

**Subject:** Emails - Browning Branch  
**From:** Amie Owens <aowens@waynesvillenc.gov>  
**Date:** 7/5/2018, 2:10 PM  
**To:** "Monroe Miller" [REDACTED]

SEP 26 2021

Email # 7



Amie Owens, MPA | Assistant Town Manager  
Town of Waynesville, NC  
16 S. Main Street | PO Box 100 | Waynesville, NC 28786  
(o) 828.452.2491 | (f) 828.456.2000  
[aowens@waynesvillenc.gov](mailto:aowens@waynesvillenc.gov) | [www.waynesvillenc.gov](http://www.waynesvillenc.gov)



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**Subject:** RE: Progress of review of site plan  
**From:** Elizabeth Teague <eteague@waynesvillenc.gov>  
**Date:** 5/15/2018, 1:03 PM  
**To:** 'Greg Wishart' <gw868808@gmail.com>, Marek Hevier <mhevier@gmail.com>  
**CC:** David Kelley <dkelley@waynesvillenc.gov>, Thomas Maguire <tmaguire@waynesvillenc.gov>, Byron Hickox <bhickox@waynesvillenc.gov>, Michelle Baker <cbaker@waynesvillenc.gov>

Hi Greg- See attached. Town of Waynesville Land development Standards are available at:  
[https://library.municode.com/nc/waynesville/codes/code\\_of\\_ordinances](https://library.municode.com/nc/waynesville/codes/code_of_ordinances)



Elizabeth Teague, AICP, CTP, CFM | Development Services Director  
Town of Waynesville, NC  
9 S. Main Street | PO Box 100 | Waynesville, NC 28786  
(o) 828.456.2004 | (f) 828.452.1492  
[eteague@waynesvillenc.gov](mailto:eteague@waynesvillenc.gov) | [www.waynesvillenc.gov](http://www.waynesvillenc.gov)



**From:** Greg Wishart [mailto:gw868808@gmail.com]  
**Sent:** Monday, May 14, 2018 6:44 AM  
**To:** Elizabeth Teague; Marek Hevier  
**Subject:** Progress of review of site plan

Good day Elizabeth,

When I met with you on Friday May 4th and presented you with the rough draft of the site plan, you had stated that you and your departments should have suggestions on revisions etc. back to me by Tuesday May 8th. I left a voicemail message on Thursday May 10th and have not heard anything back as of yet?

Could you please give me the suggestions as soon as possible?

If there is anything that I can do to make this process move along more expeditiously please let me know.

Kind regards,  
Greg Wishart  
828-646-1470

— ForwardedMessage.eml —

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**Subject:** Re: Ross property  
**From:** Greg Wishart <gw868808@gmail.com>  
**Date:** 3/19/2018, 10:55 AM  
**To:** Byron Hickox <bhickox@waynesvillenc.gov>, Elizabeth Teague <eteague@waynesvillenc.gov>

Byron ,

Please see the attached approved JD from the Army Corp of Engineers for the Ross property.

I have also attached a **rough draft** of a site proposal .

Marek Hevier currently has the Ross property under contract with due diligence expiring soon.

Our question is will there be an issue with bringing in fill and compacting it to what our engineer states in the 100 year floodplain area on the property , so as to bring the foundations of the proposed structures above BFE ?

Of course , we know that we have to have an engineered water and sewer plan, and a storm water drainage and erosion control plan etc.

Let me reiterate that we are in due diligence to purchase this property and we need to know if there is anything in your zoning code or otherwise that could possibly not allow us to obtain the appropriate permits for this project? ( regarding the 100 year flood plain )

Thank you ,  
Greg Wishart  
828-646-1470

— ForwardedMessage.eml —

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**Subject:** RE: Site plans with colors and layers taken off  
**From:** Elizabeth Teague <eteague@waynesvillenc.gov>  
**Date:** 6/15/2018, 4:18 PM  
**To:** 'Greg Wishart' <gw868808@gmail.com>

Got it – looks good and much easier to understand. Did you drop a lot? Thanks – have a great weekend- ET

**From:** Greg Wishart [mailto:gw868808@gmail.com]  
**Sent:** Friday, June 15, 2018 2:59 PM

**To:** Elizabeth Teague  
**Subject:** Site plans with colors and layers taken off

Elizabeth,  
Please see the attached site plans with several layers taken off,  
Hope this works better for a visual,  
Greg  
I will have some large copies of this printed to be put on an easel if needed?

— ForwardedMessage.eml —

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**Subject:** RE: update with curb  
**From:** Joey Webb <jwebb@waynesvillenc.gov>  
**Date:** 6/12/2018, 1:40 PM  
**To:** Elizabeth Teague <eteague@waynesvillenc.gov>, Preston Gregg <pgregg@waynesvillenc.gov>, David Foster <dfoster@waynesvillenc.gov>, "Jeff Stines" <jstines@waynesvillenc.gov>

Elizabeth,

I have reviewed the plans for the Browning Branch, LLC project. The number of fire hydrants and access is adequate for fire protection.  
If you have any additional questions let me know.

**Joey Webb | Fire Chief**  
**Waynesville Fire Department**  
Town of Waynesville, NC  
1022 N. Main Street | Waynesville, NC 28786  
(FD) 828.456.6151 | (direct) 828.456.8646 | (f) 828.356.1188  
[jwebb@waynesvillenc.gov](mailto:jwebb@waynesvillenc.gov)

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**From:** Elizabeth Teague  
**Sent:** Tuesday, June 12, 2018 11:51 AM  
**To:** Preston Gregg; David Foster; Joey Webb; Jeff Stines  
**Subject:** FW: update with curb

Please review these one more time and send me an email confirming adequate service and compliance.  
Thanks-  
ET

**From:** Greg Wishart [<mailto:gw868808@gmail.com>]  
**Sent:** Thursday, June 07, 2018 9:32 AM  
**To:** Elizabeth Teague; Marek Hevier  
**Subject:** update with curb

Elizabeth,  
The attached files are the most up to date, they include curb which had inadvertently been left off the earlier drawings,  
I will be by in a little bit to drop off large drawings and also the check for \$460.00 for the application,  
Please delete the earlier email from this morning and it's attachments,  
Thank you,

Greg

— ForwardedMessage.eml —

**Subject:** RE: [External] Re: Haywood County  
**From:** Elizabeth Teague <eteague@waynesvillenc.gov>  
**Date:** 3/16/2018, 11:13 AM  
**To:** 'Greg Wishart' <gw868808@gmail.com>  
**CC:** Byron Hickox <bhickox@waynesvillenc.gov>

Hi Greg,

Development within the floodplain requires compliance with Town Floodplain regulations. The Town's floodplain administrator is Byron Hickox. Byron's phone number to discuss with him is (828) 452-0401. Municipalities have to assure compliance with Federal floodplain regulations for flood insurance eligibility. I've attached the regulations for your reference, Section 12.3.4 are where you will find the requirements. The floodplain permit is included in the Town of Waynesville's Land Development Permit (attached).



**Elizabeth Teague, AICP, CTP, CFM | Development Services Director**  
Town of Waynesville, NC  
9 S. Main Street | PO Box 100 | Waynesville, NC 28786  
(o) 828.456.2004 | (f) 828.452.1492  
[eteague@waynesvillenc.gov](mailto:eteague@waynesvillenc.gov) | [www.waynesvillenc.gov](http://www.waynesvillenc.gov)



**From:** Greg Wishart [mailto:gw868808@gmail.com]  
**Sent:** Friday, March 16, 2018 9:10 AM  
**To:** Elizabeth Teague; Marek Hevier  
**Subject:** Fwd: [External] Re: Haywood County

Elizabeth,

Good day, Amy from DENR / DENQ is stating that I need to "contact the Town of Waynesville's floodplain administrator" in regards to filling the footprints of the buildings that fall into the 100 year floodplain? Is this correct? ( see below in Amy's email response to me ) I thought that we have to contact DENR/ DENQ for that due to the fact that the town does not have a "floodplain administrator" ? What agency is it that controls the 100 year floodplain and does the town have to sign off on that or is it totally up to the state agencies or potentially federal agencies?

Please clarify this,

Thank you,

Greg Wishart  
828-646-1470

----- Forwarded message -----

**From:** Annino, Amy M <[amy.annino@ncdenr.gov](mailto:amy.annino@ncdenr.gov)>  
**Date:** Thu, Mar 15, 2018 at 4:37 PM  
**Subject:** RE: [External] Re: Haywood County  
**To:** Greg Wishart <[gw868808@gmail.com](mailto:gw868808@gmail.com)>

Paul,

The PCN is a joint application to both USACE and NCDWR. You must provide the necessary number of copies and plans to both agencies. The help document goes over the application process.

If you want to add fill to the floodplain, you need to contact the Town of Waynesville's floodplain administrator. I do not have their contact information.

Please let me know if I can answer any other questions.

**Amy Annino**  
Environmental Specialist – Asheville Regional Office  
Water Quality Regional Operations Section

NCDEQ – Division of Water Resources  
828 296 4656 office  
amy.annino@ncdenr.gov  
2090 U.S. Hwy. 70  
Swannanoa, N.C. 28711



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**From:** Greg Wishart [mailto:gw868808@gmail.com]  
**Sent:** Thursday, March 15, 2018 11:44 AM  
**To:** Annino, Amy M <amy.annino@ncdenr.gov>  
**Subject:** Re: [External] Re: Haywood County

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Amy,

Thank you for all of the information. Would it be best to start the process with filling out the PCN to expedite matters?

We currently have 15 days to our expiration of due diligence on the property in question. It is looking like the purchase will go through at this point.

If I read your email correctly, I not only have to permit through USACE / David Brown and also DWR for creek crossing?

On another very important note, who do I speak with about permitting to add fill in the 100 year flood plain so as to bring the structures up out of the BFE. Our desire is to add fill under the foot print of each duplex that falls in the 100 yr flood plain. I need to make sure that this is permissible prior to purchasing the property?

Thank you,

Greg Wishart  
828-646-1470

On Fri, Mar 9, 2018 at 9:57 AM, Annino, Amy M <amy.annino@ncdenr.gov> wrote:

Mr. Wishart,

You will have to go through permitting with DWR to install the culvert that crosses the unnamed tributary that flows to Browning Branch. This is because this UT is classified as a Trout stream, and NC has specific protections to safeguard trout streams. Please see the attached Water Quality Certificate 4139 for clarification.

NC's Water Quality Certificates correspond to the USACE permits. Please confirm with David Brown that the USACE permit this activity would fall under is a Nationwide Permit 29 for Residential Development. Your project may fall below their threshold to trigger a permit, but since this is a trout stream DWR will require a permit. Please let me know if you have questions about NC DWR's permitting process.

The state of NC classifies Browning Branch (and tributaries that flow into Browning Branch) as Trout waters. Trout streams in NC are protected with the Trout Buffer Law, which mandates that a buffer zone 25 feet wide be undisturbed, measured horizontally from the top of the bank (see attached FAQ). WNC has a trout moratorium, which runs from October 15 to April 15. All construction in trout streams must happen outside of the moratorium.

Please contact the Town of Waynesville planning department to discuss Stormwater Management requirements. The town has adopted standards for Stormwater Management. There may be post-construction stormwater management requirements to protect water quality for this residential

development. Elizabeth Teague, Development Services Director of the Planning Division of the Development Services Department can be reached at (828) 456-2004, Monday - Friday, 8:00 a.m. - 4:00 p.m.

A permit through the Division of Energy Mineral and Land Resources for a Sediment and Erosion Control Plan may also be required. Please contact Stan Aiken in the Asheville Regional Office to inquire. He can be reached at 828-296-4610.

Thank you,

Amy Annino

Environmental Specialist – Asheville Regional Office

Water Quality Regional Operations Section

NCDEQ – Division of Water Resources

828 296 4656 office

amy.annino@ncdenr.gov

2090 U.S. Hwy. 70

Swannanoa, N.C. 28711



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**From:** Greg Wishart [mailto:gw868808@gmail.com]

**Sent:** Thursday, March 08, 2018 4:22 PM

**To:** Annino, Amy M <amy.annino@ncdenr.gov>

**Subject:** [External] Re: Haywood County

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Amy,

Please see the two attachments.

