate, coquina, driveways, and parking areas, but does not include raised, open wood decking, or the water surface of swimming pools.
 - g. Filling in, piping or altering any 3:1 vegetated conveyances (ditches, swales, etc.) associated with the development except for average driveway crossings, is prohibited by any persons.
 - h. Filling in, piping or altering any designated 5:1 curb outlet swale or vegetated area associated with the development is prohibited by any persons.
 - i. A 30' vegetated buffer must be maintained between all built-upon area and the Mean High Water line of surface waters.

- j. All roof drains shall terminate at least 30' from the Mean High Water mark.
 - k. This project proposes a curb outlet system. 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%, 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.
- 14. All roof drains must terminate at least 30' from the Mean High Water mark.
 - 15. Prior to transfer of ownership, the swales must be inspected and determined to be in compliance with the permit. Any deficiencies will be repaired or replaced prior to the transfer.
 - 16. All curb outlet swales and 100' vegetated areas must be located in recorded drainage easements or dedicated common areas. The final plats for the project will be recorded showing all such required easements and common areas, in accordance with the approved plans.

III. GENERAL CONDITIONS

- 1. Failure to abide by the conditions and limitations contained in this permit may subject the Permittee to an enforcement action by the Division of Energy, Mineral and Land Resources, in accordance with North Carolina General Statutes 143-215.6A to 143-215.6C.
- 2. The permit issued shall continue in force and effect until revoked or terminated.
- 3. The permit may be modified, revoked and reissued or terminated for cause. The filing of a request for a permit modification, revocation and reissuance, or termination does not stay any permit condition.
- 4. 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 as allowed by the laws, rules, and regulations contained in Title 15A of the North Carolina Administrative Code, Subchapter 2H.1000; and North Carolina General Statute 143-215.1 et. al.
- 5. This permit is not transferable to any person or entity except after notice to and approval by the Director. At least 30 days prior to the sale of the property, or a change of ownership, or a name change of the permittee or of the project, or a mailing address change, the permittee must submit a completed and signed Name/Ownership Change form to the Division, accompanied by the supporting documentation as listed on the form. The approval of this request will be considered on its merits and may or may not be approved.
- 6. The permittee is responsible for compliance with all permit conditions until such time as the Division approves a request to transfer the permit. Neither the sale of the project, in whole or in part, nor the conveyance of common area to a third party constitutes an approved transfer of the permit.

7. The issuance of this permit does not preclude the Permittee from complying with any and all statutes, rules, regulations, or ordinances which may be imposed by other government agencies (local, state and federal) which have jurisdiction. If any of those permits result in revisions to the plans, a permit modification must be submitted.
8. The permittee grants permission to DENR Staff to enter the property during business hours for the purposes of inspecting the stormwater control system and its components.
9. Approved plans and specifications for projects covered by this permit are incorporated by reference and are enforceable parts of the permit.
10. Unless specified elsewhere, permanent seeding requirements for the stormwater control must follow the guidelines established in the North Carolina Erosion and Sediment Control Planning and Design Manual.

Permit revised, transferred, and reissued this the 13th day of August, 2015.

NORTH CAROLINA ENVIRONMENTAL MANAGEMENT COMMISSION

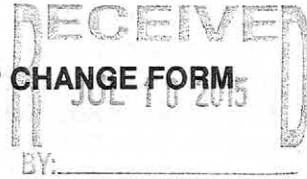
A handwritten signature in black ink, appearing to read "Tracy Davis", is written over a horizontal dashed line.

Tracy Davis, P.E., Director
Division of Energy, Mineral and Land Resources
By Authority of the Environmental Management Commission

Permit Number SW8 990906

State of North Carolina
Department of Environment and Natural Resources
Division of Water Quality

STATE STORMWATER PERMIT NAME/OWNERSHIP CHANGE FORM



I. CURRENT PERMIT INFORMATION

1. Stormwater Management Permit Number: SW8 990906
2. Project Name: Brookside Gardens (formerly Yopp Tract)
3. Current Permit Holder's Company Name/Organization: Terra Holding Company, Inc.
4. Signing Official's Name: Mrs. Robin Tinney Title: President
5. Mailing Address: 3013 Sunnybranch Drive
City: Wilmington State: NC Zip: 28411
6. Phone: (910) 686-5048 Fax: ()

II. PROPOSED PERMITTEE / OWNER / PROJECT / ADDRESS INFORMATION

This request is for: *(please check all that apply)*

- ☐ Name change of the owner (Please complete Items 1, 2 and 3 below)
- ☐ Name change of project (Please complete Item 5 below)
- ☒ Change in ownership of the property/company (Please complete Items 1, 2, 3, and 4 below)
- ☐ Mailing address / phone number change. (Please complete Item 4 below)
- ☐ Other (please explain): _____

1. Proposed permittee's company name/organization: Brookside Gardens Homeowners Assoc., Inc
2. Proposed permittee's signing official's name: Kathryn Smith
3. Proposed permittee's title: President
4. Mailing Address: 2108 Capital Drive Suite 102
City: Wilmington State: NC Zip: 28405
Phone: (910) 859-7154 Fax: ()
5. New Project Name to be placed on permit: Brookside Gardens Homeowners Association, Inc

