Town of Swansboro
Board of Commissioners
July 11, 2022, Regular Meeting

In attendance: Mayor John Davis, Mayor Pro Tem Frank Tursi, Commissioner PJ Pugliese, Commissioner Larry Philpott, Commissioner Pat Turner, and Commissioner Jeffrey Conaway.

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Call to Order
The meeting was called to order at 5:30 pm. Mayor Davis led the Pledge of Allegiance.

Public Comment
Citizens were offered an opportunity to address the Board regarding items listed on the agenda. No comments were given.

Adoption of Agenda and Consent Items
On a motion Commissioner Philpott, seconded by Commissioner Conaway, the Agenda and below consent item was unanimously approved.

- Ordinance 2022-O10/Text Amendment/Town Code Chapter 74 Traffic Schedules - VI. Speed limits

Appointments/Recognitions/Presentations
Parks & Recreation Month
Mayor John Davis presented Parks & Recreation Director Anna Stanley and her department with a proclamation designating July as Parks & Rec Month. Mrs. Stanley shared that the Parks & Recreation Department success was contributed to the staff and many volunteers as well as funding opportunities that had been obtained.

Public Hearing
Special Use Permit/147 Front Street - Dock
Planner Jennifer Ansell reviewed that Jack Harnatkiewicz had applied for a Special Use Permit to extend the existing dock at 147 Front Street and add four slips for annual rental and additional spaces for day dockage. The dock will provide eleven total slips; the Unified Development Ordinance defines a "Marina" as dockage with over ten slips. Marinas are allowed in the B-2HDO zoning district pursuant to the issuance of a special use permit. Additionally, "Docks and Piers (commercially operated)" required a special use permit in the B-2HDO zone.

The application was removed from the April 25, 2022, regular meeting agenda to allow the Town time to consult with a maritime expert on the safety issues voiced at the Planning Board and Historic Commission meetings, and to consult with the State Historic Preservation Office on their review of the application. The expert and State Historic Preservation office responses were entered into the record as evidence, *herein included as Attachment A and B.*

Attorney Matthew Nichols with Nichols Law Firm was present in representation of Lady Swan Boat Tours/Tim and Jane Simpson. Mr. Nichols stated that construction of the dock would have a negative impact on Lady Swan Boat Tours and the business would suffer damages.

Attorney Bryce Pike with The Pike Law Firm was present in representation of the applicant Jack Harnatkiewicz.

The public hearing was opened at 5:56 pm.
Jennifer Ansell, David Newsome, Kirby Marshall, Jack Harnatkiewicz, Tim Simpson, Jane Simpson, Michael Diel, Fred Schatner, and Anna Stanley were sworn in.

Attorney Pike addressed the board and public contenting and providing an objection to the record against the process and against Mr. Simpson/Lady Swan Boat Tours claiming damages. He stated that the Lady Swan Boat Tours had no standing as the dock location in which the business utilized was not a neighboring dock or the neighboring property owners. He further stated that if the dock proposed for construction was going to cause any dangers or issues, CAMA and the Town would not have signed off on the project at the CAMA level.

David Newsom, Professional Engineer with Crystal Coast Engineering at 205-3 Ward Road addressed the board and provided a background on his professional experience designing Marine projects. He provided and reviewed portions of a letter he submitted to the board on the matter, and it was accepted as evidence, *herein included as attachment C*.

Attorney Pike addressed Mr. Newsom inquiring if he had seen the Town Dock lease, to which Mr. Newsom indicated he had. Attorney Pike submitted a copy of the lease into evidence, and it was accepted, *herein included as attachment D*. He called attention to the last page of the lease which included a diagram and asked Mr. Newsom to identify the length of the boats to which he indicated that they were 26 ft length boats. Attorney Pike then presented a town dock flyer for evidence, and it was accepted, *herein included as attachment E.* Mr. Newsom was asked to identify the diagram provided in the presented flyer to which Mr. Newsom identified as the same diagram in the lease for the Town dock. Attorney Pike then provided the board with a report from the 2020 Recreational Boating Statistics published by the US Coast Guard. Page 70, table 37 was accepted as evidence, *herein included as attachment F.* The report provided data that indicated that of the 10 million boats registered in the United States, 95% of the boats are under 26 feet, leaving 5% over 26 feet. Attorney Pike wanted the board to make note of that information to which he would return to later.

Attorney Nichols addressed the board contending that comments made about the CAMA permit application were made without merit. The hearing was for the Special Use Permit, the CAMA permit was separate from the process to issue a Special Use permit. Attorney Nichols inquired with Mr. Newsom if he had a current captains license, to which he

responded it was on hold due to medical reasons. Additionally, Attorney Nichols requested that Mr. Newsom confirm that the grant provided for construction of the Town dock was for boats 26 feet or longer, and Mr. Newsome confirmed.

In response to inquiries from the board or attorneys in attendance, Mr. Newsom clarified the following

- Fairway clearance was determined by standard design guidelines. The typical standard used was 1.5 times the boat length, and a more restrictive standard was 1.75 times the boat length. Vessels 36 feet or smaller could still be accommodated based on usage of the guidelines
- Safe navigation of a 43-foot boat into a slip was the responsibility of the captain and the conditions of the water and wind are contributing factors.
- His design of the Town dock and Harnatkiewicz dock were both designed with safety considered and would not have put was seal on it if it were to endanger the public
- Kirby Marshall with ATM used the same guidelines
- Based on engineering experience and captain experience if the dock was built as proposed a 43-foot boat could not get into the slips closest to the proposed dock. There are other slips that could accommodate 43-foot boats.
- A 100-foot boat could only be accommodated on the face dock.
- Does not agree with conclusion 1 of the ATM report by Mr. Kirby's report that the Bake Bottle and Brew dock would compromise access.
- Agree with conclusions about there being problems with the vessel sizes at the Hiott/Schuler docks.

A recess was taken from 6:54 pm to 7:00 pm.

Kirby Marshall with ATM (Applied Technology Management) a Marine Consulting Design and Engineering firm provided the board with a background of his experience and education. Mr. Marshall shared that he reviewed the Special Use Permit at the request of the Town Attorney Cliff Parson, was conducted without emotion and from a geometrical standpoint. Mr. Marshall stated that the length of 43-feet was used in analyses due to that being the largest vessel allowed at the Town Dock. In his opinion, if the Bake Bottle and Brew dock was construction the largest vessel that could dock at the Town slips facing that dock would be 39-feet using 1.5 times the vessel length calculation.

Mr. Marshall further reviewed his findings considered that the other neighboring docks would be affected. The Hiott dock which directly abuts Bake Bottle and Brew would be affected and could potentially have difficulty based on the vessel size. Additionally, the Shuler dock was evaluated due to the Lady Swan Boat tours docking and it was determined that the proposed dock would present navigation challenges and compromise access.

In response to inquiries from the Board or attorneys in attendance, Mr. Marshall clarified the following:

- ATM roles in other projects varied but has included:
    - Initial business development, client development, regulatory permitting assistance, marina planning, facilitation of design work, project management, recreational marina design, marketing analysis for new marina development, grant development for clients to receive funds such as the BIG Grant, economic forecasting, construction management services.
- His review was conducted with the Recreation marina design standards which encompasses private docking facilities.
- To reach the conclusions in his report they reviewed the application mainly from a geometrical standpoint and met with Town personnel, Mr. Harnatkiewicz, and Mr. Simpson.
- The largest boat length that could be accommodated based on the fairway measurements was 39-feet in and out of the slips on the Town dock facing the Bake Bottle and Brew dock.
- CAMA was a state agency for implementing coastal management practices and development and they focus on environmental and biological concerns.
- The ability to navigate a vessel varies because it depends on the skills and ability of the boater.
- Clearance guidelines would be affected based on the way a boat was dock/oriented at the docks
- Imposing on another docks riparian rights to dock a boat like Lady Swan indicated they did was not customary but also not unheard of.

Attorney Nichols presented the board with a printout from VisitSwansboro.org related to the Town Dock to be accepted as evidence. The printout was accepted as evidence, *herein included as attachments G.* Attorney Nichols had Mr. Marshall verify that the page was for the Town Dock and to confirm that the note captured on that page indicated the following details:

- During tidal transitions, a strong current run parallel with shoreline.
- Boaters can easily slide into its 10 transient slips from the Intracoastal Waterway and dock for the day or overnight. With a dockside depth of 8 feet, the slips can accommodate vessels up to 100ft and charges $1.50 per foot/per day.

In response to an inquiry from Attorney Nichols, Mr. Marshall confirmed that in his professional opinion if the proposed dock was constructed it would have an adverse effect on the Town dock on the side closest to the proposed dock.

Tim Simpson, owner of Lady Swan Boat Tours addressed the board and provided letters from the Coast Guard, Governor of North Carolina, and Congress Member from Hours of Representatives as evidence that he was knowledgeable in the subject matter of vessel

operation and docking. The letters were accepted as evidence, *herein included as attachment H.* Mr. Simpson shared with the board that he opposed the proposed Bake Bottle and Brew dock because it would impact his ability to safely enter and exit the dock slip, he rents and has rented for the last 7 years at the Shuler dock. Additionally, another business rents a slip at the dock for a 45-foot dive boat, which would also be affected. Additional safety concerns he notes were that many boaters that use the Town dock are inexperienced and Bake Bottle and Brew serves alcohol.

Attorney Pike inquired of Mr. Simpson what the amount of damage the proposed dock would cost to which Mr. Simpson had not answer.

Attorney Nichols presented the board with a copy of the Shuler dock CAMA permit to be accepted as evidence. The permit was accepted as evidence, *herein included as attachments I.* Attorney Nichols had Mr. Simpson confirm the document and that the application captured that the typical boat length was indicated as 18 to 45 feet and that the length of the Lady Swan boat was 45 feet.

In response to an inquiry from Attorney Pike, Mr. Simpson shared that he mailed a letter to CAMA in response to Mr. Harnatkiewicz application for the dock and received a response back from them. Additionally, Mr. Simpson confirmed that the did not file an appeal with the Coastal Resources Commission.

In response to inquires from the Board, Mr. Simpson clarified the following details:

- If the proposed dock was modified to provide a clearance of 67.5 feet he could still maneuver into his slip
- There were no other docks in the area in which he could lease to accommodate his boats.

Michael Diel, boat captain with Lady Swan Boat tours addressed the board and provided his experience background. He supports the conclusion that the proposed Bake Bottle and Brew dock would affect the Lady Swan Boat Tour business and operation of the vessels in and out of the slip and the Shuler dock.

Attorney Pike called on Real Estate broker Tonya Melton as a witness, however, Attorney Nichols objected as she was not a licenses real estate appraiser. Mrs. Melton was not accepted as an expert witness but provided the opinion that the proposed dock would not substantially affect adjoining property values. Attorney Pike noted that there had been no evidence provided to support there was any effect on adjoining property values.

Jane Simpson, co-owner of Lady Swan Boat Tours shared that they were proud of what they have brought the town in way of their business and what they offer and provided an economic value to the area. She also feels that the proposed dock will affect their business negatively.

Fred Schatner of 148 Smallwood Drive, President of the Hammocks Beach Island Friends shared that the Lady Swan Boat Tours was an important business to them and to the

town. He urged the board to consider what the Lady Swan Boat Tour does and to allow them to keep their slip location.

In response to inquiries from the Board or attorneys in attendance, Anna Stanley, Parks & Recreation director clarified the following:

- There was no dockhand for the Town dock and during events a staff member was present to assist as needed
- The dock accommodates vessels 26-feet or larger for overnight stays at a rate of $1.50 per foot
- As long as access was provided to overnight boaters the grant status was fulfilled, there were no regulations to # of slips or specific sizes
- The prior year rentals were 565 total reservations; 396 were 43-feet or smaller, 169 were 44-feet or larger.
- Reservations are managed, however day dockings are not managed due to no dockhand in place
- The town does have to ensure access to the facility

In response to inquiries form the board and attorneys in attendance, Jennifer Ansell, Planner clarified the following:

- The Planning Board did not make a recommendation. A vote for recommendation failed 2:5, and subsequent motion was made for denial that failed due to lack of a second. Concerns mentioned were on safety
- The Historic Preservation Commission did not approve or deny the application. Concerns mentioned were effects on the VSHED
- The Shuler dock was not considered an adjoining property, the adjoining properties are the Town's property and the Hiott property.

Attorney Pike provided his closing arguments. The board was tasked with making two findings, would it materially endanger public health & safety will it substantially injure the value of adjoining or abutting properties. Many bright individuals were heard from, and it had been identified as being safe. Mr. Newsom placed his seal on the project because he supported it as a safe project. Mr. Kirby reports that boats under 39-feet would be ok, which the Coast Guard identified was 95% of all boats registered. A denial of the project would violate Mr. Harnatkiewicz's right as a property owner and how he sees fit to operate his business. Objection by Mr. Simpson should not be accepted as he was a leaseholder and not the property owner and it was noted that the property owner was present and had not provided any objection. Testimony was provided by town staff that the BIG grant would not be affected by the proposed dock construction. Mr. Harnatkiewicz 's deserves to be able to expand his dock and the project has not been addressed as a problem with federal, state and local enforcement agencies involved with approval of the project.

Attorney Nichols provided his closing arguments. The special use permit must be denied based on the applicant's burden to meet all criteria. If all criteria are not met the

application should be denied. There was no competent evidence heard supporting that the project would not substantially injure the value of adjoining or abutting properties. There was clear evidence from experts that there would be impacts on boater safety and the special use application should be denied because it would materially endanger public health & safety. Based on Mr. Kirby's report the special use permit should be denied as well. There could be alternative designs considered, however, the design before the board for consideration should be denied based on failure to meet the two criteria.

In response to an inquiry from the Board Mr. Harnatkiewicz stated that he was open to conversation about an alternative, however, he worked on this dock for 6 months looking and many different options but does not feel there was a better design out there.

The public hearing was closed at 8:57 pm.

In reviewing the special use permit, the Board gave due regard to the nature and state of all adjacent structures and uses, and the districts within which the proposed use was to be located and made the following findings of fact concerning the request. Each item was voted upon individually and recorded below.

1) The special use was allowed pursuant to § 152.210 and meets all the required conditions and specifications, including without limitation, those set out in § 152.211. *"Marinas" and "Docks and Piers (commercially operated)" are allowed in the B-2HDO Zoning District pursuant to the issuance of a Special Use Permit. There are no specific conditions required under Section 152.211.*
   Passed 5:0

2) The special use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved. *The dock expansion was designed by a licensed North Carolina engineer with substantial experience designing docks. A Major CAMA Permit has been obtained for the dock expansion that requires a minimum setback from adjacent facilities, sets a maximum length for the dock, and requires an as-built survey to be provided.*
   Passed 3:2, Ayes: Conaway, Turner, Philpott. Noes: Tursi, Pugliese

3) The special use will not substantially injure the value of adjoining or abutting property, OR the special use was a public necessity. *There are existing, similarly-situated docks along the waterfront in the vicinity of this dock.*
   Passed 4:1, Ayes: Conaway, Turner, Pugliese, Philpott. Noes: Tursi

4) The location and character of the special use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it was located. The special use shall demonstrate conformance to the Land Use Plan or other plan in effect at the time and address impacts of the project as required by G.S. §160A-382(b). *This was an expansion of an existing dock on the Town waterfront adjacent to other docks. The CAMA Land Use Plan Update (2019) identifies the property as Traditional Town Center (TTC) and Urban Waterfront. The Traditional Town Center (TTC) designation was characterized by mixed use pedestrian-oriented development with a mixture of small to mid-size retail, restaurants and multifamily residences intertwined*

5) *with civic and institutional spaces. The Urban Waterfront designation recognizes areas having cultural, historical, and economic significance. Maritime traditions and longstanding development patterns make these areas suitable for maintaining or promoting dense development along the shore.*

Passed 5:0

Based on the above findings, the Special Use Permit for 147 Front Street to allow the extension of the dock to add four slips for annual rental and additional spaces for day dockage was approved.

Due to the late hour, the remining item on the agenda, Future Agenda items, was not presented.

Public Comment

Citizens were offered an opportunity to address the Board regarding items not listed on the agenda. No comments were offered.

Board Comments

Mayor Pro Tem Tursi suggested consideration be made on limiting the size of vessels allowed at the Town dock on the Bake Bottle and Brew side, and possibly create a safety policy.

Adjournment

On a motion by Mayor Pro Tem Tursi, seconded by Commissioner Philpott, the meeting adjourned at 9:20 pm**.**

ATM
A Geosyntec Company

MEMORANDUM

941 Houston Northcutt Blvd, Suite 201
Mount Pleasant, SC 29464
843.414.1040

To: Ms. Paula Webb/Town of Swansboro

From: Kirby Marshall

CC: Mr. Cliff Parson

Date : June 30, 2022

Re : Special Use Permit Application – Bake Bottle Brew Dock

Introduction

ATM was engaged by the Town of Swansboro to help review the proposed development of a dock extension at 147 Front Street. This project is the subject of a pending Special Use Permit application.

To facilitate our review of the proposed project ATM traveled to the site and met with Town officials, the applicant (Mr. Harnatkiewicz), the applicant's engineer (Mr. David Newsom, PE), and Mr. Tim Simpson of Lady Swan Boat Tours. We reviewed existing dock layout and uses in the subject area, discussed proposed use of the Bake Bottle Brew Dock Extension, and toured the site (briefly) from water aboard the Lady Swan with Mr. Simpson.

In addition to these meetings and site observation, ATM reviewed information provided by Mr. David Newsom, including:

- Proposed dock layout in AutoCAD format
- Historical aerial images from 2009-2015

We also reviewed information provided by Attorney Cliff Parson, including the SUP application, the issued CAMA permit for the subject dock, and a variety of supporting permit documentation.

The following represents our general findings and is focused on site geometry and industry marina design standards. This information is intended to facilitate the Town's review of the pending SUP application for the Bake Bottle Brew Dock Extension.

General Site Conditions

There are adjacent docks on each side of the proposed dock extension along the downtown Swansboro waterfront. This area is also popular with boaters, including transient travelers and day boaters who come to Swansboro to enjoy the various shops, restaurants, galleries, etc. Water depths near shore are limited but drop off quickly near the end of the existing dock structures. Current flow near shore

appears limited based on visual observation, but more substantial near the outer end of the existing dock structures.

The proposed dock extension would be located between two existing dock structures, an existing Town-controlled transient dock and a private dock, the Hiott Dock. Adjacent to the Hiott Dock is another private dock, the Schuler Dock. See below (and attached) image.

Figure 1 – General Site Geometry

Site (Dock) Uses

The general uses of each dock are understood to be:

- **Town Dock – Transient dockage, including day dockage. Funded, in part, by the USFWS Boating Infrastructure Grant Program**
- **Proposed Bake Bottle Brew Dock Extension – Will provide annual dockage in the proposed lift slips, annual dockage in the proposed large side-tie slip on the NE side of the dock, and transient dockage on the interior as well as the exterior floating dock (per Mr. Harnatkiewicz)**

- **Hiott Dock – Appears to be largely unused and aging. Historical aerial imagery shows a large sailboat moored to this structure, however.**

- **Schuler Dock – This dock is home to the Lady Swan Boat Tour vessels which include a ~45-ft. pontoon boat and a ~27-ft. Carolina Skiff. Mr. Tim Simpson indicates that these vessels operate daily during the summer season and can run multiple trips on certain days, including weekends.**

  A large private vessel is also said to dock on the outside L-head of this dock but was not present at the time of ATM's site observation.

General Site Geometry

As is evident in person and seen in the preceding image (also attached in 11x17 format for clarity), the geometry of area marine structures is tight. We have examined this closely against marina industry design standards and offer the following, noting that the dimensions shown utilize some aerial imagery and limited distortion may slightly affect the dimensions shown (approximately 0-1-ft.).

Area between the Town Dock and the Proposed Bake Bottle Brew Dock Extension (BBB Dock)

The distance between the existing Town Dock and the proposed BBB Dock ranges from 57.7-ft. to 59-ft. The slip sizes on the Town Dock range from 43-46-ft. in length. According to marina industry design standards, including Tobiasson and Kollmeyer's *Marinas and Small Craft Harbors* and the ASCE Manuals and Reports on Engineering Practice No. 50 *Planning and Design Guidelines for Small Craft Harbors*, the minimum fairway or clear space between docks shall be no less than 1.5 times the longest boat length (with 1.75 times the longest boat often recommended).

According to Town officials, the largest boat allowed to moor overnight on the Town Dock in the interior slips (not on the T-head) is 43-ft. Thus, a clear space between of at least 64.5-ft. between the Town Dock and the proposed BBB Dock would be required for such a vessel to safely navigate into and out of the existing Town Dock slips. As is seen, the proposed location of the BBB Dock and suggested boat placement does not afford this amount of clearance (short by 6-ft.).

In addition, ATM notes that the Town Dock is passively managed, meaning that there are no dockhands or marina staff on duty at the site. Thus, it is possible for vessels larger than 43-ft. to attempt to utilize the 46-ft. slips. This could exacerbate the clearance challenges outlined above.

Area between the proposed BBB Dock and the Hiott Dock

As mentioned, the Hiott Dock was not in use for boat mooring at the time of our site visit, but historical aerial imagery shows that it has been used for this purpose. As such, we have evaluated the geometry between the proposed BBB Dock and the existing Hiott Dock.

As is evident on the below (and attached) figure, space in this area is very constricted. The proposed BBB Dock is approximately 37.2-ft. away from the Hiott Dock and only 19.8-ft. away from a series of remnant concrete mooring piles, that on aerial imagery, appear to be run along the extended property line between the Hiott and Harnatkiewicz parcels.

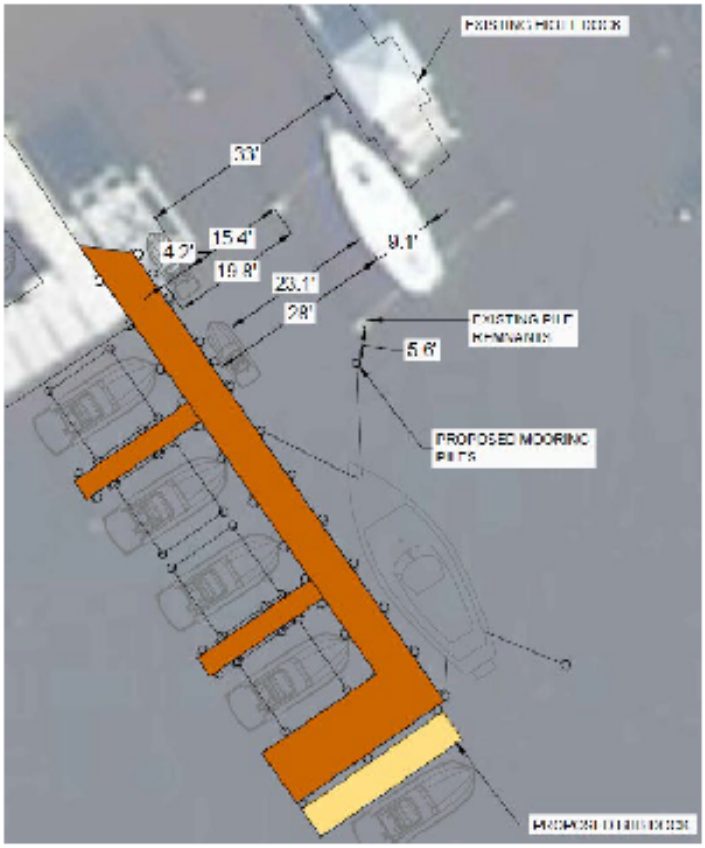


Figure 2 – Area Between Proposed Dock and Hiott Dock

The BBB Dock plan shows two Jet Ski-sized vessels moored against the proposed dock. These vessels, with only a 4.2-ft. beam shown, would have an exceptionally limited clear approach to the BBB Dock. Industry design guidelines (ASCE et. al.) suggest a clear space between side-tie docked vessels of 6 times the beam or 6B. The clear space between the proposed BBB Dock (with Jet Ski – sized vessels moored against it) and the Hiott Dock (with the sailboat that used to be moored against it) is 23.1'. The distance between the Jet Ski – sized vessels and the remnant mooring piles is 15.4-ft.

We assume the sailboat (or other similar vessel berthed on the Hiott Dock would navigate straight in/out of its slip), the Jet Ski-sized vessels would likely need to turn around to exit or could be coming and going during busy times in Swansboro. The 15.4-ft. between a berthed Jet ski sized vessel and the remnant mooring pilings does not meet the 6B criteria. Further, Jet Skis are notoriously difficult to maneuver at slow speeds (especially while docking).

Additionally, the BBB plan shows a mooring piling for its outer/larger vessel side tie slip that is only 5.6-ft. away from a remnant concrete mooring pile. Assuming that large vessels are side tied to each dock, the interior dock space shown becomes inaccessible.

Considering this and Mr. Harnatkiewicz' conversational suggestion that he may want to berth transient boats (day boaters) in the space shown for Jet Ski-sized craft, the proposed berthing of vessels in this area appears to be not only inconsistent with industry design parameters, but practically infeasible considering the other uses of the proposed dock and the Hiott dock as well as the location of the existing and proposed mooring piles. Removal of the remnant mooring piles would improve this condition, but the location and active use of the proposed mooring pile on the BBB Dock would serve to constrict access to/from this area.

Area Between the proposed BBB Dock and the Schuler Dock

The distance the proposed BBB Dock and the outer L-head on the Schuler Dock is 92.1-ft. However, the BBB Dock plan shows a large boat slip on the NE side of the dock. This vessel is depicted at 12.2-ft. wide. The presence of such a vessel would shrink the effective fairway between these docks to 79.9-ft. Mooring piles located on the BBB Dock Plan in this area would shrink this effective fairway further.

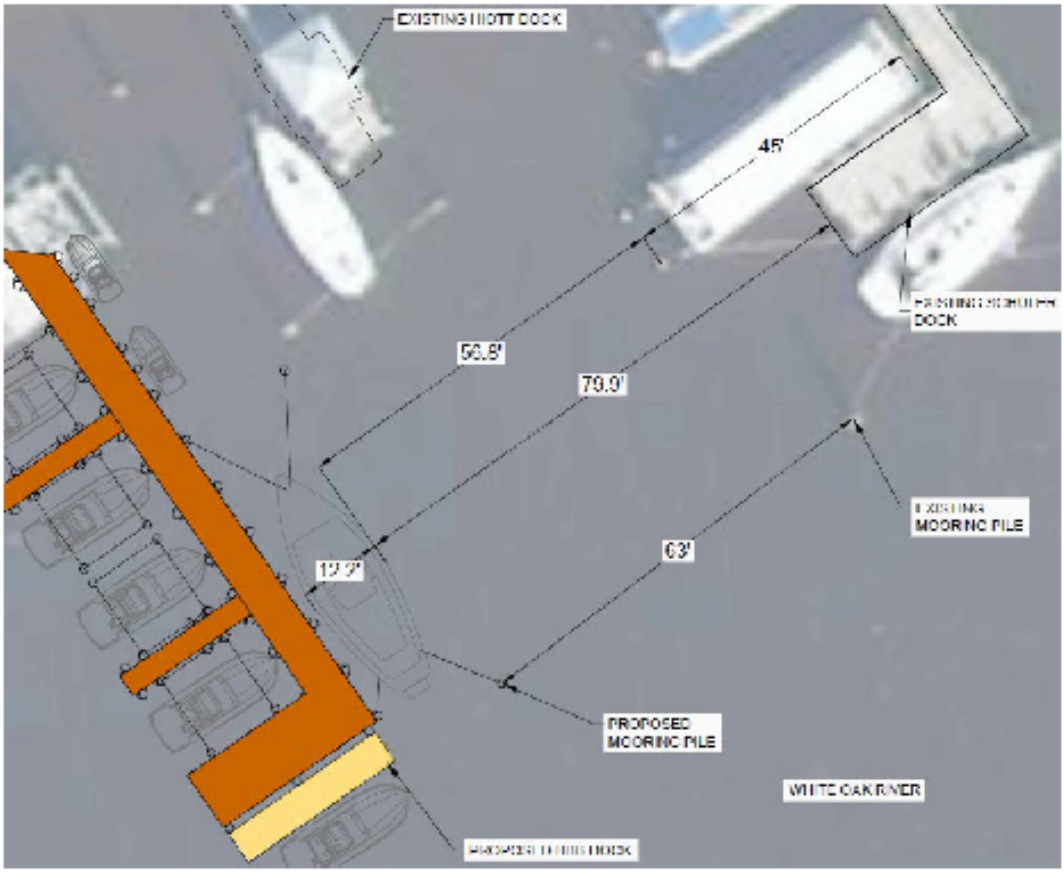


Figure 3 – Area Between the Proposed Dock and Schuler Dock

On the inside of the L-head on the Schuler Dock is docked the Lady Swan, a ~45-ft. (including engine bracket and outboards) long pontoon tour boat. This boat extends past the end of the L-head approximately 22.7-ft. This further constricts the fairway between the proposed BBB Dock and the Schuler Dock.

The presence of the 45-ft. boat on the Schuler Dock and the proposed plan for the BBB Dock indicates the need for a clear fairway between the two structures of at least 67.5-ft. This clear space does not exist (approximately 10-ft. less than required) and would present navigation challenges in this area.

It is noted that the Lady Swan extends approximately 10-ft. past the line of mooring piles associated with the Schuler dock. These pilings appear to be located on the property line that bifurcates the two lots owned by the Schuler family. The Lady Swan vessel is located wholly within Schuler owned property but spans across two lots. It is unclear if this condition is authorized under the CAMA permit for this dock (or in general).

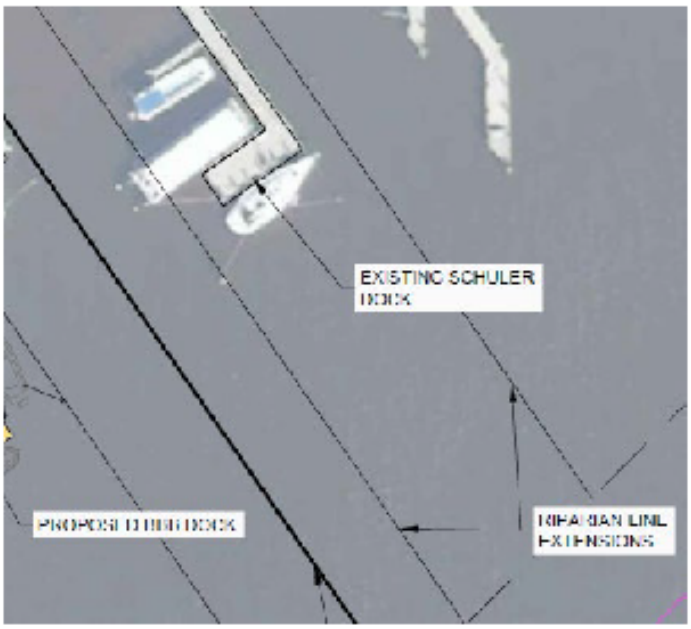


Figure 4 – Schuler Dock and Extended Property Lines

Conclusions

- **The addition of the proposed BBB Dock would compromise appropriate clear access to the existing Town Dock based on minimum marina industry design guidelines.**

- **The presence of the Hiott Dock, particularly if a vessel is moored to this structure and the outer, NE side of the BBB Dock, could render the proposed interior/shore-side slips on the NE side of the BBB Dock inaccessible.**
    - **The presence of the remnant concrete mooring piles in this area present additional challenges for safe navigation to the interior portion of the proposed BBB Dock.**

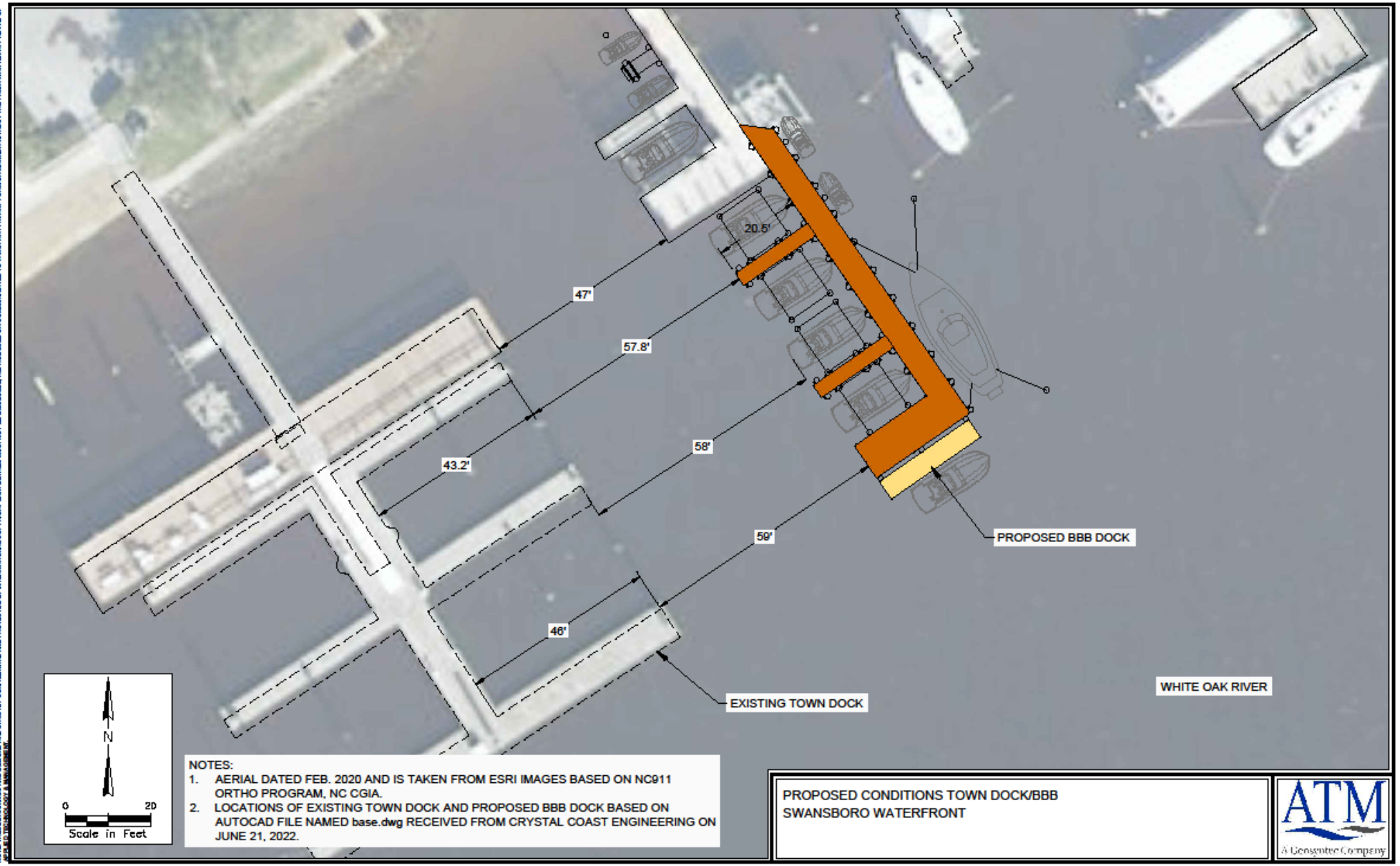
- **The proposed BBB Dock could compromise access to the Schuler Dock for the Lady Swan (or any vessel greater than ~41-ft.), particularly with a vessel moored along the NE side of the BBB Dock as is shown on project plans.**

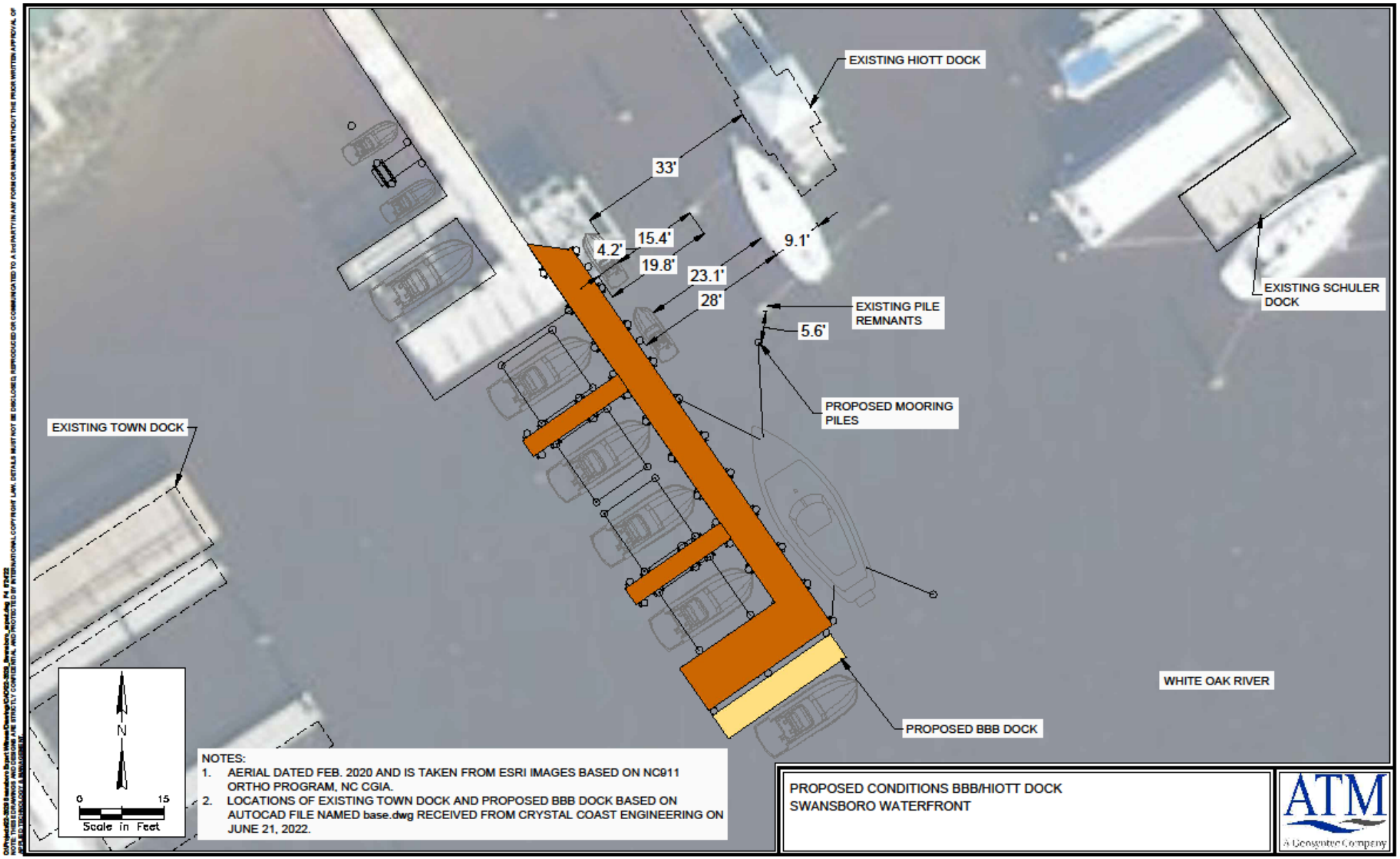
- **The Lady Swan extends past the mooring piles and property line between the Schuler lots. While the Schuler dock structure appears to be in general compliance with the CAMA permit authorization, the vessel protrusion across the property line should be examined further by legal professionals to ensure regulatory compliance.**

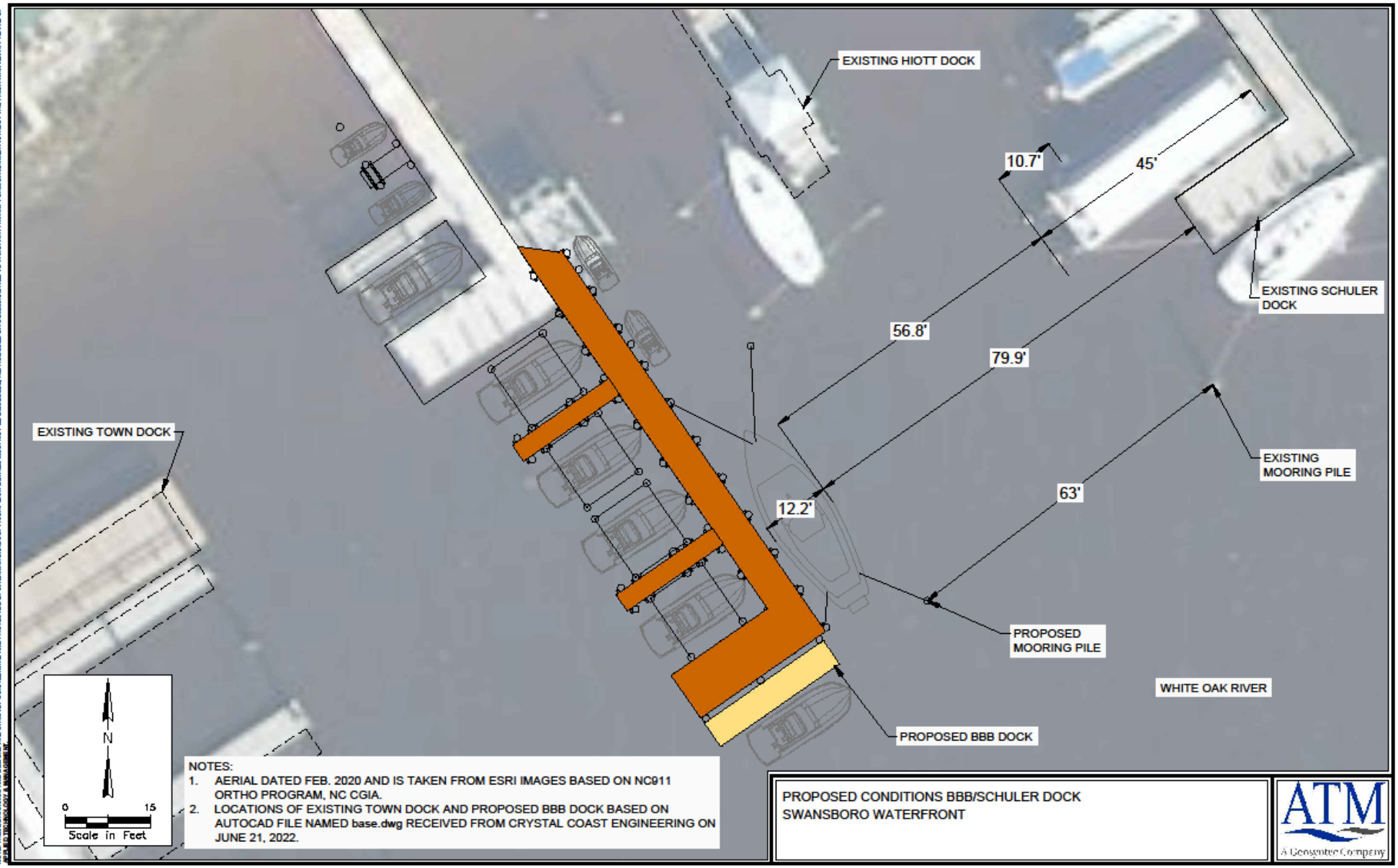
- **Periods of high current flow (for instance during extreme tide events) and windy conditions could further challenge safe vessel navigation in the project area.**

Attachments


EXISTING HIOTT DOCK
EXISTING SCHULER DOCK
PROPOSED BBB DOCK
WHITE OAK RIVER
EXISTING TOWN DOCK
N
0
40
Scale in Feet
NOTES:
1. AERIAL DATED FEB. 2020 AND IS TAKEN FROM ESRI IMAGES BASED ON NC911 ORTHO PROGRAM, NC CGIA.
2. LOCATIONS OF EXISTING TOWN DOCK AND PROPOSED BBB DOCK BASED ON AUTOCAD FILE NAMED base.dwg RECEIVED FROM CRYSTAL COAST ENGINEERING ON JUNE 21, 2022.
PROPOSED CONDITIONS
SWANSBORO WATERFRONT
ATM
A Geosyntec Company


20.5'
47'
57.8'
43.2'
58'
59'
46'
PROPOSED BBB DOCK
EXISTING TOWN DOCK
WHITE OAK RIVER
N
0
20
Scale in Feet
NOTES:
1. AERIAL DATED FEB. 2020 AND IS TAKEN FROM ESRI IMAGES BASED ON NC911 ORTHO PROGRAM, NC CGIA.
2. LOCATIONS OF EXISTING TOWN DOCK AND PROPOSED BBB DOCK BASED ON AUTOCAD FILE NAMED base.dwg RECEIVED FROM CRYSTAL COAST ENGINEERING ON JUNE 21, 2022.
PROPOSED CONDITIONS TOWN DOCK/BBB
SWANSBORO WATERFRONT
ATM
A Geosyntec Company


EXISTING HIOTT DOCK
33'
4.2'
15.4'
19.8'
23.1'
28'
9.1'
EXISTING PILE REMNANTS
5.6'
EXISTING SCHULER DOCK
PROPOSED MOORING PILES
EXISTING TOWN DOCK
WHITE OAK RIVER
PROPOSED BBB DOCK
N
0
15
Scale in Feet
NOTES:
1. AERIAL DATED FEB. 2020 AND IS TAKEN FROM ESRI IMAGES BASED ON NC911 ORTHO PROGRAM, NC CGIA.
2. LOCATIONS OF EXISTING TOWN DOCK AND PROPOSED BBB DOCK BASED ON AUTOCAD FILE NAMED base.dwg RECEIVED FROM CRYSTAL COAST ENGINEERING ON JUNE 21, 2022.
PROPOSED CONDITIONS BBB/HIOTT DOCK
SWANSBORO WATERFRONT
ATM
A Geosyntec Company


EXISTING HIOTT DOCK
10.7'
45'
EXISTING SCHULER DOCK
56.8'
79.9'
EXISTING TOWN DOCK
EXISTING MOORING PILE
63'
12.2'
PROPOSED MOORING PILE
WHITE OAK RIVER
PROPOSED BBB DOCK
N
0
15
Scale in Feet
NOTES:
1. AERIAL DATED FEB. 2020 AND IS TAKEN FROM ESRI IMAGES BASED ON NC911 ORTHO PROGRAM, NC CGIA.
2. LOCATIONS OF EXISTING TOWN DOCK AND PROPOSED BBB DOCK BASED ON AUTOCAD FILE NAMED base.dwg RECEIVED FROM CRYSTAL COAST ENGINEERING ON JUNE 21, 2022.
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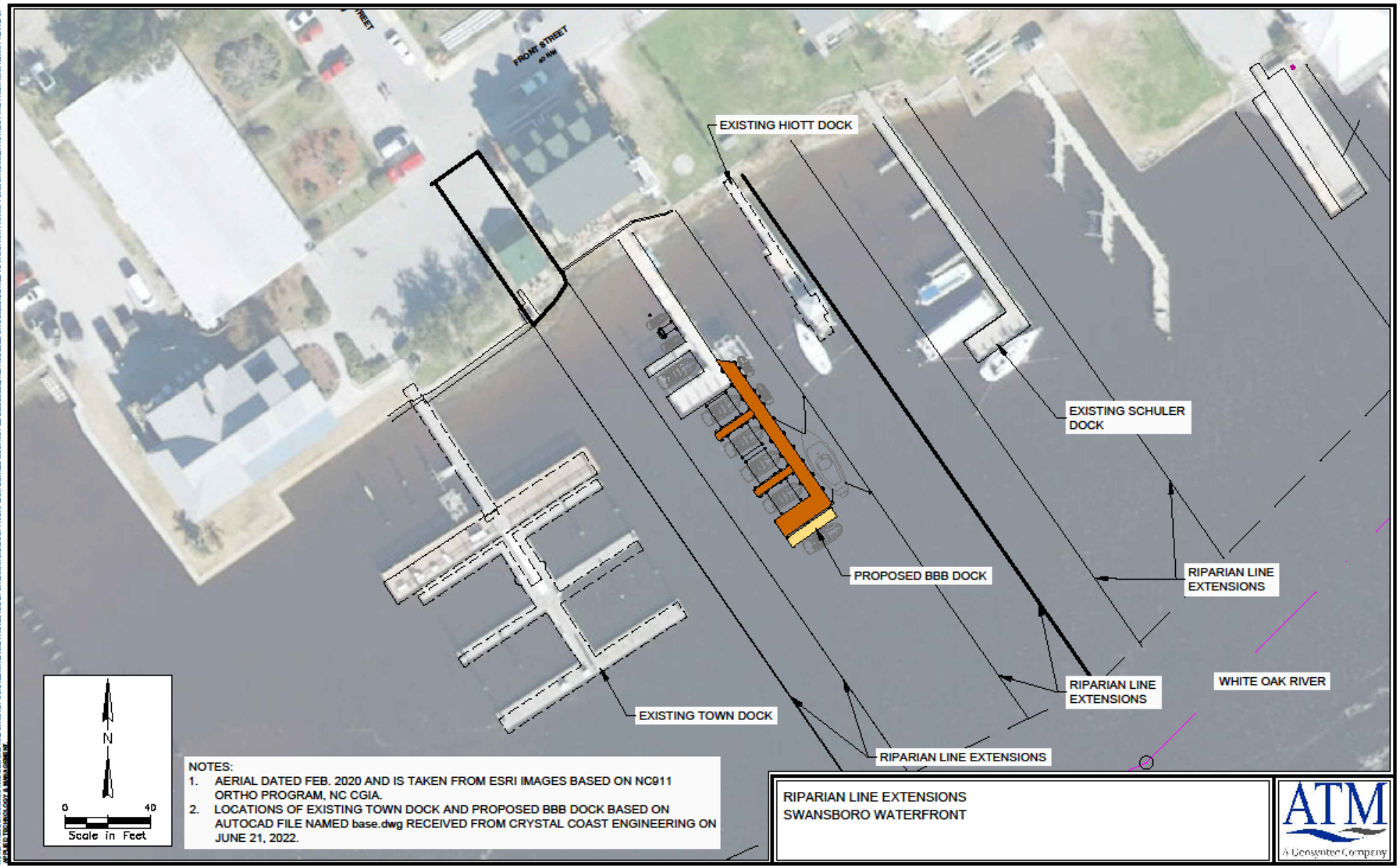
ATM
A Geosyntec Company


FRONT STREET
EXISTING HIOTT DOCK
EXISTING SCHULER DOCK
PROPOSED BBB DOCK
RIPARIAN LINE EXTENSIONS
RIPARIAN LINE EXTENSIONS
WHITE OAK RIVER
EXISTING TOWN DOCK
RIPARIAN LINE EXTENSIONS
N
0
40
Scale in Feet
NOTES:
1. AERIAL DATED FEB. 2020 AND IS TAKEN FROM ESRI IMAGES BASED ON NC911 ORTHO PROGRAM, NC CGIA.
2. LOCATIONS OF EXISTING TOWN DOCK AND PROPOSED BBB DOCK BASED ON AUTOCAD FILE NAMED base.dwg RECEIVED FROM CRYSTAL COAST ENGINEERING ON JUNE 21, 2022.
RIPARIAN LINE EXTENSIONS
SWANSBORO WATERFRONT
ATM
A Geospatial Company

Jennifer Ansell

From: Brantley, Kristi <kristi.brantley@ncdcr.gov>
Sent: Tuesday, May 10, 2022 3:47 PM
To: Jennifer Ansell
Cc: Wood, John; Kim Oliver-Kingrey
Subject: Technical Advice
Attachments: Swansboro Dock Project-HPC Response Letter 5-10-2022PDF.pdf

Dear Jennifer,

Attached is our response to the request for technical advice regarding the proposed extension of the existing dock and the creation of additional boat slips at 147 Front Street, Swansboro. Please note, our comments are non-binding and should not be considered an official ruling by our office or a determination on how the commission should decide a COA case.

We appreciate Swansboro's HPC seeking advice under NC GS 160D-947(d). We ask that future requests regarding specific COAs be submitted directly to me, per the North Carolina Administrative Code (07 NCAC 04R .0502).

For more information regarding steps to request technical advice, please see Seeking Technical Advice from HPO Staff for COA Reviews.

If you have any questions, please don't hesitate to reach out to me.

Best,
Kristi

Kristi Brantley
CLG/Local Government Coordinator
NC State Historic Preservation Office
NC Dept. of Natural and Cultural Resources
Phone: (919) 814-6576
kristi.brantley@ncdcr.gov

109 East Jones Street | 4617 Mail Service Center | Raleigh, NC 27699-4617

#StayStrongNC
Learn more @ nc.gov/covid19

And don't forget your Ws! Wear. Wait. Wash.
WEAR a face covering.
WAIT 6 feet apart from other people.
WASH your hands often.

NC DEPARTMENT OF
NATURAL AND CULTURAL RESOURCES

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

Ramona M. Bartos, Administrator

Governor Roy Cooper
Secretary D. Reid Wilson

Office of Archives and History
Deputy Secretary, Darin J. Waters, Ph.D.

May 10, 2022

Jennifer H. Ansell, Planner
Town of Swansboro
601 West Corbett Avenue
Swansboro, NC 28584

RE: Advice sought on the proposed extension of the existing dock and the creation of additional boat slips, 147 Front Street, Swansboro, Onslow County
COA, Application No. 2022-01

Dear Ms. Ansell:

Thank you for the submittal of the Swansboro Historic Preservation Commission's request for our advice under NC GS 160D-947(d), regarding the proposed extension of the existing dock and the creation of additional boat slips at 147 Front Street in Swansboro. This request was submitted on behalf of the commission by commission member Kim Oliver-Kingrey on April 26, 2022. Advice provided by the HPO is non-binding and should not be considered an official ruling by our office or a determination regarding how the commission should decide a COA case. Pursuant to the aforementioned statute, we offer the following advice:

- Section 24 of the Swansboro Historic District Design Guidelines provides good direction on the elements that should be considered in the review of designs for docks, piers, and boardwalks within the historic district. If the guidelines are followed, a proposed dock will be in keeping with the character of Swansboro's historic waterfront.

- Given Swansboro's association with the water, the commission should be mindful of visual impacts to the viewshed from the district outward into the water and from the water inward toward the town. The boundaries for the National Register Historic District extend well outward into the water as the historic viewshed is an important element of Swansboro's historic location, setting, feeling, and association.

- Numerous historic photographs of Swansboro's waterfront can be found in the book *Swansboro: The Friendly City by the Sea* by Jack Dudley (Coastal Heritage Series, publisher, 2013). These photographs can be used as a design reference for the appearance of traditional docks in Swansboro.

Eastern Office
117 West Fifth Street • Greenville, North Carolina 27858 • (252) 830-6580 • Fax: (252) 830-6583

- The Proposed Conditions drawing/DCM CAMA Permitting Plan indicates that railings are being proposed but are not shown on the drawings for clarity. We recommend that the commission request and review elevation and detail drawings, including materials description for the proposed railing system.

- The Proposed Conditions drawing/DCM CAMA Permitting Plan indicates the construction of four boat lifts. We recommend that the commission request and review elevation and detail drawings, including materials and hoist systems for the boat lifts.

- The Proposed Conditions drawing/DCM CAMA Permitting Plan does not provide information on the materials for the decking and pilings for the proposed dock. In addition, the plan does not provide information on the appearance, material, and placement of utility lines, conduit, and lighting (if any). We recommend that the commission request and review elevation and detail drawings, as well as manufacturer's specification sheets for these features.

Please do not hesitate to contact me should you or the commission have additional questions or require additional information. As always, our office is available to provide guidance and technical assistance to the Swansboro Historic Preservation Commission.

Sincerely,

John P. Wood
Restoration Specialist
Regional Supervisor, Eastern Office

CC:
Kim Oliver Kingrey, Swansboro HPC (kingreyrealestate@gmail.com)
Kristi Brantley, CLC/ Local Government Coordinator

TACLA

Crystal Coast Engineering, PA
205-3 Ward Road
Swansboro, N.C. 28584
Tel: (910) 325-0006 Fax: (910) 325-0060
Email: crystalcoasteng@bizec.rr.com

July 10, 2022

VIA EMAIL

Mayor and Commissioners
Town of Swansboro
601 W. Corbett Avenue
Swansboro, N.C. 28584

Re: Special Use Permit Application (Harnatkiewicz)
Proposed Dock Extension-147 Front Street, Swansboro, NC

Dear Mayor and Commissioners,

I have been retained by Mr. Jack Harnatkiewicz to provide you with my direct observations and professional opinions in connection with the pier and dock extension project that the Town already has reviewed and approved as part of the CAMA permitting process. The Town is requiring that Mr. Harnatkiewicz apply for a Special Use Permit. As you know, I have worked with and for Mr. Harnatkiewicz on this project, as well as for the Town and others when the Town Dock facilities were built. While a bit out of date, attached is a copy of my resume. On behalf of Mr. Harnatkiewicz, please include this letter, my separate memo and my resume in the official record for the Special Use Permit proceeding.

One purpose of this letter is to offer the Town my professional opinions in response to the draft report provided to the Town by Kirby Marshall of ATM. Ironically, portions of this report appear to critique the Town itself for how the Town Dock facilities were designed and constructed. Because I was the engineer of record for that project, I believe I am uniquely qualified to respond – both regarding the Town Dock facilities as well as the Harnatkiewicz pier and dock extension project.

As an important starting point, both of these pier and dock facilities were subject to extensive review by over a dozen state and federal agencies in connection with receiving multiple state and federal permits. While we often refer to this permit process as the CAMA permit process, I think it is worth pointing out that included in the CAMA permit process is the federal Section 10 permit authorizing placement of piers and docks into navigable waters, as well as the related North Carolina dredge and fill permit program. In other words, both the Town Dock facilities and Mr. Harnatkiewicz proposed pier and dock extension project already have received not

one, not two, but three major federal and state authorizations governed by three separate statutes (federal Section 10 statute under the Rivers and Harbors Act of 1899; NC Dredge and Fill statute; and NC CAMA statute). Under a memorandum of agreement between North Carolina and the U.S. Army Corps of Engineers, these three permit programs usually are coordinated together as part of the CAMA permitting process. I make this point to emphasize just how much review and scrutiny was applied to both projects – including reviews by specific state and federal agencies charged with regulating and managing public trust resources and public navigation rights and responsibilities.

While the Marshall report is written well, it completely misses the boat (bad joke, I know). All of the distance criteria cited in this report are suggested standards for multi-dock marina project builders to consider when designing the fairways located between individual pier/dock structures. These standards simply do not apply when evaluating separate projects located on properties owned by separate individuals, businesses or local governments. The only appropriate numerical legal standard to consider in these situations is the 15 foot riparian corridor setback rule contained in the CAMA use standards, and even that can be waived by agreement between adjoining property owners.

In my many decades of experience as a licensed professional engineer and experienced boat captain, I have never seen the fairway distance standards cited by Mr. Marshall (who, as far as I can tell, is NOT a licensed professional engineer, and neither is his firm licensed in North Carolina) as a basis for designing, locating, approving or disapproving any pier and dock facilities built by separate riparian property owners, whether adjacent or nearby.

As I believe some of you know, I did meet with Mr. Marshall and I have of course reviewed his draft report. In addition to my professional opinion that the marina fairway distance specifications simply do not apply here, I found it rather interesting that Mr. Marshall spent time evaluating Mr. Harnatkiewicz 's project relative to the Schuler pier and docks. To the extent that such is relevant to this Special Use Permit review, I would like to state for the record that I agree with the implication made by Mr. Marshall that the large, very long tour boat that is more or less permanently moored in a boat slip designed for vessels no longer than 26-28 feet is improperly so located. Not only is that slip not designed for a vessel of such mass and length, as shown in one of the drawings included in the Marshall report, when this vessel is moored, it protrudes significantly into the riparian corridor of the adjacent property owner.

As you know, this matter was first scheduled to be heard on April 25th. At that meeting, both I and Mr. Harnatkiewicz were prepared to provide the Town with relevant information and expert opinions, but the Town opted to seek input from someone like Mr. Marshall instead. While that is of course within the Town's right to do, I do want to make sure that this letter, my separate memo and my resume are included in the proceedings. Additionally, I am prepared to testify and answer questions at the hearing, which I understand is scheduled to take place on Monday, July 11th.

One of the most important pieces of factual information that I believe each of you need to consider is the FACT that the vast majority of the vessels docking at the Town Docks, and as anticipated by Mr. Harnatkiewicz to be using his extended facility, are less than 26-28 feet in length. In fact, the design documents for the Town Dock facility show vessels of this length or less. This is not only factually true in terms of overall vessel traffic utilizing the various Swansboro waterfront piers and docks (and it certainly is true regarding the Town Dock facilities), this fact is consistent with national information provided by the U.S. Coast Guard which indicates that 95% of all recreational boats in use in the United States are 26 feet in length or less. Here is a link to one source of this information:

https://quicknav.com/boating-statistics/

In addition, on the rare occasion when a larger vessel needs to dock at the Town Docks, there are up to four slips available on the outside, as well as the "T" area.

Based on these FACTS, and my decades of personal and professional experience, it is my professional opinion that construction and use of the dock extension facilities proposed (and already permitted) by Mr. Harnatkiewicz will not represent any significant threat to public health safety or welfare of those using and residing within the Swansboro waterfront. Below I have summarized some specific response points that further support my professional opinions.

Marshall Memo Conclusion 1: "*The addition of the proposed BBB Dock would compromise appropriate clear access to the existing Town Dock based on minimum marina industry design guidelines.*"

Rebuttal: As discussed above, these marina fairway design "guidelines" do not apply to the Swansboro Waterfront. The idea of "compromising" boating activity is not an acceptable professional term. Of course, the distances are tight all along the Swansboro Waterfront, and of course boaters must use common sense and caution in these tight spaces. However, to imply that the Harnatkiewicz pier and dock extension represents anything greater that what boaters already must deal with, based on marina fairway design specs, misses the mark. Additionally, as noted above, 95% of recreational vessels are 26 feet or less in length, and the Town has the ability to effectively manage larger vessels on the outside slips of the Town Dock facility, as well as on the "T" end. And while Mr. Marshall probably does not know this, let's not forget that the Town made the decision to place the Town Docks floating docks where they presently are for financial reasons, and did so without any public notice or input from adjacent or nearby riparian owners, including the Harnatkiewiczes. Finally, "guidelines" are only "suggested rules of thumb" and are not statutes or rules (like all of the ones that the Harnatkieswiczes already have met), and certainly are not set in stone. As Tobiasson and Kollmeyer state in their text, "it is up to the designer to resolve the diversity of needs between the developer, the regulatory approval agencies and the boat owner". It is my professional opinion as North Carolina licensed Professional Engineer, and experienced boat captain, that the proposed Harnatkiewicz pier/dock extension represents an appropriate, safe and prudent improvement to the Swansboro Waterfront.

extension represents a specific "threat to public health and safety". To conclude otherwise effectively would be an indictment of almost all of the piers and docks that make up Swansboro's unique Waterfront, and I strongly recommend that the Town not apply marina fairway design criteria to ANY of its reviews of ANY proposed piers and docks within the Swansboro Waterfront. [Note in this regard the project my company is now designing for the Town next to the bridge.]

Second, the issue of public health safety and welfare in this case must be considered in light of the fact that the Harnatkiewiczes possess important riparian property rights which already have been reviewed and approved under the three important state and federal statutes discussed early on in my letter. Yes, there are potential conflicts when it comes to the exercise of these qualified riparian rights, but the Harnatkiewiczes have complied with every single law and rule, and certainly are well within the pier head line that the Town itself worked to have extended years back. Not only that, but the Town needs to be sensitive to the fact that it has obvious conflicts relative to operation of the Town Dock facility. I think the Town would be well served by approving this SUP and then working with the Harnatkiewiczes to assure that the maximum number of day use and other boaters can seek out the unique commercial businesses that are the lifeblood of the Swansboro Waterfront.

Thank you for your consideration of the information and professional opinions contained in this letter and supporting materials. Should you have any questions or comments, please feel free to contact me.

Yours truly,

David K. Newsom, PE
CRYSTAL COAST ENGINEERING, PA

NORTH CAROLINA PROFESSIONAL SEAL 18148 ENGINEER DAVID K. NEWSOM

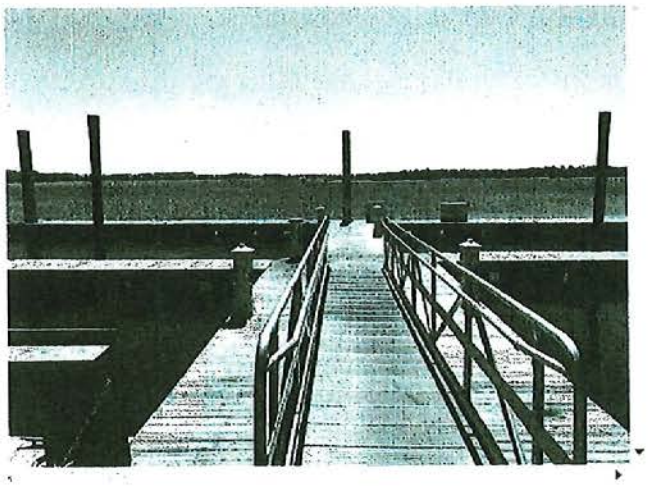
7/10/22

Cc: Bryce Pike, Attorney at Law
Clark Wright, Attorney at Law
Paula Webb, Town Manager

rec desk

(/Community/Facility) Church St. Town Dock

Details Hours Calendar



The 10-slip Town Dock is located along the intracoastal waterway at Latitude 34 degrees, 41 minutes, 10.44 seconds and Longitude 77 degrees, 7 minutes, 10.08 seconds. Located at the intersection of Front and Church Streets, centrally located in the historic downtown district, within one block of the Visitors Center and Olde Towne Square.

Town of Swansboro Parks and Recreation Department

Slips are $1.50/foot/night. Power is available for $5/night and sewage pump-out for $35 per pump out. Customers are responsible for docking their own vessel; no staff assistance is provided.

Call 910-326-2600 for questions or reservations during business hours.

Note:

By Town of Swansboro Town Code of Ordinance - Chapter 96, the following rules and regulations are applicable to all vessels docking at the Town of Swansboro Dock at Church Street.

(A) Priority will be given to transient vessels at all times. Fees as listed in the Fee Schedule.
(B) No boat shall be left unattended overnight at the Town Dock for more than five (5) days.
(C) No fishing or cleaning fish.
(D) No boisterous conduct and loud music.
(E) No maintenance, painting, or repair of vessels is permitted.
(F) No swimming, windsurfing, jet skiing, or diving.
(G) No open fires and barbeques in Town Dock .
(H) No discharge of raw sewage or other waste into the water.
(I) Pets shall be leashed at all times while on Town Dock and other Town property.
(J) Violation of any of these rules and regulations and/or other improper conduct by a vessel owner and/or his or her guest may be cause for immediate removal from the Town Dock .
(K) The Town shall not be held liable for any loss, damage, or injury suffered by persons and vessels while docking at Town of Swansboro Town Dock facilities.
(L) The Town shall have the authority to interpret and enforce these rules and regulations in its best interests.
(M) WiFi is available at the dock under the network name "churchst" the password is walnut89

Call 910-326-2600 for questions or reservations during business hours. For reservations after 7 pm call 252-503-5024 and your call will be returned by the next working day. Please be sure to leave a message on the after hours number to receive a quicker response.

Customers are responsible for docking their own vessel; no staff assistance is provided.

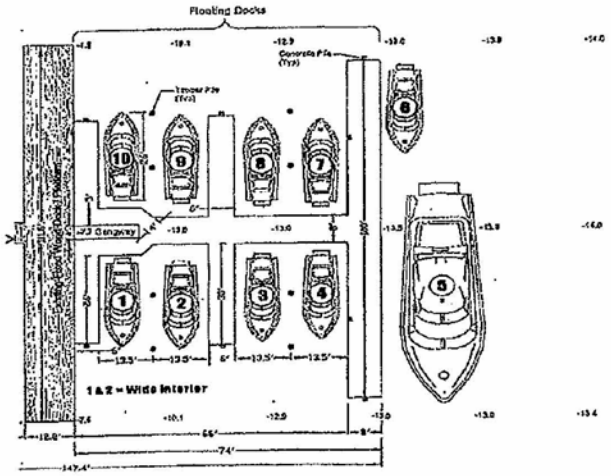
Cancellation/ Refund Policy:
Cancellation at least 14 days in advance - full refund of fees
Cancellation at least 48 hours in advance - 50% of fees

Cancellation less than 48 hours in advance - no refund of fees

Boaters are encouraged to register for two local events:
Blessing of the Fleet – held in conjunction with the Swansboro Mullet Festival on October 7, 2022 at 5PM at Casper's Marina. Honors all boaters – both commercial and pleasure.
Holiday Flotilla – decorate your boat and participate in the Holiday Flotilla on November 25, 2022 in downtown Swansboro.
For more information or to register, contact the Swansboro Parks and Recreation Department at 910-326-2600.

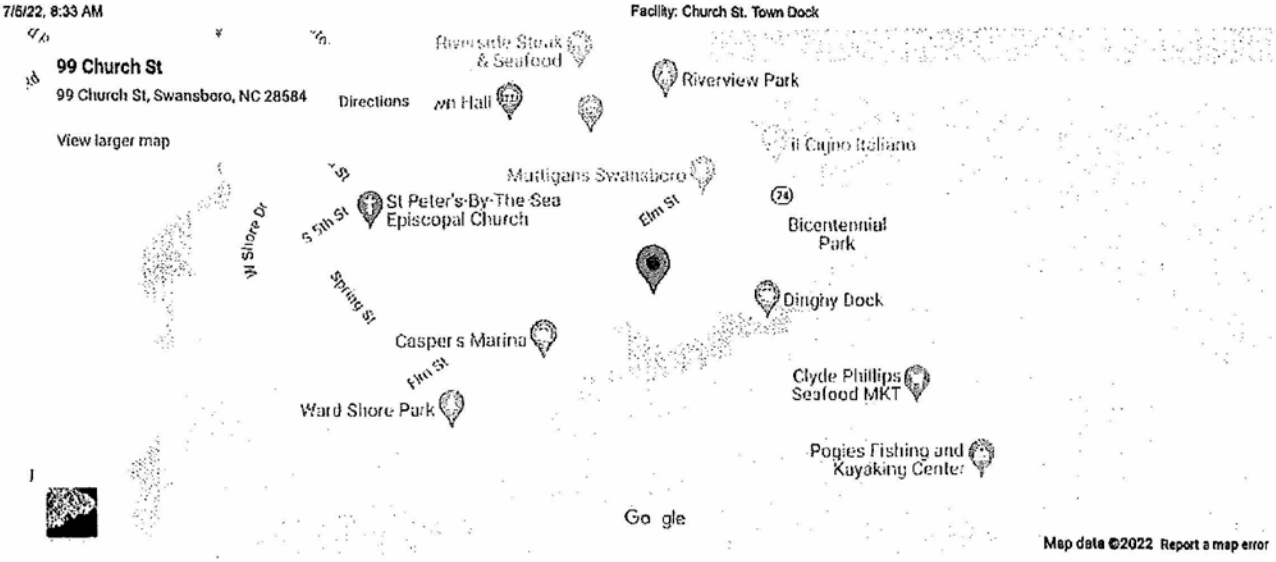
Facility Type	**Docks**
Address Line One	**99 Church Street**
Address Line Two	
City, State, Zip Code	**Swansboro, NC 28584**
Capacity	**10**

Facility: Church St. Town Dock



Location

Town of Swansboro Parks and Recreation Department



Town of Swansboro Parks and Recreation Department

David K. Newsom, PE

Crystal Coast Engineering, PA
205-3 Ward Road
Swansboro, NC 28584
[Phone] 910-325-0006 [Fax] 910-325-0060
Email: crystalcoasteng@bizec.rr.com

Education:

B.S. in Civil Engineering from North Carolina State University, 1986.

- Concentration in Water Resources (Water Treatment and Distribution, Sewer Collection, Treatment & Disposal)
- Concentration in Urban Stormwater Design and Analysis
- Concentration in Roadway Design

Professional Registration:

- May 1986 — EIT Registration in North Carolina
- January 29, 1992 — PE Registration in North Carolina (NC 18148)

Professional Organizations & Community Service:

National Society of Professional Engineers (NSPE)
American Society of Civil Engineers (ASCE)
Professional Engineers of North Carolina (PENC)
Onslow County Water & Sewer Advisory Board
ONWASA Water & Sewer Advisory Commission
City of Jacksonville, Stormwater Advisory Committee

Experience:

- 1986-1988 — Ledo Lines, Fort Myers, FL
  Construction Engineer
- 1988-1993 — Tate Lanning & Associates, Raleigh, N.C.
  Design Engineer
- 1993-1994 — Private Wastewater Treatment Operations Firm, Wake County, N.C., Process Engineer & WWTP Operator
- 1994-1999 — City Engineer, Jacksonville, N.C.
  Design / Construction Engineer
- 1999-2004 — John L. Pierce & Associates, Jacksonville, N.C.
  Design Engineer
- 2004-Present — President, Crystal Coast Engineering, PA
  Co-Owner / Design Engineer

Certificates of Completion:

- Certificate of Training, Bermad Control Valves
- Floodplain Managers Annual Conference, NC Division of Emergency Management
- NFIP Home Study Course Workshop, NC Division of Emergency Management
- Elevation Certificates and County Line Surveys, Southeastern Chapter NCSS
- NCDOT Policy Manual, Southeaster Chapter NCSS
- Incidental Drainage for Professional Land Surveyors, Southeastern Chapter NCSS
- GPS Projects, Continuing Education for Professional Land Surveyors
- The North Carolina Floodplain Mapping Program, Southeastern Chapter NCSS
- Surveying! It's a Business Workshop, Southeastern Chapter NCSS
- Erosion and Sedimentation Control Workshop, City of Jacksonville Public Services Department
- Overview on Stormwater BMPs for the Coastal Plain, NC State University
- AutoDesk Civil 3D 2007 Essentials, Cadre Systems, Inc.

2nd Amendment

Doc ID: 012411750004 Type: CRP
Recorded: 10/16/2015 at 12:04:23 PM
Fee Amt: $26.00 Page 1 of 4
Onslow County, NC
Rebecca L. Pollard Reg. of Deeds
BK4370 PG720-723

Memorandum of Lease

Port O'Swannsborough, LLC and Town of Swansboro North Carolina

No Excise Tax Applicable per NCGS 105-228-29(2) By lease for a term of years.

10.29.15
Copied to Finance.
Orig. in ~~Deed~~ Contract/agreement file in Clerk's Office

MEMORANDUM OF AMENDMENT OF LEASE

STATE OF NORTH CAROLINA

COUNTY OF ONSLOW

PORT O'SWANNSBOROUGH, LLC ("Lessor") hereby leases to the TOWN OF SWANSBORO ("Lessee"), for a term beginning May 21, 2013 and continuing through April 1, 2035, that certain property more particularly described on Exhibit A attached hereto and specifically incorporated herein by reference.

The provisions set forth in the Lease dated March 27, 2015 between Lessor and Lessee, as amended on September 15, 2015, are hereby incorporated in this Memorandum.

LESSOR:
PORT O'SWANNSBOROUGH, LLC

By: _____ (SEAL)
Charles Hal Silver, Manager

LESSEE:
TOWN OF SWANSBORO

By: _____ (SEAL)
Scott Chadwick, Mayor

TOWN OF SWANSBORO CORPORATE SEAL NORTH CAROLINA

Prepared by **WARD AND SMITH, P.A.**, 1001 College Court, Post Office Box 867, New Bern, NC 28563-0867

No opinion on title is rendered by **WARD AND SMITH, P.A.**, without a separate written opinion on title from **WARD AND SMITH, P.A.**

STATE OF NORTH CAROLINA
COUNTY OF ONSLOW

I certify that the following person personally appeared before me this day, acknowledging to me that he signed the foregoing document for the purpose(s) stated therein and in the capacity indicated having been first authorized to do so: CHARLES HAL SILVER.

Date 09-15-2015

Paula W. Webb
Signature of Notary Public

My commission expires: 01-13-2018

(Official Seal)
PAULA W. WEBB
NOTARY PUBLIC
ONSLOW COUNTY
STATE OF NORTH CAROLINA
MY COMMISSION EXPIRES 01-13-2018

STATE OF NORTH CAROLINA
COUNTY OF ONSLOW

I certify that the following person personally appeared before me this day, acknowledging to me that he signed the foregoing document for the purpose(s) stated therein and in the capacity indicated having been first authorized to do so: SCOTT CHADWICK.

Date 09-15-2015

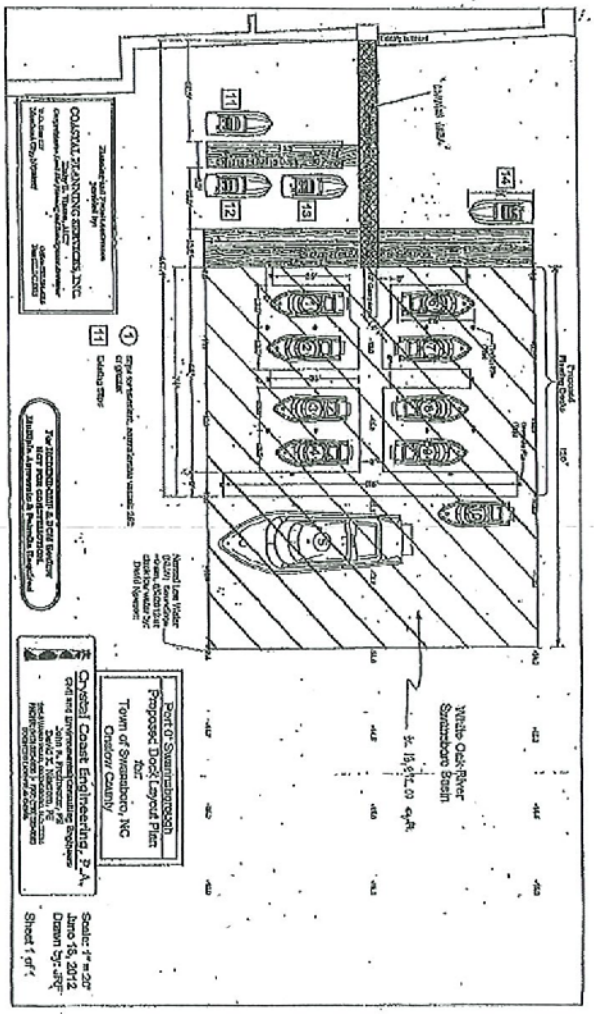
Paula W. Webb
Signature of Notary Public

My commission expires: 01-13-2018

(Official Seal)
PAULA W. WEBB
NOTARY PUBLIC
ONSLOW COUNTY
STATE OF NORTH CAROLINA
MY COMMISSION EXPIRES 01-13-2018

This map is not a certified survey and has not been reviewed by a local government agency for compliance with any applicable land development regulations.

Exhibit A



ND: 4822-1965-9304, v. 1

STATE OF NORTH CAROLINA
COUNTY OF ONSLOW

AMENDMENT TO LEASE

THIS AMENDMENT TO LEASE made and entered into this the 15 day of September, 2015, by and between PORT O'SWANNSBOROUGH, LLC, a North Carolina limited liability company (hereinafter referred to as "Lessor"); and the TOWN OF SWANSBORO (hereinafter referred to as "Lessee");

W I T N E S S E T H :

WHEREAS, by Lease dated May 27, 2015 ("Lease"), Lessor leased to Lessee certain property included within and proximate to a marina known as the Port O'Swannsborough as described by Exhibit A to the Lease ("Premises") for a term which was to expire on May 21, 2033; and,

WHEREAS, for reasons associated with the BIG grant described in the Lease, the Lessee has requested, and the Lessor is amenable to, an extension of the Term of the Lease to April 1, 2035, and the parties have also agreed to amend the expiration provision of the Lease at Lessor's request.

NOW, THEREFORE, for and in consideration of the premises and for and in consideration of the mutual promises and covenants herein contained, the sum of Ten and No/100 Dollars ($10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby do agree and amend the Lease as follows:

1. The term of the Lease hereby is extended to April 1, 2035.

2. Article II of the Lease is amended to provide that the Lease shall automatically terminate on April 1, 2035 without action by either party unless the parties enter into an extension agreement prior to said date.

3. Except as herein amended, each and every other term and provision of the Lease hereby is ratified and affirmed. This Amendment shall be binding on the parties hereto, their successors and assigns.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

IN TESTIMONY WHEREOF, the parties have caused this Amendment to Lease to be signed and sealed in a manner so as to binding, this the day and year first above written.

LESSOR:

PORT O'SWANNSBOROUGH, LLC

By: _____ (SEAL)
Charles Hal Silver, Manager

LESSEE:

TOWN OF SWANSBORO

By: _____ (SEAL)
Scott Chadwick, Mayor

TOWN OF SWANSBORO CORPORATE SEAL NORTH CAROLINA

ATTEST:

_____
Paula Webb, Town Clerk

(11)
Env.

Doc ID: 010874420011 Type: CRP
Recorded: 11/04/2013 at 03:21:39 PM
Fee Amt: $26.00 Page 1 of 11
Onslow County, NC
Rebecca L. Pollard Reg. of Deeds
BK4079 PG817-827

Lease Agreement between:

Port O' Swannsborough LLC. and the
Town of Swansboro
Parcel ID #024009
Tax Map #1407-22

No Excise Tax Applicable

STATE OF NORTH CAROLINA)
)
COUNTY OF ONSLOW)

LEASE AGREEMENT

THIS LEASE AGREEMENT (hereinafter "Lease") made this the 21st day of May, 2013, by and between PORT O' SWANNSBOROUGH, LLC, a North Carolina limited liability company (hereinafter referred to as "LESSOR") and the TOWN OF SWANSBORO, NORTH CAROLINA a North Carolina municipal corporation (hereinafter referred to as the "TOWN").

W I T N E S S E T H:

WHEREAS, the LESSOR is the owner of certain real property located in the Town of Swansboro, Onslow County, North Carolina and bearing the Onslow County Parcel ID #024009 and Onslow County Tax Map #1407-22 (hereinafter referred to as the "Property"); and

WHEREAS, the TOWN desires to lease a portion of the aforesaid Property for use as tie-up facilities for temporary use by transient nontrailerable recreational vessels; and

WHEREAS, the LESSOR desires to lease said portion of the Property; and

NOW, THEREFORE, the parties hereto, for and in consideration of the rents, covenants, and agreements contained herein, agree as follows:

1. DEMISED PREMISES. The LESSOR hereby leases to the TOWN, subject to the terms and conditions hereinafter expressed, and the TOWN hereby accepts as tenant of the LESSOR that portion of the Property crosshatched on the "Proposed Dock Layout Plan" attached hereto as Exhibit "A" and made a part hereof (hereinafter referred to as the "Demised Premises"), together with a non-exclusive right of pedestrian access to (24 hours per day, 365 days per year) the Demised Premises, sidewalks, and Common Area (as shown on Exhibit "A").

2. USE. The TOWN may use and occupy the Demised Premises for use as tie-up facilities for temporary use by transient nontrailerable recreational vessels, including without limitation, (i) the construction and dredging of a dock, pier, or other such improvements; (ii) the construction, maintenance, and repair of pedestrian ingress, egress and regress facilities; and (iii) the installation and maintenance of utilities on the Demised Premises (hereinafter collectively referred to as the

"Improvements"). The TOWN shall have the right to keep the Demised Premises and Common Areas clear of all buildings or structures, fixtures, or personal property as will in its judgment interfere with the purposes of its use; provided, however, nothing herein shall, nor be interpreted to: (i) permit the TOWN to remove, destroy, clear away or permit to become useless any structure, or part thereof, of any kind or nature whatsoever which provides support or access, in whole or in part, of or to any of LESSOR's improvements; or (ii) permit the TOWN to disrupt, interfere or otherwise encumber the LESSOR or any tenant of LESSOR's daily operations or use of any adjacent property, including, but not limited to, any parking area and the LESSOR or any tenant of LESSOR's non-exclusive use of LESSOR's existing docks.

3. TERM. The term of this Lease (hereinafter referred to as the "Term") shall be for a period of twenty (20) years to commence on May 21, 2013 and to terminate at midnight on May 21, 2033. Thereafter this Lease shall automatically renew for successive twenty (20) year periods until canceled or terminated by either party by written notice of termination sent or delivered within least one hundred eighty (180) days prior to the expiration of the then current Term.

4. RENT. During the term of this Lease, the TOWN shall pay to LESSOR as annual rent under this Lease, the greater of: (i) the sum of One Thousand and 00/100 Dollars ($1,000.00); or (ii) the amount of county and city ad valorem property taxes assessed against the TOWN's Improvements for any tax year.

5. UTILITIES. The TOWN shall subscribe for services in its own name and pay for all electricity, gas, water, heat and other utilities consumed or used on the Demised Premises.

6. LIABILITY INSURANCE. The TOWN shall keep the Demised Premises insured against liability for injuries to persons or property resulting in any manner from the TOWN's use and operation of the Demised Premises. During the term of this Lease, the TOWN shall maintain commercial general liability insurance with limits of liability of million dollars ($1,000,000) per occurrence applicable to claims of bodily injury and/or property damage. Evidence of such coverage shall be in the form of a certificate from the TOWN's insurer stating the amount, policy numbers and kinds of insurance carried him providing that the insurer shall notify the LESSOR by registered or certified mail twenty (20) days before any cancellation or lapse of the insurance shown on the certificate. The TOWN shall have the right to self-insure for any liabilities set forth in

this paragraph. Furthermore, the TOWN agrees to and does hereby indemnify and save LESSOR harmless against all claims for damage to persons or property by reason of the TOWN's use or occupancy of the Demised Premises, and all expenses incurred by LESSOR because thereof, including attorney's fees and court costs.

7. CASUALTY. If the Demised Premises and/or Improvements are damaged by fire or other casualty, or if any portion thereof is taken under the power of eminent domain (or sold under the threat of the exercise of such power), and such casualty or taking or sale materially impairs the TOWN's use of the Demised Premises, the TOWN may terminate this Lease upon fifteen (15) days written notice to LESSOR, subject to the repayment provisions of Paragraph 14 below.

8. CONDEMNATION. If the whole or any part of the Demised Premises shall be acquired or condemned by eminent domain or like power for any public use or purpose, then this Lease shall terminate as to the part of the Demised Premises so taken, effective on the date possession thereof shall be obtained. All damages awarded for each acquisition or condemnation of the Demised Premises, or any part thereof, shall become the sole and absolute property of LESSOR, subject to the repayment provisions of Paragraph 14 below.

9. ACCEPTANCE OF DEMISED PREMISES. The TOWN acknowledges that the act of taking possession of the Demised Premises shall constitute acceptance thereof and conclusive evidence that the TOWN has inspected and examined the entire Demised Premises and utility installations and that the same were, and are, in good and satisfactory condition, if applicable.

10. MAINTENANCE AND REPAIRS. The TOWN shall at the TOWN's own expense keep and maintain the Demised Premises and/or Improvements in good maintenance, replacement and repair. All maintenance and repairs shall be performed in a prompt, workmanlike manner, shall be promptly paid for by the TOWN and no liens shall be allowed to attach either to the Demised Premises or the TOWN's interest therein. LESSOR shall have no obligation to repair, maintain or replace any part of the Demised Premises and/or Improvements. Furthermore, the TOWN shall be responsible for one-half (1/2) of the expense to keep and maintain the Common Area in good maintenance, replacement and repair; PROVIDED, HOWEVER, that the TOWN shall not be responsible for said one-half (1/2) of expenses if said expenses are incurred due to the willful act or negligence of LESSOR, its agents, employees, contractors or invitees or to the extent said

maintenance and/or repairs are paid for by any insurance proceeds.

11. ASSIGNMENT OR SUBLETTING. This Lease may not be assigned nor the Demised Premises sublet without LESSOR's written consent which shall not unreasonably be withheld, refused, or delayed.

12. ENVIRONMENTAL CONDITIONS.

(A) The TOWN agrees to comply with any and all Federal, State or local environmental laws regulating the TOWN's use and occupancy of the Demised Premises, including, without limitation, any such law regulating Hazardous Materials. As used herein, "Hazardous Materials" means asbestos, PCBs, petroleum or any other hazardous or toxic substance, material, waste or other environmentally regulated substance that is subject to any Hazardous Materials Law (as defined below).

(B) LESSOR represents and warrants that no Hazardous Materials are located on, in or about the Premises. LESSOR agrees to disclose to the TOWN in writing the existence, extent and nature of any Hazardous Material ascertained on, in or about the Premises. LESSOR agrees to comply with any known or ascertained violation of a Hazardous Materials Law in or affecting the Demised Premises or the Property arising during the term of this Lease. "Hazardous Materials Law" shall mean the Federal Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601 et seq.; the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 et seq.; and all other Federal, State and local laws, rules, regulations, or ordinances relating to Hazardous Materials, whether existing or enacted in the future.

13. RIGHT OF FIRST REFUSAL. If at any time during any Term of this Lease, LESSOR shall desire to sell the Demised Premises, the TOWN shall have the right of first refusal of said property as follows: LESSOR shall give to the TOWN a notice in writing specifying the terms and conditions upon which it desires to sell the Demised Premises and offering to sell said Demised Premises to the TOWN upon said terms and conditions. Within sixty (60) days after receipt of such notice, the TOWN shall either accept or reject said offer, then LESSOR shall be free to sell to any other person upon the terms and conditions specified in said notice. The failure of the TOWN to respond to said notice shall be deemed a rejection of said offer. If the sale is to be made on terms and conditions other than so specified, then the right to purchase shall again be offered to the TOWN as above set forth. The rejection of any one or more

such offers by the TOWN shall not affect its right of first refusal as to any other offers of sale by LESSOR. Provided, however, that the provisions of this Paragraph 13 shall be subject and subordinate to the prior option to purchase executed by the LESSOR which shall expire April 2019 if not sooner waived or otherwise revoked.

14. REPAYMENT UPON EARLY TERMINATION BY LESSOR. LESSOR shall pay to the TOWN the sum of One Hundred Fifty Thousand Dollars ($150,000) representing the TOWN's expenditures on the Improvements installed on the Demised Premises upon the occurrence of any of the following events: (i) termination of this Lease for any reason by LESSOR prior to the expiration of the initial twenty (20) years; or (ii) upon any sale or transfer of the Demised Premises by the LESSOR; PROVIDED, HOWEVER, that the repayment provisions of this Paragraph shall become null and void after a period of twenty (20) years from the commencement date of this Lease.

15. ATTORNEYS FEES. If LESSOR deems it necessary to employ an attorney at law to enforce the terms hereof or declare rights hereunder in any action filed hereunder, on trial or appeal, LESSOR shall be entitled to collect all costs and expenses incurred in such proceedings, including its reasonable attorney's fees, if LESSOR prevails in such action. If the TOWN deems it necessary to employ an attorney at law to enforce the terms hereof or declare rights hereunder in any action filed hereunder, on trial or appeal, the TOWN shall be entitled to collect all costs and expenses incurred in such proceedings, including its reasonable attorney's fees, if the TOWN prevails in such action.

16. NOTICE AND WRITTEN CONSENTS. All notices and written consents required under this Lease shall be in writing and shall be deemed properly served posted by certified United States mail, postage prepaid, return receipt requested, addressed to the party to whom directed at the following address or at such other address as may be from time to time designated in writing:

To LESSOR: PORT O' SWANNSBOROUGH, LLC
% Mr. Hal Silver
Post Office Box 120
Swansboro, NC 28584

with copy to: N. Boyd Tisdale, Esq.
Post Office Box 1335
Jacksonville, NC 28540

To the TOWN: The Town of Swansboro
% Town Manager
502 Church Street
Swansboro, NC 28584

with copy to: C. Jason Humphrey, Esq.
Post Office Box 209
Swansboro, NC 28584

Any properly addressed notice given herein by certified or registered mail shall be deemed delivered when the return receipt therefor is signed, or refusal to accept the mailing by the addressee is noted thereon by the postal authorities. Notices shall be deemed served upon posting. Any notice given herein by personal delivery shall be deemed delivered when received

17. COVENANT OF TITLE AND QUIET ENJOYMENT. LESSOR covenants and warrants to the TOWN that LESSOR has full right and lawful authority to enter into this Lease for the Term hereof and that provided the TOWN is not in default hereunder, the TOWN's quiet and peaceable enjoyment of the Demised Premises shall not be disturbed by anyone claiming through LESSOR. The Demised Premises are demised subject to all easements, restrictions and rights of way legally affecting the Demised Premises.

18. WAIVER. Any failure by any party hereto to exercise any rights hereunder to which said party may be entitled shall not be deemed a waiver of said party's right to subsequently exercise same.

19. LAW APPLICABLE. This lease is entered into in North Carolina and shall be construed under the laws, statutes and ordinances of such jurisdiction.

20. SEVERABILITY. The provisions hereof are independent covenants and should any provision or provisions contained in this Lease be declared by a court or other tribunal of competent jurisdiction to be void, unenforceable or illegal, then such provision or provisions shall be severable and the remaining provisions hereof shall remain in full force and effect.

21. BINDING EFFECT AND COMPLETE TERMS. The terms, covenants, conditions and agreements herein contained shall be binding upon and inure to the benefit of and shall be enforceable by LESSOR and the TOWN and by their respective successors and assigns. All negotiations and agreements of

LESSOR and the TOWN are merged herein. No modification hereof or other purported agreement of the parties shall be enforceable unless the same is in writing and signed by the LESSOR and the TOWN.

22. CONSTRUCTION OF LEASE. This Lease shall not be construed more strictly against either party regardless of which party is responsible for the preparation of same. Highlighted language shall be of no greater or lesser force and effect than the remainder of this Lease. Any stricken language shall be treated as though it did not exist.

23. CAPTIONS. The captions in this Lease are inserted only as a matter of convenience and for reference and they in no way define, limit or describe the scope of this Lease or the intent of any provision hereof.

24. NO JOINT VENTURE. LESSOR and the TOWN are not partners or joint venturers.

25. SURVIVAL. Any obligation which by its nature is due after this Lease expires, shall survive the Lease's termination.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the parties hereto have executed this Lease Agreement as of the day and year above written.

LESSOR:

PORT O' SWANNSBOROUGH, LLC
a North Carolina limited liability company

By: _____ (SEAL)
Charles Hal Silver
Managing Member

PAULA W. WEBB
NOTARY PUBLIC
ONSLOW COUNTY
STATE OF NORTH CAROLINA
MY COMMISSION EXPIRES 01-13-2018

TOWN:

THE TOWN OF SWANSBORO, NORTH CAROLINA

By: _____
Mayor Scott Chadwick

ATTEST:

_____
Paula Webb, *Town Clerk*

TOWN OF SWANSBORO
CORPORATE
SEAL
NORTH CAROLINA

APPROVED AS TO FORM:

_____
C. Jason Humphrey, *Attorney for the TOWN*

STATE OF NORTH CAROLINA)
) ss.
COUNTY OF ONSLOW)

I, Paula W. Webb, a Notary Public of the County and State aforesaid, certify that CHARLES HAL SILVER, who is the Managing Member of PORT O' SWANNSBOROUGH, LLC, a North Carolina limited liability company, personally appeared before me this day and acknowledged that he is Managing Member of PORT O' SWANNSBOROUGH, LLC and that as Managing Member being duly authorized to do so, voluntarily executed the foregoing instrument on behalf of said LLC for the purposes stated therein.

Witness my hand and official stamp or seal, this 11th day of March, 2013.

Paula W. Webb
Notary Public

PAULA W. WEBB
NOTARY PUBLIC
ONSLOW COUNTY
STATE OF NORTH CAROLINA
MY COMMISSION EXPIRES 01-13-2018

[S E A L]

My commission expires:

1-13-2018

****

STATE OF NORTH CAROLINA)
) ss.
COUNTY OF ONSLOW)

I, Eileen T. Sawyer, a Notary Public of the County and State aforesaid, certify that PAULA WEBB personally came before me this day and acknowledged that she is the TOWN CLERK OF THE TOWN OF SWANSBORO and that by authority duly given by the Board of Commissioners of the Town and as the act of the Town, the foregoing instrument was signed in its name by its MAYOR, sealed with its town seal and attested by her as its TOWN CLERK.

Witness my hand and official stamp or seal, this 30th day of May 30, 2013.

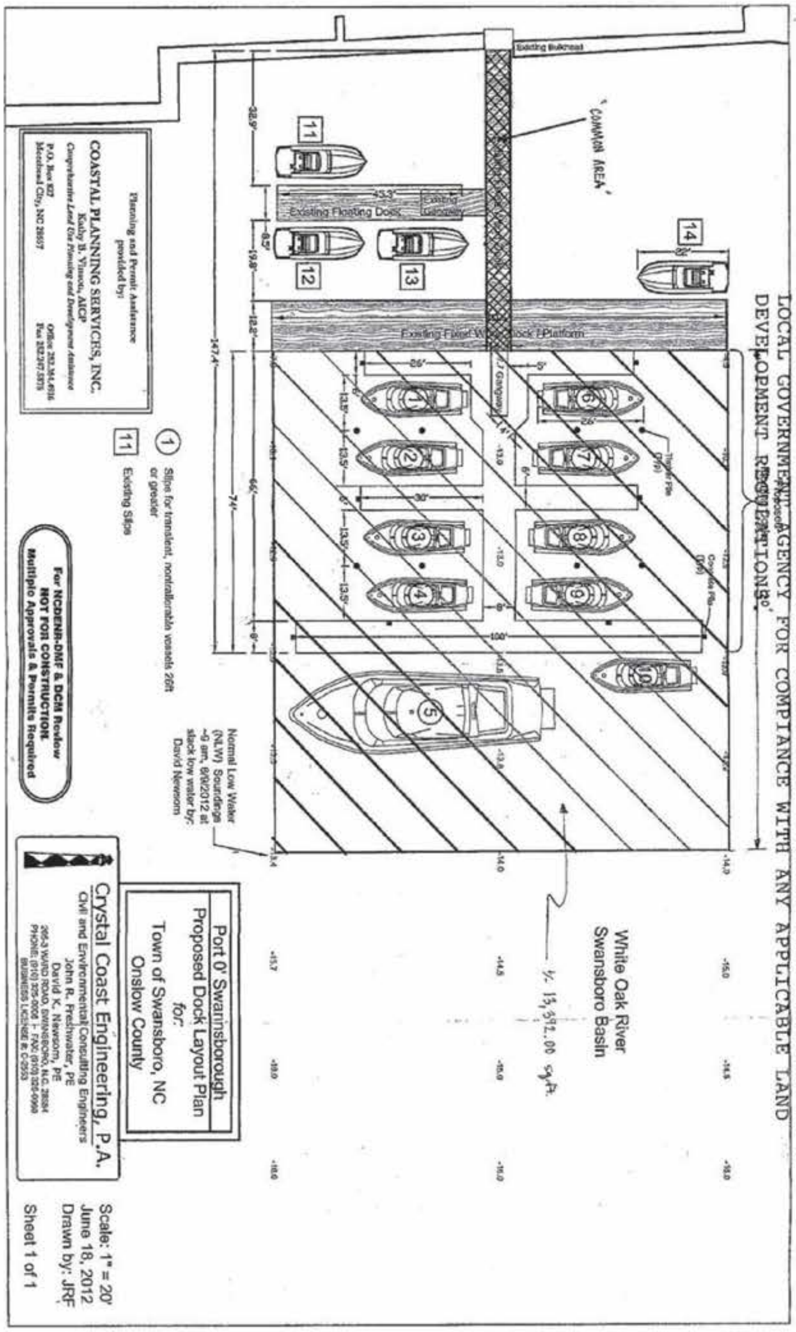
Eileen T. Sawyer
Notary Public

[S E A L]

My commission expires:

Aug. 27, 2017

EILEEN T SAWYER
NOTARY
PUBLIC
ONSLOW COUNTY, NC

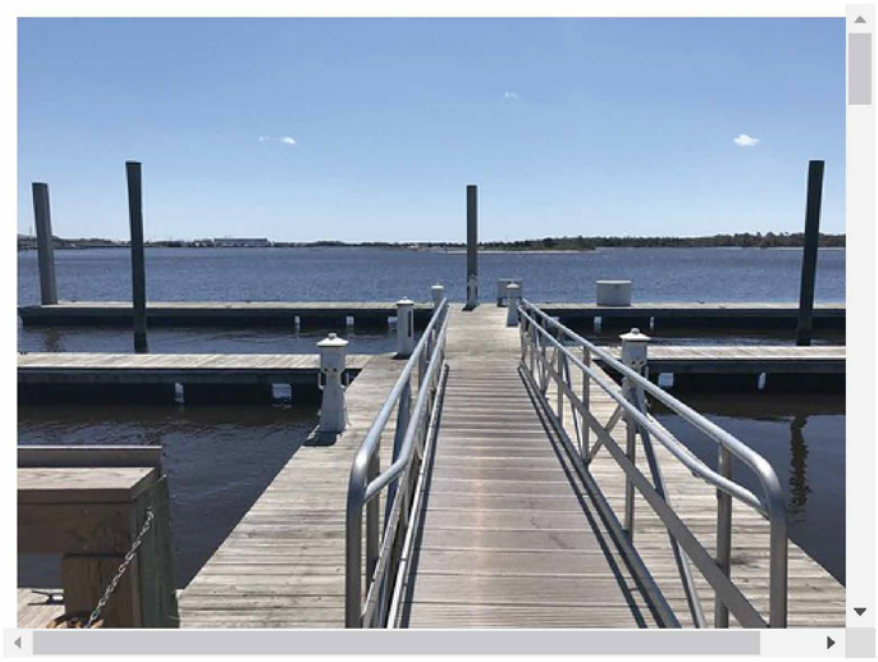

THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS.
"COMMON AREA"
Existing Bulkhead
Existing Floating Dock
Existing Fixed Wood Dock / Platform
Gangway
Timber Pile (Typ)
Concrete Pile (Typ)
White Oak River
Swansboro Basin
+/- 13,392.00 sq.ft.
Normal Low Water (NLW) Soundings ~9 am, 6/9/2012 at slack low water by: David Newsom
Slips for transient, nontrailerable vessels 26ft or greater
Existing Slips
Planning and Permit Assistance provided by:
COASTAL PLANNING SERVICES, INC.
Kathy B. Vinson, AICP
Comprehensive Land Use Planning and Development Assistance
P.O. Box 822
Morehead City, NC 28557
For NCDENR-DMF & DCM Review
NOT FOR CONSTRUCTION
Multiple Approvals & Permits Required
Port 0' Swannsborough
Proposed Dock Layout Plan
for:
Town of Swansboro, NC
Onslow County
Crystal Coast Engineering, P.A.
Civil and Environmental Consulting Engineers
John R. Freshwater, PE
David K. Newsom, PE
Scale: 1" = 20'
June 18, 2012
Drawn by: JRF
Sheet 1 of 1

rec desk

(/Community/Facility) Church St. Town Dock

Details Hours Calendar

Tweet Share



The 10-slip Town Dock is located along the intracoastal waterway at Latitude 34 degrees, 41 minutes, 10.44 seconds and Longitude 77 degrees, 7 minutes, 10.08 seconds. Located at the intersection of Front and Church Streets, centrally located in the historic downtown district, within one block of the Visitors Center and Olde Towne Square.

Slips are $1.50/foot/night. Power is available for $5/night and sewage pump-out for $35 per pump out. Customers are responsible for docking their own vessel; no staff assistance is provided.

Call 910-326-2600 for questions or reservations during business hours.

Town of Swansboro Parks and Recreation Department

Note:

By Town of Swansboro Town Code of Ordinance – Chapter 96, the following rules and regulations are applicable to all vessels docking at the Town of Swansboro Dock at Church Street.

(A) Priority will be given to transient vessels at all times. Fees as listed in the Fee Schedule.
(B) No boat shall be left unattended overnight at the Town Dock for more than five (5) days.
(C) No fishing or cleaning fish.
(D) No boisterous conduct and loud music.
(E) No maintenance, painting, or repair of vessels is permitted.
(F) No swimming, windsurfing, jet skiing, or diving.
(G) No open fires and barbeques in Town Dock .
(H) No discharge of raw sewage or other waste into the water.
(I) Pets shall be leashed at all times while on Town Dock and other Town property.
(J) Violation of any of these rules and regulations and/or other improper conduct by a vessel owner and/or his or her guest may be cause for immediate removal from the Town Dock .
(K) The Town shall not be held liable for any loss, damage, or injury suffered by persons and vessels while docking at Town of Swansboro Town Dock facilities.
(L) The Town shall have the authority to interpret and enforce these rules and regulations in its best interests.
(M) WiFi is available at the dock under the network name "churchst" the password is walnut89

Call 910-326-2600 for questions or reservations during business hours. For reservations after 7 pm call 252-503-5024 and your call will be returned by the next working day. Please be sure to leave a message on the after hours number to receive a quicker response.

Customers are responsible for docking their own vessel; no staff assistance is provided.

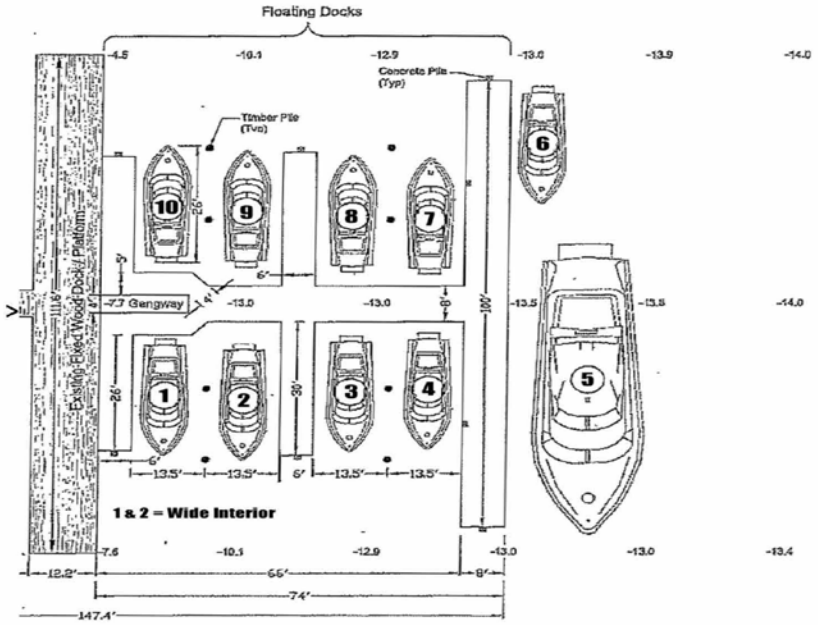
Cancellation/ Refund Policy:
Cancellation at least 14 days in advance - full refund of fees
Cancellation at least 48 hours in advance - 50% of fees
Cancellation less than 48 hours in advance - no refund of fees

Boaters are encouraged to register for two local events:
Blessing of the Fleet – held in conjunction with the Swansboro Mullet Festival on October 7, 2022 at 5PM at Casper's Marina. Honors all boaters – both commercial and pleasure.
Holiday Flotilla – decorate your boat and participate in the Holiday Flotilla on November 25, 2022 in downtown Swansboro.
For more information or to register, contact the Swansboro Parks and Recreation Department at 910-326-2600.

Facility Type	**Docks**
Address Line One	**99 Church Street**

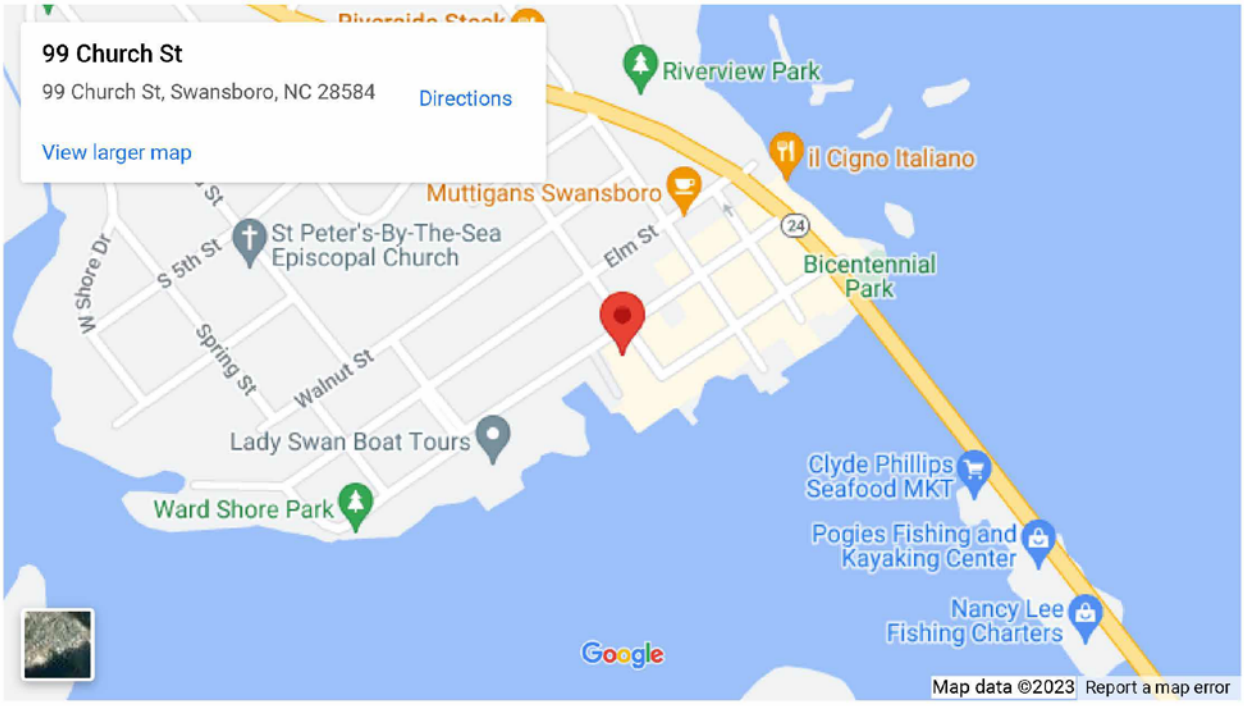
Town of Swansboro Parks and Recreation Department

Address Line Two	
City, State, Zip Code	**Swansboro, NC 28584**
Capacity	**10**



Location

Town of Swansboro Parks and Recreation Department



Town of Swansboro Parks and Recreation Department

Table 37 ▪ RECREATIONAL VESSEL REGISTRATION BY LENGTH AND MEANS OF PROPULSION 2020	
MECHANICALLY PROPELLED	**10,987,619**
Under 16 feet	3,947,119
16 to less than 26 feet	6,452,583
26 to less than 40 feet	505,104
40 to 65 feet	71,610
Over 65 feet	11,203
NOT MECHANICALLY PROPELLED	**850,569**
Rowboats	69,348
Sailboats	94,500
Paddlecraft	568,466
Other	118,255
TOTAL	**11,838,188**

Town Docks

The Swansboro area features three public docks in its historic downtown designed to make access to the town easy and convenient. The largest of the three, the Church Street Dock, is a fixed and floating dock located at the water end of Church Street. Boaters can easily slide into its 10 transient slips from the Intracoastal Waterway and dock for the day or overnight. With a dockside depth of 8 feet, the slips can accommodate vessels up to 100 ft., and charges $1.50 per foot/per day. The dock also provides both electricity and water and is pet friendly.

Swansboro's Public Day Dock, also known as the Town Dinghy Dock, is located at the end of Main Street. This dual purpose dock is used both for fishing and docking smaller boats for the day. There is no charge for using the dock, and with its central location in the downtown area, it's the perfect place to dock, shop, and dine for the day.

The town's Moore Street Dock is yet another day option for smaller boats. Located adjacent to the Icehouse Waterfront Restaurant at the foot of Moore Street, the dock features two free boat slips for smaller vessels plus a pedestrian walkway.

*Call **(910) 326-2600** for questions or reservations during business hours. For reservations after 7 pm Monday–Friday and on Saturday and Sunday call **(252) 503-5024** and your call will be returned by the next working day. Please be sure to leave a message on the afterhours number to receive a quicker response.*

Church Street Dock

(9 Slip Floating Dock) Located at end of Church St.

1 facing slip:
Length: 100 ft.
Depth: 10 ft.

6 internal slips:
12 ft. 7" w by 50 ft.
Depth: 8 ft.

2 internal slips:
25 ft. w by 50 ft.
Depth: 8 ft.

Amenities:

Restrooms are open 8am-8pm and office is everyday 9am-5pm.

Pump out $35 - please allow 24 hrs. notice

Electric $5

Internet access - please ask for password at registration

NOTE: During tidal transitions, a strong current runs parallel with shoreline.

Main Street Dock

Located at the end of Main St. (day usage)

Length: 50 ft.

Depth: 6-8 ft.

Moore Street Dock

Located at the end of Moore Street.
(day usage, Floating dock)

Length: 55 ft.

Depth: 8-10 ft.

Swansboro
NORTH CAROLINA

Swansboro Tourism Development Authority
Web Design City

TDA Grant Funding Application

U.S. Department of Transportation
United States Coast Guard

Commander
U. S. Coast Guard
Group Fort Macon

2301 East Fort Macon RD
Atlantic Beach, NC 28512-5633
Staff Symbol: OPS
Phone: (252) 247-4567
FAX: (252) 247-4579

3000
June 18, 2001

Mr. Tim Simpson
Towboat US/Swansboro
803 Water St
Swansboro, NC 28584

Subj: LETTER OF APPRECIATION

Capt. Simpson,

On behalf of the Commanding Officer and crew of U. S. Coast Guard Station Swansboro, I wish to express my sincere appreciation for your emergency response to the capsized Coast Guard boat on May 9, 2001 in Bogue Inlet. You immediately responded to this hazardous situation by rescuing three Coastguardsmen from the water and towing the damaged boat back to a haul out facility.

The Law of the Sea requires all vessels underway to assist another vessel in need, however; there is no requirement for a mariner to literally get his moored vessel underway to respond to an emergency. That is primarily why the Coast Guard exists. In this case the role was somewhat reversed! Your actions in support of the Coast Guard set a high standard and are symbolic of an ideal situation where maritime commercial salvors are actually part of the emergency network of available responders for disasters at sea! We thank you for being there for us. If we can be of service, please don't hesitate to call.

W. D. LEE

Copy: Station Fort Macon

U.S. Department of Transportation
United States Coast Guard

Commander
U. S. Coast Guard
Group Fort Macon

2301 East Fort Macon RD
Atlantic Beach, NC 28512-5633
Staff Symbol: OPS
Phone: (252) 247-4567
FAX: (252) 247-4579

3000
July 27, 2001

Mr. Tim Simpson
Towboat U.S./Swansboro
803 Water St
Swansboro, NC 28584

Dear Captain Simpson:

I wish to extend my sincere appreciation for your efforts on July 23, 2001, in response to a Coast Guard radio broadcast involving a person in the water in the vicinity of the White Oak River Bridge. Upon hearing the broadcast, you voluntarily got underway in the middle of the night to assist local authorities in rescuing a woman who had attempted suicide by jumping from the Bridge into the Intercoastal Waterway. During your rescue, you actually had to go into the water yourself and physically retrieve the struggling woman, literally saving her life.

On behalf of the Commanding Officer and crew of Coast Guard Station Swansboro, I thank you for your humanitarian response and your ardent professionalism as a mariner. You are a credit to the commercial salvage industry and a tremendous asset and friend to Coast Guard Group Fort Macon. Again, thank you for a job well done!

W. D. LEE
Commander, U. S. Coast Guard
Commander, Coast Guard Group Fort Macon

Copy: Station Fort Macon
District Five (Aod)

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
20301 MAIL SERVICE CENTER • RALEIGH, NC 27699-0301

MICHAEL F. EASLEY
GOVERNOR

May 13, 2004

Mr. Tim Simpson
PO Box 123
Swansboro, NC 28584

Dear Mr. Simpson:

BMCS Eric Floyd recently shared with me the incident that occurred on August 10, 2003.

Water rescue personnel with the Emerald Isle Fire Department had been busy all that week with surf rescues, and were busy that day with a rescue at Bogue Inlet. While the Coast Guard Station Emerald Isle boat was preparing to assist in that rescue, they were called to assist another rescue farther down the beach. When they arrived, they realized that two firemen had capsized their inflatable boat. One of the firemen had been able to swim to shore, but the second fireman was in trouble in the rough surf.

You also heard the distress call on the radio and voluntarily proceeded to the scene, despite the rough sea conditions and capability of your boat. Although the fireman was completely exhausted by this time and unable to help himself, you were able to drag him onto your boat and get him to safety.

Without question, your quick thinking and appropriate response saved the life of that fireman, and I thank you for a job well done. You make me proud to call North Carolina home, and I ask that you accept a Certificate of Appreciation as a token of my gratitude.

With kindest regards, I remain

Very truly yours,

Michael F. Easley

MFE:pbt

Enclosure

cc: BMCS Eric D. Floyd

MIKE McINTYRE
7TH DISTRICT, NORTH CAROLINA

COMMITTEE ON AGRICULTURE
RANKING MEMBER
SUBCOMMITTEE ON SPECIALTY CROPS
SUBCOMMITTEE ON CONSERVATION, CREDIT, AND RURAL DEVELOPMENT

COMMITTEE ON ARMED SERVICES
SUBCOMMITTEE ON TACTICAL AIR AND LAND FORCES
SUBCOMMITTEE ON TERRORISM, UNCONVENTIONAL THREATS AND CAPABILITIES

Congress of the United States
House of Representatives
Washington, DC 20515–3307
WEB PAGE:
www.house.gov/mcintyre

ASSISTANT WHIP
CO-CHAIRMAN
SPECIAL OPERATIONS FORCES CAUCUS
CO-CHAIRMAN
TASK FORCE ON FATHERHOOD
CO-CHAIRMAN
COALITION TASK FORCE ON BUSINESS AND TECHNOLOGY
STEERING COMMITTEE
RURAL HEALTH CARE COALITION

June 18, 2004

Dear Mr. Simpson:

While there are many people who are willing to help those in need, few are willing to risk their own lives in order to save another. Your courageous and selfless actions made you a true hero not only in the eyes of a grateful community, but especially in the eyes of one member of the Emerald Isle Fire Department. I am writing to commend you for your heroic service in saving the life of this local fire fighter. We all benefit from your sense of community service.

Moreover, I would like to congratulate you for being recognized by the United States Coast Guard and the Governor of the State of North Carolina for your acts of heroism. I applaud your commitment to your community, and I would like to express my gratitude for a life saved and commend you on your valorous actions.

Congratulations, and may God bless you and your family.

Sincerely,

Mike McIntyre
Member of Congress

MM: kt

228 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-3307
(202) 225-2731
FAX: (202) 225-5773

301 GREEN STREET, ROOM 218
FAYETTEVILLE, NC 28301-5088
(910) 323-0260
FAX: (910) 323-0969

701 NORTH ELM STREET
LUMBERTON, NC 28358-4895
(910) 671-6223
FAX: (910) 739-5085

201 NORTH FRONT STREET, SUITE 410
WILMINGTON, NC 28401-3957
(910) 815-4959
FAX: (910) 815-4543

Permit Class
NEW

Permit Number
36-10

STATE OF NORTH CAROLINA
Department of Environment and Natural Resources
and
Coastal Resources Commission

Permit

for

X Major Development in an Area of Environmental Concern pursuant to NCGS 113A-118

___ Excavation and/or filling pursuant to NCGS 113-229

Issued to Ann Shuler, PO Box 56, Swansboro, NC 28584

Authorizing development in Onslow County at White Oak River, 167 Front Street, Swansboro, as requested in the permittee's application dated 11/23/09, including the attached workplan drawings (5), all dated 11/5/09

This permit, issued on May 12, 2010, is subject to compliance with the application (where consistent with the permit), all applicable regulations, special conditions and notes set forth below. Any violation of these terms may be subject to fines, imprisonment or civil action; or may cause the permit to be null and void.

Docking Facility

1) Unless specifically altered herein, this permit authorizes the docks, piers, platforms and other structures and uses located in or over the water that are expressly and specifically set forth in the permit application. No other structure, whether floating or stationary, shall become a permanent part of this docking facility without permit modification. No non-water dependent uses of structures shall be conducted on, in or over public trust waters without permit modification.

2) No sewage, whether treated or untreated, shall be discharged at any time from any boats using the docking facility. Any sewage discharge at the docking facility shall be considered a violation of this permit for which the permittee is responsible. This prohibition shall be applied and enforced throughout the entire existence of the permitted structure.

(See attached sheets for Additional Conditions)

This permit action may be appealed by the permittee or other qualified persons within twenty (20) days of the issuing date. An appeal requires resolution prior to work initiation or continuance as the case may be.

This permit must be accessible on-site to Department personnel when the project is inspected for compliance.

Any maintenance work or project modification not covered hereunder requires further Division approval.

All work must cease when the permit expires on

August 21, 2014

In issuing this permit, the State of North Carolina agrees that your project is consistent with the North Carolina Coastal Management Program.

Signed by the authority of the Secretary of DENR and the Chairman of the Coastal Resources Commission.

Dep. V Huggett
for James H. Gregson, Director
Division of Coastal Management

This permit and its conditions are hereby accepted.

Jane P. Shuler
Signature of Permittee

Ann Shuler

ADDITIONAL CONDITIONS

3) The pier and associated structures shall have a minimum setback distance of 15 feet between any parts of the structure and the adjacent property owner's riparian access corridor to the North.

4) Should the waterfront lot to the South be sold prior to the initiation of construction of the docking facility, the permittee shall obtain a written agreement from the new owner(s) agreeing to allow the construction of the permitted docking facility within the riparian corridor of that property, and a copy of the new agreement shall be submitted to the Division of Coastal Management prior to initiating construction of the docking facility.

5) No attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the authorized work.

6) The permittee shall maintain the authorized work in good condition and in conformance with the terms and conditions of this permit. The permittee is not relieved of this requirement if he abandons the permitted activity without having it transferred to a third party.

7) This permit does not authorize the interference with any existing or proposed Federal project, and the permittee shall not be entitled to compensation for damage to the authorized structure or work, or injury which may be caused from existing or future operations undertaken by the United States in the public interest.

8) The permittee shall install and maintain at his expense any signal lights or signals prescribed by the U.S. Coast Guard, through regulation or otherwise, on the authorized facilities. At a minimum, permanent reflectors shall be attached to the structure in order to make it more visible during hours of darkness or inclement weather.

9) This permit authorizes seven (7) formalized boat slips.

General

10) The permittee understands and agrees that, if future operations by the United States requires the removal, relocation, or other alteration of the structure or work authorized by this permit, or if in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate or alter the work or obstructions caused thereby, without expense to the United States or the state of North Carolina. No claim shall be made against the United States or the state of North Carolina on account of any such removal or alteration.

11) This permit shall not be assigned, transferred, sold, or otherwise disposed of to a third party without the written approval of the Division of Coastal Management.

12) No vegetated wetlands shall be excavated or filled, even temporarily, without permit modification.

13) This permit does not authorize any upland development without permit modification.

Ann Shuler

ADDITIONAL CONDITIONS

NOTE: This permit does not eliminate the need to obtain any additional state, federal or local permits, approvals or authorizations that may be required.

NOTE: The N.C. Division of Water Quality has authorized the proposed project under DWQ Project No. 09-1349.

NOTE: The U.S. Army Corps of Engineers authorized the proposed project under COE Action Id. No. SAW-2010-00060 which was issued on 1/11/10.

DCM MP-1

APPLICATION for Major Development Permit

(last revised 12/27/06)

North Carolina DIVISION OF COASTAL MANAGEMENT

1. *Primary Applicant/ Landowner Information*				
Business Name N/A		Project Name (if applicable) N/A		
Applicant 1: First Name Ann	MI C.	Last Name Shuler		
Applicant 2: First Name N/A	MI N/A	Last Name N/A		
If additional applicants, please attach an additional page(s) with names listed.				
Mailing Address		PO Box 56	City Swansboro	State N.C.
ZIP 28584	Country United States	Phone No. 910 - 391 - 9999 ext.		FAX No. N/A - -
Street Address *(if different from above)* 137 Front Street		City Swansboro	State N.C.	ZIP - 28584
Email N/A				

2. *Agent/Contractor Information*				
Business Name Charles A. Rawls & Associates, Pa				
Agent/ Contractor 1: First Name Charles	MI A.	Last Name Rawls		
Agent/ Contractor 2: First Name DeWittt	MI TC	Last Name Cleve		
Mailing Address 1117 Hamock Beach Road		PO Box 1127	City Swansboro	State N.C.
ZIP 28584		Phone No. 1 910 - 326 - 1408 ext.	Phone No. 2 910 - 389 - 2126 ext.	
FAX No. 910 326 1400		Contractor # N/A		
Street Address *(if different from above)* N/A		City N/A	State N/A	ZIP N/A -
Email tccleve@ec.rr.com				

<Form continues on back>

3. Project Location

County (can be multiple)	Street Address		State Rd. #
Onslow	137 Front Street		N/A
Subdivision Name	**City**	**State**	**Zip**
N/A	Swansboro	N.C.	- 28584

Phone No.	Lot No.(s) *(if many, attach additional page with list)*
910 - 326 - 3583 ext.	N/A, , , ,
a. In which NC river basin is the project located? White Oak	b. Name of body of water nearest to proposed project White Oak River
c. Is the water body identified in (b) above, natural or manmade? ☒Natural ☐Manmade ☐Unknown	d. Name the closest major water body to the proposed project site. Bogue Sound
e. Is proposed work within city limits or planning jurisdiction? ☒Yes ☐No	f. If applicable, list the planning jurisdiction or city limit the proposed work falls within. Swansboro

4. Site Description

a. Total length of shoreline on the tract (ft.)	b. Size of entire tract (sq.ft.)
61.85'	4763.60 sq. ft.
c. Size of individual lot(s) N/A, , , *(if many lot sizes, please attach additional page with a list)*	d. Approximate elevation of tract above NHW *(normal high water)* or NWL *(normal water level)* 4' ☐NHW or ☒NWL

e. Vegetation on tract
Marsh grass as shown on attached map.

f. Man-made features and uses now on tract
One story building which is used for retail buisness.

g. Identify and describe the existing land uses adjacent to the proposed project site.
The property to the south is a vacant lot, beside that lot is a retail business. The property to the north is retail business.

h. How does local government zone the tract?	i. Is the proposed project consistent with the applicable zoning? (Attach zoning compliance certificate, if applicable)
B2	☒Yes ☐No ☐NA

j. Is the proposed activity part of an urban waterfront redevelopment proposal? ☐Yes ☒No

k. Has a professional archaeological assessment been done for the tract? If yes, attach a copy. ☐Yes ☐No ☒NA

If yes, by whom?

l. Is the proposed project located in a National Registered Historic District or does it involve a National Register listed or eligible property? ☒Yes ☐No ☐NA

<Form continues on next page>

m. (i) Are there wetlands on the site?	☒Yes ☐No
(ii) Are there coastal wetlands on the site?	☒Yes ☐No
(iii) If yes to either (i) or (ii) above, has a delineation been conducted? *(Attach documentation, if available)*	☐Yes ☒No
n. Describe existing wastewater treatment facilities. Public sewer	
o. Describe existing drinking water supply source. Public water supply	
p. Describe existing storm water management or treatment systems. There is no storm water on site. The town has strom water within the town streets.	

5. Activities and Impacts	
a. Will the project be for commercial, public, or private use?	☒Commercial ☐Public/Government ☐Private/Community
b. Give a brief description of purpose, use, and daily operations of the project when complete. This pier will be used for private dockage as well as boats not belonging to the owner. Owner may have tour boat using the end slip. Parking for this dock will be on Front Street, public parking.	
c. Describe the proposed construction methodology, types of construction equipment to be used during construction, the number of each type of equipment and where it is to be stored. This application is for the construction of a dock for 7 boat slips. The equipment used will be a floating barge with a backhoe and pumps in order to drive piles for the construction of the dock. All equipment will be on site.	
d. List all development activities you propose. Building of a dock with a platform and finger piers.	
e. Are the proposed activities maintenance of an existing project, new work, or both?	New work
f. What is the approximate total disturbed land area resulting from the proposed project?	N/A ☐Sq.Ft or ☐Acres
g. Will the proposed project encroach on any public easement, public accessway or other area that the public has established use of?	☐Yes ☒No ☐NA
h. Describe location and type of existing and proposed discharges to waters of the state. There will be no discharge from this construction.	
i. Will wastewater or stormwater be discharged into a wetland?	☐Yes ☒No ☐NA
If yes, will this discharged water be of the same salinity as the receiving water?	☐Yes ☐No ☒NA
j. Is there any mitigation proposed? If yes, attach a mitigation proposal.	☐Yes ☒No ☐NA

<Form continues on back>

6. Additional Information

In addition to this completed application form, (MP-1) the following items below, if applicable, must be submitted in order for the application package to be complete. Items (a) – (f) are always applicable to any major development application. Please consult the application instruction booklet on how to properly prepare the required items below.

a. A project narrative.

b. An accurate, dated work plat (including plan view and cross-sectional drawings) drawn to scale. Please give the present status of the proposed project. Is any portion already complete? If previously authorized work, clearly indicate on maps, plats, drawings to distinguish between work completed and proposed.

c. A site or location map that is sufficiently detailed to guide agency personnel unfamiliar with the area to the site.

d. A copy of the deed (with state application only) or other instrument under which the applicant claims title to the affected properties.

e. The appropriate application fee. Check or money order made payable to DENR.

f. A list of the names and complete addresses of the adjacent waterfront (riparian) landowners and signed return receipts as proof that such owners have received a copy of the application and plats by certified mail. Such landowners must be advised that they have 30 days in which to submit comments on the proposed project to the Division of Coastal Management.

Name Thomas E. Hawkins — Phone No. 252-566-9497

Address 409 Fire Tower Road, Legrange, N.C. 28557

Name Marjory S. Conder — Phone No. 910-326-5383

Address P.O. Box 56, Swansboro, N.C. 28584

Name — Phone No.

Address

g. A list of previous state or federal permits issued for work on the project tract. Include permit numbers, permittee, and issuing dates.

46781, Ann C. Shuler, 10/18/06

h. Signed consultant or agent authorization form, if applicable.

i. Wetland delineation, if necessary.

j. A signed AEC hazard notice for projects in oceanfront and inlet areas. *(Must be signed by property owner)*

k. A statement of compliance with the N.C. Environmental Policy Act (N.C.G.S. 113A 1-10), if necessary. If the project involves expenditure of public funds or use of public lands, attach a statement documenting compliance with the North Carolina Environmental Policy Act.

7. Certification and Permission to Enter on Land

I understand that any permit issued in response to this application will allow only the development described in the application. The project will be subject to the conditions and restrictions contained in the permit.

I certify that I am authorized to grant, and do in fact grant permission to representatives of state and federal review agencies to enter on the aforementioned lands in connection with evaluating information related to this permit application and follow-up monitoring of the project.

I further certify that the information provided in this application is truthful to the best of my knowledge.

Date 11/23/09 Print Name Ann C. Shuller

Signature Ann C. Shuller

Please indicate application attachments pertaining to your proposed project.

☐DCM MP-2 Excavation and Fill Information ☐DCM MP-5 Bridges and Culverts

☐DCM MP-3 Upland Development

☒DCM MP-4 Structures Information

Form DCM MP-4

STRUCTURES

(Construction within Public Trust Areas)

Attach this form to Joint Application for CAMA Major Permit, Form DCM MP-1. Be sure to complete all other sections of the Joint Application that relate to this proposed project. Please include all supplemental information.

1. DOCKING FACILITY/MARINA CHARACTERISTICS

☐ *This section not applicable*

a. (i) Is the docking facility/marina:
☒ Commercial ☐ Public/Government ☐ Private/Community

b. (i) Will the facility be open to the general public?
☐ Yes ☒ No

c. (i) Dock(s) and/or pier(s)
(ii) Number 1
(iii) Length 120'
(iv) Width 6'
(v) Floating ☐ Yes ☒ No

d. (i) Are Finger Piers included? ☒ Yes ☐ No
If yes:
(ii) Number 3
(iii) Length 12.5' & 20'
(iv) Width 2'
(v) Floating ☐ Yes ☒ No

e. (i) Are Platforms included? ☒ Yes ☐ No
If yes:
(ii) Number 1'
(iii) Length 30'
(iv) Width 10'
(v) Floating ☐ Yes ☒ No
Note: Roofed areas are calculated from dripline dimensions.

f. (i) Are Boatlifts included? ☐ Yes ☒ No
If yes:
(ii) Number _____
(iii) Length _____
(iv) Width _____

g. (i) Number of slips proposed
7
(ii) Number of slips existing
0

h. Check all the types of services to be provided.
☐ Full service, including travel lift and/or rail, repair or maintenance service
☐ Dockage, fuel, and marine supplies
☒ Dockage ("wet slips") only, number of slips: 7
☐ Dry storage; number of boats: _____
☐ Boat ramp(s); number of boat ramps: _____
☐ Other, please describe:
_____

i. Check the proposed type of siting:
☐ Land cut and access channel
☐ Open water; dredging for basin and/or channel
☒ Open water; no dredging required
☐ Other; please describe:
_____

j. Describe the typical boats to be served (e.g., open runabout, charter boats, sail boats, mixed types).
Mixed types

k. Typical boat length: 18'-45'

l. (i) Will the facility be open to the general public?
☐ Yes ☒ No

m. (i) Will the facility have tie pilings?
☒ Yes ☐ No
(ii) If yes number of tie pilings?
10

PLANNING • MAPPING
SURVEYING
Charles Rawls & ASSOCIATES

Charles A. Rawls & Associates

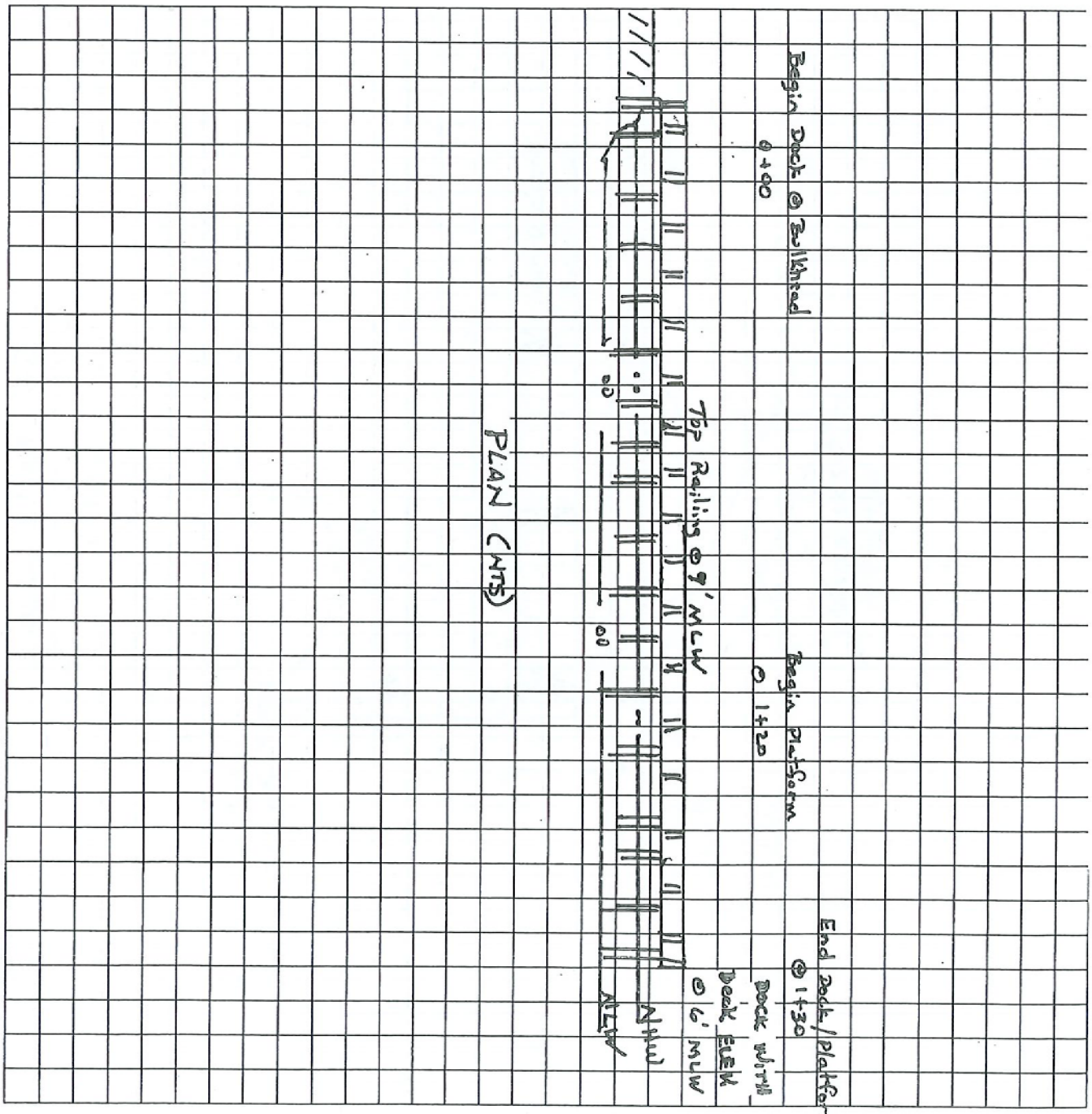
P.O. Box 1126
1117 Hammocks Beach Rd. *910-326-1408 Phone*
Swansboro, N.C. 28584 *910-326-1400 Fax*

E-mail: CRAWLSASSOC@ec.rr.com

Job:_____

Date:_____

Scale:_____



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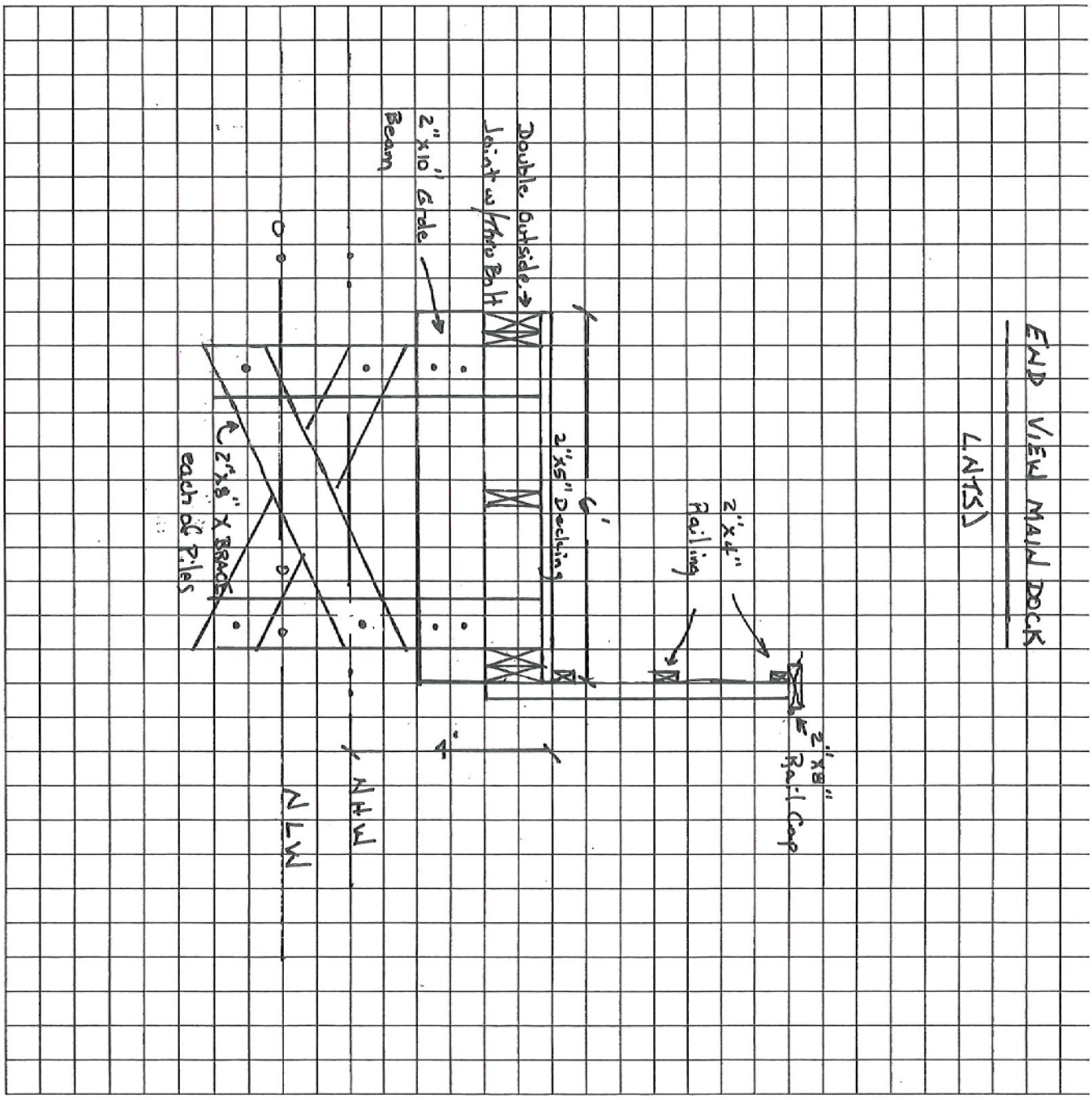
E-mail: CRAWLSASSOC@ec.rr.com

Job:_____

Date:_____

Scale:_____



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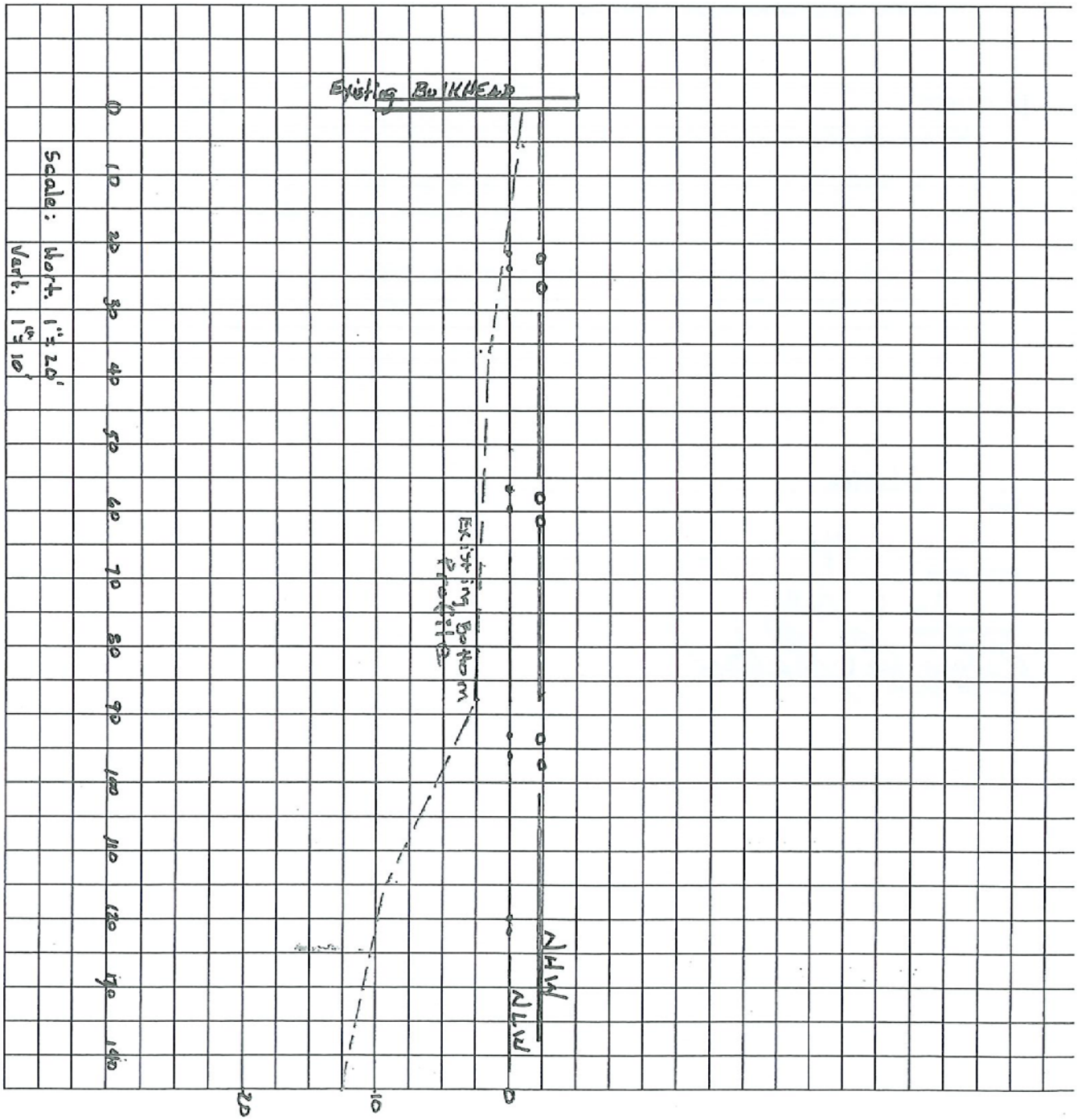
1117 Hammocks Beach Rd. *910-326-1408 Phone*
Swansboro, N.C. 28584 *910-326-1400 Fax*

E-mail: CRAWLSASSOC@ec.rr.com

Job: _____

Date: _____

Scale: _____



a. Proximity of structure(s) to adjacent riparian property lines

b. Proximity of structure(s) to adjacent docking facilities.

Note: For buoy or mooring piling, use arc of swing including length of vessel.

c. Width of water body

d. Water depth at waterward end of structure at NLW or NWL

e. (i) Will navigational aids be required as a result of the project?
☐Yes ☐No ☐NA
(ii) If yes, explain what type and how they will be implemented.

8. OTHER ☒ *This section not applicable*

a. Give complete description:

11/23/09
Date

N/A
Project Name

Ann C. Shuller
Applicant Name

Ann C. Shuller
Applicant Signature

n. Is the marina/docking facility proposed within or adjacent to any shellfish harvesting area?
☐Yes ☒No

o. Is the marina/docking facility proposed within or adjacent to coastal wetlands/marsh (CW), submerged aquatic vegetation (SAV), shell bottom (SB), or other wetlands (WL)? If any boxes are checked, provide the number of square feet affected.
☒CW 966 sf ☐SAV ____ ☐SB ____
☐WL ____ ☐None

p. Is the proposed marina/docking facility located within or within close proximity to any shellfish leases? ☐Yes ☒No
If yes, give the name and address of the leaseholder(s), and give the proximity to the lease.

3. BOATHOUSE *(including covered lifts)*

☒*This section not applicable*

a. (i) Is the boathouse structure(s):
☐Commercial ☐Public/Government ☐Private/Community
(ii) Number ____
(iii) Length ____
(iv) Width ____
Note: Roofed areas are calculated from dripline dimensions.

4. GROIN *(e.g., wood, sheetpile, etc. If a rock groin, use MP-2, Excavation and Fill.)*

☒*This section not applicable*

a. (i) Number ____
(ii) Length ____
(iii) Width ____

5. BREAKWATER *(e.g., wood, sheetpile, etc.)*

☒*This section not applicable*

a. Length ____

b. Average distance from NHW, NWL, or wetlands ____

c. Maximum distance beyond NHW, NWL or wetlands ____

6. MOORING PILINGS and BUOYS

☒*This section not applicable*

a. Is the structure(s):
☐Commercial ☐Public/Government ☐Private/Community

b. Number ____

c. Distance to be placed beyond shoreline ____
Note: This should be measured from marsh edge, if present.

d. Description of buoy (color, inscription, size, anchor, etc.)

e. Arc of the swing ____

7. GENERAL

2. DOCKING FACILITY/MARINA OPERATIONS

☐ *This section not applicable*

a. Check each of the following sanitary facilities that will be included in the proposed project.

☐ Office Toilets

☐ Toilets for patrons; Number: _____; Location: N/A

☐ Showers

☐ Boatholding tank pumpout; Give type and location: N/A

b. Describe treatment type and disposal location for all sanitary wastewater.

N/A

c. Describe the disposal of solid waste, fish offal and trash.

N/A

d. How will overboard discharge of sewage from boats be controlled?

N/A

e. (i) Give the location and number of "No Sewage Discharge" signs proposed.

2 signs, One on the platform area and one half way between slips.

(ii) Give the location and number of "Pumpout Available" signs proposed.

N/A

f. Describe the special design, if applicable, for containing industrial type pollutants, such as paint, sandblasting waste and petroleum products.

N/A

g. Where will residue from vessel maintenance be disposed of?

N/A

h. Give the number of channel markers and "No Wake" signs proposed. N/A

i. Give the location of fuel-handling facilities, and describe the safety measures planned to protect area water quality.

N/A

j. What will be the marina policy on overnight and live-aboard dockage?

There will be no overnight stay or live-aboard dockage.

k. Describe design measures that promote boat basin flushing?

N/A

l. If this project is an expansion of an existing marina, what types of services are currently provided?

No, None

m. Is the marina/docking facility proposed within a primary or secondary nursery area?

☐Yes ☒No