The site proposal is only a Rough draft,

Greg Wishart

828-646-1470

On Thu, Mar 8, 2018 at 4:03 PM, Annino, Amy M <amy.annino@ncdenr.gov> wrote:

Amy Annino

Environmental Specialist – Asheville Regional Office

Water Quality Regional Operations Section

NCDEQ – Division of Water Resources

828 296 4656 office

amy.annino@ncdenr.gov

2090 U.S. Hwy. 70

Swannanoa, N.C. 28711



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—Attachments:

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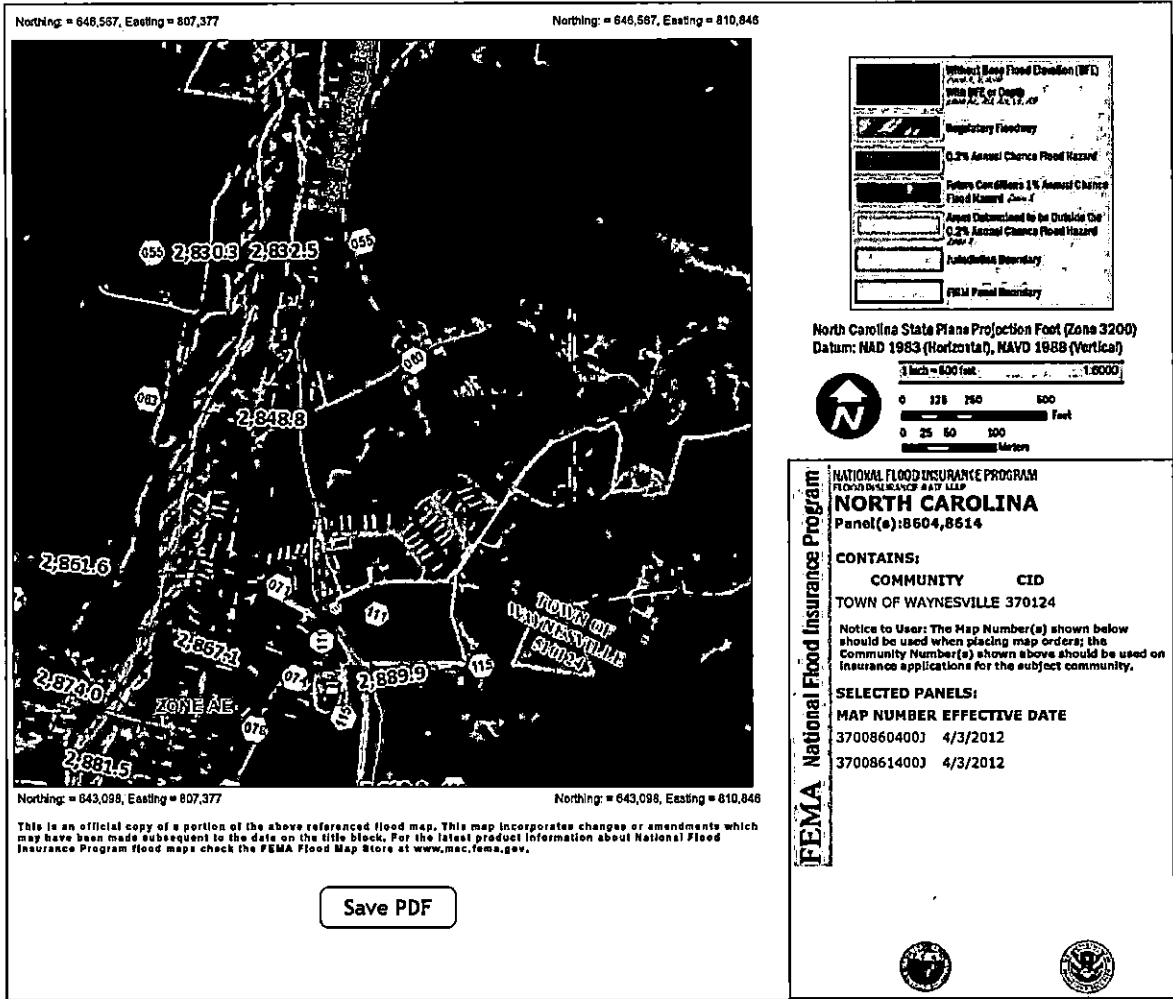
894 KB

Wishart Projectfeedback5\_14\_18.docx

67.5 KB

Subdivision Administration.docx	34.4 KB
Browning BranchFIS.pdf	399 KB
subdivision approval form 5_17.doc	106 KB
ForwardedMessage.eml	19.5 MB
Ross(Hevier)_Approved_JD_SAW-2018-00368.pdf	14.1 MB
SITE PROPOSAL 11 x 17.pdf	226 KB
ForwardedMessage.eml	6.4 KB
ForwardedMessage.eml	15.4 KB
ForwardedMessage.eml	549 KB
Land Development Permit revised 2017.pdf	278 KB
Floodplain12.docx	34.3 KB

Regulatory Map

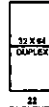
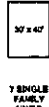
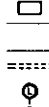









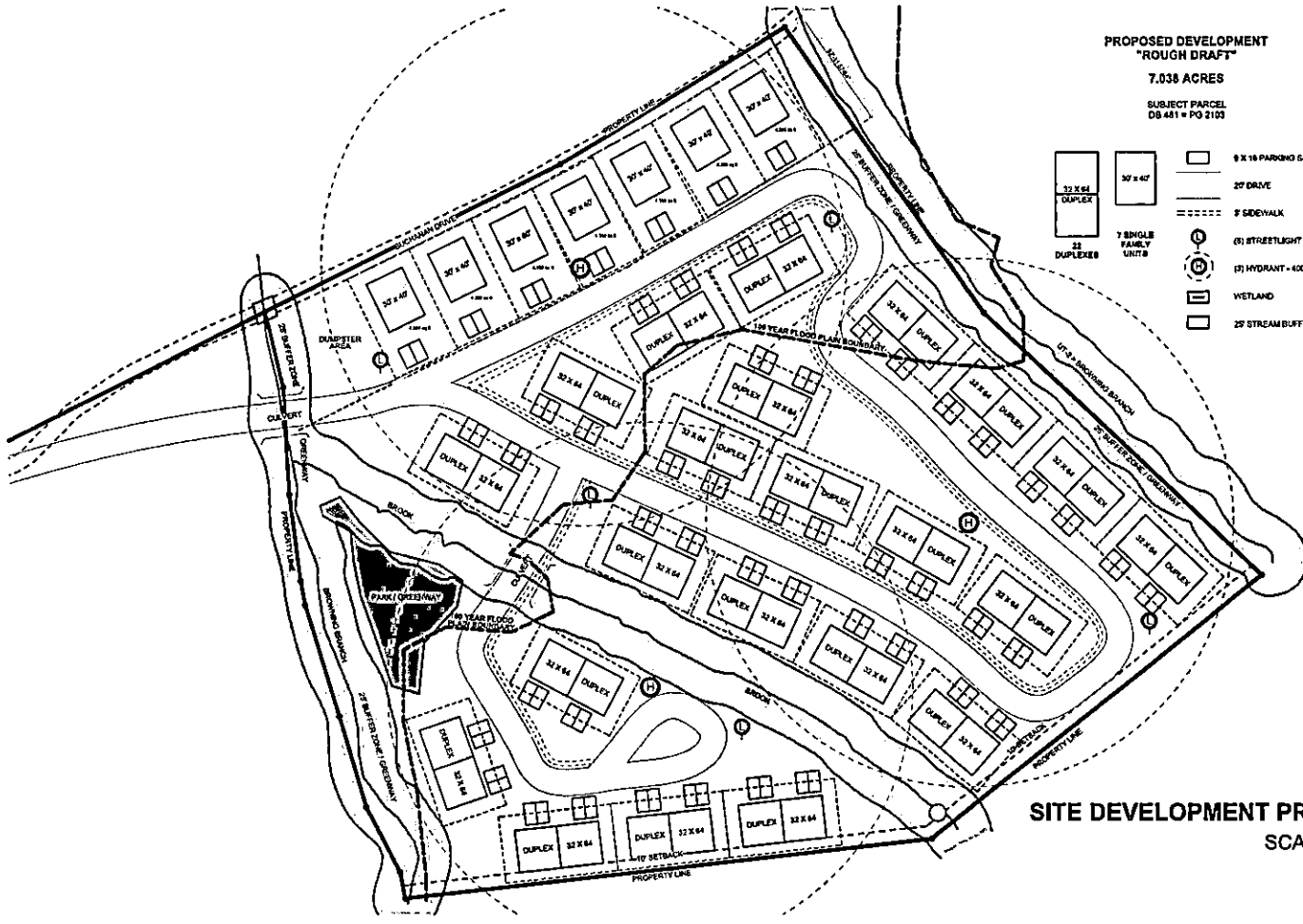


Regulatory Map

5/4/2018

PROPOSED DEVELOPMENT  
 "ROUGH DRAFT"  
 7.038 ACRES  
 SUBJECT PARCEL  
 DB 481 + PG 2103

-  32 X 64 DUPLEX
-  50 X 40 DUPLEX
-  7 SINGLE FAMILY UNIT
-  9 X 18 PARKING SPACE
-  20' DRIVE
-  5' SIDEWALK
-  (S) STREETLIGHT
-  (H) HYDRANT - 400' RADIUS
-  WETLAND
-  25' STREAM BUFFER



**SITE DEVELOPMENT PROPOSAL**  
 SCALE: 1" = 75'

3/7/2018



## TOWN OF WAYNESVILLE

### Development Services Department

PO Box 100

9 South Main Street

Waynesville, NC 28786

Phone (828) 456-8647 • Fax (828) 452-1492

[www.waynesvillenc.gov](http://www.waynesvillenc.gov)

#### Memorandum

Re: Buchanan Drive / Browning Branch Feedback on "Rough Draft" site plan

Date: 5/04/2018

Mr. Wishart,

Our office reviewed the information you submitted to David Kelley and to Elizabeth Teague (emails of 5/1/18 and 3/19/18) regarding the project at 955 Allens Creek Road, PIN 8604-94-0656. We have compiled the following comments in regards to permitting information, some of which will be repetitive from previous meetings and discussions but that we have included here for your reference.

In regards to the draft of the site plan site plan, final submittals should comply with the Town Code of Ordinances. Any variances would have to be brought before the Town Zoning Board of Adjustment and be related to site specific constraints. As sketched out this appears to be a Major Subdivision plan – a revision from the multi-family approach – which will require approval by the planning board and compliance with the Town's major subdivision requirements, which I have attached for your reference. Subdivisions may be developed and permitted in phases but should follow an approved master plan.

- The property is zoned Allen's Creek Neighborhood Residential (AC-NR). An excerpt of the Town's Dimensional Requirements is included. The maximum density is 10 units/acre with a minimum lot area of 1/6 of an acre or 7,260 sf, with a minimum lot width of 50'. The lots along Buchanan Drive do not meet the minimum lot size. The others do not show the lot size.
- Setbacks are and appear to be correct, but plans will need to show dimensional setbacks:
  - 10' in the front
  - 10' from side of adjacent lots or 5' from side street;
  - 6' in rear
  - 6' between buildings
  - 3 stories maximum height.
- Roads will need to meet Section 6.6.2 D the requirements for residential street. It appears that you have a 20' paved cross section with a 40-50' right of way and sidewalk on one side. Right-of-way should be shown on plans and the ordinance calls for sidewalk on two sides of the street.

- Any structure within the identified Special Flood Hazard Area as indicated on the 2012 FIRM and the attached FIS map must meet the requirements of Ordinance LDS Section 12.3 Flood Damage Prevention. This will require all structures within the AE floodzone (100 year floodplain) to be elevated to the regulatory flood protection level which is the base flood elevation plus 1' freeboard.
- Buffer Zones and Floodplain are properly marked on the site plan. Designated wetlands area should also be included on environmental survey as well.
- A grading plan and stormwater management plan also have to be developed and approved prior any work beginning on site. Disturbance of greater than one acre, will require a North Carolina State permit.

From the Building Inspections side, the Town will need the following before we can issue Building Permits. Each building will be issued it's own separate and unique building permit which will run with the individual lot. Therefore, no building permits will be issued until the preliminary plat of the subdivision is approved.

- Submit completed application for each structure.
- Submit elevation certificate for each structure that is located in the flood plain.
- Structures located in the flood plain will need to have foundation documentation prepared and sealed by a registered design professional in accordance with Section 1612.5 of the 2012 NC Building Code.
- Structures will need to have a sprinkler system in accordance with Section 903.2.8 of the 2012 NC Building Code. Submit sprinkler plan in accordance with this section.

Let us know how you would like to proceed.