Please check the appropriate box. The proposed permittee listed above is:

- ☒ **HOA or POA** (Attach documentation showing that the HOA or POA owns, controls, or has a recorded easement for all areas that contain stormwater system features. Print name of HOA or POA in #1 above and provide name of HOA/POA's authorized representative in #2 above)
- ☐ **The property owner**
- ☐ **Lessee** (Attach a copy of the lease agreement and complete Property Owner Information on page 4)
- ☐ **Purchaser** (Attach a copy of the pending sales agreement. Final approval of this transfer will be granted upon receipt of a copy of the recorded deed)
- ☐ **Developer** (Complete Property Owner Information on page 4)

V. PROPOSED PERMITTEE CERTIFICATION: (This section must be completed by the Proposed Permittee for all transfers of ownership)

I, Kathryn Smith, hereby notify the DWQ that I have acquired through sale, lease or legal transfer, the responsibility for operating and maintaining the permitted stormwater management system, and, if applicable, constructing the permitted system. I acknowledge and attest that I have received a copy of: (check all that apply to this permit)

- ☒ the most recent permit
- ☐ the designer's certification for each BMP
- ☒ any recorded deed restrictions, covenants, or easements
- ☒ the DWQ approved plans and/or approved as-built plans
- ☐ the approved operation and maintenance agreement
- ☐ past maintenance records from the previous permittee (where required)
- ☐ DWQ stormwater inspection report showing compliance within 90 days prior to this transfer

I have reviewed the permit, approved plans and other documents listed above, and I will comply with the terms and conditions of the permit and approved plans. I acknowledge and agree that I will operate and maintain the system pursuant to the requirements listed in the permit and in the operation and maintenance agreement. I further attest that this application for a name/ownership change is accurate and complete to the best of my knowledge. I understand that if all required parts of this application are not completed or if all required supporting information and attachments listed above are not included, this application package will be returned as incomplete.

Signature: Kathryn B. Smith Date: July 7, 2015

I, Brandia G. Bradshaw, a Notary Public for the State of NC, County of New Hanover, do hereby certify that Kathryn B. Smith personally appeared before me this the 7 day of July, 2015, and acknowledge the due execution of the forgoing instrument. Witness my hand and official seal,

Brandia G. Bradshaw
Notary Signature

(Notary Seal)

My commission expires 10/9/15

Additional copies of the original permit and the approved Operation and Maintenance agreement can be obtained from the appropriate Regional Office of the Division of Water Quality.

This completed form, including all supporting documents and processing fee (if required), should be sent to the appropriate Regional Office of the North Carolina Department of Environment and Natural Resources, Division of Water Quality, as shown on the attached map.

Please note that if the Proposed Permittee listed above is not the property owner, the property owner must complete and sign page 4 of this document. Both the lessee / developer and the property owner will appear on the permit as permittees.



Compliance Inspection Report

Permit: SW8990906 **Effective:** 02/28/03 **Expiration:**

Project: Brookside Gardens Subdivision

Owner: Terra Holding Co Inc

County: New Hanover

Address: Candlewood Dr

Region: Wilmington

City/State/Zip: Wilmington NC 28411

Contact Person: Robin Tinney

Title: President

Phone: 910-686-5048

Directions to Project:

0.9 miles west on Murrayville Road from intersection with NC132. Turn right on Candlewood Drive and proceed to the end.

Type of Project: State Stormwater - LD - Curb and Gutter

Drain Areas: 1 - (Smith Creek) (03-06-23) (C;Sw)

On-Site Representative(s):

Related Permits:

Inspection Date: 08/12/2015

Entry Time: 03:00PM

Exit Time: 03:30PM

Primary Inspector: Steven G Pusey

Phone:

Secondary Inspector(s):

Reason for Inspection: Routine

Inspection Type: Transfer Renewal

Permit Inspection Type: State Stormwater

Facility Status: ☒ Compliant ☐ Not Compliant

Question Areas:

☒ State Stormwater

(See attachment summary)

Inspection Summary:

This site meets the requirements for compliance with the permit.

File Review

Yes No NA NE

Is the permit active?

☒ ☐ ☐ ☐

Signed copy of the Engineer's certification is in the file?

☐ ☐ ☒ ☐

Signed copy of the Operation & Maintenance Agreement is in the file?

☒ ☐ ☐ ☐

Copy of the recorded deed restrictions is in the file?

☒ ☐ ☐ ☐

Comment:

SW Measures

Yes No NA NE

Are the SW measures constructed as per the approved plans?

☒ ☐ ☐ ☐

Are the inlets located per the approved plans?

☒ ☐ ☐ ☐

Are the outlet structures located per the approved plans?

☒ ☐ ☐ ☐

Comment:

Operation and Maintenance

Yes No NA NE

Are the SW measures being maintained and operated as per the permit requirements?

☒ ☐ ☐ ☐

Are the SW BMP inspection and maintenance records complete and available for review or provided to DWQ upon request?

☐ ☐ ☐ ☒

Comment: