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BOARD OF COMMISSIONERS MEETING AGENDA

Town of Swansboro

Monday, July 11, 2022

Board Members

John Davis, Mayor | Frank Tursi, Mayor Pro Tem | Pat Turner, Commissioner
Harry PJ Pugliese, Commissioner | Larry Philpott, Commissioner | Jeffrey Conaway, Commissioner

I. Call to Order/Opening Prayer/Pledge

Mayor John Davis

II. Public Comment

Citizens have an opportunity to address the Board for no more than three minutes per speaker regarding items listed on the agenda.

There is a second opportunity at the end of the agenda for the public to address the Board on items not listed on the agenda.

III. Adoption of Agenda and Consent Items

Board of Commissioners

The Town Clerk respectfully submits to the Board, the Regular Agenda and the below consent items, which are considered to be of general agreement and little or no controversy. These items may be voted on as a single group without Board discussion "or" if so desired, the Board may request to remove any item(s) from the consent agenda and placed for consideration separately.

Consent Items:

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

IV. Appointments/Recognitions/Presentations

- a. Parks & Recreation Month

Mayor John Davis

V. Public Hearing

- a. Special Use Permit/147 Front Street - Dock

Jennifer Ansell
Planner

Jack Harnatkiewicz has 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)” require a special use permit in the B-2HDO zone.

Recommended Action: 1) Hold a public hearing;
2) A motion to approve or deny the Special Use permit application pursuant to Section 152.210 of the Unified Development Ordinance. In granting a special use permit, the Board of Commissioners shall give due regard to the nature and state of all adjacent structures and uses, and the districts within which the proposed use is to be located.

The Board of Commissioners shall consider whether it is necessary or appropriate to affix conditions thereto for the purposes of protecting neighboring properties and/or the public interest assuring that the use is harmonious with the area, ensuring that the use is consistent with the spirit of the ordinance, and shall affix to such permit any reasonable and appropriate conditions as it finds are necessary for any of those purposes. Upon its determination that all the criteria in Section 152.210 are met, the Board of Commissioners shall enter a written order with findings of fact and conclusions of law and shall issue the special use permit as requested or with such conditions as it finds necessary and appropriate.

VI. Business Non-Consent

a. Future Agenda Items

Alissa Fender
Town Clerk

Future agenda items are shared for visibility and comment. In addition, an opportunity is provided for the Board to introduce items of interest and subsequent direction for placement on future agendas.

Recommended Action: *Discuss and provide any guidance*

VII. Items Moved from Consent

VIII. Public Comment

Citizens have an opportunity to address the Board for no more than five minutes regarding items not listed on the Agenda.

IX. Manager’s Comments

Paula Webb

X. Board Comments

Board of Commissioners

XI. Closed Session - None

Board of Commissioners

XII. Adjournment

Board of Commissioners

ORDINANCE 2022-010
AN ORDINANCE AMENDING THE SWANSBORO TOWN CODE OF
ORDINANCES CHAPTER 74, SCHEDULE VI. SPEED LIMITS

THE BOARD OF COMMISSIONERS OF THE TOWN OF SWANSBORO ORDAINS:

Section 1. "That the following section of the Code of Ordinances, Town of Swansboro, North Carolina, be hereby amended to read as follows:

SCHEDULE VI. SPEED LIMITS.

(B) It shall be unlawful to operate a vehicle in excess of the speeds designated on the following town streets.

(4) ~~Five mile per hour speed limit.~~

Location	Ord. No.	Date Passed
Front Street in its entirety	2022-03	3-28-2022
Church Street from Front Street to Water Street	2022-03	3-28-2022

~~(OC, App. I § 116) Penalty, see § 70.99~~

Ten mile per hour speed limit.

Location	Ord. No.	Date Passed
Front Street in its entirety	2022-010	3-28-2022
Church Street from Front Street to Water Street	2022-010	3-28-2022

Section 2. This ordinance shall become effective upon adoption.

Adopted this 11th day of July 2022.

John Davis, Mayor

Attest:

Alissa A. Fender, Town Clerk



Designation of July as Park and Recreation Month

WHEREAS parks and recreation is an integral part of communities throughout this country, including the Town of Swansboro; and

WHEREAS local parks in our state generated over \$6 billion dollars in economic activity and provided over 37,000 jobs ranking NC as 10th in the nation; and

WHEREAS parks and recreation promote health and wellness, improving the physical and mental health of people who live near parks; and

WHEREAS parks and recreation promote time spent in nature, which positively impacts mental health by increasing cognitive performance and well-being, and alleviating illnesses such as depression, attention deficit disorders, and Alzheimer's; and

WHEREAS parks and recreation encourage physical activities by providing space for popular sports, hiking trails, swimming pools and many other activities designed to promote active lifestyles; and

WHEREAS parks and recreation are a leading provider of healthy meals, nutrition services and education; and

WHEREAS park and recreation programming and education activities, such as out-of-school time programming, youth sports and environmental education, are critical to childhood development; and

WHEREAS parks and recreation increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

WHEREAS parks and recreation are fundamental to the environmental well-being of our community; and

WHEREAS parks and recreation are essential and adaptable infrastructure that makes our communities resilient in the face of natural disasters and climate change; and

WHEREAS our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

WHEREAS the U.S. House of Representatives has designated July as Parks and Recreation Month; and

WHEREAS the Town of Swansboro recognizes the benefits derived from parks and recreation resources.

NOW THEREFORE, BE IT PROCLAIMED, that I, Mayor John Davis, on behalf of the Board of Commissioners of the Town of Swansboro, do here by proclaim that July is recognized as Park and Recreation Month in the Town of Swansboro

Witness my hand and seal on this 11th day of July 2022.

John Davis, Mayor

Attest

Alissa Fender, Town Clerk



Board of Commissioners Meeting Agenda Item Submittal

Item To Be Considered: **Harnatkiewicz Special Use Permit**

Board Meeting Date: **July 11, 2022**

Prepared By: **Jennifer Ansell, Planner**

Overview: Jack Harnatkiewicz has 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)” require 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.

Planning Board Recommendation: The Planning Board reviewed the request at their April 5, 2022 regular meeting, however they did not make a recommendation on the application. A motion to recommend approval was made and seconded but failed 2 to 5. A subsequent motion was made to recommend denial but also failed.

Action Needed: A motion to approve or deny the Special Use permit application pursuant to Section 152.210 of the Unified Development Ordinance.

In granting a special use permit, the Board of Commissioners shall give due regard to the nature and state of all adjacent structures and uses, and the districts within which the proposed use is to be located.

The Board of Commissioners shall consider whether it is necessary or appropriate to affix conditions thereto for the purposes of protecting neighboring properties and/or the public interest assuring that the use is harmonious with the area, ensuring that the use is consistent with the spirit of the ordinance, and shall affix to such permit any reasonable and appropriate conditions as it finds are necessary for any of those purposes.

Upon its determination that all the criteria in Section 152.210 are met, the Board of Commissioners shall enter a written order with findings of fact and conclusions of law and shall issue the special use permit as requested or with such conditions as it finds necessary and appropriate.

Attachments

Applicable Ordinance Sections

Special Use Application

Resolution 2016-R7, Pier Head Line

CAMA Major Permit Review Comments

State Historic Preservation Office Email & Response Letter

Renee Gledhill-Earley Email

ATM Report

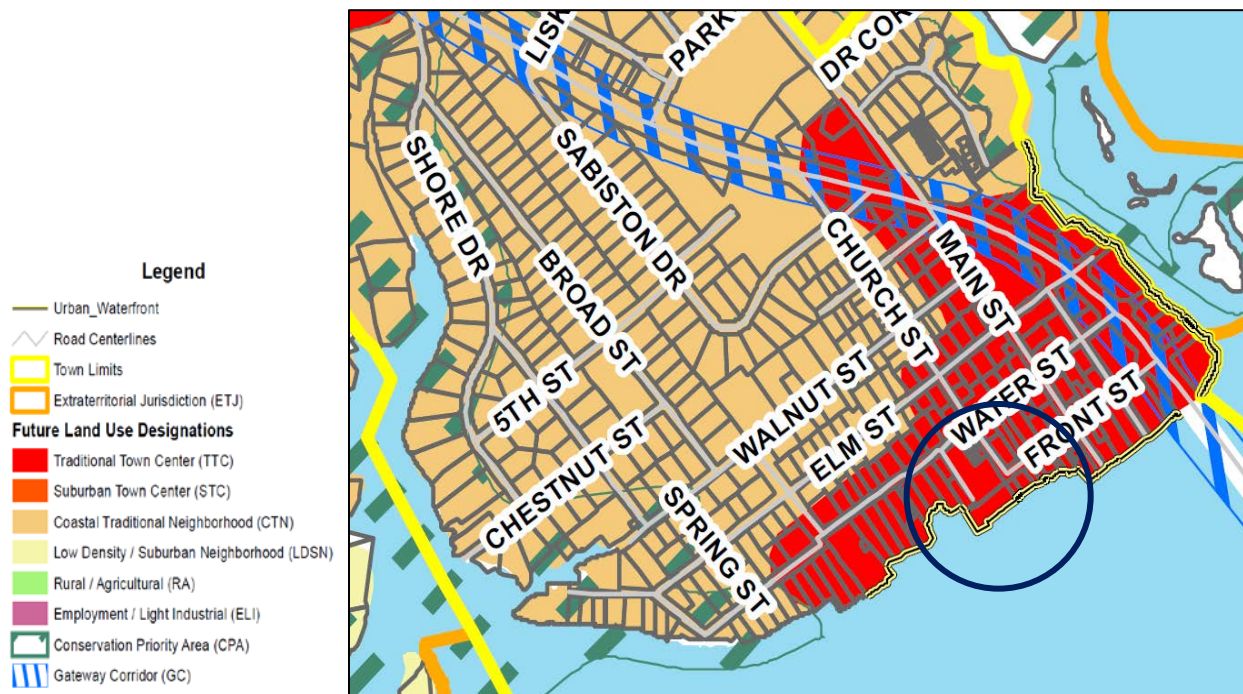
SPECIAL USES

§ 152.210 PROCEDURE FOR SPECIAL USE PERMITS.

- A) Special use permits may be issued by the Administrator, after approval by the Board of Commissioners, for the uses as designated in the table of regulations for special uses. Applications shall include all of the requirements pertaining to it as specified in this section. A hearing shall be held, and all interested persons shall be permitted to offer relevant comments. The Town Board of Commissioners shall consider the application and may approve or deny the requested special use permit.
- B) In granting a special use permit, the Board of Commissioners shall give due regard to the nature and state of all adjacent structures and uses, and the districts within which the proposed use is to be located, and shall make written findings of fact concerning the existence or absence of the following criteria:
- 1) The special use is 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 pursuant to the issuance of a special use permit in the B-2HDO zoning district.
 - 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. A Major CAMA Permit has been obtained for the dock expansion, a copy of which has been attached. The permit requires that a minimum setback be maintained from adjacent facilities, sets a maximum length for the dock, and requires an as-built survey to be provided.
 - 3) The special use will not substantially injure the value of adjoining or abutting property, OR the special use is a public necessity. There are existing, similarly situated docks along the waterfront in the vicinity of this site:



- 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 is 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). The CAMA Land Use Plan Update (2019) identifies the property as Traditional Town Center (TTC) and Urban Waterfront:



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. With proper planning and stormwater management, these areas may continue to preserve local historical and aesthetic values while enhancing the economy.

To provide for the continued cultural, historical, aesthetic, and economic benefits of urban waterfronts, activities such as in-fill development, reuse, and redevelopment facilitate efficient use of already urbanized areas, reduce redevelopment pressure on surrounding areas, and work to minimize the adverse cumulative environmental effects on estuarine and ocean systems. While recognizing that opportunities to preserve buffers are limited in highly developed urban areas, they are encouraged where practical.

The Traditional Town Center (TTC) designation is characterized by mixed use pedestrian-oriented development with a mixture of small to mid-size retail, restaurants and multifamily residences intertwined with civic and institutional spaces. Upper story residential uses are encouraged. Pedestrians would be prioritized, and automobiles are accommodated.

- 5) Upon the issuance of any special use permit, the Board of Commissioners shall consider whether it is necessary or appropriate to affix conditions thereto for the purposes of protecting neighboring properties and/or the public interest assuring that the use is harmonious with the area, and ensuring that the use is consistent with the spirit of the ordinance, and shall affix to such permit such reasonable and appropriate conditions as it finds are necessary for any of those purposes. If any conditions affixed to any special use permit or any part thereof is held invalid by any competent authority, then said special use permit shall be void.

- C) *Orders of Board of Commissioners.* Upon its determination that all of the criteria set out in this section are met, the Board of Commissioners shall enter a written order with findings of fact and conclusions of law and shall issue the special use permit as requested or with such conditions as it finds necessary and appropriate pursuant to this section.
- D) Upon its determination that one or more of the criteria set out in this section are not met, the Board of Commissioners shall issue its written order with findings of fact and conclusions of law and shall deny the requested special use permit.
- E) Any special use permit approved or approved with conditions shall be recorded in the office of the Register of Deeds of Onslow County, North Carolina.
- F) All such additional conditions shall be entered in the minutes of the meeting at which the special use permit is granted and also on the special use permit approval, and on the approved plans submitted therewith. All specific conditions shall run with the land and shall be binding on the original applicant for the special use permit, the heirs, successors, and assigns. In order to ensure that such conditions and requirements for each special use permit will be fulfilled, the petitioner for the special use permit may be required to enter into a contract with the Town of Swansboro providing for the installation of the physical improvements required as a basis for the issuance of the special use permit. Performance of said contract shall be secured by cash or surety bond which will cover the total estimated cost of the improvements as determined by the Town of Swansboro; provided, however, that said bond may be waived by the Town Board of Commissioners within its discretion.
- G) In addition to the conditions specifically imposed by the Town Board of Commissioners, special uses shall comply with the height, area, and parking regulations of the zone in which they are located (no variances from requirements within zoning ordinance are allowed).
- H) In the event of failure to comply with the plans approved by the Board of Commissioners or with any other conditions imposed upon the special use permit, the permit shall thereupon immediately become void and of no effect. No building permits for further construction nor a certificate of compliance under this special use permit shall be issued, and the use of all completed structures shall immediately cease and such completed structures not thereafter be used for any purpose other than a use-by-right as permitted by the zone in which the property is located.
- I) Where plans are required to be submitted and approved as part of the application for a special use permit, modifications of the original plans may be authorized by the Town Board of Commissioners.

TOWN OF SWANSBORO

Special Use Application

APPLICANT'S NAME Jack Harnatkiewicz

MAILING ADDRESS 129 N. Lisk Dr Swansboro Phone # 910 787-3707

OWNER'S NAME Jack Harnatkiewicz

OWNER'S ADDRESS 129 N. Lisk Dr Swansboro Phone # 910 787 3707

TAKE NOTICE THAT THE UNDERSIGNED HEREBY PETITIONS THE BOARD OF COMMISSIONERS OF THE TOWN OF SWANSBORO FOR A SPECIAL USE AS DESCRIBED BELOW AND AS ALLOWED BY ARTICLE 10 OF THE UNIFIED DEVELOPMENT ORDINANCE:

See Attached

ON THE PREMISES LOCATED AT: 147 Front St Swansboro

LOT _____ BLOCK _____ MAP 1407-18

THE PROPERTY IS ZONED: B-2HDO-B-2HDO

THIS 3 DAY OF March, 2022

APPLICANT'S SIGNATURE _____

DATE FILED 3-11-22

RECIPIENT SIGNATURE _____

ZONING ADMINISTRATOR _____

APPLICANT OR APPLICANT REPRESENTATIVE MUST BE PRESENT FOR AN APPLICATION TO BE HEARD. IF SOMEONE OTHER THAN THE APPLICANT WILL BE THE REPRESENTATIVE, THE FOLLOWING MUST BE COMPLETED.

I/We Jack Harnatkiewicz am /are the owner(s) of the property located at 147 Front St Swansboro NC 28584. I/We hereby authorize Jack Harnatkiewicz to appear my behalf in order to ask for a special use permit at this location. I/We understand that the special use permit, if granted, is permanent and runs with the land unless otherwise conditioned.

Jack Harnatkiewicz
Owner

3-11-22
Date

Owner

Date

Onslow County, North Carolina

I certify that the above person(s) personally appeared before me this day, each acknowledging to me that he/she voluntarily signed the foregoing document for the purpose stated herein.

Date: 3/11/2022 Aliette M. Cuadro

(Official Seal)



ALIETTE M. CUADRO
Notary Public
North Carolina
Onslow County

My commission expires: 2/20/2027

SPECIAL USE PERMIT APPLICATION CHECKLIST

STOP

If the following items are not included in your application submittal, your application will not be accepted. Please note that this is not a comprehensive list; there may be other items required following the review of your application.

- ☒ Fee(s) as prescribed by the current Town of Swansboro [Fee Schedule](#)
- ☒ Application submitted at least 17 days prior to the next Planning Board meeting
- ☒ Application must be filled out completely
- ☒ Owner affidavit on application must be completed if applicant is not the property owner
- ☒ A narrative describing the proposed use of the property. This should include proposed hours of operation, number of employees, etc. Items 1-4 under [Section 152.210](#) (B) of the Unified Development Ordinance (UDO) will also need to be addressed in this narrative.

A report from a licensed real estate appraiser to address finding #3 on value is required


- ☒ A site plan depicting all existing and proposed structures, proposed outdoor dining areas, existing and proposed parking areas and circulation, proposed signage locations, utilities including hydrant locations, etc. is required with all applications. A comprehensive list can be found in [Appendix IV](#) to the UDO
- ☒ For new construction, or if the proposed cost of renovations to the structure exceed 50% of the building value per the Onslow County Tax Office, the [Building Design and Compatibility](#) standards of the UDO will apply, and detailed building elevations demonstrating compliance with these standards

must be included. A private appraisal may be provided in lieu of the documented tax value

- ☒ The [Parking](#) standards will apply whenever there is new construction, when any principal building is enlarged or increased in capacity by adding dwelling units, guest rooms, seats, or floor area, or when there is a conversion from one type of use or occupancy to another. The number of spaces, dimensions, proposed layout, and circulation pattern need to be depicted on the site plan
- ☒ The [Landscaping Regulations](#) will apply to all new or changed uses of land, buildings, and structures and to any use of building or structure which sits idle more than 180 consecutive days or is abandoned, except for those uses exempted in sections (C)(1) through (C)(3) under [Section 152.525](#). A landscaping plan must be included with the application when required
- ☒ The [Lighting](#) standards of the UDO apply to any fixtures proposed to be installed. A lighting plan should be included to demonstrate compliance with the ordinance standards
- ☒ [Sidewalks](#) are required for property located in Town Limits when the development of vacant property occurs, the redevelopment of property occurs, or when there are substantial additions to property.

Additionally, sidewalks are required in the Extraterritorial Jurisdiction (ETJ) when the development or redevelopment of vacant commercial property occurs; provided that the development involves the razing, dismantling, or removal of all principal structures existing on a tract of land substantially to ground level. See [Section 152.180](#), Note 5

Proposed sidewalks must be shown on the site plan



Applicant Signature

3-11-22
Date

With the addition of the town dock at the port of Swansboro the boat traffic to downtown significantly increase and has been a great addition to the downtown water front. We want to extend our current dock to allow more boaters access to the downtown area. The dock extension will have 4 slips available for rent on a yearly bases. There also will be slips available for day docking. With a place for kayaks and jet skis also. The town of Swansboro needs more docking options, all dock spaces get full. We watch boats circle the turning basin waiting for a spot to open. CAMA has already approved this project.

§152.210

- The dock is allowed in pursuant to §152.210 and meets all conditions and specifications in §152.211
- The dock will not endanger the public health or safety verified by the CAMA permit approval. Permit #22-22
- The dock will not injure the value of any properties.
- The dock is in harmony with the area and conforms to Land Use Plan as required by G.S. §160A-382(b)

Permit Class
NEW

Permit Number
22-22

STATE OF NORTH CAROLINA
Department of Environmental Quality
and
Coastal Resources Commission

Permit

for

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

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

Issued to **John and Debra Harnatkiewicz, 147 Front St., Swansboro, NC 28584**

Authorizing development in Onslow County at adj. to the White Oak River, at 147 Front Street, in Swansboro, as requested in the permittee's application dated 11/16/21, including attached workplan drawings (2), Existing dated 11/13/21 and 1 of 1 dated "Revised 11/14/21".

This permit, issued on **March 9, 2022**, 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.

Marina Expansion within Urban Waterfront

- 1) This permit authorizes only the docks, piers, tie pilings and boat lifts, 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 marina expansion 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 portion of the docking facility shall exceed a maximum of 157 feet waterward from the waterward edge of the existing bulkhead, to comply the established Town of Swansboro pier-head line, located at the designated U.S. Army Corp of Engineers AIWW setback.

(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.

Signed by the authority of the Secretary of DEQ and the Chair of the Coastal Resources Commission.

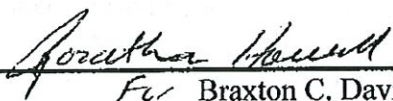
This permit must be accessible on-site to Department personnel when the project is inspected for compliance.

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

All work must cease when the permit expires on

December 31, 2025

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


For **Braxton C. Davis, Director**
Division of Coastal Management

This permit and its conditions are hereby accepted.

Signature of Permittee

ADDITIONAL CONDITIONS

- 3) The waterward edge and adjacent riparian limits of the authorized marina shall be staked by the permittee prior to the start of the dock construction and the permittee shall contact the appropriate DCM Field Representative for an inspection to verify the authorized dock dimensions from normal high water. The stake shall remain in place for the duration of the construction project.
- 4) No sewage, whether treated or untreated, shall be discharged at any time from any boats using the marina. Any sewage discharged at the marina 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.
- 5) 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 minimum, permanent reflectors shall be attached to the structure in order to make it more visible during hours of darkness or inclement weather.
- 6) This permit authorizes 7 additional formalized boat slips for a maximum of 11 formalized boat slips at this marina.
- 7) The pier and associated structures shall have a minimum setback distance of 15 feet between any parts of the structure and the southwestern adjacent property owner's area of riparian access.
- 8) Should Lot to the northeast be sold prior to the initiation of construction of the docking facility, the permittee shall obtain a written agreement from the new owner(s) waiving the minimum setback, and authorization to construct the portion of the docking facility within the property owner's riparian setback, and submit it to the Division of Coastal Management prior to initiating construction of the docking facility.
- 9) 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.
- 10) The authorized structure and associated activity shall not cause an unacceptable interference with navigation and shall not exceed the dimensions shown on the attached permit drawings.
- 11) No portion of the permitted structure shall be located within 100 feet of the near bottom edge of the federally maintained AIWW channel.
- 12) 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.
- 13) The marina shall display a sign showing the location of the nearest pumpout facility, including other appropriate waste disposal information, at the entrance and exit from the main pier.

ADDITIONAL CONDITIONS

Easement

- 14) An Easement from the Department of Administration's State Property Office may be required under N.C.G.S. 146-12(e). The permittee shall contact the State Property Office prior to the initiation of construction of any structures over state-owned submerged lands to determine if such an easement will be required. Any required easements shall be obtained, and a copy provided to the Division of Coastal Management, prior to the construction of any new boat slips or other docking facilities authorized under this permit.

As-Built Survey

- 15) An as-built survey shall be performed on the marina, and copies of the survey provided to the Division of Coastal Management, within 60 days of completion of construction of these portions of the project.

Sedimentation and Erosion Control

- 16) In order to protect water quality, runoff from construction shall not visibly increase the amount of suspended sediments in adjacent waters.
- 17) Appropriate sedimentation and erosion control devices, measures or structures shall be implemented to ensure that eroded materials do not enter adjacent wetlands, watercourses or properties.

USACE Conditions

- 18) In order to further protect the endangered West Indian Manatee, *Trichechus manatus*, the applicant must implement the U.S. Fish & Wildlife Service's Guidelines, and strictly adhere to all requirements therein. The guidelines can be found at <https://www.fws.gov/raleigh/pdfs/ManateeGuidelines2017.pdf>.

General

- 19) 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.
- 20) All construction debris associated with the removal or construction of the permitted development shall be contained within the authorized project area and disposed of in an approved upland location.
- 21) The permittee and/or his or her contractor shall meet with a representative of the Division prior to project initiation.

NOTE: The permittee is advised to institute a comprehensive marina management plan to address the general use and potential risks associated with the daily use of the marina.

NOTE: This permit does not eliminate the need to obtain any additional state, federal or local permits, approvals or authorizations that may be required, including but not limited to any authorizations required by the Town of Swansboro.

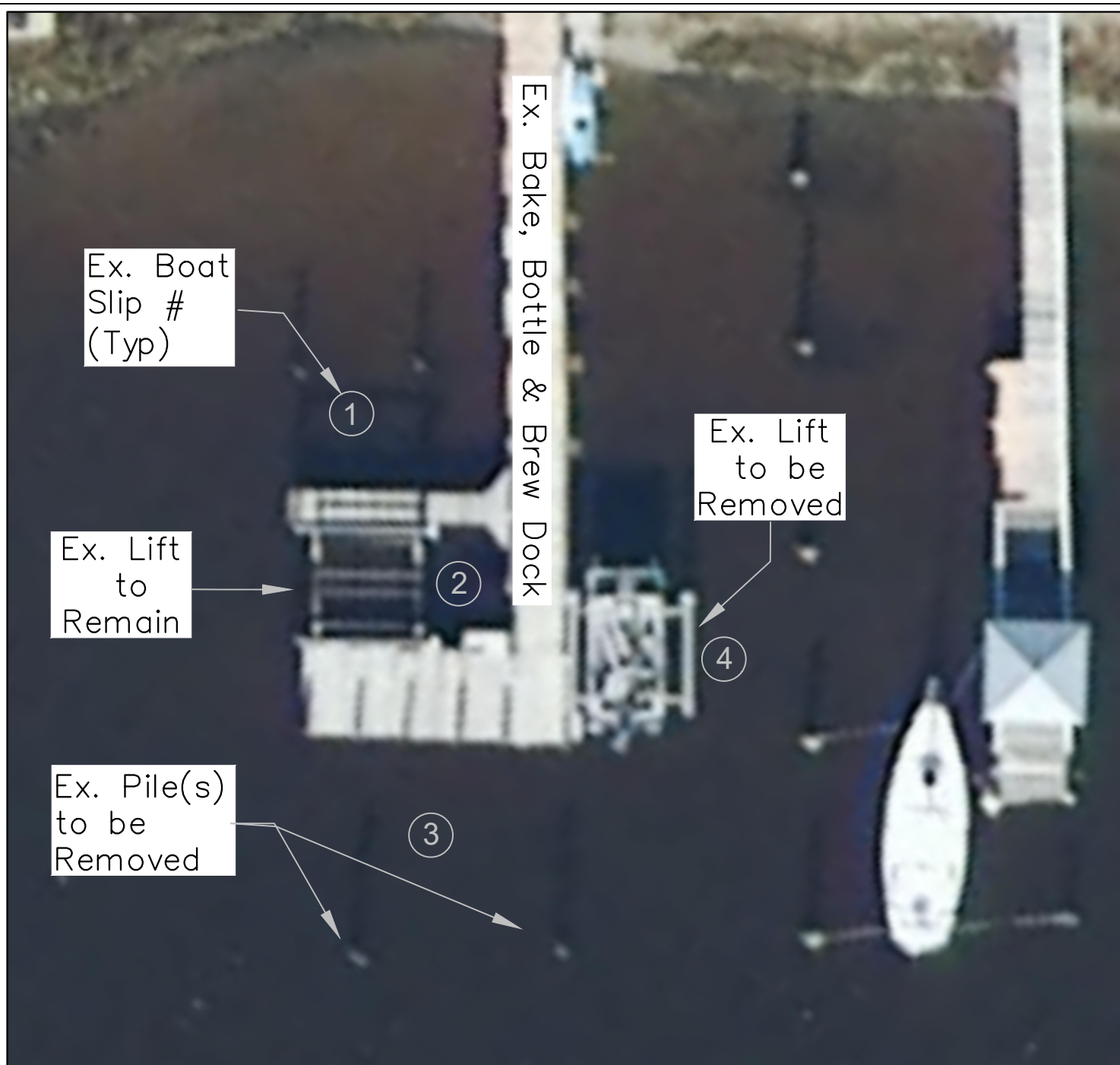
ADDITIONAL CONDITIONS

NOTE: The U.S. Army Corps of Engineers authorized the project by way of Programmatic General Permit 198000291 (Action ID SAW-2022-00073).

NOTE: The N.C. Division of Water Resources authorized the proposed project by way of Water Quality Certification No. 004636 and assigned the project DWR Project No. 2021-1839.

NOTE: Future development of the permittee's property may require a modification of this permit. Contact a representative of the Division at (252) 808-2808 prior to the commencement of any such activity for this determination. The permittee is further advised that many non-water dependent activities are not authorized within 30 feet of the normal high-water level.

NOTE: An application processing fee of \$400 was received by DCM for this project. This fee also satisfied the Section 401 application processing fee requirements of the Division of Water Resources.



***Bake, Bottle & Brew
CAMA Permitting Addendum
147 Front St.
Swansboro, NC 28584
for Clarification of Existing Boat Slips & Lifts
(Not for Construction)***

***November 13, 2021
Not to Scale
Drawn by JF***



Crystal Coast Engineering, P.A.

Civil and Environmental Consulting Engineers

David K. Newsom, PE

John R. Freshwater, PE

205-3 WARD ROAD, SWANSBORO, N.C. 28584

PHONE: (910) 787- 3728

BUSINESS LICENSE #: C-2553

CAMA Process Planning
and Permit Facilitation by:

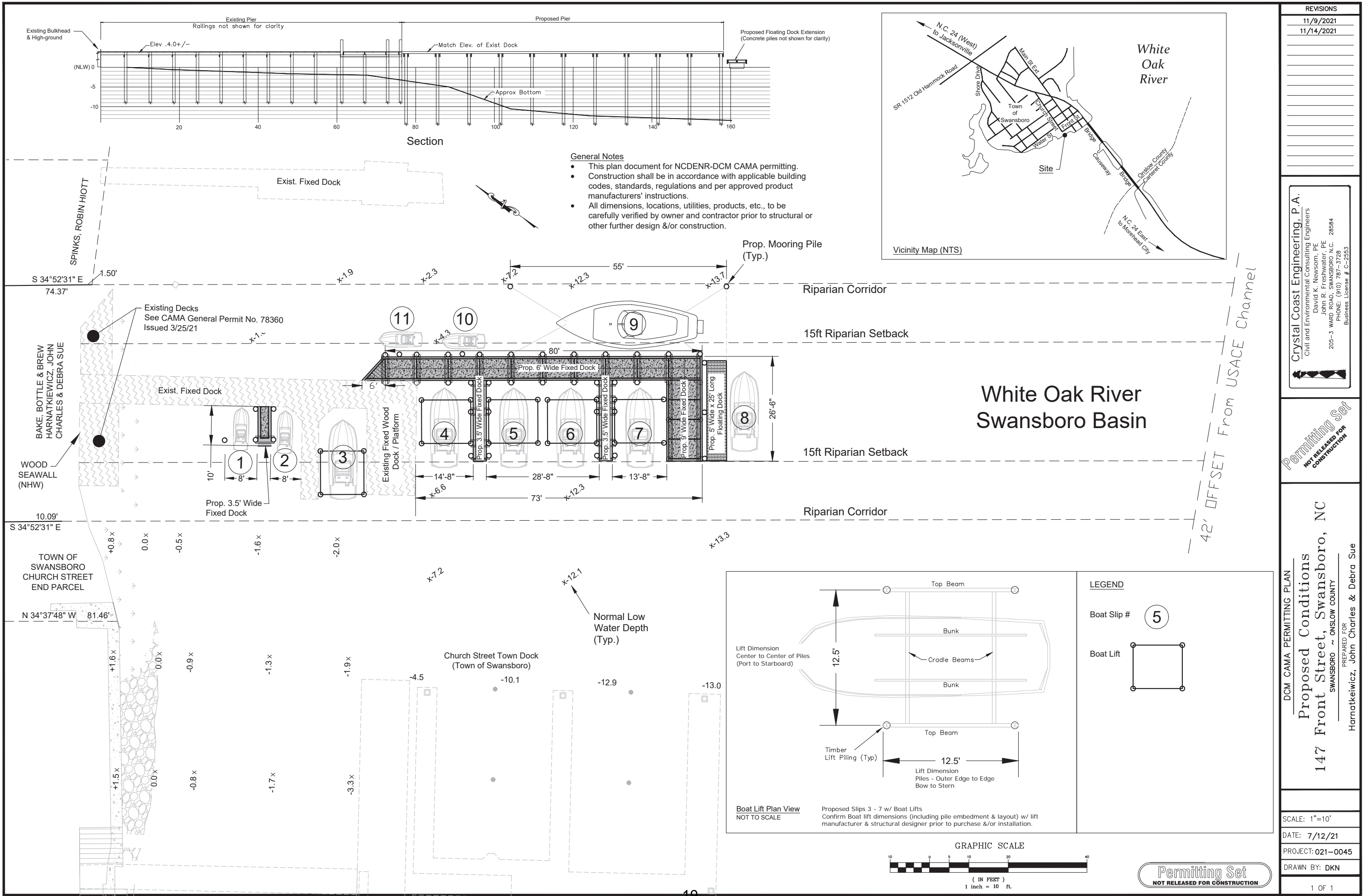
COASTAL PLANNING SERVICES, INC.

Kathy B. Vinson, AICP

Comprehensive Land Use Planning and Development Assistance

P.O. Box 827
Morehead City, NC 28557

Office 252.354.4916
Fax 252.247.5875



REVISIONS	
11/9/2021	
11/14/2021	
Crystal Coast Engineering, P.A. Civil and Environmental Consulting Engineers David K. Newsom, PE John R. Freshwater, PE 205-3 WARD ROAD, SWANSBORO N.C. 28584 PHONE: (910) 787-3728 Business License # C-2553	
Permitting Set NOT RELEASED FOR CONSTRUCTION	
DCM CAMA PERMITTING PLAN Proposed Conditions 147 Front Street, Swansboro, NC SWANSBORO ~ ONSLOW COUNTY PREPARED FOR Harnatkiewicz, John Charles & Debra Sue	
SCALE: 1"=10'	
DATE: 7/12/21	
PROJECT: 021-0045	
DRAWN BY: DKN	
1 OF 1	

Town of Swansboro
Resolution 2016-R7

Resolution Adopting an Official Pier-Head Line along the Downtown
Waterfront Shoreline

WHEREAS the existing pier-head line is one factor used to determine the permitted length of piers and docking facilities and typically limits the length of new structures to the established pier or docking facility length along the same shoreline for similar uses; and

WHEREAS in consultation with the US Army Corps of Engineers the Town of Swansboro has the ability to increase the potential length of piers and docking facilities by adopting an official pier-head line that extends beyond the established pier or docking facility length; and

WHEREAS the Town of Swansboro Waterfront Access and Development Plan contains a policy recommendation that the Town should, if it appears necessary to accomplish access facility projects, adopt an official pier-head line that maximizes the potential length of piers; and

WHEREAS a longer pier-head line extending to the landward edge of the federal channel setback along the downtown waterfront shoreline would provide more flexibility and room for construction of piers and docking facilities and facilitate access facility projects; and

WHEREAS the Board of Commissioners at the March 15-16, 2016 annual planning retreat recommended taking action to further implement the Waterfront Access and Development Plan by establishment of an official pier-head line along the downtown waterfront shoreline; and

WHEREAS adoption of an official pier-head line will not relieve property owners of the responsibility for obtaining CAMA permits for construction of piers and docking facilities and will not affect other applicable local, state, and federal regulations for permitting of piers and docking facilities.

NOW THEREFORE BE IT RESOLVED, that Mayor Scott Chadwick and the Board of Commissioners of the Town of Swansboro:

1. The Town of Swansboro establishes an official pier-head line affecting the downtown waterfront shoreline beginning at the NC Highway 24 Bridge and ending at Ward's Shore and extending to the landward edge of the federal channel setback adjacent the shoreline.
2. The Town staff and consulting planner are authorized to submit documentation of the local action establishing the official pier-head line to the US Army Corps of Engineers.
3. Upon receipt of concurrence from the US Army Corps of Engineers of the official pier-head line, notification is to be provided to the NC Division of Coastal Management for use in the issuance of CAMA permits for construction of piers and docking facilities along the affected shoreline.

Adopted this 24th day of May, 2016.

Attest:


Paula W. Webb, Town Clerk

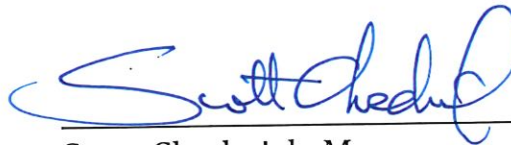

Scott Chadwick, Mayor

Exhibit A: Aerial photograph of the downtown waterfront shoreline with federal channel, setbacks to the federal channel, and designated pier-head line indicated.

Swansboro Federal Project

Map showing the Federal Channel and Setback in the area of Swansboro, NC

Via the Wilmington District, U.S. Army Corps of Engineers
Google Earth (KMZ, KML) Files

Current Pier Head Line Limited
by Existing Pier Lengths

Proposed Pier Head Line
Consistent with Federal Channel
Setback

Federal Channel Line

Federal Channel
Setback

Proposed Official Pier-Head Line
For Town of Swansboro Review & Comment Only
Provided by:

COASTAL PLANNING SERVICES, INC.
Comprehensive Land Use Planning
and
Development Assistance

Kathy B. Vinson, AICP
P.O. Box 827

Phone 252.240.9297 Fax 252.247.5875
Morehead City, NC 28557

With assistance from:

Crystal Coast Engineering, P.A.
Civil and Environmental Consulting Engineers
David K. Newsom, PE & John R. Freshwater, PE
205-3 WARD ROAD, SWANSBORO, N.C. 28584
PHONE: (910) 325-0006 ~ FAX: (910) 325-0060
BUSINESS LICENSE #: C-2553

May 12, 2016

Google earth

© 2014 Google

1000 ft



DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS
69 DARLINGTON AVENUE
WILMINGTON, NORTH CAROLINA 28403-1343

March 8, 2022

Regulatory Division

Action ID No. SAW-2022-00073

Mr. Jonathan Howell
Division of Coastal Management
North Carolina Department of Environmental Quality
400 Commerce Avenue
Morehead City, North Carolina 28557-3421

Dear Mr. Howell:

Reference the application of John and Debra Harnatkiewicz, to construct an 11-slip marina adjacent to an existing retail building along the White Oak River, at 147 Front Street in Swansboro, Onslow County, NC.

Specifically, the applicant proposes to extend off the existing dock with a 6'X80' dock. A 9'X26.5' platform would be placed at the end with a 5'X25' floating dock placed along the platform. Two 3.5'X20' and one 3.5'X10' finger piers would extend off the main dock. The final configuration would have a total of 11 slips. Boatlifts would be placed in slips 3-7.

The Federal agencies have completed review of the proposal as presented by the application and your field investigation report. We recommend that the following conditions be included in the modification to the State authorization:

1. In order to further protect the endangered West Indian Manatee, *Trichechus manatus*, the applicant must implement the U.S. Fish and Wildlife Service's Manatee Guidelines, and strictly adhere to all requirements therein. The guidelines can be found at <https://www.fws.gov/raleigh/pdfs/ManateeGuidelines2017.pdf>
2. The permittee must install and maintain, at his expense, any signal lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, on authorized facilities. For further information, the permittee should contact the U.S. Coast Guard Marine Safety Office at (910) 772-2191.
3. All work authorized by this permit must be performed in strict compliance with the submitted plans, which are a part of this permit. Any modification to these plans must be approved by the US Army Corps of Engineers (USACE) prior to implementation.

4. Except as specified in the plans attached to this permit, no excavation, fill or mechanized land-clearing activities shall take place at any time in the construction or maintenance of this project, in such a manner as to impair normal flows and circulation patterns within waters or wetlands or to reduce the reach of waters or wetlands.

5. Except as authorized by this permit or any USACE approved modification to this permit, no excavation, fill or mechanized land-clearing activities shall take place at any time in the construction or maintenance of this project, within waters or wetlands. This permit does not authorize temporary placement or double handling of excavated or fill material within waters or wetlands outside the permitted area. This prohibition applies to all borrow and fill activities connected with this project.

6. All mechanized equipment will be regularly inspected and maintained to prevent contamination of waters and wetlands from fuels, lubricants, hydraulic fluids, or other toxic materials. In the event of a spill of petroleum products or any other hazardous waste, the permittee shall immediately report it to the N.C. Division of Water Resources at (919) 733-5083, Ext. 526 or (800) 662-7956 and provisions of the North Carolina Oil Pollution and Hazardous Substances Control Act will be followed.

7. Unless otherwise authorized by this permit, all fill material placed in waters or wetlands shall be generated from an upland source and will be clean and free of any pollutants except in trace quantities. Metal products, organic materials (including debris from land clearing activities), or unsightly debris will not be used.

8. If the permittee discovers any previously unknown historic or archeological remains while accomplishing the authorized work, he will immediately notify the Wilmington District Engineer who will initiate the required coordination procedures.

9. The permittee shall require its contractors and/or agents to comply with the terms and conditions of this permit in the construction and maintenance of this project, and shall provide each of its contractors and/or agents associated with the construction or maintenance of this project with a copy of this permit. A copy of this permit, including all conditions, shall be available at the project site during construction and maintenance of this project.

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

11. The activity will be conducted in such a manner as to prevent a significant increase in turbidity outside the area of construction or construction-related discharge. Increases such that the turbidity in the waterbody is 50 NTU's or less in all rivers not designated as trout waters by the North Carolina Division of Environmental Management (NCDEM), 25 NTU's or less in all

saltwater classes and in all lakes and reservoirs, and 10 NTU's or less in trout waters, are not considered significant.

12. The permittee, upon receipt of a notice of revocation of this permit or upon its expiration before completion of the work will, without expense to the United States and in such time and manner as the Secretary of the Army or his authorized representative may direct, restore the water or wetland to its pre-project condition.

13. Violations of these conditions or violations of Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act must be reported in writing to the Wilmington District U.S. Army Corps of Engineers within 24 hours of the permittee's discovery of the violation.

Questions or comments may be addressed to Ms. Liz Hair Wilmington Field Office, Regulatory Division, telephone (910) 251-4049 or email at sarah.e.hair@usace.army.mil.

Sincerely,

A handwritten signature in cursive script that reads "Liz Hair".

Liz Hair, Project Manager
Wilmington Regulatory Field Office

Electronic Copy Furnished:
USEPA; Mr. Todd Allen Bowers
NCDEQ/DCM; Mr. Gregg Bodnar
NCDEQ/DWR; Mr. John Perry
USFWS; Mr. Pete Benjamin/Mr. John Ellis
NMFS; Dr. Pace Wilber/Ms. Twyla Cheatwood

ROY COOPER

Governor

ELIZABETH S. BISER

Secretary

S. DANIEL SMITH

Director



NORTH CAROLINA
Environmental Quality

February 7, 2022

DWR # 20211839

Onslow County

Bake Bottle and Brew
Attn: John Harnatkiewicz
147 Front Street
Swansboro, NC 28584

Subject: Approval of Individual 401 Water Quality Certification

Bake Bottle and Brew Dock Extension
USACE Action ID. No. SAW-2022-00073

Dear Mr. Harnatkiewicz:

Attached hereto is a copy of Certification No.004636 issued to John Harnatkiewicz and Bake Bottle and Brew, dated February 7, 2022. This approval is for the purpose and design described in your application. The plans and specifications for this project are incorporated by reference as part of this Water Quality Certification. If you change your project, you must notify the Division and you may be required to submit a new application package with the appropriate fee. If the property is sold, the new owner must be given a copy of this Certification and is responsible for complying with all conditions. [15A NCAC 02H .0507(d)(2)].

This Water Quality Certification does not relieve the permittee of the responsibility to obtain all other required Federal, State, or Local approvals before proceeding with the project, including those required by, but not limited to, Sediment and Erosion Control, Non-Discharge, Water Supply Watershed, and Trout Buffer regulations.

This Water Quality Certification neither grants nor affirms any property right, license, or privilege in any lands or waters, or any right of use in any waters. This Water Quality Certification does not authorize any person to interfere with the riparian rights, littoral rights, or water use rights of any other person and does not create any prescriptive right or any right of priority regarding any usage of water. This Water Quality Certification shall not be interposed as a defense in any action respecting the determination of riparian or littoral rights or other rights to water use. No consumptive user is deemed by virtue of this Water Quality Certification to possess any prescriptive or other right of priority with respect to any other consumptive user regardless of the quantity of the withdrawal or the date on which the withdrawal was initiated or expanded.

Upon the presentation of proper credentials, the Division may inspect the property.



This Water Quality Certification shall expire on the same day as the expiration date of the corresponding Section 404 Permit. The conditions shall remain in effect for the life of the project, regardless of the expiration date of this Water Quality Certification.

Non-compliance with or violation of the conditions herein set forth may result in revocation of this Water Quality Certification for the project and may also result in criminal and/or civil penalties.

If you are unable to comply with any of the conditions of this Water Quality Certification you must notify the Wilmington Regional Office within 24 hours (or the next business day if a weekend or holiday) from the time the permittee becomes aware of the circumstances.

The permittee shall report to the Wilmington Regional Office any noncompliance with, and/or any violation of, stream or wetland standards [15A NCAC 02B .0200] including but not limited to sediment impacts to streams or wetlands. Information shall be provided orally within 24 hours (or the next business day if a weekend or holiday) from the time the permittee became aware of the non-compliance circumstances.

This approval and its conditions are final and binding unless contested [G.S. 143-215.5]. Please be aware that impacting waters without first applying for and securing the issuance of a 401 Water Quality Certification violates Title 15A of the North Carolina Administrative Code (NCAC) 2H .0500. Title 15A NCAC 2H .0500 requires certifications pursuant to Section 401 of the Clean Water Act whenever construction or operation of facilities will result in a discharge into navigable waters, including wetlands, as described in 33 Code of Federal Regulations (CFR) Part 323. It also states any person desiring issuance of the State certification or coverage under a general certification required by Section 401 of the Federal Water Pollution Control Act shall file with the Director of the North Carolina Division of Water Quality. Pursuant to G.S. 143-215.6A, these violations and any future violations are subject to a civil penalty assessment of up to a maximum of \$25,000.00 per day for each violation.

This Certification can be contested as provided in Chapter 150B of the North Carolina General Statutes by filing a Petition for a Contested Case Hearing (Petition) with the North Carolina Office of Administrative Hearings (OAH) **within sixty (60) calendar days**. Requirements for filing a Petition are set forth in Chapter 150B of the North Carolina General Statutes and Title 26 of the North Carolina Administrative Code. Additional information regarding requirements for filing a Petition and Petition forms may be accessed at <http://www.ncoah.com/> or by calling the OAH Clerk's Office at (919) 431-3000.

One (1) copy of the Petition must also be served to the North Carolina Department of Environmental Quality:

William F. Lane, General Counsel
Department of Environmental Quality
1601 Mail Service Center
Raleigh, NC 27699-1601

This letter completes the Division's review under section 401 of the Clean Water Act and 15A NCAC 02H .0500. Please contact John Perry at 910-796-7215 or john.perry@ncdenr.gov if you have any questions or concerns.

Sincerely,

DocuSigned by:

Tom Tharrington

7F141E73B6E3456
Tom Tharrington

Wilmington Assistant Regional Supervisor
Water Quality Regional Operations Section

cc: Gregg Bodnar NC DCM (via email)
Liz Hair USACE Wilmington Regulatory Field Office (via email)
Todd Bowers, EPA, (via email)
DWR 401 & Buffer Permitting Branch Electronic file

NORTH CAROLINA 401 WATER QUALITY CERTIFICATION

CERTIFICATION #004636 is issued in conformity with the requirements of Section 401, Public Laws 92-500 and 95-217 of the United States and subject to North Carolina's Regulations in 15 NCAC 02H .0500 and 15A NCAC 02B .0200, to John Harnatkiewicz and Bake Bottle and Brew, who have authorization for the impacts listed below, as described within your application received by the N.C. Division of Water Resources (Division) on December 20, 2021 and subsequent information on January 8, 2022, and by Public Notice issued by the Division of Coastal Management and received by the Division on January 8, 2022.

The State of North Carolina certifies that this activity will comply with water quality requirements and the applicable portions of Sections 301, 302, 303, 306, 307 of the Public Laws 92-500 and PL 95-217 if conducted in accordance with the application, the supporting documentation, and conditions hereinafter set forth.

The following impacts are hereby approved. No other impacts are approved, including incidental impacts. [15A NCAC 02H .0506(b)]

Type of Impact	Amount Approved (units) Permanent	Amount Approved (units) Temporary
Open Waters		
Usurped	0.09 (acres)	
Shaded	0.02 (acres)	

This approval requires you to follow the conditions listed in the certification below.

CONDITIONS OF CERTIFICATION [15A NCAC 02H .0507(c)]:

1. The permittee shall report to the DWR Wilmington Regional Office any noncompliance with, and/or any violation of, stream or wetland standards [15A NCAC 02B .0200], including but not limited to sediment impacts to streams or wetlands. Information shall be provided orally within 24 hours (or the next business day if a weekend or holiday) from the time the permittee became aware of the non-compliance circumstances.

Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)

The docking facility is permitted as daytime and transient only dockage. Dockage of vessels other than the permitted for daytime and transient slips will require re-evaluation by DWR of the use of the dockage facility. Handrails or other devices, including signage, should be used to discourage use of any dock space other than the designated slips.

Citation: 15A NCAC 07H .0208

2. The docking facility is permitted for 11 slips. Dockage of vessels other than the permitted slips will require re-evaluation by DWR of the use of the dockage facility. Handrails or other devices, including signage, should be used to discourage use of any dock space other than the 11 designated slips.

Citation: 15A NCAC 07H .0208

3. No waste, spoil, solids, or fill of any kind shall occur in wetlands or waters beyond the footprint of the approved impacts (including temporary impacts).

Citation: 15A NCAC 02H .0506; 15A NCAC 02H .0507(c)

4. Sediment and erosion control measures shall not be installed in wetland or waters except within the footprint of temporary or permanent impacts otherwise authorized by this Certification. If placed within authorized impact areas, then placement of such measures shall not be conducted in a manner that results in dis-equilibrium of any wetlands, streambeds, or streambanks. Any silt fence installed within wetlands shall be removed from wetlands and the natural grade restored within two (2) months of the date that DEMLR or locally delegated program has released the specific area within the project to ensure wetland standards are maintained upon completion of the project.

Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c); 15A NCAC 02B .0200; 15A NCAC 02B .0231

5. Erosion control matting that incorporates plastic mesh and/or plastic twine shall not be used along streambanks or within wetlands.

Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)

6. If the project is covered by NPDES Construction Stormwater Permit Number NCG010000 or NPDES Construction Stormwater Permit Number NCG250000, full compliance with permit conditions including the erosion & sedimentation control plan, inspections and maintenance, self-monitoring, record keeping and reporting requirements is required.

Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c); 15A NCAC 02B .0200; 15A NCAC 02B .0231

7. If concrete is used during construction, then all necessary measures shall be taken to prevent direct contact between uncured or curing concrete and waters of the state. Water that inadvertently contacts uncured concrete shall not be discharged to waters of the state.

Citation: 15A 02H .0506(b); 15A NCAC 02H .0507(c); 15A NCAC 02B .0200; 15A NCAC 02B .0231

8. Any rip-rap used for stream or shoreline stabilization shall be of a size and density to prevent movement by wave, current action, or stream flows, and shall consist of clean rock or masonry material free of debris or toxic pollutants. Rip-rap shall not be installed in the streambed except in specific areas required for velocity control and to ensure structural integrity of bank stabilization measures.

Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c); 15A NCAC 02B .0201

9. Rip-rap groins proposed in accordance with 15A NCAC 07H .1401 (NC Division of Coastal Management General Permit for construction of Wooden and Rip-rap Groins in Estuarine and Public Trust Waters) shall meet all the specific conditions for design and construction specified in 15A NCAC 07H .1405.

Citation: 15A NCAC 02H .0507(c); 15A NCAC 07H .1400 et seq.

10. All mechanized equipment operated near surface waters shall be inspected and maintained regularly to prevent contamination of surface waters from fuels, lubricants, hydraulic fluids, or other toxic materials. Construction shall be staged in order to minimize the exposure of equipment to surface waters to the maximum extent practicable. Fueling, lubrication, and general equipment maintenance shall be performed in a manner to prevent, to the maximum extent practicable, contamination of surface waters by fuels and oils.

Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c); 15A NCAC 02B .0200; 15A NCAC 02B .0231

11. Heavy equipment working in wetlands shall be placed on mats or other measures shall be taken to minimize soil disturbance and compaction.

Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c); 15A NCAC 02B .0231

12. In accordance with 143-215.85(b), the permittee shall report any petroleum spill of 25 gallons or more; any spill regardless of amount that causes a sheen on surface waters; any petroleum spill regardless of amount occurring within 100 feet of surface waters; and any petroleum spill less than 25 gallons that cannot be cleaned up within 24 hours.

Citation: 15A NCAC 02H .0507(c); N.C.G.S 143-215.85(b)

13. The permittee and their authorized agents shall conduct all activities in a manner consistent with State water quality standards (including any requirements resulting from compliance with §303(d) of the Clean Water Act), and any other appropriate requirements of State and Federal Law.

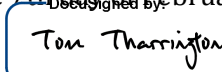
Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)

14. The permittee shall require its contractors and/or agents to comply with the terms and conditions of this permit in the construction and maintenance of this project, and shall provide each of its contractors and/or agents associated with the construction or maintenance of this project with a copy of this Water Quality Certification. A copy of this Water Quality Certification shall be available at the project site during the construction and maintenance of this project.

Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)

This approval to proceed with your proposed impacts or to conduct impacts to waters as depicted in your application shall expire upon expiration of the 404 or CAMA Permit. The conditions in effect on the date of issuance shall remain in effect for the life of the project, regardless of the expiration date of this Certification. [15A NCAC 02H .0507(c)]

This, the 7th day of February 2022


7F141E73B6F3456...

Tom Tharrington

Wilmington Assistant Regional Supervisor
Water Quality Regional Operations Section

ROY COOPER

Governor

ELIZABETH S. BISER

Secretary

BRAXTON DAVIS

Director



NORTH CAROLINA
Environmental Quality

December 17, 2021

MEMORANDUM:

FROM: Gregg Bodnar, Assistant Major Permits Coordinator
NCDEQ - Division of Coastal Management
400 Commerce Avenue, Morehead City, NC 28557
Fax: 252-247-3330 (Courier 11-12-09)
gregg.bodnar@NCDENR.gov

SUBJECT: **CAMA / Dredge and Fill Application Review**

Applicant: Bake, Bottle, & Brew

Project Location: Swansboro, Onslow County

Proposed Project: 11 Slip Marina

Please indicate below your agency's position or viewpoint on the proposed project and **return this form to Gregg Bodnar** at the address above by **January 14, 2022**. If you have any questions regarding the proposed project, contact Ryan Davenport 252-808-2808. when appropriate, in-depth comments with supporting data is requested.

REPLY: ☒ This agency has no objection to the project as proposed.
Additional comments may be attached
☐ This agency has no comment on the proposed project.
☐ This agency approves of the project only if the recommended changes are incorporated. See attached.
☐ This agency objects to the project for reasons described in the attached comments.

PRINT NAME Paula W. Webb
AGENCY Town of Swansboro
SIGNATURE Paula W. Webb
DATE 1-18-2022



North Carolina Department of Environmental Quality | Division of Coastal Management
Morehead City Office | 400 Commerce Avenue | Morehead City, North Carolina 28557
252.808.2808

Board of Commissioners

John Davis, Mayor
Frank Tursi, Mayor Pro Tem
Patricia Turner, Commissioner
Harry Pugliese, Commissioner
Larry Philpott, Commissioner
Jeffrey Conaway, Commissioner



sm

Town Manager

Paula W. Webb, MMC-NCCMC
pwebb@ci.swansboro.nc.us

Town Clerk

Alissa A. Fender, CMC
afender@ci.swansboro.nc.us

Town of Swansboro

Friendly City by the Sea • Established 1783
www.swansboro-nc.org

January 18, 2022

NCDEQ Division of Coastal Management
c/o Gregg Bodnar, Assistant Major Permits Coordinator
400 Commerce Avenue
Morehead City, NC 28557
gregg.bodnar@NCDENR.gov

RE: Bake, Bottle, & Brew 11-Slip Marina

Dear Mr. Bodnar,

The Town classifies anything over ten (10) slips as a "Marina", which requires a Special Use permit. "Docks and Piers (commercially operated)" also require a Special Use permit in the B-2HDO zoning district.

Additionally, docks require a Certificate of Appropriateness issued by the Historic Preservation Commission in the Historic District.

Once these approvals are obtained, a Building Permit application will be required to be submitted with engineered plans. The plans must also include an analysis per Section 152.423 (16) of the Flood Damage Prevention Ordinance.

Further, in review of the application we noted that the project site address is shown as "Wetherington Landing Road" on the Field Investigation Report.

Please feel free to contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer H. Ansell".

Jennifer H. Ansell, CFM, CZO
Planner
jansell@ci.swansboro.nc.us

MEMORANDUM

To: Gregg Bodnar
From: Michael Christenbury, Wilmington District Planner
Subject: Consistency Determination- Bake, Bottle and Brew, Swansboro, Onslow County
Date: January 18, 2022

Consistency Determination:

This project is consistent with the Swansboro Land Use Plan Update.

The applicant is proposing to construct an 11-slip marina adjacent to their retail building at 418 Wetherington Landing Road in Swansboro, Onslow County.

I have reviewed this proposal for consistency with the Swansboro Land Use Plan and offer the following comments.

The general area of the project is classified as Commercial.

Waters at the project site are classified as SA and are not open to the harvesting of shellfish. The area is not a Primary Nursery area. Areas of Environmental Concern are EW and PTA.

Swansboro allows development in Commercial classified AECs, which is consistent with the State's minimum use standards. The Swansboro Land Use Plan contains some policies, which exceed the State's minimum use standards. However, none of these policies appear to be applicable to this project.

This project appears to be consistent with the Swansboro Land Use Plan Update.

Cc: FILE

ROY COOPER

Governor

ELIZABETH S. BISER

Secretary

BRAXTON DAVIS

Director



NORTH CAROLINA
Environmental Quality

C. 21.12.20.01

December 17, 2021

MEMORANDUM:

FROM: Gregg Bodnar, Assistant Major Permits Coordinator
NCDEQ - Division of Coastal Management
400 Commerce Avenue, Morehead City, NC 28557
Fax: 252-247-3330 (Courier 11-12-09)
gregg.bodnar@NCDENR.gov

SUBJECT: **CAMA / Dredge and Fill Application Review**

Applicant: Bake, Bottle, & Brew

Project Location: Swansboro, Onslow County

Proposed Project: 11 Slip Marina

Please indicate below your agency's position or viewpoint on the proposed project and **return this form to Gregg Bodnar** at the address above by **January 14, 2022**. If you have any questions regarding the proposed project, contact Ryan Davenport 252-808-2808. when appropriate, in-depth comments with supporting data is requested.

REPLY: _____ This agency has no objection to the project as proposed.
Additional comments may be attached
_____ This agency has no comment on the proposed project.
☒ _____ This agency approves of the project only if the recommended changes are incorporated. See attached.
_____ This agency objects to the project for reasons described in the attached comments.

PRINT NAME _____ Maria T. Duan

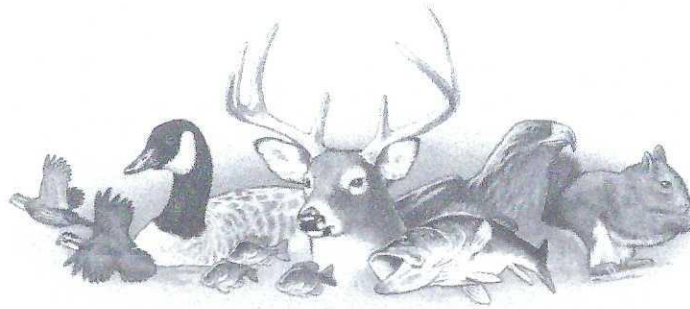
AGENCY _____ NCHRC

SIGNATURE _____ Maria T. Duan

DATE _____ 1-14-2022



North Carolina Department of Environmental Quality | Division of Coastal Management
Morehead City Office | 400 Commerce Avenue | Morehead City, North Carolina 28557
252.808.2808



≡ North Carolina Wildlife Resources Commission ≡

Cameron Ingram, Executive Director

MEMORANDUM

TO: Gregg Bodnar
Division of Coastal Management
North Carolina Department of Environmental Quality

FROM: Maria T. Dunn, Coastal Coordinator
Habitat Conservation Division

DATE: January 14, 2022

SUBJECT: CAMA Dredge/Fill Permit Application for Bake, Bottle, and Brew (John Harnatkiewicz),
Onslow County, North Carolina.

Biologists with the North Carolina Wildlife Resources Commission (NCWRC) reviewed the permit application with regard to impacts on fish and wildlife resources. The project site is located at 418 Wetherington Landing Road adjacent the White Oak River in Swansboro, NC. Our comments are provided in accordance with provisions of the Coastal Area Management Act (G.S. 113A-100 through 113A-128), as amended, Sections 401 and 404 of the Clean Water Act, as amended, the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.), the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), the Magnuson-Stevens Fishery Conservation and Management Act (FCMA), as amended (16 U.S.C. 1801 et seq.), and the Migratory Bird Treaty Act (16 U.S.C. 703-712 et seq.).

The applicant proposes to extend off an existing dock to create an 11-slip marina. The 6' by 80' dock extension would terminate with a 9' by 26.5' platform and a 5' by 25' floating platform. Two 3.5' by 20' and one 3.5' by 10' finger piers would extend off the main spine. Boat lifts would be placed within designated Slips 3-7. An existing lift and some piles will be removed. Water depths in this area range between -1' to -13' MLW. The facility would be within the established pier headline and is approximately 100' outside the USACE federal channel setback. The shoreline in this area is designated as an Urban Waterfront by the NC Division of Coastal Management. The White Oak River at this location is classified SA by the Environmental Management Commission.

The NCWRC has reviewed the permit application and has several comments regarding the design proposal. A marina is defined a publicly or privately owned dock, basin or wet boat storage facility constructed to accommodate more than 10 boats. Since the facility is proposed to have one more than 10 slips, it must be considered a marina and operate as such. A management plan should be developed that addresses overnight docking, spills, what spill control and clean-up equipment will be available, and

minimally identifies whether a trained dock master will monitor the area. This plan should also include the posting of information for boaters including emergency numbers, pumpout locations, and facility contacts.

The layout of the proposed marina includes utilizing the existing structure. Future Slips 1 and 2 are landward an existing finger pier and lift, having a proposed fixed pier positioned between the two designated slip areas. Water depths in Slip 1 and 2 are less than -2' NLW. To minimize impacts to shallow water habitats, the NCWRC requests the applicant reconsider the proposed 3.5' by 10' fixed finger pier and associated slips. The water depth in this area, especially Slip 1, would lend itself to chronic bottom disturbance from hull scraping and prop washing. Removal of the 3.5' by 10' fixed pier would eliminate Slip 1, but still allow vessel tie ups landward the existing fixed pier associated with Slip 3. The removal of Slip 1 would also reduce the number of designated slips to 10, changing the facility designation from a marina to a multi-slip docking facility.

We appreciate the opportunity to review and comment on this permit application. If you need further assistance or additional information, please contact me at (252) 948-3916 or at maria.dunn@ncwildlife.org

ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

BRAXTON DAVIS
Director



NORTH CAROLINA
Environmental Quality

ER 21-3233

Due: 1/11/2022

December 17, 2021

MEMORANDUM:

FROM: **Gregg Bodnar, Assistant Major Permits Coordinator**
NCDEQ - Division of Coastal Management
400 Commerce Avenue, Morehead City, NC 28557
Fax: 252-247-3330 (**Courier 11-12-09**)
gregg.bodnar@NCDENR.gov

SUBJECT: **CAMA / Dredge and Fill Application Review**

Applicant: Bake, Bottle, & Brew

Project Location: Swansboro, Onslow County

Proposed Project: 11 Slip Marina

Please indicate below your agency's position or viewpoint on the proposed project and **return this form to Gregg Bodnar** at the address above by **January 14, 2022**. If you have any questions regarding the proposed project, contact Ryan Davenport 252-808-2808. when appropriate, in-depth comments with supporting data is requested.

REPLY:	_____	This agency has no objection to the project as proposed. **Additional comments may be attached**
	<u>X</u> _____	This agency has no comment on the proposed project.
	_____	This agency approves of the project only if the recommended changes are incorporated. See attached.
	_____	This agency objects to the project for reasons described in the attached comments.

PRINT NAME Renee Gledhill-Earley

AGENCY State Historic Preservation Office

SIGNATURE Renee M. Hedrick-Earley

DATE January 14, 2022

ROY COOPER

Governor

ELIZABETH S. BISER

Secretary

BRAXTON DAVIS

Director



NORTH CAROLINA
Environmental Quality

December 17, 2021

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PRINT NAME Mark Zeigler
AGENCY NC Dept. of Commerce
SIGNATURE mark zeigler
DATE 1/11/22



ROY COOPER
Governor
ELIZABETH S. BISER
Secretary
BRAXTON DAVIS
Director



December 17, 2021

MEMORANDUM:

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NCDEQ - Division of Coastal Management
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☐ This agency objects to the project for reasons described in the attached comments.

PRINT NAME Mark Brown

AGENCY Public Water Supply

SIGNATURE *Mark Brown*

DATE 12-21-21



ROY COOPER

Governor

ELIZABETH S. BISER

Secretary

BRAXTON DAVIS

Director



NORTH CAROLINA
Environmental Quality

December 17, 2021

MEMORANDUM:

FROM: Gregg Bodnar, Assistant Major Permits Coordinator
NCDEQ - Division of Coastal Management
400 Commerce Avenue, Morehead City, NC 28557
Fax: 252-247-3330 (Courier 11-12-09)
gregg.bodnar@NCDENR.gov

SUBJECT: **CAMA / Dredge and Fill Application Review**

Applicant: Bake, Bottle, & Brew

Project Location: Swansboro, Onslow County

Proposed Project: 11 Slip Marina

Please indicate below your agency's position or viewpoint on the proposed project and **return this form to Gregg Bodnar** at the address above by **January 14, 2022**. If you have any questions regarding the proposed project, contact Ryan Davenport 252-808-2808. when appropriate, in-depth comments with supporting data is requested.

REPLY: _____ This agency has no objection to the project as proposed.
Additional comments may be attached

_____ ☒ This agency has no comment on the proposed project.
_____ This agency approves of the project only if the recommended changes are incorporated. See attached.
_____ This agency objects to the project for reasons described in the attached comments.

PRINT NAME Wanda Hueland

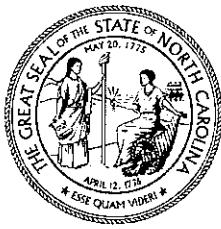
AGENCY State Property Office

SIGNATURE Wanda Hueland

DATE January 10, 2022



North Carolina Department of Environmental Quality | Division of Coastal Management
Morehead City Office | 400 Commerce Avenue | Morehead City, North Carolina 28557
252.808.2808



North Carolina
Department of Administration
State Property Office

Pamela B. Cashwell
Secretary

Tim Walton
Director

Roy Cooper, Governor

January 10, 2022

TO: Gregg Bodnar, Assistant Major Permits Coordinator
NCDEQ-Division of Coastal Management
400 Commerce Avenue
Morehead City, NC 28557
gregg.bodnar@ncdenr.gov

FROM: Wanda Hilliard *Wanda Hilliard*
Real Property Agent
Department of Administration

SUBJECT **CAMA Major Permit Application Review**

Applicant: Bake, Bottle, & Brew

Project Location: Swansboro, Onslow County

Proposed Project 11 Slip Marina

The project may require Easements for multiple utilities crossing the creeks, marsh & State-owned land provided the applicant qualifies for an easement.

Thank you.

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.

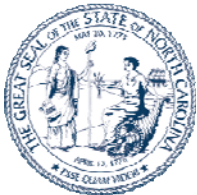
We appreciate Swansboro's HPC seeking advice under NC GS 160D-947(d). We ask that future requests regarding specific COAs be submitted directly to me, per the North Carolina Administrative Code (07 NCAC 04R .0502).

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

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And don't forget your Ws! Wear. Wait. Wash.

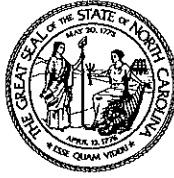
WEAR a face covering.

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.

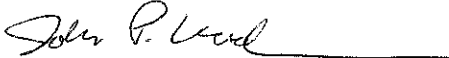
Advice provided by the HPO is non-binding and should not be considered an official ruling by our office or a determination regarding how the commission should decide a COA case. Pursuant to the aforementioned statute, we offer the following advice:

- 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.

- 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

Jennifer Ansell

From: Gledhill-earley, Renee <renee.gledhill-earley@ncdcr.gov>
Sent: Thursday, May 12, 2022 11:58 AM
To: Jennifer Ansell
Cc: Wood, John; Brantley, Kristi
Subject: Enlarged dock at Bake, Bottle, and Brew, Swansboro ER 21-3233

Dear Ms. Ansell:

This message is to follow up on our telephone conversation this morning concerning the State Historic Preservation Office's (SHPO) comments on the above-reference undertaking that requires a Major CAMA permit.

The SHPO reviews all Major Permits under Section 106 of the National Historic Preservation Act since the permits have a federal nexus as they also require a joint USACE permit. Section 106 requires the SHPO to review and comment on a proposed federal action and determine if it will affect a National Register-listed property - in this case the NR-listed Swansboro Historic District. This review is completely separate from any local historic preservation regulation.

Given that docks are traditional/character-defining elements of the Swansboro waterfront, that there are existing docks larger and smaller than the subject dock, and that its expansion appears to be no larger than some of the other docks on the waterfront, we found that the proposed expansion of the subject dock will not affect the National Register Historic District and initialed the "No Comment" section of the review form. As we discussed this morning, I have visited and reviewed several projects in Swansboro and this proposal will not adversely affect the viewshed of the waterfront.

The other concerns that you mentioned are not a part of our review, but rather for local zoning and safety professionals to decide.

I hope this message is helpful to you and the Town of Swansboro. Please contact me, if you have any other questions.

--

Renee Gledhill-Earley
Environmental Review Coordinator
State Historic Preservation Office
109 E Jones St MSC 4617 Raleigh, NC 27699
919 814 6579 office

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WEAR a face covering.
WAIT 6 feet apart from other people.
WASH your hands often.

****COVID-19 has changed the way we accept non-electronic mail . See below.****



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.

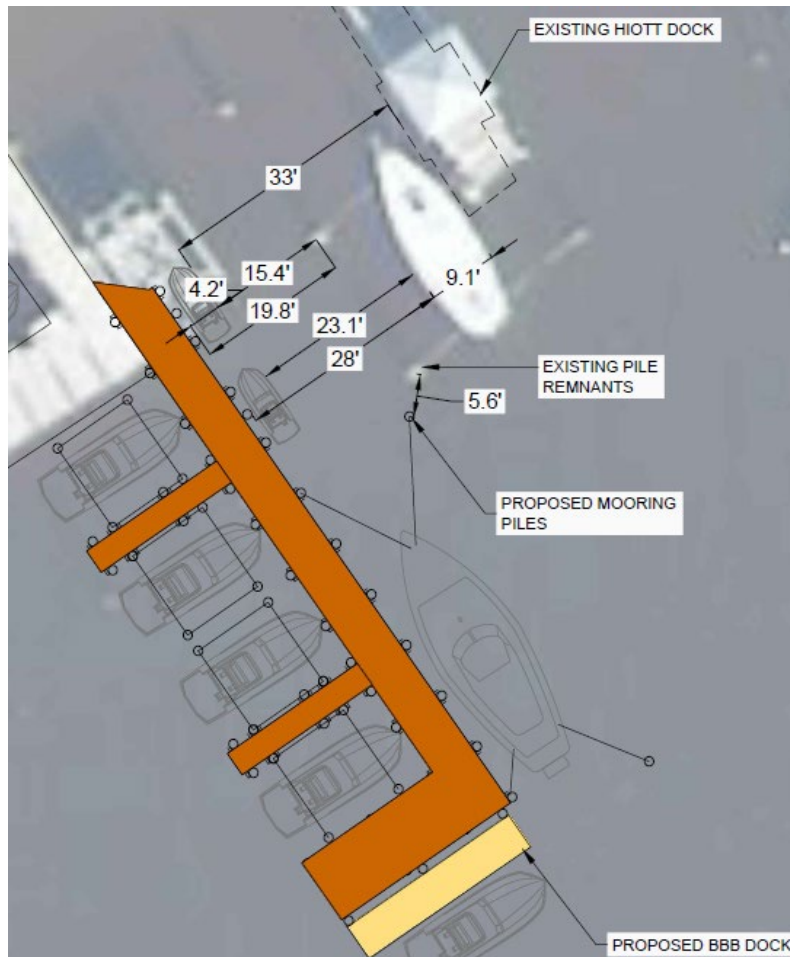


Figure 2 – Area Between Proposed Dock and Hiott Dock

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.

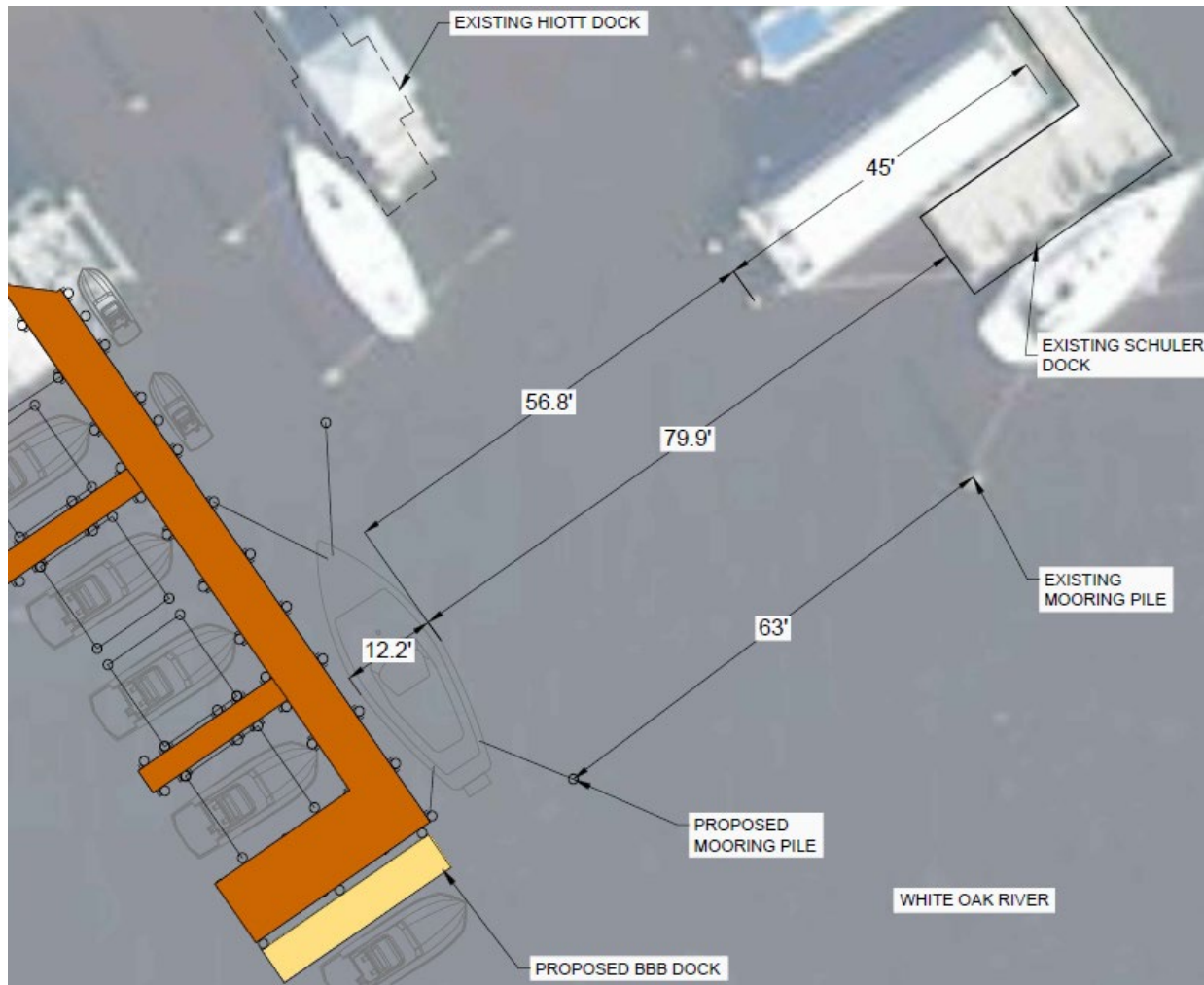


Figure 3 – Area Between the Proposed Dock and Schuler Dock

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).

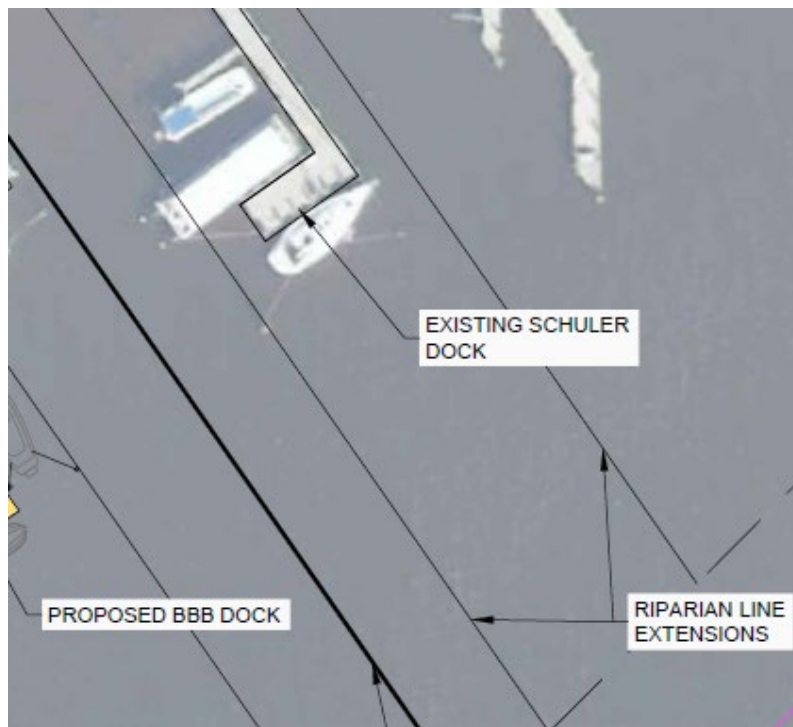


Figure 4 – Schuler Dock and Extended Property Lines

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

O:\Projects\22-3829 Swansboro Expert Witness\Drawings\CAD\22-3829 Swansboro_expert.dwg Pl 8/24/22
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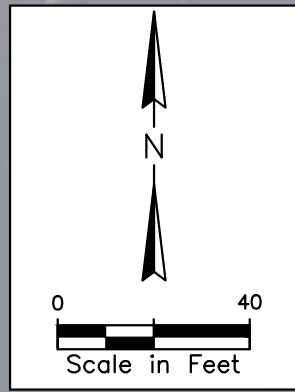


NOTES:
1. AERIAL DATED FEB. 2020 AND IS TAKEN FROM ESRI IMAGES BASED ON NC911 ORTHO PROGRAM, NC CGIA.

EXISTING CONDITIONS
SWANSBORO WATERFRONT



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- 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



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PROPOSED CONDITIONS TOWN DOCK/BBB
SWANSBORO WATERFRONT



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APPLIED TECHNOLOGY & MANAGEMENT.



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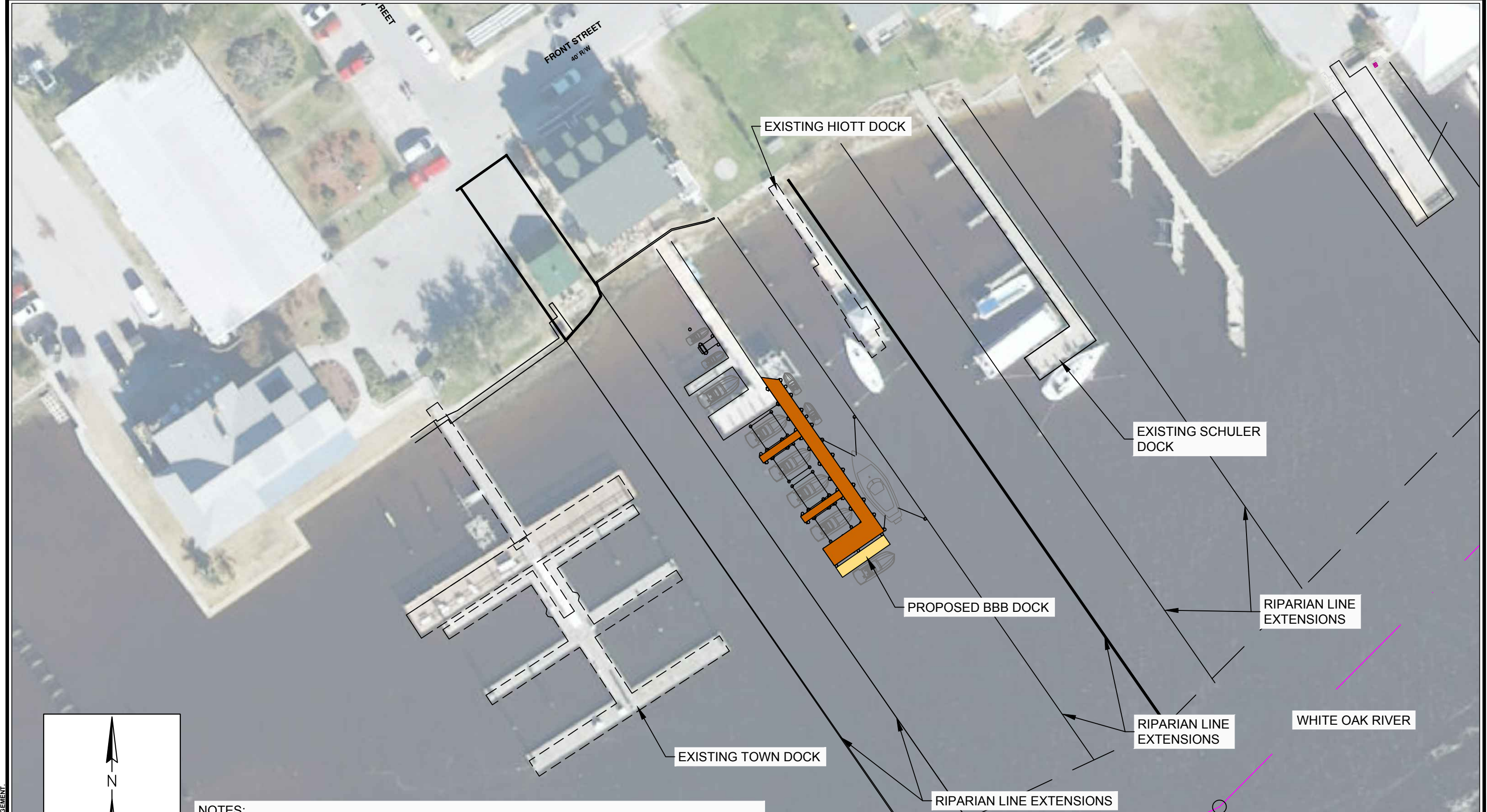


- NOTES:
1. AERIAL DATED FEB. 2020 AND IS TAKEN FROM ESRI IMAGES BASED ON NC911 ORTHO PROGRAM, NC CGIA.
 2. LOCATIONS OF EXISTING TOWN DOCK AND PROPOSED BBB DOCK BASED ON AUTOCAD FILE NAMED base.dwg RECEIVED FROM CRYSTAL COAST ENGINEERING ON JUNE 21, 2022.

PROPOSED CONDITIONS BBB/SCHULER DOCK
SWANSBORO WATERFRONT



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RIPARIAN LINE EXTENSIONS
SWANSBORO WATERFRONT





Board of Commissioners Meeting Agenda Item Submittal

Item To Be Considered: **Future Agenda Topics**

Board Meeting Date: **July 11, 2022**

Prepared By: **Alissa Fender - Town Clerk/Admin Services Director**

The purpose of this memo is to provide the Board with matters that staff anticipates/proposes for upcoming meetings. It should be noted that these items are tentatively scheduled for the specified monthly agenda but are subject to change due to preparation of materials, public notice requirements, etc.

In providing this memo each month, we hope it will also provide opportunity for the Board to introduce items of interest and subsequent direction for placement on future agendas, which will allow staff the opportunity to plan accordingly.

Proposed for July 25, 2022

- * Additional Sidewalk Priorities
- * Visitors Center Interior Renovation Concepts
- * Financial Report

Proposed for August 8, 2022

Proposed for August 22, 2022

- * Financial Report

Future Agenda Items

- * American Rescue Plan Funding Recommendations (updates)
- * Further LUP Review/Amendments
 - o Comprehensive Transportation Plan Revisions
- * Text Amendments – Occupancy Tax
- * Text Amendments – R/A Zoning Uses – *referred back to Planning Board*
- * Sub-committee designations for Strategic Plan Implementation
(*Eco Dev Committee est. Oct 2020*)
- * Shipwrights Point Phase II Street Acceptance (*Tentative*)
- * Historic Preservation Commission Recommendations (Joint Meeting Items)
- * Visitor's Center Improvements
- * Building Standards
- * Zoning Map & Table of Uses Amendments (possible)
- * EOC Discussion (ongoing)
- * Ward Shore Project Additional Alternatives (gather quotes for sod/AstroTurf or similar)
- * Joint Meeting with Historic Preservation Commission
- * Appearance Commission – Planning Board and HPC to review/provide feedback
- * Special Use Permit/Starbucks – Additional details needed; Planning Board tabled
- * Board Meeting Alternatives for Public viewing (*undergoing further research*)
- * Swimming Pool
- * Joint Meeting with the Planning Board, Stewart (Consultant on Land Use Plan Update)
- * Text Amendment/Subdivision Speed Limits

September Meetings:

Regular – 12th

Regular – 26th